

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 7 February 2019

AK

Subject:

Demolition of steel frame agricultural building & small agricultural shed and the residential development of 133 dwellings, with associated infrastructure works and access, land at Bingley Road, Menston.

Summary statement:

This application follows previous proposals for residential development at the application site - outline planning permission was granted in 2013; a full application was then refused in 2015. The reasons for refusal being based on flooding and the adverse impact on habitats and protected species.

In terms of dealing with flood prevention, the applicant has submitted various reports to address potential flooding of properties off-site.

Given the previous application being refused on the grounds of flooding, the Council commissioned an independent review, to provide technical advice on flooding and groundwater issues. This work has been carried out by Arup, a multi-national firm. The review concludes that based on the latest evidence and analysis presented by the applicant, the applicant's view that the site is at a low risk of flooding from all sources including groundwater is accepted. It is also agreed that the proposals for management of water on the site do not increase the risk of flooding to external receptors.

The proposed measures to mitigate against adverse impacts on habitats and protected species have been agreed by the Countryside team. These measures would include:

- Provision of information panels at key access points onto the Special Protection Area/Special Area Conservation
- Improvements to local path networks which lead away from the SPA/SAC

On the basis of the above, it is considered that the application has addressed the previous reasons for refusal and the application is recommended for approval, subject to a S106 to provide measures to mitigate against impacts on habitats and protected species; the provision of affordable housing on-site and off-site highway works.

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Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

The application is recommended for approval subject to conditions included within the report and the completion of a Section 106 agreement to - provide affordable housing on-site; provide measures to mitigate against potential impacts on protected habitats and off-site highway measures.

2. BACKGROUND

Outline application, 10/06229/MAO, demolition of a steel-framed agricultural building and agricultural shed and residential development of up to 135 dwellings with public space. This application was withdrawn.

Outline planning permission, 11/05691/OUT, residential development of a maximum of 135 dwellings on a Phase 2 allocated site including the demolition of a steel-framed agricultural building and small agricultural shed, granted April 2013.

A full application, 13/04897/MAF, for residential development of 137 dwellings and associated works was refused in January 2015. The reasons for refusal being-

1. The applicant failed to demonstrate that the submitted drainage scheme will be adequate to prevent the increased likelihood of flooding of properties off the site. The development would therefore be contrary to Policies UR3 and NR16 of the adopted Replacement Unitary Development Plan and Paragraph 103 of the National Planning Policy Framework.
2. The applicant has failed to include adequate mitigation measures to offset the harm to the South Pennine Moors Special Protection Area/Special Area of Conservation. In particular, the increased activity generated by the development within this area would lead to conditions prejudicial to the continued preservation of protected species and their habitat. The development would therefore be contrary to the emerging Core Strategy and Paragraph 118 of the National Planning Policy Framework.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in 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 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 characteristics 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 proposals have been fully considered in relation to sustainability issues and the site is considered to be located in a sustainable location, served by local facilities and accessible to public transport.

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 development is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be lower than would be the case for alternative, less sustainable locations. Mitigation measures are also to be incorporated within the development in the form of Electric Vehicle Charging points to encourage the use of sustainable modes of travel. In conclusion, subject to the identified mitigation measures no adverse greenhouse gas emission implications are foreseen.

7.4 COMMUNITY SAFETY IMPLICATIONS

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 Core Strategy Policy DS5.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into 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

None

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

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 decides that the application should be refused, it may refuse the application, in which case the reason(s) for refusal would have to be given, based upon development plan policies or other material planning considerations.

10. RECOMMENDATION

This application is recommended for approval, subject to a Section 106 Legal Obligation to secure affordable housing; off-site highway works and mitigation measures to protect habitats and protected species and the conditions included within Appendix 1.

11. APPENDICES

Appendix 1 Technical report.
Appendix 2 Arup Technical Note

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2018

Adopted Core Strategy

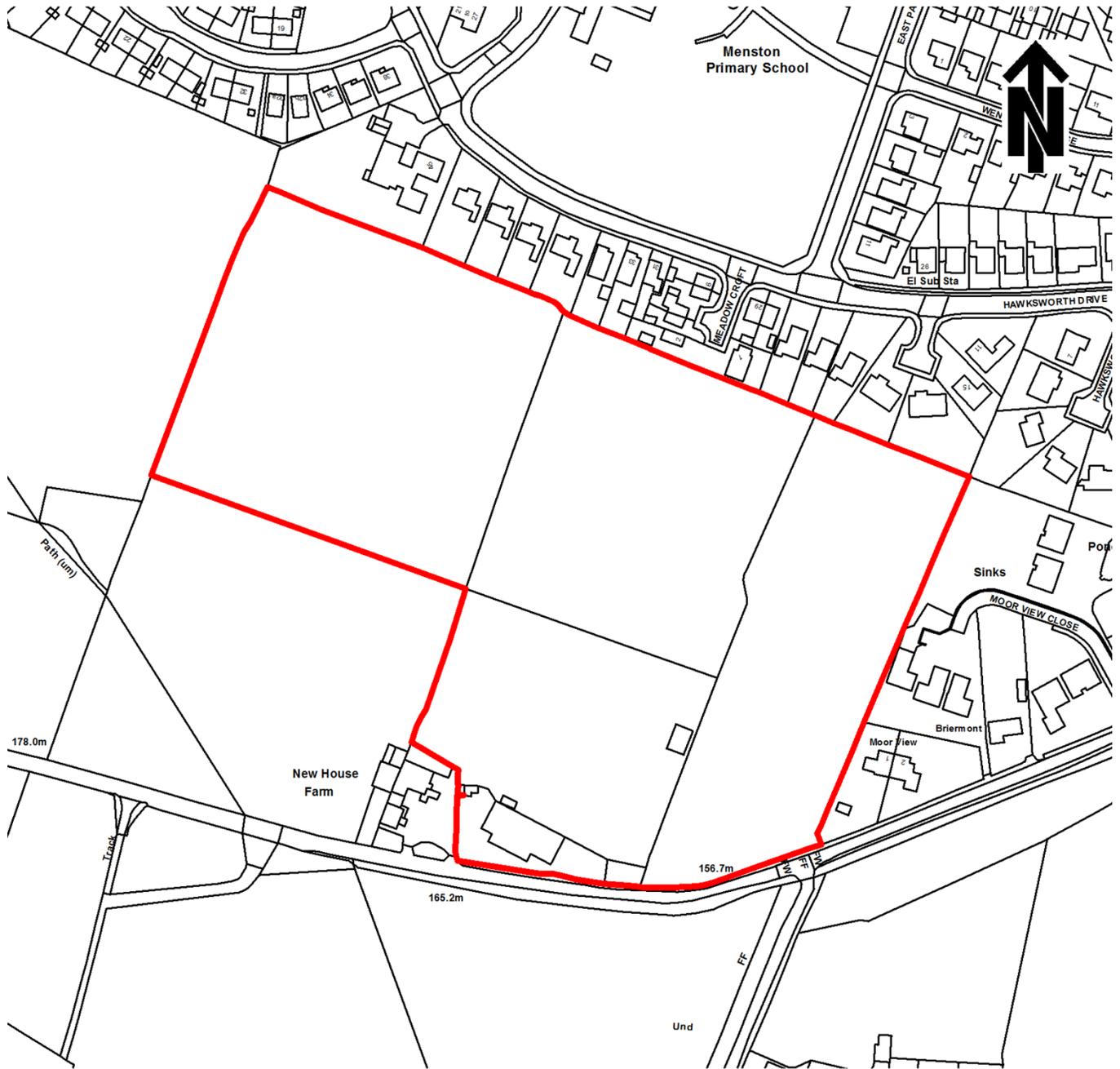
RUDP

Menston Housing Sites Supplementary Planning Document

17/04591/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**Land At Bingley Road
Menston
Ilkley**

