

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 1 September 2016 at 10.00 am in Committee Room 1 - 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 Committee Room 1 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.

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 28 April 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 TO THE SOUTH OF WELBURN, BRADFORD ROAD, BURLEY-IN-WHARFEDALE Wharfedale

1 - 24

The Assistant Director – Planning, Transportation and Highways will submit a report (**Document “S”**) in relation to a planning application for the construction of 14 dwellings, with a new access road and associated works, on land to the south of Welburn, Bradford Road, Burley in Wharfedale – 16/05635/MAF.

Recommended –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ 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) The payment of a contribution of £67,436 for the purpose of educational infrastructure improvements; £29,428 for primary level to be used at Burley & Woodhead CE, Burley Oaks and Menston Primary Schools and £38,008 for secondary level to be used at Ilkley Grammar School.
- (ii) The payment of a contribution of £14,856 for the provision or enhancement of existing recreational facilities and/or infrastructure at Menston Recreation Ground or Grange Park, Burley in Wharfedale,
- (iii) The payment of a contribution of £10,500 towards the implementation of measures to mitigate recreational pressure on the South Pennine Moors Special Protection Area (SPA)/ Special Area of Conservation (SCA) to be directed, in the first instance, towards the development of a section of the Wharfedale Greenway and Cycleway,

the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

7. LAND AT 407 LITTLE HORTON LANE, BRADFORD
Little Horton

25 - 40

A report will be presented by the Assistant Director – Planning, Transportation and Highways (**Document “T”**) in relation to an application for the construction of 14 dwellings on land at 407 Little Horton Lane, Bradford – 15/06447/MAF.

Recommended –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ 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:

Payment of all costs associated with the implementation of a Traffic Regulation Order(s) to reduce on-street parking on Stowell Mill Street, Park Lane and Little Horton Lane,



the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

8. **LAND TO THE REAR OF 589 LEEDS ROAD, THACKLEY,
BRADFORD**
Idle and Thackley

41 - 62

The report of the Assistant Director - Planning, Transportation and Highways (**Document “U”**) considers an outline application, with all matters reserved other than access, for the residential development of land to the rear of 589 Leeds Road, Thackley, Bradford – 16/00543/MAO.

Recommended –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ 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) The payment of a contribution of £42,815 for the purpose of educational infrastructure improvements; £18,686 for primary level to be used at Greengates, Idle CE, Parkland, St Anthony’s Catholic, Thackley and Thorpe Primary Schools and £24,132 for secondary level to be used at Immanuel College and Titus Salt School.
 - (ii) The payment of a contribution of £14,048 for the enhancement of existing recreational facilities and/or infrastructure within Buck Wood,

the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

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



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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 1st September 2016

S

Subject:

Planning Application 16/05635/MAF

Full application for construction of fourteen dwelling houses with new access road and associated works on land South Of Welburn Bradford Road Burley In Wharfedale, Ilkley.

Summary statement:

The application relates to the proposed residential development of an undeveloped field alongside Bradford Road on the outskirts of Burley in Wharfedale. The land is shown as Safeguarded Land on the Replacement Unitary Development Plan Proposals Map. The application proposes 14 detached and semi-detached houses with a new vehicular access from Bradford Road (the A65). 50 objections including those from the Shipley MP and a Ward Councillor have been received.

The planning merits of the proposal are examined in the Officer Report forming Appendix 1 to this report. This considers the various points of objection and outlines consultation advice received. Officers recommend that planning permission should be granted subject to the suggested conditions and subject to the requirements of a Section 106 agreement which are outlined in the report.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is a full planning application for the construction of a 14 dwellings. A significant number of objections have been received.

It is recommended that planning permission be granted subject to conditions and a S106 legal agreement to deliver the financial contributions to mitigate the impact of development on education and recreation infrastructure and a financial contribution to mitigate or deflect the effects of additional recreational pressures on the South Pennine Moors Special Protection Area/Special Area of Conservation.

2. BACKGROUND

This triangular shaped field was removed from the Green Belt and allocated as Safeguarded Land as part of the Replacement Unitary Development Plan (2005). The technical report attached as Appendix 1 explains the land allocation and current planning policy context.

No planning permissions have previously been granted for development on the land. An application for 10 houses on the land received earlier in 2016 was withdrawn.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

The Committee could:

- (i) Grant permission in accordance with the suggested conditions and S.106 requirements outlined in Appendix 1
- (ii) Grant permission subject to additional or amended conditions and requirements.
- (iii) Refuse planning permission for reasons that must be given by the Committee.

