

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 19<sup>th</sup> July 2018**

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### **Subject:**

This is an outline planning application relating to the provision of a school car park for Woodlands Primary School (proposal linked to an application within Kirklees MDC for re-development of former waste water treatment works following demolition of existing structures to provide employment uses classes B1(C), B2 and B8 on Land off Cliff Hollins Lane) on land south of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw. The application is in outline form with all matters reserved for consideration at a later stage.

### **Summary statement:**

The proposal relates to the construction of a car park to serve the adjacent Woodlands CE Primary School. The proposal is seen as one of the mitigation measures associated with the redevelopment of the North Bierley Waste Water Treatment Works for employment purposes. A planning application for this development was recently considered by Kirklees District Council and the relevant committee resolved to be minded to grant that application (subject to referral to the Secretary of State).

The site is unallocated in the Replacement Unitary Development Plan but is located within the Green Belt. As such very special circumstances will need to be proven to overcome the policy guidance regarding Green Belt development. As stated above the car park is being provided as a mitigation measure for a separate application and will allow the teachers and parents to park off Mill Carr Hill Road to improve highway safety in terms of the increase in traffic that is likely to occur should the employment development proceed. The creation of the car park will result in increased pedestrian movements across Mill Carr Hill Road and to improve pedestrian safety a crossing is sought in the form of a raised plateau or zebra crossing and this will be secured through a Section 278 Agreement.

Through the attachment of the proposed it is considered that the proposal is acceptable.

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

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

### **Addendum further to deferral on 5/4/18**

#### Summary:

The application was first presented to the Regulatory & Appeals Committee on the 5<sup>th</sup> April 2018 where it was resolved “that consideration of the application be deferred for a period of 3 months from the date of this meeting and that the applicant be requested to consult Woodlands CE Primary School/Diocese of Leeds in respect of all the concerns raised in respect of the provision of the car park and pedestrian crossing as proposed; to include consideration of the possibilities for the use of an alternative site”.

Following this resolution discussions have taken place between the School and the Applicant as to how to progress the application towards a solution that would satisfy both parties. The Applicant has spoken to various land owners around the school as well as reviewing what a relocated car park would mean in more technical highway terms and have concluded that there does not appear to be a better or safer option for the car park.

The current design of the car park has tried to keep the access point in the area where visibility is best and if the current playing field were to be used as a car park then this would bring the vehicular access points closer to the bend in the road which would increase the likelihood for there to be an accident due to reduced visibility and less reaction time. The currently proposed position of both the crossing and access give a better chance for a car to slow and /or stop once they are around the bend.

The current parking arrangements are considered unsafe as the parked cars reduce visibility and people cross the road in random locations. The changed priority at Mill Carr Hill Road/Cliff Hollins Lane will also slow down some traffic as it approaches from the main road. The current layout and crossing location is the result of discussion, and ultimately agreement, between Keyland and the two Councils.

In response the school have stated that having looked at the topography of the proposed car park, its location to the junction, the issues of its position across the road from the school and no detail around security, lighting and maintenance, they do not feel that they have received any further information or clarity that this is the best solution created by the Applicant. They are still concerned that the proposed pedestrian crossing and its proximity to the bend on Mill Carr Hill Road, along with the lack of footpath between the car park and the crossing, do not present the best way forward. They do not believe that the parents, staff and pupils safety have been satisfactorily considered as part of the proposals.

The School and Diocese have proposed an alternative site which is an area of land adjacent to the school. The Diocese have contacted the surveyor who is acting on behalf of the landowner who, they claim, is more than willing to consider the proposal if this is deemed a more suitable location by Highways. They consider that a car park located adjacent to the school would improve road safety as children would not need to cross the busy road and would provide sufficient space to allow cars to drop children off in a safe area. This would negate the need for a pedestrian crossing and have a more positive impact on keeping pupils and parents safe. It is hoped that this area would provide sufficient spaces to relocate staff cars that currently park in the neighbouring streets due to the proposed yellow lining as well as providing enough places for parents. The field has an existing vehicular access as well as pedestrian access and a second vehicle exit point from the car park would be proposed to improve vehicular movement and would open up the current gates from the field to improve pupil safety even further by keeping children away from the main road with this direct access to the school grounds.

The School suggest that the field adjacent to the school is under used by both neighbours and the school and feel the environmental impact of putting a green car park in this location compared to the work required across the road from school, would be more environmentally friendly and less damaging, and, would be safer for all concerned.

The School feel that their worries around safety have not been fully explored or any alternative provided.