Appendix 1

Ward:

Wharfedale

Recommendation:

That Members be minded to Grant Full Planning Permission subject to a S106 Agreement and to delegate to the Assistant Director Planning, Transportation & Highways to issue permission upon completion of a S106 Agreement.

Application Number:

17/04591/MAF

Type of Application/Proposal and Address:

A full application for the demolition of a steel frame agricultural building & small agricultural shed and the residential development of 133 dwellings with associated infrastructure works and access, land at Bingley Road, Menston.

Applicant:

Bellway Homes (Yorkshire Division)

Agent:

Johnson Mowat

Site Description:

The application site is located on the southern edge of Menston, at the northern side of Bingley Road. The site measures c.5 hectares in area and comprises agricultural land, with stone walls and hedgerows to its boundary. The site is c. 500m from Menston centre and c.1 km from Menston Railway Station.

The application site slopes down to the north east, with the western part of the site sloping down markedly.

There are residential properties, to Hawksworth Drive, along the northern boundary; a pair of semi-detached houses to the eastern boundary and New House Farm to the south west boundary.

Relevant Site History:

Outline planning application, 10/06229/OUT, for residential development of up to 135 dwellings with public space following the demolition of a steel framed agricultural building and agricultural shed was the subject of an appeal against non-determination but the appeal was withdrawn and the Public Inquiry cancelled.

Application 11/05691/OUT, residential development of a maximum of 135 dwellings on a Phase 2 allocated site including the demolition of a steel-framed agricultural building and small agricultural shed was approved in April 2013.

A full application, 13/04897/MAF, residential development of 137 dwellings and associated works was refused in January 2015.

Policy:**Replacement Unitary Development Plan****Allocation**

The application site was formerly allocated as part of a Phase 2 housing site in the RUDP, S/H2.17. However, following Counsel's advice it was confirmed that with Policies H1 and H2 not being saved in 2008, the Council effectively has no allocated housing sites. At the meeting of the Executive, 21st November 2011, Executive reaffirmed that it was the Council's intention that the unimplemented former Phase 2 housing sites should be protected to meet the District's housing needs; noted the extensive and robust statutory process through which the sites allocated under Policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented housing sites previously allocated under Policies H1 and H2 should be accorded significant weight when considering their use for residential development.

Proposals and Policies

Proposals for the Shipley Constituency.

S/H2.17 Bingley Road, Menston.

A green field site identified by the RUDP Inspector located on the southern edge of Menston. The site has good access to local primary and secondary schools, local services in the village centre and to the rail station. Open space provision to be negotiated at the planning application stage.

Policies

Policy TM8 new pedestrian and cycle links.

The Core Strategy

There are a number of Core Strategy Policies which should be considered in the determination of the application:

- P1 Presumption in Favour of Sustainable Development
- SC1 Overall Approach and Spatial Priorities
- SC2 Climate Change and Resource Use
- SC4 Hierarchy of Settlements
- SC8 Protecting the South Pennine Moors
- SC9 Making Great Places
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- TR3 Public Transport, Cycling and Walking
- TR7 Transport Investment
- HO1 Scale of Housing Required
- HO3 Distribution of Housing Requirement
- HO5 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN2 Bio-diversity and Geo-diversity
- EN7 Flood Risk
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design
- DS3 Urban Character
- DS4 Street and Movement

- DS5 Safe and Inclusive Places
- ID3 Developer Contributions

The Core Strategy sets out a spatial development framework for Sub-Areas including Wharfedale. Sub Area Policy WD1 - New development including housing is identified in Menston, for 400 homes based on existing permissions and other opportunities.

The National Planning Policy Framework (NPPF).

The National Planning Policy Framework is a material planning consideration on any development proposal.

Local planning authorities are required to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development, where possible

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Substantial weight is given to the value of using suitable brownfield land within settlements for homes and other identified needs.

Planning policies and decisions should make more intensive use of existing land and buildings, especially where it would help to meet housing need.

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish

or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

Menston Housing Sites Supplementary Planning Document

The purpose of the SPD was to provide a planning framework that will sensitively control and plan for two sites. It also identifies the wider impact new residential development will have on the local environment as well as how community and physical infrastructure may be managed and mitigated.

The objectives of the SPD are to –

- maintain a successful stable and sustainable community;
- preserve and enhance the character of the existing conservation area;
- advise on the most appropriate form of development in terms of layout, access and integration with Menston;
- provide a design code, a set of principles specific to Menston;
- ensure that the cumulative impact of the developments is understood and mitigated;
- secure appropriate contributions.

Parish Council:

The Parish Council comments that - The previous planning application ref. 13/04897/MAF was refused after expert evidence by Dr Duncan Reed highlighted the problems the site faced regarding ground water flooding and the failure by the applicant to demonstrate a solution to the problem. Unfortunately, the new applicant has failed to fully recognise this evidence and again failed to put forward measures to deal with the flooding in context with development of the site.

The Parish Council submit the following regarding the proposed development of 133 houses at Bingley Road ref. 17/04591/MAF; included with this submission is a Ground Water Flooding Assessment produced by JBA Consulting for the Parish Council.

The Parish Council concluded that the problem of Ground Water flooding was the primary factor that might prevent this application succeeding unless a true and unbiased report could identify the nature of the problem and that any such report was produced by experts in that particular field. The report would also help the Parish Council in the future when considering further developments in the village and with particular regard to the Neighbourhood Plan.

However, the above has failed in all other previous applications to sway the Planning Panel in favour of refusal due to the single sighted need to increase the housing provision in the district and the Parish Council recognise this but with the inclusion of the Ground Water Drainage report ask that our submission is recognised by the Planning Panel as compelling evidence for refusal of this current application.

