

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25th June 2020

A

Subject:

Full application for residential development of 47 homes, with access from Derry Hill.

Summary statement:

The application site was formerly allocated as part of a Phase 2 housing site in the RUDP.

In 2013 planning permission was granted for an application for 173 dwellings. This being on the larger site, between Moor Lane and Derry Hill. This current application includes the eastern part of the formerly allocated site. (Application 19/04546/MAF, also on the agenda, is for development on the adjacent site).

As the site is not allocated, the application is considered on its merits. As the site was formerly allocated for housing and there has been a previous planning approval for housing, in the circumstances, the principle of housing is accepted.

It is recommended that the Committee grant planning permission subject to the completion of a S106 agreement and conditions included in the report.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:
Change Programme, Housing, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

2. BACKGROUND

The application is reported to Committee, following 155 objections being received and two letters in support. Two Ward Councillors have objected, as well as the Parish Council.

The site has previously been the subject of planning permission for housing.

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 application site is located c.1 km from the rail station and 300m from the village centre, where there are various facilities available. It is not considered there are any adverse implications on sustainability.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with development. Consideration should also be given as to whether the location of the

proposed development is such that sustainable modes of travel would be best facilitated and future greenhouse gas emissions associated with the activities of building users minimised. Electric vehicle charging points would be provided to each house within the proposed development.

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, 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 in Appendix 1, or refuse the application.

If the Committee decides that the application should be refused, 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 completion of the Section 106 and conditions contained within the report.

11. APPENDICES

Appendix 1 Technical report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2019