The resolution of the Committee on the 5<sup>th</sup> April was for the applicant to consult Woodlands CE Primary School/Diocese of Leeds in respect of all the concerns raised in respect of the provision of the car park and pedestrian crossing as proposed; to include consideration of the possibilities for the use of an alternative site. Discussions have taken place between the 2 parties and it would appear that an agreement cannot be reached with regards to the location of the car park. The Applicant considers the proposed location is still the best option whilst the school would prefer to see it located on a field adjacent to the school. With regards to the school proposal there are issues with regards to ownership of the site in that it is owned by a third party. The relocation of the proposed car park cannot be dealt with through this application as it is outside the red line boundary. Should the school/Diocese and the Applicant decide that the alternative site would be the best option at moving forward then a separate planning application will need to be submitted.

Based on the comments submitted from both the Applicant and the school/Diocese it is not considered that any new evidence has arisen that would change the recommendation of the Local Planning Authority in relation to the current position of the proposed car park.

## **1. SUMMARY**

This proposal is to provide car park to serve Woodlands CE Primary School. The car park will help alleviate the parking problems currently associated with the school when there are very few off-street parking spaces available for both staff and parents. There will be an increase in vehicular traffic on the local road network should the redevelopment of the North Bierley Waste Water Treatment Works scheme gain permission and subsequently be built.

The impact of the proposal on the green belt, visual and residential amenity and highway safety need to be fully considered. From initial submission it is clear that the proposal will retain the openness of the green belt and whilst it is in outline form the car park can be designed as such that it would minimise the impact on the neighbouring properties and the surrounding highway network. It is therefore considered acceptable subject to the conditions recommended in Appendix 1.

## **2. BACKGROUND**

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

## **3. OTHER CONSIDERATIONS**

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

## **4. FINANCIAL & RESOURCE APPRAISAL**

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

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

No implications.

## **6. LEGAL APPRAISAL**

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

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

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

due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

## **7.2 SUSTAINABILITY IMPLICATIONS**

The site is located within the urban area and is considered to be in a sustainable location.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

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

It is accepted that the proposed development may result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower as the proposal is to create a car park as an alternative to the on-street parking that currently takes place.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the development (planning condition).

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

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

## **7.5 HUMAN RIGHTS ACT**

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

## **7.6 TRADE UNION**

None.

## **7.7 WARD IMPLICATIONS**

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself

## **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

None.

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None.

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT**

None.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None.

## **9. OPTIONS**

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

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

## **10. RECOMMENDATIONS**

The application is recommended for approval, subject to the conditions included with Appendix 1.

