

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 15 May 2019

Summary Statement - Part One

M

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	38 Manningham Lane Bradford BD1 3EA - 19/00934/FUL [Approve]	City
B	Knowle Farm Knowle Lane Wyke Bradford BD12 9BG - 19/00465/HOU [Approve]	Wyke
C	Land at Apperley Lane Apperley Bridge Bradford - 18/05446/OUT [Refuse]	Idle and Thackley

Julian Jackson
Assistant Director (Planning, Transportation and
Highways)

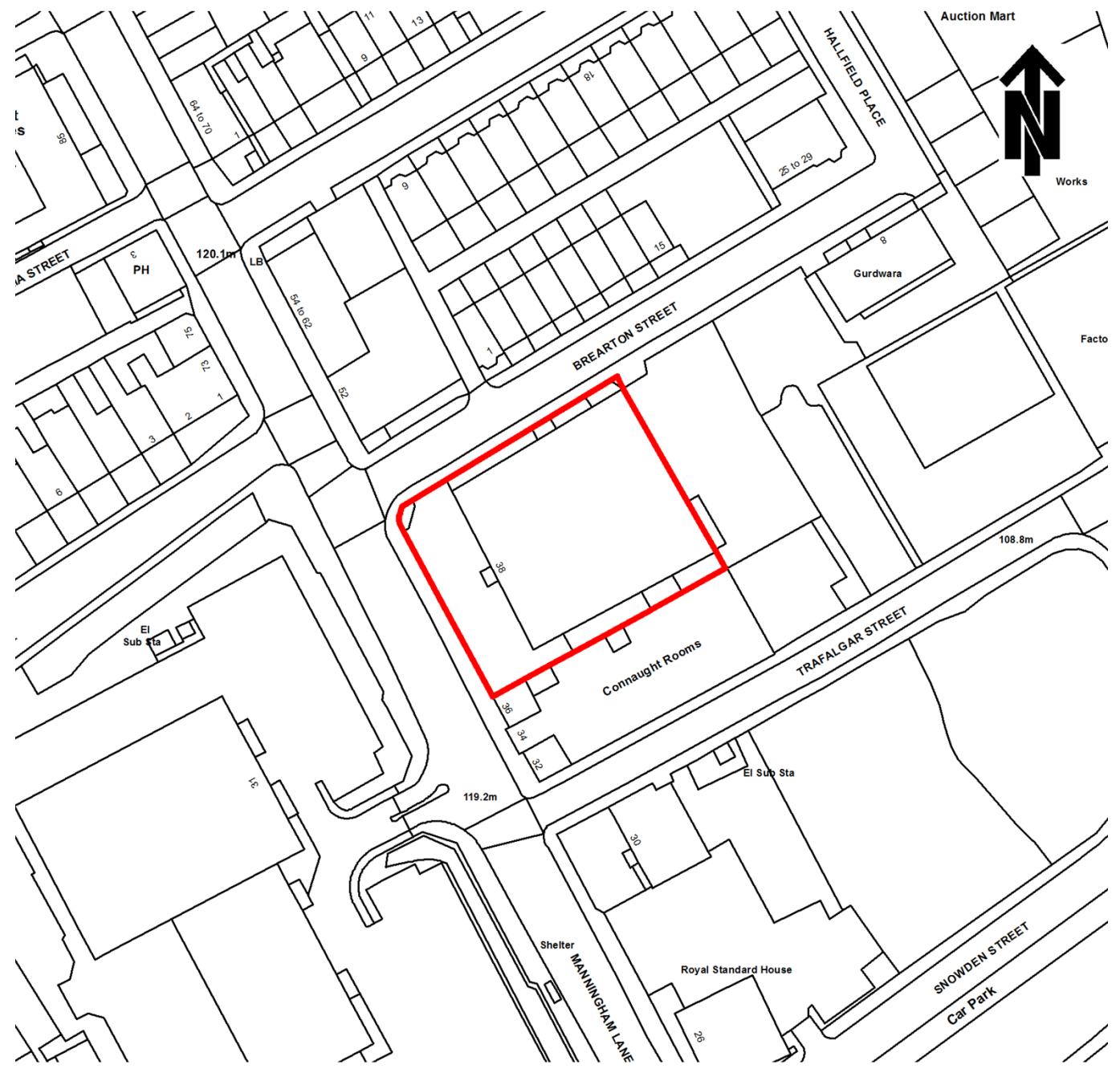
Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Regeneration, Planning &
Transport

**Overview & Scrutiny Committee
Area:**
Regeneration and Environment

19/00934/FUL



**38 Manningham Lane
Bradford
BD1 3EA**

15 May 2019

Item: A
Ward: CITY

Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/00934/FUL

Type of Application/Proposal and Address:

Retrospective change of use from restaurant/café (A3) to banqueting facilities (sui generis) at 38 Manningham Lane, Bradford, BD1 3EA.

Applicant:
Mr Tony Singh

Agent:
Mr Michael Jones

Site Description:

The site is located at the junction of Manningham Lane with Brearton Street. On site is a two storey, flat roofed building, bearing the sign, "Pearl Banqueting Suite", with parking space to the front. The building is largely glazed at ground floor level and constructed of brick at first floor level. To the other side of Brearton Street is a stone built terrace of retail outlets with space above. To the other side, between the site and Trafalgar Street are the Connaught Rooms, a grade II listed building. The site frontage is controlled by single and double yellow lines.

Relevant Site History:

18/04670/FUL- Retrospective change of use from a restaurant/cafe (A3 Use Class) facilities to banqueting facilities (sui generis) - Refused 21.12.2018 - noise and disturbance detrimental to neighbouring amenity.

18/02189/FUL- Change of use from A3 (restaurant/cafe) to sui generis (banqueting facilities) - Refused 20.09.2018 - 1) lack of off-street parking, leading to indiscriminate parking, which is detrimental to highway safety, 2) noise and disturbance detrimental to neighbouring amenity.