Adopted Core Strategy 2017

Homes and Neighbourhoods SPD 2020

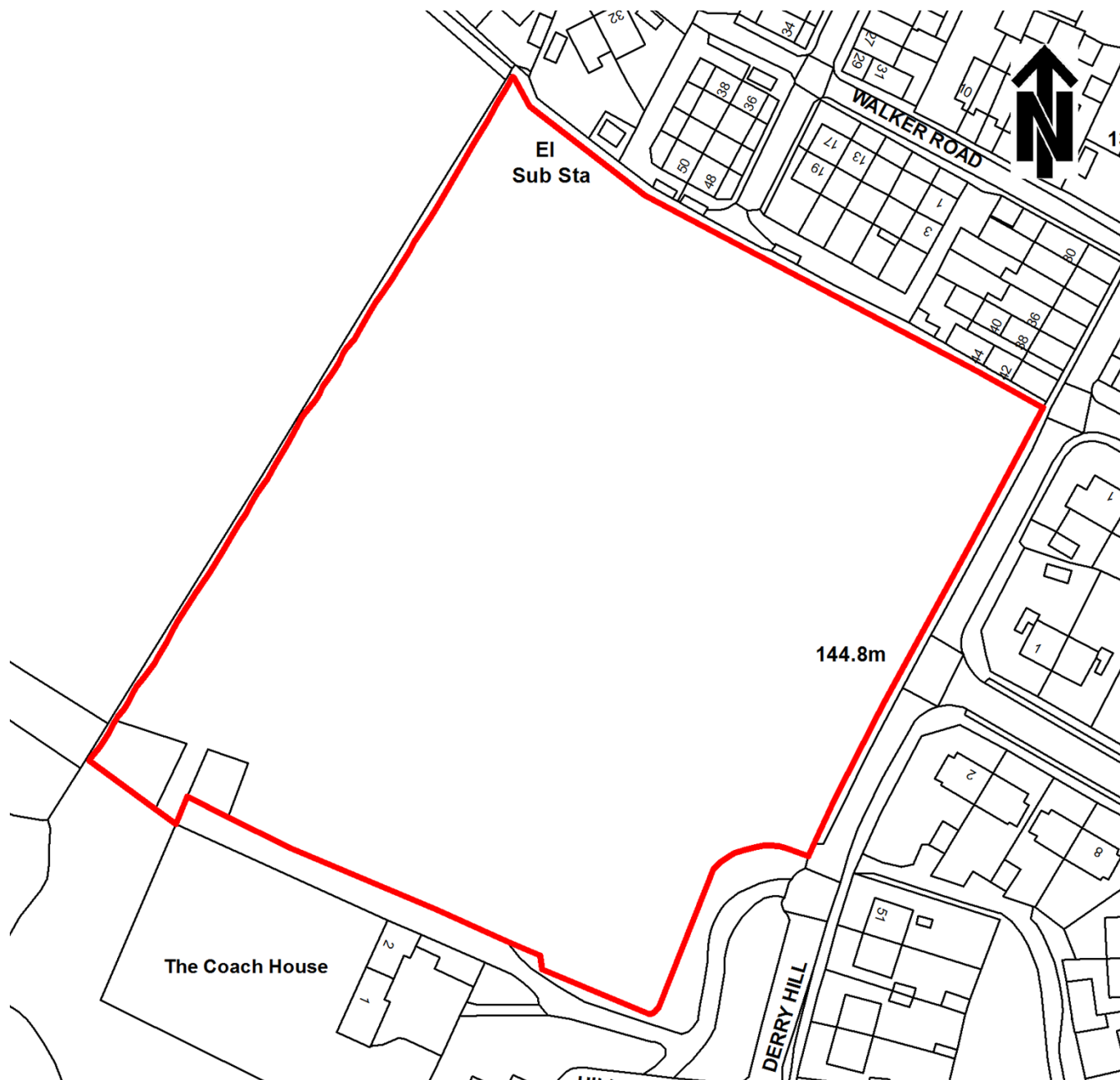
RUDP 2005

Menston Housing sites SPD 2007

19/02790/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2019 Ordnance Survey 0100019304

**Land West Of
Derry Hill
Menston
Ilkley**

APPENDIX 1

Ward

Wharfedale

Recommendation

That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

Application No.

19/02790/MAF

Type of application

A full application for 47 houses and access from Derry Hill, Menston

Applicant

Stonebridge Homes & Greenlight Developments

Agent

Johnson Mowat

Site Description

The application site is located on the western side of Derry Hill, to the south-western edge of Menston. The application site is approximately 300m from the village centre and 1.1 km from Menston train station. The site is 1.9 hectares in area and comprises a field last used for agriculture. There is an established hedgerow along the western boundary, with dry-stone walling to the eastern boundary, Derry Hill.

The application site slopes upwards from north to south. A public footpath runs along the northern boundary of the application site, connecting Derry Hill and Mount Pleasant.

A watercourse travels south-north on the western boundary and is part culverted.

Background

The application site was formerly allocated in the RUDP, as a Phase 2 housing site. A full application for housing was submitted in 2010 and approved in 2013. That planning permission expired in 2016.

Relevant Site History

10/04551/MAF A full application for 173 dwellings and public space at Derry Hill, Menston, was approved on 24th October 2013.

Core Strategy

There are a number of Core Strategy Policies to be considered in the determination of the application.

SC9 Making Great Places

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking

HO1 Scale of Housing Required

HO5 Density of Housing Schemes

HO9 Housing Quality

HO11 Affordable Housing

DS1 Achieving Good Design

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Place

The National Planning Policy Framework (NPPF).

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.

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.

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

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.

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Promoting healthy and safe communities.

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Promoting sustainable transport

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d)

allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Achieving well-designed places

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 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Homes and Neighbourhoods - A Guide to Designing in Bradford 2020 SPD

As a supplementary planning document, it supports the local plan policies and advances the Government's agenda by putting high-quality design, healthy & happy communities, and inclusive design principles, at the forefront of market-appropriate and financially viable new housing in Bradford district.

The SPD outlines a number of principles when creating a neighbourhood:

Density and scale

Movement

Green streets

Safe and characterful streets

Open space

Water and drainage

Landscape

Biodiversity

Play

Housing mix
Topography and ground conditions
Roofs and building forms
Key buildings and corners
Parking
Waste
Making inclusive places

RUDP

The application site was allocated as part of a Phase 2 housing site, S/H2.18. However, following Counsels advice it was confirmed that with Policies H1 and H2 not being saved, the Council effectively had no allocated housing sites. At the Executive, 21st November 2011, it was reaffirmed that it was the Councils intention that the unimplemented housing sites should be protected to meet the Districts 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.

Menston Housing Sites Supplementary Planning Document 2007

The purpose of the SPD is to provide a planning framework that will sensitively control and plan for the land at the two sites. It also identified 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 include to –

- maintain a successful, stable and sustainable community;
- 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 from developers.

Publicity and Representations

The application was advertised through site notices and in the local press. There have been 2 letters of support and 163 objections to the application. Two Ward Councillors and the Parish Council have objected to the application.