## **11. APPENDICES**

Appendix 1 Technical Report

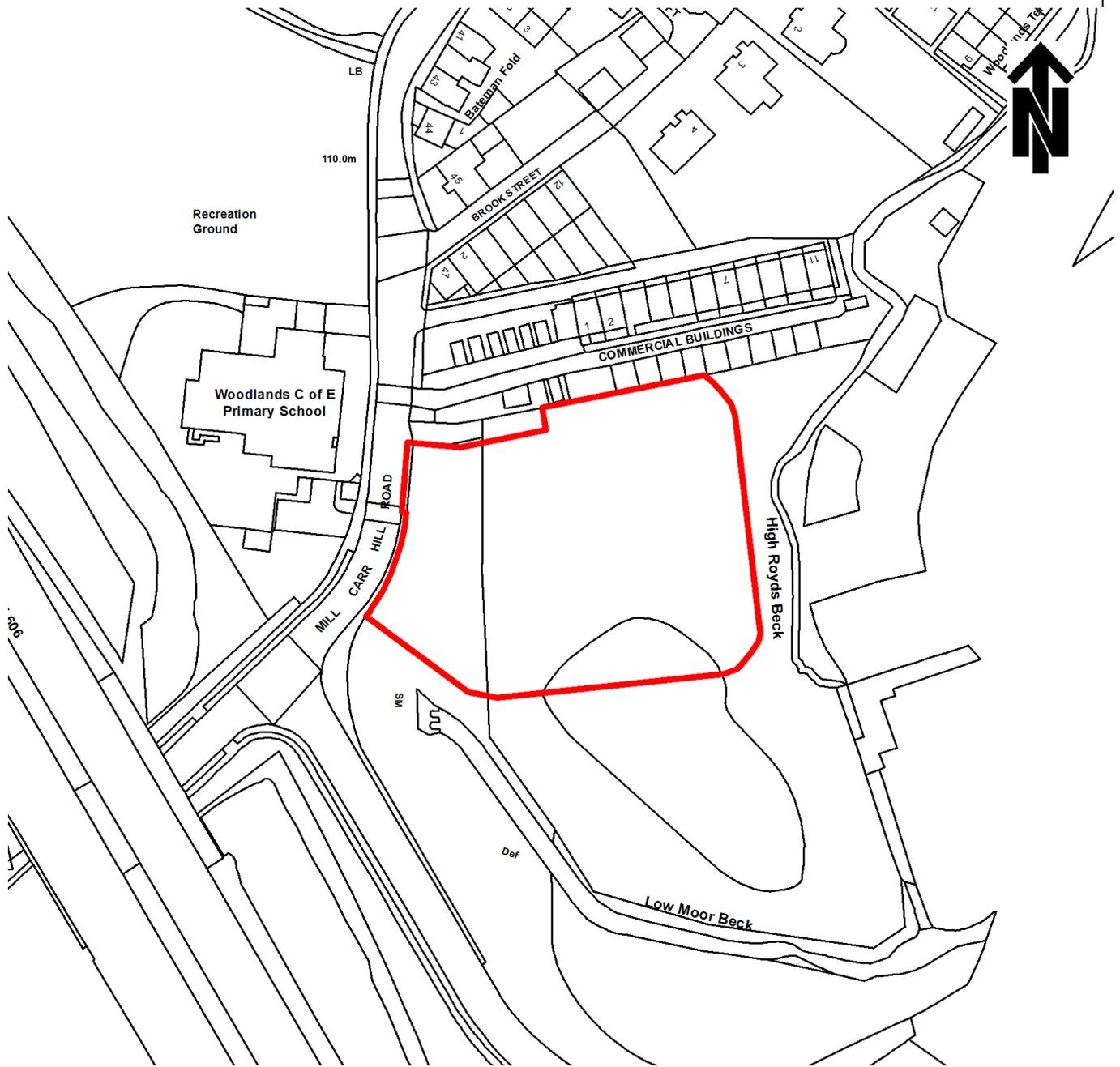
## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
The Replacement Unitary Development Plan  
Core Strategy  
Planning application: 16/06146/MAO

16/06146/MAO



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land South Of Woodlands CE Primary  
School  
Mill Carr Hill Road  
Oakenshaw Bradford**

19<sup>th</sup> July 2018

**Ward: Tong**

**Recommendation:**

**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

**Application Number:**

16/06146/MAO

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

This is an outline planning application relating to the provision of a school car park for Woodlands Primary School (proposal linked to an application within Kirklees MDC for re-development of former waste water treatment works following demolition of existing structures to provide employment uses classes B1(C), B2 and B8 on Land off Cliff Hollins Lane) on land south of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw. The application is in outline form with all matters reserved for consideration at a later stage.

**Applicant:**

Keyland Developments Ltd

**Agent:**

Marianne McCallum (Turley)

**Site Description:**

The site is located to the north east of the junction of Mill Carr Hill Road and Cliff Hollins Lane and currently comprises an open piece of land that is set at a lower level than the neighbouring land. To the north of the site is a row of terraced dwellings, to the west is a primary school, to the east is a copse of trees whilst to the south is open land. Vehicular access to the site is taken from Mill Carr Hill Lane on the western boundary.

**Relevant Site History:**

There is no relevant planning history on the site. However the application has been submitted in conjunction with an application within the Kirklees Council area under reference 2016/60/92298/E. This is an outline planning application for the re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) and is currently under consideration by Kirklees Council.

This application was considered by Kirklees Strategic Planning Committee on the 8th March 2018 where it was resolved to delegate to the Head of Strategic Investment to approve as detailed in the considered report and update list. It is understood that this application will now need to be referred by Kirklees MDC to the Secretary of State so that he can determine if he would wish to intervene in the decision making process (call-in process) given this is a major development in the designated green belt.

The decision made by Kirklees MDC included a requirement for a S106 agreement to ensure:

1. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use
2. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and,
3. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

In addition to the above to secure a Section 106 Obligation (Unilateral Undertaking) from the applicant to provide the proposed 36 space car park, submitted to Bradford Council for Woodlands C of E Primary School application reference no.16/06146/MAO subject to Bradford City Council approving the application”.

