

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 4 August 2016 at 10.00 am in City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Brown	Warburton Lee Abid Hussain Wainwright	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
<i>Ellis Miller</i>	<i>Azam S Hussain Lal Watson</i>	<i>R Ahmed</i>

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0915 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.
- **INTERESTED PARTIES ARE ASKED TO NOTE THAT ITEMS ** AND ** WILL NOT BE CONSIDERED BEFORE **.**

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Sheila Farnhill
Phone: 01274 432268
E-Mail: sheila.farnhill@bradford.gov.uk

To:



A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*



3. MINUTES

Recommended –

That the minutes of the meeting held on 10 March 2016 be signed as a correct record.

(Sheila Farnhill – 01274 432268)

4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

B. BUSINESS ITEMS

5. MEMBERSHIP OF SUB-COMMITTEES

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Sheila Farnhill – 01274 432268)

6. LAND AT HARROGATE ROAD, BRADFORD

1 - 30

Idle and Thackley

Previous reference: Minute 22 (2015/16)

The Assistant Director – Planning, Transportation and Highways will present a report (Document “N”) in relation to a Reserved Matters application seeking approval for details of appearance, landscaping, layout and scale in respect of the residential development of land to the east of Harrogate Road/north of Carr Bottom Road, Greengates, Bradford – 16/02834/MAR.

The report explains that the Committee resolved to grant outline



planning permission for the development, and approval for the means of access, on 23 July 2015 (Application No. 14/05285/MAO) subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a number of planning obligations. The proposed number of houses has been reduced by 25 and the development will now provide 105 units.

Consequently the application also includes a proposal to reduce the level of affordable housing to be provided on-site from 20 units to 16 and seeks an amendment to the Section 106 legal agreement in this regard.

Recommended –

- (1) **That the application for Reserved Matters be approved for the reasons and subject to the conditions set out in the Assistant Director – Planning, Transportation and Highway’s technical report.**
- (2) **That authority be delegated to the Assistant Director – Planning, Transportation and Highways to enter into a Deed of Variation of the original Section 106 legal obligation attached to Planning Permission 14/05285/MAO to amend the affordable housing obligation as shown below whilst retaining all the other obligations: On-site affordable housing provision of 16 units.**

(John Eyles – 01274 434380)

7. LAND AT MAYFIELD ROAD, ILKLEY
Ilkley

31 - 82

A report will be submitted by the Assistant Director – Planning, Transportation and Highways in relation to a full planning application for the construction of 44 retirement living apartments, 56 assisted living units, 77 bedroom care home, 2896 m2 office building, two extensions to Spooner Industries Ltd totalling 1520 m2 and children's nursery 376m2 together with associated parking and landscaping works at Land at Mayfield Road and Railway Road, Ilkley - 15/07583/MAF

Recommended –

That the application be approved for the reasons and subject to the conditions as set out in the Assistant Director – Planning, Transportation and Highway’s technical report.

(John Eyles – 01274 434380)



8. **TRAFALGAR STREET, BRADFORD**
City

83 - 104

The Assistant Director – Planning Transportation and Highways will submit a report (**Document “P”**) in respect of an outline application for the construction of a mixed-use development scheme comprising apartments and wedding venue with conferencing facilities and associated car parking on land at Trafalgar Street car park, Snowden Street, Bradford – 16/02316/MAO.

The report explains that the proposal is in outline form with only details of the access and layout submitted for consideration at this stage.

Recommended –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highway's technical report.**

- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**
 - (i) Recreation – The payment of a commuted sum of £41,261 towards enhancing the recreational infrastructure at Thurnscoe Road Play Area and Lupton Street Play Area and contribution towards delivery of CBMDC's Playing Pitch Strategy in the area.**
 - (ii) Education – The payment of a commuted sum of £77,067, broken down into £33,629.40p at primary sector level and £43,437.60p at secondary sector level, to enhance the educational infrastructure**
 - (iii) Affordable housing – The provision 25 affordable homes in the form of 19x1 bedroom apartments and 6x2 bedroom apartments.**
 - (iv) Highways – The cost of amending the existing Traffic Regulation Order on Trafalgar Street (approx. £7000/£8000).**

(John Eyles – 01274 434380)



9. **ENFORCEMENT NOTICE - BRAITHWAITE EDGE QUARRY, BLACK HILL LANE, KEIGHLEY** 105 -
Keighley West 108

Previous references: Minutes 9 (2014/15) and 38 (2015/16)

The report of the Assistant Director – Planning, Transportation and Highways (**Document “Q”**) provides information for Members in respect of the authorisation of an Enforcement Notice in relation to unauthorised development of land at the Former Braithwaite Edge Quarry, Black Hill Lane, Keighley – 16/00325/ENFCON.

Recommended -

That the enforcement action being undertaken in respect of the unauthorised development of land at the Former Braithwaite Edge Quarry, Black Hill Lane, Keighley be noted.

(John Eyles - 01274 434380)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 04 August 2016.

N

Subject:

Reserved Matters application 16/02834/MAR: Reserved Matters submission for approval of appearance, landscaping, layout and scale pursuant to outline planning permission 14/05285/MAO: residential development of the land to the east of Harrogate Road/ north of Carr Bottom Road, Greengates.

Summary statement:

The Regulatory and Appeals Committee previous resolved to grant outline planning permission for the development and approval for the means of access on 23 July 2015 and Outline Planning Permission was duly granted on 08 January 2016 following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the agreed Planning Obligations. The principle of developing housing on the site has therefore already been established and the matter for consideration in the current application is the design of the detailed development scheme in terms of its layout, scale, appearance and landscaping.

Taking development plan policies and other relevant material considerations into account it is considered that the proposed scheme design will provide for an attractive, well laid out development, which will deliver for a high standard of amenity for future residents, and relates positively to the surrounding built and natural environment. It is therefore recommended that Reserved Matters Approval is granted subject to the conditions set out in the Technical Report at Appendix 1.

The amount of development proposed in the detailed development scheme is reduced by 25 residential units to 105 houses and the application also includes a proposal to reduce the level of Affordable Housing to be provided, in-line with this reduced amount of development, from the provision of 20 Affordable Units to the provision of 16 Affordable Units. Approval is also recommended for this change to the previously approved Affordable Housing Planning Obligation.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
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Major Development Manager
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Portfolio:

**Regeneration, Planning and Transport
Overview & Scrutiny Area:**

Regeneration and Economy



City of Bradford
Metropolitan District Council



1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of reserved matters application ref. 16/02834/MAR made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1. Approval of the principle of residential development on the site and the means of access has already been granted through outline planning permission 14/05285/MAO.

The Reserved Matters for consideration in this current application are the appearance, landscaping, layout and scale of the development, in terms of:

- the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- the height, width and length of each building proposed within the development in relation to its surroundings;
- the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;
- the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated.

As assessed in detail within the Technical Report, taking development plan policies and other relevant material considerations into account, it is considered that the proposals will provide for an attractive, well laid out development, which will deliver a high standard of amenity for future residents, and a housing estate which relates positively to the surrounding built and natural environment. It is therefore recommended that Reserved Matters Approval is granted subject to the conditions set out in the Technical Report at Appendix 1.

The amount of development proposed in the detailed development scheme set out in this Reserved Matters application is reduced by 25 residential units to 105 houses and the application also includes a proposal to reduce the level of Affordable Housing to be provided, in-line with this reduced amount of development; from the provision of 20 Affordable Units to the provision of 16 Affordable Units. Approval is also recommended for this change to the previously approved Affordable Housing Planning Obligation.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

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

4. OPTIONS

If the Committee proposes to follow the recommendation to grant Reserved Matters Approval then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional Reserved Matters Approval for the layout, scale, appearance and landscaping of the residential development approved under outline planning permission 14/05285/MAO.

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

In relation to the proposed reduction in Affordable Housing provision from 20 to 16 affordable units the Committee may either resolve to approve or refuse this change irrespective of the position which they take in relation to the Reserved Matters Application.

5. FINANCIAL & RESOURCE APPRAISAL

None relevant to this application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

7. LEGAL APPRAISAL

The options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended).

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that the proposal would lead to either significant or disproportionate adverse impacts on any groups of people or individuals who possess protected characteristics.

Likewise, if reserved matters approval were to be refused by the committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics. Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are attached at Appendix 1.

8.2 SUSTAINABILITY IMPLICATIONS

It is considered that the proposed development meets the sustainability criteria outlined in relevant national and local planning policies. The proposal site is located immediately adjacent to the existing urban area of North-East Bradford in close proximity to certain amenities, including footpaths, schools, places of worship and the Greengates Local Centre, and with good public transport connections to access facilities and services further afield. The development would not result in either the formation of a new settlement or significant sprawl of an existing settlement. Good pedestrian linkages would be provided to adjacent land including access to bus stops on Harrogate Road. Furthermore the development would provide on-site public recreation spaces.

Good design ensures attractive usable, durable and adaptable places and is also a key element in achieving sustainable development. The detailed development scheme proposed in the current application provides for a relatively efficient use of land whilst responding to site constraints and respecting the character of the locality. Overall it is therefore considered that the proposal represents sustainable development consistent with the sustainability principles set out in the National Planning Policy Framework and the replacement Unitary Development Plan.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new housing will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future residents. However it is considered that the proposed development will serve to minimise greenhouse gas emission impacts by virtue of the proposals to introduce travel planning measures, provide good footpath connections to surrounding land, improve an adjacent bus stop and provide electric vehicle charging points to facilitate the uptake of more sustainable road vehicles.

8.4 COMMUNITY SAFETY IMPLICATIONS

Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The proposed development includes various provisions to minimise the vulnerability of the development to crime and anti-social behaviour including natural surveillance of the play area and public open spaces, barriers to prevent vehicles from utilising footpaths and providing for a layout which minimises the vulnerability of rear gardens. It is therefore 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 saved policy D4 of the RUDP.

8.5 HUMAN RIGHTS ACT

The Council must seek to balance the rights of applicants to make beneficial use of their property with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that either granting or refusing planning permission will deprive anyone of their rights under the Human Rights Act.

8.6 TRADE UNION

There are no implications for Trades Unions relevant to this application.

8.7 WARD IMPLICATIONS

The proposal site is within the Idle and Thackley Ward. Ward Councillors and local residents have been made aware of the application and have been given opportunity to submit written representations through two rounds of publicity. In response to this publicity 204 written representations have been received, including 197 representations which object to the application, 6 representations which state a neutral position and 1 representation stating support for the application. Objectors include two ward Councillors.

In addition a petition has been submitted with 150 signatories who ask for revisions to the scheme in relation to the layout of open spaces and housing and objects to the inclusion of any three-storey buildings.

The Technical Report at Appendix 1 summarises the material planning issues raised in the public and elected official representations and the appraisal gives full consideration to the effects of the development upon residents within the Idle and Thackley Ward.

Prior to the submission of the application the applicant also undertook pre-application consultation in March 2016 in the form of a flyer distributed to local residents inviting comments on the proposals. The submitted Statement of Community Involvement includes an analysis of the pre-application comments received and the applicant's responses to those comments, an extract of which is included in the Technical Report at Appendix 1.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

1) To Grant Reserved Matters approval for layout, scale, appearance and landscaping, subject to the conditions set out at the end of the Technical Report at Appendix 1

2) To approve the proposed variation in the previously agreed Affordable Housing Planning Obligation, allowing the number of affordable houses required to be delivered on the site to be reduced from 20 to 16.

11. APPENDICES

Appendix 1: Technical Report

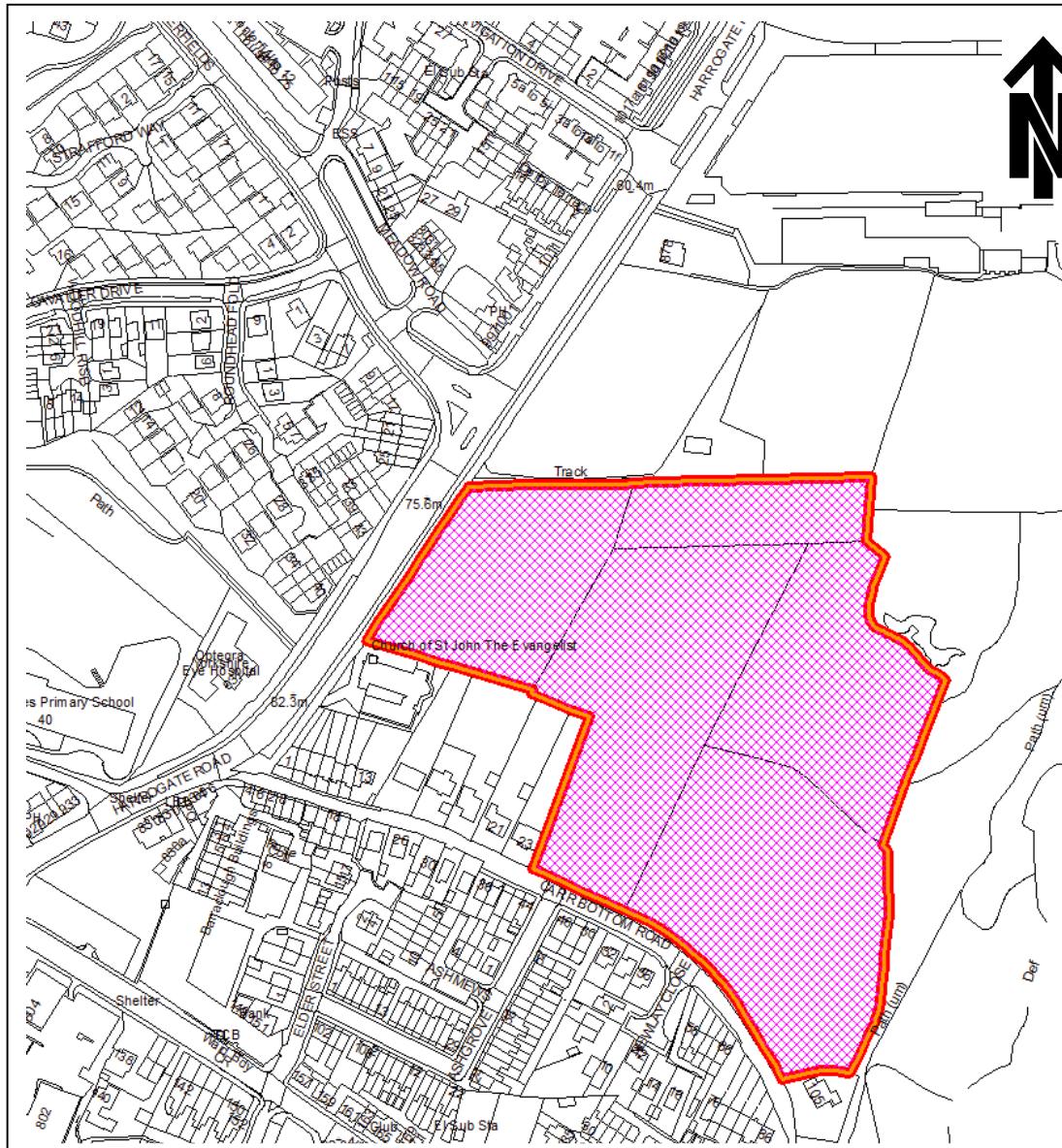
12. BACKGROUND DOCUMENTS

- Replacement Unitary Development Plan for the Bradford District
- Core Strategy DPD Publication Draft subject to Proposed Main Modifications
- National Planning Policy Framework
- Application file 16/02834/MAR

Regulatory & Appeals Committee

16/02834/MAR

14 July 2016



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**LOCATION:
Land At Harrogate Road
Bradford**

Appendix 1

04 August 2016

Ward: Idle and Thackley (13)

Recommendation:

1) To Grant Reserved Matters approval for layout, scale, appearance and landscaping, subject to the conditions set out at the end of this report.

2) To approve the proposed variation in the previously agreed Affordable Housing Planning Obligation, allowing the number of affordable houses required to be delivered on the site to be reduced from 20 to 16.

Application Number:

16/02834/MAR

Type of Application/Proposal and Address:

Reserved Matters application 16/02834/MAR: Reserved Matters submission for approval of appearance, landscaping, layout and scale pursuant to outline planning permission 14/05285/MAO: residential development of the land to the east of Harrogate Road/ north of Carr Bottom Road, Greengates.

Applicant:

Avant Homes (England) Limited

Agent:

Mr Rob Moore - Savills UK Ltd

Site Description:

The proposal site comprises a 4 hectare greenfield site located to the north of Carr Bottom Road, east of Harrogate Road, and west of West Wood, to the north of the Bradford-East area of Greengates and south-east of Apperley Bridge. It was observed during the site visit that the land is currently used for the grazing of horses and that the only site structures comprise dry stone boundary field walls, fences and gates and a small shed/awning type structure adjacent the western part of the northern boundary wall. Historical maps indicate that the site has been in its present condition (open fields with little surface development) since at least 1850, although old maps do show that a small quarry was worked adjacent to the site's north-eastern corner in the late 18th/ early 19th century.

The site slopes up from the western boundary with Harrogate Road to the dry stone wall intersecting the centre of the site running from north-south. The level difference over the 160m distance between the centre of the site and Harrogate Road is approximately 10m, indicating that the average gradient for the western half of the site is approximately 1 in 16. The land immediately adjacent to the western part of the northern site boundary slopes northwards at a slightly steeper gradient. The eastern half of the site is roughly level, with ground levels reducing steeply within the adjacent woodland area to the east (West Wood), which is outside of the proposal site.

The site's 80m long western boundary with Harrogate Road comprises an approximately 2m high stone retaining wall. There is no significant difference in levels between the site's southern boundary and Carr Bottom Road. Adjacent land uses comprise open land to the north, woodland with public access to the east (West Wood), residential development off Carr Bottom Road to the south and further residential development off Harrogate Road to the west. The Church of St John the Evangelist is located adjacent to the site's south western corner.

The District Centre/ Shopping Centre of Greengates is located approximately 400m (as the crow flies) from the centre of the site, with Greengates Primary School located approximately 300m to the west. In terms of nearby amenities Eccleshill Pool is located approximately 700m to the south of the centre of the site, a publically accessible woodland area (West Wood) is located adjacent to the site to the east, the Leeds and Liverpool Canal and towpath is located 300m to the north and several sports pitches are located north of the Canal.

Relevant Site History:

14/05285/MAO - Outline planning permission for the construction of up to 130 residential dwellings with associated access – Granted Subject to S106 Agreement 08 January 2016

Section 106 Agreement Dated 07 January 2016 included the following obligations:

- **On-site Affordable Housing provision:** The provision of 20 units at a level of discount on the open market value of the properties necessary to allow disposal of the properties to a Registered Social Landlord.
- **Education (Off-site Primary School Expansion Contribution):** The sum of £1,868.30 per dwelling will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Parkland Primary.
- **Education (Off-site Secondary School Expansion Contribution):** The sum of £2,413.20 per dwelling will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Immanuel College.
- **Recreation (Off-site Recreation Ground Provision):** The sum of £475.75 per dwelling will be paid to the Local Planning Authority to be used towards the improvement/enhancement of Greengates Recreation Ground and Idle Recreation Ground.
- **Recreation (Off-site Playing Field Provision):** The sum of £20,000 will be paid to the Local Planning Authority to be used towards the improvement/enhancement of the playing fields and changing accommodation at Apperley Bridge Recreation Ground.
- **Recreation (On-site Public Open Space and Equipped Play Area):**
 - Provision of a minimum of 2,600m² of Public Open Space (POS) and an equipped play area on the site;
 - Approval of Details and Implementation of a Plan for the Management/ Maintenance of the POS/ Play Area (or payment of a commuted sum if applicant wishes CBMDC to maintain the POS/ Play Area);

- **Metro provision:** The sum of £20,000 will be paid to the Local Planning Authority for the purpose of improving/enhancing existing Metro facilities which have been identified as:
 - (1) **Shelter to bus stop number 18113;**
 - (2) **'live' bus information display bus stop number 18113;**
- **Public Footpath Works:** The sum of £5,000 will be paid to the Local Planning Authority for the purpose of improving/enhancing footpaths running through West Wood to the east of the site.

Replacement Unitary Development Plan (RUDP):

Allocation

The north-western half of the proposal site is allocated as Employment Site BN/E1.14. The relevant proposals document describes this employment site as follows:

BN/E1.14 HARROGATE ROAD, GREENGATES 3.26 ha

Extended employment site carried forward from the 1998 adopted UDP. It is located in an area of high unemployment with few employment site opportunities, and on major transport routes close to Leeds/Bradford Airport in the Aire Valley. Although the site is located in Airedale, the site cannot be considered as a prime site, due to its topographical conditions, therefore non-core employment uses including hotels (C1) and health related employment uses including residential institutions (C2) will also be acceptable on this site. Extensive landscaping is required on the periphery of the site to provide an important amenity and visual buffer between the development and the open countryside.

The south-eastern half of the proposal site is allocated as Safeguarded Land BN/UR5.4. The relevant proposals document describes this employment site as follows:

BN/UR5.4 CARR BOTTOM ROAD, GREENGATES 2.43 ha

This site was formerly designated as Green Belt and is located on the edge of the main urban area. There is existing housing to the south, and an employment use to the north, whilst to the west is employment allocation BN/E1.14. The only vehicular access to the land is from Carr Bottom Road, which is very narrow at each end, and the alternative of access along Elder Street and Ash Grove is far from ideal. The site could be considered for housing in the future if a satisfactory access could be provided, but it is inappropriate to allocate it for housing at the present time because of the access constraint, its visual prominence, and the informal recreational use.

Other relevant Proposals Map allocations include Harrogate Road, which is allocated as a Transport Corridor, the adjacent woodland to the east, which is allocated as the West Wood Bradford Wildlife Area, and the Harrogate Road/ New Line junction, in relation to which Highway Improvement Scheme BN/TM20.7 has been allocated.

Proposals and Policies

The following saved policies of the RUDP are considered to be particularly relevant to the proposed development:

- UDP3 Quality of Built and Natural Environment

- UR2 Promoting Sustainable Development
- UR3 The Local Impact of Development
- H7 Housing Density - Expectation
- H8 Housing Density - Efficient Use of Land
- H9 Affordable Housing
- TM2 Impact of Traffic and its Mitigation
- TM12 Parking Standards for Residential Developments
- TM19A Traffic Management and Road Safety
- D1 Design
- D4 Community Safety
- D5 Landscaping
- D6 Meeting the Needs of Pedestrians
- D7 Meeting the Needs of Cyclists
- D10 Environmental Improvement of Transport Corridors
- OS5 Provision of recreation Open Space and Playing Fields In New Development
- NE4 Trees and Woodlands
- NE5 Retention of Trees on Development Sites
- NE6 Protection of Trees During Development
- NE9 Other Sites of Landscape or wildlife Interest
- NE10 Protection of Natural Features and Species
- NR15B Flood Risk
- NR16 Surface Water Run Off and Sustainable Drainage Systems

The National Planning Policy Framework (NPPF):

The NPPF sets out the government's national planning policies, which are a material consideration for all planning applications submitted in England. Detailed assessment of specific policies within the NPPF relevant to the proposed development is included in the report below; however, in general terms, the NPPF states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

Parish Council:

None Covering This Area.