Summary of Representations Received

There would be an adverse impact on neighbouring properties from flooding
The site cannot be adequately drained
The development would result in the loss of a greenfield site.
Overdevelopment of the site with too many houses.
Inadequate public transport, buses and trains already serving Menston
Increased traffic would result in highways congestion/safety issues
Impact of development would be detrimental to wildlife
Adverse Impact on residential amenity, loss of privacy/overshadowing

Development would harm the conservation area
Menston currently lacks school places/GP places, this would be exacerbated
Loss of trees would be detrimental to amenity of area

Consultations

Environment Agency

No objection to the proposal.

Parish Council

The Parish Council's prime concern over the period of time these proposals have been on the table (over 10 years) has been on drainage provision and the effect the addition of new housing will have on the dated and inadequate foul and surface water infrastructure in the village. Adjacent properties to the proposed site in Dicks Garth Road and Moorfield Avenue have been subjected to serious flooding as has further downstream in the village centre. The Parish Council has, when considering the previous applications, sought to identify the risk of further flooding and to this end have engaged the services of several professional advisers including hydrologists, drainage consultants and legal teams. It is disappointing that it has taken up until now for the Leading Flood Authority (BMDC) to recognise that a problem exists and that it has promoted connections to the existing system and backed Developers proposals that fall short of providing an adequate solution. Notwithstanding, the Parish Council are grateful that the LLFA have now acknowledged that there is a problem. The Parish Council's solicitors, Schofield Sweeney, have written to the LLFA recently and their comments on the drainage should be treated as comprising part of the Parish Council's formal response. The Parish Council are prepared to continue to engage these professions until a solution is sought and the residents of Menston are suitably protected from flooding. The proposed development should therefore be refused for this reason alone.

This new application for Derry Hill relies on vehicular access and egress at one point. The Parish Council have previously highlighted that Derry Hill is a very difficult road to drive on because of its reduced width, parking on one side and entry to houses directly off the highway. It is dangerous at present but with the increased traffic from the proposed development this will be exacerbated. Consideration should be made to making it one way however that being the case increased traffic will be directed either along Derry Lane which is an estate road not capable of accepting more traffic or further up Derry Hill to the junction with Bingley Road that has woeful sight lines and can be considered as impossible to turn safely left. The development should be refused because inadequate highway provision is being proposed.

Trees team

The revised plan is acceptable on tree grounds. The AIA states monitoring arrangements will be put in place by the developer. This is acceptable.

West Yorkshire Combined Authority

The Access for All proposal for Menston Rail Station was announced as being successful in April 2019 by the DfT. The station will have accessibility improvements including lifts to platforms completed before the end of the funding period which ends 31 March 2024. The funding secured requires a local contribution of 150k. Given the

location of this development and its proximity to the Rail Station, we recommend that the developer contributes a part of the local contribution.

Environmental Health (Pollution)

Under the provisions of the LES planning guidance medium developments are required to provide an exposure assessment and Type 1 and 2 emission mitigation as follows:

Type 1 Mitigation

- Provision of electric vehicles charging facilities at the rates set out in the LES planning guidance
- Adherence to *IAQM / London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.

Type 2 Mitigation

- Provision of a low emission travel to discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.

In addition some applications are required to submit an exposure assessment where the development has the potential to increase human exposure to poor air quality.

Exposure Assessment

The proposed development site has been screened for air quality exposure issues. It is concluded that any new residential occupants would not be at risk of exposure to pollutant concentrations in excess of the current health based national air quality objectives. We accept this conclusion and do not require any further exposure assessment work to be undertaken.

We have no objection to the site being used for residential development subject to the following emission mitigation being incorporated:

Mitigation requirements

EV charging provision

The application acknowledges the need to provide EV charging in line with the requirements of the Bradford LES and WYLES planning guidance.

Environmental Health (Contamination)

EH agrees with the recommendations presented in the Phase 1 Geo-Environmental Assessment by BWB Consulting and recommends that conditions are included

Public Rights of Way

Public Footpath No 69 (Ilkley) is adjacent to the northern boundary of the site. The proposals do not appear to adversely affect the public footpath. I welcome the provision of an area of public open space adjacent to the footpath and note there appears to be a link through the public open space to connect with the existing public footpath.