Menston Parish Council urges the Planning Department to take account of the serious errors and misleading items in the reports submitted by the proposed developer, which

need to be independently evaluated and drawn to the attention both of Officers and the R&A Committee:

1 Interim Travel Plan, prepared by WSP dated July 2017.

2 The "Review of FRA and proposed drainage system" by Envireau Water on behalf of Bellway Homes dated November 2017.

The Parish Council, after detailed consideration, takes the view that these reports, prepared for and commissioned by the applicant, contain significant misrepresentations of fact, are based on hypothesis and theory and are not founded on professional or realistic considerations of the available evidence. As such, these reports do not amount to reliable evidence upon which the Planning Officers or the R&A Committee should place confidence.

Publicity and Number of Representations:

Site notices were displayed at and around the application site; a notice placed in the Telegraph & Argus and individual neighbourhood notifications were carried out, with the expiry of the notification period being 31 August 2017.

There have been 58 objections.

The MP objects to the planning application:

Two Ward Councillors have objected to the application.

Summary of Representations Received:

Houses built on this site will suffer from flooding from groundwater emergence across the site.

The proposed development will increase the risk of flooding in the area and exacerbate the existing drainage problems.

Bingley Road is a very busy road, used as a rat run to avoid the main roads. There have been a number of accidents and there is no pavement to keep pedestrians safe. Any increase in traffic on this road would make it more unsafe.

There is not the infrastructure to support this development e.g. primary and secondary school places, doctor's surgery.

Public transport is inadequate meaning there will be more traffic on the roads - a bus service has recently been withdrawn, the trains are overcrowded and there is insufficient parking at Menston railway station.

The A65 is at a standstill at peak times - if this development is approved this situation would become much worse.

This development will do nothing to alleviate the housing need in the Bradford district which requires affordable housing in the centre of Bradford.

Consultations:

Environmental Health

No objections raised regarding nuisance.

Landscape Design

Following confirmation of tree planting and landscaping, within a Masterplan for the application site, the application is supported.

Housing (Development & Enabling)

On-site provision of affordable housing, with the expectation of 30% of the houses being affordable housing and that the developer negotiates this with a housing association (Registered Provider).

The mix of units should reflect the overall mix of the development, as the identified housing need is for 1, 2 and 3-bedroom homes in this area.

Conservation

The applicant's Heritage Statement is very thorough and to be commended. It confirms that the site is some considerable distance from the nearest designated heritage assets. That being the case, the proposal accords with relevant national and local heritage policy and guidance.

Arboriculture Team

Subject to conditions, the proposal is considered acceptable.

Highways

The proposal relates to construction of 133 dwellings with associated infrastructure works and access. A similar development of 135 dwellings was approved 11/05691/OUT.

In my previous response, I raised a number of issues related to the internal layout, most of which have been addressed by the applicant. Any residual issues related to the layout can be addressed at S38 stage.

My previous response identified the joint funding that was agreed between the two developers of the Bingley Road site and the Derry Hill site. Since then the Derry Hill approval has lapsed and renewal is not currently being pursued. Therefore any highway mitigation needs to be directly related to the impact of the Bingley Road development. In view of this the following planning obligations have been negotiated with the developer.

S106 contributions:

1. £25,000 to provide dropped crossings and tactile paving along the route(s) between the application site and Menston Railway Station.
2. £7,000 for a TRO to reduce speed limit to 30mph on Bingley Road between the site access and Derry Hill.
3. £24,000 for the following measures around the Main Street/Bingley Rd junction:
 - i) TRO to discourage the current indiscriminate parking near the junction (£5,000).
 - ii) Installation of six Speed plateaus for the three approaches to the junction, on Bingley Road before the junction, on Main Street, and on Bingley Road adjacent to the park. These would cost c.£15,000 including legal costs and notice.
 - iii) Installation of a Vehicle Activated Sign on Bingley Road adjacent to the park (£4,000).

The applicant has also agreed to include the cost of traffic calming and a 'gateway' feature on Bingley Road between Derry Hill and the proposed site access on Bingley Road, as part of the S278 agreement on highway works.

West Yorkshire Police (Architectural Liaison Officer)

A number of issues are raised - Boundary treatments; Natural surveillance of parking bays; shared pathways; areas of public open space; external lighting; doors and windows; garages; intruder alarms.

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework, Planning Practice Guidance and local planning policies alongside advice provided from the Council's expert advisor. An assessment of the submitted documentation has been undertaken and if the following details are implemented and secured by way of a planning condition on any planning permission the LLFA has no objection to the proposed development.

The 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 alongside advice provided from the Council's expert advisor. Insofar, the LLFA has no objection to the proposed development in relation to flood risk from other sources.

Environment Agency

Comments that in the event of unidentified contamination, no further development shall take place until a remediation strategy is submitted.

Both groundwater and surface water flooding issues are matters for the Lead Local Flood Authority and therefore outside the scope of the Environment Agency.

Countryside

The application site falls within zones of influence of the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC). As such, Core Strategy policy SC8 is relevant.

The site is located some 1.7km from the SPA/SAC boundary to the south (Rombalds Moor) and is within zones B & C as defined by policy SC8. The habitats regulations assessment (HRA) undertaken for the Core Strategy identifies likely significant impacts arising from new residential development. This is contrary to the conclusion set out in the submitted preliminary ecological appraisal by Brooks Ecological, dated July 2017. Within 2.5kms the potential impact identified in the Core Strategy HRA and addressed in policy SC8 is upon supporting habitat for foraging qualifying SPA bird species and needs to be considered. Within 7kms of the SPA/SAC, the additional recreational impact arising from residents in the new development also needs to be mitigated.

In terms of supporting habitat, the existing ecology and habitat on site, its location adjacent to previously developed land and the lack of recorded qualifying species foraging activity

on-site and nearby; leads us to be able to conclude that the site is probably not supporting habitat. The provisions of policy SC8 in terms of development within zone B can therefore be disregarded.

Additional recreational pressure will, however, be generated from the site, due to its proximity to the SPA/SAC.

It is noted that the landscaping and green infrastructure proposals show three areas within the development which are classed as “public green space”. If maintained and managed as such, in perpetuity, these would absorb some of the additional recreational pressure generated by the development, and would mitigate some of this impact. They are not sufficiently sizeable however to mitigate all the impact and residual additional recreational pressure would therefore need to be mitigated through contributions to off-site infrastructure, as follows:

- Provision of information panels at key access points onto the SPA/SAC south of the development site which will contain information about the habitats and species and messages about controlling dogs, risk of wildfire etc. (cost estimate: £7,000).
- Improvements to local path networks which lead away from the SPA/SAC and link northwards from the development site into networks lower in Wharfedale (cost estimate £30,000), in particular:
Footpaths Ilkley 71A, which extends from the development site, linking with the “Around Reva Hill” promoted route and Ilkley 65 – works to include improvement/replacement of boundary crossings, signage and waymarking and surface improvements.
Improvements to route along disused railway line from Menston Old Lane.

The total cost estimated for mitigation of recreational impacts: £37,000.

Once these measures are agreed, the Council, as competent authority, would be able to conclude in its habitats regulations assessment, that likely significant impacts have been mitigated and therefore the requirements of the Habitats Regulations have been successfully addressed.