Publicity and Number of Representations:

The application was initially advertised as a major planning application through the posting of site notices and neighbour notification letters and the publication of a notice in the Telegraph and Argus newspaper on 20 April 2016. The date specified on these initial notices, by which representations should be submitted, was 13 May 2016.

Following the submission of revised plans and further ecology information by the applicant further neighbour notification letters were sent specifying that comments on the amended proposals and further information should be submitted by 30 June 2016.

In response to this publicity 204 written representations have been received, including 197 representations which object to the application, 6 representations which state a neutral position and 1 representation stating support for the application. Objectors include two ward Councillors.

In addition a petition has been submitted with 150 signatories who ask for revisions to the scheme in relation to the layout of open spaces and housing and objects to the inclusion of any three-storey buildings.

Summary of Representations Received:

- It is unacceptable that more than three-quarters (76%) of the houses of the proposed estate are larger, premium houses, when local needs are very clearly contrary to this.
- The houses proposed to be built would be too expensive for locals to buy.
- The development will devalue existing properties.
- The appearance of the development is unsympathetic to the character of the locality.
- The inclusion of 3 storey houses on the Carr Bottom Road frontage is out of keeping with the character and scale of existing adjacent houses and will cause overbearing/ overshadowing/ overlooking problems.
- The appearance and scale of the proposed houses is such that the development will adversely affect the character of the landscape.
- The layout of the development is inappropriate/ naïve.
- Roofs should be aligned North-South to be ready for solar.
- The distance from front door of proposed houses to public transport is still too great.
- The estate road design is outdated and inappropriate.
- The development is inappropriately designed around car usage.
- The layout proposed in application 16/02834/MAR provides neither "substantial" nor "high quality" recreational space.
- The proposed location of the play area is such that it will be vulnerable to crime and anti-social behaviour and will not be well used.
- A better arrangement would be to provide public open space/ community garden on the Carr bottom Road frontage which will serve to mitigate the visual impact of the development and provide a community asset accessible to both new and existing residents.
- The public open space adjacent to Harrogate Road will be impacted by the noise and fumes associated with heavy traffic on Harrogate Road.
- The proposal does not appear to provide for the retention of the stone wall and trees on Carr Bottom Road contrary to the wishes of the planning committee.
- The landscaped buffer to the adjacent woodland is insufficient.
- Insufficient provision has been made to accommodate the existing footpath routes through the site.

- The landscaping proposals are based upon insufficient information in terms of the required further ecology reports.
- Further assessment of potential impacts upon birds and bats is required.
- The land is liable to flooding and flood risks have not been satisfactorily addressed.
- Insufficient consideration has been given to the potential for the development to increase off-site flood risks through additional surface water discharges into Carr Beck.
- The proposal to provide ponds on the site as part of the drainage system would be unsafe for children.
- The traffic levels in the area are such that road infrastructure is already at breaking point, the development will exacerbate this.
- The development will lead to adverse traffic impacts and road safety problems.
- The pedestrian access from Carr Bottom Road and the positioning of houses along this frontage will allow new residents to park on Carr Bottom Road and walk to their homes contrary to the outline planning permission and to the detriment of highways safety.
- The proposed access onto Harrogate Road is inappropriate and unsafe.
- The proposed access works will lead to unacceptable loss of street trees.
- This greenfield site should not be developed, as alternative brownfield sites/ vacant properties are available.
- Bradford needs more green spaces not less.
- There will soon be no green spaces left on this side of Bradford.
- Green, grass or woodland, areas are essential for recycling the carbon dioxide produced by all living things.
- Removing the current fields will reduce the ability of children to play outdoors and have a negative impact upon the quality of the local environment.
- The development will result in a loss of green belt land.
- Local infrastructure, such as schools and doctors' surgeries, do not have sufficient capacity to accommodate the additional residents.
- A library should be provided within the development scheme.
- The pre-application consultation undertaken by the developer was perfunctory and undertaken too close to the submission of the application.
- The notice given to contributors of the previously arranged Committee Meeting date was insufficient.
- Insufficient social housing is being provided as part of the development scheme.
- The proposal represents overdevelopment of the site.
- Families need houses and people have to live somewhere.

Petition Comments

- When you revise the plans we should like you to leave as much space as possible between Carr Bottom Road and the new houses. This space could be enjoyed by the new residents and the established residents.
- If the space you allow is generous perhaps some of it could be used for single storey buildings, for example Primary School, a Library, a Medical Centre or a car park. It would also allow the new house residents to be closer to their access point, Carr Bottom Road being totally unsuitable for any extra traffic.
- We are all against three-storey buildings for obvious reasons.

Applicant’s Pre-application Public Consultation

Prior to the submission of the application the applicant also undertook pre-application consultation in March 2016 in the form of a flyer distributed to local residents inviting comments on the proposals. The applicant has indicated that, in response to this consultation, comments were received from 9 local residents. Within the submitted Statement of Community Involvement the applicant has provided the following summary of the consultation feedback which they received and their response to it:

Consultation Comment	Response
The published material does not contain enough information to make an informed opinion, such as information on building materials.	In the interests on frontloading, the applicant has sought to publish material early in the design process for local residents to increase the ability to influence and shape the scheme. This is seen as an ongoing consultation and further information will be uploaded to the online resource as it emerges.
The position of plots 56, 41 and 42 are disjointed from the building line of plots 52-60.	The building line of plots 56, 41 and 42 have aimed to mirror the building line of their adjacent existing counterparts on Carr Bottom Road i.e. to continue the built form as existing. For further information please refer to the Design and Access Statement which accompanies these proposals.
Bungalows should be introduced on the site.	The housing mix has been in order to ensure a viable, marketable scheme. Further information in this regard can be found within the Planning Statement which accompanies the application.
Concerns are raised in respect of the height and orientation of plots along Carr Bottom Road.	Care has been taken to respect privacy. Following concerns of 12m privacy distances in respect of plot 41 and the existing building this has now been moved westward to allow for a privacy distance of 17m in line with officer comments. For further information please refer to the Design and Access Statement which accompanies these proposals.
The line of the public footpath is altered. A more acceptable approach may be to introduce public footpaths along the eastern edge of the site.	The altered line PRoW is believed to be a minor deviation and is understood to be acceptable through pre-application discussions. This closely mirrors that of the disputed route with the northern sections retain accurately as discussed at the point
	of the outline permission.
The position of public open space is inaccessible.	The POS scheme will be accessible via Carr Bottom Road and available for future residents and current surrounding residents alike.
Comments were raised in respect of the principle of development.	This is confirmed through planning application 14/05285/MAO

Consultations:

Drainage/ Lead Local Flood Authority

The Lead Local Flood Authority has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. Notwithstanding all the documentation submitted, an assessment of the Flood Risk Assessment reference D/I/L/104188/01C and the Drainage Design Strategy report reference D/I/L/104188/02C has been carried out, and if the following details are implemented and secured by way of a

planning condition on any planning permission the Lead Local Flood Authority have **NO OBJECTION** to the proposed development.

Condition:

1. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on a maximum pass forward flow of surface water from the development restricted to 20.4 litres per second, have been submitted to and approved by the local planning authority.
2. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.
3. The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Insofar if the following details are implemented and secured by way of a planning condition on any planning permission the Drainage Department have **NO OBJECTION** to the proposed development.

Condition

1. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority

Environment Agency

Based on the information submitted, we have no objection to this Reserved Matters application.

Foul Drainage

A mains connection has been proposed for foul drainage disposal. You are strongly advised to satisfy yourself, prior to determination, that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, Yorkshire Water, to attain this information. If capacity is not available, an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the capacity issue secured as part of the planning permission. If a non-mains solution is to be considered we should be re-consulted, prior to determination, and given the opportunity to comment further.

Informative: Surface Water

Changes to the [Planning Practice Guidance \(Flood Risk\)](#) and the [new DMPO](#) which took effect on 15 April 2015. These support the use of SuDS solutions for surface water management from new development, and explain that the expert advice on surface water proposals should come from the LLFA. The LLFA is now the Statutory Consultee on these

matters for major applications, and manage the regulation of works affecting all watercourses except for those designated 'main river' (this remains with the Environment Agency).

The Environment Agency still has a Strategic Overview role on flood risk and continues to be a statutory consultee in areas of flood zone 2 and 3. We will fulfil this role by advising on the interaction of drainage with flooding from rivers and sea, and continue to make comments as appropriate on local flooding issues from other sources. We will no longer provide detailed comments on the drainage proposals.

Environmental Health

The revised proposal includes provision of three pin sockets suitable for trickle charging of an electric vehicle at every property (either externally or within garage space). Each point is to be permanently marked with its purpose. On this basis the proposals for the EV charging provision are accepted.

Highways Development Control 1st Response

Having reviewed the details submitted the highway layout as submitted in its current form is unacceptable and therefore the applicant should amend their proposal to address the following concerns.

1. Given the existing site layout the applicant should provide cross sectional details along the centre line of the main spine road running through the site to demonstrate the gradients to be achieved.
2. The site access should achieve a gradient no steeper than 1 in 40 for the initial 20m (approx.) from Harrogate Road and then no steeper than 1 in 12 for the remainder. The gradient of the turning heads should be no steeper than 1 in 20.
3. The proposed layout exceeds the recommended unrestrained length of 60m for a residential road. Therefore natural bends should be introduced into the road layout rather than building in horizontal or vertical deflections.
4. The proposed shared surface road (starts adjacent to Plot 46) exceeds the recommended number of dwellings for a shared surface road. Therefore the traditional estate road should be extended further to the east to reduce the number of dwellings being served off any shared surface to no more than 25. The turning head adjacent to Plot 46 should be amended to include radius kerbs. The access road from Plot 37 to 41 changes from traditional estate to shared surface and then back to traditional estate. This is not acceptable and should only go from a higher order road to a lower.
5. A radius kerb is required in the road layout outside Plot 28.
6. The current access road layout includes raised plateaus constructed in block. If these are to be retained then a commuted sum payment will be required for their future maintenance
7. Carr Bottom Road already experiences problems with parking and traffic and therefore in order to discourage any potential parking arising from the new dwellings fronting this road the proposed boundary treatment along this section should not allow any pedestrian access. I am not convinced that the proposed dry stone wall on its own would achieve this. Therefore a continuous hedge should also be provided the maintenance of which should be written into a site management plan

covering all areas not being offered up for adoption or those falling outside of the curtilage of a dwelling.

Highways Development Control 2nd Response

- The Highways Development Control Team have raised no further concerns or objections following the submission of revised plans addressing the above comments.

Rights of Way 1st Response

The site layout has been revised and while the footpath as originally claimed is retained a section of the path crossing plots 42 to 46 will need to be diverted/ extinguished as required. This can be achieved through a Public Path Order and I am aware that agents acting for the developer have recently submitted an application to move the path. This application will be processed by the Rights of Way Section in due course. Sections of this path will also follow the new estate road which I am informed will be formally adopted by the Council.

The original plans included a number of additional footpath links through areas of green space and connecting with the woodland to the east of the site. These now seem to have been removed and while this is disappointing I am aware that local residents have raised concerns regarding the lack of green space. The applicant though is asked to consider an additional footpath link, off the proposed estate road and into the woodland (in the area near plot 66). This footpath would link with the existing footpath in the woodland.

The Rights of Way Section would also like to ensure that the applicant commits to fund footpath works in the woodland as previously agreed. Works briefly will include vegetation clearance, minor surfacing, step work, a pedestrian bridge and stepping stones and will be confined to the woodland in the control of the applicant.

If planning permission is granted please ensure that the applicant is made aware of the need to adhere to the standard footpath protection requirements during the period of any works on site.

Rights of Way 2nd Response

The Rights of Way Section can confirm that an application has been made to alter the line of the public footpath through the site. This can be achieved by a public path order and has been made under Town and Country Planning Act legislation. Subject to the developer obtaining relevant planning approval the public path order will be made and advertised accordingly.

The proposal will result in the closure of a section of existing public footpath starting at point A on the plan below, running via point B for approximately 125 metres. In its place will be a new section of footway (pavement) forming part of the new estate road. As the footway will be part of the new estate road there is no need for the Rights of Way Section to keep it on our records. The remaining footpath through the woodland to the east of the site will be unaffected by these proposals.

Initial pre-consultations with our Statutory Undertakers (i.e. Yorkshire Water, Northern Gas Networks etc) and Consultees (Ramblers, Ward Councillors) has commenced in the last few weeks. To date no adverse comments have been received.

Sport and Leisure

Please note Parks & Greenspaces have no comment at this time in respect of this submission as the Council will not be responsible for the future maintenance of the development.

Yorkshire Water

- Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:
- Drainage: The Drainage Design Strategy 104188/02C (prepared by Fairhurst - Report dated March 2016) confirms;
 - Foul water will discharge to the public combined sewer in Carr Bottom Road. Pumping will be required. Pumped rate not exceed 4 (four) litres per second.
 - Surface water will discharge to Carr Beck at a rate to be agreed with Bradford MDC as LLFA.
- *Water Supply*: A water supply can be made available.

Summary of Main Issues:

- 1) Principle
- 2) Density/ Efficient Use of Lane
- 3) Design, Landscaping and Visual Impact
- 4) Access and Highways
- 5) Flood Risk and Drainage
- 6) Ecology/ Biodiversity
- 7) Affordable Housing Provision, Education and Recreation Contributions
- 8) Community Safety Implications
- 9) Equality Act 2010, Section 149

Appraisal:

1) Principle

Outline planning permission for the residential development of the site was granted on 08 January 2016 subject to 31 conditions and several planning obligations secured through a legal agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. Condition 3 sets out the Reserved Matters, prohibiting the commencement of development until plans showing the appearance, landscaping, layout and scale of the development have been submitted to and approved in writing by the Local Planning Authority. Proposals for the site access were provided with the Outline application and were approved under planning decision ref. 14/05285/MAO.

The Development Management Procedure Order defines the reserved matters listed in condition 3 as follows:

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built

form of the development, its architecture, materials, decoration, lighting, colour and texture;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

The principle of residentially developing the site has already been established and approved through planning application 14/05285/MAO, as have provisions for the site access. Although the number of dwellings proposed on the site layout plan submitted with this application is 25 fewer than the upper development parameter of 130 indicated in the outline planning application, it is not considered that this change to the amount of development proposed is significant enough to preclude the development from being carried out under the authority of permission ref. 14/05285/MAO. The application also includes a proposal to reduce the level of Affordable Housing to be provided, in-line with this reduced amount of development, from the provision of 20 Affordable Units to the provision of 16 Affordable Units.

The only matters for consideration in the reserved matters application are the acceptability of the proposed details of the appearance, landscaping, layout and scale of the residential development, as assessed below. However the Committee are also asked to consider the proposed reduction in the number of Affordable Housing Units to be provided as part of the development as a separate but related matter.

2) Density/ Efficient Use of Land

Policies H7 and H8 of the RUDP seek to ensure that the best and most efficient use is made of any development site. As such there is a requirement to achieve a minimum density of 30 dwelling per hectare on residential development sites. The proposed amount of development is 105 dwellings. After deducting required Public Open Space the net site area is 3.5 hectares which equates to a density of 30 dwellings per hectare. Although this density of development is not particularly high it is above the minimum specified in saved policy H7.

Nonetheless consideration has been given to whether it would be appropriate to seek a higher density of development in accordance with saved policy H8. The Planning Statement submitted to support the application includes a review of the national and local housing market in terms of property demand/ prices and references the Council's Strategic Housing Market Assessment (SHMA).

The applicant's review of this information has led them to the conclusion that there is a particularly strong demand for larger detached houses in the BD10 area and consequently the proposed development scheme includes a significant proportion (51%) of the housing as 4 and 5 bedroom detached properties. Nonetheless the development will also provide 45 (43%) 2 and 3 bedroom semi-detached and terraced properties, including 16 Affordable Units.

Giving consideration to the need to respect the character of the surrounding built and natural environment and the evidence provided by the applicant and the Council's SHMA in respect of the market demand for larger family homes in the locality, it is considered that the proposed density of development and housing mix is appropriate to the site and responds sufficiently to housing need in the area. Therefore the proposed detailed development proposals are not considered to sit in conflict with either saved RUDP policy H8 or emerging Local Plan policies HO5 and HO8 or the provisions of paragraph 50 of the NPPF.

3) Design, Landscaping and Visual Impact

The National Planning Policy Framework (NPPF) confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- 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;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF also stresses that 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. At the local level saved RUDP policy D1 sets out design principles, indicating that new development should relate to the existing character of the locality, policy D4 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime and policy D5 emphasises

the importance of appropriate and effective site landscaping, indicating that existing and new landscape features should be incorporated as an integral part of the proposal.

Harrogate Road is allocated as a Transport Corridor and saved RUDP policy D10 emphasises that development proposals alongside or highly visible from the transport corridors identified on the proposals map should maintain or where practical make a positive contribution to the environment of those corridors through:

- (1) the provision of high quality landscaping and boundary treatment;
- (2) high standards of design and appearance of buildings;
- (3) the provision, where appropriate, of satisfactory screening.

The proposed detailed development scheme provides for the development of a mix of detached, semi-detached and terraced houses, mainly 2 stories in height but with 26, town house style, 3 storey semi-detached and terraced properties. The housing is proposed to be arranged fronting onto a new estate road running east from its junction with Harrogate Road and then turning south towards Carr Bottom Road. The architectural style of the proposed houses includes both traditional and modern elements, reflecting the range of architectural styles present within the locality.

The development provides for rows of properties fronting parallel with (but set back from) both Harrogate Road and Carr Bottom Road, with the Harrogate Road frontage treated with a planted open space area and the Carr Bottom Road frontage treated with a grass verge, rebuilt stone wall and shrub bed with sporadic tree planting. Two contrasting facing materials are proposed with properties fronting onto Carr Bottom Road and Harrogate Road to be built in artificial stone and properties internal within the estate to be brick faced. Artificial slate roofing is proposed throughout.

A strip of public open space provides a buffer between the development and the adjacent woodland along the northern part of the eastern boundary, with a row of 8 properties overlooking the proposed play area. A footpath link is provided from Carr Bottom Road, through the development site to an access point to the adjacent woodland located in the site's north-eastern corner. A bollarded emergency access point is also provided to Carr Bottom Road, as required by Highways.

To account for the relatively steep slope of the northern and western parts of the site the ground will be formed into a series of terraces necessitating the formation of several 3m – 5m high retaining walls. The applicant proposes to soften the impact of these retaining structures through tree planting and the use of climbing plants. The most potentially prominent retaining wall to the northern site boundary is proposed to be constructed from coursed stone gabions to provide for an appropriate landscape feature.

Affordable housing units are proposed to be provided in two clusters of 8 semi-detached properties, one in the centre of the site and one on the eastern part of the northern site boundary. The minimum separation distances specified within the Council's housing design guidance have been achieved both internally and in terms of the relationship of the

proposed new houses with existing adjacent houses on Carr Bottom Road and therefore there are no significant concerns in relation to overbearing, overshadowing or overlooking.

Objectors raised specific concerns in relation to the initial inclusion of 3 storey properties on the Carr Bottom Road frontage. Additionally the Council's Highways Development Control team initially raised concern in relation to the proposed highway layout, primarily in relation to the design speed of the estate roads, road alignment and inclusion of curved radii rather than straight splays on shared surface roads. The applicant was accordingly asked to review the initially submitted design plans to remove 3 storey properties on the Carr Bottom Road frontage and provide for a revised highway layout with a reduced design speed.

The applicant was also asked to review the proposed site landscaping in terms of the level of tree planting, the treatment of retaining walls and the extent to which it includes ecological enhancement provisions informed by appropriate ecological survey work. In response the applicant provided revised design plans, omitting 3 storey houses from, the Carr Bottom Road frontage, a revised estate road layout which meets current highways standards, further ecological survey reports and revised landscaping proposals informed by these reports and including additional native tree planting and retaining wall treatment proposals.

It is accepted that objectors continue to be concerned about several aspects of the development scheme, particularly the traffic impacts of the development, potential flooding issues and the arrangement of the proposed public open space and play area; however the consideration of this Reserved Matters application is limited to the layout, scale, appearance and landscaping of the development and it is considered that the proposed development scheme appropriately addresses all relevant objections in relation to these factors.

In assessing this application the Council are mindful of the positive requirements to protect the setting of nearby listed buildings and other Heritage Assets in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 132 of the NPPF. In the case of Barnwell Manor the Court of Appeal held that in enacting section 66(1) of the Listed Buildings Act 1990 Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise.

The context of the site in relation to designated and undesignated Heritage Assets, including the Grade II Listed Buildings on Carr Bottom Road, the Dog and Gun Public House, 997 Harrogate Road, the Church of St John the Evangelist (unlisted) and the Leeds and Liverpool Canal Conservation Area, and the potential impacts of the proposed residential development of the site have therefore been given careful consideration. However it is considered that there are no grounds to conclude that the proposed development would significantly harm the setting of the nearby listed buildings or the significance of any of the designated or undesignated heritage assets in the locality.

It is further considered that the design quality of the proposed detailed development scheme is such that it will not prejudice the environmental quality of Greengates or the adjacent Transport Corridor, will not harm the ecological or amenity value of the adjacent West Wood woodland, will not compromise connectivity, create insecure spaces vulnerable to crime or antisocial behaviour and will not unacceptably prejudice the visual or residential amenities enjoyed by the occupants of surrounding land. Therefore the proposal is considered to accord with the design principles set out in paragraphs 58, 64 and 130 of the NPPF and saved policies BH4A, D1, D4, D5 and D10 of the replacement Unitary Development Plan.

4) Access and Highways

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

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

Saved policies TM2 and TM19A of the RUDP indicate that development which will lead to unmitigated adverse impacts on proposed or existing transport infrastructure will not be accepted and that road safety is a material planning consideration. RUDP Annex C specifies parking standards for residential development and saved RUDP policy TM12 indicates that in determining planning applications for residential developments the Council will require provision of parking in accordance with the council's adopted standards, although lower parking standards can apply for developments of affordable housing and for units located in the city and town centres with very good levels of public transport accessibility.