Conservation

Menston Conservation Area is located to the north of the site, focussing around the oldest core of the village along Main Street and extending as far south as Derry Hill. There are visual linkages between the site and conservation area and the adopted Conservation Area Appraisal identifies a key view, southwards along Derry Hill. The view and the visual linkages from within the conservation area are mostly limited to the streetscape along Derry Hill and the continuation of the stone boundary wall, which provides a strong delineation to the streetscape and then the more distant setting formed by the rising valley side to the south of the conservation area. The Conservation Area Assessment (2003) also describes the setting of the conservation area and identifies key views and features that are of importance. These principally relate to longer distance views from the top of Derry Hill looking across the valley and the rising land to the south of the conservation area and the contribution that the wooded hillside makes to the setting of the area. These identify that the wider setting to the south of the conservation area as making a positive contribution to its setting but does not specifically identify that the site itself making a notable contribution, being located on the more gently sloping land at the bottom of the hillside.

Having viewed the submitted information and with reference to the site layout, the proposal is considered to have a limited impact upon the setting of the conservation area. There would be some visual impacts from within the conservation area however, noted that the stone boundary walls are to be retained as part of the development and that a substantial area of landscaping and green space is to be located on the northern edge of the site, where it adjoins the densely developed residential areas around Walker Road and the Dicks Garth Road which form the 'buffer' between the conservation area and the site. The scale and massing of the proposed houses appears comparable to the built form to the east of the site however it is at a much lower density than the traditional stone-built housing located to the north of the site. With regard to the appearance of the proposed dwellings, the palette of materials, particularly in the northern part of the site, should make reference to the traditional materials used on the houses immediately adjacent to the site. Around Walker Road, the west side of Derry Hill and Dick's Garth Road, these are typified by the use of a palette of traditional materials – specifically local stone and natural slate. I would suggest that the development would sit more comfortably within the context of the existing built form if traditional materials were incorporated into the dwellings at the northern end of the site and indeed across the whole site as an entirety.

Overall, the proposal is considered likely to have a neutral impact on the setting of Menston Conservation Area and subject to careful control of details such as landscaping, boundary features, materials and design of the dwellings, it is considered to accord with the provisions of Policy EN3 of the Core Strategy.

LLFA

Foul water: The LLFA is satisfied that this report demonstrates that the proposed development would not materially affect the onset or frequency of flooding from the Yorkshire Water public sewer. (The developer is not obliged to remedy an existing flooding problem).

Surface Water: The LLFA is satisfied that the developer's surface water modelling makes adequate allowance for any ground water flows, which could potentially add to the overland surface water flows from the south of the site. The results demonstrate there the proposed development will not materially increase flood risk off-site.

The LLFA is satisfied that the surface water run-off from the proposed surface water drainage system has been allowed for within the model. The proposed rate of discharge (5L/s) is less than the equivalent greenfield run-off rate from the site and the flow is almost insignificant compared with the overland, surface water flows.

The LLFA does not have any objections to the proposed development, provided that flood risk and drainage conditions are included within any grant of planning permission.

Biodiversity

The site is in Zone B and C in relation Core Strategy policy SP8 policy (Impacts of development to European sites). The assessments for zone B are complete and accepted and there is adequate open space within the development, to the north and west of the housing to offset any additional recreation impacts on the protected sites, within 7km of the development.

Highways

The applicant has addressed the concerns raised previously related to the internal site layout, lack of a through route between the two development sites, and the need for traffic management measures on Main Street. Although concerns were raised related to Derry Hill north of the site being sub-standard in width and lacking passing places, it's considered that the traffic generated from this site would not have a significant impact on that section of Derry Hill as most of the traffic would turn right out of the site. More importantly the current nature of Derry Hill North acts as a traffic calming feature and any improvements to ease traffic flows could have an opposite effect by attracting more rat-running traffic.

A TRO would be provided on Derry Hill, across the site frontage to prevent parking within the visibility splays of the new site access. This would cause problems for some existing residents who wish to park on Derry Hill as they have no off-street parking facilities. The applicant is providing a number of parking spaces within the site, close to the site access, for use by visitors and residents to mitigate this problem.

A through route between the two development sites has been agreed and would be provided in the south west corner of this site. Although the through route is not ideal in highway terms, a more direct route to the north is not possible, due to flood risk issues.

