

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

AO

Subject:

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

Summary statement:

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

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

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

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

Portfolio:

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

Regeneration and Economy

1. SUMMARY

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

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

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

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

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

planning permission is approved for the reasons and subject to the conditions set out in the Report at Appendix 1.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

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

4. OPTIONS

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

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

5. FINANCIAL & RESOURCE APPRAISAL

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

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

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

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

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

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

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

7. LEGAL APPRAISAL

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

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

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

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

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

8.2 SUSTAINABILITY IMPLICATIONS

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

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

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

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

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

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

8.4 COMMUNITY SAFETY IMPLICATIONS

Adopted Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with adopted Core Strategy Policy DS5. Security considerations will inform the assessment of the suitability of the layout and boundary treatments of the development at the Reserved Matters stage.

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

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

8.7 WARD IMPLICATIONS

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

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

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

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

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

11. APPENDICES

Appendix 1: Technical Report

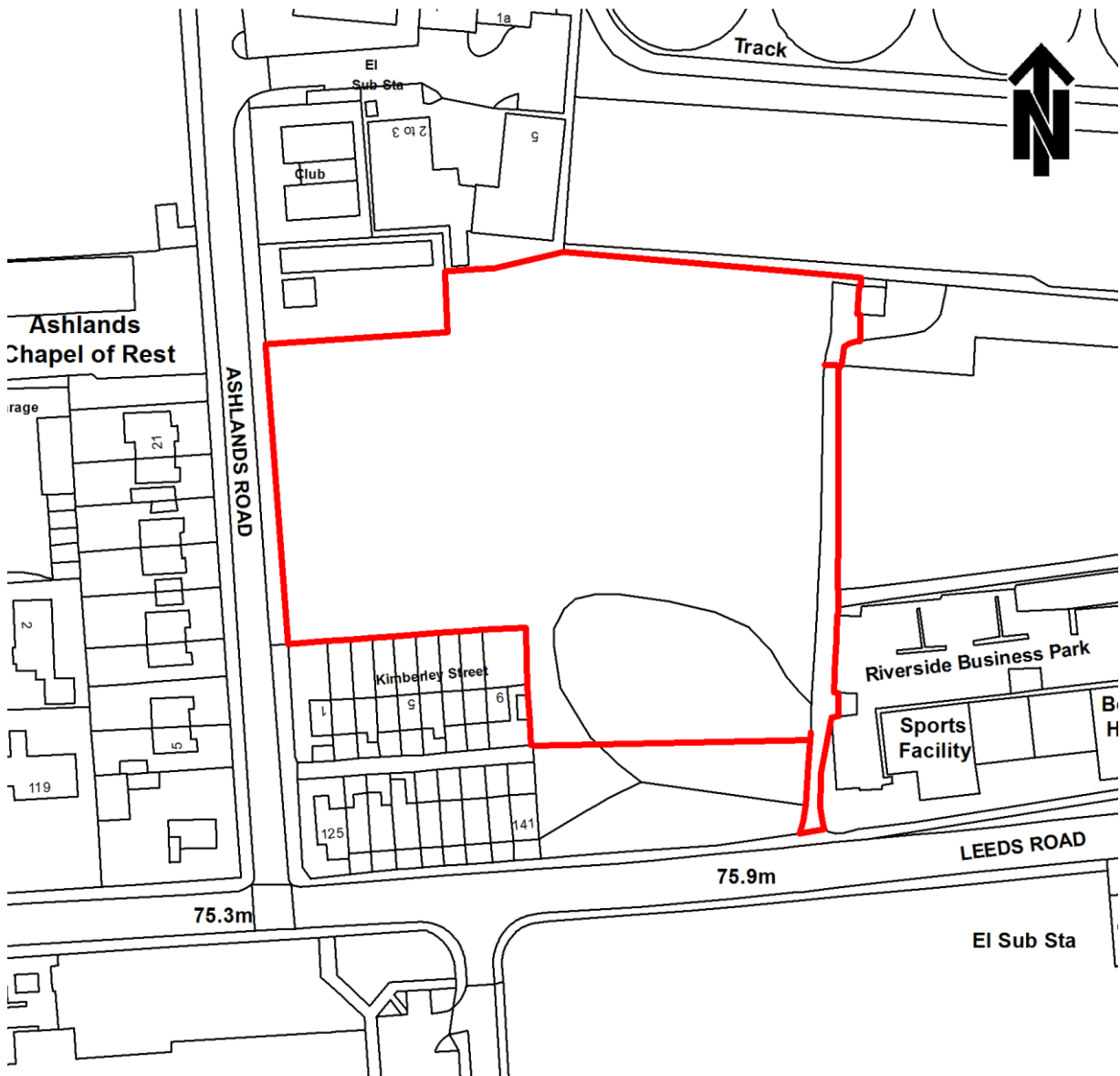
12. BACKGROUND DOCUMENTS

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

16/04629/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2017 Ordnance Survey 0100019304