Other ecological matters:

Bats

The preliminary ecological appraisal refers to previous surveys undertaken on the site for bat activity. These dated back to 2011 and 2013 and so updated surveys have been recommended and carried out. The Environmental Statement Vol. 2, Chapter 8 (ref: R-2791-03) contains the updated bay survey findings. It is noted that activity is low and that this is concentrated around the sheds and hedge lines. The proposals contained within this document to mitigate impact on bats are supported, namely:

- Further autumn survey to corroborate findings.
- Retention of as much existing hedge as possible with compensatory planting of native species replacement hedges where indicated in the document.

- Recommendations in relation to lighting (temporary and permanent) – pointing away from hedges, motion activated, short timer etc. – as set out in R-2791-03.
- Bat boxes to be incorporated into new builds on the periphery of the site.
- Landscaping to include honeysuckle and evening primrose.

Birds

Document R-2791-04 and R-2791-02.1 were submitted as part of the Environmental Statement. These outline the results of additional breeding and wintering bird surveys undertaken on site during April – July 2017 and Jan- March 2017 respectively. These surveys are welcome, in particular the spring/summer surveys which included nocturnal foraging surveys for Golden Plover which is one of the key qualifying features of the South Pennine Moors SPA/SAC.

It is noted that no evidence of use of the fields as supporting habitat for the SPA was found and the conclusion that the proposed development would not result in loss of potential foraging land for SPA bird species is accepted.

The further recommendations (retention of hedgerows where possible and replacement planting) to minimise impact on other recorded bird species on site and support these are noted.

A previous consultation comment for a previous similar application on this site, requested that a pole-mounted nesting box for Little Owl be erected on the western edge of the site facing the open countryside to the south. This is because Little Owls have been recorded using trees on the site, which are to be removed, in the past. This request is repeated here.

Hedges

It is noted that hedgerows considered in the preliminary ecological appraisal were deemed not classed as 'Important Hedgerows' under the Hedgerow Regulations 1997. However, the intention to minimise loss of existing hedges, retaining them on site wherever possible and replanting with compensatory native species rich hedges is supported.

Summary of Main Issues:

Principle of development
 Layout and Design
 Highways & Transportation
 Drainage & Flood Risk Issues
 Biodiversity
 Planning Obligations

Appraisal:

Principle of development

The RUDP was saved for three years from Adoption (October 2005), under provisions in the Planning and Compulsory Purchase Act 2004. The Council was required to seek the consent of the Secretary of State to save policies of the RUDP, beyond the 3 years.

A challenge was made to the legal basis for the saving of unimplemented housing allocations in the RUDP. The basis of the challenge being that Policies H1 and H2 allocated sites for housing, as well as dealing with their phasing, whereas policy H4 did not allocate sites but rather protected them. The Council subsequently sought Counsel's

advice as to the effect of saving policy H4 in the absence of saving policies H1 and H2; Counsel's advice concurs with the submission made by the resident that the lapsing of policies H1 and H2 means that the allocations have lapsed and no longer allocated as part of the statutory development plan. The legal advice received meant that with policies H1 and H2 not being saved, any unimplemented housing site is no longer allocated within the RUDP. (This was never the Council's, nor the Secretary of State's intention). However, the legal advice received contends that as all unimplemented housing allocations went through the statutory development plan process they can be given significant weight in decision making and this was endorsed by Executive.

The need to ensure that former RUDP housing sites are implemented is further underlined by the relatively poor performance over recent years, in terms of the number of new homes, particularly affordable homes, being built in the District. The number of new homes completed has in recent years failed to match either the actual increase in population and households in the District, or the policy-based targets

Failure to deliver an appropriate number of houses over an extended period runs the risk of exacerbating existing problems of overcrowding, putting increased pressure on the social housing stock, which is already over-subscribed, and undermining regeneration.

Menston is confirmed in the Adopted Core Strategy as a "Local Growth Centre" (Policy SC4). Local Growth Centres are described as "the most sustainable local centres and accessible to higher order settlements such as Bradford, Keighley and Ilkley. All are located along key road and public transport corridors and should therefore make a significant contribution to meeting the District's needs for housing, employment and provide for supporting community facilities". Policy HO3 sets a target for new houses of 600 in Menston.

Furthermore, recent work carried out through the Core Strategy revealed the scale of need for affordable homes. This suggests an affordable housing need equivalent to around a third of the total housing requirement, or over 700 dwellings per annum. This is well in excess of anything achieved in recent years. The development therefore has the potential to make a contribution to both market and affordable housing need.

In conclusion, the District faces a significant challenge in securing sufficient housing to meet the need over the coming years. Ensuring the delivery of development on existing identified housing sites would be the first step to meet this challenge. It is essential that land is available now which can be prepared and progressed so that the needs of the District's population are met, as confidence among both developers and house buyers' recovers. The development would also boost the supply of new homes at a time when housing delivery has dropped to undesirably low levels. Therefore, if an acceptable scheme was achieved, the site would contribute to the Council's 5 year land supply and thus reduce the pressure and threat of unplanned releases of land in other locations, which conflict with Development Plan policy, such as the green belt.

The principle of residential development at the application site is therefore accepted and the application complies with the relevant Development Plan policies.

Layout & Design

The National Planning Policy Framework (NPPF) makes clear that the creation of high quality buildings and places is fundamental to what the planning and

development process should achieve. Good design is a key aspect of sustainable development, as it creates better places in which to live and work and helps make development acceptable to communities.

The layout is similar to that of the previously approved application, with a single point of access/egress from Bingley Road with housing aligned along a central corridor, serving a number of cul-de-sac. There are various house-types, ranging from 2-bed semi-detached to 4-bed detached. Within the site there are three green spaces to the northern part of the site. These provide the opportunity for sustainable drainage systems, incorporating swales.

A pedestrian link to Hawksworth Close, from the central green space would enable residents to walk from the site to Menston village centre. The footway to Bingley Road would be extended from the east, to connect with the application site frontage. Both these measures would help to encourage pedestrian connectivity between the application site and Menston.

Following the comments of West Yorkshire Police, the applicant has confirmed that boundary treatments would be 1800mm fences/lockable gates. Parking bays are all to the front/side of house or in front of windows on the dual elevation house type; shared pathways are in some instances retained but as these are all to the front of properties they would not constitute a security risk, given the natural surveillance afforded by the principal elevation and street scene; the public space would be looked after by a management company; external lighting would be provided as standard to the fronts of homes. The scheme would have a street lighting, which is subject to detailed design as part of the S38 agreed with the Council; doors and windows would meet the current building regulations, the Pas 24 standards.

The proposed design and layout of the scheme is believed to be acceptable, providing a scheme that is well considered, responding to both the topographical challenges of the site and context of the surrounding area.

Effect on Residential Amenity

The layout of the proposed development has been designed to account for the topography of the site & the relationship between existing properties and the proposed development.