13/02054/FUL - Change of use from former shoe shop (A1) to restaurant with sweet centre and cafe (A3) - Granted 03.10.2013.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 within the Manningham/Girlington community priority area but is otherwise unallocated on the RUDP. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

- SC9 – Making great places
- DS1 – Achieving good design
- DS3 – Urban character
- DS4 – Streets and movement
- DS5 – Safe and inclusive places
- EN8 – Environmental Protection
- TR2 – Parking policy

Saved RUDP Policies

BN/CF6.2 Manningham/Girlington community priority area

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

Advertised by site notice, neighbour notification letters and in the press as development affecting the setting of a listed building. Expiry date 12 April 2019. Eighteen representations received. Seventeen object to the application and one is in support.

Summary of Representations Received:

In objection

1. Parking and double parking on Brearton Street (a permit only street) and blocking access.
2. Parking on Manningham Lane and pavements and obstructing visibility.
3. Generated litter.
4. Noise from fireworks, loud music and cars interrupts sleep and goes on till the early morning (2-3 am).
5. Loitering and an intimidating atmosphere.
6. Situated on the main road with direct access to city centre and also the football stadium causes massive traffic issues to everyone present.
7. Insufficient on-site parking causes parking on the pavement.
8. Large amounts of traffic cause gridlock on Manningham Lane.
9. Parties arrive at the same time causing chaos.
10. Fireworks cause visibility problems.
11. Emergency vehicles are blocked.

In support

1. No reasons have been given

Consultations:

Highways - No objections on the grounds of highway safety.

Environmental Health - No objections provided sound attenuation measures are installed in accordance with the submitted noise report.

Summary of Main Issues:

1. Background.
2. Principle of development.
3. Amenities of occupiers of adjacent land.
4. Highway safety.
5. Visual amenity & Heritage Implications.
6. Outstanding Matters Raised by Representations.

Appraisal:

1. Background

This is a retrospective application for a change of use from a restaurant/cafe to banqueting facilities. It is noted that the use as a cafe/restaurant is disputed by objectors to the scheme, though a change of use from a former shoe shop (A1) to restaurant with sweet centre and cafe (A3) was approved in October 2013 (reference: 13/02054/FUL). Similar applications have previously been refused on this site with the most recent application referenced 18/04670/FUL for the following reasons:

A development of the type proposed is likely to generate music and noise from customer activity (talking, shouting and applauding) which is likely to spill outside the application building. Given the proximity of nearby residential properties their occupants would suffer an unacceptable loss of residential amenity, late into the night, therefore failing to satisfy the requirements of policy SC9 of the Council's Core Strategy.

It is in this context that the current application is to be considered.

2. Principle of the Development

The site is not protected for any particular uses on the RUDP and has historically been in commercial use for many years. Prior to its current authorised use as an A3 restaurant the premises were in A1 retail use. The surrounding area is mainly commercial fronting Manningham Lane including a large wedding venue immediately adjacent to the application site. There are residential properties in close proximity to the rear of the site. As the site is not protected for any particular uses on the RUDP the principle of the development is considered to be acceptable subject to its local impact.

3. Amenities of occupiers of adjacent land

The application site is sited within a mixed used setting. There are residential properties in close proximity and also double yellow line restrictions. The application form states that the proposed use would be open between 11:00 and 23:00 hours Monday to Sunday.

A development of the type proposed is likely to generate music and noise from customer activity (talking, shouting and applauding). Levels of noise within the building can be controlled by appropriate sound insulation measures, as laid out in the submitted noise impact assessment (reference: 297320-01(00)). The Council's Environmental Health Officer has confirmed that they do not object to the proposal subject to the installation of the sound insulation measured detailed in this noise impact assessment.

Outside the building, noise cannot be controlled by planning legislation, though limiting the hours of use of the hall to the period between 11:00 and 23:00 is a possibility. This would help to deal with objections of festivities and noise continuing till the early hours of the morning. The Council also has a range of other, non-planning options to deal with external noise, such as the Environmental Protection Act (EPA) 1990, the Anti-Social Behaviour, Crime and Policing Act 2014 and the use of Community Protection Notices.

The use is likely to attract a larger number of customers during bookings and there is concern that additional vehicle movements are likely to result in inconvenience and disturbance to the residents of surrounding properties by way of noise and general disturbance late at night. The Council's Environmental Health section has not raised any concerns in regards to such disturbance and it did not form a reason for refusal previously. It is likely that such noise usually tends to be a short term issue caused by the driver dropping off family members first and then searching for a legal parking place close to the site.

Parking and double parking on Brearton Street (a permit only street) and consequent blocking of accesses, a point raised in the letters of objection, can be controlled by enforcement of the permit only status of the street, though in the absence of traffic controls, it is not possible, in planning terms, to manage on-street parking, even if it should block accesses. This would be a matter for the police.

4. Highway Safety

A recent application (18/02189/FUL) was refused partly on highway grounds, relating to insufficient off-street parking. The current application is accompanied by a Transport Statement (TS) which sets out the proposed development's traffic generation and parking requirements. The TS assesses parking demand based on vehicular occupancy derived from site surveys. The average vehicular occupancy is three guests per vehicle; for a maximum capacity of the venue of 400 guests this equates to a requirement for 133 parking spaces. It is noted that the sign immediately outside the venue previously specified seating for over 800 guests this has now been changed to refer to a 'large seating capacity'. The report claims that this is a worst case scenario as some guests would arrive by public transport including taxis. These trips are normally derived from industry standard databases such as TRICS, which allow multi-modal assessments to be carried out to identify the number of person trips by mode and time period; but for banqueting and wedding facilities this type of information is not available.

The Council's Highways Officers have accepted the findings of the TS in that a wedding venue or banqueting facility is similar to a restaurant. However it is noted that a wedding venue is more likely to accommodate much larger functions on more regular basis than a restaurant which would only occasionally host functions. Functions at a restaurant would also generally be much more limited in their scale than would be expected at a wedding venue. In some events, a larger number of attendees can cause highway issues as a high number of guests are invited and large groups of people arrive at the same time. This often leads to congestion and indiscriminate parking around sites with limited off street parking. But, as with vehicle generated noise, this usually tends to be a short term issue caused by the driver dropping off family members then searching for a legal parking place close to the site, though some longer term indiscriminate parking also takes place because of security fears, which may in turn have an effect on any emergency vehicle that has to attend the site.