Approval for the proposed main vehicular access for the site off Harrogate Road, with pedestrian and emergency access provided from Carr Bottom Road, and footpath connections maintained to the adjacent woodland to the east, has already been approved through outline planning approval ref. 14/05285/MAO. The matter for consideration in the current reserved matters application is whether the proposed highways layout is appropriate in design terms both in terms of highways safety and the connectivity and permeability of the site.

During the consideration of the Outline application the issue of the capacity of the New Line/ Harrogate Road junction was also considered and a Planning Obligation was proposed which would require developer contributions from the housing development to part fund the planned junction improvements in lieu of other contributions. However prior to the completion of the Section 106 agreement an alternative source for this funding was confirmed, by way of the approved Miller Homes housing development at Simpson Green,

and therefore it is no longer necessary to source further developer contributions for the Council to move forward with the planned junction improvement project.

In relation to the highways layout the developer has provided a satisfactory level of parking, with in excess of 2 parking spaces for the majority of houses, with only a small number of the proposed 2 bedroom properties being provided with less than 2 spaces. In addition provision has been made for 25% visitor parking. The proposed revised estate road layout now includes build-outs to reduce the design speed of the development in-line with the current standard (20mph) and splays rather than curved radii provided to shared surface sections.

Several objectors have raised concerns that the pedestrian link between the development site and Carr Bottom Road, combined with the proximity of proposed new housing fronting adjacent to Carr Bottom Road, will mean that new residents are likely to opt to park on Carr Bottom Road in preference to the parking spaces provided to their properties. In order to address this risk the applicant has provided for robust boundary treatments to the Carr Bottom Road frontage with a rebuilt stone wall and dense shrub bed which will limit pedestrian connectivity with Carr Bottom Road to the single footpath provided.

Although it is accepted that it would be possible for new residents to park on Carr Bottom Road and walk to their properties it is considered that the risk of this behaviour occurring has been sufficiently mitigated through the provision of a high level of in-curtilage parking and appropriate landscaping treatment proposals to Carr Bottom Road.

The Council's Highways Development Control Team have advised that the proposed revised internal highways arrangements are now acceptable in highway design terms. Full construction details of the proposed access onto Harrogate Road have not been submitted for approval at this stage and will be the subject of a separate submission of details application. It is therefore considered that the highways layout proposed as part of this Reserved Matters application is acceptable and accords with the provisions of saved policies TM2 and TM19A of the RUDP and paragraph 32 of the NPPF.

5) Flood Risk and Drainage

Saved RUDP policy NR16 states that development proposals, which add to the risk of flooding or other environmental damage, as a result of surface water run-off will not be permitted unless effective control measures are provided. The policy also requires that development proposals incorporate sustainable urban drainage systems (SUDS), which control surface water runoff, as close to source as possible, wherever practicable.

A full updated Flood Risk Assessment has been submitted to support the current Reserved Matters application supported by a Drainage Design Strategy, notwithstanding the fact that the approval of full drainage details is not being sought at this time. The flood risk assessment finds that:

- The development area lies within Environment Agency Flood Zone 1 which means that the chance of flooding each year from rivers or the sea is less than 0.1% (1 in 1000).

- The development area is not classified as having any flood risk on the EA NaFRA data map.
- No historical floods are indicated to have impacted the site area.
- Geological indicators of flooding are absent within the site area.
- RMS 75 year, 100 year, and 1000 year return flood maps indicate the site is not subject to minor river / pluvial flooding.

The concept drainage strategy for the site is as follows:

- Surface water from the development will discharge via Bioswales and underground storage pipework to detention basins.
- Discharge from detention basins to Carr Beck via underground gravity pipework.
- Due to levels, part of the site will require localised use of a surface water pumping station and rising mains.
- A discharge rate of 20.4l/s from the development to Carr Beck has been historically agreed with the Land Drainage Authority (Bradford Metropolitan District Council)
- Surface water treatment within the system will be provided by the use of Bioswales (filtration of water through porous media and phytoremediation).
- Foul water will discharge to the combined sewer located in Carr Bottom Road.
- Due to levels this will require the use of a pumping station and rising mains.

The Environment Agency, Yorkshire Water and the Council's Drainage Unit, acting in their capacity as Lead Local Flood Authority have been consulted on the application and none of these bodies have raised any concern in relation to the flood risks associated with the detailed development scheme or the concept drainage design suggested. Therefore, subject to the approval of a detailed drainage design scheme, as reserved by conditions 5, 6 and 7 of Outline Planning Permission, ref. 14/05285/MAO, it is considered that the submitted details of site layout, scale, appearance and landscaping do not conflict with saved policies NR16, NR17 or NR17A of the RUDP.

6) Ecology/ Biodiversity

Saved RUDP policies NE5 and NE6 emphasise the importance of the retention and protection of trees on development sites. Saved policy NE9 indicates that proposals likely to have an adverse effect on a Bradford Wildlife Area will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site. Saved policy NE10 confirms that development proposals should ensure that important landscape, ecological, geological features, or wildlife habitats accommodating protected species are protected. Paragraph 109 of the NPPF confirms that one of the government's objectives for the planning system is to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

The proposal site primarily comprises rough grazing land; however several trees are located on the site and the proposed development area is immediately adjacent to the West Wood Bradford Wildlife Area. The conditions attached to outline planning permission

ref. 14/05285/MAO required for certain further ecological survey work to be undertaken, for the proposed landscaping provisions to be informed by the conclusions of the ecology reports and for a buffer to be provided to protect the integrity of the adjacent woodland.

The initial reserved matters submission was supported by a tree survey but did not include all of the other necessary ecological information in terms of flora and fauna, an issue which has been picked up by several objectors. The proposed site layout provides for a robust buffer to the adjacent woodland, with a green corridor of public open space provided along the site's eastern boundary. This buffer does not extend to the southern part of the eastern boundary; nonetheless the woodland in this location is less dense and is generally set back from the site boundary and therefore the development proposals are not considered to prejudice the integrity of the woodland.

In response to the concern about the lack of ecological information to inform the proposed landscaping scheme and planting specifications the applicant commissioned the required additional ecological survey and assessment work including:

- National Vegetation Classification (NVC) surveys of the grassland at the Site;
- An assessment of the Site under the West Yorkshire Local Wildlife Site (WYLWS) Criteria;
- Badger survey of the Site;
- Bat activity surveys (foraging / commuting) at the Site;
- Proposals for planting, seeding and wetland creation; and
- Preparation of a Biodiversity Environmental Management Plan (BEMP).

An Ecological Survey Report & Biodiversity Environmental Management Plan was prepared on the basis of this further survey and assessment work which in turn informed a revised landscaping scheme incorporating additional ecological enhancement/ mitigation provisions, including:

- Provision for seeding areas of POS with ecologically appropriate mix of grasses;
- Provision for additional planting of native shrubs and trees including Hawthorn, Alder, Birch, Beech, Oak and Rowan;
- Provision of bird and bat boxes affixed to buildings;
- Management of grassland within the woodland buffer zone.

Subject to the implementation of the submitted Biodiversity Environmental Management Plan, in terms of the proposed seeding, tree and shrub planting and bird and bat box installation provisions, it is considered that the application has appropriately addressed ecological and tree issues and demonstrated that the development of the site should not adversely affect the adjacent West Wood Bradford Wildlife Area, in accordance with the principles set out in paragraph 109 of the NPPF and saved policies NE5, NE6, NE9 and NE10 of the RUDP.

7) Affordable Housing Provision, Education and Recreation Contributions

Outline planning permission ref. 14/05285/MAO was subject to the following planning obligations to address infrastructure contribution and affordable housing provision requirements associated with the development:

- **On-site Affordable Housing provision:** The provision of 20 units at a level of discount on the open market value of the properties necessary to allow disposal of the properties to a Registered Social Landlord.
- **Education (Off-site Primary School Expansion Contribution):** The sum of £1,868.30 per dwelling will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Parkland Primary.
- **Education (Off-site Secondary School Expansion Contribution):** The sum of £2,413.20 per dwelling will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Immanuel College.
- **Recreation (Off-site Recreation Ground Provision):** The sum of £475.75 per dwelling will be paid to the Local Planning Authority to be used towards the improvement/enhancement of Greengates Recreation Ground and Idle Recreation Ground.
- **Recreation (Off-site Playing Field Provision):** The sum of £20,000 will be paid to the Local Planning Authority to be used towards the improvement/enhancement of the playing fields and changing accommodation at Apperley Bridge Recreation Ground.
- **Recreation (On-site Public Open Space and Equipped Play Area):**
 - Provision of a minimum of 2,600m² of Public Open Space (POS) and an equipped play area on the site;
 - Approval of Details and Implementation of a Plan for the Management/Maintenance of the POS/ Play Area (or payment of a commuted sum if applicant wishes CBMDC to maintain the POS/ Play Area);
- **Metro provision:** The sum of £20,000 will be paid to the Local Planning Authority for the purpose of improving/enhancing existing Metro facilities which have been identified as:
 - **(1) Shelter to bus stop number 18113;**
 - **(2) 'live' bus information display bus stop number 18113;**
- **Public Footpath Works:** The sum of £5,000 will be paid to the Local Planning Authority for the purpose of improving/enhancing footpaths running through West Wood to the east of the site.

The amount of development proposed in the detailed development scheme set out in this Reserved Matters application is reduced by 25 residential units to 105 houses and the application also includes a proposal to reduce the level of Affordable Housing to be provided, in-line with this reduced amount of development, from the provision of 20 Affordable Units to the provision of 16 Affordable Units.

The proposed revised level of Affordable Housing provision, at 16 units (15% of the total number of units) accords with the provisions of saved RUDP policy H9. The Committee's approval is sought for this proposed reduction in Affordable Housing provision in addition to the approval of the Reserved Matters. It is considered that the level of Affordable Housing proposed is reasonable, given the accepted current budgetary constraints on the ability of social landlords to acquire new properties and the amount of open market development proposed.

8) Community Safety Implications:

Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The proposed development includes various provisions to minimise the vulnerability of the development to crime and anti-social behaviour including natural surveillance of the play area and public open spaces, barriers to prevent vehicles from utilising footpaths and providing for a layout which minimises the vulnerability of rear gardens. It is therefore 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 saved policy D4 of the RUDP.

9) Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that the proposal would lead to either significant or disproportionate adverse impacts on any groups of people or individuals who possess protected characteristics. Likewise, if reserved matters approval were to be refused by the committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics.

Reason for Granting Approval of Reserved Matters:

The details submitted in relation to appearance, landscaping, layout and scale are considered to be acceptable. The detailed development scheme proposed should provide for an attractive housing development, with external spaces of high amenity value, without significantly detrimentally affecting the surrounding environment or the occupants of adjacent land. The proposal is considered to accord with the relevant national planning policies set out in the NPPF and the saved policies within the replacement Unitary Development Plan, in particular policies UDP3, UR2, UR3, H7, H8, H9, TM2, TM12, TM19A, D1, D4, D5, D10, BH4A, NE4, NE5, NE6, NE9, NE10 and NR16.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of two years from the date of this Reserved Matters approval.

Reason: To ensure that the development is begun within a reasonable timeframe without prejudicing the viability of implementing the scheme and to accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2) The construction of the dwellings to which this notice relates shall not be begun and no site preparation works or engineering operations shall commence, until

Temporary Tree Protective Fencing has erected in accordance with the details shown on drawing ref. 2648/3 Rev B. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan and be retained for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

3) The hard and soft landscaping provisions illustrated on drawings ref. 2648/1 Rev C, 2648/2 Rev C and 2648/4 Rev A shall be fully implemented either prior to the occupation of any of the dwellings to which this decision notice relates or in accordance with a Phasing Plan submitted to and approved in writing by the Local Planning Authority.

Reason: To provide for an attractive public realm and external environment of high amenity value to residents, for the maintenance of tree cover and in the interests of amenity and ecology, to accord Policies NE4, NE5, NE9, NE10 and D5, of the Replacement Unitary Development Plan.

4) The Biodiversity Environmental Management Plan set out in Section 7 of the submitted Ecological Survey Report & Biodiversity Environmental Management Plan, date June 2016 shall be implemented in full.

Reason: To provide for the successful establishment and maintenance of landscaped areas and the mitigation of the ecological harm which would otherwise be associated with the development, in the interests of amenity and ecology, in accordance with saved policies NE4, NE5, NE9, NE10 and D5 of the Replacement Unitary Development Plan.

5) The construction of the houses to which this decision notice relates shall not begin until full details of all facing materials, including samples of roofing and walling materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to the built and natural environment in the locality, in accordance with saved policies D1, BH4A and UR3 of the replacement Unitary Development Plan.

6) Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority, the proposed highways provisions hereby approved, including roads, parking spaces, turning areas and footpaths, shall be laid out, hard surfaced, sealed

and drained within the site in accordance with the approved plan numbered 4154/201 REV E and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that suitable roads, footways and parking and turning provisions are made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

7) Notwithstanding the provisions of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent legislation which replaces or re-enacts this Development Order, no additional windows shall be installed in the houses shown at plots 56 and 41 on drawing ref. 4154/201 REV E, without the prior written consent of the Local Planning Authority.

Reason: To protect the privacy of adjacent existing residents, in the interests of amenity, in accordance with saved policies UR3 and D1 of the replacement Unitary Development Plan.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 4th August 2016

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Subject: Construction of 44 retirement living apartments, 56 assisted living units, 77 bedroom care home, 2896 m2 office building, two extensions to Spooner Industries Ltd totalling 1520 m2 and children's nursery 376m2 together with associated parking and landscaping works at Land At Mayfield Road and Railway Road, Ilkley – planning application 15/07583/MAF

Summary statement:

The development of this unallocated, vacant Brownfield site with a mixed use development of residential and commercial uses in the manner proposed is considered a welcome and appropriate development of the site that gives the opportunity to provide a sustainable pattern of development within the urban fabric of Ilkley, an identified principal Town in the publication draft of the Core Strategy. It is considered that the development is well conceived and ensures the site and its qualities and the character of the surrounding areas are maintained. The effect of the proposal on the biodiversity of the site itself, the nearby moorland habitats, the surrounding locality and the adjacent neighbouring residential and commercial properties has been assessed and is considered acceptable. The provision of vehicular accesses to Mayfield Road in the manner and locations proposed is appropriate. As such the proposals will not compromise highway and pedestrian safety and will sustainably link the development into the existing community.

It is considered that the provision of a residential scheme which provides a suitable mix of housing, care facility, and mixed commercial uses along with an extension to an existing employment use which currently abuts the application site together with the proposed vehicular and pedestrian accesses takes into account the constraints of the site and builds upon the opportunities of the site. As such, it is considered development in the manner proposed is in conformity with the core principles of the National Planning Policy Framework (paragraphs 17, 19, 22, 32, 36, 47, 49, 50, 56, 57, 58, 61, 69, 109, 111, 118, 173, 204) and development principles outlined within the Replacement Unitary Development Plan under policies UDP1, UDP3, UPD4, UDP7, UR3, UR6, H7, H8, H9, TM1, TM2, TM11, TM12, TM19A, D1, D2, D4, D5, D6, OS5, NE4, NE5, NE10, NE11 and NR16.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
Email: john.eyles@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

The proposal relates to a full application for the construction of 44 retirement living apartments, 56 assisted living units, 77 bedroom care home, 2896 m2 office building, two extensions to Spooner Industries Ltd totalling 1520 m2 and children's nursery 376m2 together with associated parking and landscaping works on Land at Mayfield Road, Ilkley. Planning permission is recommended to be granted subject to restrictive conditions and a S106 legal agreement to deliver the following:

- Payment of £281,050.37 for the purpose of providing affordable housing in the ward of Ilkley. Any unspent sum after three years can then be spent in the Parliamentary Constituency of Keighley.
- Payment of £7,201.63 to be used towards the provision of off-site recreational facilities. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at East Holmes Fields or Riverside Gardens.
- Payment of £28,000 for the purpose of upgrading the existing parks - Riverside Gardens, West View Park and two areas on Ilkley Moor – the boating lake and Ilkley Tarn and their environs. It proposed that mitigation monies in all these sites be used to improve signage, walking routes and other amenities in order to provide pleasant alternatives to the wider moor itself.
- Payment of £10,000 for the purpose of providing a bus shelter at stop no: 14149.

Overall, it is considered that the provision of a mixed use residential and commercial scheme on the site with the proposed vehicular access appropriately takes into account the constraints of the site.

2. BACKGROUND

- Planning permission 09/00857/FUL granted on appeal (2nd September 2010) for the construction of replacement Tesco Class A1 food store with car parking, landscaping and associated works. This permission has now lapsed as it has never been implemented.
- Planning permission 13/02722/MAF granted for the renewal of planning permission 09/00857/FUL for the construction of a replacement Tesco Class A1 food store. This decision was made on the 21st November 2013 following the completion of a S106 legal agreement is still within its 3 year timeframe for implementation.

The technical report attached as appendix 1 explains the current situation with regard to housing proposals in the District.

3. OTHER CONSIDERATIONS

None

4. OPTIONS

Members can decide to:

- Approve this application subject to conditions and a S106 legal agreement; or
- Approve the application with different conditions and or different heads of terms for the suggested legal agreement; or
- Refuse the application giving reasons as to why it is unacceptable; or
- Defer the application for further consideration

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from matters associated with the report.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications

7. LEGAL APPRAISAL

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

8. OTHER IMPLICATIONS

8.1 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 this prohibit 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.

8.2 SUSTAINABILITY IMPLICATIONS

It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. Good design ensures attractive usable, durable and adaptable places and is also key element in achieving sustainable development. The mixed use scheme is considered well designed and provides a bespoke solution for the site to enable all the opportunities for the site to be harnessed. Sustainable methods of drainage from the site are also to be fully explored as part of the proposal. A travel plan promoting sustainable modes of travel is also provided.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

No issues raised other than those identified in the appended technical report. EV charging points are to be provided at several of the different uses hereby proposed (planning condition). The proposals also make a contribution (via the suggested heads of terms of the S106 legal agreement) toward a new bus shelter. This will clearly help facilitate more sustainable means of travel. A travel plan document also references the use and promotion of low emission vehicles at the site and a condition to monitor the travel plan elements is suggested to be attached as a planning condition.

8.4 COMMUNITY SAFETY IMPLICATIONS

The proposal is considered to take account of secure by design initiatives and is in accord with policy D4 of the Replacement Unitary Development Plan.

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

No implications

8.7 WARD IMPLICATIONS

The scheme provides housing and commercial development on unallocated Brownfield land within the urban area of Ilkley.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions and section 106 legal agreements set out in the report attached as appendix 1.

11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

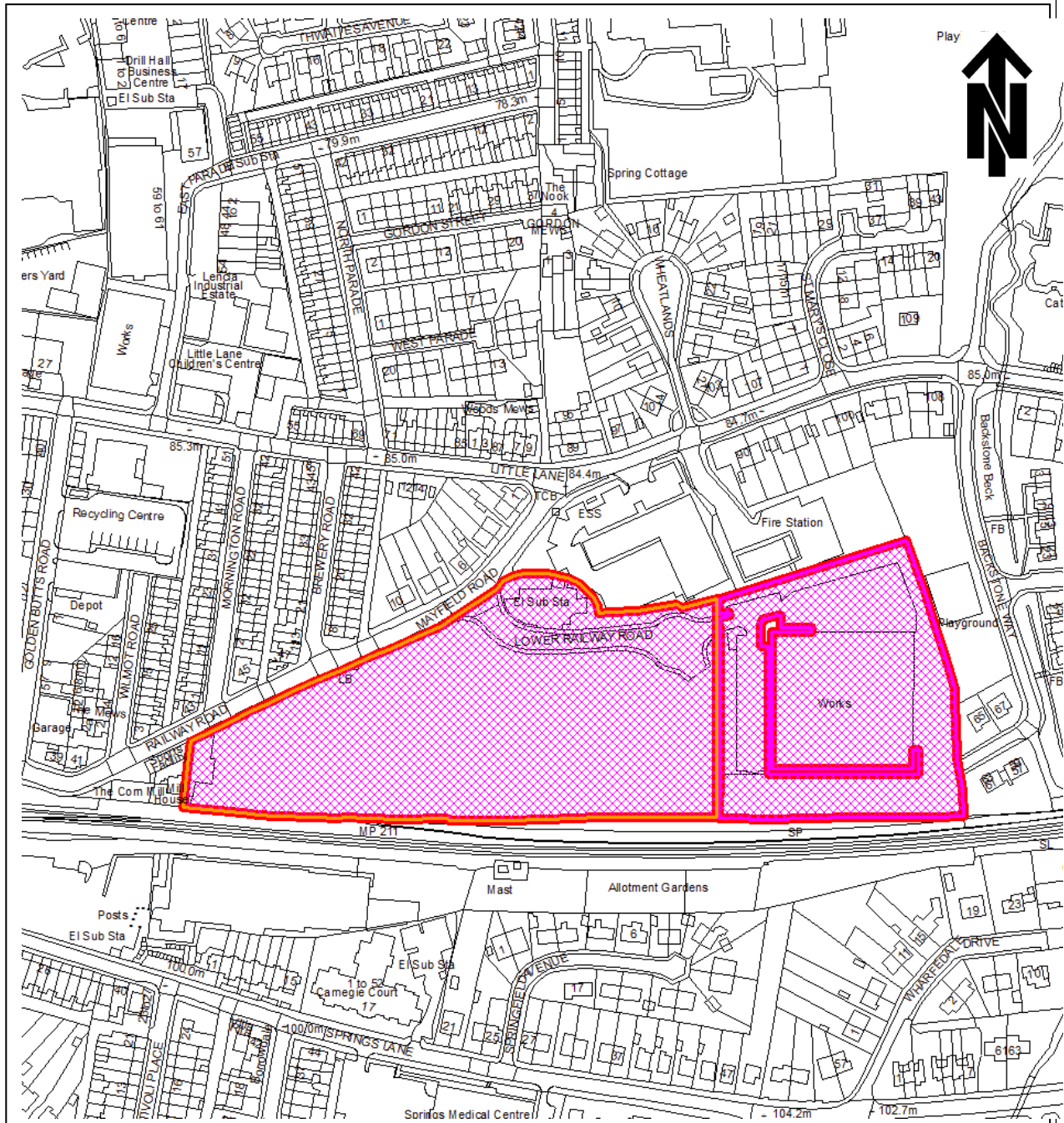
The Replacement Unitary Development Plan

Publication Draft Core Strategy (draft subject to an examination in public in March 2015) and subject to modification which was examined by the Inspector in May 2016

Regulatory & Appeals Committee

15/07583/MAF

4 August 2016



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**LOCATION:
Land At Mayfield Road And Railway Road
Ilkley
LS29 8JB**

4th August 2016

Ward: Ilkley

Recommendation:

To grant planning permission subject to conditions and a S106 legal agreement.

