

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

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## **Subject:**

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

## **Summary statement:**

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

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

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

Overall therefore the proposal is considered to be unacceptable.

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**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

## **1. SUMMARY**

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

## **2. BACKGROUND**

There is no relevant background to this application.

## **3. OTHER CONSIDERATIONS**

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

## **4. OPTIONS**

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

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

There are no financial implications associated with this proposal.

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

No implications.

## **7. LEGAL APPRAISAL**

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

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

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

### **8.2 SUSTAINABILITY IMPLICATIONS**

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

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

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

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

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

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

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

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

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

#### **8.6 TRADE UNION**

None.

#### **8.7 WARD IMPLICATIONS**

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

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

None.

#### **10. RECOMMENDATIONS**

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

#### **11. APPENDICES**

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

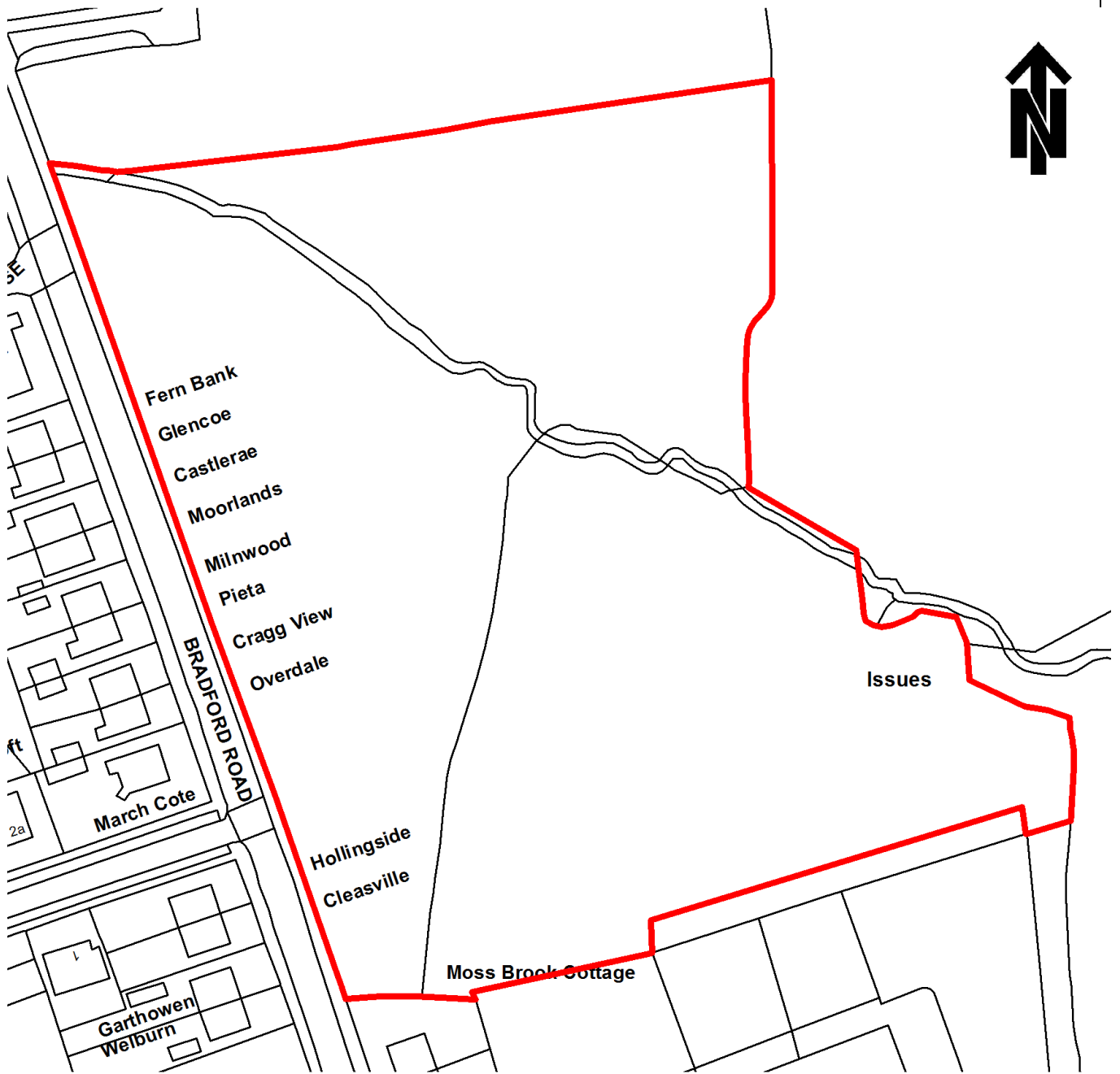
#### **12. BACKGROUND DOCUMENTS**

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

17/00497/MAO



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land at Bradford Road  
Burley in Wharfedale**