The proposed drawings show only 18 parking spaces that appear to be dedicated to the proposed use and which would be reserved and managed by the applicant. The drawings also indicate a further 20 on land to the rear of the site which appear to be shared with other uses within the building and so these cannot be fully relied upon to be available for the proposed use. The TS has identified over 500 public parking spaces on and off street within a 400m radius of the site. This includes reliance on on-street parking in nearby streets including on North Parade, which is already heavily relied upon by local businesses, as well a number of pay and display car parks including at Simmes Street, Rawson Road and Grammar Street. Reference is also made to the Tyson Street Car Park which is not currently available for public use and has recently been granted planning permission to be brought into the curtilage of the adjacent Mosque.

There is a second banqueting facility immediately adjacent to the site known as the Royal Taj which also has limited dedicated off-street parking. It is reasonable to therefore assume that this same on-street and pay and display parking would be used by this facility also.

However, the proposed facility will be operating mainly in the evenings and weekends when the majority of these spaces should be available to guests of the two venues. There is some doubt that people attending weddings would walk very far from the venue making parking on Simmes Street, Rawson Road and Grammar Street less attractive. There are parking controls in place on the streets surrounding the site during the day, with a mix of residents permit and short duration parking. Enforcement action can therefore be taken for any indiscriminate parking. In the evenings and on Sunday on-street parking controls are relaxed except residents permit parking.

In view of the above and the lack of an objection from the Council's Highways Officer, on balance, there are no highway safety concerns to raise in regard to the proposed development, which is also considered to be in a very sustainable location near the city centre.

5. Visual Amenity & Heritage Implications

The change of use of the application site from a restaurant to banqueting facilities is unlikely to have a detrimental impact on the setting of the nearby heritage assets (that is, the adjacent grade II listed Connaught Rooms) to any greater extent than that of the existing situation and would therefore accord with Core Strategy policy EN3.

No extensions or other external additions are proposed, so no concerns arise in terms of overbearing or overshadowing.

6. Outstanding Matters Raised by Representations

The generation of litter is not a matter than can be directly controlled by the planning process. It is however unlikely that the proposal would generate any greater litter than the authorised restaurant use.

Community Safety Implications:

Issues raised by objectors in relation to the creation of intimidating atmosphere are not considered to be planning matters on which a reason for refusal can be found. Nor are fireworks, even if they obstruct visibility.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The development is acceptable in principle and will not have any adverse effects on visual amenity, neighbouring amenity or highway safety. It therefore accords with policies DS1, DS3, DS4, DS5, SC9, TR2 and EN8 of the adopted Core Strategy Development Plan Document and the National Planning Policy Framework.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The use of the premises shall be restricted to the hours from 11-00 to 23-00.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies DS5 and EN8 of the adopted Core Strategy.

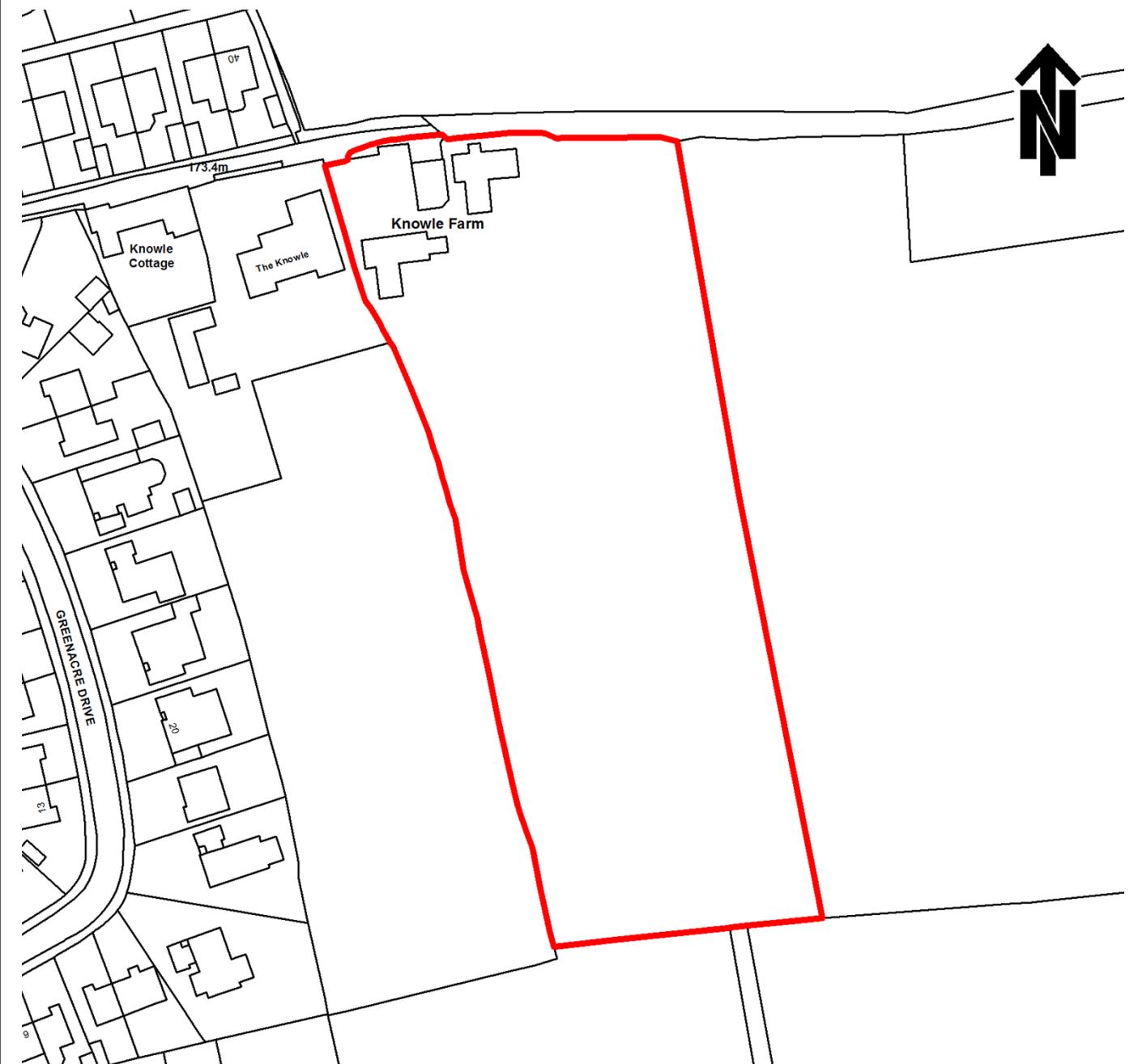
3. Within a period of one calendar month from the date of this decision notice (unless otherwise agreed in writing by the Local Planning Authority) the measures for dealing with excessive noise (including embedded and management measures) outlined in the submitted noise impact assessment by RSK Environment Ltd (Project No: 297320-01(00) dated February 2019) shall be implemented in full and thereafter retained, whilst ever the use hereby approved subsists.

