

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

B

Subject:

Full application for construction of 114 dwellings with new vehicular access from Moor Lane, public open space and associated infrastructure and engineering operations.

Summary statement:

The application site is part of a formerly allocated housing site, in the RUDP. This application includes the western part of the formerly allocated site. The balance of the former allocation being the site of application 19/02790/MAF, also on the agenda.

As the site is not allocated, the application is considered on its merits. 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.

The application is recommended for approval subject to a Section 106 agreement to provide drainage works; improvements to Menston station; off-site highway improvements, a TRO and conditions.

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Portfolio:
Change Programme, Housing, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

The application is reported to Committee, following 172 objections being received. The site is unallocated, although previously part of an allocated housing site in the RUDP. The application is recommended for approval subject to a Section 106 agreement, to provide off-site highway works; drainage improvements and public transport infrastructure enhancements.

2. BACKGROUND

A full planning application was approved for 173 houses in 2016. This permission was not implemented and has lapsed.

The current application site includes part of the previously approved site. The balance being the site of application 19/02790/MAF, also on the agenda.

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.1.2km from the rail station and 400m from the village centre, with various facilities within the village. 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, or refuse the application. If the application is refused, planning reasons for refusal would have to be given.

10. RECOMMENDATION

To approve the application subject to the completion of a S106 and conditions included within Appendix 1.

11. APPENDICES

Appendix 1 Technical report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2019