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

05 April 2018

Ward: Ilkley

Recommendation:

To Grant Outline Planning Permission Subject to Conditions

Application Number:

16/04629/MAO

Type of Application/Proposal and Address:

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

Applicant:

Mr Richard Irving

Agent:

CFK Developments (Ilkley) LLP

Site Description:

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

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

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

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

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

Relevant Site History:

- None

Development Plan Proposals Map Allocation:

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

K/E1.11 ASHLANDS ROAD, ILKLEY 1.03 ha

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

Proposals and Policies

As the site is allocated for employment purposes saved policy E1 of the replacement Unitary Development Plan (RUDP) is relevant. The majority of non-allocation related policies within the RUDP have now been superseded by those set out in the Core Strategy. The following adopted Core Strategy policies are considered to be particularly relevant to the proposed development:

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

The National Planning Policy Framework (NPPF):

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

Parish Council:

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

Publicity and Number of Representations:

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

Summary of Representations Received:

Support

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

Objection

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

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

Consultations:

Biodiversity

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

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

Drainage/ Lead Local Flood Authority

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

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

Education

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

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

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

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

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

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

Environment Agency

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

Model Review

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

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

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

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

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

Environmental Health - Nuisance

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

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

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

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

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

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

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

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

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

The following design and layout principles should also be considered:

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

Heritage Conservation

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

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

Highways Development Control

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

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

Natural England

Relationship with Core Strategy

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

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

Protected landscapes

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

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

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

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

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

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Rights of Way

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

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

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

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

West Yorkshire Combined Authority (WYCA)

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

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

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

Yorkshire Water (YW)

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

Waste water

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

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

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

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

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

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

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

(In the interest of satisfactory and sustainable drainage)

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

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

Summary of Main Issues:

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

Appraisal:

1) Principle

At paragraph 47 the NPPF stresses the need for Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the NPPF requires Local Planning Authorities (LPAs) to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The Local Plan Core strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future Development of The District is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030, including 1,000 within Ilkley.

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

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

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

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

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

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

2) Sustainability & Density

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

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

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

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

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

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

3) Flood Risk and Drainage

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

- 1) Integrate sequential testing into all levels of plan-making
- 2) Require space for the storage of flood water within Zones 2 and 3a
- 3) Ensure that any new development in areas of flood risk is appropriately resilient and resistant
- 4) Safeguard potential to increase flood storage provision and improve defences within the Rivers Aire and Wharfe corridors
- 5) Manage and reduce the impacts of flooding within the beck corridors, in a manner that enhances their value for wildlife
- 6) Adopt a holistic approach to flood risk in the Bradford Beck corridor in order to deliver sustainable regeneration in LDDs and in master planning work
- 7) Require that all sources of flooding are addressed, that development proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is taken into account
- 8) Seek to minimise run-off from new development; for Greenfield sites run off should be no greater than the existing Greenfield overall rates
- 9) Require developers to assess the feasibility of implementing and maintaining SUDS in a manner that is integral to site design, achieves high water quality standards and maximises habitat value
- 10) Use flood risk data to inform decisions made about Green Infrastructure. Only support the use of culverting for ordinary water courses, and additional flood defence works that could have adverse impacts on the environment, in exceptional circumstances.

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

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

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

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

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

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

4) Design & Amenity

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

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

- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

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

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

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

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

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

5) Ecology and Trees

Core Strategy policy EN2 states that proposals should contribute positively towards the overall enhancement of the District's biodiversity resource. Core Strategy policy EN5 confirms that, in making decisions on planning applications, trees and areas of woodland that contribute towards the character of a settlement or its setting or the amenity of the built-up area, valued landscapes or wildlife habitats will be protected.

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

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

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

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

6) Access and Highways

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

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

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

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

7) Community Safety Implications:

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

8) Equality Act 2010, Section 149:

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

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this

application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that either refusing or approving planning permission would be likely to lead to disproportionate impacts on any groups of people or individuals who possess protected characteristics.

Reasons for Granting Planning Permission:

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

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

Conditions of Approval:

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

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

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

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

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

Access,
appearance,
landscaping,
layout,
and scale

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

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

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

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

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

- 5) From the date of first occupation every property on the site with dedicated parking shall be provided with access to a fully operation EV charging point (on a dedicated circuit) which as a minimum shall be capable of providing an overnight 'trickle' charge to an electric vehicle. Every other property (with none dedicated parking) shall be provided with access to a communal EV charging point at a rate of 1 per 10 properties. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas and /or within garage parking spaces. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack / travel planning advice.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF) and Core Strategy Policy EN8.

- 6) Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect amenity and health of surrounding residents in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF) and Core Strategy Policy EN8.

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

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

- 8) The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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