

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

AQ

Subject:

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

Summary statement:

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

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

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

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

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Transportation & Highways)
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Portfolio:

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

Regeneration and Economy

1. SUMMARY

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

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

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

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

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

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

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

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

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

It is therefore recommended that planning permission is refused for the reasons set out in detail within the Technical Report at Appendix 1

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

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

4. OPTIONS

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

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

The Consultations Direction 2009 directs that, where a local planning authority does not propose to refuse an application for planning permission for either inappropriate development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt, or for major development in a flood risk area to which the Environment Agency object, the authority shall first consult the Secretary of State for his decision not whether to call in the application.

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

5. FINANCIAL & RESOURCE APPRAISAL

None relevant to this application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

7. LEGAL APPRAISAL

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

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

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

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

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

8.2 SUSTAINABILITY IMPLICATIONS

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

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

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

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

8.4 COMMUNITY SAFETY IMPLICATIONS

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

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

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

8.7 WARD IMPLICATIONS

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

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

Silsden Town Council object to the planning application.

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

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

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

11. APPENDICES

Appendix 1: Technical Report

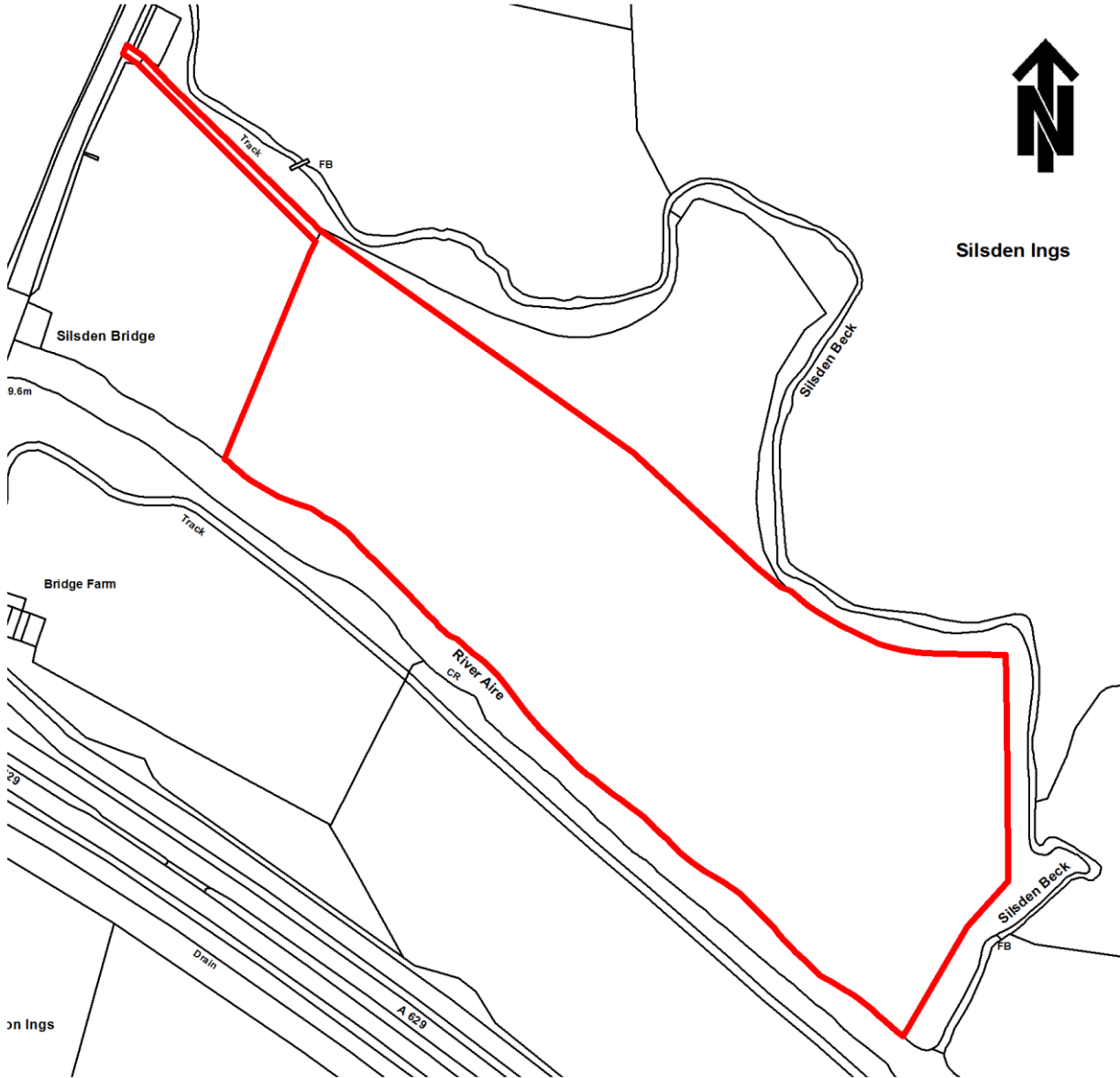
12. BACKGROUND DOCUMENTS

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

17/06814/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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

Appendix 1

05 April 2018

Ward: Craven
Recommendation:
To Refuse Planning Permission

Application Number:
17/06814/MAF

Type of Application/Proposal and Address:

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

Applicant:
Mr Jonathan Smith

Agent:
Mr Andrew Coates

Site Description:

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

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

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

Relevant Site History:

- None relevant.

Development Plan Proposals Map Allocation:

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

Proposals and Policies

As the site is within the Green Belt saved policy GB1 of the replacement Unitary Development Plan (RUDP) is relevant. The majority of non-allocation related policies within the RUDP have now been superseded by those set out in the Core Strategy. The following adopted Core Strategy policies are considered to be particularly relevant to the proposed development:

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

The National Planning Policy Framework (NPPF):

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

Parish Council:

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

Publicity and Number of Representations:

The application was advertised as a major planning application through the posting of site notices and neighbour notification letters and the publication of a notice in the Keighley News. The date specified, by which representations should be submitted, was 01 February 2018. In response to this publicity 21 written representations have been received 6 of which object to the application and 15 of which support the application.

Summary of Representations Received:

Support

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

Objection

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

Consultations:

Airedale Drainage Commissioners