5. FINANCIAL & RESOURCE APPRAISAL

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

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None

7. LEGAL APPRAISAL

The determination of the application is within the Councils 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 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.

8.2 SUSTAINABILITY IMPLICATIONS

It is considered that the proposed development would deliver housing and meets sustainable development criteria outlined in national and local policy. Good design ensures attractive usable, durable and adaptable places and is also a key element in achieving sustainable development. This is a bespoke residential scheme designed to suit the character of the area and which takes into account the constraints of the site.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

No issues are raised other than those identified in the appended technical report. EV charging points are to be provided at each property (planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

Boundary treatments are considered within the application details and are suitable solutions which add to the design elements of the layout.

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 into account the views of all those who have an interest in, or whom may be affected by the proposal. The representations received are summarised and analysed in the report forming appendix 1.

8.6 TRADE UNION

No implications.

8.7 WARD IMPLICATIONS

Implications for the Wharfedale Ward arising are outlined in the Officer Report forming Appendix 1.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To grant planning permission subject to the suggested conditions and a S.106 agreement.

11. APPENDICES

Appendix 1 : Planning Officer Appraisal

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).

Appendix 1

1 September 2016

Ward: Wharfedale

Recommendation:

To grant planning permission with conditions and subject to a S.106 agreement

Application Number:

16/05635/MAF

Type of Application/Proposal and Address:

Full application for construction of fourteen dwelling houses with new access road and associated works on land South Of Welburn Bradford Road Burley In Wharfedale, Ilkley.

Applicant:

Arncliffe Homes Limited

Agent:

JO Steel Consulting

Site Description:

The application relates to a 0.65 hectare undeveloped field on the outskirts of Burley in Wharfedale. One side of the triangular shaped field abuts the footway to Bradford Road (the A65) where there is a dry stone wall. The land rises gradually away from the main road towards the second side of the triangle which abuts the disused Otley-Ilkley railway line. This ceased use in the 1960s. The railway line is colonised by self-seeded trees. It is higher than the level of the field towards Bradford Road. The third boundary is to the back gardens of semi-detached houses on Endor Crescent. These properties have rear elevation windows facing the site. Towards the Bradford Road frontage, is a pair of semis that face the main road - including the property called Welburn which has a rear garden extending along the boundary with the site, and side elevation windows facing onto the land. There are no trees or other features of note on the land.

Relevant Site History:

16/00827/MAF: Full application for construction of ten dwelling houses with new access road and associated works. Application withdrawn.

90/07179/FUL : Four detached houses with double integral garages. Refused 27 March 1991.

89/07503/OUT- Construction of four detached houses with garages. Refused: 08 January 1990.

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

Allocated as Safeguarded Land – site S/UR5.7 by the RUDP Proposals Map.

Proposals and Policies

UR3 The Local Impact of Development

D1 General Design Considerations

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

NR16 Surface Water Run Off and Sustainable Drainage Systems

NE10 Protection of Natural Features and Species

D5 Landscaping

D4 Community Safety

NE4 Trees and Woodlands

NE3 Landscape Character Areas

NE3A Landscape Character Areas

CF2 Education Contributions in New Residential Development

OS5 Provision of recreation Open Space and Playing Fields In New Development

NE6 Protection of Trees During Development

Parish Council:

The Planning Committee of Burley Parish Council met on 18th July 2016 and

RESOLVED: to refuse the application on the grounds of:

o The sight line of the application requires revision.

o The site is outside the development boundary as included within the Burley Neighbourhood Plan.

o There are concerns over flood risk and impact of surface water which have not been addressed.

o There is still no affordable housing within the development.

In addition the Parish Council resolved to request Bradford MDC Planners to allow access to the Wharfedale Greenway route from the residential site and to include a s106 agreement relating to the site.

Publicity and Number of Representations:

Publicised by neighbour letters and site notice expiring 11.8.2016.

50 objections have been received which are summarised below.

These include an objection from the Member of Parliament for Shipley who says: I have been contacted by concerned local residents and wish to object to this new application primarily because:

1. The proposal represents a departure from the approved development plan for the area.
2. It is outside the boundary of the draft neighbourhood plan for Burley in Wharfedale.
3. There are issues around pedestrian and vehicle safety, access, sight lines and traffic.
4. Flooding concerns particularly as the road is often flooded close to the proposed development and Yorkshire Water say "the local public sewer network does not have the capacity to accept any surface water from the proposed development".
5. The impact on the natural environment.