Application Number:

15/07583/MAF

Type of Application/Proposal and Address:

A full planning application for the construction of 44 retirement living apartments, 56 assisted living units, 77 bedroom care home, 2896 m² office building, two extensions to Spooner Industries Ltd totalling 1520 m² and children's nursery 376m² together with associated parking and landscaping works at Land At Mayfield Road and Railway Road, Ilkley

Applicant:

McCarthy & Stone Retirement Lifestyles Ltd and Tesco Plc

Agent:

Hazel Fox, the Planning Bureau Ltd.

Site Description:

This wedge shaped application site covers an area of 2.23 hectares and is unallocated within the Replacement Unitary Development Plan. The site is now cleared of buildings but formally contained a number of vacant industrial buildings following the relocation of the former employment use (Spooners Industries Limited) onto an adjoining employment site to the east (identified as K/E1.10 on the Proposals map of the Replacement Unitary Development Plan). The site also contained a number of vacant residential properties which have now been demolished. There are three groups of preserved trees (TPOS) on the site.

The site slopes from the south to the north ranging by up to 5m in height difference from the edge of the site adjacent to the railway down to Mayfield Road. Ilkley Town Centre and its central shopping area lies approximately 180 metres to the east.

The site is bounded by the railway line along its southern boundary, by Mayfield Road to the north and by an existing employment use to the west. Several residential properties front onto Mayfield Road. Beyond Mayfield Road, there are several residential streets. Access to the site is currently via Mayfield Road along a road which leads to the relocated Spooners Factory.

Relevant Site History:

a) Planning permission 13/02722/MAF granted for the renewal of planning permission 09/00857/FUL for the construction of a replacement Tesco Class A1 food store. This decision was made on the 21st November 2013 following the completion of a S106 legal agreement is still within its 3 year timeframe for implementation.

b) Planning permission 09/00857/FUL for the Construction of replacement Tesco Class A1 food store with car parking, landscaping and associated works was granted on appeal in September 2010 subject to conditions and a S106 legal agreement.

c) Planning application 07/10224/FUL for the construction of a retail store with associated car parking was withdrawn from determination.

d) Relevant history for the adjoining site:

Planning permission 05/08447/FUL was granted for the construction of one industrial building with associated car parking on land to the east of the current application site. This building has now been constructed and the former occupants of the application site have relocated to the newly constructed unit.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated within the Replacement Unitary Development Plan.

The following policies are relevant:-

Proposals and Policies

UDP1 – Promoting sustainable patterns of development

UDP2 – Restraining development

UDP3 – Quality of built and natural environment

UDP7 – Reducing the need to travel

UR2 – Promoting sustainable development

UR3 – The local impact of development

UR6 - Planning Obligations and conditions

E3 – Protecting existing employment land and buildings in urban areas

E3A – Office development

H7 – Housing Density – Expectation

H8 – Housing Density – Efficient Use of Land

H9 – Affordable Housing

TM1 - Transport Assessment

TM2 – Impact of traffic and its mitigation

TM11 – Parking standards for non-residential development

TM12 – Parking standards for residential developments

TM19A – Traffic management and road safety

D1 – General design considerations

D2 – Energy Efficiency and Sustainable Design

D4 – Community safety

D5 - Landscaping

D6 - Meeting the needs of pedestrians

OS5 – Provision of recreation open space and playing fields in new development

NE3 – Landscape Character Areas

NE3A – Landscape Character Areas

NE4- Trees and Woodlands

NE5 - Retention of Trees on Development Sites

NE6 - Protection of Trees during development

NE10 - Protection of Natural features and Species

NE11 - Ecological Appraisals

NR16 - Surface Water Run Off and sustainable Drainage Systems

BMDC – Supplementary Planning Guidance

Landscape character

Planning Obligations

Planning for Crime Prevention

The Examination Draft of the Core Strategy (Independent hearing of the Core strategy closed on 19th March 2015)

The Local Plan Core Strategy seeks to ensure that sustainable economic growth takes place throughout the District. Whilst the core strategy is not yet adopted, modifications have been consulted upon (due for further examination in May 2016) and it is appropriate to add some limited weight to various policies of the Plan. To this end with regard to this application the Core Strategy identifies Ilkley as a Principal Town in Wharfedale where housing and employment uses will be located.

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

Parish Council:

Original comments: Objection recommend refusal on the following grounds:

1. The design is out of keeping and goes against the design principles set out in Policy D9. The design does not conserve the character of the townscape of Ilkley.
2. The proposal is economically incoherent and does not take in to account the strategic requirements of the town. Ilkley's needs are affordable housing and increased car parking capacity. This prime town centre site should not be used for a development which is principally made up of retirement accommodation.
3. Provision for retirement accommodation in Ilkley has already been met. The town currently has 411 care home beds and 385 assisted living apartments. The demographics of the town show that the population of Ilkley should require approximately 280 care home beds. This need has been more than sufficiently met already. District nurses have confirmed that there is currently spare capacity in existing care homes. In addition, the CCGs across Bradford, Wharfedale and Airedale have developed initiatives such as the Integrated Community Teams, aimed at keeping people in their own homes rather than needing to move into long term care homes thus further reducing the requirements. The provision of further retirement accommodation and less affordable housing is creating an ageing population which ultimately will have a social and economic impact on the town.
4. Affordable housing is in exceptionally short supply in this area of the District. The younger population who have grown up and been educated in the town are now not able to continue living here because they cannot afford any property. This site could

provide a considerable number of the affordable housing which required under the District's Local Plan. The use of a brownfield site for these homes would also ensure that greenbelt land is protected. This proposal is therefore contrary to Policy H2 and H9 of the RUDP which states BMDC must negotiate for a proportion of affordable housing for all substantial developments.

5. A substantial number of commuters travel to Ilkley each day to park and use the train service. Network Rail statistics show that, after Leeds, Ilkley is the second highest London commute town in West Yorkshire. Network Rail has also confirmed that they plan to increase the current frequency of trains which will add to the number of rail users. The town does not have the parking capacity to cope with this and desperately needs additional facilities. This site should include a significant number of parking spaces for commuter parking. As the plans currently stand, this development would add to the parking problems in the town as the provision of parking spaces is not adequate.

The Committee also notes the large number of objections to this application along with very limited comments of support.

Additional comments:

Original comments above still stand.

Publicity and Number of Representations:

Site notices were displayed at the site, advertisements were placed in the local paper and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments on the amended scheme details being 24th June 2016. 38 letters of representation have been made: 32 objections, 4 letters of support and 2 letters of comment.

All comments summarised below are written in no particular order of importance. Any additional representations which may be received after the publication of this report will be reported orally at the committee.

Summary of Representations Received:

- There are major changes to the proposal and no suggestion of the number of units proposed on the layout plans relative to the original Dec application.
- This is a serious matter of deliberate confusion or to get the authority out of a problem of not determining the application in time or not having the request to extend the period sooner.
- The mass on the elevations is overpowering to the opposite properties of 19C terrace houses and semi detached homes.
- This is not acceptable in a conservation area even though a change from industrial land to commercial care homes when the town needs of parking and Starter homes for Ilkley's younger generation.
- Request that the original application is determined as out of time and that officers request a new application and then if officers recommend approval then request the application goes to the planning committee and as a major development in our town to the major committee
- The developer states in their Benefits of this proposal. Much needed retirement accommodation. There is no mention of any need for another nursery.
- Ilkley has an over-supply of nurseries and playgroups. There are over 12, many with vacancies and most struggling to cover costs with one nursery recently

closing due to lack of demand. Retirement homes do not create any demand for more.

- Ilkley Civic Society do not object in principle to developing this site, which is the largest development site in Ilkley for some time. It represents a big opportunity for Ilkley. We anticipate that it will make a significant contribution towards the very high housing targets currently being proposed by Bradford Council. Need residential accommodation to be built and/or to provide employment land on this site in order to avoid squandering the West Yorkshire green belt by which Ilkley is surrounded and is key to its attractive nature and setting.
- A key issue in the complex decision as to whether this high density development can be supported. If it reduces pressure on the green belt it might be acceptable. Not opposed to mixed use development and subject to a number of points, Ilkley Civic Society support Spooners, childcare provision and appropriate sized office accommodation as they will contribute more jobs to the local economy.
- Support the additional land allocated for Spooners expansion. However, in assessing this we find that the numbers employed now and in the proposed expansion are far from clear and this has significant bearing on the adequacy or otherwise of the parking spaces allocated to that firm.
- This application will have a very significant impact on residents in nearby streets. The lead seems to have been taken from the previously approved supermarket application with regard to height and massing. The impact of building to the height indicated, 4 storeys, needs to be very carefully considered. It would be acceptable if an interesting building design had been submitted, but the buildings do not show designs of an imaginative approach specific to the site and its important location within the town.
- It would make much more sense, and be safer, to place all the non-office/industrial units as near to the town as possible and off the same access road with pedestrian routes as short as possible in order to encourage residents in these units to walk rather than drive into town.
- The nursery should be sited away from the main traffic flow.
- The variety of walling materials chosen leads to a lack of cohesiveness in the residential areas, we would prefer a smaller palette. Great care needs to be taken in approving roofing materials.
- Accept this proposal is not within the Conservation Area, it is on a route leading into and close to the Conservation Area. It is on a site where Heritage Assets have already been lost to the town, (original brewery complex) and adjacent some of the few industrial buildings remaining and 19th century housing that could well be included in the CA. We do not seek a pastiche of these building types but a 21st century design that respects the area in which it sits.
- Whatever is built on this site, it is going to be highly visible from the surrounding hillsides and many residential properties and the issue of roof materials referred to above needs careful consideration.
- The site not only has an impact on the Railway Rd/Mayfield Rd/ Little Lane corridor but also is highly visible from the railway line and Springs Lane/Springfield Ave, issues not considered sufficiently in the application.
- The Design and Access statement however is very light on details for waste disposal. It has been noted however that whilst areas are allocated near most buildings for bin storage. The external areas do not appear to be well sited in all cases for collection by refuse/ recycling vehicle
- The information on traffic and transport assessment is incorrect.
- Beyond the Mayfield Road/Lower Railway Road and Little Lane/Mayfield Road

junctions, the generated traffic will disperse on the highway network, some travelling along Railway Road to the south-west and the remainder travelling along Little Lane/Valley Drive to the north. Hence the impact of generated traffic will reduce at more distant junctions- this assertion is irrelevant as traffic intensity has intensified in the 10 years since that work was commenced.

- Travel Plan parking standards are not met - the provision of only 62 parking spaces is still totally unrealistic of the offices.
- Retirement Living - 44 apartments - since the developers anticipate the occupants of this block will mainly come from the Ilkley area, there is a serious underestimation of parking provision needed on site. Experience with Audley, Carnegie Court and Emmandjay shows that the parking on those sites is insufficient and very congested. Occupants are likely to be of above average in terms of financial resources and used to independent car travel.
- Assisted Living Housing - 56 apartment- the parking provision is considered to be sufficient to accommodate all anticipated car borne visitors to the proposed Assisted Living development.
- Care Home - 77 bedrooms with 24 spaces proposed. Again local experience suggests that most if not all personal visitors will arrive by car. There is no clear indication of the number of staff attending at any one time. In practice there will be significant overlap at shift change/handover times. It is most unlikely that one in two staff members will arrive other than by car.
- Children Nursery. There are two issues. The submission does not make clear how many children places and therefore how many staff will be required, hence to judge the adequacy of parking provision. Equally important where is the safe short term parking for the delivery and collection of the children which will come about in am & pm peaks
- It is important that a scheme is adopted to protect local residents ability to park within proximity of their property as they can at present.
- Can be demonstrated that the onsite provision for parking totally underestimates the assessed need in the application. There is already congestion on Railway Road from commuter parking by train users.
- Consider that Traffic Regulation Orders will be required on access routes and at bus stops. We note that BMDC Highways is requesting these, which should be funded by the developer.
- The Inspector of the previous retail scheme accepted that a part-time 20 mph scheme be introduced along Valley Drive to coincide with school arrival and departure times including provision of a Puffin crossing. These provisions should be made for this application by means of S106 or CIL.
- Concerned that the current application (as with the previous Tesco application) has failed to show a solution to the current poor condition/ unknowns with the private culvert leading to the River Wharfe near Ilkley Sewage works that takes 83% of the site drainage (Tesco report). This not only puts owners of property (and the culvert) along the route at further risk of flooding but also risks damaging the considerable investment made by Ilkley Civic Society in the new Memorial Avenue in Ilkley Cemetery.
- A lack of justification of claims of sustainability. In addition we find the following lacking in this proposal: no solar tiles (not panels as these would not look good); no water recycling mentioned; the proposal encourages use of car as it is not central/close to shops; no use of car club / car sharing noted only electric car charging points (which is good); office building aiming for Breaam very good (this is a national standard for measuring green credentials of buildings).

- Other buildings seem very light on green credentials
- Trees/TPOs/landscaping planting - suggest that a detailed Landscape Planting Proposal and Management Plan as well as a Condition similar to that placed on the original Tesco approval
- Education - note the comments from officers in Education, but think that this issue should be reconsidered. McCarthy and Stone indicate that the majority of people moving into their Ilkley establishment will come from within five miles of Ilkley thus freeing up family homes within the Ilkley School catchment areas.
- This will impact school numbers and should be taken into account.
- The application has too many areas of ambiguity and contradictions between Consultancy Documents and Reports, Application Form and Plans e.g. employee numbers and different layouts for Spooners extension (noted in BMDC highways comments).
- The Ilkley Civic Society supports the principle of appropriate development on this site in particular the expansion of Spooner Industries site to help maintain/create local employment and suggests the Council should reinforce the acceptability of this element even if the whole proposal is refused. Also support a residential element on the site and would reinforce the Ilkley Parish Council comments questioning the need for the amount of over 55 accommodation. ICS would much prefer to see a variety of accommodation and an element of starter homes included.
- There are unsatisfactory design elements which particularly do not take account of views of the site from outside and especially from the high ground surrounding the town.
- If this application is approved, we should like to see Section 106 or CIL utilised to achieve a better ramped access to the railway station from Railway Road; a ticket machine near Railway Road access point; Improved access including wheelchair access from the development to the Riverside Gardens for residents, improving the narrow pavements and the unmade road surface of Castle Road
- Also wish to see: appropriate traffic calming on Valley Drive/Railway Road to accommodate the increased traffic; Pedestrian crossings at intervals along this route; All pavements wide enough for two wheelchairs to pass; Conditions on working hours to minimize the disruption for people who live locally
- The experience at Warbeck is that as the residents' age increases there will be increased vehicular traffic in the form of careers' vehicles visiting the site and deliveries by Tesco, Sainsbury etc.
- Share the view that the proposed Spooner development is beneficial but am concerned that there is no provision for first time buyers housing or commuter long term parking
- Effect on the character of the local community and the town in general. There are a number of assisted living apartments and older persons blocks of flats within a few hundred yards of this project.
- These premises are situated on Springs Lane and Valley Drive. There is potential for 300 elderly people to live in this new complex. A proposed nursery seems to be a nod towards 'community' inclusivity, but it seems a token gesture.
- As a near-by resident I am greatly concerned at the inadequate parking provision. Every street near the site is already clogged with parked cars on both sides, often too close to junctions to allow safe egress. All these extra units will in my opinion considerably exacerbate the problem.
- Am a trustee for the Trust that owns the Fitness Centre on Railway Road adjacent to the proposed development and marked as Sports Facility.

- The center is a major local asset and has for several years relied on parking on Railway Road. The entrance to the development takes a significant amount of this space.
- In addition 70 car parking spaces for 100 assisted and retirement living units will put huge additional pressure on this parking space.
- Already a heavy demand on local NHS resources from the large number of older people in the town.
- The NPPF encourages change of use from brownfield to residential use.
- As there is already an enormous amount of provision for old people in the town, perhaps this land could be used to provide for the needs of the younger generation.
- Since this development was changed from commercial use to supermarket and now commercial care homes and offices the whole of these proposals lose the strategic requirement of the Town.
- Need affordable housing and central car parking provision not offices, care homes and elderly residential homes
- All support Spooners extension space as this is required for local jobs and is a commercial Manufacturing base doing export trade.
- Have office blocks or venues in town that are empty so why a new office block Is it because it makes the scheme viable but does not strategically meet the needs of the Town [property on Leeds road is rarely occupied.
- Major issues on drainage from the site.
- Design of the elevations are anywhere UK and are not suitable for this prominent site in Ilkley's center and need enhancing significantly.
- It is important that the needs of the potential beneficiaries of these homes are met nationally and regionally (and indeed locally). However, it is clear that Ilkley already has a disproportionately elderly population.
- Dismay at the content of this development proposal with a total focus on retirees. I can only assume that this creates the most profit for the developer and achieves ticks in boxes for the planning authority by way of its projected population density. This is a rare opportunity to use a large piece of land in the center of Ilkley to the benefit of the town by providing affordable family housing or a new primary school or some rail commuter parking. Would be disappointed if our local elected council representatives let this unimaginative plan come to fruition and object to it outright.
- The 4 story building is going to dwarf the surrounding area, the mix of materials used is not in keeping with the surrounding buildings. Passing this development will be as bad as when the council passed all the tower block buildings in the 60's in Ilkley which look awful.
- Supportive of retirement housing close to the Centre of town in the basis that will help support the freeing up of family homes across Ilkley which don't need to be in the town Centre. Affordable housing in the town Centre would add more traffic than retirement and care homes proposed. It is important that the aging population of Ilkley have access to quality downsizing options close to local amenities to free up homes in the residential outskirts.
There clear is a need to consider parking and additional parking close to the station and town center for general use would greatly aid the town. Parking provision does appear to be insufficient for the site and should be increased plus additional public parking for the station added.

Highways Development Control Section – Original comments:

The parking requirements set out in Appendix C of the UDP is maximum standards and a reduction in these can be considered in town and city centres and other sustainable locations where the likely traffic impact is not detrimental to highway safety.

However given that there are significant traffic & parking issues in the vicinity of the development site then the maximum parking standards are appropriate especially as the proposed development exceeds the threshold levels above which these apply.

Retirement Apartments

It should also be noted that despite the sustainable location of the site this will not necessarily stop future residents from owning cars even though they may choose to use alternative modes of travel some of the time. Future occupants are likely to be fairly affluent people who are downsizing and have money to spend. One may start to use a car less frequently but that doesn't mean they will give it up all together.

The average age of entry into the retirement apartments is 60 years and most, if not all residents, will still be working at that age and possibly into their 70's.

However notwithstanding the above I would be willing to reduce the parking requirement for the retirement apartments to a minimum of 1 space per unit (where previously 1.5 space were requested) as the applicant has agreed to fund the provision of additional traffic regulation orders to protect sight lines at the site entrances by removing the opportunity for any long term parking and also manage on-street parking.

Assisted Living Apartments - Accept the case put forward by the applicant for the level of parking being proposed and have no further concerns to raise regarding this.

Care Home - Further information provided states that there is likely to be a maximum of 25 staff during peak weekday periods. Of this I would agree that some would live locally and arrive by walking, bus or train. Therefore the number of spaces being offered is acceptable.

Office - Given the sustainable location of the site and the fact that the applicant has confirmed that they will fund the provision of additional traffic regulation orders to manage any on-street parking then I am now comfortable with the number of spaces being offered and would raise no further concerns regarding this

Nursery - The applicant concedes to the fact that there will be some short term parking on and around the existing site entrance due to the fact that no off-street drop-off and pick-up facility is being provided for the nursery (the proposed car park will be occupied by teachers & staff). The proposed nursery should either be omitted from this scheme or moved to another location within the site where it does not raise the above concerns. Therefore I am still unable to fully support this application due to the proposed location of the nursery, which is likely to result in conditions prejudicial to pedestrian & highway safety, and the lack of sufficient parking for the retirement apartments.

Revised comments: Given that all other highway issues have been resolved, and the fact that the promotion of a new TRO on Mayfield Road will be funded by the applicant, the outstanding highway concern regarding on-street parking resulting from the proposed nursery in my view would not be significant enough reason on its own to warrant refusal on highway safety grounds. Therefore highway are now be minded to support this application.

Regarding the access to the retirement element, this needs to be progressed under a Section 278 Agreement.

West Yorkshire Combined Authority – There is a regular bus service running next to the development serving Leeds, Otley, Bramhope, Skipton etc. There are also more services nearby.

Metro advise that bus stop number 14149 should have a shelter installed at a cost to the developer of around £10,000; this payment also includes maintenance of each shelter. A new shelter would benefit the residents of the new development.

Lead Local Flood Authority – have assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. An assessment of the submitted Drainage documentation including the Drainage Layout Proposals drawing, reference NE-2102-03-DE-002 and the Flood Risk Assessment and Outline Drainage Strategy reference FRA 151092 Dated December 2015, have been carried out and if the following details are implemented and secured by way of a planning conditions on any planning permission the Lead Local Flood Authority have no objection to the proposed development. Note: these suggested planning conditions have been attached to the rear of this agenda and relate to each of the proposed uses at the site

Drainage Section – The Lead Local Flood Authority is a statutory consultee on matters relating to surface water management on all major developments. The Drainage Department will therefore cease from providing comments on the surface water drainage proposals on major planning applications. Insofar if the following details are implemented and secured by way of a planning condition on any planning permission the Drainage Department have no objection to the proposed development. Note: this suggested planning condition on foul water details has been attached to the rear of this agenda and relate to each of the proposed uses at the site

Yorkshire Water – No objections subject to conditions being attached to any permission granted.

Urban Design – This is an important site close to the centre of Ilkley and the current development interest is welcomed. There are a number of positive aspects to the scheme – it comprises a mix of uses, and includes space for Spooner Industries to expand enabling them to remain in the area. The scheme also includes new homes for the elderly, a care home, a nursery and new office accommodation.

Some positive improvements have been made to the scheme following that initially presented at pre-application stage. The land uses relate better to each other and it is less dominated by car parking – the parking areas are now served off streets which also helps to open up views of the moors.

The comments below suggest ways in which the scheme could be improved to create a more memorable, pedestrian friendly place which integrates well with its surroundings and is more specific to Ilkley.

Analysis & Local Character - The Design & Access Statement (DAS) identifies some characteristics of the site and its immediate context. This is mainly limited to the

attractive backdrop of Ilkley Moor and the materials of the surrounding buildings. It could pick up on more than this.

The DAS refers to Ilkley Conservation Area Assessment and correctly notes that the site is not within the conservation area. However the plan on page 14 shows that a very large part of the settlement is within the conservation area illustrating that this is a town with a special character.