Reason: In the interests of the amenity of neighbouring residents and to accord with policies DS5 and EN8 of the adopted Core Strategy.

4. The car parking areas shown on the approved plans shall be retained and kept available for the parking vehicles whilst ever the approved use subsists.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

19/00465/HOU



© Crown copyright and database rights 2019 Ordnance Survey 0100019304

**Knowle Farm
Knowle Lane Wyke
Bradford BD12 9BG**

15 May 2019

Item: **B**
Ward: **WYKE**

Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
19/00465/HOU

Type of Application/Proposal and Address:

This is a planning application for a proposed metal sliding gate to control access to Knowle Farm, Knowle Lane, Wyke.

Applicant:
Mr Ashley Deacon

Agent:
Mr Chris Eyres

Site Description:
The application site, Knowle Farm, is natural stone built farmhouse, with slate roof tiles and white UPVC window fittings. The property is located in a residential area, situated at the end of Knowle Lane. The proposed metal sliding gate will be situated across Knowle Lane to control vehicular access to Cow Close Lane and Knowle Farm.

Relevant Site History:
16/04734/HOU - Alterations to roofline, extension and new dormer windows - Granted 05.08.2016.
16/09074/HOU - Dormer window & roof light - Granted 18.01.2017.
18/01919/HOU - Installation of metal sliding gate - Withdrawn 03.07.2018.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 within the Greenbelt and within the South Bradford Landscape Character Area on the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

- DS1: Achieving Good Design
- DS3: Urban character
- DS4: Streets and Movement
- DS5: Safe and inclusive Places

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised with neighbour notification letter with the statutory publicity expiring on 25 February 2019. 29 Representations were received – 28 Objections and 1 Support. A petition of support was submitted with the application, containing 32 signatures – however since this was received, five people who signed the petition have withdrawn their support.

Summary of Representations Received:

Majority of objections raised concerns regarding the blocking of the right of way along Knowles Lane and Cow Close Lane which are regularly used by dog walkers, joggers, ramblers and horse riders. Farmers use Cow Close lane for tractors and other vehicles to access their land. A number of objections received also stated that there has been no fly-tipping or anti-social behaviour in the area.

The Petition received in support of the application to “improve the area, cutting down on fly-tipping and Anti-Social Behaviour.”

Consultations:

Rights of Way – Initial concerns regarding the proposal reducing the width of the right of way to a level which would restrict access for pedestrians and horse riders. Amended Plans have been received which address these concerns and these are considered further in the main body of this report.

Summary of Main Issues:

1. Impact on the Right of Way.
2. Visual Amenity.
3. Highway Safety.

Appraisal:

The application relates to the construction of a metal sliding gate to control vehicular access between Knowle Lane & Cow Close Lane.

1. Impact on the Right of Way and Highway Safety

Knowle Lane turns into Cow Close Lane just after the site subject of this application. A possible footpath running south from the junction of Knowle Lane/Cow Close Lane named Bradford South 19 appears to exist on the route though no rights have been proven to exist and it is not formally recorded.

Cow Close Lane is recorded as an unadopted road on the Council's highways records but is not recorded as a public footpath or bridleway on the Council's record of public rights of way. Consequently, it may be that the public have a right to drive a vehicle along this route. Beyond Knowle Farm Cow Close Lane is unmade and largely unsuitable for vehicular access. It is noted that beyond Knowle Farm there are no other properties solely using this route for vehicular access. The nearest properties are some distance away and they have a better access route from Whitehall Road.

Initially concern was raised that the remaining width of the public footpath would not allow access for pedestrians and horse riders. The proposed footpath was narrow and squashed up against a tree which would, when combined with the closed metal gates, have an unwelcoming appearance which would likely deter members of the public from using the route.

An amended drawing has been received which increases the width of the footpath so that at the narrowest point it retains a 1.8m width which is in excess of the 1.525m legal minimum for a gap on a bridleway. The footpath would also be clearly signposted and so the revised proposals will allow an acceptable level of access for pedestrians, cyclists and horse riders. The Council's Rights of Way section have confirmed that the revised proposals are acceptable subject to a legal closure order being obtained. This is a completely separate process to the granting of planning permission. A footnote advising of the need to obtain such an Order should be attached to any approval of this application.

As a consequence of the above subject to conditions which require the provision and retention of the public footpath as shown on the approved plans, the provision of the 'public footpath' sign in the position shown on the approved plan and a footnote which advises of the need for a highway closure or diversion order the proposal is considered to be acceptable in terms of its impact on the public right of way and on highway safety.

2. Visual Amenity:

The proposed metal sliding gate will measure is 4.5m wide and 1.7 high. The proposed pedestrian access gap to the side of the gate will measure 1.8m metres in width. The pedestrian access point will be of tarmac surface. The fence will not obstruct the view of the host dwelling from the street and will be of a similar size and design to a front gate on the neighbouring property, Knowle Cottage.

By virtue of the design and size, it is not considered that the metal gate will not appear as visually prominent within the wider street scene or cause any harm to the visual amenity of local environment.

The proposed development is considered to be acceptable in terms of visual amenity and satisfies policies DS1 and DS3 of the Core Strategy Development Plan Document.