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

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

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

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

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

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

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

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

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

DRAINAGE WORKS TO BE AGREED

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

The following criteria should be considered:

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

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

EVIDENCE OF EXISTING SURFACE WATER DISCHARGE

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

REASON: To prevent the increased risk of flooding.

SURFACE WATER TO ADJACENT WATERCOURSE

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

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

CONSENT - GENERAL

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

CONSENT - OUTFALL

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

CONSENT - DISCHARGE

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

Canal and River Trust

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

Drainage/ Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) is a statutory consultee on matters relating to surface water management on all major developments only. The LLFA also has a role to monitor and manage flood risk from other sources of flooding. As such the LLFA has reviewed the submitted documentation of the planning application, against the requirements of the National Planning Policy Framework, Planning Practice Guidance and other relevant regulations with regards to flood risk from all sources. Further to this assessment the LLFA deem the submitted information relating to the management of flood risk UNACCEPTABLE for the following reasons;

Sequential and Exception Tests

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

Climate Change

The National Planning Practice Guidance refers planners, developers and advisors to the Environment Agency guidance on considering climate change in Flood Risk Assessments (FRAs).

This guidance was updated in February 2016 and is available on Gov.uk. In accordance with this update to climate change advice, the development should be assessed with a

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

Safe Access and Egress

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

Environment Agency 1st Response

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

Flood Risk

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

It is our understanding that the development proposed is permanent. As such we object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located, please note if the development is temporary this objection still applies. We recommend that the application should be refused planning permission on this basis. We have therefore not reviewed the FRA in detail.

Overcoming our objection

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

Please also note that if the above solutions are met it may then be necessary for the application to pass the Sequential and Exception Tests and to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

Environment Agency 2nd Response

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

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

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

Flood Risk

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

It is our understanding that the development proposed is permanent. As such we object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located, please note if the development is temporary this objection still applies. We recommend that the application should be refused planning permission on this basis. We have therefore not reviewed the FRA in detail.

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Please also note that if the above solutions are met it may then be necessary for the application to pass the Sequential and Exception Tests and to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

Environmental Health Land Contamination

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

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

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

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

Heritage Conservation

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

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

Highways Development Control 1st Response

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

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

Highways Development Control 2nd Response

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

Landscape Design 1st Response

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

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

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

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

“Conserve this unique area of distinctive open floodplain pasture. Prevent development of this landscape, and the encroachment of urban influences such as lights, road ‘improvements’ etc.

