

## Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on Thursday 7<sup>th</sup> December 2017

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### **Subject:**

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

### **Summary statement:**

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

The proposal is essentially for the extension of Keighley Industrial Park through the development of 8 industrial sheds and associated infrastructure on a greenfield area of land which is partly within the Green Belt and entirely on a floodplain. No compelling case has been set out either that very special circumstances exist sufficient to justify Green Belt development or that the sequential test is passed i.e. the development could not be accommodated on area at lower risk of flooding. Furthermore the development would destroy a local wildlife site and the application is not considered to sufficiently address rights of way, highways or landscape issues.

The potential benefits of providing additional industrial buildings and storage and distribution warehouse space in this location are acknowledged. However these benefits are not considered to outweigh the harm the development would cause. Furthermore the site is not considered to be suitable for employment land allocation taking account of the criteria set out in Core Strategy Policy EC3. Taking development plan policies and other relevant material considerations into account it is therefore recommended that planning permission is refused.

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### **Portfolio:**

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

**Regeneration and Economy**

## **1. SUMMARY**

The proposal is for an extension to Keighley Industrial Park onto an approximately 10.7 hectare of greenfield land to the north of the existing developed area. The land is set at a lower level than the adjacent industrial park and comprises generally boggy land including, grassland, hedgerows a watercourse and an ox-bow wetland and adjoins the Rive Aire. The proposal is to re-grade the land through a cut and fill exercise to achieve a uniform ground level of 84 metres AOD. A 300m long access road, 8,615m<sup>2</sup> of hard standing to be used for parking and servicing and 8 industrial sheds with a combined footprint of 43,960m<sup>2</sup> would then be constructed on the land.

The applicant proposes to raise the sheds and access road up on stilts with an open void beneath secured with mesh grills which are intended to allow flood water and wildlife to pass beneath. The car parking and loading areas would be provided at the lower flood level. Proposed landscaping includes native trees and shrubs to the northern and eastern boundaries of the site and trees around the parking areas.

The Environment Agency have confirmed that the site lies within the functional floodplain for the River Aire (flood zone 3B). The functional floodplain comprises land where water has to flow or be stored in times of flood and where no development should be permitted other than essential infrastructure or water compatible uses (which the proposed development is not). The majority of the site is also within the Green Belt (8.7ha out of the full 10.7ha planning application area). Additionally the site also includes the Beechcliffe Ox Bow wetland, which is designated as a Local Wildlife Site and the site is also transected by a public footpath.

A number of representations have been made both in support of and in objection to the application with the objections principally relating to green belt, flood plain and wildlife issues and the support principally relating to the need for, and the local economic benefits of, the provision of additional employment buildings in Keighley. Notwithstanding the acknowledged potential economic benefits of the provision of additional employment land within Keighley the proposal site, as floodplain within the Green Belt, is not considered to be a suitable location for this type of development.

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

## **2. BACKGROUND**

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

### **3. OTHER CONSIDERATIONS**

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

### **4. OPTIONS**

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

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

The Consultations Direction 2009 directs that, where a local planning authority does not propose to refuse an application for planning permission for the development of new buildings in the Green Belt of over 1,000m<sup>2</sup> floorspace or major development in a flood risk area to which the Environment Agency object, the authority shall first consult the Secretary of State for his decision not whether to call in the application.

### **5. FINANCIAL & RESOURCE APPRAISAL**

None relevant to this application.

### **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

None relevant to this application.

### **7. LEGAL APPRAISAL**

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

### **8. OTHER IMPLICATIONS**

#### **8.1 EQUALITY & DIVERSITY**

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

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

individuals who possess protected characteristics. Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are attached at Appendix 1.

## **8.2 SUSTAINABILITY IMPLICATIONS**

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

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

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

## **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

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

The Council's Low Emissions Strategy sets out mitigation measures which are required to mitigate such adverse impacts, including through low emissions travel plans, electric vehicle charging and emissions damage cost calculation/ offsetting. Although the application does include a Transport Assessment and Travel Plan framework these documents do not adequately provide for measures to off-set or mitigate the adverse air

quality and greenhouse gas emissions impacts of the development contrary to Core Strategy Policy EN8(A). Further details of site sustainability considerations and air quality issues relevant to the proposed development are set out in the Technical report at Appendix 1.