3. Residential Amenity:

It is not considered that the proposed metal gate will have an adverse impact on any of the neighbouring occupants. The gate will not be of a size, design or positioning that overbears or results in loss of lights on the neighbouring properties.

It is considered that the residential amenity of the neighbouring occupants will not be compromised by the proposed development, and the proposal relates satisfactorily to policy DS5 of the Core Strategy Development Plan Document.

4. Other Issues Raised in Representations:

- Farmers used Cow Close Lane for tractors and other vehicles to access their land.

Response - Access is a private matter to be resolved between affected parties. The granting of planning permission does not override and legal access rights granted to third parties.

- Fly-tipping and anti-social behaviour - objectors claim it occurs and supporters claim it doesn't.

Response - Whether such activities take place in the area or not, it is not considered to be a factor carrying very limited weight in the consideration of this application.

Community Safety Implications:

The proposal does not raise any community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed metal sliding gate to control vehicular access between Knowle Lane and Cow Close Lane raises no planning issues with regard to visual amenity, residential amenity or issues with rights of way and highway safety. The proposal is deemed to meet the requirements of policies DS1, DS3, DS4 and DS5 of the Core Strategy Development Plan Document.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Notwithstanding the details shown on the approved plans, prior to the installation of the gate hereby approved, the public footpath shown on the approved plans shall be laid out and hard surfaced and thereafter retained.

Reason: To ensure that a suitable form of access is made available to serve pedestrians and horse riders to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

3. Unless otherwise agreed in writing, prior to the first installation of the gate hereby approved the 'public footpath' signage detailed on the approved plans shall be installed in the position shown and thereafter retained.

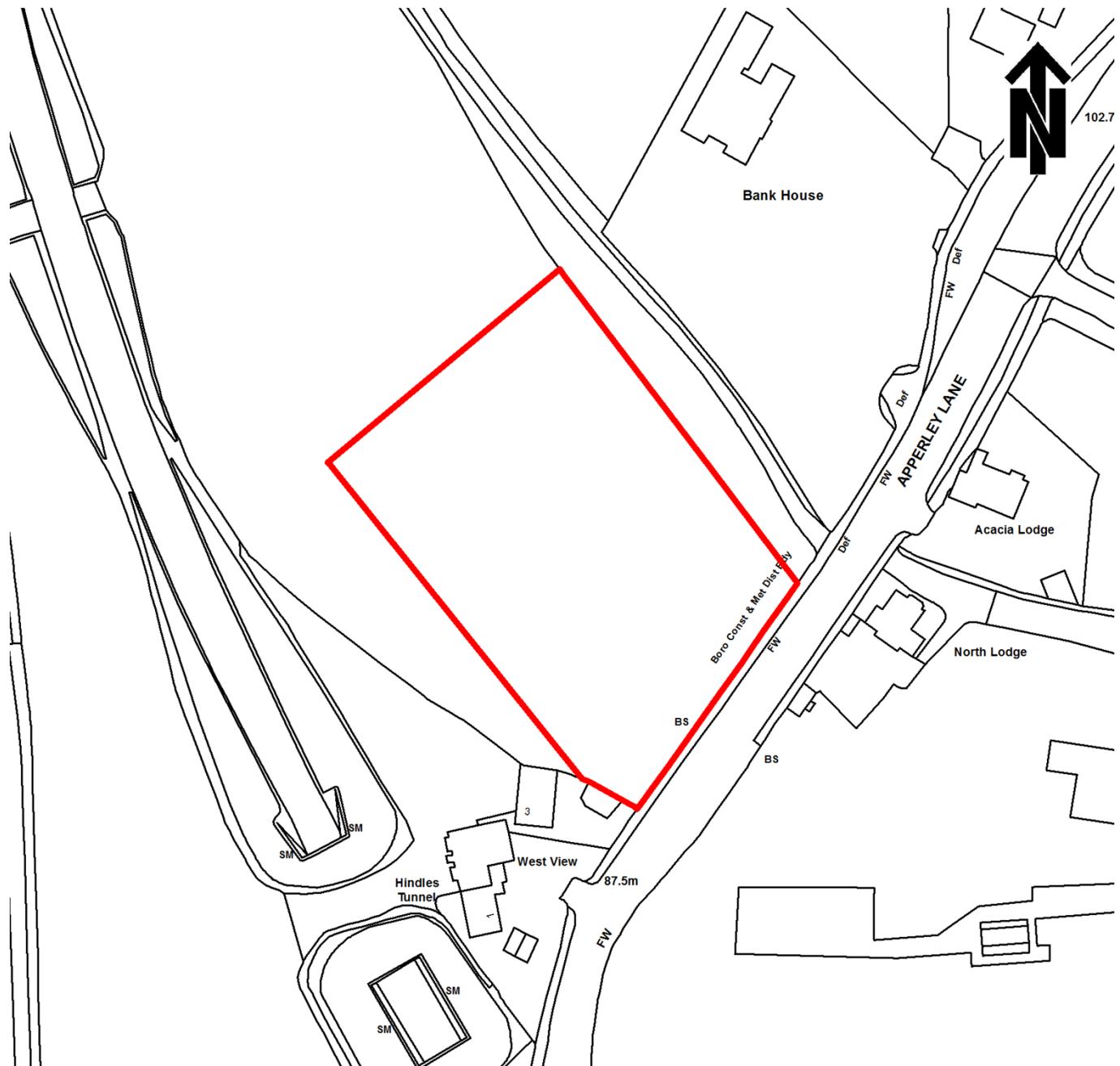
Reason: To ensure users of the public footpath are clearly directed to its presence and its route and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Footnote:

Where the closure or diversion of the highway is involved, there is a legal procedure under Part X of the Town and Country Planning Act 1990 which will have to be undertaken before any part of the planning permission may be implemented. The planning permission does not in itself alter the status of a public highway and it will be necessary for an Order to be obtained formally extinguishing the public highway. Until such time as the highway is extinguished work to it in connection with the carrying out of this development may be unlawful.