The proposed dwellings achieve sufficient separation distances to ensure that there would be no adverse overbearing or overshadowing implications either within the development site or to existing neighbouring residential properties.

The distance provided between properties ensures that the residential amenity of neither existing nor future residents would be adversely affected.

Drainage & Flood Risk Issues

A previous application for residential development at the site was submitted by Taylor Wimpey. This application was refused, with one of the reasons being that the applicant had failed to demonstrate that the submitted drainage scheme would prevent the increased likelihood of flooding of properties off the site.

The current application was subsequently submitted by Bellway. In order to overcome the reason for refusal, the applicant has reviewed the issues around groundwater and

potential flooding at the application site. Consequently, the drainage scheme has been designed by the applicant to address the possibility of the increased likelihood of flooding of properties off-site.

In order to verify whether or not that the proposed drainage scheme would increase the risk of flooding off-site, an independent review was commissioned by the Councils Planning Service, with Arup, a multi-national company carrying out that review, on behalf of the Council.

As part of the independent review, the technical note, Appendix 2, was produced. The note relates to hydrogeology including groundwater, drainage and flood risk. and follows -

Review of Envireau Water technical note dated 19 November 2018 with groundwater level monitoring data for the period 29/08/2018 to 11/10/2018 (Envireau – TN Monitoring Data);

Meeting between CBMDC and the applicant on 13 December 2018 at Bellway Homes, Century Way, Leeds;

Review of updated groundwater level data for the period 11/10/2018 to 13/12/2018;

Meeting between Arup and Envireau Water on 20 December 2018 at Bingley Road Menston;

Review of updated groundwater level data 13/12/2018 to 20/12/2018;

Review of Eastwood & Partners technical note – Drainage Response Points Rev B dated 20 December 2018 – plus additional supporting information provided by Eastwood & Partners on 10, 15 and 17 January 2019 in response to requests by Arup.

The drainage and flood risk issues have been fully explored to ensure that a strategy could be provided to establish that the flood risk would not be increased as a result of the proposed development. On establishing this, the drainage scheme to be approved has been fully considered and its implementation would be controlled through specific conditions included in the report.

The note concludes that based on the latest evidence and analysis presented by the applicant, it is accepted that the site is at low risk of flooding from all sources including groundwater. It is also accepted that the proposals for management of water on the site do not increase the risk of flooding to external receptors.

Highways & Transportation

The highway design has undergone a number of iterations, including extending the footway along Bingley Road to the application site. Any resultant increase in traffic is not considered to make the road unsafe and the application is supported.

Menston is served by a train station on the Leeds-Ilkley line and bus services connecting Menston to Bradford and Leeds. The Core Strategy notes that there have been improvements to the environmental quality of the railway station and benefits from high-quality fast and frequent rail services to Ilkley, Bradford and Leeds.

In response to issues raised by the Parish Council on the Travel Plan – in terms of public transport, Menston is currently served by two bus services, 34 & 653. The 34 travels between Menston and Leeds, twice hourly. The 653 provides a daily service from Menston to Bradford Interchange.

With regard to facilities at the rail station, the operation of the car park at the train station is not within the control of the Council but the passenger transport executive, West Yorkshire Combined Authority (WYCA). Options have been explored by WYCA for additional parking at both the train station and at satellite sites. To date WYCA has been unable to progress the provision of additional parking to serve the train station. With respect to disabled access, WYCA, is in the process of seeking funding to improve accessibility at the train station. This may include a lift to enable disabled access between both platforms.

Biodiversity

Further to the previous reason for refusal, measures required to mitigate the impact on protected habitats and species are proposed following discussion between the Councils Biodiversity team and the applicant. These measures include public footpath improvements in Wharfedale to encourage use of routes outside of the protected area and information panels to advise of the nature of potential impacts. These mitigation measures would be delivered through Section 106.

Planning Obligations

The applicant would meet its planning obligations in full, through the requirements to pay CIL (presently £100 per square metre plus an indexation uplift figure of 11.2%) and the recommended Section 106 Obligations.

Section 106 Heads of Terms

The applicant/developer would meet the requirements of the CIL and also enter a Section 106 to provide 30% affordable housing on-site and a number of measures to mitigate impacts on protected habitats and species. The latter to include the provision of information panels at access points onto the SPA/SAC, which would detail information about the habitats and species and information on controlling dogs, risk of wildfire etc. estimated at £7,000.

In addition there would be improvements to local footpath network which lead away from the SPA/SAC and link northwards from the development site into networks in Wharfedale, estimated cost £30,000.

Additionally, monies would be made available for off-site highways improvements and these include:

1. £25,000 to provide dropped crossings and tactile paving along the route between the application site and Menston Railway Station.
2. £7,000 for TRO to reduce speed limit to 30mph on Bingley Road between the site access and Derry Hill.
3. £24,000 for measures around the Main Street/Bingley Rd junction to include.

A TRO to discourage the current indiscriminate parking near the junction, £5,000; installation of 6 speed plateaus for the approaches to the junction. These would cost around £15,000 including the legal cost and notice; installation of a Vehicle Activated Sign on Bingley Road next to the park, c. £4,000.

Reason for Granting Approval:

The proposed development would meet the requirements of Core Strategy policies P1, SC5, SC6, SC8, HO5, HO8, HO9, HO11, EN1, EN2, EN4, EN5, EN6, EN7, EN8, DS2, DS3, DS4, DS5, ID2 and ID3 and the application is recommended for approval.

Conditions:

1. The development hereby approved shall only be carried out in accordance with the following plans 0196-BH-01 U; 175-SPL W; R-2084-1A; 40338-06_H; 40338-07_J; 40338-08_J; 40338-009_D; 40338-010_D; 40338-011_C; 40338-012_C; 40338-013_C; 40338-013_C; 40338-015_C; 40338-019_C; 40338-020_C; 40338-021_C; 40338-040_A.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Reason: To ensure that the surface water drainage infrastructure is managed over the lifetime of the development.

4. The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: To ensure each phase of development is appropriately drained.

5. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Any discharge to public sewer shall be subject to evidence being submitted to and approved by the Local Planning Authority that demonstrates that surface water drainage from the whole site to watercourse is not reasonably practical and shall then be subject to a maximum rate of discharge of eight litres a second. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

6. Unless otherwise agreed in writing by the Local Planning Authority, before the commencement of development, full details for the works associated with a Section 278 Agreement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate measures are provided to promote connectivity and pedestrian safety in accordance with policy TR3 of the Core Strategy.

7. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

8. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
- ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
- iii) The extent, types and heights of the means of enclosure to all curtilages.
- iv) Details of types of hard surfaces within the development other than those within the domestic curtilages.
- v) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

9. Prior to the occupation of any part of the development, a schedule of landscape maintenance for all amenity and recreation open space areas within the site and covering a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan to define all communal hard and soft landscaped areas to be maintained under the maintenance regime, an outline of maintenance works to be undertaken and the frequency of those works, together with details of responsibilities for implementing the maintenance regime by a Management Company or other agency. It shall provide email, postal address and telephone contact details of such a company or agency.