#### **8.4 COMMUNITY SAFETY IMPLICATIONS**

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

#### **8.5 HUMAN RIGHTS ACT**

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

#### **8.6 TRADE UNION**

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

#### **8.7 WARD IMPLICATIONS**

The proposal site is within the Keighley Central Ward. Ward Councillors and local residents have been made aware of the application and have been given opportunity to submit written representations through notification letter, site notices and an advertisement in the press.

In response to this publicity 19 written representations have been received 11 of which object to the application and 8 of which support the application. Keighley Town Council have not commented upon the application. The Technical Report at Appendix 1 summarises the material planning issues raised in the representations and the appraisal gives full consideration to the effects of the development upon the Keighley Central Ward.

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

### **9. NOT FOR PUBLICATION DOCUMENTS**

None

## **10. RECOMMENDATIONS**

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

## **11. APPENDICES**

Appendix 1: Technical Report

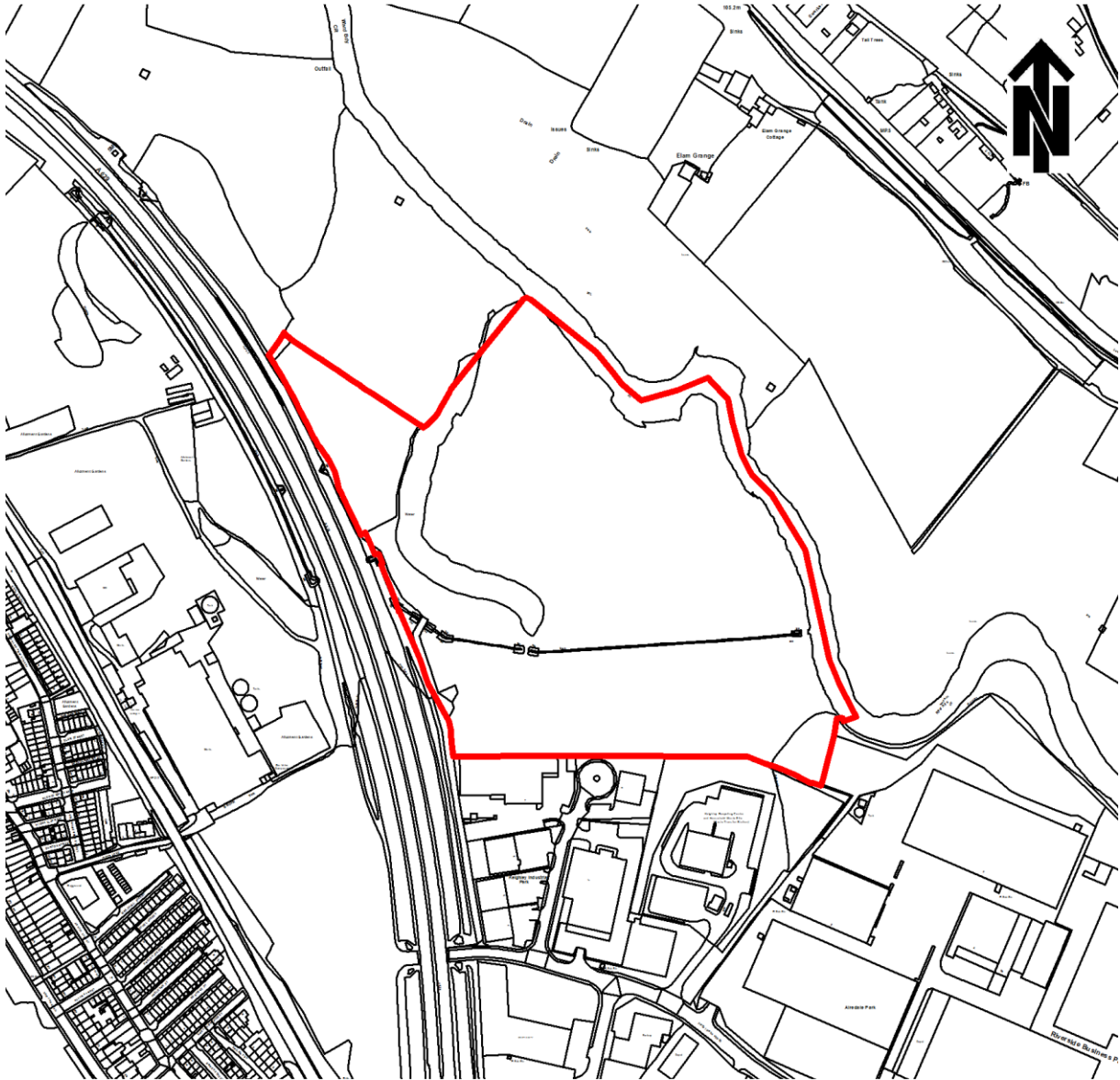
## **12. BACKGROUND DOCUMENTS**

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

**17/05255/MAF**



*City of*  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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