Details of the procedures may be discussed with Anisah Naz of the Highway Registry Service on 01274 433707. If no objections are received to the Order (or if the objections are resolved), and the Order is made, then and only then, may the development be implemented in accordance with the approved plans.

18/05446/OUT



1:1,250

© Crown copyright and database rights 2019 Ordnance Survey 0100019304

**Land At Apperley Lane
Apperley Bridge
Bradford**

15 May 2019

Item: C
Ward: IDLE AND THACKLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
18/05446/OUT

Type of Application/Proposal and Address:

Outline application for residential development of up to 9 dwellings requesting consideration of access on land at Apperley Lane, Apperley Bridge, Bradford.

Applicant:
AL Properties Yorkshire

Agent:
Mr Sam Dewar, DPA Planning Ltd

Site Description:

The application site, an open grassy field, is an area of agricultural land (grade 3), covering 0.5 hectares and forming part of a larger area of approximately 1.7 hectares. Sloping downwards from the road, it is bounded on one side by a low stone wall and on other sides by hedges. Previously used for agricultural purposes, the site contains a large tree, with single houses immediately to the north and south. The site is located approximately 830 metres north of Apperley Bridge railway station, with the Leeds City Council boundary located adjacent to the site to the east, running along Apperley Lane (A658). Opposite the site is Bronte House School. Rawdon, a centre within the Leeds City Council District is located around 2.2km to the north of the site, with the shops and amenities of Greengates about 2.0 kilometres to the south.

Relevant Site History:
None.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 within the allocated Green Belt and the Esholt Landscape Character Area. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

BD1 – City of Bradford including Shipley

DS2 - Working with the landscape

DS4 – Streets and movement

DS5 – Safe and inclusive places

EN4 – Landscape

SC7 – Green Belt

Saved RUDP Policies

GB1 – New building in the greenbelt

GB3 - Infill

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

Advertised by neighbour notification letters, site notice and in the press as a departure to the local plan. Expiry date 12 April. Forty three representations received: nine support the application and thirty eight object to it.

Summary of Representations Received:

Objections:

1. There has been an increase in traffic as well as a current lack of facilities. More facilities such as schools and doctors are required before new property developments.
2. No element of affordable housing has been included in the plans.
3. The development will add to already overloaded highways, created by new development in the area.
4. Air quality is already poor and further development will add to it.
5. The site is ideal habitat for local wildlife and birds of prey such as buzzards, kites and owls.
6. The land was sold as agricultural land and should not be built on.
7. Too many houses are causing traffic congestion and environmental problems.
8. Current pavements are narrow and inadequate.
9. Speed limits are ignored.
10. An ancient tree on the site has been felled.
11. No attention has been paid to the recommendation for further surveys concerning bats and flowers.

12. The ecological survey shows a plan for 28 dwellings.
13. Open space needs protection.
14. The proposal will increase the chance of accidents.
15. The exit sight lines are inadequate. The road is already at over capacity.
16. Vehicular access to and from Woodhouse Grove already causes mayhem.
17. The car park at Apperley Bridge is full by 8am and excludes use of the train service for local residents.
18. Lack of neighbour notification.
19. Access for dustbin lorries.
20. Safety of school pupils.
21. Only one bus (747) goes on the road, forcing people to take their cars and add to congestion.
22. There have been a number of accidents on the road.

In support:

1. The site will turn into a fly tip if not built.
2. The area should contribute towards housing targets.
3. The land is unencumbered.
4. Infill site will help towards the current housing crisis.
5. The choice is between travellers and homes.

Consultations:

Highways - Object to the scheme on the grounds of highway safety.

Drainage - No objections, subject to conditions.

Environment Agency - No response received.

Leeds City Council - No response received.

Summary of Main Issues:

1. Principle of Development.
2. Highway Safety.
3. Visual Amenity.
4. Residential Amenity.
5. Drainage & Flood Risk.
6. Other Issues Raised in Representations.

Appraisal:

1. Principle of the Development

The site is located within the green belt as identified within the Replacement Unitary Development Plan (RUDP). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belts are their openness and their permanence. The Government places great importance to the protection given to the green belt, which is a factor that should be given considerable weight and very careful consideration in the consideration of this application.

Paragraph 143 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in ‘very special circumstances’. Local planning authorities are required to ensure that substantial weight is given to any harm to the Green Belt and ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 of the NPPF directs local planning authority to regard the construction of new buildings as inappropriate in the Green Belt unless they relate to:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposed residential development within the Green Belt does not fall into any of these categories and is therefore clearly inappropriate development. In addition, the scale, size and location of the proposal would intrude spatially into the countryside, resulting in urban sprawl. This would have a significant impact on openness, which is in conflict with the fundamental aims of Green Belt policy. Substantial weight is given to this clearly identified harm to the openness of the Green Belt. In reaching this conclusion consideration is also given to the site being part of a larger site and drawings submitted alongside supporting information have indicated an intention for a larger development covering a larger part of the site.

In seeking to justify the proposal the planning application includes the following information in an attempt to demonstrate very special circumstances:

- i) The site consists of an infill plot between properties.
- ii) The site sits between two proposed potential development sites as shown on the Allocations Development Plan Document Issues and Options report.
- iii) The lack of a five year housing land supply.
- iv) The proposal would represent sustainable development.
- v) Net gain in biodiversity.

Each of these points will be addressed in turn before forming a conclusion on the principle of the development.

i) The site consists of an infill plot between properties.

Paragraph 145 of the NPPF allows for 'limiting infilling in villages'. The applicants claim that this is an infill plot is flawed. The proposal fails in respect of all three of the key words within this exception.

Firstly it is not a 'limited' development. It proposes a significant scale of development on a site which is part of a much larger site on which plans have previously been made available for the development of 25 dwellings.

Secondly, the site is not considered to constitute an 'infill' plot for the purposes of Green Belt policy. Infill plots refer to small plots of land in villages washed over by the Green Belt or in identified settlements which are tightly constrained by existing built form. Saved RUDP policy GB3 relates to infill development and defined an infill site as 'a small gap in a small group of buildings, normally sufficient for example for only one dwelling, which is bounded by buildings on at least two sides'. This is a large open site fronting Apperley Lane and whilst there are residential properties immediately to the north and south of the site these do not tightly constrain this site. In fact Bank House to the north sits well back from the Apperley Lane and sits in very substantial grounds.