11 January 2018

**Ward: Wharfedale**

**Recommendation:**

**REFUSE PLANNING PERMISSION**

**Application Number:**

17/00497/MAO

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

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

**Applicant:**

Banner Investments Limited

**Agent:**

Mr Richard Irving (ID Planning)

**Site Description:**

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

**Relevant Site History:**

There is no relevant planning history on the site.

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

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

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

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

**The Local Plan for Bradford:**

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

**Replacement Unitary Development Plan Policies:**

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

**Core Strategy Policies:**

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

**Parish Council:**

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

### **Publicity and Number of Representations:**

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

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

### **Summary of Representations Received:**

#### **Objections:**

##### Principle of development:

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

#### Highways:

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

#### Residential amenity:

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

#### Visual amenity:

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

#### Infrastructure:

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

#### Drainage:

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

#### Environment/Ecology:

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



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

Other issues:

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

**Consultations:**

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

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

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

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

Environment Agency – No objection to the proposal

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

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

Trees Section – No objection

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

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

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

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

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

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

**Summary of Main Issues:**

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

**Appraisal:**

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

1. Principle of development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. To prevent neighbouring towns merging into one another;

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

3. To assist in safeguarding the countryside from encroachment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 4. Meeting housing need and demand

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

## 5. Alternative Site Options

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

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

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

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

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

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

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

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

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

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

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

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

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

## 2. Visual amenity

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

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

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

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

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

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



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

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

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

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

### 3. Residential amenity

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

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

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

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

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

#### 4. Highway safety

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

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

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

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

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

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

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

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

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

## 5. Drainage

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

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

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

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

## 6. Trees

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

A Preliminary Tree Survey has been submitted with the application which identifies that a significant proportion of the trees surveyed are over mature and declining. Several trees have structurally significant cavities, hollow stems or show signs of major fungal decay. Alder and Ash are the predominant large tree species with occasional Sycamores. The survey covered a total of 20 individual trees and 4 groups. Five of the trees were identified as retention category 'U' trees which are either dead or in an advanced state of decay and would need to be removed if the site is to be developed for residential purposes. Five further trees have been identified as requiring annual monitoring.

The application is in outline form with details of the layout reserved for consideration at a later stage. An indicative plan has been submitted that shows how the site could be developed to accommodate 38 dwellings which would retain the majority of the trees on the site. A landscaping scheme would be required with a Reserved Matters application which would strengthen the existing eastern landscaped boundary and could incorporate compensatory planting in relation to the trees that would be lost.

No objection has been raised to the proposal by the Tree Officer.

As such, therefore, it is not considered that the proposal will have a significant impact on the tree cover within the locality.

#### 7. Affordable housing

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

The site is located within an area where the requirement is up to 30% of the units to be provided as affordable housing. In this instance that requirement will equate to 12 units and the provision of these will be in conjunction with the Council's Housing Department with regard to the need in the area in terms of size of units and method of provision. The provision of the units would be secured through a Section 106 Legal Agreement. The Applicant has, in the supporting Planning Statement submitted with the application, accepted the delivery of the necessary affordable housing in line with the Council's adopted policies and therefore no objection is raised in relation to this provision.

#### 8. Secured by design

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

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

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

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

### 9. Contaminated land

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

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

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

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

The report has identified that the primary on and off site sources of contamination was “Made Ground associated with ground workings to the south of the site and the agricultural land use. Potential primary receptors have been identified as construction workers and future site users, controlled waters and buildings and infrastructure.”

The report concluded that “no significant pollutant sources have been identified” but added that “the CSM and ground model need to be confirmed to ensure all potential risks to receptors have been appropriately assessed.” and recommended that “a preliminary ground investigation is recommended to confirm the CSM and ground model and to assess the environmental properties of the underlying ground conditions”. The report goes on to suggest that “the investigation should include an assessment of groundwater through the analysis of either groundwater samples and/ or through leachate analysis. A hazardous ground gas risk assessment given the proposed development. Based on current CIRIA and British Standard guidance, a minimum of two ground gas monitoring visits should be undertaken in order to appropriately assess the gas protection requirements. Further visits may be required and should be confirmed with the Local Planning Authority”.