07 December 2017

**Ward:** Keighley Central (ward 15)

**Recommendation:**

To Refuse Planning Permission

**Application Number:**

17/05255/MAF

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

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

**Applicant:**

Mr Horrell: PH Holdings

**Agent:**

Mr Michael Ainsworth: MADP

**Site Description:**

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

**Relevant Site History:**

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

***Development Plan Proposals Map Allocation:***

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

***Proposals and Policies***

As the site is within the Green Belt saved policy GB1 of the replacement Unitary Development Plan (RUDP) is relevant. The majority of non-allocation related policies



within the RUDP have now been superseded by those set out in the Core Strategy. The following adopted Core Strategy policies are considered to be particularly relevant to the proposed development:

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

**The National Planning Policy Framework (NPPF):**

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

**Parish Council:**

*Keighley Town Council – No Comments Received*

**Publicity and Number of Representations:**

The application was advertised as a major planning application through the posting of site notices and neighbour notification letters and the publication of a notice in the Telegraph and Argus newspaper. The date specified on these initial notices, by which representations should be submitted, was 09 November 2017. In response to this publicity 19 written representations have been received 11 of which object to the application and 8 of which support the application.

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

## **Summary of Representations Received:**

### **Support**

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

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

### **Objection**

- Other more suitable brownfield sites exist... The council should proactively find brownfield-sites that are close to all transport networks and make it affordable and appetizing to developers.
- Bradford Council should follow its own Core Strategy and refuse the application.
- I can only object to this being carried out on the grounds that this is a flood plain which a few years ago was under 3 feet of water and floods every year although not always as bad. It also contains a lot of wildlife such as frogs, toads, newts and deer to name but a few. Keighley Angling Club own the fishing rights down there so what will happen to them? It is also a public right of way so what will also happen to that?
- This development lies in an area which must be protected for the wildlife that exists there and also utilizes the area. The very fact that it is also on the floodplain as identified in the environment agency report must mean that permission is refused. There are plenty of brown field sites in Keighley which could be used for this development.
- The area immediately affected by the proposed developments is a sensitive ecological area of which more than half lies within the green belt area. The ecological survey confirms this is an important site for mammals and birds. Indeed it lies on the Aire Valley migration corridor. Within the near area there are several bat species, frogs, toads and newts. In my garden there is a breeding colony of slow worms. These creatures are increasingly threatened by the gradual reduction of their habitat. I can easily see the proposed sight from my house. There is a canal and a river between my house and the site. Slow worms are well documented as strong swimmers.
- The Leeds Liverpool canal conservation area is in place to protect the environment and views from the canal. This proposed development does not comply with this, indeed it actively contradicts this. Unless of course it only applies to domestic properties who must comply with a conservation area. My garden borders the canal and over the last few years I have seen an increase in the number of people who use the canal and towpath for leisure. Canal boat holidays appears be on the increase. Most noticeable is the increase in bicycle traffic. The Tour de Yorkshire promoted cycling very successfully - not only to "serious" cyclists but to families who use the towpath as a safe, attractive, clean way to spend healthy, environmentally family time together. It appears counter productive to promote the beautiful countryside of the area and then build industrial units on it.
- The proposed development represents a significant increase of the existing site. What is now a relatively small industrial estate would become a very different proposition if the site is further developed. There are several sites within a relatively small area which could each accommodate one or two units without having such a negative environmental and visual impact.