A Ward Councillor has objected and seeks referral to Regulatory and Appeals Committee to give local residents the opportunity to make their objections clear, saying:

1. The sight lines and the safety access issues and proposals for the developer's resolution of the A65 traffic taking into account the density now on the A65 and the speed of the traffic.
2. Groundwater - flooding and the impact of surface water, especially given the regularity with which Bradford Road is flooded in the road dip adjacent to the development.
3. That the proposal represents a departure from the approved Development Plan
4. That the site is outside the boundary of the draft Burley Neighbourhood Plan.
5. If the application is to be approved then it must allow access to the proposed Wharfedale Greenway route and include a S106 agreement relating to this.

Summary of Representations Received:

1. GENERAL : In spite of 51 objection letters to the previous application (16/00827/MAF) the developer has simply increased the number of houses from 10 to 14. The increased number of dwellings exacerbates the concerns raised in the previous objections. The developers are speculatively grabbing a beautiful field which provides a natural boundary between Menston and Burley.
2. URBAN SPRAWL AND RIBBON DEVELOPMENT : It is vital to retain the distinction between Burley and Menston. Endor Crescent is the first or last street in Burley-in-Wharfedale and it is important that this green boundary be kept in the greater interest of maintaining two distinct and separate communities. Although supportive of each other, these communities want to remain as separate villages. This proposed development only adds to ribbon development and the unnecessary swallowing up of land that separates them.
3. DEPARTURE FROM THE DEVELOPMENT PLAN : The site in question was in Green Belt for many years and previous housing developments were rejected (including on appeal) for that reason and for highways concerns. A Planning Inspector ruled in 2004 that the site be deleted from Green Belt, but allocated it as Safeguarded Land rather than for housing for the reason that there is no safe access. The site is not one of the agreed sites for development within the Burley Neighbourhood Plan, which in 2015 (with wide consultation) identified sites for future housing development and expresses a great desire to maintain the natural barrier between the villages and prevent urban sprawl. As the proposed development is on a non-allocated site it should not be permitted.

4. HIGHWAYS, TRAFFIC AND SAFETY : The A65 is a very busy trunk road. Access onto the A65 from Endor Crescent is already extremely dangerous due to the speed and nature of the vehicles. The speed limit is 40mph but motorists regularly exceed it, and there is a dip in the road just south of the proposed entrance which results in a blind spot. Visibility is poor. Another access point such a short distance away from Endor Crescent into the proposed new development will only exacerbate the situation and result in increased incidents of accidents. In 2004 this greenfield site was re-classified to Safeguarded Land but not allocated for housing because, in the inspector's view, 'there is no readily available safe access point for a housing development there'. There is insufficient frontage to provide the necessary visibility splays onto the A65. The ever-increasing traffic flow on the A65 since 2004 makes the inspector's view that 'there is no readily available safe access point' more pertinent. There were 2 motor cyclist fatalities a few years ago in a collision at the A65-Endor Crescent junction in November 2012. The Highway Officer conclusion contradicts the inspector's view that there is no readily available safe access point for housing.

5. DETRIMENTAL IMPACT UPON RESIDENTIAL AMENITIES : These large, mostly 3 storey, bulky properties do not fit in with the scale and design of neighbouring properties. There will be an adverse effect on the residential amenity of adjoining neighbours on Endor Crescent and those facing Bradford Road, by reason of overlooking, dominance, loss of privacy and overshadowing due to the elevation of the site. Plots such as No. 5 (Mayfair House Type) are directly behind existing gardens. This is a huge, 3 storey, 5 bed roomed house which is not in keeping and due to its height, bulk and close proximity will have an overbearing impact and affect the amenity of existing residents.

6. VISUAL DOMINANCE : The development has unacceptably high density and is over development of the site, especially as it involves the loss of the open aspect of our neighbourhood. The A65 roadside boundary wall of the site serves as a retaining wall for the site and the land, for the most part, is higher than the A65. The dominance of the very large properties of this development is a concern due to them being at a much higher ground level than the existing neighbouring properties. The three storey Mayfair houses will have a major negative visual impact of this development on the surrounding properties. The size and design of the houses is out of character with the predominantly 1930s semi-detached houses on Endor Crescent and Bradford Road.

7. NATURE CONSERVATION : The field is bordered by a wooded disused railway track and is an important haven for wildlife. Local people have noted rabbits, weasels, wood mice, hedgehogs and deer. There are also pheasants, grouse and owls. Red kites can often be spotted gliding over the field. In addition there is a huge variety of garden birds. All of these species would be affected by the construction of these houses.