At the meeting of the Kirklees MDC Strategic Planning Committee on the 8th March 2018 it was further resolved that the application be approved subject to a Section 106 Legal Agreement to secure the following heads of terms:

1. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use
2. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and
3. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

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

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for a specific purpose within the RUDP but is located within the Green Belt. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

GB1 New Building in the Green Belt

**Core Strategy Policies:**

P1 Presumption in Favour of Sustainable Development

SC1 Overall Approach and Key Spatial Priorities

SC4 Hierarchy of Settlements

SC7 Green Belt

SC9 Making Great Places

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking

EN2 Biodiversity and Geodiversity

EN3 Historic Environment

EN5 Trees and Woodland

EN7 Flood Risk

EN8 Environmental Protection

DS1 Achieving Good Design

DS2 Working with the Landscape

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

**Parish Council:**

Not applicable in this instance.

**Publicity and Number of Representations:**

The proposal has been advertised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 26th August 2016.

As a result of the publicity exercise 89 representations have been received objecting to the proposal.

Due to delays involved from the date of the submission of the application to be in a position to be able to present it to the Regulatory and Appeals Committee a further publicity exercise was undertaken which involved sending out further letters to those

people who commented on the initial application. As a result of the additional publicity exercise a further 28 representations have been received including one from a local Ward Councillor and one from Woodlands CE Primary School.

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

#### Principle:

- Do not want our green land turned in to a concrete car park
- The loss of Greenbelt from this total site which provides a buffer to urban sprawl.
- Design, appearance and layout is not in fitting with rural area appearance

#### Highway safety:

- The proposed roundabout and surrounding road simply cannot be large enough for the size of some of the HGVs who will be using it, so no doubt they will disregard the roundabout and drive straight over it or round the wrong side.
- The car park is opposite the school which also has its own safety issue. The roads both Mill Carr Hill and Cliffe Hollins Lane are already extremely busy roads and already take for more traffic than ever anticipated. The proposal will increase traffic two fold and children are expected to be able to safely cross the road without support of a zebra crossing, pelican crossing or 'lollipop' person.
- Most parents drop their children at school, then immediately travel onto their place of work. If they were parked in the car park, with only 1 entrance and exit, the "bottle-neck" situation would ensure they are late for work, which is why the majority of parents park roadside, to enable a quick exit.
- To prevent parking on the road double yellows will have to be put in place, again affecting the lives of the villagers.
- The dangers for children and their families crossing the road, especially as cars will continue to park roadside.
- The proposed car park is on the opposite side of the road to the school and not the safest option as if parents do not cross their children over the road then they will be crossing a busy road unsupervised which is dangerous. How many parents will use the car park; if they are on their way to work then they are hardly likely to use a car park with just one exit.
- The site for the proposed car park is on a bad bend where users would have to attempt to cross the road to get to school where traffic is notorious for using this road as a rat run to and from Bradford, and also contend with heavy goods vehicles which are also trying to attempt access to Bradford despite signage telling them it is unsuitable.
- A new roundabout being introduced at the junction of Mill Car Hill Road and Cliff Hollins Lane. This is far too close to the entrance of the primary school and the proposed school car park/drop off zone. The increase in traffic and footfall will endanger children's lives as well as exposing them to toxic fumes.
- The parking spaces outlined for Woodlands school will solve the issues at both drop off and pick up school times as there will still be the same number of cars, it will instead mean that parents and carers are parking on the opposite side of the road to the school
- The proposed car park is very near to the drop off point for the school and the increase in traffic, especially HGV's accessing the proposed development on the North Bierley Waste Water treatment site, will exacerbate pedestrian problems and in my view cause a safety risk for pedestrians.
- Has a traffic survey has been done on vehicles using Mill Carr Hill Road as a through road during peak hours

- The proposed erection of a car park to only accommodate 32 cars is ludicrous. Daily there are 50+ cars parked outside school on Cliff Hollins Lane and Mill Carr Hill. In my opinion the cars parked on these roads are a blessing, as they make drivers slow down!!
- Given that on an average day in excess of 50 vehicles are parked in the locality is the car park large enough?
- Can consideration be given by Bradford Council for Permit Parking on associated streets such as Commercial Buildings, Brook Street, Marquis Avenue and Chatts Wood Fold? Otherwise the householders will have to deal with parked cars?
- The pedestrian crossing to service this car park is sited on a dangerous bend with poor sight lines on approach
- Yellow lines etc - one can only presume that some form of traffic restraints will be put in place, but where will everyone park including householders? Does this mean there will be an overflow of traffic into our local streets?
- In icy/wet weather the turning to the slope down to the car park would be unsafe, again putting the safety of the children and their families at risk
- An in-depth Traffic impact survey should be carried out for the wider Bradford area which includes Mill Carr Hill, Cleckheaton Road as there are high numbers of pedestrians and road users traveling to Woodlands and the School that will be affected due to the Kirklees application and also for the survey to include Wyke Lane

#### Residential amenity:

- What effect will this have on the residents on Commercial Buildings?