Adopted Core Strategy 2017

Homes and Neighbourhoods SPD 2020

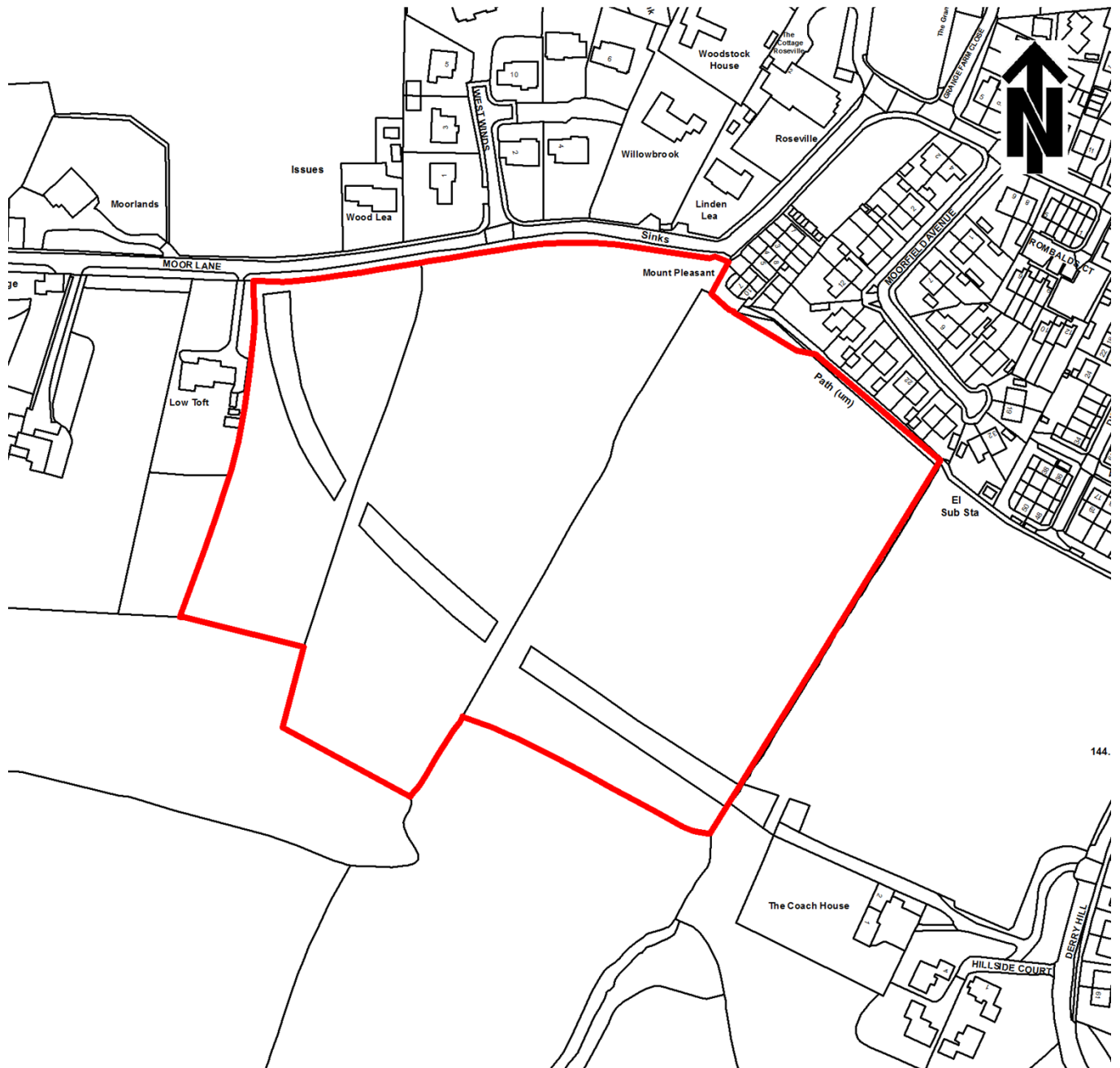
RUDP 2005

Menston Housing sites SPD 2007

19/04546/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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Land At Grid Ref 416478 443779
Moor Lane
Menston
Ilkley

APPENDIX 1

Ward

Wharfedale

Recommendation

That the Committee 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.

19/04546/MAF

Type of application

Full application for construction of 114 dwellings with new vehicular access from Moor Lane, public open space and associated infrastructure and engineering operations.

Applicant

Yorkshire Housing Limited

Agent

Turley

Site Description

The application site is located south of Moor Lane, to the west of the village. The application site is approximately 400m from the village centre and c.1.2 km from Menston train rail station. The site is 3.49 hectares in area and comprises three fields used as pasture.

There is a mature hedgerow to the eastern boundary, along with other hedgerows, aligned north-south in the site and dry-stone walling to the northern boundary. There is a tree belt to the southern boundary.

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

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

Background

The application site was part of a formerly allocated site in the RUDP, a Phase 2 housing site. A full application for 173 houses, including the application site was submitted in 2010 and approved in 2013. The planning permission expired in 2016 and was not implemented.

Relevant Site History

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

RUDP

The application site was allocated as part of a Phase 2 housing site, S/H2.18. However, following Councils 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.

Core Strategy

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

SC9 Making Great Places

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: approving development proposals that accord with an up-to-date development plan without delay; or 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.

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 identifies the wider impact new residential development will have on the local environment as well as how community and physical infrastructure may be managed and mitigated.

The objectives of the SPD 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.

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

Publicity and Representations

The application was advertised through site notices and in the local press. There have been 190 letters of objection to the application. Two Ward Councillors and the MP have objected to the application.

Summary of Representations Received

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 congestion/safety issues
Impact of development would be detrimental to wildlife
Adverse Impact on residential amenity, loss of privacy/overshadowing
Development would harm conservation area
Menston currently lacks school places/GP places, this would be exacerbated
Resultant loss of trees adversely affects amenity
Development would be inappropriate within Green Belt

Consultations

Yorkshire Water

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.

The submitted Flood Risk Assessment prepared by Alan Wood & Partners, dated October 2019 requires amendments, but can be controlled via the recommended conditions. In summary, the report states that:

- a) foul water will discharge to the 225 mm diameter public combined sewer located in Moor Lane at a maximum pumped rate of 5.3 (five point three) litres per second;
- b) sub-soil conditions do not support the use of soakaways;
- c) a watercourse connection is not feasible due to objections from the riparian owners of said watercourse; and
- d) as a result of the above, a pumped surface water discharge is proposed to the highway gully within Moor Lane to the north of the site.