8. DRAINAGE AND FLOODING : Local gardens are prone to flooding and the A65 itself quite frequently becomes flooded in the area of "the dip" just below the proposed site. Locals are used to the road becoming impassable by car and on foot when it does. Surely the development will only make this problem worse. Yorkshire Water has reported that the local sewer can't cope with surface water from the development. There is a lack of detail on drainage.

9. HOUSING NEED NOT MET : Given the size and likely price range of these houses, they will not be affordable for the majority of local residents, so this only provide homes for high income earners. It does not meet local need.

10. WHARFEDALE GREENWAY :The proposed Wharfedale Greenway and Cycle Path promoted by Sustrans will border the proposed site and would be placed in jeopardy by this planning application.

11. GENERAL : In the interests of road safety, flooding, destruction of the natural environment and preventing urban sprawl, the planning application, in line with previous proposals should not be granted. It would bring added danger to an already heavily used road and it does not benefit, or is in the interests, of the community at large. Nor does it conform to the spirit and intent of the National Planning Policy Framework.

Consultations:

Highways Development Control (DC) :

The applicant has now submitted a revised site layout plan (Plan Ref: 287/SL/01 Revision G) which overcomes previous highway concerns and therefore Highways DC are now minded to support this proposal.

Council's Drainage Section : The Lead Local Flood Authority

If the details set out in the developer's drainage strategy are implemented and secured by way of a planning condition on any planning permission, the Council's Drainage Department has NO OBJECTION to the proposed development.

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 (standard conditions).

Environmental Health : Pollution Team

No objections to the proposal. Concerns relating to noise and dust arising from the proposal can be addressed through conditions limiting construction hours. (EH comments on the mitigation of noise from any commercial use affecting the proposed residential properties are not applicable. There are no commercial premises near this site.)

Council's Parks and Greenspaces Service

Requires a recreation contribution of £14,856 for 14 houses 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 at Menston Recreation Ground or Grange Park, Burley in Wharfedale.

Education

For Application 16/05635/MAF the calculation for 14 houses

Primary

3/4 bed Houses:

0.02 (yield per year group) x 7 (year groups) x 7 (number of dwellings) x £13345 (cost per place) = £13,078

4/5 bed Houses:

0.025 (yield per year group) x 7 (year groups) x 7 (number of dwellings) x £13345 (cost per place) = £16,348

Total Primary := £29,428

Secondary

3/4 bed Houses:

0.02 (yield per year group) x 6 (year groups) x 7 (number of dwellings) x £20110 (cost per place) = £16,892

4/5 bed Houses:

0.025 (yield per year group) x 6 (year groups) x 7 (number of dwellings) x £20110 (cost per place) = £21,116

Total Secondary:= £38,008

Total request for 14 houses:= £67,436

The primary schools which are readily accessible from the development include Burley & Woodhead CE and Burley Oaks, the next nearest being Menston Primary in Menston.

The secondary school reasonably accessible from the development is Ilkley Grammar. Burley is also in the admissions oversubscription priority area 1 for Ilkley Grammar.

Summary of Main Issues:

Principle of development, including the planning status of the land.

Density design and layout

Impact on trees and landscape character

Impact on adjoining dwellings

Highway issues – means of access and visibility splays

Drainage and Flood Risk

Minerals Planning/Land Quality

Impact on community facilities : S.106 contributions

Impact on biodiversity and nature conservation interests

South Pennine Moors SPA/SAC

Relationship to Wharfedale Greenway.

S.106 Heads of Terms

Appraisal:

An earlier proposal for 10 large detached houses was considered, by officers, to be unsatisfactory as it achieved a density of only 15.4 dwellings per hectare which was not sustainable given the scarce supply of housing land available in this part of the District. That application was withdrawn and the applicant has secured a more efficient yield through the incorporation of some semi-detached house types.

PRINCIPLE OF DEVELOPMENT – PLANNING STATUS OF THE LAND

Objectors are correct in saying that this undeveloped green field site on the edge of the village was placed in the Green Belt for some years, originally by the Wharfedale Green Belt Subject Local Plan. Previous applications in 1989 and 1990 to develop the site for housing were rejected for Green Belt and for highway reasons.

However, after a public inquiry into the Bradford Replacement Unitary Development Plan, which was eventually adopted in 2005, the Inspector examining the plan ruled that the site be deleted from Green Belt. He allocated it as Safeguarded Land rather than for housing for the reason that he was not convinced that the necessary visibility splays onto Bradford Road could be provided.