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

## 10. Biodiversity issues

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

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

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

With regards to the habitat value the report states that the majority of the site is occupied by semi-improved grassland which is likely to be species poor and of limited ecological value. The water course, mature trees and hedges all provide areas of higher ecological value. Where trees are lost, such as to accommodate the access, compensatory planting should take place through new native species planting elsewhere on the site.

With regards to the fauna value of the site a number of species were looked at including bats, birds, crayfish and Riparian mammals. With regard to bats a total of 61 bat records have been returned from West Yorkshire Ecology, covering pipistrelle species, noctule, daubenton's, brown long-eared, as well as numerous records of indeterminate species. None of these relate to land within the application site. The closest being a dated record of an indeterminate species of bat, in flight, 290 metres west. The Report also identified that a number of the mature trees along the watercourse and up the eastern boundary were found to provide good potential roost features such as rot holes or branch scars which appear to lead to large vertical crevices. In addition to this the majority of trees along the water course, provide some features of roost suitability such as wood pecker holes, dead limbs leading to crevices or small branch scars. As such prior to any development commencing on site further survey work would be required in the form of bat activity surveys of the wider site as well as bat emergence surveys of trees with bat roost suitability in close proximity to the proposed development.

With regard to crayfish 14 records of white-clawed crayfish are held within the search radius, though the most recent dates from 2003. The closest of these records are located 1.25km east south east, associated with Gill Beck, which flows into Mickle Ing Beck, approximately 12km east. There is no reason why the stretch of the water course running through the site would not support this species. In relation to Riparian mammals 3 records relating to the Beck that crosses the site have been returned but these relate to field signs such as spraints and tracks, close to the beck's confluence with the River. Further survey work is recommended prior to any development taking place to assess the presence of either crayfish or other Riparian mammals within the Beck.

In terms of ecological enhancement 3 main themes are identified and these are as follows:

- The layout of the site provides relatively open areas which could be used to strengthen the linear features around the site, particularly that of the riparian corridor. The land surrounding the watercourse could include planting of new woody species, including hawthorn, hazel and holly, commensurate to that which is already found on site. Additional new trees could be planted in this area, planting birch, which can thrive in damp environments and oak slightly further up the bank will increase the diversity of trees in the area.
- In a similar vein the site provides the opportunity to include new linear habitat features, notably along the southern boundary which is currently marked only by a post and wire fence. The provision of a species rich, native hedgerow in this area would be beneficial. Similar hedges could be developed along the outer edges of allotment plots.
- The housing development provides the opportunity to include a number of integral faunal boxes which will provide habitat for native wildlife in the long term. The site should include bat and bird boxes, built into the fabric of buildings to ensure their longevity. These enhancements would normally be secured through the attachment of a condition to a planning permission.

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

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

#### 11. Community Infrastructure Levy

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

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

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

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

## 12. Burley Neighbourhood Plan

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

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

## 13. Other issues

A number of other issues have been raised during the publicity exercise that have not been considered in the above sections of this report, these being:



Has the developer made a commitment via Section 106, if so what? – *The Applicant has agreed to a Section 106 Legal Agreement and this will relate to the provision of affordable housing as part of the development*

The open land on which the development is proposed is hugely valued by local people, as well as by those of us currently living opposite – *The site forms part of a much larger area of open countryside that is allocated as Green Belt. Open countryside is generally enjoyed by the public and helps to break up the built form of a settlement. However the simple fact that it is enjoyed by the public as an open space could not justify a reason for refusal.*

Unscrupulous developers are seeking to maximise profit at the expense of existing residents by trying to build on easily developed flat open greenfield sites – *unfortunately this is not a material planning consideration in dealing with this planning application*

**Community Safety Implications:**

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

**Equality Act 2010, Section 149:**

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

**Reason for Refusal:**

1. Green Belt

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

2. Density

The net density of development equates to less than 30 units per hectare and as such the proposal is below the minimum density advocated in Policy H05 contained in the Core Strategy. The proposal therefore makes inefficient use of the greenfield site where there are no exceptional circumstances to warrant such a low density. The proposal is considered to be contrary to the provisions of Policy H05 of the adopted Core Strategy relating to making the most efficient use of land