Given that this is likely the largest development opportunity within Ilkley for some years it would seem reasonable that the applicant not only analyses the immediate surroundings of the site (important though this is) but also looks wider in terms of drawing out some of the key aspects of local character in the town – the patterns of development which make Ilkley special – and to consider how these can inform the design, not necessarily in terms of encouraging a historical pastiche but rather in looking at how the design can respond to them in a contemporary way.

The patterns could include the form, layout, scale and roofscape of development, and the details, features, materials, colours and boundary treatments. The Ilkley Conservation Area Assessment and Appraisal and the Ilkley Village Design Statement could help in providing an understanding the local character. See also comments below regarding Scale and Appearance.

Creating a place - One of the design challenges of the scheme is to bring all the different uses together to create a place. The current proposal has improved in this respect but it's not clear that it quite gets it right – it still tends to read more like a collection of different elements separated by access roads, car parks and boundaries.

There could be value in exploring whether there are different layout options which could create a more distinctive place and pedestrian orientated environment. This could include consideration of creating a focal point, possibly a public space with the buildings facing onto it to help integrate the different uses and give the development a sense of identity.

One option could be to move the care home up to the western edge of its plot and relocate its parking to the eastern side. This could help create a strong built frontage along with the nursery and the assisted living block at the junction of Lower Railway Road and the access road serving the office block. This combined with careful treatment of the highway design, surface materials and boundary features in this area could help to create a focal point and positive gateway to the site.

Car Parking and Outdoor Space - Providing enough car parking to serve this quantum of development appears to be a particular challenge and there are concerns that it dominates the site. The site is in a very sustainable location close to the town centre and railway station and the aim should be to encourage people to walk and catch public transport. The vehicle orientated layout with lots of surface level parking doesn't really encourage this.

There could be potential to explore innovative approaches such as locating some of the parking underground to enable a more pleasant outdoor environment. This could provide the opportunity to create amenity space between the retirement and assisted living blocks and along the Railway Road frontage instead of these areas being given over to parking. It is noted that there are examples of other retirement/assisted living

complexes elsewhere in the country with underground parking, including by McCarthy & Stone.

Similarly the parking for the office block encroaches onto the care home area and reduces the amount of garden space available for residents. The potential for alternative parking solutions for the office block could be explored (e.g. undercroft or to the rear of the building) in order to release more land for the care home garden benefitting the future occupants.

Where surface level car parks are proposed they could be treated as an integral part of the landscape design, possibly with tree planting within them, so that they feel more like attractive spaces which accommodate parking.

Scale (Height and Massing) - The proposed residential buildings are generally 4 stories in height. It is acknowledged this is similar to the approved Tesco scheme and the existing Spooner's unit. Also it is noted that there are elements of the former corn mill buildings to the west of the site which are around 4 storeys high.

However, whilst 4 storeys may generally be an appropriate height, it is queried whether the bulky uniform mass and roofline of the approved Tesco supermarket is an appropriate reference for new residential buildings. Instead there could be benefit in looking at a finer grained approach with more variation in the massing of the buildings and incident in the roof scape to better integrate the scheme into its surroundings on Railway Road.

To this end there could be scope to take reference from the existing residential properties on Railway Road and the former corn mill buildings to the west of the site. Also looking into the history of the site could reveal patterns of development (e.g. the former brewery buildings) which could provide ideas to influence the design. This could provide a more interesting, human scaled form which relates well to its context.

Consideration could also be given to how other recent apartment block schemes in the town have created an attractive residential scale through variation in their mass and roof scape.

Appearance - The typical features of each building are listed in the Design & Access Statement. These are exclusively concerned with the materials and there is more scope to consider how the form and details of the buildings could contribute to making this a development which feels more specific to Ilkley. Some key issues are set out below for the different buildings:

A1/A2 – Retirement/Assisted Living blocks - There are some positive aspects to the appearance of these buildings. For instance the central sections of the elevations facing Railway Road create visual interest with large windows providing a strong vertical emphasis along with balconies and timber cladding panels all framed by Ashlar stone.

Whilst no objection is raised to the use of white render, its application on large parts of the building often combined with a lack of interest in terms of the fenestration and roofline make these sections of the elevations less successful.

Care Home - The DAS states that the design intention for this element of the scheme is for a building which feels intimate and residential in nature, emulating a tall terraced block. This approach is supported but it is felt that further design work is needed to realise it. The gable features add some variety and help to break up the mass of the building to some degree but overall there is a lack of interest and detail on the elevations. Also the shape and arrangement of the windows adds to the horizontal emphasis and bulk of the building which is not particularly characteristic of the town. Again, looking at how other examples of apartment blocks in the town break up the mass of the building and add depth and richness to the elevations could help to achieve the intimate, residential feel which the applicant is seeking.

B2 – Office - There is concern that this building with its lack of incident at roof level and flat elevations clad in metal sheeting will contribute little to the quality of the place. The horizontal emphasis of the windows also adds to the lack of visual interest.

The intention is that the building will achieve the BREEAM 'Very Good' rating for energy efficiency and that photovoltaic panels could be accommodated on the roof. These sustainability objectives are supported and it is suggested that they could help inform the design concept for the building in terms of the materials, roofscape, glazing and features e.g. solar shading. Other factors which could be considered are incorporating the fire escapes as part of the overall design of the building and creating a more positive entrance area to serve both halves of the building rather than two separate low key entrances.

Revised urban design comments - In response to the original design comments the applicant has proposed some changes to improve the appearance of the buildings and provide some additional landscaping to the car park areas. These changes are welcome though it would have been preferable for the design to have gone further in terms of the form, layout and parking arrangements. It is acknowledged that the applicant has provided a written statement which addresses the issues raised and explains why they did not consider further changes to be possible or appropriate

Policy Architectural Liaison Officer – No objections in principle subject to certain recommendations being applied to the scheme including access control, mail delivery, CCTV and external lighting, physical security of the building.

Landscaping - The large vehicle parking area between the assisted living block and the retirement living block dilutes the visual and physical relationship between those buildings, and it very much feels like each block has its own associated allocation of outdoor space. If the two main building blocks had been separated by a landscaped garden area, there would have been a strong connection between those buildings, and the benefits of shared garden space. In a central position, a garden would be a real focal point of the development, with the buildings providing shelter, security and overlooking. As it stands, the car park is the focal point of the development, with garden spaces providing secondary points of interest. It is positive that the garden spaces are south facing, and will provide quiet, secure space for residents to enjoy.

Footpaths are disconnected by the vehicular parking area in the centre so that there is no complete walkway loop around the retirement living/assisted living section of the site. It is not clear why the gardens are split in such a segregated way.

Modifications to the layout of the care home have marginally improved its relationship with the proposed office block. However, in my opinion the development would have been better, and

would have had a more cohesive character, if it had been designed with stronger linkage between all three buildings associated with providing living accommodation.

The landscape proposal drawings produced by Smeeden Foreman look entirely appropriate, and these will require developing into full planting plans, which will need to be submitted.

Trees Section – The remaining protected group of trees to the west of the new Spooners factory is proposed to be removed. This will have a negative impact on amenity but could be mitigated by new planting. Suggest a condition regarding tree protective fencing if planning permission is granted.

Natural England - the application site is within or in close proximity to a European designated site (also referred to as Natura 2000 sites) and therefore has the potential to affect its interest features. The Authority should consider that Habitats Regulations. The site is in close proximity to the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC). The sites are also noted at a National level as South Pennine Moors Site of Special Scientific Interest (SSSI).

A Habitat Regulation Assessment has been produced by the applicants and advice is provided on the assumption that your authority intends to adopt this HRA to fulfil the duty as competent authority.

This assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On this basis of information provided, natural England concurs with this view.

Biodiversity/Countryside – Comments given in the form of providing advice of where mitigation measures can be spent to ensure that impacts on the Natura 2000 site is minimised.

Environmental Health (Air Quality) – Have reviewed the content of this application and concluded that it constitutes a medium application for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013).

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

- Provision of electric vehicles charging facilities (at a rate of 10% of total parking spaces, with an option to provide 5% upfront and enabling cabling for 5% more).
- Adhere to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
- Provide a travel plan (which includes measures to discourage the use of high emission vehicles and encourage the use of low emission vehicles)

- Undertake an emission damage cost calculation and demonstrate that the emission mitigation provided for the site is proportionate to the damage costs arising
- Provide an exposure assessment which considers the likelihood of sensitive receptors being exposed to poor air quality as the result of the proposed development

Exposure assessment: - As the proposed development is located away from major roads it is expected that traffic related pollution at the site will be much lower than those measured near the main road. The majority of the nearby railway line is electrified and there are no significant emission sources to air from activities at the Spooner Industrial site. As such it is concluded that this site is suitable for development and no further exposure assessment is required.

Additional information has been submitted which meets the requirements of environmental health and as such conditions are recommended regarding electrical vehicle charging points, submission of a construction environmental management plan and a low emission travel plan.

Environmental Health (Contamination) – considered the application and the supplied Phase 1 and 2 reports along with an addendum ground gas risk assessment. The applicant has submitted documentation to identify and quantify contamination on the site and proposals to remove unacceptable risk from the site.

Environmental Health, therefore, recommends the following conditions on any permission granted – remediation strategy and verification, unexpected contamination and materials importation.

Enabling Housing (affordable housing section) – The affordable housing requirement is up to 30% of the number of units on the site or an off-site contribution subject to viability

Education/Children's service – As this is for retired, assisted and sheltered housing it is unlikely to have any impact on school places.

Recreation/leisure services - Parks and Green spaces Service require a recreation contribution of £7201.63 for 44 houses/units only associated with the attached planning application for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development. This is in compliance with policy OS5 of the RUDP.

The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at East Holmes Fields or Riverside Gardens. If the developer is looking to the Council to maintain any areas of public open space on the development a commuted sum will be required to maintain the areas for the next 25 years.

Summary of Main Issues:

Principle of development
Sustainability
Design/landscaping
Highway Safety

Flooding/drainage matters

Impacts on the amenities of the nearby properties

Other impacts: - biodiversity/HRA, contamination, air quality

Use of planning conditions/S106 legal agreements/viability

Comments on representations made

Community Safety

Appraisal:

1. Full permission is sought for the construction of a mix of development zones to create a mixed use development comprising:

(i) 44 retirement living apartments (use class C3 residential) – for the over 60s. The development includes a shared resident lounge and roof terrace, guest suite, mobility scooter store and refuse store together with a house manager who will manage the day to day running of the development in office hours. Materials are of ashlar stone, white through render, reconstituted stone, dark grey concrete tiles to roofs. Reconstituted stone and metal railings are proposed as boundary treatments. The 'L' shaped block is 4 stories high and located fronting Railway Road. 30 car parking spaces are proposed.

(ii) 56 assisted living units (use class C2) – 32 one bedroom units and 24 two bedroom units – for the over 70s together with tailored care and support. Materials match those on the retirement living apartments. The 'L' shaped block is located adjacent to the retirement living units fronting Railway Road with the 3/4 storey building set back from the road. 40 car parking spaces are proposed which are accessed via a new vehicular and pedestrian access from Railway Road.

(iii) 77 bed care home with shared day space, kitchenettes and sitting rooms on each floor together with a care home manager and on-site team who will manage the day to day running of the development 24 hours a day. Materials for this 4 storey building are of ashlar stone, reconstituted stone, and buff brick with dark concrete tiles to roofs. 24 car parking spaces are proposed.

(v) Office building of 2,896 sqm gross internal floor space to comprise office space for 2-6 end users. The 3 storey building is located adjacent to the railway line to the south of the site and includes 62 car parking spaces. Materials are of stone and steel sheeting to elevations and steel sheeting to the roof with power coated aluminium windows and doors.

(vi) Extensions to Spooners Industries – comprising 1,520sqm gross internal floor space in 2 extensions around the building. One extension is to be 2 and a half storey whilst the extension to the north east corner will be arranged over one storey. The extensions are to be used for research and development and product testing. 76 car parking spaces are to be provided (excluding 5,152 sqm existing gross internal and the 66 existing car parking spaces). Materials are of metal cladding systems to match the existing elevations along with a metal cladding system for the roofs. Paladin fencing is to be provided along the boundaries.

(vii) A nursery (use class D1) of 376 sqm gross internal floor space is proposed adjoining Mayfield Road at the entrance to the site. 15 car parking spaces are to be provided. Materials are of white through render, stone and dark grey concrete tiles.

2. Highway details of the application include:-

- There are 2 x accesses to the site – the existing access to Spooners will also provide access to the nursery building, the office complex and the care home facility.
- The retirement living and assisted living apartments are to be accessed of a new access from Railway Road.
- A contribution amount of £10,000 for the provision of 1 x bus shelter (at bus stop 14149).
- A Traffic Regulation Order to prohibit parking along the south side of Railway Road and Mayfield Road in proximity to the application site.

Principle

4. This is a well located, Brownfield site which is unallocated within the Replacement Unitary Development Plan (RUDP). The proposed use of the site for a mixture of residential and business uses is welcome and considered acceptable. The justification for this statement is outlined below. In particular, the provision of employment uses on the site – i.e. the two extensions to the existing Spooners Factory and the provision of a care facility and nursery are all considered appropriate on this former employment site. In terms of the provision of housing on the site – retirement living and assisted living, the Council does not have a 5 year housing land supply and there is significant pressure for new housing across the District. In respect of the District's future housing requirement, emerging policy in the Publication Draft of the Local Plan Core Strategy, HO3, sets a future housing figure for Ilkley, a Principal Town, of 800 new units (which has been uplifted to 1000 units in the proposed modifications to the Publication Draft of the Core Strategy). There is also policy to prioritise, wherever possible, the use of previously developed land.

5. The NPPF promotes sustainable development which delivers homes as well as new business and, with the consideration that the plan may be out of date due to the absence of a 5 year land supply, the protection of the site for employment purposes through RUDP policy E3 will carry less weight. The NPPF also states that local authorities should avoid the long term protection of sites (paragraph 22) allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses to employment have to be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

6. The application site lies within the urban area of Ilkley which is identified as a Principal Town in both the existing RUDP and in the draft Core Strategy and the main local focus for housing and employment with its role being “as accessible and vibrant places to live, work and invest” which should be enhanced. As already stated above, Bradford Council does not have a 5 year supply of deliverable land for housing and the Plan is considered out of date under Paragraph 49 of the NPPF. Consequently the authority should consider favourably, planning applications for housing unless any adverse impacts outweigh the benefits, or other policies indicate otherwise.

7. From a general policy point of view, an application for a mix of uses which includes housing satisfactorily addresses the government's review of national planning policy and the changing market signals relating to Bradford's future growth and development. Currently there is an acute demand for housing land as confirmed by the absence of a 5 year supply. Indeed, the emerging Core Strategy estimates future need at over 42,000 units over the plan period, 2013 until 2030.

8. The National Planning Policy Framework (NPPF) underlines and increases the importance of delivering housing development in support of the district's growing population. A core planning principle in the NPPF states that planning should proactively drive and support sustainable economic development to the deliver homes, business and industrial units, infrastructure and thriving local places that the country needs (page 5, paragraph 17). The NPPF states that every effort should be made objectively to identify and meet the housing needs of an area and respond positively to wider opportunities for growth.

9. Local Planning Authorities (LPAs) are now responsible for setting their own housing requirement. However, this must be based on robust evidence including household and population projections, which take into account migration and demographic change. In assessing the housing needs in their area over the plan period, the NPPF states LPAs should identify the scale and mix of housing that meets household and population projections, taking account of migration and demographic change (pages 12-13, section 6).

10. In terms of delivering a wide choice of high quality homes the NPPF states at page 12, paragraph 47 that LPAs should boost significantly the supply of new housing. In order to achieve this goal the NPPF requires LPAs to identify a 5 year supply of deliverable housing sites judged against their housing requirement. Moreover the NPPF goes on to state that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer i.e. over and above the basic 5 year requirement by 20% to provide a realistic prospect of achieving the planned housing supply. It is clear that Bradford has experienced just such a sizeable and persistent under delivery of housing in recent years. Bradford will therefore be required to identify the additional 20% of deliverable land in order to meet the requirements of NPPF paragraph 47. There could be an argument that unless sites such as this one are successfully granted planning permission, implemented and brought to the market this under supply will not only remain unmet but will also grow significantly worse. This in turn will have severe impacts on the prospects for regeneration in the district and will exacerbate existing and growing problems of overcrowding and long waiting lists for social housing which already exist in parts of the district.

11. The most up to date situation with regard to housing supply is that the LPA gave evidence at the recent Bradford Local Plan core Strategy Examination in Public (CS EIP) held between 4th and 20th March 2015. Whilst the Inspectors report into the soundness of the Submission Draft Core Strategy is still awaited, the most up to date housing land supply assessment produced by the LPA is that the District has a 2.05 years supply of deliverable housing sites. This represents a considerable under-supply and is only 41% of the total required. The strategic case for permitting housing development at this site therefore has been strengthened as a result of the application of the policies of the NPPF.

12. The appropriateness of this Brownfield site in Ilkley as a location for further housing development is reinforced by the emerging Core Strategy where it is intended to be a local focus for housing and other development. As such, it is considered that the location and scale of the housing proposed on this site could be consistent with policies promoting a sustainable pattern of development in the Bradford District. Furthermore, the proposed application site is well-located in relation to the built-up areas and their form in the locality and is in close proximity to Ilkley Town Centre; as such, it can be

concluded that a housing proposal (in this location) represents a sustainable form of development and that it could thereby comply with policy UDP1 of the RUDP

13. Further the Framework advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Paragraph 14 indicates that were policies are out of date the proposal must be considered in the context of the presumption in favour of sustainable development and permission granted unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granted in permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole.

14. Overall, the proposed mix of residential and business uses on the site is acceptable in principle. The Ministerial statement *Planning for Growth* makes it clear that the economic benefits of proposals should be taken into account, and encourages support for sustainable forms of development, including housing as well as business. The importance of sustainable economic growth is reiterated in the Framework: one of the core principles of the Framework is that planning should proactively drive and support economic development to deliver, amongst other results, the homes which the country needs. The proposed housing in the form of retirement living units and assisted living units at this site would represent a sustainable form of development. The extension of the existing Spooner Factory, the provision of an office building, a care home and nursery are all considered sustainable proposals. The economic benefits of this package of uses, including job creation, the new homes bonus, and expenditure in the local economy, carry significant weight in any decision making process.

Sustainability

15. The National Planning Policy Framework advises that the purpose of the planning system is to contribute to sustainable development. For the planning system delivering sustainable development means:

- Planning for prosperity (an economic role) – by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- Planning for places (an environmental role) – by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

16. The approach to planning for sustainable development is set out the National Planning Policy Framework. The key principles of this document are that are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should

be strictly controlled; the overall aim is to protect the countryside for the sake of its character and beauty and the diversity of its landscapes.

17. It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. Indeed, it is considered that the site is very well located in relation to the built-up area, including all Town Centre facilities. There is also a reasonable level of accessibility by non-car modes of transport (especially as this site is very close to the Railway Station; and, that the proposal represents a sustainable form of development which would comply with Policy UDP1 of the RUDP and the key principles of the National Planning policy Framework.

18. The site is also located relatively close proximity to major distributor roads within the District (the A65). Bus routes which run along Mayfield/Railway Road will be upgraded as part of the scheme to provide a bus shelter.

19. Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. The appearance, layout and scale of the proposals are considered to be an appropriate design for the site. Indeed, the Planning Authority consider that the proposals are provide a comprehensive use of the site with a mixture of uses to ensure delivery of a well-designed scheme which respects the location of this site as a prominent gateway into Ilkley. It is well-connected into the surrounding community. In addition, the establishment of a landscaping management strategy can mitigate the impact of the development and provide increased biodiversity over time.

Density/Efficient use of land for housing/affordable housing

20. Policies H7 and H8 of the RUDP seek to ensure that the best and most efficient use is made of any development site. As such there is a requirement to achieve a minimum density of 50 dwelling per hectare on sites in highly sustainable locations. The National Planning Policy Framework also advises that Local Planning Authorities shall have regard to:

- Achieving high quality housing
- Ensuing development achieve a good mix of housing

21. The total site area for residential uses is 1.06 hectares. The provision of 99 dwellings on the site would create a density of 100 dwellings per hectare which is considered a most and beneficial use of this sustainable Brownfield site

22. The proposed retirement living residential units on the site fall within the Councils requirement to provide some affordable housing. It is however, recognised and supported the arguments of the applicant that in the first instance any requirement should be for a contribution of monies to provide for off-site accommodation - still within the Ilkley Ward and that this element of the scheme can be subject to viability testing (see report below on S106 Heads of Terms).

Design principles/landscape impacts

23. The National Planning Policy Framework sets out the national policy objectives for housing. A key objective is *'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities'*. In order to facilitate this, local authorities should draw on relevant guidance and standards. At the local level there are design policies in the Replacement Unitary Development Plan (RUDP). Of particular relevance are:-

- Policy D1 which states that new development should relate to the existing character of the locality,
- Policy D5 which states that existing landscape features should be incorporated as an integral part of the proposal.

24. Paragraph 60 of the National Planning Policy framework also advises that “planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiatives through unsubstantiated requirement to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness”.

25. This is an important site close to the centre of Ilkley and the current development interest is welcomed. There are a number of positive aspects to the scheme – it comprises a mix of uses, and includes space for Spooner Industries to expand enabling them to remain in the area. The scheme also includes new homes for the elderly, a care home, a nursery and new office accommodation.

26. From the street frontage perspective it is considered that the site has been suitably master planned into the landscape by a comprehensive soft and hard landscaping scheme to Mayfield Road / Railway Road into the Nursery and around into access road leading to the office and in the Spooner’s site. The intent is to soften the buildings and tie the discreet buildings together with a coherent planting strategy. Moving the Care Home towards the Spooner boundary is also considered to open up the central portion of the master plan allowing views to the distance and also aids way finding to Office and Care Home entrances. Both entrances are visually prominent in this position.

Highway matters

27. The consultation comments from the highways section have been fully enclosed earlier within this consultation section of this report. Essentially, there is no highway objection in principle to this proposed development as the highway issues which were originally identified have now been resolved. Indeed, the promotion of a new TRO on Mayfield Road which will be funded by the applicants to manage any on-street parking means that an outstanding concern to retain on-street parking resulting from the proposed nursery would not be significant enough reasons to warrant refusal on highway safety grounds.

28. A Transport Assessment (TA) and Travel Plan have been submitted as part of the application. Highway engineers now agree with the conclusion that the proposed mixed use development can be satisfactorily accommodated on the surrounding highway network without raising any undue highway safety concerns. It is also considered that sufficient car parking provision is made (following robust justification and provision of evidence from the applicants) for each of the proposed different uses. Certain highway restrictions are also required to be carried out prior to any development being carried out on the site to ensure that the development is satisfactory. These include the attachment of conditions to any permission granted for the provision of accesses, on-site parking, control of lighting, control of construction management during the construction phases and the funding of a Traffic Regulation order.