Landscape maintenance of the identified areas shall subsequently be carried out in accordance with the approved schedule for the period agreed.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS 5 of the Core Strategy Development Plan Document.

10. The existing wall(s) along the boundary of the site shall be retained during and after completion of the development and those parts of the boundary wall that are damaged or removed shall be made good using materials of similar appearance, and to a similar coursing to the remaining wall, prior to the first occupation of the development hereby permitted.

Reason: In the interests of visual amenity and privacy and to accord with Policies DS2, DS3 and DS5 of the Core Strategy Development Plan Document.

11. Prior to the occupation of the building(s) hereby permitted, details of the type, colour and finish of all hard surface materials, including those to parking areas, access driveways, forecourts, parking and turning areas, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate hard surfacing materials in the interests of visual amenity and to accord with Policies DS1 of DS3 of the Core Strategy Development Plan Document.

12. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use.

13. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site.

14. From the date of first occupation every property on the application site with dedicated parking shall be provided with access to a fully operational 3 pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle. Every other property (without dedicated parking) shall be provided with access to a communal EV charging point at a rate of 1 per 10 properties. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas or within dedicated garage space. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice.

Reason: To encourage the uptake of electric vehicles as an alternative mode of travel.

15. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the integral garages within the dwelling(s) hereby permitted shall remain available for the purposes of garaging and no subsequent alterations to convert these garages to primary residential accommodation addition shall be carried out without the express written permission of the Local Planning Authority.

Reason: To ensure these facilities remain for parking purposes, in the interests of amenity and highway safety and to accord with Policies TR2, DS4 and DS5 of the

Core Strategy Development Plan Document.

16. Prior to the first occupation of the approved development details of a polemounted nesting box shall be submitted to and approved in writing by the LPA. The approved development to be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of ensuring protected species are not adversely affected. representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Technical Note

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Project title	Development application at Bingley Road, Menston	Job number	260667-00
cc	Stewart Currie (CDMBC) Edward Norfolk (CDMBC)	File reference	0-12-08
Prepared by	Les Brown (Hydrogeology) Richard Wren (Flood Risk)	Date	18 January 2019
Subject	Review of additional information provided by applicant relating to hydrogeology and flood risk		

Introduction

This technical note follows earlier reviews by Arup of the proposed housing development application at Bingley Road, Menston (application reference 17/04591/MAF). This note is intended to act as an advisory note to City of Bradford Metropolitan District Council (CBMDC) relating to hydrogeology, drainage and flood risk. This note is compiled following:

- Review of Envireau Water technical note dated 19 November 2018 with groundwater level monitoring data for the period 29/08/2018 to 11/10/2018 (Envireau – TN Monitoring Data);
- Meeting between CBMDC and the applicant on 13 December 2018 at Bellway Homes, Century Way, Leeds;
- Review of updated groundwater level data for the period 11/10/2018 to 13/12/2018;
- Meeting between Arup and Envireau Water on 20 December 2018 at Bingley Road Menston;
- Review of updated groundwater level data 13/12/2018 to 20/12/2018;
- Review of Eastwood & Partners technical note – Drainage Response Points Rev B dated 20 December 2018 – plus additional supporting information provided by Eastwood & Partners on 10, 15 and 17 January 2019 in response to requests by Arup; and
- Telephone calls between Arup and Eastwood & Partners on 14 and 15 January 2019.

The additional material is reviewed below under subheadings Hydrogeology and Drainage and Flood Risk.

Part A – Hydrogeology

The groundwater level data presented by Envireau Water includes groundwater level data for 2018 boreholes NBH1, NBH2, NBH3 and NBH4 for the period 29/08/2018 to 20/12/2018. A map showing the location of the 2018 NBH boreholes and the 2016 OBH boreholes is presented in Envireau Water Technical Note 19/11/2018 Figure 3 and included below for convenience. Groundwater level responses in each of the NBH boreholes are considered in the following text.

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Part A – Hydrogeology

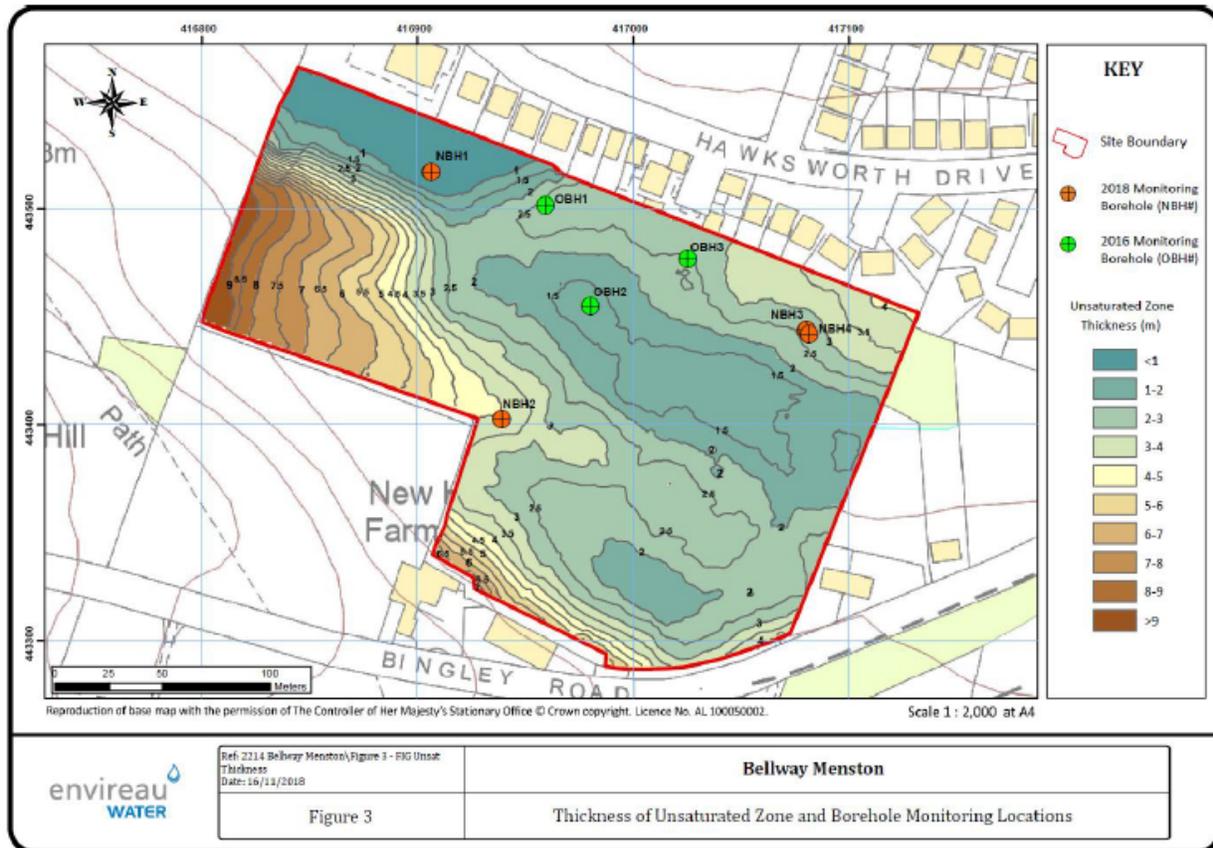
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The groundwater levels recorded in NBH1, NBH2, NBH3 and NBH4 confirm that the groundwater table slopes towards the northeast, with groundwater levels being highest at NBH2 and lowest at NBH3 and NBH4. The groundwater table intersects the surface topography at NBH1 where a persistent emergence of groundwater forms a spring.