*Conserve the farmed land use, traditional agricultural practices, and field pattern.
Conserve and restore hedgerows with management and replanting.
Enhance corridor of A629 through sensitive, low key, tree and hedgerow planting.
Encourage low intensity farming which could allow for creation or restoration of meadows.”*

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

“With strong character, high historic continuity, and being prominent, and open, this landscape is very sensitive to change; and the fact that there is virtually no historic pattern of development here would indicate that any development could only be detrimental to the landscape character.

In addition there are no other expansive areas of floodplain in the District and once its open, undeveloped character is breached, this distinctive landscape will be lost forever. It would be detrimental to the character of the landscape to allow Silsden to extend onto the floodplain pastures.”

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

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

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

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

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

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

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

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

Landscape Design 2nd Response

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

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

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

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

Rights of Way

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

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

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

Yorkshire Water

Water Supply

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

Waste Water

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

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

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

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

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

Summary of Main Issues:

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

Appraisal:

1) Principle

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

The NPPF confirms at paragraphs 87 and 88 that:

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

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

The proposed development would harm the Green Belt by reason of its inappropriateness and by reason of the harm to the openness of the Green Belt which would be caused by the development of 10 cabins, 17 caravan plots and the associated amenity block. In relation to the harm the development would cause to the purposes of including land within the Green Belt, it should be noted that the NPPF sets out these purposes as follows:

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

The stated purpose of including land in the Green Belt which is considered to be most relevant to the proposed development is the purpose of assisting in safeguarding the countryside from encroachment. It is considered that the proposed development represents urban encroachment into the countryside as the cabins, amenity block and associated infrastructure are essentially urban in character. This impact is exacerbated by the layout of the development in a grid pattern which is unsympathetic to the site's countryside environs.

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

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

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

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

In coming to a decision on this planning application, members of the Regulatory and Appeals Committee must consider whether any considerations in favour of the development, particularly in terms of the economic and tourism factors advanced by the applicant, clearly outweigh the harm the development will cause to the Green Belt and all other harm associated with the development.

After giving due consideration to, and placing substantial weight upon, the harm the development would cause to the Green Belt, as described above, the advice of Planning Officers to the Regulatory and Appeal's Committee is that, the benefits of developing the land as a cabin and caravan park do not clearly outweigh the harm the development would

cause to the Green Belt. Therefore the development is considered to be unacceptable in principle.

2) Floodplain

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

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

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

The Environment Agency and the Council's Drainage Team (acting as lead local flood authority) have objected to the proposal and confirmed that the proposal site is in part in Flood Zone 3 and part in Flood Zone 2. The Council's Drainage Unit confirm that insufficient evidence has been submitted to either come to the conclusion that the sequential test or exceptions test is passed or to be confident that a safe egress would be available during a flood event or that the development would be climate change resilient.

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

3) Landscape

Core Strategy policy EN4 states that Development Decisions as well as Plans, policies and proposals should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District. The site lies within the Airedale Landscape Character Area and Floodplain Pasture Landscape Character Type.

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

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

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

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

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

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

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

4) Access

Adopted Core Strategy policy TR1 indicates that through planning decisions the Council will aim to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability through (amongst other things) ensuring that development is appropriately located to ensure that the need to travel is reduced, the use of sustainable travel is maximised, and the impact of development on the existing transport networks is minimal. Paragraph 32 of

the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Council's Highways Development Control team have been consulted on the application and have confirmed that the current site access is not of a sufficient standard to safely serve the proposed cabin and caravan park development. In particular the following alterations would be required:

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

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

5) Community Safety Implications:

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

6) Equality Act 2010, Section 149:

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

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

Reasons for Refusing Planning Permission:

- 1) The proposal is for inappropriate development within the Green Belt. The economic, tourist industry and ecological benefits which may result from the development are not considered to counterbalance the harm the development would cause to the

Green Belt, either when considered in isolation or in combination with the other harm the development would cause. The proposal is contrary to saved policy GB1 of the replacement Unitary Development Plan and Section 9 of the National Planning Policy Framework.

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