Due to the unknown route of the highway drains located in Moor Lane, the proposed surface water from the site may indirectly connect to the public combined sewer network which is not permitted.

We require a drainage survey to prove the location of the highway drainage outfall. If it is proved that the highway drain outfalls downstream of the above mentioned watercourse

and not the public sewer network, we will have no objection to the proposals. Once the survey has been undertaken, drawing MENS-AWP-ZZ-XX-DR-C-2303 revision P3 dated 16/10/19 should be amended accordingly, resubmitted to the LPA and YW re-consulted. We strongly recommend that the work is undertaken prior to determination of the application. Confirmation awaited from YW on survey.

Parish Council

The Parish Council has submitted detailed comments on the application and concludes that the only solution to reduce the level of flooding in the area to allow the new development to occur would be to adopt the procedure advocated in the YouTube video and reduce the amount of groundwater that can be stored in moors. For more than 100 years during the 20th Century when most development in Menston occurred there were two groundwater pumping stations, one above Moor Lane and the other close to High Royds, which extracted significant amounts of water on a daily basis. These were closed 15 years ago and the village has since suffered from significant flooding, on and from the Derry Hill sites in particular, as recorded during the 2008, 2012 and 2015 prolonged rainfall events.

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, recommend that the developer contributes a part of the local contribution.

Bus stop St Peters Way (19712) should be provided with a real time display.

Environmental Health (Pollution)

The proposed development constitutes a medium development for the purpose of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013) and the West Yorkshire Low Emission Planning Guidance (adopted December 2016).

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 plan 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

An air quality impact and exposure assessment has been submitted with the application. This concludes that new residents at the site are unlikely to be exposed to high levels of

air pollutants. The conclusions of this report are accepted in full. No further exposure work is needed.

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

Mitigation requirements

EV charging provision

The air quality assessment and interim travel plan both state that it is the applicant's intention to provide EV charging on all 114 housing units in line with the Bradford and WYLES LES planning guidance.

The latest minimum recommended standard for EV charging provision in Bradford is that all homes should be provided with a standard purpose built electric vehicle charging point (of a minimum output of 16A/3.6kW) and capable of providing mode 3 charging.

All charging points must be within 3m of the dedicated parking space and clearly marked with their purpose. Information about the charging point should be included in the new home welcome pack.

It should be noted that the government is currently consulting on new national standards for EV charging points. The current proposed recommendation is that all new homes with dedicated parking spaces will be required to have a 7kW mode 3 charging point.

If the council is minded to approve this application the provision of EV charging on all new homes should be conditioned to meet the most appropriate standard at the time the application is determined. If the council is minded to approve the application, it is recommended that the conditions be applied.

Environmental Health (Contamination)

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

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 off site highway measures including substandard pedestrian facilities around the bend on Moor Lane, and the need for traffic management measures along the Moor Lane/Main Street corridor.

The applicant will be providing funding for double yellow lines TRO around the bend on Moor Lane close to the site access. The displaced residents parking will be provided within the site. The carriageway around the bend will also be treated with a raised plateau and the footway across the frontage of the cottages will be widened and extended.

A through route between the two development sites will be provided in the south east corner of this site. Although the through link road is not situated in an ideal location in highway terms, assessments carried out show that a more direct and preferable route to the north is not possible due to drainage issues.

The following is a summary of the highway mitigation measures that the applicant will provide and the funding implications.

1. TRO to prevent parking at any time around the bend on Moor Lane close to the site access (£106 - £7,500).

2. A raised plateau around the bend on Moor Lane and associated widening and extension of existing footway across the frontage of the cottages (These works will be delivered through a S278 agreement).

4. Reduction of speed limit to 20mph from a point to the west of the 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 £4,238 based on 113 dwellings).

5. 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 £21,188 based on 113 dwellings).