- The proposed site allows for 361 parking spaces. This is a significant increase in traffic, all of which would have to queue to join larger roads. The negative impact on the environment of standing traffic is well known. Given that there are plans to build an incinerator on the bypass, the "double whammy" of these two proposed developments pose a significant threat to the health and wellbeing of the population and the environment.
- The proposed development is on a site which floods. This is well known. Building the units on artificially raised land may prevent the new buildings from flooding but will only contribute towards increased water going into the river. Any land which has a hard surface on it will not absorb rainwater. The water will run off and enter the river thus placing houses and businesses downstream at increased risk of flooding. In addition, any flood water from upstream will have less land to overflow, thus resulting in more water flooding a smaller area downstream, for example, nearby Stockbridge, which has already experienced serious floods in recent times. The financial costs of this could be serious, but the emotional costs would be devastating to those affected.
- There is not a single brownfield site left available in Keighley. The site off Dalton lane has been sold to developers. The site off east parade behind the Sainsbury's petrol station has been also sold to developers. I'm not aware of any more sites in Keighley.
- It will result in the loss of precious natural river bank habitat. Despite the findings of the Industrial report included with the application, the fact remains that either within or near to Keighley there are several large derelict brownfield sites that could be brought back into commercial use if the will was there - the sites off Dalton Lane and at Beechcliffe are mentioned in the report and there is also land off Gresley Road, as well as Castlefields at Crossflatts. In any case as the units are to be let separately, there is no need for all to be sited together, totalling 44,000 sq m; they could be sited elsewhere within the town in smaller concentrations .
- The proposal represents an over intensive development of the land; there are an excessive number of buildings for the site area and this will result in the impression being given of one huge roof when viewed from West Riddlesden, where we live. Worse, this over intensive development will be emphasised by the buildings being raised above the flood plain; the drawings suggest a ground level to eaves height of 13 metres (or 42 feet in Imperial measure). Compared with a normal industrial unit height of 10.5 metres, this means these warehouses will be 2.5 m (over 8ft) higher - and this adjacent to open country and the river. Houses in West Riddlesden are built on the hillside and therefore look down onto the river and the fields of the flood plain. The proposed development would therefore be excessively dominant and detrimental to our outlook and view.
- The landscape plan shows trees to be planted adjacent to the river, yet this ceases towards the eastern edge of the development for some reason, leaving the end of one unit totally exposed, this being the one unit that would be most prominent for us.
- The submission claims that "only" 54% of the development is within the greenbelt. The fact that more than half is admitted to be in the greenbelt should be enough for the application to be refused, but a quick study of one of the Key Consideration plans, without the benefit of CAD, suggests that the figure must be considerably

greater than 54%, unless the measurement only takes in the buildings footprint rather than the full site area, in which case the figure is at best disingenuous and at worst simply false.

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

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

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

### **Consultations:**

#### ***Biodiversity***

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

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

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

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

#### *Locally Designated Sites*

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

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

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

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

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

*Subject to the derogation tests of Article 6(4) of the Habitats Directive, in all Zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or the SAC*

and;

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

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

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

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

### ***Canal and River Trust***

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

### ***Drainage/ Lead Local Flood Authority***

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



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

### ***Environment Agency***

- We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.
- Practice Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application site lies within Flood Zone 3b (functional floodplain) defined by the Practice Guide to the NPPF as having a high probability of flooding.
- The development type in the proposed application is classified as 'Less Vulnerable' in accordance with table 2 of the Practice Guide to the NPPF. Tables 1 and 3 of the Practice Guide to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

### ***Highways Development Control***

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

- Clarification to the above should be provided in the form of a Technical Note as an addendum to the TA.