Topography generally rises south-westwards across the site and as such, the underlying water table lies increasingly deeper further south-westward. The groundwater table at NBH2 was 3.0m below ground level on 20 December 2018.

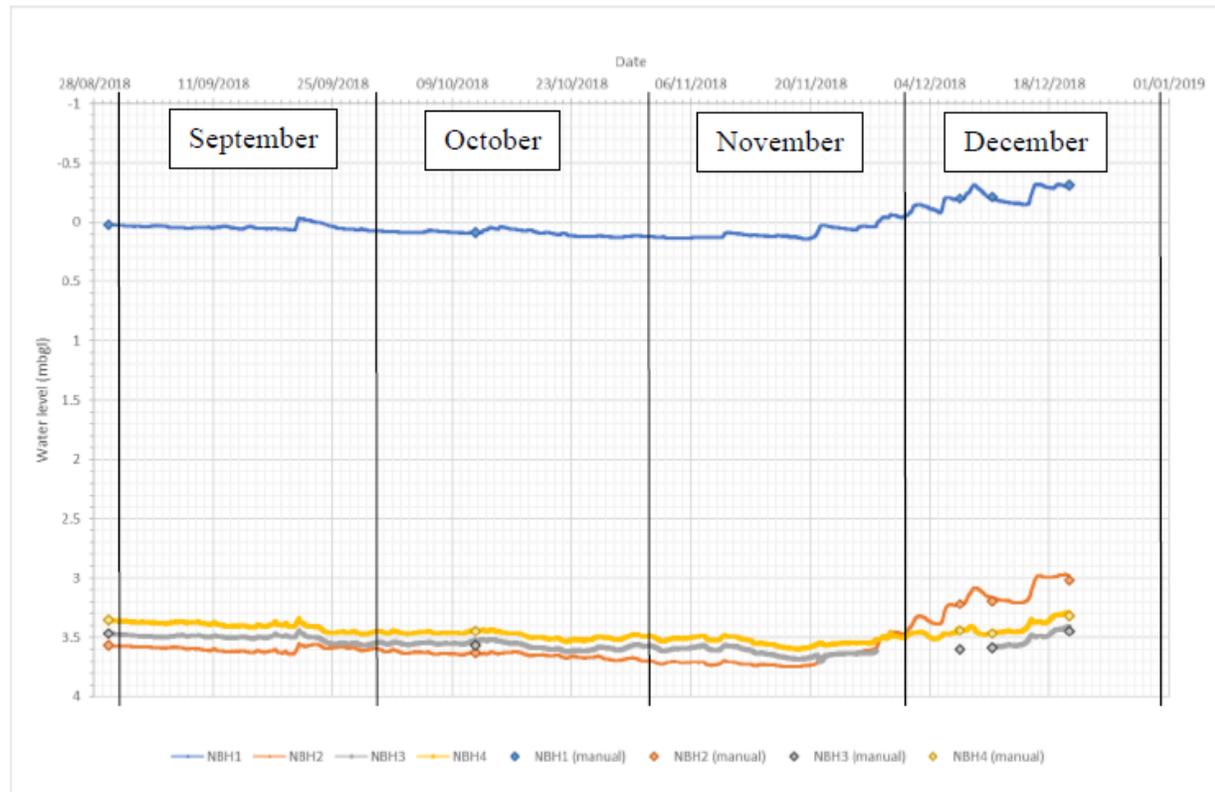
The lowest part of the site is at the eastern boundary where there is a gentle but distinct west-east 'trough' in the landscape. Groundwater levels adjacent to the 'trough' in NBH3 and NBH4 where measured on December 20th, 2018 at 3.4m bgl (below ground level) and 3.3mbgl. As noted, NBH3 and NBH4 are not located at the lowest point in the topography but located slightly to the north (by c.20m) of the topographic 'trough'. From the land survey contours provided by the Developer, the ground level at NBH3/NBH4 is approximately 0.8m higher than the lowest point in the 'trough' and on this basis the groundwater levels at the point of lowest topography would be approximately 2.6mbgl and 2.5mbgl.

It is noted that the summer of 2018 was particularly dry and as such during December 2018 groundwater levels may still be slightly depressed. Based on measurements made by Envireau Water during the summer of 2018 groundwater levels could be up to 0.3m lower than 'normal'. Several spikes are observed in the groundwater table from recharge events, with individual events generating rises of 0.1-0.3 m.

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Based on the topography at the site and the groundwater level measurements provided, it is concluded that it would take a significant rise (more than 2.5m) for the water table to breach the surface in the site's low-lying ground to cause groundwater flooding in the winter 2018/19.

It is accepted that groundwater levels during the autumn of 2018 were depressed regionally, and that groundwater levels at the site may consequently lie below typical winter levels. However, there have been significant recharge events during October, November and December of 2018 and groundwater levels have shown response to these events. As such, although the autumn groundwater may have been lower than normal, the rise in groundwater is considered typical and the first three months of winter have only shown a 0.5m rise. Based on the data presented by Envireau Water, a rise in groundwater levels to the extent that would breach the surface in the low lying ground is considered unlikely.

In addition to the above, during the site walkover undertaken by Dr Leslie Brown (Arup), Dr Phil Ham (Envireau Water) and David Adams (Bellway Homes) on December 20th, 2018, the following observation were made:

- that localised standing water was present in the eastern and southwestern parts of the site where groundwater levels were recorded 2-3m below ground, indicating that the superficial deposits at the site have low permeability and support localised ponding (depression storage) during and after rainfall events.
- that the spring was active and that ground adjacent to the spring was saturated and comparable to the groundwater level in NPH1.

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- that significant legacy drainage is present across the site that collects surface and shallow water and discharges to the low ground at the eastern most extent of the site.

From these observations, it is apparent that the site has had a complex history of poor drainage and surface water ponding that has sequentially been dealt with by installing drainage measures over several decades. Based on the groundwater level data presented by EnvireauWater, whilst groundwater emergence is clearly occurring in the west of the site, groundwater flooding in the east is unlikely.