Therefore, the Green Belt status of the land was ended upon final adoption of the RUDP in October 2005, and the application site is allocated as Safeguarded Land by the RUDP Proposals Map. Safeguarded Land was intended as a reserve supply of housing land for development beyond the RUDP Plan period. For this reason this proposal for housing is not regarded as a Departure from the Development Plan.

The safeguarded land status of the land does not protect the land from development but safeguards it for future release. Given that it is now almost 11 years since adoption of the RUDP, and given the lack of a 5 year supply of housing land across the Metropolitan District, Safeguarded Land sites should now be considered for housing.

Although objectors say the site is significant in maintaining the rural aspect of the neighbourhood, keeping the separate identities of Burley-in-Wharfedale and Menston and preventing further urban sprawl, those are the purposes of Green Belt, and yet the site has no Green Belt status. The RUDP Inspector decided that the disused railway line would form a strong and well defined edge to the Green Belt between Menston and Burley. The tract of open countryside beyond the disused railway will remain between the two villages to prevent urban sprawl and fulfil other purposes of the Green Belt.

The reason for not bringing the land forward in 2005 seems to have been the access. However, the Council's Highway Officer is now satisfied that a suitable access with acceptable visibility splays can now be achieved.

Objectors have also said the application should be refused because the land is not allocated for housing release by the emerging Neighbourhood Plan for Burley in Wharfedale. However, the Neighbourhood Plan does not and, indeed, cannot extend the Green Belt, and the land is not protected by any protective open space designations within the draft versions of the Neighbourhood Plan. The Neighbourhood Plan has not been ignored, but as the plan is silent on the future of this field, it is not possible to be guided by it in any meaningful way. In any event, the Neighbourhood Plan is at draft consultation stage. Even if it did include positive proposals it could, as yet, be given only limited weight compared with the National Planning Policy Framework.

Residential development is acceptable in principle, is not a departure from the Development Plan and the scheme needs to be considered on its planning merits.

DENSITY, DESIGN AND LAYOUT

The NPPF urges Local Planning Authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

The higher density achieved by this scheme compared with the withdrawn application has required minimal change to the layout and little additional impact on neighbouring properties. It is not accepted that the scheme represents excessive density. 14 dwellings on a site of 0.65 hectares represents a density of only 21.5 per hectare which is significantly below the density expectations formerly expressed in the RUDP and therefore cannot be described as “over development”.

The agents have explained how achieving a higher density is constrained by the shape of the site, the topography and levels and the access requirements. In addition, it is acknowledged that the character of the surrounding area calls for a moderate density and a “suburban” style of housing layout which allows for reasonably sized gardens and separation to the adjoining houses and their gardens on one side, and the trees on the disused railway on the other. The mix of dwellings now shown within the layout achieves a density and layout compatible with the adjoining residential area along Endor Crescent where semi-detached houses predominate. It is considered that the layout, density scale and mix of houses proposed appropriately reflects the character of the surrounding area in accordance with Policy D1 of the RUDP. It achieves a good standard of design as required by NPPF paragraph 56.

The proposals allow for retention of most of the stone wall to the road frontage which is a strong feature of the locality, and the layout acknowledges the need for the dwellings to have principal elevations addressing the main road. Units 9-14 face towards the A65 road to reflect the arrangement of dwellings to the north, although they are set well back behind a private drive access and new trees. Elsewhere, the layout is that of a conventional Mews Court access with detached dwellings facing the street and with secure back gardens protected by new fencing or existing hedges.

The houses are 2- 2.5 storeys in height, rising to ridge heights between 7.8 and 9.3 metres, depending on the house type, and incorporating a mix of hipped and gabled roofs. Although objectors consider the height and bulk of the houses to be over dominant, the degree of separation to the adjoining houses and the setting of the new houses against the backdrop of the wooded railway land would mitigate such effects. Furthermore, section drawings submitted by the applicant do not suggest an overly imposing or dominant development and a satisfactory relationship to the scale of neighbouring buildings.

The houses in the surrounding area show a variety of post war suburban designs and many are faced in a mix of white render and brick, with clay or concrete tiled roofs. There is no distinct or traditional character to buildings within this area. The development incorporates a mix of 5 House Types that would have consistency through walling and roofing materials. The Design and Access Statement suggests use of off white render and brickwork for the walls and dark concrete tiles for the roofs. These materials reflect the surrounding dwellings, including houses on the opposite side of Bradford Road. A condition is suggested to agree samples of the proposed materials.