Public Rights of Way

Public Footpath No. 69 (Ilkley) runs along the boundary of the site, approximate location shown on plan above and acknowledged on the submitted plans.

The footpath is to be retained with a proposed area of green space and a pumping station adjacent to it. It is proposed to provide a new link footpath across the open space linking the new estate road with the existing public footpath, and this is acknowledged to form a pedestrian route towards the nearest bus stop locations to the site. Active frontages are proposed to overlook the area of green space and the proposed link path, this is to be welcomed.

The new link path should be constructed to adoptable standards. The surface of Public Footpath No. 69 (Ilkley) should be upgraded by the developer to adoptable standards at least for the section between Derry Hill and the proposed link path.

A new pedestrian route is to be provided parallel to Moor Lane, between Moor Lane and the proposed parking area and the new estate road. This route should also be constructed to adoptable standards. This route also has active frontages facing it to ensure good natural surveillance.

LLFA

Bradford Lead Local Flood Authority (LLFA) comments in relation to:

- Technical Memorandum, Ref. 19122475.605.A3, dated 01 May 2020, by Golder, which can be viewed on Public Access.

The LLFA is satisfied that the TM adequately demonstrates that the proposed bund would not increase flood risk to adjacent land-owners.

The LLFA does not have any objections to the proposed development provided that the conditions and S.106 contributions, which are outlined in our previous consultation response, dated 16th March 2020, are applied to any grant of planning permission.

Biodiversity

We are happy that the submissions have included assessments of all potential impacts. The open space provided within the development would be adequate to offset the additional recreational impact of the 114 new dwellings.

The Ecological Management Plan which includes details on how to create and maintain wildlife features and habitats should be secured for the lifetime of the development by condition.

Policy

No comments received.

Summary of Main Issues

Principle of Development

Development within Green Belt

Flood Risk and Surface Water Drainage Issues

Design & Layout

Residential Amenity

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 2019, the Council made a 5 Year Housing Land Statement. This Statement described the position relating to the scale and nature of the supply of deliverable housing land within Bradford District and the data and assumptions which underpinned it. The Council confirmed that the 5 YHLS stood at 2.06 years, 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 would be important in increasing the housing supply.

It is also noted that 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 114 affordable houses is considered to outweigh any harm and the principle of development is believed to be acceptable.

Development Within Green Belt

As part of the assessment of flood risk associated with the proposed development, the applicant has considered all possible forms of flooding, including surface water run-off, from outside the development site. Consequently, as part of the drainage scheme, it is proposed to construct a bund to the south western part of the site and a swale that travels

the length of the southern boundary. Both these mitigation measures would be located beyond where housing would be constructed but in part of the application site. The swale would measure at its widest point c.3m across; the bund similarly c.3m across and 0.5 m high.

Whilst the housing within the application would be developed within the site formerly allocated for housing, the swale and bund would be outside of that former allocation and be within Green Belt as identified in the RUDP where Policy GB1. The swale and bund have therefore to be considered against Green Belt policy.

The relevant parts of the NPPF are –

Para.133 outlines that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence;

Para.134 Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Para. 146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: a) mineral extraction; b) engineering operations; c) local transport infrastructure which can demonstrate a requirement for a Green Belt location; d) the re-use of buildings provided that the buildings are of permanent and substantial construction; e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

As engineering operations, both the swale and bund would be assessed under para 146 b) of the NPPF. The swale would form a vegetated channel running south of the proposed housing development. It's relatively limited depth and width would not readily be seen from views to the application site, from the surrounding area. Similarly, the vegetated bund at 0.5 in height would have limited affect on the landscape. Both the swale and bund would be located between the housing site and existing trees located further south of the application site. As such, there presence would be barely noticeable. The property, Low Toft, located west of the bund, being one of the few properties that would see the swale and bund.