Finally, the site does not sit within a defined village boundary. Villages are defined as being a 'group of houses and associates building, larger than a hamlet and smaller than a town, situated in a rural area'. Apperley Bridge may have historically been a village however it now sits comfortable within the built form of Bradford. Saved Policy GB3 identifies a number of settlements within the Bradford District in which infill development would be acceptable. This site includes villages such as Esholt, Tong and Stanbury but does not include this settlement.

As a consequence of the above the proposal is not considered to represent 'limited infilling in villages'.

ii) The site sits between two proposed potential development sites as shown on the Allocations Development Plan Document Issues and Options report.

The site does sit in between two sites identified in the Allocations Development Plan Document Issues and Options report but the supporting information fails to take into account comments in relation to these sites contained within the Strategic Housing Land Availability Assessment (SHLAA).

The site to the south referenced NE/051b is the Esholt Water Treatment Works which constitute a large area of previously development land which could potentially be suitable for development purposes though local policy constraints i.e. its allocation as Green Belt, flood zones and wildlife impacts may make development difficult. The site is considered to be not achievable at the current time according to the SHLAA.

The site to the north referenced NE/068 is also situated within the defined Green Belt described as 'rolling agricultural land' which is considered to be an unsuitable site for residential development as it 'does not relate well to the urban area.'

Of the two sites it is clear that the northern site is more closely related to the site currently under consideration and the conclusion is gain that the site does not relate well to the urban area and is therefore considered to be unsuitable.

iii) The lack of a five year housing land supply

The District currently does not have a 5-year housing land supply. However, any benefits that could be derived through the delivery of new homes on this site, will need to be balanced against the harm that would be caused by loss of openness and conflict with the purposes of the Green Belt. The Government's National Planning Practice Guidance (paragraph 034, Reference ID: 3-034-20141006) states unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt.

The Council is also currently undertaking a partial review of the Core Strategy DPD following recent updates to the national planning policy, particularly in relation to calculating housing requirements and green belt protection. This partial review may see the new housing requirement revised to a lower number and re-assess the case for exceptional circumstances identifying the need for any changes to Green Belt policy.

Policy HO1 of the Core Strategy DPD establishes the housing requirement for the period 2013-2030 which indicates a minimum requirement of 2,477 dwellings per annum. Recent changes to national planning policy indicate that the minimum number of homes needed in an area should be established in strategic policies and should be informed by a local housing need assessment. Based on the 2014 household projections, an indicative assessment for Bradford over the period 2016-2026, indicates a need of 1,663 dwellings per annum. The partial review therefore advises that the local housing needs figure for Bradford is therefore likely to change at the end of the partial review. This also has implications on the need for and the scale of any subsequent Green Belt releases.

Policy SC7 of the Core Strategy DPD is clear that any changes to Green Belt boundaries 'will be delivered by a selective review of Green Belt boundaries' and this review will be undertaken 'through the Allocations DPD in consultation with local communities and stakeholders'. The Partial Review of the Core Strategy also includes a review of this policy and seeks to 'identify whether there continue to be exceptional circumstances for the release of Green Belt land and if so the extent of Green Belt changes that are required to facilitate growth'.

The application also contains no information as part of the current application to show if other sites have been considered and if so, why this site is sequentially more preferable. It is also noted that this site has not been put forward for consideration as part of any of the call for sites which will inform the Allocations DPD. Should the applicants wish to pursue this site for development purposes the correct way would be to put the site forward for consideration as a potential housing site as part of the Allocations DPD process.

In light of the above it is clear that it has not been demonstrated that the lack of a five year housing supply can constitute very special circumstances in this case to allow development on Green Belt. The likelihood that the housing need for the District could be reduced at the end of the Partial Review of the Core Strategy DPD adds significant weight to this view.

iv) The proposal would represent sustainable development

It is claimed that the site is sustainably located 'abutting the existing built-up area' with access to a range of existing services, shops and public transport which can be reached on foot.

In terms of amenities, the site lies approximately 2.2 kilometres from the centre of Rawdon and 2.0 kilometres from the shops in Greengates. It is within 400 metres of a bus stop and 0.83 kilometres from Apperley Bridge railway station. Accessibility standards as given in appendix 3 of the Core Strategy, however, require that in sustainability terms, buses and train services must run at least four times an hour; currently, the bus to the airport and Harrogate runs once an hour and trains to both Leeds and Bradford run three times an hour. Neither therefore meet accessibility requirements for the site and it is certainly difficult to envisage any end users of the site travelling by foot to use services in any of the nearby centres. The development is therefore not considered to represent a sustainable form of development.

v) Net gain in biodiversity and landscape

It is difficult to envisage how constructing a residential development on an undeveloped site could encourage biodiversity on a site. Whilst it may be possible to incorporate some features within a development it would carry very limited weight in justifying this inappropriate development with very significant impact on the openness of the Green Belt.

Conclusion in relation to the Principle of the Development

It is clear that this development represents inappropriate development within the Green Belt which causes significant harm to its openness. No compelling evidence has been submitted to demonstrate very special circumstances and so the proposal is by definition harmful to the Green Belt and wholly unacceptable in principle.

2. Highway Safety

Previously, the proposed development site was subject to an internal consultation with Asset Management in which the likely use of the land was described as being for agricultural purposes. Whilst there would not be a highway issue with the use of the land as agricultural, the creation of a new access from Apperley Lane was not supported.

The visibility splays shown on the proposed Site Plan (Ref: AMA/2036/SK003) are not acceptable. The advisory speed limit to the north of the proposed access is 40mph (although it is suspected that a significant proportion of traffic exceeds this when travelling downhill), so a minimum visibility splay of 2.4m x 120m would be required in this direction. The speed limit to the south is 30mph (though again it is suspected that this is often exceeded) so a minimum visibility splay of 2.4m x 45m would be required. The splays are also shown incorrectly in that these should be measured to the near side kerb or tangential to the near side kerb on a bend.