The applicant would provide the following funding for the agreed highway measures -

1. TRO to prevent parking on Derry Hill (S106 - £7,500).
2. Reduction of speed limit to 20mph from a point to the west of the Moor Lane site access upto the existing 20mph zone on Main Street (S106 total estimated cost is

£6,000 to be shared between the two developers on a pro rata basis depending on the number of dwellings proposed...the contribution from this site amounts to £1,763 based on 47 dwellings).

3. Provision of zebra crossing facility and associated footway widening on Main Street close to St Peter's Way (S106 total estimated cost is £30,000 to be shared on pro rata basis between the two developers...contribution from this site amounts to £8,813 based on 47 dwellings).

Policy

No comments received.

Summary of Main Issues

Principle of Development

Flood Risk and Surface Water Drainage Issues

Design & Layout

Residential Amenity

Impact on Heritage Assets

Highways Issues, including access to the adjacent site

Affordable Housing, and CIL and S106 Matters

Other Matters: Comments on Representations received

Appraisal

Principle of development

The application site was part of a formerly allocated Phase 2 housing site in the RUDP, S/H2.17. However, following Counsel's advice it was confirmed that as Policies H1 and H2 not being saved in 2008, the Council effectively had no allocated housing sites.

At 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.

In March 2019, the Council made a 5 Year Housing Land Statement. This Statement describes the position relating to the scale and nature of the supply of deliverable housing land within Bradford District and the detailed data and assumptions which underpin it. The Council confirmed that the 5 YHLS stood at 2.06 years, which is significantly below the Government stated required position. Therefore, to promote the delivery of new housing to meet the demands of a growing population within the District, sites such as this, which are not located on land designated as green belt and that have previously been determined as suitable for development can be critical.

It is noted within the Core Strategy, that the strategic delivery of housing is included in Sub Area Policy WD1, where 600 houses are identified at Menston. This development would contribute towards that policy target.

The Council is currently preparing the Allocations DPD, as part of the Local Plan adoption process, which involves allocating new housing sites. Until that time, the fact that the site was previously allocated as part of a housing site and in the absence of up to date development plan policies, the balance is tilted in favour of sustainable development and granting planning permission, except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise. The social benefit of providing 47 houses including 14 affordable houses, is considered to outweigh any harm and the no specific policies in the NPPF indicate otherwise. The principle of housing development at this site, is therefore believed to be acceptable.

Flood Risk and Drainage Issues

The issue of flooding and drainage concerns have been raised by the Parish Council and residents. The application site, along with other development sites in Menston have been, for over a decade, the subject of extensive scrutiny, including flooding and drainage issues.

A Flood Risk Assessment, along with a suite of supporting technical and non-technical submissions have been made in support of the application. There has been an ongoing dialogue between the LLFA and the applicant, to address issues around flooding and drainage as raised by the Parish Council and residents.

In terms of flooding, the Environment Agency was consulted on the application and has no objections to the proposal.

Following extensive discussions, the LLFA has concluded that - in regard of foul water, it is satisfied that the applicant has demonstrated that the proposed development would not materially affect the onset or frequency of flooding from the Yorkshire Water public sewer. (The developer is not obliged to remedy any existing flooding problem);

In regard of surface Water, the LLFA is satisfied that the developer has made adequate allowance for any ground water flows, which could potentially add to the overland surface water flows from the South of the site. It is demonstrated that the proposed development would not materially increase flood risk off-site. The proposed rate of discharge is less than the equivalent green-field run-off rate from the site and the flow is almost insignificant compared with the overland, surface water flows.

The LLFA does not have any objections to the proposed development, provided that flood risk and drainage conditions are included within any grant of planning permission. These are included in the section covering conditions.

Design & layout

The design has followed the general principles set out in the NPPF and Core Strategy.

More recently, the Council adopted the Homes & Neighbourhoods Supplementary Planning Document in February 2020. This sets out 8 priorities for homes and neighbourhoods, including choice, green streets & spaces, making the most of the topography and using resources efficiently.

Additionally, a number of principles are detailed in order to create a neighbourhood. In relation to this application these include density and scale; movement; green streets; safe streets; open space; landscape; biodiversity; topography; building forms; parking and; waste.

It has been established that the proposal would meet density policy requirements. Along with the scale of the proposed development, the development is believed to be appropriate to the context of the surrounding area.

In terms of movement, whilst relatively small-scale, the hierarchy of routes through the site is appropriate and with the introduction of a through-route between the application site and the adjoining site, it is believed that the site would be well-connected and integrate with the village.