In terms of the openness of the Green Belt, there are existing tree belts, with mature trees, when viewing the site from the south. The trees effectively reduce the openness of the Green Belt at this location and in fact prevent views to the swale or bund, other than from Low Toft. The openness of the Green Belt would be preserved, by the nature of the landforms created and the fact that the Green Belt is not currently open at the location of the swale or bund. Additionally, the development would not conflict with any of the purposes of including land within it, para.134.

It is concluded that with both the proposed swale and bund located in the Green Belt, by reason of their appearance and location would preserve the openness of the Green Belt and are acceptable in being part of a scheme to ensure the delivery of the housing development, subject of the same planning application.

Flood Risk and Drainage Issues

It is acknowledged that flooding and drainage issues have been the subject of objections from the Parish Council and residents of Menston. The application site along with others in Menston have been subjected to detailed scrutiny over a number of years.

The Environment Agency has commented that from the Development Management Procedure Order and consultation checklist, the development does not meet any of the criteria for consultation with the Environment Agency. In these circumstances, it would not respond to a consultation request.

The LLFA is satisfied that the Flood Risk Assessment & Drainage Impact Assessment demonstrate that the proposed development would not increase flood risk elsewhere and should help to reduce flooding in the wider locality.

The application has been subject to a number of submissions and revisions and the LLFA has confirmed that there is no objection to the proposed development, subject to conditions. The requested conditions are set out at the end of this report.

Design & layout

The design analysis and approach has been based on the general tenets of the NPPF, National Design Guide 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, being over 32 houses per hectare. Along with the scale of the proposed development, the development would be appropriate to the context of the area.

In terms of movement, there would be a hierarchy of routes and with the introduction of a route between the application site and the adjoin development site, it is believed that movement through the site would be suitable.

The proposed scheme includes an area of public space, to the northern boundary, which connects with the public footpath. The space would provide accessible play space for residents of the proposed housing development.

As part of the proposed development, the existing dry stone walling and hedgerows would be integrated within the scheme.

Given the application slopes gently, the layout has been designed to account for and topography and appropriately responds to the sloping nature of the site.

Parking provision would be safe, in terms of being overlooked by properties and functional, providing visitor parking but also additional parking for residents on Moor Lane, who do not currently have a formal parking area, with parking spaces.

Overall, this would provide a scheme of appropriate density & scale; a hierarchy of movement corridors; integrating existing landscape features and providing new greenspace and landscaping; creating biodiversity opportunities; addresses the topography of the site; and a scale that integrates existing landscape features within the layout and the design results in an acceptable building form, reflective of the context. In addition the levels of parking are suitable for the size and type of development.

Whilst the Menston Supplementary Planning Document dates from 2007, the broad principles covering:

- Layout and form;.
- Movement;.
- Scale and density;.
- Landscape;.

are addressed in the design approach taken by the applicant.

The design principles seek to create a layout that uses the topography of the site to produce a varied form of development.

In terms of movement, the application seeks to provide links through the site to connect the development with the adjacent site and surrounding area.

In view of the context within which the application site is located - Victorian terraced properties to the north, post-war housing to the east and farmsteads around Menston, the character is varied, without one particular characteristic defining Menston. As such, the design approach is considered appropriate.

Residential Amenity

The nearest housing to the application site is at Moor Lane and Moorfield Avenue, north of the application site. The end terrace properties on Moor Lane is oriented east-west, with the gable ends facing the application site. Between the properties at Moorfield Avenue and the application site, the public space is located, with no direct relationship between the existing and proposed houses.

The distance between existing properties and proposed properties is not considered to adversely impact on privacy or overshadowing. The proposed layout is considered to provide an appropriate distance between existing and proposed properties, without adversely affecting the residential amenity of either existing or prospective residents.

In the event of construction work and associated activities, this may result in a period of disturbance to local residents. However, measures can 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 a construction management plan for the development would be controlled by condition.