29. Overall, it is considered that the provision of highway access in the manner proposed is satisfactory and will not comprise highway safety but will accord with established highway standards and policies TM2 and TM19A of the RUDP.

30. The Travel Plan promotes the integration of travel modes to improve the accessibility of the site by means other than the single person occupied car, to ensure that the travel plan framework meets the needs of the residents and employees, to make people aware of the benefits to be derived from the travel plan, to minimise the level of vehicular traffic generated by the development and to enable the development to protect and enhance the environment as far as practically possible. The Travel Plan has subsequently been amended to provide a focus on low emission vehicles. It is considered that the provision of this travel plan will ensure that the development of this site in the manner proposed encourages, as far as practically possible, sustainable practices in this location in accordance with the National Planning Policy Framework. A condition regarding the implementation of a travel plan for this development which incorporates matters raised by the Councils Air Quality section is suggested on any permission granted.

Flooding/drainage

31. Yorkshire Water, the Lead Local Flood Authority (BMDC), and the Councils drainage specialists have all made consultation comments on the application scheme. In a nutshell each of the above advice that planning permission can be granted for the scheme subject to conditions being attached to any permission granted. These conditions are set out at the end of this report under the conditions sections for each of the different uses proposed.

Effects on the surrounding locality

32. The development is proposed at a very sustainable location within Ilkley Town nearby the Railway Station. It is considered there is no undue adverse impact which would arise out of the grant of a planning permission on this site for development in the manner proposed. The impacts of the proposal have been appropriately considered in the specific design of the buildings individually and as a whole, by the use of the suggested building materials and landscape treatments.

33. As such, it is considered that the design has been fully justified in terms of appearance, layout and scale of the proposed various elements of the development and that the proposal, complies with policies UR3, D1 and D5 of the Replacement Unitary Development Plan and paragraphs 56, 59, 60 and 61 of the national Planning Policy Framework.

Effects on the adjoining residential/commercial properties

34. There are residential properties which immediately abut the site and many properties (semi-detached houses and terraces) lie along the northern side of Mayfield Road. Various businesses also exist in close proximity to the site and Ilkley Firs and rescue lies along with northern boundary abutting the existing Spooners Factory. It is considered that no undue loss of amenities would be created on any of the surrounding residential or commercial properties. Amended plans and details have now been provided which show additional planting and appearance changes and overall illustrate how the scheme has been master planned as a cohesive project designed not to create overlooking or loss of privacy. As such, it is considered the proposal complies with policy UR3 of the Replacement Unitary Development Plan.

Other Impacts - Biodiversity

35. Whilst Policy NE10 of the RUDP states that wildlife habitats accommodating protected species will be protected by the use of Planning conditions/obligations it is clear from the supporting text and Policy NE11 that an ecological appraisal should be submitted with a planning application so that the Local Planning Authority can 'assess the potential impact of the proposed development prior to the consideration of granting planning permission.' It is considered that sufficient information has been provided and assessed in the suite of documents submitted as part of this planning application.

36. Habitat Regulations Assessment (HRA) - The site is located within 1km from the nearest part of the South Pennines SPA/SAC and lies within the 2.5km zone of influence identified in the Habitat Regulations Assessment of the emerging Core Strategy for the Bradford District. Article 6(3) and (4) of the habitats and Birds Directives require that plans and projects are subject to appropriate assessment, alone or in combination where there is a potential to have an impact on a European Site.

37. HRA information eliminates the issue regarding loss of functionally linked supporting habitat, as no SPA birds are likely to use this Brownfield site. However, there is still likely to be an in-combination effect from all the housing allocations in Airedale and Wharfedale of increased recreational pressure leading to erosion, trampling, disturbance to nesting birds through dog walking and other informal recreational activities. As there is no opportunity to provide suitable alternative green space within the development site, it is suggested that developer contributions towards mitigation for the above likely impacts are sought through a S106 Agreement. Mitigation would consist of upgrading the existing parks - Riverside Gardens, West View Park and two areas on Ilkley Moor – the boating lake and Ilkley Tarn and their environs. It is also proposed that mitigation monies in all these sites be used to improve signage, walking routes and other amenities in order to provide pleasant alternatives to the wider moor itself. An appropriate level of contribution has been agreed as part of the proposed S106 legal agreement.

38. Natural England have raised no objections to this scheme subject to appropriate mitigation measures for sensitive habitats.

Other Impacts - Contamination Issues

39. Sufficient information has been submitted within the application to identify and quantify contamination on the site and proposals to remove unacceptable risk from the site. As such, only conditions regarding remediation strategy and verification, unexpected contamination and materials importation need to be attached to any permission granted.

Other Impacts – Air Quality

40. The proposed development constitutes a medium development for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013).

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

- Provision of electric vehicles charging facilities (at a rate of 10% of total parking spaces, with an option to provide 5% upfront and enabling cabling for 5% more).

- Adhere to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
- Provide a travel plan (which includes measures to discourage the use of high emission vehicles and encourage the use of low emission vehicles)

Additional information has been submitted which meets the requirements of environmental health and as such conditions regarding electrical vehicle charging points, construction environmental management plan and travel plan are suggested to be attached to any permission granted.

Use of planning conditions/Legal Agreements/278 agreements/Contributions

41. Housing and commercial development of the scale proposed inevitably involves physical infrastructure works and social infrastructure works such as recreation provision, contributions affordable housing, and sustainable transport measures. In line with policy UR6 of the Replacement Unitary Development Plan it is usually appropriate that the developer should enter into a Section 106 to address the following issues – affordable housing, recreational provision, transport infrastructure and habitat mitigation measures.

42. It should be noted however that due to the abnormal costs in developing this Brownfield site a viability appraisal has been submitted and assessed by the Councils Economic Development Section. As such it is intended in the remainder of this section to review what the S106 contributions would be requested and then consider the financial viability matters which have been raised before concluding what the Heads of Terms could be.

43. Total build costs have been provided from the latest BCIS figures, adjusted to represent build costs in Bradford, they also incorporate external and abnormal costs. Of this figure 9% is for external works and abnormal costs associated with a brownfield site. These costs include site clearance, removal of foundations and underground tanks, methane protection and excavation to sound ground.

44. Although Policy H9 of the Replacement Unitary Development Plan has sought to achieve affordable housing provision within development sites in Wharfedale of 30% the evidence base of the Publication Draft of the Core Strategy basically argues that up to 30% affordable housing should be achieved in this locality. Whilst the Publication Draft of the Core Strategy is an emerging document, its policies have been examined by the Inspector although a report is still awaited. As such, the evidence base produced by Bradford Council to inform the Core Strategy is the most up to date information on affordable housing needs throughout the District (prepared October 2013 not over 10 years ago to inform at that time the RUDP) and as such under the NPPF it is the most up to date evidence which must be taken account of – hence the provision of up to 30% affordable housing now. There is a need for 2 and 3 bedroom properties in the area. As such, it is considered appropriate that affordable housing is provided either within the scheme or as part of an off-site contribution to accord with relevant planning policy and subject to financial viability considerations (see above paragraphs for details).

45. In this particular instance the applicant has presented the argument that the nature of their developments makes it difficult to provide registered provider accommodation on site. They are therefore offering the residual balance generated from the scheme, a sum of £316,252, as a s106 contribution to be used for contributions with a figure of

£281,252.37 for off-site affordable housing provision in the area. This is considered acceptable.

46. Policy OS5 of the RUDP requires that new residential development be required to make appropriate provision of or equivalent commuted payment for recreational open space. The Sport and Leisure Service require a contribution of £7,201.63 for the provision of recreation open space and playing fields due to the extra demands placed on the locality by this development. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at East Holmes Fields or Riverside Gardens.

47. In addition because of the habitat regulations a contribution towards mitigating the sensitive habitats on the nearby South Pennine Moors by bring forward the improvements on routes leading to and at the Moors is required to be provided. This will help mitigate the moorland routes upon which people are undertaking recreational pursuits by ensuring that the footpaths/green spaces away from the moorlands can be suitable upgrade which will help prevent the erosion of adjacent habitat caused by more persons visiting the moorlands. A contribution of £28,000 for the purpose of upgrading the existing parks - Riverside Gardens, West View Park and two areas on Ilkley Moor – the boating lake and Ilkley Tarn and their environs. It proposed that mitigation monies in all these sites be used to improve signage, walking routes and other amenities in order to provide pleasant alternatives to the wider moor itself

48. Further development contributions on this scheme also include a contribution of £10,000 for the provision of a bus shelter at the nearby bus stop.

It should be noted that a management plan agreement to ensure that all communal areas of the site are effectively managed is proposed as a condition(s) on each of the different uses for the site. Similarly the funding and pursuance of a traffic regulation order (TRO) for the development is attached at the end of the agenda as a condition of planning permission

49. Overall, above are the contributions amounts generally required under the Heads of Terms of a S106 legal agreement for a housing/mixed use scheme such as the one proposed in accordance with policies in the Replacement Unitary Development Plan and the Councils Supplementary Planning Guidance on Planning Obligations. As discussed above however the applicants have submitted a viability appraisal for the scheme which effectively argues that the above development contributions simply render this Brownfield scheme unviable. This viability appraisal has been assessed by a senior member of the Councils Economic Development Team who concurs with the financial case put forward by the applicants.

50. Essentially it is acknowledged that there are abnormal costs in terms of the site and these should be, and have been taken into account in considering a reduction in the S106 legal contribution. Overall, in terms of viability, as this is a part housing scheme of apartments which will be completed over a relatively short period of time, it is considered there would need to be a significant change of end values to adversely affect the figures – this is not anticipated.

51. The mixed use development will be on a significant and relatively prominent Brownfield site in a very sustainable location of Ilkley. Being Brownfield there are

increased development costs and whilst some of these can be negotiated during site purchase, the expectation from a seller is to receive market value. If a price is offered well below open market value the development will not go ahead. As such it is considered that the proposal for limiting S106 contributions as outlined below is acceptable.

Proposed Heads of Terms taking into account viability matters:-

- A contribution of **£7,201.63** to be used towards the provision of off-site recreational facilities. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at East Holmes Fields or Riverside Gardens.
- A contribution of **£28,000** for the purpose of upgrading the existing parks - Riverside Gardens, West View Park and two areas on Ilkley Moor – the boating lake and Ilkley Tarn and their environs. It proposed that mitigation monies in all these sites be used to improve signage, walking routes and other amenities in order to provide pleasant alternatives to the wider moor itself.
- The sum of **£281,050.37** to be paid for the purpose of providing Affordable Housing in the Ward of Ilkley. Any unspent sum after three years can then to be spent in the Parliamentary Constituency of Keighley.
- The sum of **£10,000** to be paid for the purpose of providing a bus shelter at stop no: 14149.

Comments on the letters of representation

52. There is opposition to this development from both the Parish Council and residents in the local community. The issues raised in the letters of representations have in the main been covered within the relevant sections of the above report .e.g. highway safety details, number of parking spaces, impacts. Several representations comments that they don't necessary object to the principle of development on the site but object to the site being used for retirement, assisted living accommodation rather than providing for starter homes for young people of Ilkley.

53. The Local Planning Authority cannot compel an owner/development of land to build starter homes. As discussed in the above report there is a need to provide for all types of housing accommodation within the District including accommodation for the needs of older persons. Evidence also shows that those older persons whom may move into the proposed accommodation will in some instances release under occupied family homes for sale and rent within close proximity to the development site.

It is not for this development site to remedy the deficiency in parking provision for Ilkley Railway station users.

Community Safety Implications:

54. The scheme is considered to take account of appropriate secure by design measures with regard to (i) defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space including appropriate boundary treatments. The specific details of the lighting of the development is reserved by conditions attached to any permission granted. Overall, it is considered

that the proposal will accord with the spirit of policy D4 of the Replacement Unitary Development Plan.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this prohibit 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 it is considered that the above characteristics have been fully considered within the scheme.

Reason for Granting Planning Permission

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of many statutory and other consultees, public representations about the application and Government Guidance and policy as detailed in the National Planning Policy Framework, and the content and policies within the Supplementary Planning Guidance and The Development Plan consisting of the Replacement Unitary Development Plan for the Bradford District 2005.

The Council considers that the following matters justify the grant of planning permission:

The development of this unallocated, vacant Brownfield site with a mixed use development of residential and commercial uses in the manner proposed is considered a welcome and appropriate development of the site that gives the opportunity to provide a sustainable pattern of development within the urban fabric of Ilkley, an identified principal Town in the publication draft of the Core Strategy. It is considered that the development is well conceived and ensures the site and its qualities and the character of the surrounding areas are maintained. The effect of the proposal on the biodiversity of the site itself, the nearby moorland habitats, the surrounding locality and the adjacent neighbouring residential and commercial properties has been assessed and is considered acceptable. The provision of vehicular accesses to Mayfield Road in the manner and locations proposed is appropriate. As such the proposals will not compromise highway and pedestrian safety and will sustainably link the development into the existing community.

It is considered that the provision of a residential scheme which provides a suitable mix of housing, care facility, and mixed commercial uses along with an extension to an existing employment use which currently abuts the application site together with the proposed vehicular and pedestrian accesses takes into account the constraints of the site and builds upon the opportunities of the site. As such, it is considered development in the manner proposed is in conformity with the core principles of the National Planning Policy Framework (paragraphs 17, 19, 22, 32, 36, 47, 49, 50, 56, 57, 58, 61, 69, 109, 111, 118, 173, 204) and development principles outlined within the Replacement Unitary Development Plan under policies UDP1, UDP3, UPD4, UDP7, UR3, UR6, H7, H8, H9, TM1, TM2, TM11, TM12, TM19A, D1, D2, D4, D5, D6, OS5, NE4, NE5, NE10, NE11 and NR16.

Conditions of Approval

ENTIRE SITE CONDITIONS

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

NE-2102-03-01-AC-001 – Site location
NE-2102-03-01-AC-003 – Site development plan
NE-2102-03-01-AC-004 – Proposed master plan
NE-2102-03-01-AC-005 – Proposed contextual elevations
NE-2102-03-01-AC-009 – Proposed site plan (RL&AL block)
NE-2102-03-01-AC-010 – Proposed contextual elevations (RL block)
NE-2102-03-01-AC-011 – Proposed building elevations
NE-2102-03-01-AC-012 – Proposed building section (RL block)
NE-2102-03-01-AC-013 – Proposed floor plans (RL block)
NE-2102-03-01-AC-014 – Proposed contextual elevations (AL block)
NE-2102-03-01-AC-015 – Proposed building elevations (AL block)
NE-2102-03-01-AC-016 – Proposed building sections (AL block)
NE-2102-03-01-AC-017 – Proposed floor plans (AL block)
NE-2102-03-01-AC-018 – Proposed site plan (care home and office)
NE-2102-03-01-AC-019A – Proposed care home elevations
NE-2102-03-01-AC-020A – Proposed care home sections
NE-2102-03-01-AC-021A – Proposed care home floor plans
NE-2102-03-01-AC-022A – Proposed office elevations
NE-2102-03-01-AC-023A – Proposed office sections
NE-2102-03-01-AC-024A – Proposed office floor plans
NE-2102-03-01-AC-026 – Proposed site plan (Spooners)
NE-2102-03-01-AC-028 – Proposed building elevations (Spooners)
NE-2102-03-01-AC-029 – Proposed building sections (Spooners)
NE-2102-03-01-AC-031 – Proposed floor plans (Spooners) 1 of 2
NE-2102-03-01-AC-032 – Proposed floor plans (Spooners) 2 of 2
NE-2102-03-01-AC-033 – Proposed site plan (nursery)
NE-2102-03-01-AC-034 – Proposed contextual elevations (nursery)
NE-2102-03-01-AC-035 – Proposed building elevations (nursery)
NE-2102-03-01-AC-036 – Proposed building sections (nursery)
NE-2102-03-01-AC-037 – Proposed floor plans (nursery)
NE-2102-03-01-AC-038 – Comparison to approved Tesco scheme
NE-2102-03-01-AC-039 – Comparison to approved Tesco scheme
NE-2102-03-01-AC-040 – Proposed boundary treatment
NE-2102-03-01-AC-041 – Proposed vehicle tracking plan
NE-2102-03-01-AC-042 – Indicative shadow studies
NE-2102-03-01-AC-043 – Construction management plan
NE-2102-03-01-LA-001A – Landscaping details
NE-2102-03-01-LA-002A – Landscaping details
NE-2102-03-01-AC-003A – Landscaping details
NE-2102-03-01-AC-004A – Landscaping details

NE-2102-03-01-AC-005A – Landscaping details
8851/01 – Tree constraints plan
8851/02 – Tree protection plan

Reason: For the avoidance of doubt.

3. Prior to the commencement of development a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the phasing plan as approved unless otherwise agreed in writing by the Local Planning Authority or required by other conditions of this permission. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase as defined on the phasing plan approved pursuant to this condition.

Reason: To ensure the satisfactory delivery of all elements of the proposed development.

4. Before any works towards construction of any phase of the development commences on site, the proposed means of vehicular and pedestrian access hereby approved for that phase shall be laid out, hard surfaced, sealed and drained in accordance with the approved plans numbered NE 2012 03 01 AC 004 Rev A 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 Policy TM19A of Replacement Unitary Development Plan

5. If unexpected contamination, not identified in the site investigation report, is encountered, operations on that part of the site shall cease immediately, and the local planning authority shall be informed within no more than five days. Prior to further works being carried out; further remediation works shall be carried out in accordance with a revised statement and programme to be submitted to and approved in writing by the local planning authority. The phase shall not be brought into use until all the verification reports have been 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 UR3 of the Replacement Unitary Development Plan.

6. 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, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and premises and to accord with Policy UR3 of the Replacement Unitary Development Plan.

7. The developer shall implement measures to 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.

Reason: In the interests of highway safety and to accord with Policy TM2 of the Unitary Development Plan.

8. All hard and soft landscape works for each phase of the development shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the phase of the development to which the works relate or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

9. The development shall not be brought into use until all reasonable endeavours have been undertaken to promote a Traffic Regulation Order to restrict parking on Mayfield Road/Railway Road on the eastern side of the highway which forms the site boundary and beyond. Reasonable endeavours shall constitute instructing the Council to proceed with the required TRO and paying all reasonable costs incurred in processing the aforementioned Order.

Reason: In the interest of highway and pedestrian safety and to accord with policy TM19A of the Replacement Unitary Development Plan.

10. Before any occupation of each phase (as identified in condition 3) of the development those parts of the approved Travel Plan that are capable of being implemented shall be so. Those parts of the approved Travel Plan that are identified therein as only being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development is occupied.

Reason: To encourage alternative modes of sustainable transport and build upon existing modes of transport to provide a sustainable development in accordance with paragraphs 17, 29, 32 and 36 of the National Planning Policy Framework and policies UDP7 and UR3 of the Replacement Unitary Development Plan.

11. A methodology for quality control of any material brought onto the site for use in filling, level rising, landscaping and garden formation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved methodology, and a verification report shall be submitted to and approved in writing by the local planning authority.

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 ensure that requirements of policy UR3 of the Replacement Unitary Development Plan have been accorded with.

RESIDENTIAL USES (DEFINED AS THE PROPOSED LIVING AND PROPOSED ASSISTED LIVING UNITS) - CONDITIONS RELATING TO

12. Prior to the commencement of the build development* of each phase of the residential development details of all external wall and roofing materials to be used in that phase shall be submitted to and approved in writing by the Local Planning

Authority. The residential development shall be 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 UR3 and D1 of the Replacement Unitary Development Plan.

13. Prior to development commencing 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 UR3 of the Replacement Unitary Development Plan.

14. The remediation verification report 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 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 UR3 of the Replacement Unitary Development Plan.

15. Notwithstanding the details shown on the application, the development shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Trees to be retained, proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii) Proposed topsoil depths for grass and shrub areas.

Reason: In the interests of visual amenity and to accord with Policies D1, UR3, UR5 of the Replacement Unitary Development Plan

16. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas including the wildlife area adjoining the river, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan

17. 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 of any phase shall not be begun until a Construction Environmental Management Plan specifying arrangements for the environmental management of the construction site for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- i) contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;
- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vi) 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;
- vii) temporary warning and direction signing on the approaches to the site
- ix) site working hours
- x) the advisory routing of construction vehicles over 7.5 tonnes

The Construction Environmental Management Plan details for each phase as approved shall be implemented before the development of that phase is begun and shall be kept in place, operated and adhered to at all times until the development of that phase is completed unless otherwise agreed in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition.

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and the National Planning Policy Framework and 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 TM2 and TM19A of the Replacement Unitary Development Plan.

18. The development of a phase shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site in relation to that phase until a temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remained in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place within the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

19. 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 to base course level in accordance with the approved plan numbered NE2102 03 01 AC 004 Rev A 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 Policy TM19A of Replacement Unitary Development Plan.

20. Before the occupation of each residential unit, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of each dwelling in accordance with the approved drawings.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan

21. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on the submitted drainage plan NE-2103-03-DE-002, have been submitted to and approved by the local planning authority.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

22. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document. These documents must be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site and the approved scheme shall be implemented prior to occupation of any residential unit on the site.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

23. The maximum pass forward flow of surface water from the development shall be restricted to the existing 1:1 year greenfield runoff rate of 4.6 litres per second per hectare.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

24. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority.

Reason: In the interests of foul water management and to accord with the National Planning Policy Framework and policy UR3 of the Replacement Unitary Development Plan.

25. Prior to occupation of the development details of the type and position of all proposed external lighting fixtures to the buildings and external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved shall be installed in accordance with the approved details and maintained therefore to prevent the light sources adversely affecting the safety of users of adjoin highways.

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety and to accord with policy TM19A of the replacement Unitary Development Plan.

CARE HOME USE - CONDITIONS RELATING TO

26. Prior to the commencement of the build development* of each phase of the residential development details of all external wall and roofing materials to be used in that phase shall be submitted to and approved in writing by the Local Planning Authority. The residential development shall be 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 UR3 and D1 of the Replacement Unitary Development Plan.

27. Prior to development commencing 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 UR3 of the Replacement Unitary Development Plan.

28. The remediation verification report 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 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 UR3 of the Replacement Unitary Development Plan.

29. Notwithstanding the details shown on the application, the development shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Trees to be retained, proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii) Proposed topsoil depths for grass and shrub areas.