IMPACT ON TREES AND LANDSCAPE CHARACTER

Objectors have referred to the effects on trees, but the only trees standing on the field are some self-seeded hawthorn, conifers and other small trees towards the frontage of the site with the road – near the abutments to the former railway bridge. The removal of some of these trees, required at the front of the site, is acceptable because the trees here are not significant specimens. The visual and ecological value of those trees could be replaced by a requirement for additional planting between the access drive and the A65 or elsewhere on the land, and landscaping proposals are shown on a submitted landscaping plan, the implementation of which it is proposed to require by planning condition.

The tree belt along the disused railway line is certainly a visually significant feature, but Officers have confirmed by site inspection that the belt of hawthorn and other trees and scrub along the disused railway line would not be affected by the proposed level changes or the position of the houses and their garages. These would not encroach significantly into Root Protection Areas (RPAs) and the houses would be sited either with good clearance to the tree belts (Units 7 and 8) or orientated with only secondary windows in side walls facing the disused railway line (Units 14 and 6). The Council's Tree Officer has raised no objections to the layout insofar as the relationship to trees along the disused railway is concerned.

IMPACT ON ADJOINING DWELLINGS

The development abuts existing houses only along the northern boundary. A principal concern has been the impact of the housing layout on these neighbouring properties at 3-11 Endor Crescent and the pair of semis, Garthowen and Welburn, fronting Bradford Road. Objectors express concern that the level of the site is approximately 1 metre above the A 65 and then rises towards the disused railway line. There is particular concern at the height of the dwellings, particularly the 2.5 storey houses which have accommodation in the roof space.

However, the difference in levels is not especially severe. The new dwellings on Plots 3, 4 and 5 would be sited around 27-30 metres from the back walls of the existing dwellings at 3-11 Endor Crescent. This significantly exceeds normal, acceptable standards of separation. Although the existing houses have gardens that run up the development site boundary, the new dwellings would still be set several metres from the boundary. Units 1 - 4 are a conventional 2 storey height and would retain 10 metre gardens with screen fencing proposed where needed to maintain privacy. Elsewhere existing hedges would be kept. The gardens will not be so significantly overshadowed or dominated by the new properties on the development as to justify refusal of permission.

Particular concern is expressed regarding the impact of the Mayfield house type on Plot 5 because this is 2.5 storeys in height. To address concerns, the house on Plot 5 has been handed to place the two storey mass of the building further into the plot and place the single storey garage towards the north. This increases the distance between the rear elevation of No 7 Endor Crescent and the main mass of Plot 5, giving a total separation of some 28 metres. Plot 5 is closest to the northern boundary but is orientated with its side elevation and no habitable windows facing towards the garden of 7 Endor Crescent.

It is not accepted that existing homes along Endor Crescent will notice any appreciable loss of sunlight or privacy from the layout and house types proposed and there is no conflict with Policies D1 or UR3 of the RUDP in this respect.

Some of the dwellings on the development abut the disused railway line, but the embankment to this is not especially pronounced and it is not accepted that this or the vegetation along the railway line would overshadow or dominate the new homes. The new properties would mostly be orientated to face away from the tree belt and would enjoy good standards of outlook and amenity.

HIGHWAY ISSUES - MEANS OF ACCESS AND VISIBILITY SPLAYS

This application addresses detailed comments made by the Highway Officer in respect of the withdrawn application, including revisions to the layout and design of the turning head and amendments to its width and the position of the internal access drive serving Units 9-14. The proposed access road is designed as a Type 3B shared surface access road as defined in the Leeds Street Design Guide, with a carriageway width of 5.5m with 0.6m margins to both sides giving an overall corridor width of 6.7m. The junction between the access road and Bradford Road is designed as a Type A junction with a ramp to be located 5m into site with 2m footways extending 2m past ramp and splaying into the shared surface and junction radii of 6m.

The Council's Highway Officer has now confirmed that the revised road layout is acceptable and supplementary site sections demonstrate how the stipulated road gradients can be achieved and how these relate to the existing ground contours.

The objectors and Ward Councillor say that visibility is substandard, and refer to a Planning Inspector's doubts whether satisfactory visibility is achievable. However, this stretch of the A65 is straight and wide. The Council's Highway Officer advises that the proposed visibility splays of 2.4m x 120m would be acceptable on a road of this design speed and the plans demonstrate that these splays are achievable on site.

Although the Inspector considering the allocation of the land at the 2004 Public Inquiry expressed concerns about whether satisfactory visibility could be achieved, it is not known what information he had before him. The Inquiry was concerned with land allocation not with any specific housing layout. Although the RUDP Inspector was not persuaded that the necessary visibility splays onto Bradford Road could be provided, the Council's Highway Officer is now satisfied that the access position and visibility splays demonstrated by this applicant meet current highway design guidance.