#### Other issues:

- The proposed land for this car park is flood land and often does flood. If the development goes ahead and the car park floods drop off will become impossible as there will be no where to park up. The only solution to this is parking on Bradford Road and walking to school.
- The proposed roundabout directly outside school looks to encroach onto school land.
- Who is responsible for its maintenance and upkeep? And who is expected to police the car park to ensure it is not mis-used? The school certainly cannot fund this.
- Loss of animal habitat such as bats and newts.
- The school has not been consulted on this and staff state parents have said they would not use the proposed Car Park.
- How would you restrict parking for the schools use, there is a shortage of parking in the village hence some of the driving problems on Mill Carr Hill Road.
- This area is known for Traveller incursions and appropriate measures must be taken to mitigate for this otherwise the school will have to close as there will be no close place for children to be dropped off
- Will cause unwanted visitors to come into the car park which will then effect save guarding of pupils and the school in general
- The will be an increase in traffic congestion caused will affect both the safety of the nearby school users and also increase in air pollution for everyone in the village
- Whilst the council are only asking for comments on the proposed car park, you have a duty to consider the wider implications of this entire planning application, the council has to put the interests of its own residents first, by excluding the wider planning application from this process the residents position is prejudiced and we are not being given a fair opportunity to comment

- Would like a full explanation of why the council have restricted comments to the car park only
- Woodlands CE Primary School do not agree with the proposals for either development site and especially not the provision of a school car park
- Woodlands CE Primary School cannot afford the maintenance costs of the car park
- Who will provide public liability insurance for when the first accident happens?
- At what gradient will the entrance/exit be given the dip of the land at present?

**Consultations:**

Drainage – No objection

Environment Agency – No objection subject to the imposition of a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment

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

Yorkshire Water Land Use Planning – No objection subject to conditions

Highways – No objection to the principle of the development in that the provision of the car park is welcomed.

Environmental Health Land Contamination – No objection as there are no land quality issues

Health and Safety Executive - Does not advise, on safety grounds, against the granting of planning permission in this case

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Contaminated land
7. Other issues

**Appraisal:**

This is an outline application for the creation of a car park with all matters reserved for consideration at a later stage. Indicative details have been submitted in relation to the point of access to the proposed car park and the change in levels to increase the height of the land to be in line with the adjacent land.

1. Principle of development

The site is unallocated but is located within the Green Belt as defined within the Replacement Unitary Development Plan. Policy GB1 of the Plan is relevant and states that except in very special circumstances, planning permission will not be given within the Green Belt as defined on the proposals map for development for purposes other than, amongst other things, other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 confirms that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is important to stress that this application for the proposed car park is a separate application and will be considered as such. However, it needs to be pointed out that it does relate to a larger application that is located within the Kirklees District Council administrative area. That application, in outline form, proposes a mixture of employment uses and is considered to be a key strategic employment site for Kirkless that, due to its location, will provide employment benefits for both the Bradford and Kirklees areas. Subject to no intervention by the Secretary of state this application is likely to be granted consent by Kirklees MDC.

The car park has been included in the wider scheme as issues were raised during the public consultation exercise around road safety and the vulnerable nature of some road users in the area. The car park has been provided to serve the Woodlands C of E Primary School. The school currently has no car park for use by parents to drop off / pick up. The frontage of the school is protected by “keep clear” markings and single yellow lines which prohibit parking at school opening and closing times. As with most schools throughout the District parking around the school at both drop off and pick up times is an issue. Parent parking is undertaken on street along Mill Carr Hill Road and Cliff Hollins Lane. High levels of parking from the school gates, back past the M606 over bridge occur. Similarly, parking most of the way down Cliff Hollins Lane, almost to the proposed site access point of the proposed employment development has been observed. The distant parking from the school results in children having to walk along Mill Carr Hill Road and also crossing the road from Cliff Hollins Lane to Mill Carr Hill Road

It is noted that the Headteacher of the Woodlands C of E Primary School has on behalf of the governors objected to this application based on traffic safety concerns and with concerns about the school's ability to fund in the future maintenance of the new car park. Some of the traffic concerns raised relate to this proposal and some relate to the larger scheme considered by Kirklees MDC. The applicants have been aware of the School's objection to this application and have stated that they will continue to work with the school on this matter. The applicants have responded that now that Kirklees Council have decided to grant the larger, separate nearby commercial development the school will see the advantages of the new school car park. Matters of how future funding is secured for maintenance of the school car park is not a matter for the planning application process to determine but is a matter for the School to discuss with the applicants under any arrangements to hand over the new facility (if consented by this application and delivered by the applicant. Ultimately if this application is approved it would be for the School to decide if it wished to take over the car park offered by the developer.