Reason: In the interests of visual amenity and to accord with Policies D1, UR3, UR5 of the Replacement Unitary Development Plan

30. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas including the wildlife area adjoining the river, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan

31. 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 of any phase shall not be begun until a Construction Environmental Management Plan specifying arrangements for the environmental management of the construction site for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- i) contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;
- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vi) 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;
- vii) temporary warning and direction signing on the approaches to the site
- ix) site working hours
- x) the advisory routing of construction vehicles over 7.5 tonnes

The Construction Environmental Management Plan details for each phase as approved shall be implemented before the development of that phase is begun and shall be kept in place, operated and adhered to at all times until the development of that phase is completed unless otherwise agreed in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition.

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and the National Planning Policy Framework and 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 TM2 and TM19A of the Replacement Unitary Development Plan.

32. The development of a phase shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site in relation to that phase until a temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remained in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place within the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

33. 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 to base course level in accordance with the approved plan numbered NE2102 03 01 AC 004 Rev A 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 Policy TM19A of Replacement Unitary Development Plan.

34. Before the occupation of each residential unit, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of each dwelling in accordance with the approved drawings.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan

35. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on the submitted drainage plan NE-2103-03-DE-002, have been submitted to and approved by the local planning authority.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

36. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document. These documents must be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site and the approved scheme shall be implemented prior to occupation of any residential unit on the site.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

37. The maximum pass forward flow of surface water from the development shall be restricted to the existing 1:1 year greenfield runoff rate of 4.6 litres per second per hectare.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

38. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority.

Reason: In the interests of foul water management and to accord with the National Planning Policy Framework and policy UR3 of the Replacement Unitary Development Plan.

OFFICE BUILDING - CONDITIONS RELATING TO

39. Prior to the commencement* of the build development of each phase of the residential development details of all external wall and roofing materials to be used in that phase shall be submitted to and approved in writing by the Local Planning Authority. The residential development shall be 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 UR3 and D1 of the Replacement Unitary Development Plan.

40. Prior to development commencing 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 UR3 of the Replacement Unitary Development Plan.

41. The remediation verification report 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 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 UR3 of the Replacement Unitary Development Plan.

42. Notwithstanding the details shown on the application, the development shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Trees to be retained, proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii) Proposed topsoil depths for grass and shrub areas.

Reason: In the interests of visual amenity and to accord with Policies D1, UR3, UR5 of the Replacement Unitary Development Plan

43. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas including the wildlife area adjoining the river, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of the development. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan

44. 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 of any phase shall not be begun until a Construction Environmental Management Plan specifying arrangements for the environmental management of the construction site for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- i) contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;
- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vi) 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;
- vii) temporary warning and direction signing on the approaches to the site

- ix) site working hours
- x) the advisory routing of construction vehicles over 7.5 tonnes

The Construction Environmental Management Plan details for each phase as approved shall be implemented before the development of that phase is begun and shall be kept in place, operated and adhered to at all times until the development of that phase is completed unless otherwise agreed in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition.

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and the National Planning Policy Framework and 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 TM2 and TM19A of the Replacement Unitary Development Plan.

45. The development of a phase shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site in relation to that phase until a temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remained in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place within the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

46. 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 to base course level in accordance with the approved plan numbered NE2102 03 01 AC 004 Rev A 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 Policy TM19A of Replacement Unitary Development Plan.

47. Before the occupation of each residential unit, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of each dwelling in accordance with the approved drawings.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan

48. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on the submitted drainage plan NE-2103-03-DE-002, have been submitted to and approved by the local planning authority.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

49. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document. These documents must be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site and the approved scheme shall be implemented prior to occupation of any residential unit on the site.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

50. The maximum pass forward flow of surface water from the development shall be restricted to the existing 1:1 year greenfield runoff rate of 4.6 litres per second per hectare.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

51. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority.

Reason: In the interests of foul water management and to accord with the National Planning Policy Framework and policy UR3 of the Replacement Unitary Development Plan.

CHILDRENS NURSERY – CONDITIONS RELATING TO

52. Prior to the commencement of the build development* of each phase of the residential development details of all external wall and roofing materials to be used in that phase shall be submitted to and approved in writing by the Local Planning Authority. The residential development shall be 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 UR3 and D1 of the Replacement Unitary Development Plan.

53. Prior to development commencing 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 UR3 of the Replacement Unitary Development Plan.

54. The remediation verification report 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 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 UR3 of the Replacement Unitary Development Plan.

55. Notwithstanding the details shown on the application, the development shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Trees to be retained, proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii) Proposed topsoil depths for grass and shrub areas.

Reason: In the interests of visual amenity and to accord with Policies D1, UR3, UR5 of the Replacement Unitary Development Plan

56. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas including the wildlife area adjoining the river, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan

57. 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 of any phase shall not be begun until a Construction Environmental Management Plan specifying arrangements for the environmental management of the construction site for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- i) contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;

- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vi) 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;
- vii) temporary warning and direction signing on the approaches to the site
- ix) site working hours
- x) the advisory routing of construction vehicles over 7.5 tonnes

The Construction Environmental Management Plan details for each phase as approved shall be implemented before the development of that phase is begun and shall be kept in place, operated and adhered to at all times until the development of that phase is completed unless otherwise agreed in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition.

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and the National Planning Policy Framework and 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 TM2 and TM19A of the Replacement Unitary Development Plan.

58. The development of a phase shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site in relation to that phase until a temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remained in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place within the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

59. 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 to base course level in accordance with the approved plan numbered NE2102 03 01 AC 004 Rev A 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 Policy TM19A of Replacement Unitary Development Plan.

60. Before the occupation of the building, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of each dwelling in accordance with the approved drawings.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan

61. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on the submitted drainage plan NE-2103-03-DE-002, have been submitted to and approved by the local planning authority.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

62. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document. These documents must be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site and the approved scheme shall be implemented prior to occupation of any residential unit on the site.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

63. The maximum pass forward flow of surface water from the development shall be restricted to the existing 1:1 year greenfield runoff rate of 4.6 litres per second per hectare.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

64. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority.

Reason: In the interests of foul water management and to accord with the National Planning Policy Framework and policy UR3 of the Replacement Unitary Development Plan.

65. Prior to occupation of the development details of the type and position of all proposed external lighting fixtures to the buildings and external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved shall be installed in accordance with the approved details and maintained therefore to prevent the light sources adversely affecting the safety of users of adjoin highways.

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety and to accord with policy TM19A of the replacement Unitary Development Plan.

SPOONERS EXTENSIONS - CONDITIONS RELATING TO

66. Prior to development commencing 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 UR3 of the Replacement Unitary Development Plan.

67. The remediation verification report 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 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 UR3 of the Replacement Unitary Development Plan.

68. Notwithstanding the details shown on the application, the development shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Trees to be retained, proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii) Proposed topsoil depths for grass and shrub areas.

Reason: In the interests of visual amenity and to accord with Policies D1, UR3, UR5 of the Replacement Unitary Development Plan

69. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas including the wildlife area adjoining the river, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan

70. 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 of any phase shall not be begun until a Construction Environmental Management Plan specifying arrangements for the environmental management of the construction site for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- i) contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;
- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vi) 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;
- vii) temporary warning and direction signing on the approaches to the site
- ix) site working hours
- x) the advisory routing of construction vehicles over 7.5 tonnes

The Construction Environmental Management Plan details for each phase as approved shall be implemented before the development of that phase is begun and shall be kept in place, operated and adhered to at all times until the development of that phase is completed unless otherwise agreed in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition.

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and the National Planning Policy Framework and 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 TM2 and TM19A of the Replacement Unitary Development Plan.

71. The development of a phase shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site in relation to that phase until a temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remained in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place within the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

72. 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 to base course level in accordance with the approved plan numbered NE2102 03 01 AC 004 Rev A 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 Policy TM19A of Replacement Unitary Development Plan.

73. Before the occupation of each residential unit, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of each dwelling in accordance with the approved drawings.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan

74. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on the submitted drainage plan NE-2103-03-DE-002, have been submitted to and approved by the local planning authority.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

75. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document. These documents must be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site and the approved scheme shall be implemented prior to occupation of any residential unit on the site.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

76. The maximum pass forward flow of surface water from the development shall be restricted to the existing 1:1 year greenfield runoff rate of 4.6 litres per second per hectare.

Reason: In the interests of surface water management and to accord with the National Planning Policy Framework.

77. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority.

Reason: In the interests of foul water management and to accord with the National Planning Policy Framework and policy UR3 of the Replacement Unitary Development Plan.

Heads of Terms of any Section 106 legal agreement

- A contribution of **£7,201.63** to be used towards the provision of off-site recreational facilities. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at East Holmes Fields or Riverside Gardens.
- A contribution of **£28,000** for the purpose of upgrading the existing parks - Riverside Gardens, West View Park and two areas on Ilkley Moor – the boating lake and Ilkley Tarn and their environs. It proposed that mitigation monies in all these sites be used to improve signage, walking routes and other amenities in order to provide pleasant alternatives to the wider moor itself.
- The sum of **£281,050.37** to be paid for the purpose of providing Affordable Housing in the Ward of Ilkley. Any unspent sum after three years can then to be spent in the Parliamentary Constituency of Keighley.
- The sum of **£10,000** to be paid for the purpose of providing a bus shelter at stop no: 14149.

***Footnote:**

For the purposes of interpreting this Decision Notice the term 'built development' should be taken to mean any above ground construction works but specifically excluding site clearance and excavation, demolition, ground investigations, installation of foundations, or associated works.

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 4th August 2016

P

Subject:

This is an outline application for the construction of a mixed-use development scheme comprising apartments and wedding venue with conferencing facilities and associated car parking on land at Trafalgar Street car park, Snowden Street, Bradford. The application is in outline form with details of the access and layout submitted for consideration at this stage.

Summary statement:

The proposal is in outline form with only details of the access and layout submitted for consideration at this stage. Indicative plans suggest that the tallest building will be 10 storeys in height. The layout of the development and proposed access arrangements are both considered acceptable subject to off-site highway works in the form of an amended Traffic Regulation Order and speed cushion. Concerns have been raised in relation to the impact on an adjacent listed building through design, materials and fenestration but this will more appropriately be fully be assessed at Reserved Matters stage. The proposal would be subject to a Section 106 Legal Agreement with the heads of terms highlighted in the main body of the report.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
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E-mail: john.eyles@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is an outline application for the construction of a mixed-use development scheme comprising apartments and wedding venue with conferencing facilities and associated car parking on land at Trafalgar Street car park, Snowden Street, Bradford. The application is in outline form with details of the access and layout submitted for consideration at this stage.

2. BACKGROUND

There is a background to multi-use developments including residential (apartments) being consented at this site. See History section of attached report.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

The Committee can approve the application as per the recommendation contained within the main report, or refuse the application. If the Committee is minded to refuse the application, reasons for refusal must be given.

5. FINANCIAL & RESOURCE APPRAISAL

A Section 106 Agreement is proposed that will include contributions to off-set the impact of the development on local infrastructure. The development would generate New Homes Bonus money for the new housing element if these are delivered within the timeframe of the NHB scheme. The new residential units will also generate Council Tax revenue.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

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

8. OTHER IMPLICATIONS

8.1 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 this prohibit 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.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

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

8.4 COMMUNITY SAFETY IMPLICATIONS

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

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

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

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions set out in the report attached as appendix 1.

11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

The Replacement Unitary Development Plan

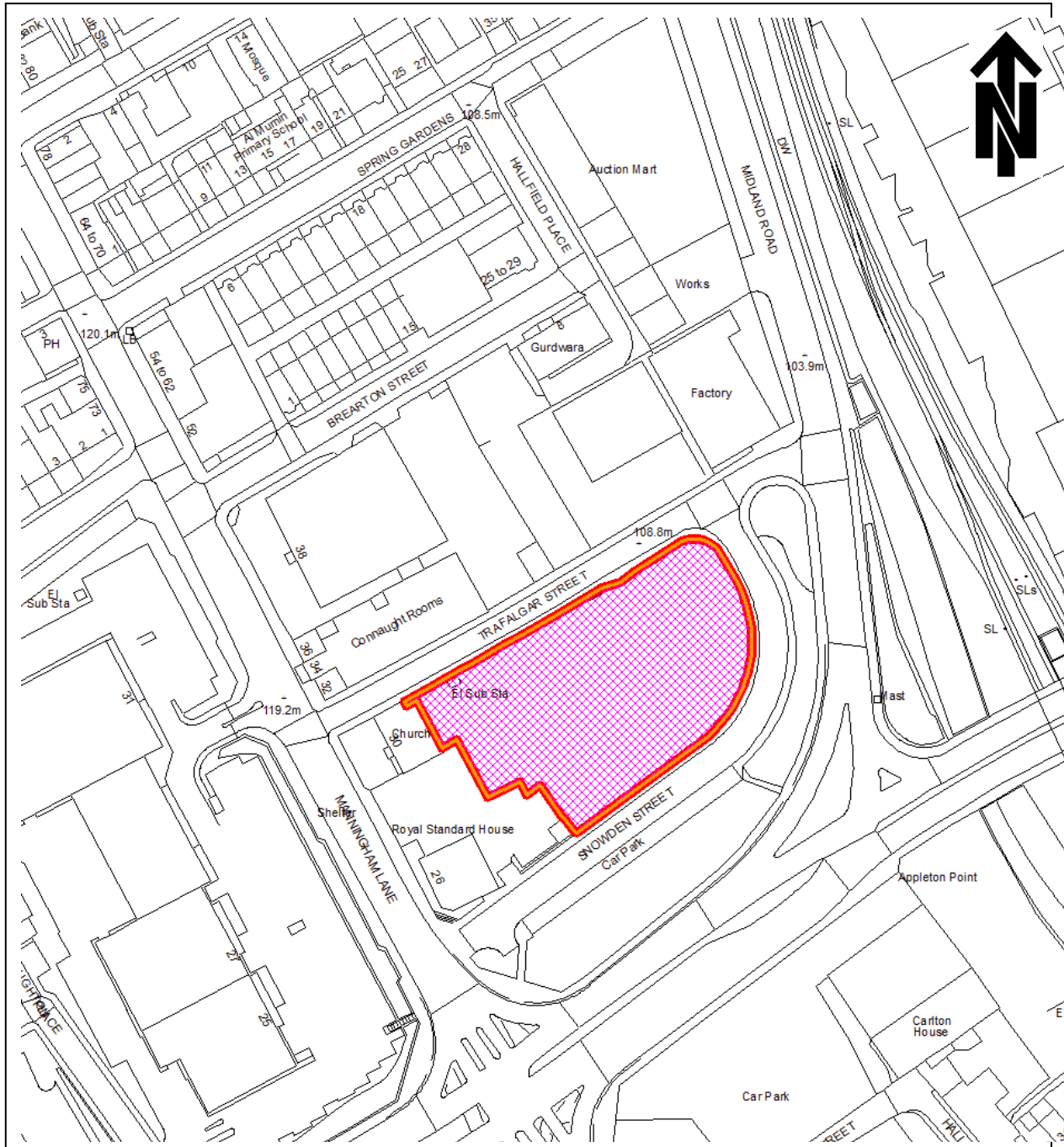
Publication Draft Core Strategy (draft subject to an examination in public in March 2015) and subject to modification which is current out to consultation

Planning application 16/02316/MAO

Regulatory & Appeals Committee

16/02316/MAO

4 August 2016



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LOCATION:
Trafalgar Street Car Park
Snowden Street
Bradford

4 August 2016

Ward: CITY

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

The proposed Heads of Terms for the Section 106 Legal Agreement are as follows:

Recreation – The payment of a commuted sum of £41,261 towards enhancing the recreational infrastructure at Thurnscoe Road Play Area & Lupton Street Play Area & contribution towards delivery of CBMDC's Playing Pitch Strategy in the area.

Education – The payment of a commuted sum of £77,067, broken down into £33,629.40p at primary sector level and £43,437.60p at secondary sector level, to enhance the educational infrastructure

Affordable housing – The provision 25 affordable homes in the form of 19x1 bedroom apartments and 6x2 bedroom apartments.

Highways – The cost of amending the existing Traffic Regulation Order on Trafalgar Street (approx. £7000/£8000).

Application Number:

16/02316/MAO

Type of Application/Proposal and Address:

This is an outline application for the construction of a mixed-use development scheme comprising apartments and wedding venue with conferencing facilities and associated car parking on land at Trafalgar Street car park, Snowden Street, Bradford. The application is in outline form with details of the access and layout submitted for consideration at this stage.

Applicant:

Betra Ltd

Agent:

Roger Lee Planning Ltd

Site Description:

The site comprises a vacant piece of land that is bounded by Trafalgar Street to the north and Sowden Street to the east and south. To the west are existing buildings including a church. To the further north of the site are commercial and industrial buildings located on the northern side of Trafalgar Street whilst to the further east is the railway line. The site slopes gradually downwards from west to east.

Relevant Site History:

Planning permission was granted on the 15th January 2004 under reference 03/04621/OUT for the demolition of the existing warehouse units and the construction of a multi-unit apartment block.

An outline application under reference 04/05107/REM for a residential scheme comprising 300 units with associated parking was withdrawn on the 24th May 2005.

A Reserved Matters application under reference 05/08198/REM for a residential scheme of part 9 storey residential development including 171 units with car parking was withdrawn on the 14th December 2006.

Planning permission under refer 07/10500/FUL was granted on the 21st August 2008 for the construction of a residential development for 362 Residential units, including 164 Studios, 109 one bed, 89 two bed, provisions of 327 car parking spaces with 18 visitors' spaces. Plus related ancillary A1 (shops)/A3 (cafes) and B1 (offices)/D1 (leisure), landscaped courtyard and public realm improvements. This permission was subject to a Section 106 Legal Agreement which secured the following contributions:

- Affordable Housing - total sales value of all units x 15% (the Affordable Housing quota) x 35% (the required discount)
- Education – Payment of a commuted sum of £134,924 towards improving existing educational facilities in the locality
- Recreation – Payment of a commuted sum of £259,450 towards improving recreational facilities in the locality
- Provision of the public art works

Planning permission was refused on the 16th May 2012 under reference 12/00723/MAF for the renewal of planning application 07/10500/FUL. Development for 362 Residential units, including 164 Studios, 109 one bed, 89 two bed, provisions of 327 car parking spaces with 18 visitors' spaces. Plus related ancillary A1 (shops)/A3 (cafes) and B1 (offices)/D1 (leisure), landscaped courtyard and public realm improvements on the grounds that no social contributions (education, recreation and affordable housing) were offered.

Planning permission was granted on the 28th February 2013 under reference 12/03157/MAF for the renewal of planning application 07/10500/FUL for 362 residential units (including 164 studios, 109 one bed and 89 two bed); provision of 327 parking spaces plus 18 visitor spaces and ancillary A1/A3 and B1/D1 uses with landscaped courtyard and public realm improvements. The permission was subject to a Section 106 Legal Agreement which secured the following Heads of Terms:

- To pay a recreation contribution of £161,045
- To pay an education contribution of £178,049
- To pay an affordable housing contribution of £1,075,021
- To provide 12 affordable housing units on the site
- To submit details of a Public Art Scheme

An application under reference 15/06105/MAO for the construction of a mixed use development of apartments and wedding venue with conferencing facilities and associated car parking was withdrawn on the 22nd January 2016.

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated within the Replacement Unitary Development Plan but is located within a Community Priority Area.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development
UDP3 Quality of Built and Natural Environment
UR2 Promoting Sustainable Development
UR3 The Local Impact of Development
UR6 Planning Obligations and Conditions
E8 New Tourist Facilities
E9 Major Hotel and Conference Facilities
H7 Housing Density – Expectation
H8 Housing Density – Efficient Use of Land
H9 Affordable Housing
TM2 Impact of traffic and its mitigation
TM11 Parking standards for non-residential developments
TM12 Parking standards for residential developments
TM19A Traffic management and road safety
D1 General Design Considerations
D4 Community Safety
D5 Landscaping
D11 Gateways
D12 Tall Buildings
BH4A Setting of Listed Buildings
CF2 Education Contributions in New Residential Development
CF6 Development of Unallocated Land in Community Priority Areas
OS5 Provision of recreation Open Space and Playing Fields in New Development
NR15B Flood Risk
NR16 Surface Water Run Off and Sustainable Drainage Systems

Parish Council:

Not applicable in this instance

Publicity and Number of Representations:

The application has been publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 13th May 2016.

As a result of the publicity exercise 1 representation has been received objecting to the proposal.

Summary of Representations Received:

- The proposed venue will impact on existing businesses in the locality
- The redevelopment of the site will result in the loss of on-street car parking

Consultations:

Highways – No objection subject to conditions.

Yorkshire Water – No objection subject to the imposition of conditions relating to the disposal of both foul and surface water.

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

Environmental Health (Nuisance) – No objection subject to conditions relating to the incorporation within the scheme of the mitigation measures to reduce potential noise impact.

Environmental Health (Land Contamination) – No objection subject to the imposition of conditions relating to the submission of both Phase I and II Reports and appropriate Remediation Strategy where appropriate.

Environmental Health (Air Quality) – No objection subject to the imposition of appropriate conditions relating to the provision of electric vehicle charging points and a construction environmental management plan.

Conservation – Concerns regarding the lack of detail submitted and the impact on the adjacent heritage assets.

Landscape Design Unit – No objection to the principle of the development but state that a sense of place needs to be established which functions well for the users due to the lack of open spaces in this area of the City and movement through to the facilities in and around the Northern Quarter of Bradford.

Sport and Leisure Services – No objection but seek a contribution of £41,261 that will be used towards enhancing the existing recreational infrastructure due to the increase pressure that will be placed on it by the development.

Education – No objection but seek the payment of a financial contribution of £77,067 towards improving the educational infrastructure in the vicinity of the site. This is split into £33,629.40p at primary sector level and £43,437.60p at secondary sector level.

Development and Enabling (Housing) – No objection subject to the provision of on-site affordable housing equating to upto 15% of the number of units.

West Yorkshire Police – No objection to this application providing crime prevention matters were adequately dealt with at reserved matters stage.

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Conservation issues
7. Recreation open space
8. Affordable housing
9. Education
10. Secure by design
11. Contaminated land
12. Other issues

Appraisal:

The proposal relates to the construction of a mixed use development comprising apartments and wedding venue with conferencing facilities and associated car parking. The application is in outline form with details of the access and layout submitted for consideration at this stage with all other matters reserved for consideration at a later stage.

1. Principle of development

The site is unallocated within the Replacement Unitary Development Plan but is located within a Community Priority Area (BN/CF6.2 – Manningham). Policy CF6 of the Plan supports the development of open space or other land in community use providing that there is adequate provision of such land and that priority is given to the following uses (in order):

- Community facilities where there is a demonstrable need for such facilities;
- Housing to meet local needs; and,
- Employment generating uses.