The proposed scheme includes an area of public space, to the northern boundary, which connects with a public footpath. The public space would provide accessible play space for residents of the proposed housing development and is supported. This would be informal play space without play equipment.

As part of the proposed development, the existing dry stone walling and hedgerows at the application site would be incorporated within the scheme. This is seen as a positive element. The wall to Derry Hill and the hedgerow to the western boundary would be 'broken through' to enable access and the through-route.

Given the application slopes gently, the scheme has been designed to account for the topography and is considered to appropriately respond to the sloping nature of the site.

Parking provision would be safe, in terms of being overlooked by properties and functional, providing visitor parking. The TRO would limit parking along Derry Hill but additional parking for non-residents would be available within the application site.

Overall, it's considered that the proposed development would provide a scheme of appropriate density & scale; suitable routes for pedestrians and vehicles; integrate existing landscape features and provide new greenspace and landscaping; create biodiversity opportunities; address the topography of the site; and integrate existing landscape features within the layout, with the design resulting in an appropriate building form, reflective of the context of Menston and the levels of parking are suitable for the size and type of development.

Additionally, the proposed development follows the principles in the Menston Housing Sites SPD, which were to provide -

- simple, well-connected and legible movement;
- incorporation of variety within the house mix;
- integration of existing landscape features;
- provision of public green space.

Following the submission of pre-application enquiries by developers, for this site and the adjoining site, the applicant was advised that there should be a collaborative approach to this development and the adjoining development. This to include, a through-route between the two application sites. This was considered to have the benefit of not only having two points of access/egress to serve the sites, improving accessibility, but also providing the opportunity for the two developments to be designed to relate to each other, rather than as two separate entities. (A previous planning permission was granted for housing on a single site comprising the site subject of this application and the adjoining site. This development was approved with a through-route between Moor Lane and Derry Hill).

The applicant has now agreed to the inclusion of a connecting road through the sites. This provides improved connectivity and the opportunity for the developments to better relate to each other.

The proposed development has been designed to respond to the local context, with a mix of house types reflecting those of the surrounding area. The scale and appearance of the development also reflecting that of the local area. The development would include an area of public space connecting with the public footpath along the northern boundary of the application site. It is concluded that the proposed development is acceptable in design terms, providing additional housing including affordable housing, to complement existing provision within Menston.

Residential Amenity

The distance between existing properties and the proposed housing is not considered to adversely impact on privacy or overshadowing. The proposed layout would provide an appropriate distance between existing and proposed properties, without adversely affecting the residential amenity of either existing or prospective residents. The existing housing at Derry Hill, east of the application site is separated from the proposed housing by the road internal road, and Walkers Road, north of the application site is separated from the proposed housing by the greenspace along the northern part of the application site.

In the event of construction work and associated activities, this could result in temporary disturbance to local residents. However, measures could be put in place to ensure that any impact on local residents was minimised. This could for example include control over hours of working and signage to control development traffic movements. Consequently, it is envisaged that the construction of the development would be controlled by condition.

Impact on Heritage Assets

In regard of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a general duty in respect of conservation areas for development to preserve or enhance the character or appearance of the conservation area.

The proposed development would be located outside of Menston Conservation Area. However, in regard of the concern raised, whilst there would be limited views from within the Conservation Area, looking south towards the application site, the development would be seen in the context of intervening residential properties, between the conservation area and the application site. As such, it is not considered any harm would occur.

Highways Issues, including access to the adjacent site

A Transport Assessment has been submitted and reviewed by Highways Development Control. Traffic generated by the proposed development has been assessed and it is not believed that there would be any adverse impact on the highway network as a result of increased traffic. It is considered that the additional traffic can be accommodated within the local network, without detriment to highway safety.

As it was evident that the adjoining land was also to be the subject of a planning application for housing, the applicants were asked to consider the provision of a through road, effectively providing a connection between Derry Hill and Moor Lane. This would enable residents to enter and leave the site on different routes in Menston. This has now been incorporated within the scheme and is welcomed.

Along with a number of mitigating measures to address off-site parking and pedestrian improvements within the village, the application is supported in highway terms.

Planning Obligations

The applicant has agreed to the policy compliant provision of 14 affordable houses on-site, in accordance with Core Strategy policy on affordable housing. These houses are identified on the layout plan.