In response to these concerns, the applicant modified the access, moving it to the southern boundary of the site. However this does not allow for footways to enter the site on both sides and therefore it is not acceptable.

The plan shows a right turn lane on Apperley Lane, but this would require the 'No Overtaking' solid white lining to be moved past the southern bend. This is unacceptable.

Moreover, the visibility splays are still incorrect. The splay to the south should be measured tangential to the kerb line and not straight across as shown. Doing this is likely to result in the neighbour's wall causing an obstruction to visibility.

As for the north splay, the double white lining only covers the last 35m of the visibility splay with the first 105m from the proposed site access being ghost hatching. There is nothing to prevent drivers overtaking here if they were minded to do so even though there is a right-turn present within the hatching into Bronte House School. The splay needs to be measured to the near kerb side.

Overall, the proposal fails to provide suitable visibility splays and would result in the creation of a substandard access onto an extremely busy district distributor road resulting in conditions prejudicial to highway safety. This is of particular concern, since there have also been clusters of road traffic accidents around the existing junctions of Apperley Lane / The Avenue, Apperley Lane / Woodlands Drive and Apperley Lane / Little Park immediately south of the proposed development site. The creation of another access on this busy classified distributor road is likely to result in further similar accidents occurring.

3. Visual Amenity and Landscape Character

The site is allocated as "enclosed pasture" in the "Landscape Character Supplementary Planning Document Volume 2: Esholt" (SPD). The SPD states that "enclosed pasture" has, "a strong character, high historic continuity, and a visible and enclosed nature" (section 8.3.3). This landscape is sensitive to change and, the SDP goes on: "Housing estate development would detract significantly from the character of this landscape, though some carefully designed, stone, 'one-off' detached houses could potentially be accommodated if located within or close to existing woodland blocks or tree groups". Individual older stone properties and small groups of two or three houses comprise the traditional settlement pattern in this area.

Clearly, the proposal is a housing estate development and even if a single house were the subject of the application, there are few existing woodland blocks or tree groups on or near the site for its accommodation.

The SPD continues: "Should further development be required in this area it should be located on the edge of the enclosed pasture adjacent to existing urban areas... However, there is an overriding concern that the size of the landscape unit of the Esholt Valley should not be compromised by the cumulative effect of small 'one-off' developments, or subsequent phases of estate developments, because of the important role the Esholt Valley plays in separating the Bradford and Leeds conurbations".

The site is not on the edge of the enclosed pasture; nor, despite the presence of a small number of houses to the north and south, is it adjacent to existing urban areas. Rather, it is in the middle of an open area and would constitute a one-off development, contrary to the overriding concern expressed in the SPD. Furthermore, there was concern also that the proposal was one phase of a development, since although the description of the development and some of the plans refer to nine houses, there was a plan in the initial ecological appraisal showing twenty four houses on the site. This has now been superseded.

Even given substantial landscaping, the proposed dwellings and curtilages would significantly reduce the space and open character of the land between the existing houses and, to all intents and purposes, introduce a ribbon of development as well as an element of urbanisation. Given the low number of houses either side of the site, it is not considered that the proposal constitutes infill development. As such, the development would significantly reduce the value of the site as enclosed pasture and fail to conserve, or enhance the diversity of landscapes within the Esholt valley, notwithstanding the applicant's claim that the development has been located in such a way as to minimise its impact.

Moreover, the site has few long range views, but it is, nevertheless, highly prominent from the adjacent road and pavement. Developing the site for residential purposes would mar the intrinsic character and beauty of the countryside and consequently, there would be an adverse effect on the landscape character and appearance of the area, contrary to policy EN4 and DS2 of the Core Strategy. This effect may be increased by the layout of the site, but, in the absence of levels and sections, it is not possible to assess fully this aspect.

4. Residential Amenity

There are residential properties adjacent to the site with the closest being 3 West View to the south. The application is made in outline however, notwithstanding the issues raised above, the development of the site for residential purposes could likely be accommodated without causing any significant harm to residential amenity.

5. Drainage & Flood Risk

The site falls in Flood Zone 1 which is land at the lowest risk of flooding. The Council's Drainage section has not raised any objections to the proposal. It is noted that this site forms part of a much larger area of land and drawings have been submitted within the supporting information indicating its development for 25 dwellings. A flood risk assessment would likely be required for development of the larger area of land.

6. Other Issues Raised in Representations

A number of letters have been received, both for and against the proposal. It is not considered that the site will turn into a fly tip if not built, as, should this be the case, there are other, less intrusive ways of securing the site.

Encumbrance, or otherwise, of the site is not a planning matter and the stated choice between "travellers and homes", cited by one supporter of the scheme, is in essence a false dichotomy, since there are other options, such as leaving the site as it is.

Many of the grounds of objection to the scheme are based on implications for highway safety, or ecology, which have been considered above. Stated concerns about air quality are not backed up by evidence, though further development will add to current levels of pollution.

Whether land was sold as agricultural land and whether there are any covenants relating to residential development, are private matters between the interested parties and not planning matters in this case.

Community Safety Implications:

There are no community safety implications arising from the proposal.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reasons for Refusal:

1. The proposed development lies within an area defined as Green Belt on the Replacement Unitary Development Plan wherein there is a strong presumption against inappropriate development. The proposed development would constitute inappropriate development in the Green Belt and in the absence of any very special circumstances, which may warrant the proposal being treated as an exception, the proposed development is, by definition, harmful to the Green Belt. For this reason the proposed development is unacceptable against Policy GB1 of the Replacement Unitary Development Plan, Policy SC7 of the Core Strategy Development Plan Document and national policy contained in the National Planning Policy Framework.
2. The proposal fails to provide suitable visibility splays and would result in the creation of a substandard access on to an extremely busy district distributor road resulting in conditions prejudicial to highway safety. As such, the proposal would be contrary to policies DS4 and TR3 of the adopted Core Strategy Development Plan Document and the National Planning Policy Framework.
3. The size and residential nature of the proposal would harm the landscape character and appearance of the area, contrary to policies DS2 and EN4 of the adopted Core Strategy Development Plan Document and the National Planning Policy Framework