In summary, seasonal groundwater fluctuation is present at the site and there is a persistent emergence of groundwater in the west, but the data recorded up to December 20th, 2018 does not indicate that the groundwater fluctuation at the site is sufficient to cause groundwater flooding in the eastern low-lying part of the site. From the site walk over, the unconsolidated superficial deposits observed at the site are capable of supporting surface ponding.

Based on the data presented by Envireau Water on the behalf of the client, it is concluded that whilst the site is prone to seasonal flooding, the origin of the flooding is unlikely to be caused by seasonal groundwater rise in the underlying aquifer and rather from surface water runoff owing to the low infiltration rate of the unconsolidated drift.

Based on the hydrogeology data presented, groundwater flooding is a low risk at the site and not a reason to decline the application. It is however advised that excavations are likely to intersect the groundwater table and will require dewatering during construction. In this regard the construction plan must include management of temporary dewatering in excavations, measures to mitigate against contamination of groundwater by accidental spillages and suspended solids, and appropriate disposal of groundwater discharges.

It is recommended that the Developer continues monitoring groundwater levels over 2018/19 until groundwater levels recede so that the construction plan can be updated with maximum winter groundwater levels (minimum unsaturated depths) at the site.

Part B – Drainage and Flood Risk

In previous reviews, Arup were unable to state categorically that the applicant had proven there to be no increase in flood risk to external receptors as a result of the proposed development. The reasons for this related to a lack of evidence that all potential sources of water had been modelled in the extreme rainfall event scenario (100 year +40% climate change allowance) and the failure to demonstrate a whole system understanding of water movement and storage on the site.

During an extreme rainfall event, the following sources will contribute to the water being managed within the site. We asked the applicant to consider all these sources when presenting their calculations, in order to provide a whole system understanding of water movement at the site:

- Surface water from paved surfaces within the site, collected and conveyed in the formalised surface water drainage network, or conveyed on the surface during very intense rainfall events (known as *exceedance events*).
- Surface water from soft landscaped areas within the site. During long duration rainfall events which are characterised by larger volumes of rainfall, the ground will become saturated and a proportion of water will run off. The water will travel overland on the surface and, where capacity allows, be collected in and conveyed by the surface water drainage network or the land drainage network. This is possible because long duration rainfall events are generally

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characterised by low intensity of rainfall, meaning the surface water drainage network is likely to have capacity to convey some or all of the additional runoff from soft areas. As a result, a scenario should be modelled where a contribution from soft landscaped areas is included.

- Surface water from external sources entering the site as overland flow, collected and conveyed by the land drainage network.
- Rising groundwater intercepted and conveyed by the land drainage network.

The conveyance components of drainage networks (pipes, ditches, swales, etc.) are sized to accommodate runoff during high intensity rainfall, generally associated with short duration events. These events generate the highest discharge rates in the conveyance system. It is normal practice to consider only rainfall collected from paved surfaces. The applicant has presented calculations demonstrating that the proposed drainage system achieves the appropriate design requirements-.

The applicant has also considered the impact of exceedance. This shows qualitatively what could happen during rainfall events which are more extreme than the below ground pipe network has been designed to accommodate. It shows that water will be routed along roads and through designated green spaces within the development. Water will be directed towards locations on the perimeter of the site where surface water currently discharges, thus mimicking the existing extreme rainfall event scenario. We note that the flood exceedance routes shown on drawing 40338/040 by Eastwood & Partners pass close to, but do not apparently utilise the proposed landscaped attenuation areas. Simple changes could be made to the development proposals to route exceedance flows into landscaped attenuation areas, thus maximising the potential benefits of the proposed attenuation.

Recent investigations and analysis described in Part A, above, have increased the understanding of groundwater levels, groundwater movement and the risks of groundwater emergence. The applicant has made allowances in the drainage analysis for groundwater to be intercepted in the land drainage system.

Arup requested that the applicant assess the impact of longer duration rainfall events, where rainfall intensity is low, but the overall volume of water generated is high. The impact of longer duration events is exacerbated on sites where an onerous restriction on surface water discharge has been imposed to protect external receptors, as is the case here. Our specific concern was that the attenuation provision could fill and overflow due to the effect of a large volume of water entering the system while only being discharged at a low rate. We asked the applicant to demonstrate that water will not leave the site by overland flow in an uncontrolled way, such as to increase the risk of flooding to external receptors.

The applicant has applied a 30% increase in the catchment areas draining to the surface water drainage system to allow for the effect of rainfall runoff from soft landscaped areas. The 30% increase was chosen by the applicant to replicate the equivalent “greenfield” runoff calculated in the flood risk assessment (up to 48l/s/ha in a 100 year +40%CC event). The applicant has presented simulation results demonstrating the impact of long duration rainfall events on the surface water drainage system and associated attenuation facilities. The return period considered is the 100 year +40% climate change allowance event, as demanded by current planning guidance. The evidence provided demonstrates that the surface water drainage network contains and safely manages surface water within the site boundary, while achieving the discharge limits imposed by Yorkshire Water and City of Bradford MDC. During the critical event, some surface water may be attenuated in the landscaped attenuation areas.

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The proposals utilise a separate land drainage system to collect and manage surface water flowing onto the site from open land to the south west, and groundwater. The applicant has presented calculations demonstrating that the land drainage system has sufficient capacity to manage water safely during the 100 year +40% climate change allowance event. During the critical event, some water will be attenuated in the designated landscaped areas. In the event that peak storage requirements in both systems are coincident, the applicant's evidence indicates that sufficient attenuation capacity is available to accommodate the storage required for both systems.

At no time during any of the simulated rainfall events does surface water from the drainage system leave the site by an overland flow route. All surface water is shown to be managed within the site and discharged at controlled rates via formally identified outfalls, being: the culvert on the eastern boundary; and a new connection to the Yorkshire Water sewer to the north.

Observers may question how this can be achieved at a site which has a history of flooding during long duration rainfall events, as identified in reports by JBA Consulting and submitted by Menston Parish Council. It is because the applicant proposes to provide large volumes of attenuation within the drainage systems, both above and below ground. This attenuation will slow down the movement of water through the site such that it mimics the current situation where water stands/ponds on the surface.

Based on the latest evidence and analysis presented by the applicant, we can now accept that the development is planned to safely manage water during the rainfall events considered (up to 100 year plus 40% climate change allowance).

Overall conclusion

Based on the latest evidence and analysis presented by the applicant and their representatives, we accept the applicant's view that the site is at low risk of flooding from all sources including groundwater. We also accept the applicant's view that the proposals for management of water on the site do not increase the risk of flooding to external receptors.

DOCUMENT CHECKING (not mandatory for File Note)

	Prepared by	Checked by	Approved by
Name	Les Brown (Hydrogeology) Richard Wren (Flood Risk)	Jason Fairbairn Felicia Rhodes	David Wilkes
Signature			