West Yorkshire Combined Authority has requested a contribution to a scheme to improve access at Menston railway station. This would involve lifts to access both platforms. The applicant has agreed to make a contribution, which together with a contribution from the developer of the adjoining development would fund access improvements at the station.

In discussion with Highways the applicant has agreed to make contributions to provide –

- TRO to control parking on Derry Hill;
- extension of speed limit zone to 20mph from a point to the west of the Moor Lane site access up to the existing 20mph zone on Main Street;
- provision of zebra crossing facility and associated footway widening on Main Street.

Other Matters: Comments on Representations received

The development would result in the loss of a greenfield site.

The application site was formerly allocated for housing in the RUDP. Given that the application site was previously designated for housing, whilst the site is now unallocated, the development on a greenfield site has to be considered. The Council is not meeting its 5 year housing land supply and formerly allocated sites would make a significant contribution to improving housing supply, reducing pressure on non-allocated greenfield sites and the Green Belt. Therefore, the proposal would be positive in providing additional houses.

Overdevelopment of the site with too many houses.

Policy HO5 of the Core Strategy indicates a housing density of 30 dwellings per hectare being required. The application site measures 1.9 ha., which would calculate at 57 houses, the proposal is for 47 houses. Given the requirement for an attenuation tank in the site and the topography of the application site, the reduced density of 47 houses at the site is considered acceptable.

Impact of development would be detrimental to wildlife

An ecological assessment has been submitted and reviewed by the Councils Biodiversity Officer. The site is in Zone B and C of the Bradford SP8 policy (Impacts of development to European sites). The assessments for zone B are complete and it is accepted and there is adequate open space within the development, to the north and west of the housing to offset any additional recreation onto the European sites within 7KM of the development.

The proposed development is seen to account for biodiversity and it is not considered that there would be any adverse impact on biodiversity at the site.

Menston currently lacks school places/GP places, this would be exacerbated

As with any planning application for residential development, there would be pressures on local services and infrastructure. In the event that planning permission was granted, the development would be subject to the Community Infrastructure Levy, where monies could be provided to address the potential increased demand on school places. In terms of NHS services eg. GP', this is a matter for the NHS, not the Council and it would be for the NHS to plan for any increased demands on its services.

Bus services are limited and the trains operate over capacity

There are currently bus services, serving Menston, including routes to & from Bradford, Otley & Leeds.

As with many rail services operating, there are acknowledged issues around capacity. However, this is matter for the rail operators.

Whilst the public network is provided by and managed by private operators and the West Yorkshire Combined Authority, the Council is where possible able to seek public transport infrastructure enhancements and improvements. In this case, as part of the Access for All programme introduced by the Government, to address issues faced by disabled passengers, a pedestrian foot bridge would be provided at Menston train station. This would in part be funded through contributions from the applicant and the developer of the adjacent site. This is seen as a positive addition to the operation of the train station and is welcomed.

Loss of trees would be detrimental to amenity of area

The loss of trees would be limited to those within the hedgerow to the western boundary. The loss being as a result of the through road between the application site and adjacent development site. The loss of part of the hedgerow is accepted as a

consequence of the aim to connect the two sites. The remaining part of the hedgerow retained and be incorporated in to the development.

Options

The Committee can approve the application as recommended or refuse the application. If the application is refused, planning reasons for refusal would have to be provided.

Community Safety Implications

None

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.

Not for publication documents

None

Reason for Granting Planning Permission:

The development of formerly allocated housing land with residential development is considered appropriate giving the opportunity to provide sustainable development within Menston. The development would provide affordable housing and ensure that the character of the surrounding area is not adversely affected. The effect of the proposal on the heritage asset near the application site, the biodiversity of the site, the surrounding locality and the adjacent neighbouring residential properties has been assessed and is considered acceptable. As such, the proposal would meet policies SC9, TR1, TR2, TR3, HO1, HO3, HO5, HO9, HO11, DS1, DS2, DS3, DS4 and DS5.

Section 106 Heads of Terms

The applicant has agreed heads of terms and planning permission would be subject to Section 106 for the delivery of:

1. 30% affordable housing, 14 houses on-site;
2. A contribution of £43,500 towards access improvements at Menston station.
3. TRO to prevent parking on Derry Hill - £7,500.
4. Reduction of speed limit to 20mph from a point to the west of the Moor Lane site access up to the existing 20mph zone on Main Street, the contribution from this site amounts to £1,763.
5. Provision of zebra crossing facility and associated footway widening on Main Street close to St Peter's Way contribution from this site amounts to £8,813.