### **Landscape Design**

- The site lies within the Airedale Landscape Character Area (see CBMDC SPD: Landscape Character SPD Volume 1: Airedale) and is located mostly within the green belt landscape type of “floodplain pasture”, the bottom part of the site is located within the landscape type of “industrial corridor”. Relevant policies include GB1, EN4.
- The overall description in the above SPD of the “floodplain pasture” landscape type states that.....*“The floodplain features as a prominent expanse of flat land covered with fields and hedges with distinctive perpendicular elements of Lombardy poplars. The river is marked by a sinuous line of trees meandering slowly across the plain whilst the canal follows the contours around its northern edge. The transport corridor is visible stretching across the floodplain. The railway passes close in to the valley side along the southern edge of the pastures and the A629 cuts up the areas of pasture and passes on a wide raised embankment straight through from Keighley to Sipton. The landform gives a very definite boundary to the area, and the lack of development illustrates the direct and uncomplicated link that still exists between the physical landscape and the land use.”* The visual prominence and enclosure is described as prominent and open.....*“The large area of flat land is prominent from all the major transport routes running through it as well as from the valley sides. Though surrounded by valley slopes the landscape has an open character.”*
- In the above SPD the strength of character of the “floodplain pasture” is described as strong.....*“Large, flat, hedgerow-bounded fields are very distinctive within this landscape.”* and the condition noted as declining, the policy guidelines for the area are to conserve and restore the landscape character.....*“Conserve this unique area of distinctive open floodplain pasture. Prevent development of this landscape and the encroachment of urban influences such as lights, road ‘improvements’ etc.....Conserve the farmed land use, traditional agricultural practices and field pattern.....Conserve and restore hedgerows with management and replanting.....Enhance corridor of A629 through sensitive, low key, tree and hedgerow planting.....Encourage low intensity farming which could allow for creation or restoration of meadows.”*
- The SPD policy guidelines regarding the potential for development also state that.....*“With strong character, high historic continuity and being prominent and open this landscape is very sensitive to change; and the fact that there is virtually no historic pattern of development here would indicate that any development could only be detrimental to the landscape character. In addition there are no other expansive areas of floodplain in the District and once its open, undeveloped character is breached, this distinctive landscape will be lost forever. Should further development be required within this area, it could best be accommodated within a wooded setting on the higher ground south of the railway adjacent to Steeton, Eastburn and Keighley. In this way the principle of building on the valley slopes is continued, and the canal and railway are retained as effective boundaries to the main area of floodplain pastures.”*

- Any proposals within the “floodplain pasture” landscape type would therefore need to look to conserving and restoring the distinctive landscape character of the area and would need to be sympathetic to this important character. We believe that the proposed development would neither conserve nor restore the sensitive landscape character and qualities of the area and that it would contribute to the deterioration of this unique landscape.
- However, if the proposed development is to be considered further at this location, a full Landscape and Visual Impact Assessment would need to be submitted with the planning application in order to fully assess the impact of the proposed development on the Airedale Landscape Character Area green belt and the surrounding environment.

### ***Natural England***

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

### ***Rights of Way***

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

- The proposals as submitted will require a legal order to realign the Definitive paths (purple) onto a new route running around and between the commercial units (and along the line of the new proposed drainage channel). Such a legal order is open to public consultation and possible objection and the applicant would be advised to discuss specific requirements at an early stage as such legal orders, once commenced can take in excess of 6 months to process. Please note that at this stage no guarantee can be made that such an order will be successful. The proposals as submitted appear to indicate that the new section of path will run in a narrow corridor in-between the buildings.
- Such a proposal is not something that the Rights of Way Section or footpath users would accept as being a suitable replacement for the existing public right of way. The applicant is requested to either amend the plans to make any use of the path more appealing i.e. to redesign the site layout so that the path runs through a wide landscaped green corridor or alternatively looks to divert the route fully around the perimeter of the site i.e. along the western and northern edge of the site. This would connect the end of Keighley 718 with the river side path Keighley 699 at the north eastern edge of the site.
- This proposal should be designed to allow the path to run in a green corridor in conjunction with revised landscape proposals. Other than the section alongside the bypass the path should feel more open on at least one side and in-turn should allow the applicant to address any site security measures as already raised by the Police. Any new section of path should be provided at a minimum width of 2m running with in the green corridor (minimum width of 5m) and ideally should include a surface of crushed stone.
- As regards the proposed development we are aware that parts of the land already flood and this helps form part of an area up the valley that is used as a flood plain. Access to the existing paths in the area can at times be restricted due to the flooding and while it is noted that the development will look to address some flooding/drainage issues through design there is a concern that any building on this site, is going to add to flooding problems.
- This is likely to cause further problems to the footpaths as well as adding to flooding issues in the Stockbridge area. There is also a concern that proposals to cut and fill will add to the problems as existing low level areas tend to retain flood water for some time after river levels elsewhere have dropped. This in turn may create flooding issues on sections of path not currently affected by flood water. It should also be noted that flooding in previous years has caused damage to the river bank both within the site boundary and along the stretch of path towards Stockbridge.
- In places this has required minor realignment of the path, tree planting to help stabilise the river bank and revetment work to the footpath. Again building on this flood plain and any subsequent alterations to the flow of water is likely to have an adverse impact on the river bank and subsequently the footpath. Many years ago the Environment Agency had looked at doing works to the river bank to the rear of Royd Ings Avenue but due to the costs the works were never carried out. As such the Rights of Way Section would also request that the developer contributes a financial sum towards the upkeep of the river bank and footpath both within the site and along the footpath link to Stockbridge. This funding will go towards works to include, vegetation clearance, riverbank stabilisation works including tree planting, revetment and minor surfacing.