Highways Issues, including access to the adjacent site

The application is accompanied by a Transport Assessment and Framework Travel Plan. Highway capacity analysis of local junctions has been undertaken taking into account traffic generated by committed developments. The results of the analysis indicate that all of the junctions analysed are predicted to operate with significant reserve capacity with the additional development traffic in peak hour periods. The development would not have a material impact upon the operation of nearby junctions or lead to an increase in congestion or delay on the surrounding highway network.

The application would provide a number of measures to address issues on Moor Lane/ Derry Hill; parking within & outside the application site and provides a through route between the application site and the adjoining application site. Together, it is considered that these measures would ensure that there would be no detrimental impact on the local highway network.

Affordable Housing, and CIL and S106 Matters

The applicant, Yorkshire Housing is one of the main registered providers in the region, delivering affordable housing schemes. The development would provide 100% affordable housing at the site. As such, the affordable housing requirement would be exceeded.

In regard of other obligations, the applicant has agreed to make contributions to drainage works including - £50k towards the connection of surface water drainage and long- term maintenance and management of the existing highway drain in Moor Lane; £10k towards off-site improvement works to the existing highway ditch along Moor Lane.

Further contributions would be made to meet obligations on public transport infrastructure. These being £10k towards the installation of a real time information display at bus stop on St Peters Way and £106,500 towards Access for All Improvement at Menston train Station, providing lifts to connect the platforms.

Additionally, the applicant would make contributions towards –

- signage for increasing the 20 mph zone. The estimated cost is £6,000 to be shared between the applicant and developer of the adjacent site, on a pro rata basis, the contribution from this site amounts to £4,238 based on 114 dwellings
- the provision of zebra crossing facility and associated footway widening on Main Street, estimated cost is £30,000 to be shared on pro rata basis between the applicant and developer of the adjacent site, the contribution from this site amounts to £21,188 based on 114 dwellings).
- A Traffic Regulation Order to control parking on Moor Lane.

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, development on a greenfield site has been considered. The Council has not provided a 5 year housing land supply and it is acknowledged that formerly allocated sites would make a substantive contribution to increasing the housing land supply, reducing pressure on unallocated greenfield sites and the Green Belt. Therefore, the proposed loss of the greenfield site would be appropriate.

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 3.48 ha. The proposal is for 114 houses which calculates at 32 houses per acre, meeting the requirements of policy HO5.

Increased traffic would result in congestion/safety issues

A Transport Assessment has been submitted and considered 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.

Impact of development would be detrimental to wildlife

An ecological assessment has been submitted and reviewed by the Councils Biodiversity Officer. The open space provided within the proposed development is adequate to offset the additional recreational impact on the protected habitat. In addition, the Ecological Management Plan includes details on how to create and maintain wildlife features and habitats relevant to the application site

The proposed development has accounted for biodiversity and it is not considered that there would be any adverse impact on biodiversity.

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 available 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 is for the NHS to plan for any increased demands on its services.

Inadequate public transport, buses and trains already serving Menston

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 being delivered through a Section 106 agreement.

Resultant loss of trees adversely affects amenity

The hedgerows within the application site would be retained with the exception of part of the hedgerow to the eastern boundary, which would be removed to enable a link road between the application site and adjoining site. (The adjoining site being subject of an application for housing which is also on the agenda). There would be no other trees impacted on by the application. Indeed, the tree belt to the southern boundary outside of the application site, would be managed and supplementary trees planted, in association with the application. Consequently, it is not considered that there would be any adverse impact on trees.

Development would harm the conservation area

In terms of the requirements under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the application site is located some distance from Menston Conservation Area and there is intervening development of traditional and modern housing between the site and conservation area. Therefore, this is not considered any harm would occur and it is not a material consideration when dealing with this application.

Options

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

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 housing is considered appropriate assisting in providing sustainable development within Menston. The proposed 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 of the Core Strategy.

Heads of Terms of Section 106 Agreement

- £50k towards the connection of surface water drainage and long- term maintenance and management of the existing highway drain in Moor Lane

- £10k towards off-site improvement works to the existing highway ditch along Moor Lane.