Community Infrastructure Levy

The CIL is calculated at c. £816,000.

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with

the amended plans shall be carried out in accordance with the following plans PA-DH-02 REV Q 43885-001G 43885-013B 43885-050A R-2218-1E WEST/V3/PD-02 WES/V3/PD-02 TURN/V3/PD-02 STAN/V3/PD-02 SAN/V3/PD-02 OAKL/V3/PD-02 LYTH/V3/PD-02 BEL/V3/PD-02 AST/V3/PD-02 AFF3B/V3/PD-01 AFF2B/V3/PD-01 AFF1B/V3/PD-01

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 development shall not begin until basal heave/uplift calculations have been provided by a geotechnical specialist (Chartered Engineer or Geologist) and details of any mitigation measures to prevent basal heave/uplift have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

3. Finished floor levels and finished ground levels shall be constructed in accordance with the following drawings: Levels Principles Dwg. No. 43885/001/G, Sections through northern site boundary Dwg. No. 43885/012/A, External works Dwg No. 43885/009/A.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

4. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the Drainage Principles Dwg No. 43885/002/J, dated 30/10/19. The maximum surface water discharge rate, off-site, shall not exceed 5.0 litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. Notwithstanding the drainage details contained in the supporting information, no groundworks to the development shall commence until a temporary drainage strategy for the construction phase 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: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

6. The development shall not begin until a Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Lead Local Flood Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved Plan.

Reason: In the interests of the amenity of future occupiers, pollution prevention and

the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

8. Before any development commences on site details of temporary warning and direction signing arrangements for the construction site entrance and contractor's means of access showing size, type, colour and location of such signs shall be submitted to and approved in writing by the Local Planning Authority. The approved signs shall be installed and maintained for the duration of works and on completion of the development the temporary signs shall be removed.

Reason: To ensure vehicles entering or leaving the site can do so safely, and that main road traffic and pedestrians are aware of such movements and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

9. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

10. Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Local Plan for Bradford.

11. The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

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

12. Before any development commences on site, full details of arrangements for wheel cleaning of construction vehicles and equipment, including the location of such

a facility in relation to the highway and arrangements for disposal of contaminated surface water shall be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be installed, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles are leaving the site.

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

13. 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 DS1 and DS3 of the Core Strategy Development Plan Document.

15. The approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Core Strategy.

16. Prior to the removal of the protective fencing and other agreed tree protection measures, written verification/evidence that the developer has arranged for supervision and monitoring of those approved measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the construction period, shall be submitted to the Local Planning Authority.

Prior to the occupation of the development, or prior to the occupation such phases of the development as have been agreed in writing with the Local Planning Authority, the Local Planning Authority shall have first confirmed in writing its agreement to the verification/evidence.

Reason: To ensure that trees have been adequately protected by the developer during development activity and that harm to the trees has been effectively prevented or mitigated by the measures proposed in the planning application submission. To ensure that protection measures have prevented harm to trees and visual amenity, to accord with Policy EN5 of the Core Strategy.

17. The development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees until the tree protection fencing and other tree protection measures are installed in strict accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

The development shall not begin until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are in place in accordance with the submitted details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Core Strategy.

18. Before the first occupation of each house the development shall be provided with access to a purpose-built EV charging point at the rates set out in the Bradford and West Yorkshire Low Emission Planning Guidance. The charging points shall be provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- o A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- o One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces
- o Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational.
- o Charging points installed shall be retained thereafter.
- o Information about use and maintenance of charging points shall be provided in new home welcome packs

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

19. Prior to commencement of the development a site specific construction dust management plan shall be prepared for the purpose of minimising the emission of dust and other emissions to air during the site preparation and construction. The dust management plan shall be submitted to and approved in writing by the Local Planning Authority. The dust management plan must be prepared with due regard to the guidance set out in the IAQM / London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition and the recommendations of the dust risk assessment submitted with the application.

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

20. Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy EN8 of the Local Plan for Bradford.

21. Prior to development commencing the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

22. Prior to construction of the development a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

23. A remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

24. 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 and to comply with policy EN8 of the Local Plan for Bradford.

25. 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 and to comply with policy EN8 of the Local Plan for Bradford.

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

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

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

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