- In addition it is noted that the walked line of K699 does not follow the top of the river bank but is currently some 10-15m in land and while it is noted that the proposed units will be stepped back from the river it is essential that a buffer strip is retained to ensure that access to the path can remain in the event of further river erosion or future changes to the line of the river. It is suggested therefore that a buffer strip of at least 20m is retained along the edge of the existing riverbank.
- At this stage the Rights of Way Section are unable to support these proposals but would be willing to discuss our requirements further if required.
- If planning permission is granted please ensure that the applicant is made aware of the need to adhere to the standard requirements during the period of any works on site.

### **West Yorkshire Police**

- Looking at the site plan, this appears very permeable in that there is unrestricted access around all of the units and parking areas, with no defensible space for each individual unit.
- I would recommend that any rear boundary treatments for each unit are to a height of 2m in order to provide more security and to restrict access around the rear of the units. These could be a closed welded mesh fencing which allows surveillance into the site and the surrounding area, (suitable standards are to LPS 1175 security rating 2 or above). Defensible planting such as hawthorn, blackthorn can also provide boundaries to certain areas of the site where more greenery or natural borders are required.
- I don't know what the intention will be for this industrial area, such as opening hours or the types of business. I would recommend that there be access control on the entrance to each site such as manual lockable gates. Gates can be left open during operational hours but locked when the businesses are closed which will prevent any strangers or potential offenders from accessing the car park and attempting crime or anti-social behaviour activities within the parking area.
- Where parking is directly adjacent to the units or entrance doors it would be prudent to install knee railing fencing along the fronts of the parking bays to prevent any vehicles from either accidentally or deliberately driving into the front of the units or doors to gain entry.
- External lighting should be installed to cover the parking bays, footpath routes leading to the building and each entrance into the units. Suitable types of lighting are photo cell or dusk until dawn lighting which are energy efficient and cost effective to use. I would ensure that lighting levels are good enough to allow for visibility and surveillance but are not excessively bright which could cause light overspill.
- PIR / sensor lighting is not recommended as sensors can be knocked off balance which can disable the lights from working allowing an offender an opportunity to commit crime and remain unseen. If there is a constant light there is more chance to see any person acting suspicious or loitering in the area which can be reported to the Police.
- I would recommend installing monitored CCTV to cover the areas above, including any internal areas where required. CCTV should work in unison with the proposed lighting plan and provide good quality evidential images which are worthy for identification purposes.

- Any doors or windows should look to achieve security standards; PAS 24:2012, LPS 1175 issue 7 SR2 and STS 201 / STS 202 Issue 3 BR2. Aluminium door sets and windows can achieve PAS 24 standards in addition to BS 4873:2009.
- Any shutters that cover delivery areas should look to achieve standards; LPS 1175 issue 7 security rating 1 or STS 202 issue 3 SR 1 or above.
- Bradford District are still experiencing a high level of euro cylinder crimes where the lock is snapped or the area around the locking mechanism is melted to expose the lock barrel, which is then snapped by the offender allowing entry into a building. Some of the standards that are recommended by Building regulations can include euro cylinder locks which are 1 star rated which can be breached. If there are any doors being installed which include a euro cylinder lock, the lock should be checked to ensure that it is 3 star rated and achieves TS007 or Sold Secure Diamond Standard which offer more resistance to these types of attacks.
- Depending on the use of the units or how many staff will work within each unit (there are no floor plans at this stage to view), it may be that access control is required on the main entrance doors such as swipe card or key fob access this should be security encrypted to prevent any unauthorised copying. If an external intercom system is required, these should be vandal resistant and include colour CCTV and audio capabilities to allow visitors to contact any staff.
- The plans show that there are voids underneath the units which have mesh grill which are fitted to address flooding issues. What is the height / width of the grill and how will this be fixed? From a crime perspective I would want to ensure that any potential offender could not gain access underneath the units by removing the mesh grills which causes damage or types of criminal damage such as arson.
- I would recommend installing intruder alarms within each unit which have door contacts fitted to entrance doors or delivery doors / shutters, this will provide additional security for each unit. Suitable standards are to NSI (National Security Inspectorate) or SSAIB (Security System and Alarms Inspection Board). BS EN 50131 or PD6662 (wired alarm system) or BS 6799 (wire free alarm system).
- Alternatively if intruder alarms are not being provided by the Developer, installing a 13 amp spur point is a cost effective measure to apply and will allow any tenant the option of purchasing their own intruder alarm.
- Whilst there is no objection in principle to the application West Yorkshire Police are unable to support the proposal in its present form.