In devising the wider proposals the Applicant considered 2 options to try and overcome the parking problems. These options were to either provide a new car park or to extend the existing parking restrictions and provide new crossing points. The option of

increasing the level of parking controls was not considered appropriate for the following reasons:

- There is a lack of alternative suitable location for parent parking, should they be displaced from the current on street locations;
- Displacing parent parking could create unexpected issues elsewhere on the network;
- The nature of the vulnerable users is that they can be impulsive which increases the risk profile of retaining road crossings;
- The provision of a car park is safer.

Having established that the car park is the best solution to the current problems it does have to be justified due to its location within the Green Belt. The very special circumstances put forward to support the creation of the car park are that “the school car park, which is situated within Bradford District, is included in the application as it is intended to mitigate effects directly arising from the employment and housing development. Whilst this component of the scheme is in a different Local Authority area, and does not have a contiguous application boundary with the main area of the site, it is included as it is an inherent part of the scheme’s response to safety concerns around changes in traffic movements in the vicinity of the school”.

In terms of the impact of the proposal on the openness of the Green Belt its location in relation to the surrounding uses needs to be taken into account. It is located at the edge of the Green Belt which extends to the north, east and south. However, the site is located to the immediate south of a row of terraced dwellings and to the west by a primary school. The proposal will result in the hardsurfacing of the application site and the installation of some lighting which can be controlled through the imposition of appropriate conditions requiring them to be switched off at a reasonable hour.

Overall it is not considered that the proposal will have a significantly detrimental impact on the openness of the Green Belt and the very special circumstances put forward by the Applicant are considered acceptable. As such therefore the principle of the development is considered to be acceptable.

## 2. Visual impact

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

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

The application is in outline form with all matters reserved for consideration at a later stage. Indicative plans have been submitted which show that the land levels will be raised by approximately 5 metres to bring it into line with the adjacent land levels. Some additional planting around the hard-surfaced area has been shown to help screen the development. It is considered that the car park, through the inclusion of appropriate landscaping details, could be developed such that the visual impact on the streetscene and wider locality are minimised.

### 3. Residential amenity

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

There is a row of terraced properties located to the immediate north of the application site which directly overlook the site. The separation distance between the dwellings and the boundary to the application site is approximately 12 metres. The proposal will incorporate raising the level of the land but only in line with that of the adjacent land. Some lighting of the car park is proposed but an appropriate condition can be imposed on a permission in relation to the times the lighting can be on to minimise the potential impact on the residential amenities of the occupiers of the adjacent dwellings. To prevent unauthorised use outside the hours it will be used by the school a condition is proposed in relation to the installation of an appropriate gate/barrier across the entrance.

### 4. Highway safety

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

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

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

The application is in outline form with details of the proposed access arrangements reserved for consideration at a later stage. However, the indicative plan suggests that the access will be taken from Mill Carr Hill Road. The Applicant has also proposed off-site highway works to help alleviate traffic issues and these include a new mini-roundabout at the junction of Mill Carr Hill Road/Cliff Hollins Lane, the provision of a

right turning lane at the junction of Bradford Road/Mill Carr Hill Road, a raised plateau/zebra crossing in the vicinity of Woodlands C of E School on Mill Carr Hill Road, and, Traffic Regulation Orders on Mill Carr Hill Road and Cliff Hollins Lane.

The Highways Department have not objected to the proposal and have welcomed the creation of the car park. Currently teachers and parents park on-street and whilst it is not desirable it does result in not everyone having to cross Mill Car Hill Road. The creation of the car park will, however, result in a significant number of pedestrian movements across Mill Car Hill Road. To increase the safety of the pedestrians who will cross the road the Highways department are seeking the provision of a crossing in the form of a raised plateau/zebra crossing with the location to be agreed with the Council. This will be secured through a condition requiring the provision of a Section 278 Agreement relating to off-site highway works.

## 5. Drainage

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

In relation to the disposal of surface water from the development it is intended to use sustainable drainage system as well as connecting to existing watercourse. No objections have been raised to these proposals subject to the imposition of appropriate conditions.

Yorkshire Water has stated that there are 900mm and 600mm sewers that cross the site. As the proposal will involve the increasing of land levels over or in the vicinity of the site of the sewers and associated man-holes details of the protection measures of this infrastructure will need to be submitted for approval and installed in accordance with these details. An appropriate condition is recommended.