- £10k towards the installation of a real time information display at bus stop 19712 on St Peters Way;

- £106,500 towards Access for All Improvement at Menston train Station, providing lifts to connect the platforms.

- £4328 towards signage for increasing the 20 mph zone between the site and Main Street.

- £21,188 towards the provision of zebra crossing facility and associated footway widening on Main Street.,

- £7500 for a Traffic Regulation Order to control parking on Moor Lane.

Community Infrastructure Levy

As a wholly affordable housing development, this type of development is exempt from CIL.

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with following plans P18:5194 Q P18:5194:05 P18:5194:10-35 inc. P18:5194:37-39 inc. 5865.02E 5865.03E 5865.04 E 5865.05E

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. Notwithstanding the drainage details contained in the supporting information, no groundworks to the development shall commence until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: 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 principles outlined in the FLOOD RISK ASSESSMENT & DRAINAGE IMPACT ASSESSMENT, Doc Ref: CMH/SG/JKW/42553RPT001, dated 16/10/2019. The maximum surface water discharge rate, off-site, shall not exceed 4.5 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. 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.

6. 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.

7. 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.

8. 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.

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

9. 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.

10. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, 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.

11. 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.

12. The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Arboricultural Impact Assessment and associated drawings. No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

13. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the occupants of nearby dwellings.

14. The agreed tree protection measures, shall remain in place, and shall not be moved, removed or altered for the duration of the development without the prior written consent of the Local Planning Authority. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within the said zones without the prior written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected for the duration of development activity on the site, in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

15. Prior to the commencement of development, a detailed tree planting scheme for the site shall be submitted to, and approved in writing by the Local Planning Authority. This scheme shall include details of the location of new tree planting; the species of trees and stock sizes, as well as details for protection of the trees. All new trees must be to British Standard BS 3936 Nursery Stock, rootballed or containerised, and staked and tied in accordance with good arboricultural practice. In the first available planting season (1st December to 15th March) following the substantial completion of the development, the trees shall be planted in accordance with the approved tree planting scheme and the Local Planning Authority shall be notified in writing of the date of planting and have confirmed that the trees are planted in accordance with the approved details

If within a period of 5 years from the date of planting a new tree is removed, uprooted, is destroyed or dies, another tree of the same size and species shall be planted at the same place as soon as reasonably practicable or in accordance with any variation for which the Local Planning Authority gives its written approval.

Reason: To preserve and enhance the contribution of trees in the area by securing replacement planting in accordance with Policies SC9 and EN5 of the Core Strategy Development Plan Document.

16. 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.

17. Before the date of first occupation every household on the development shall be provided with access to a purpose built EV charging point. 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:- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) provided at every residential unit that has a dedicated parking space and/or garage. One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces (not including visitor spaces). 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. Charging points installed shall be retained thereafter. Information about the provision of the EV charging point and how to use it should be included in the new home welcome pack. 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 Bradford Local Plan and National Planning Policy Framework (NPPF).

18. A site specific dust management plan (DMP) should be submitted prior to commencement of works which demonstrates how all the construction dust mitigation measures recommended in the air quality impact assessment (REC reference AQ107615R2) will be applied during site works. The DMP will be subject to approval by City of Bradford MDC and should be maintained on site for inspection throughout the duration of the project. All works on site shall be undertaken in accordance with the approved DMP.

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)

19. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the infrastructure for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply.

20. 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.

21. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage network either directly or indirectly, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. Furthermore, no land drainage shall enter an existing or prospectively adoptable public sewer.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

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

A verification report prepared in accordance with the approved quality control methodology shall be submitted to, and approved in writing by the Local Planning Authority on completion of the development.

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.

23. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the infrastructure for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Reason: In the interest of public health and maintaining the public water supply

24. The approved development shall be carried out in accordance with the aims of the Biodiversity Management Plan dated 17.10.2029.

Reason: To create appropriate habitats in accordance with policy EN2.