### ***Yorkshire Water***

- It appears from the submitted site layout that buildings will be sited over the public sewerage system located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore OBJECT to the development layout as currently shown. I strongly advise that, prior to determination of this application, the site layout is amended to allow for adequate protection of the sewers.
- The details submitted on drawing 207 dated September 2017 that has been prepared by MADP are NOT acceptable to Yorkshire Water. The following points should be addressed:

- the submitted drawing appears to show a building proposed to be built-over the line of public sewer crossing the site the submitted drawing should show the site-surveyed position of the public sewer crossing the site the submitted drawing should show the required building stand-off from public sewer -- or an agreed alternative scheme
- If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
- On the Statutory Sewer Map, there is a 750mm diameter public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.
- In this instance, a stand-off distance of 4 (four) metres is required at each side of the sewer centre-line.

**Summary of Main Issues:**

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

**Appraisal:**

**1) Principle**

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

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

The NPPF confirms at paragraphs 87 and 88 that:

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

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

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

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

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

Overall, therefore, it is considered that the development would result in significant harm to the Green Belt in terms of inappropriateness, in terms of loss of openness and in terms of urban encroachment. Paragraph 88 of the NPPF advises that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

This report finds that the development will also cause significant harm to the functional floodplain, to a designated local wildlife site, to a public footpath and to the character of the landscape. Therefore it is the harm to the Green Belt and the other harm identified in this report which are the subjects of the very special circumstances test. The considerations



which are put forward in support of the application are the need for additional employment land and buildings in Keighley and the economic benefits of providing 9 new industrial units to be used for B2 and B8 purposes in Keighley.

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

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

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

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

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

The proposal site is partly within the Green Belt and entirely within the functional floodplain, it is also transected by a public right of way and contains a local wildlife site. There is no reason to conclude that the site would be likely to be considered to be a suitable site for allocation as employment land, due to the significant harm the development of this land would cause to the Green Belt, to the functional floodplain, to the

public right of way network, to the character of the landscape and to a local wildlife site. In any event, without a full review of all available alternative land within Airedale, it is not possible to come to a conclusion on whether it will be necessary to release any land in Airedale from Green Belt for employment use or (if so) what sites would be most suitable for Green Belt release. In this context the weight which can be put on the economic benefits of developing the land for employment use is considered to be limited.

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

After giving due consideration to, and placing substantial weight upon, the harm the development would cause to the Green Belt, as described above, the advice of Planning Officers to the Regulatory and Appeal's Committee is that, the benefits of developing the land for employment purposes do not clearly outweigh the harm the development would cause to the Green Belt, either when considering Green Belt harm in isolation or in combination with the harm the development would cause to the functional floodplain, to the public right of way network, to the character of the landscape and to a local wildlife site. Therefore the development is considered to be unacceptable in principle.

## **2) Floodplain**

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

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

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

The applicant has not supplied any information which would lead the Local Authority to the conclusion that the development would pass the sequential test. Therefore the feasibility of the applicant's proposed flood mitigation measures and consideration of whether the development could pass the exceptions test is irrelevant to the consideration of the application, as this initial stage sequential test is not passed.

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

The Council's Drainage Team (acting as lead local flood authority) have confirmed that they object to the proposals because the application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary to Tables 1 and 3 of the Practice Guide to the National Planning Policy Framework. The proposals are classified as 'Less Vulnerable' and as such are not permitted within Flood Zone 3b. Furthermore, the proposals conflict with policy EN7: Flood Risk of the Council's adopted Core Strategy in that it fails to safeguard potential to increase flood storage provision and improve defences within the Rivers Aire corridor. The LLFA therefore recommends the application is refused based on these fundamental National and Local planning policy contraventions.

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

### **3) *Landscape***

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

The overall description in the above SPD of the "floodplain pasture" landscape type states that....."The floodplain features as a prominent expanse of flat land covered with fields and hedges with distinctive perpendicular elements of Lombardy poplars. The river is marked by a sinuous line of trees meandering slowly across the plain whilst the canal

follows the contours around its northern edge. The transport corridor is visible stretching across the floodplain. The railway passes close in to the valley side along the southern edge of the pastures and the A629 cuts up the areas of pasture and passes on a wide raised embankment straight through from Keighley to Skipton.