## 6. Land contamination

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

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

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

applicants must submit adequate site investigation information, prepared by a competent person.

There are no land contamination issues associated with the proposed development.

## 7. Other issues

A number of other issues have been raised during the publicity exercise that have not been considered in the above sections of this report. These are as follows:

Who is responsible for its maintenance and upkeep? And who is expected to police the car park to ensure it is not mis-used? The school certainly cannot fund this – *the future maintenance and management of the car park will be the responsibility of the developer*

Loss of animal habitat such as bats and newts – *a Phase 1 Habitat Survey was carried out and submitted as part of the Environmental Statement. Whilst this looked mainly at the larger development site it did consider the site of the proposed car park and it concluded that the impact of the development on the local ecology/biodiversity would be minimal. As part of any landscaping scheme for the proposed car park native species could be planted to enhance the biodiversity value of the site and this would be fully considered at Reserved Matters stage when details of the landscaping will be submitted*

The school has not been consulted on this and staff state parents have said they would not use the proposed Car Park – *the school were consulted by the Council as part of the planning application and a detailed explanation of the implications for the school is set out earlier in this report*

How would you restrict parking for the schools use, there is a shortage of parking in the village hence some of the driving problems on Mill Carr Hill Road – *a gate/barrier is recommended to be installed across the access to prevent unauthorised use both during the day and when the school is closed and this is subject to a condition requiring the submission of details*

How would you restrict parking for the schools use, there is a shortage of parking in the village hence some of the driving problems on Mill Carr Hill Road – *the restriction of it's use would be down to the management of the car park by ensuring the gate/barrier across the entrance is closed when the school is not open*

This area is known for Traveller incursions and appropriate measures must be taken to mitigate for this otherwise the school will have to close as there will be no close place for children to be dropped off – *a gate/barrier is recommended to be installed across the access to prevent unauthorised use both during the day and when the school is closed and this is subject to a condition requiring the submission of details*

Will cause unwanted visitors to come into the car park which will then effect save guarding of pupils and the school in general – *a gate/barrier is recommended to be installed across the access to prevent unauthorised use both during the day and when the school is closed and this is subject to a condition requiring the submission of details*

Whilst the council are only asking for comments on the proposed car park, you have a duty to consider the wider implications of this entire planning application, the council

has to put the interests of its own residents first, by excluding the wider planning application from this process the residents position is prejudiced and we are not being given a fair opportunity to comment – *the application submitted is for a car park and this is all that can be considered as part of the application. The other application referred to is being assessed by Kirklees Council and comments have been submitted in relation to that application. The impact of that proposal cannot be considered as part of this planning application. The highway works proposed as part of the larger planning application in Kirklees District are permitted development and therefore cannot be objected to as part of the planning application process*

Would like a full explanation of why the council have restricted comments to the car park only – *comments have been restricted to the car park only because that is what this planning application relates to. If objections were submitted to this Council in relation to the application being dealt with by Kirklees Council they could not be taken into account in the determination of this application*

Woodlands CE Primary School do not agree with the proposals for either development site and especially not the provision of a school car park – *individuals or organisations have a right to object to an application and if the school feel they do not want the car park this is a matter between them, the land owner and the developer. If planning permission is granted for the car park there is no requirement on the school that they have to accept it*

Woodlands CE Primary School cannot afford the maintenance costs of the car park – *this is a matter between the school, land owner and developer as to how the car park would be maintained in the future should it be granted planning permission. One option would be for the developer to donate the car park and then offer a commuted sum for its future maintenance for a set period of time. However this is not a material planning issue for consideration as part of this planning application*

Who will provide public liability insurance for when the first accident happens? – *this is a matter to be determined by the school, land owner and developer should planning permission be granted and the car park developed*

At what gradient will the entrance/exit be given the dip of the land at present? – *the application is in outline form only with all matters reserved for consideration at a later stage. Therefore it is not possible answer this point at this stage, it will only become evident when detailed plans are drawn up to be submitted with a Reserved Matters application*

**Community Safety Implications:**

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

**Equality Act 2010, Section 149:**

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

has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

**Reason for Granting Planning Permission:**

The scheme provides a scheme within the Green Belt for which it is considered there are very special circumstances. The principle of the proposal is considered to be acceptable and presents no concerns with regard to visual or residential amenity and highway safety. The proposal is therefore considered acceptable and, with the attached conditions, satisfies the requirements of policy GB1 of the Replacement Unitary Development Plan and policies P1, SC1, SC4, SC7, SC9, TR1, TR2, TR3, EN2, EN3, EN5, EN7, EN8, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