The proposed level of parking provision of 2 spaces per dwelling would be acceptable. Garages should have 3m x 6m internal dimensions.

The Council's Highway Officer is also aware that many concerns have been raised by local residents with regards to traffic accidents on the A65 Bradford Road within the vicinity of the site. An interrogation of the Accident Data records suggests no recorded accidents within 100m to either side for the proposed site access within the past five years. Objectors to the development have pointed to two fatalities in November 2012 at the Endor Crescent junction. There is no evidence that this accident was caused due to the substandard layout of any junctions. In any case, the new residential access into the site is in designed to current design guidance and provides suitable visibility splays, which have been set out in accordance with the legal speed limit of 40mph.

The Highway Officer considers that the information available shows that there is no established pattern of accidents, and no evidence that would support a refusal on highway safety grounds. If the Council is minded to approve the application standard conditions to secure implementation of the access road, turning head and car parking facilities are recommended.

DRAINAGE AND FLOOD RISK

The site is not in any Flood Risk Zone and there are no watercourses on or likely to affect the site.

A drainage strategy prepared by BWB consulting engineers was submitted as part of this application and has been considered by the Council's Drainage Officer. The proposed measures are summarised on a proposed drainage diagram reference 287/HD/01.

The proposal is for the residential development to be drained by separate foul and surface water systems. Foul flows would connect to existing combined drains in Bradford Road, but Yorkshire Water has advised that the local public sewer network does not have capacity to take surface water from the development site.

The developer's proposal is therefore that surface water flows from the development will be attenuated on site to a "greenfield" run off rate and will discharge off site via a hydrobrake into an existing highway drain under the A65. The applicant has established that this drain connects to a buried surface water catchpit which straddles the footway and carriageway further along Bradford Road from the site and discharges surface water to Moss Brook to the south of the development site.

These flows have been proven by green dye tests and CCTV surveys have been produced to show that previous blockages to the route can be cleared by jet washing. The Council's Drainage Officer has confirmed that a regulated discharge of surface water from the proposed development site to connect to the buried catchpit and into the beck will not have a detrimental effect on the surface water flows to Moss Brook. This watercourse is considered capable of dealing with the additional limited and regulated discharge flows from the development site.

Many of the objectors have highlighted the problem of water "pooling" at the low point in the A65 during heavy rainfall events. This creates a potential hazard for traffic. The applicant has therefore investigated this problem and it has been established that the water pools because the existing road gullies taking water from the highway to the beck are not situated in the optimal low point of the road. The water pools as they are not best located to disperse the water quickly in the event of heavy rainfall events.

To address this problem, the applicant has agreed with the Area Highway Maintenance Engineer that the developer will introduce another road gully at the lowest point of the highway while carrying out the surface water connections to Moss Brook. As well as channelling the additional road gully to this and then to the brook, the developer also proposes to bring the buried catchpit nearer to the surface of the road to enable easier future maintenance by the Council and also to re-route some existing foul drains that presently discharge to the beck into the combined sewer. These actions should

significantly alleviate any future problems with flooding in the locality and represent a planning gain.

The Council's Drainage section is the Lead Local Flood Authority and is the statutory consultee on matters relating to surface water management on all major developments. It has confirmed it has no objections to the proposed development subject to conditions reserving the technical details and calculations of the proposed means of disposal of surface water drainage.

Therefore despite many objections on this point, there seems no sustainable reason for refusal of the application on grounds of flood risk or localised drainage issues, which stand to be improved if the applicant's proposals are brought into effect.

MINERALS PLANNING/LAND QUALITY

There are no recorded landfill sites within 250m of the proposal and the site is not in a Minerals Safeguarding Area or at risk from past coal mining legacy. The site is adjacent to a long dismantled railway line. No landfilling is known to have taken place in recent years and there are no other landfill sites in the vicinity. There are no other apparent minerals or waste legacy issues relevant to the proposed development.

Contamination on what seems always to have been a green field site was not expected, and a Phase I ground investigation commissioned by the applicant has confirmed that there is no made ground on the site and the topsoil is suitable for re-use within new gardens. Most trial areas sampled on the site were uncontaminated. Some small amounts of localised contamination from past agricultural use is considered by the applicant's consultants to be in such low concentrations as to not warrant action and is not of great significance. No special precautions are needed in respect of hazardous gases on this site.