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

In the above SPD the strength of character of the “floodplain pasture” is described as strong.....”Large, flat, hedgerow-bounded fields are very distinctive within this landscape.” and the condition noted as declining, the policy guidelines for the area are to conserve and restore the landscape character.....” Conserve this unique area of distinctive open floodplain pasture. Prevent development of this landscape and the encroachment of urban influences such as lights, road ‘improvements’ etc.....Conserve the farmed land use, traditional agricultural practices and field pattern.....Conserve and restore hedgerows with management and replanting.....Enhance corridor of A629 through sensitive, low key, tree and hedgerow planting.....Encourage low intensity farming which could allow for creation or restoration of meadows.

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

Any proposals within the “floodplain pasture” landscape type would therefore need to look to conserving and restoring the distinctive landscape character of the area and would need to be sympathetic to this important character. The Council’s Landscape Design team have advised that the proposed development would neither conserve nor restore the sensitive landscape character and qualities of the area and that it would contribute to the deterioration of this unique landscape. The proposed development is therefore considered to unacceptably affect the character of the landscape and to be contrary to policy EN4 of the Core Strategy.

#### **4) Local Wildlife Site**

Core Strategy policy EN2 states that proposals should contribute positively towards the overall enhancement of the District’s biodiversity resource. They should seek to protect

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

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

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

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

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

The Council's Biodiversity team have advised that, given the significant impact that this proposal appears to have on a designated Local Site and, potentially on supporting habitat

of the South Pennine Moors SPA, and the absence of any detail as to how these impacts will be avoided or mitigated, it is not possible to support this application in its current form and, from an ecological and biodiversity viewpoint. The development is therefore considered to be contrary to Core Strategy Policy EN2.

### **5) *Rights of Way***

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

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

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

The proposals as submitted appear to indicate that the new section of path will run in a narrow corridor in-between the buildings. Such a proposal is not something that the Rights of Way Section or footpath users would accept as being a suitable replacement for the existing public right of way. Therefore the proposal is considered to unacceptably detrimentally affect the rights of way running through the site contrary to Core Strategy Policies SC6, AD1 and DS4.

### **6) *Access, Highways and Air Quality***

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

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

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

The Council's Low Emissions Strategy sets out mitigation measures which are required to mitigate such adverse impacts, including through low emissions travel plans, electric vehicle charging and emissions damage cost calculation/ offsetting. Although the application does include a Transport Assessment and Travel Plan framework these documents do not adequately provide for measures to off-set or mitigate the adverse air quality and greenhouse gas emissions impacts of the development contrary to Core Strategy Policy EN8(A).

**7) Community Safety Implications:**

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

**8) Equality Act 2010, Section 149:**

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

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

**Reasons for Refusing Planning Permission:**

- 1) The proposal is for inappropriate development within the Green Belt. The economic benefits which may result from the development are not considered to counterbalance the harm the development would cause to the Green Belt, either when considered in isolation or in combination with the other harm the development would cause. The proposal is contrary to saved policy GB1 of the replacement Unitary Development Plan and Section 9 of the National Planning Policy Framework.
- 2) The proposal is for development within the functional floodplain which is not essential infrastructure and is not a water compatible use. Neither the sequential test nor the exceptions test are passed. The proposal is contrary to Core Strategy policy EN7 and Section 10 of the National Planning Policy Framework.
- 3) The development would unacceptably harm the character of the local landscape contrary to Core Strategy Policy EN4.
- 4) The development would result in the destruction of an Ox-bow wetland, which is designated as a locally important nature conservation site, and contains insufficient information to demonstrate that the development would not adversely affect the South Pennine Moors SPA through loss of supporting habitat, contrary to Core Strategy Policy EN2.
- 5) The proposal would unacceptably detrimentally affect the rights of way running through the site contrary to Core Strategy Policies SC6, AD1 and DS4.
- 6) Insufficient information has been provided to make a full highway assessment of the application contrary to Core Strategy Policies TR1 and TR2.
- 7) The proposals do not adequately provide for measures to off-set or mitigate the adverse air quality and greenhouse gas emissions impacts of the development contrary to Core Strategy Policy EN8(A).