**Conditions of Approval:**

**1. Time scale**

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. Time scale**

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. Reserved Matters**

Before any development is begun plans showing the:

- i) access;
- ii) appearance;
- iii) landscaping;
- iv) layout;
- v) and scale

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

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

**4. Protection of sewers**

Development shall not commence until details of the means of protecting the 900mm and 600mm sewers that are laid within the site boundary have been submitted to and approved by the local planning authority. Works to alter ground levels over or in the vicinity of the sewerage and associated man-holes until the approved protection measures have been implemented to the satisfaction of the Local Planning Authority.

Furthermore, no building or other obstruction including trees and landscape features shall be located over or within 5 metres either side of the centre lines of the sewers i.e. protected strip widths of metres, that traverse the site. If the required stand –off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with policy EN7 of the Local Plan for Bradford.

#### 5. Surface water drainage

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

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and to accord with policy EN7 of the Local Plan for Bradford.

#### 6. FRA implementation

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for the re-development of the Bierley Wastewater Treatment Works, 12 May 2016, 60304-FRA-SB, Curtins, along with the following mitigation measures:

- No part of the development will be within the Flood Zone 3.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with policy EN7 of the Local Plan for Bradford.

#### 7. Foul and surface water drainage

The development shall not commence until full details and calculations of the proposed means of disposal of foul and surface water drainage, based on the approved drainage strategy contained within the flood risk assessment document 60304-FRA-SB dated May 2016 and the supplementary Drainage Plan 60304-FRA-104 Rev A, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford..

#### 8. Surface Water Drainage Maintenance and Management document

Prior to the commencement of the development hereby permitted, a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict accordance with the terms and agreements set out in the approved Surface Water Drainage maintenance and Management Document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks and to accord with policy EN7 of the Local Plan for Bradford.

#### 9. Lighting details

Notwithstanding the details shown on plan, within 6 months of the development hereby permitted commencing on site, full details of the type and position of down-lighting units for the buildings and car parking areas, including measures for ensuring that light does not shine directly on the adjacent public highways or is visible to highway users, shall first have been submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be carried out and maintained thereafter whilst ever the use subsists.

Reason: No suitable details have been submitted, to avoid road users being dazzled or distracted in the interests of highway safety and to accord with the policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

#### 10. Lighting times restriction

Unless otherwise agreed in writing by the Local Planning Authority the operation of the lighting serving the car park shall be restricted to the hours from 07:00 to 19:00 Mondays to Fridays.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

#### 11. Gate across access

Within 3 months of the development hereby permitted commencing on site, details of barriers/gates to be installed across the accesses/egresses to the car park to prevent unauthorised access outside operating hours shall be submitted to and agreed in writing by the Local Planning Authority. The barriers shall then be installed in accordance with the approved details prior to the car park first being brought into use.

Reason: In order to protect the site from unauthorised access and to provide a safe and secure environment outside operating hours and to accord with policies SC9 and DS5 of the Local Plan for Bradford.

#### 12. Electric Vehicle Charging Points

Within 3 months of the development hereby permitted commencing on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority showing the provision a minimum of 3 parking bays at the site that shall be provided with direct access to electric vehicle charging points. These must be fully operational from the site first being brought into use. The Electric Vehicle charging points shall be clearly and permanently marked with their purpose and details of how to access them provided at point of use. The presence of the charging points shall be drawn to the attention of all eligible site users. Provision shall be made by the developer for the long term provision of a service and maintenance plan for the charging points and to ensure priority access is maintained at all times via effective on site parking management arrangements.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

#### 13. Wheel washing facilities

Before any development commences on site, full details of arrangements for wheel cleaning of construction vehicles and equipment, including the location of such a facility in relation to the highway and arrangements for disposal of contaminated surface water

shall be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be installed, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles are leaving the site.

Reason: To prevent mud being taken on to the public highway in the interests of highway safety and to accord with policies DS4, and, DS5 of the Local Plan for Bradford.

#### 14. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- viii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

#### 15. Section 278 Agreement

Notwithstanding the details submitted, within 3 months of the development hereby permitted commencing on site, the Applicant shall enter into an Agreement with the Local Planning Authority under Section 278 of the Highways Act to secure the off-site highway improvements in the form of either a raised plateau or zebra crossing on Mill Car Hill Road.

Reason: In the interests of highway safety and to accord with policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.