The site has previously been granted permission for a mixed-use scheme comprising residential units and ancillary A1 (shops)/A3 (cafes) and B1 (offices)/D1 (leisure). As such the principle of residential development of the site has previously been accepted. The proposal does incorporate a number of apartments that will be self-serviced in relation to their use associated with the wedding venue and conference facility to allow delegates/attendees to reside during events. These apartments will be secured for that use through a Section 106 Legal Agreement and will be assessed separately from the market dwellings.

Policies E8 and E9 of the RUDP are generally supportive of the creation of tourist facilities (including hotels) providing that it is of a scale appropriate to the locality, has good access to the highway network and public transport services, and, provides infrastructure works to accommodate the increased visitor pressure brought about by the development. The proposal is considered to be of a scale which is suitable for its location and the site is in close proximity to the city centre and is considered to be in a very sustainable location in relation to its access to the public transport services.

The proposed mixed-use scheme would involve employment and public attraction facilities that would accord with the regenerations objectives of the city centre, creating

additional investment opportunities for existing and future town centre businesses and opportunities for further investment. The scheme also includes residential accommodation sited close to the city centre generating opportunities for additional expenditure in businesses including retail, leisure, bars and restaurants. The proposal fully accords with local and national planning policies designed to add vitality in and close to city centres and to create sustainable housing provision within walking distances of an extensive range of quality facilities.

Overall therefore it is considered that the principle of the development is acceptable subject to the detailed design.

2. Visual impact

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials. The site is also adjacent to a Gateway Road and as such policy D11 states that development proposals should be of the highest possible standard in terms of design, materials, landscaping and boundary treatment.

The application is in outline form with details of the scale and external appearance reserved for consideration at a later stage. Indicative plans suggest that the buildings will be of varying heights with the tallest being 10 storeys with an additional 2 floors of undercroft parking. The proposed height is lower than the tallest part of the previously approved scheme under reference 07/10500/FUL which was 18 storeys in height. Whilst the proposed building will be taller than the neighbouring buildings it is considered that, subject to an appropriate design and use of materials, they will not be visually intrusive in relation to either the streetscene or wider locality and will have less impact than the previously approved scheme.

The application site has no inherent landscape features in that it is an area of open land that has become overgrown. However, the surrounding area is a well-established planted area implemented as part of the Ring Road. There is an opportunity to enhance the visual character of the area through an appropriate landscaping scheme incorporating both public and private spaces. A sense of place needs to be established which functions well for the users due to the lack of open spaces in this area of the City and movement through to the facilities in and around the Northern Quarter of Bradford.

The layout plan shows landscaped areas proposed along both the northern and southern boundaries of the site together with a garden deck in the centre of the site that will incorporate a pedestrian route through the site. Landscaping of the site has been reserved for consideration at a later stage and there is the opportunity therefore to create a high quality landscaped scheme on what will be a visually important development.

3. Residential amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals

are assessed and includes, amongst others, proposals should not harm the amenity of prospective or existing users and residents.

There are no residential properties adjacent to or within the immediate vicinity of the site that will be affected by the proposed development.

A Noise Report has been submitted which assesses both the existing and future noise sources that could impact on the development and proposes a number of mitigation measures that should be incorporated within the development to minimise the impact on the future residents because of the mixed-use nature of the development.

The two main existing noise sources are the surrounding road network and the nearby commercial premises. With regard to the surrounding road network both Trafalgar Street and Snowden Street, which are immediately adjacent to the site, generate very little traffic whilst both the Manningham Lane and Hamm Strasse, which are close to the site, generate more continuous traffic noise on a more consistent basis. In relation to the commercial development the noise is generally restricted to normal working hours but some noise has been recorded from a nearby warehouse between the hours of 23.15-00.15 in the form of loading and unloading.

In relation to the proposed development it will introduce a number of new potential noise sources including the wedding and conference venue where the main noise source will be entertainment noise such as amplified music and mechanical building service systems. The Noise Report submitted with the application proposes a number of mitigation measures to be incorporated within the development aimed at reducing the potential impact on the future residents of the scheme and the area in general. Such measures include the incorporation of appropriate standards of double glazing ventilators in the proposed apartments, and, adequate sound proofing in the construction of the external walls and the ceilings of the apartments.

The Environmental Protection Team have not raised an objection to the proposal subject to the noise mitigation measures contained within the supporting Noise Report being implemented and this is conditioned accordingly.

As such it is not considered that the proposal will have a detrimental impact on the residential amenities of the future occupiers and residents of the development.

4. Highway safety

Policies TM2 and TM19A of the RUDP support proposals for new development providing that, amongst other things, the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking and cycling facilities, in the vicinity of the site or the local environment. Policy TM12 requires the provision of parking in accordance with the Councils adopted standards.

Details of the access arrangements have been submitted for consideration at this stage with the main points of access being off both Snowden Street and Trafalgar Street. A Transport Assessment and Travel Plan have been submitted in support of the proposal.

The Highways Department have assessed the proposal in relation to both the access/parking arrangements for the development and the impact on the wider highway

network. In relation to the proposed access points these are considered to be acceptable and appropriate visibility splays can be provided in each case. There are existing access points serving the site that will not be used to serve the development and these will need to be permanently closed off and reinstated as footways and this is appropriately conditioned.

In terms of the level of car parking to serve both the apartments and the community facility it is slightly lower than the maximum standards recommended within Appendix C of the Replacement Unitary Development Plan. However the site is in a very sustainable location being close to the city centre and having good access to alternative methods of transport including bus and rail. The submitted travel plan, when implemented, will also assist in reducing car use.

Off-site highway works include a raised platform to be provided across Snowden Street at the pedestrian connection to Hamm Strasse and an amendment to the existing Traffic Regulation Order on Trafalgar Street will need to be implemented and these are included within the Section 106 Legal Agreement.

An objection has been received in relation to the loss of on-street car parking. There will likely be some spaces lost through the amendments to the Traffic Regulation Order on Trafalgar Street but the site is in close proximity to a number of car parks, such as the Foster Square Retail Park and Kirkgate Market, as well as other areas of on-street parking. As such it is not considered that the loss of any on-street parking resulting from the development will impact on the level of available car parking to serve visitors to the area and neighbouring businesses.

Overall therefore the Highways Department do not consider that the proposal will have a detrimental impact on highway safety within the vicinity of the site.

5. Drainage

Policy NR16 of the RUDP relates specifically to the provision of adequate surface water drainage systems whilst policy UR3 states that proposals should not have an adverse impact on the surrounding environment.

In relation to the disposal of both foul and surface water it is intended to connect to the main sewer. No objection has been received to this subject to the imposition on a planning permission of appropriate conditions.

6. Conservation Issues

In considering the proposals for this site, the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 must be borne in mind: To have special regard to the desirability of preserving listed buildings and their settings (Section 66). Policy BH4A states that development will not be permitted if it would harm the setting of a Listed Building. This scheme has been fully assessed in relation to these requirements.

The site affects the setting of 2 listed buildings, Connaught Rooms (the former masonic hall) on Manningham Lane, and 30 Manningham Lane, an early 19th century former villa.

In assessing the impact on these listed buildings it is important that the history of the site is taken into account in that it did benefit from having planning permission for a predominantly residential development with built form of greater height than now proposed. Whilst this application is in outline form, with details of only the access and layout submitted for consideration at this stage, indicative plans have been submitted that show the height of the buildings (10 storeys) and the relationship with the adjacent buildings, including the afore-mentioned listed buildings.

The Conservation Officer has stated that the application proposes 2 built elements, the tallest at the lower end of the site towards Midland Road, taking advantage of the decreasing topography. The L-shaped block towards the west of the site would have more impact on the listed buildings. This is proposed at some 8 stepping up to 10 storeys above ground level. Connaught Rooms is a substantial structure which does not diminish in height with the decreasing ground levels. It is considered that despite the new built form being taller than Connaught Rooms it would not compete with the listed building to an unacceptable degree.

30 Manningham Lane is of domestic scale, although set on a platform when viewed from the rear. The new built form would be in fairly close proximity to the rear of the listed building, and would be very obvious as a backdrop to the listed building, dominating it in views from Manningham Lane. A number of the massing views are taken from aerial positions, and hence are of limited benefit in assessing the impact, as these are unrealistic to actual human appreciation of the visual impacts. The Conservation Officer suggests that there is insufficient information on the appearance and palette of materials to enable a full understanding of the impact of the proposed development. A bland and monotonous fenestration on the scale of building proposed could result in a harmful impact, whereas an exceptional appearance might have the potential to mitigate this.

It must be stressed that the application is in outline form and that details of the scale and appearance have been reserved for consideration at a later stage. This will include the design of the buildings, the materials to be used together with details of the fenestration, all the matters the Conservation Officer has raised as lacking in this application. The opportunity to comment on these aspects of the proposal will be afforded to the Conservation Officer at Reserved Matters stage with the Applicant being fully aware of what has been raised and will hopefully take them on board in the final design of the building. The development, at the height proposed, will be visually significant and it is important that the design is acceptable in terms of the relationship with the streetscene, wider vicinity and the listed buildings.

In conclusion it is considered that the proposals the subject of this outline application would not create harm to the setting of the nearby listed buildings.

7. Recreation open space

Policy OS5 of the RUDP states that new residential development will be required to make appropriate provision of or equivalent commuted payment for recreation open space and playing fields.

The proposed layout does not incorporate any formal recreational open space. Due to residential element on the site the proposal is likely to increase the pressure on the existing recreational infrastructure in its vicinity. As such Parks and Greenspaces

Service require a recreation contribution of £41,261 due to the extra demands placed on the locality by this development. The level of contribution secured is lower than that previously sought in the original consultation response due to the number of market apartments being reduced because of the inclusion of 63 self-serviced apartments.

The money would be used towards the provision and/or enhancement of existing recreational facilities and infrastructure work including but, not exclusive, to drainage works, footpath works and fencing at Thurnscoe Road Play Area & Lupton Street Play Area & contribution towards delivery of CBMDC's Playing Pitch Strategy in the area.

The Applicant has agreed to pay this contribution and it will therefore be secured through a Section 106 Legal Agreement.

8. Affordable housing

Policy H9 of the RUDP states that the Council will negotiate for a proportion of affordable housing based on, amongst other things, the extent and type of need, and, the economics of provision.

The affordable housing quota for this area is up to 15% of total number of units proposed and in this instance it equates to 25 affordable homes. The need is for on-site provision with the mix made up of 19x1bedroom apartments and x2bedroom apartments. The affordable units should be delivered via a Registered Provider at Affordable Rent (ie 80% of the market rent). The purchase price would have to be determined by the Registered Provider when carrying out the financial appraisal based on net affordable rent after deducting their management and maintenance charges.

The Applicant has agreed to this provision and it will be secured through a Section 106 Legal Agreement.

9. Education

Policy CF2 of the RUDP states that where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges, the Council will seek to enter into a planning obligation in order to secure the provision of, or contribution towards, new or extended facilities.

At primary sector level there are no near primary schools however the nearest ones accessible from the development include Heaton St Barnabas, Lilycroft, Lister, Margaret McMillan, Miriam Lord, Poplars Farm, St Francis and Westbourne. Based on data available as at March 2016 despite some expansion, current capacity in the primary schools is being exceeded in some year groups and allowing for the desire to operate at 95% occupancy to allow for population changes this is being exceeded in nearly all year groups. Overall these schools are overcrowded now and future forecasts show an increasing pupil population. As such Education Services are seeking a financial contribution of £33,629.40p towards improving the education infrastructure at this level.

In relation to the secondary sector, the schools which are reasonably accessible from the development are 11-18 schools are Feversham College, Oasis Academy Lister Park, One In A Million and St Bede's & St Joseph's Catholic College. Based on data available as at March 2016 and the current capacity in there are places in some of the

year groups but a shortfall when allowing for the desire to operate at 95% occupancy to allow for population changes. As such Education Services are seeking a financial contribution of £43,437.60p towards improving the education infrastructure at this level.

The level of contribution secured is lower than that previously sought in the original consultation response due to the number of market apartments being reduced because of the inclusion of 63 self-serviced apartments.

The Applicant has accepted the level of contribution and the money will be secured through a Section 106 Legal Agreement.

10. Secure by Design

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The application is in outline form with details of both the scale and external appearance reserved for consideration at a later stage. As such the West Yorkshire Police have no objection to the proposal providing crime prevention matters are adequately dealt with at reserved matters stage, where the main concerns will be access control of both the undercroft car parking and the apartments.

11. Contaminated land

A Phase I Site Investigation Report has been submitted which was prepared in 2005 and as such is over 10 years old. Since this report was prepared there has been very little activity on the site and it has simply become overgrown. The findings of the report need updating to take into account current guidance and accepted good practice.

As the proposal is for a more sensitive end use on the site the Environmental Protection Team have no objection to the proposal subject to the imposition of appropriate conditions relating to the submission of Phase I and II Site Investigation Reports together with an appropriate Remediation Strategy if required.

12. Other issues

One other issue has been raised during the consultation exercise that has not been addressed in the above sections of the report, this being that the proposed venue will impact on existing businesses in the locality. Unfortunately the matter competition on other existing uses is not a material planning consideration and as such cannot be taken into account in assessing this application.

Community Safety Implications:

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

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that this is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this

purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The scheme provides a mixed-use scheme on a previously developed site. The density and layout of the proposal are acceptable and present no concerns with regard to visual or residential amenity and highway safety. The proposal is considered acceptable and, with the attached conditions and legal agreement to secure a contribution towards education, recreation and affordable housing provision together with off-site highway works, satisfies the requirements of policies UDP1, UDP3, UR2, UR3, UR6, E8, E9, H7, H8, H9, TM2, TM11, TM12, TM19A, D1, D4, D5, D11, D12, BH4A, CF2, CF6, OS5, NR15B, and, NR16 together with the relevant paragraphs contained within the National Planning Policy Framework.

Conditions of Approval:

1. Time scale

Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. Time scale

The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Reserved Matters

Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping, and,
- iii) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

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

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

4. Means of disposal of surface water

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works,

have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with policy UR3 of the Replacement Unitary Development Plan.

5. Separate systems foul and surface water

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

Reason: In the interest of satisfactory and sustainable drainage and to accord with policy UR3 of the Replacement Unitary Development Plan.

6. Use of interceptors

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage and to accord with policy UR3 of the Replacement Unitary Development Plan.

7. Surface water drainage

The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles, have been submitted to and approved by the local planning authority.

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

8. Surface Water Drainage Maintenance and Management

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

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

9. Use of SUDS

No development shall take place until the site is investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the

maximum pass forward flow of surface water from the development shall be restricted to 5 litres per second.

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

10. Phase 1 Condition

Prior to development commencing a Phase 1 Desk Study and Preliminary Risk Assessment Report must be submitted to and approved in writing by the Local Planning Authority. Where potential for contamination is identified within the Phase 1 report then recommendations for a Phase 2 site investigation and risk assessment must be included.

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 accord with policy UR3 of the Replacement Unitary Development Plan

11. Site Investigation Scheme

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 UR3 of the Replacement Unitary Development Plan.

12. Site Investigation Implementation

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 UR3 of the Replacement Unitary Development Plan.

13. Remediation strategy

Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing 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 UR3 of the Replacement Unitary Development Plan.

14. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report 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 UR3 of the Replacement Unitary Development Plan.

15. Unexpected contamination

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 UR3 of the Replacement Unitary Development Plan.

16. Materials importation

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. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

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 UR3 of the Replacement Unitary Development Plan.

17. Wheel washing facility

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 Policy TM19A of the Replacement Unitary Development Plan.

18. Means of access

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 Policy TM19A of the Replacement Unitary Development Plan.

19. Closure of existing access

Concurrently with the construction of the new access and prior to it being brought into use, the existing vehicular access to the site shall be permanently closed off with a full kerb face, and the footway returned to full footway status, in accordance with the approved plan.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

20. Construction Plan

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

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) 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;
- vii) 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 TM2 and TM19A of the Replacement Unitary Development Plan

21. Noise mitigation measures

The development shall be carried out in accordance with the noise mitigation measures contained in the Noise Report (Report Reference no. 2749.25/1) prepared by Blue Tree Acoustics and dated 25th March 2016.

Reason: To protect the residential amenities of the occupiers of the proposed apartments and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

22. Construction hours

Demolition and construction work shall only be carried out between the hours of 07.30 and 18.00 on Mondays to Fridays, 07.30 and 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

23. Electric Vehicle Charging Points

Before the development hereby permitted commences on site a scheme for the provision of electric vehicle charging points based on 1 space per 10 communal spaces shall be submitted to and approved in writing by the Local Planning Authority. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All Electric Vehicle Charging Points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/ travel planning advice.

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

24. Hours of use

Unless otherwise agreed in writing with the Local Planning Authority, the use of the wedding hall/conference facility shall be restricted to the hours from 09:00 to 21:00 Sundays to Thursdays, 09.00-00.00 Friday to Saturday, and, 10:00 to 18:00 on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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**Report of the Assistant Director (Planning,
Transportation & Highways) to the meeting of
Regulatory and Appeals Committee to be held on
4 August 2016**

Q

Subject:

Enforcement case reference 16/00325/ENFCON.

Summary statement:

Report to be noted that enforcement action has been authorised.

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:

**Regeneration, Planning and Transport
Overview & Scrutiny Area:**

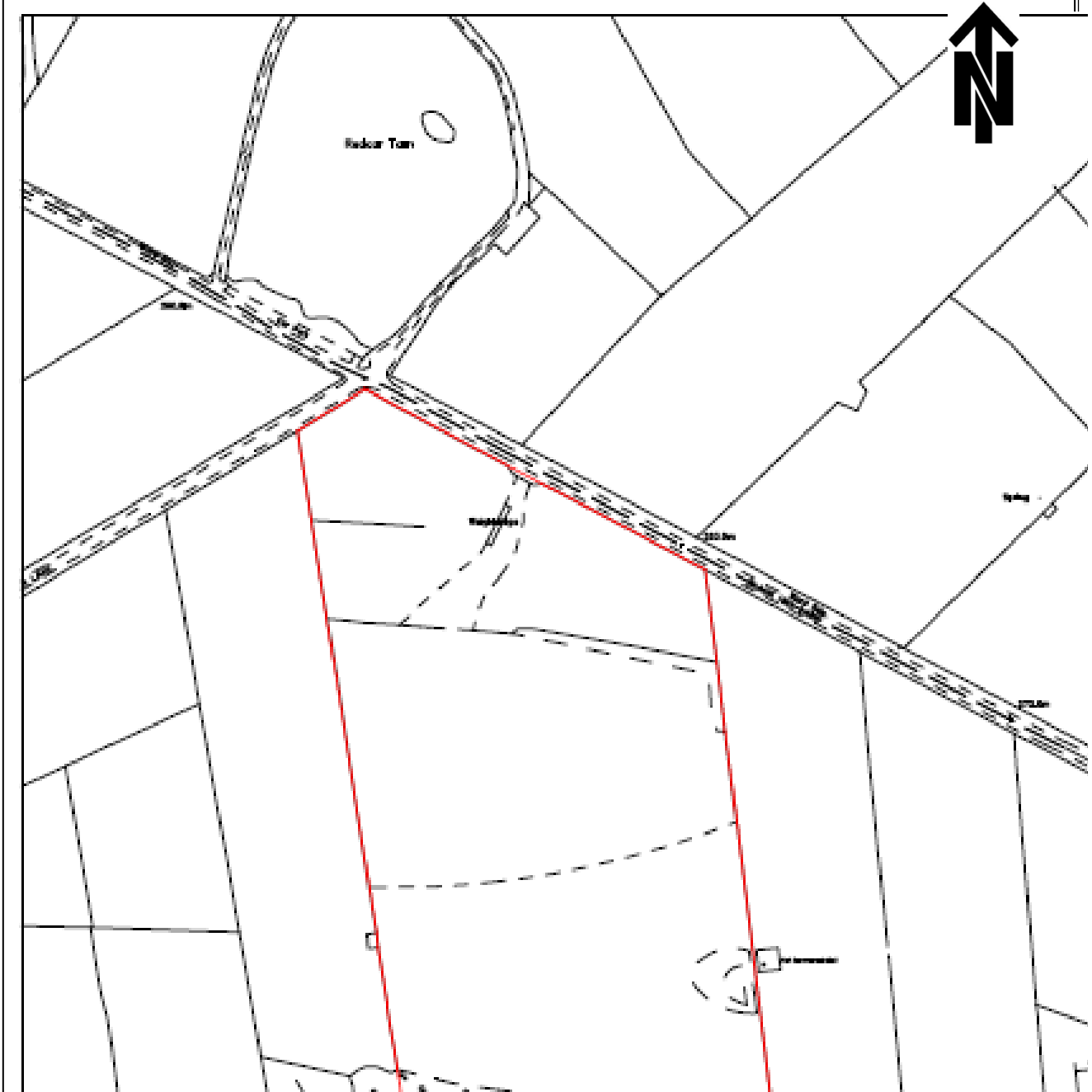
Regeneration and Economy



Regulatory & Appeals Committee

13/00207/ENFUNA

18 March 2015



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**LOCATION:
Land at Former Braithwaite Quarry, Black Hill Lane,
Keighley**

4 August 2016

Ward: Keighley West
Recommendation:
THAT ENFORCEMENT ACTION BE NOTED

Enforcement Reference:
16/00325/ENFCON

Site location:
Land at Former Braithwaite Edge Quarry, Black Hill Lane, Keighley

Circumstances:
Planning permission has previously been granted subject to conditions for a change of use of land under planning permission ref: 14/03662/MAF. The application was described as:

Full planning application for the development of a cemetery, including improvements to existing access, formation of internal access road and car park, landscaping and drainage works and construction of a building to provide ancillary office, welfare and workshop/storage facilities.

The application was considered by the Regulatory and Appeals Committee on 1st September 2015 and the relevant council records set out the detailed considerations undertaken prior to the grant.

Development commenced on site in 2016 without compliance with the fundamental planning conditions and therefore the engineering operations and development of the site undertaken to date are unauthorised. The grant of planning permission ref: 14/03662/MAF required amongst other matters a detailed assessment of the site hydrology, drainage and contamination so that site could be properly identified as suitable for its proposed end use.

Written challenges have been issued to the landowners, nevertheless, unauthorised development continued and it was then necessary to consider if formal enforcement action should commence.

The proposed future use of the land is as a cemetery but burials have not commenced.

Enforcement action has been authorised to cease the unauthorised development of the site and to restore the affected land with meadow grass.

An enforcement notice was authorised on 29th June 2016 by the Planning Manager (Enforcement and Trees).

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