IMPACT ON COMMUNITY INFRASTRUCTURE : SECTION 106 CONTRIBUTIONS

IMPACT ON EDUCATION FACILITIES

To create sustainable communities, the Council needs to ensure adequate provision of education infrastructure. Developers are expected to meet demands or mitigate the impacts of their proposals through planning obligations. The Council's Education Officer has identified a shortfall in capacity in both primary and secondary schools in this area and therefore need to request a developer contribution towards expansion of primary and secondary school provision in accordance with the usual formula.

For Planning Application 16/00827/MAF the primary schools which are readily accessible from the development include Burley & Woodhead CE and Burley Oaks, the next nearest being Menston Primary in Menston.

The secondary school reasonably accessible from the development is Ilkley Grammar. Burley is also in the admissions oversubscription priority area 1 for Ilkley Grammar.

For Application 16/05635/MAF the calculation for 14 houses

Primary

3/4 bed Houses:

0.02 (yield per year group) x 7 (year groups) x 7 (number of dwellings) x £13345 (cost per place) = £13,078

4/5 bed Houses:

0.025 (yield per year group) x 7 (year groups) x 7 (number of dwellings) x £13345 (cost per place) = £16,348

Total Primary := £29,428

Secondary

3/4 bed Houses:

0.02 (yield per year group) x 6 (year groups) x 7 (number of dwellings) x £20110 (cost per place) = £16,892

4/5 bed Houses:

0.025 (yield per year group) x 6 (year groups) x 7 (number of dwellings) x £20110 (cost per place) = £21,116

Total Secondary:= £38,008

Total request for Education = £67,436

IMPACT ON RECREATION OPEN SPACE

Parks and Greenspaces Service require a recreation contribution of £14,856 for 14 houses 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 at Grange Park, Burley in Wharfedale.

AFFORDABLE HOUSING : Current planning policy would not require affordable housing contributions in respect of the amount of development proposed by this application.

IMPACT ON BIODIVERSITY AND NATURE CONSERVATION INTERESTS

The objectors have highlighted how the NPPF says that the planning system should contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystem services and minimising impacts on biodiversity.

However, the application site is an unremarkable grassland field which until recently has been improved and managed for agricultural purposes. There are small areas of developing bramble and thistle scrub, and some hedges on the perimeter. The Ecological Appraisal, prepared by professional consultants and submitted with the application concludes that the field has low ecological value and there are no buildings or trees that have any potential for bat roosts.

It is acknowledged that the site adjoins the disused railway line which does have value as a wildlife corridor and is a locally designated nature conservation site (a Bradford Wildlife Area), although its status as a Local Nature Site is apparently being downgraded. It is also appreciated that mammals and birds using the habitat along the disused railway will also be seen on the field. The applicant's consultants describe how it is likely that bats fly across the application site from the disused railway line, and local residents have reported that deer and other mammals and birds have been seen on the field. However, the application site itself is identified as providing limited potential for foraging and no obvious linear routes for movement of wildlife species.

In any case, the application site adjoins but does not include the disused railway line and is separated from it by land levels and existing fencing. Providing the layout protects the habitat features such as trees along the railway and enhances the habitat connectivity with specific reference to foraging/commuting bats, there is no reason why housing would impact significantly on ecology. Disturbance during construction would be short term. Many mammals and birds forage and feed in suburban gardens and there is no reason why species seen on the field now would not continue to forage on the land once the housing was built. Through appropriate new tree planting and landscaping, the scheme could contribute to biodiversity in the long term.

IMPACT ON THE SOUTH PENNINE MOORS SPA/SAC

The site is within 2 km of the South Pennine Moors which are designated at national and international (European) level for their nature conservation interest. At national level, the moor is designated as a Site of Special Scientific Interest (SSSI). Internationally, as part of the South Pennine Moors Phase 2 designation, the moor qualifies under Article 4.1 & 4.2 of the EU Birds Directive as Special Protection Area (SPA) – by supporting breeding populations of European bird species and breeding bird assemblage. The moor is also included in the South Pennine Moors EU Habitats Directive designation as Special Area of Conservation (SAC) as it supports Annex 1 habitat types (European dry heath, blanket bog and oak woodlands).

The most recent and relevant policy is contained within the Bradford Local Development Plan Core Strategy. A Habitats Regulations Assessment (HRA) identified a range of likely significant impacts which would come into play if residential developments were located close to the European site boundaries. These impacts would depend on the proximity of the development and Strategic Core Policy SC8 was formulated to address potential conflict between development and the SPA/SAC.

Although not yet formally adopted, the Core Strategy, including policy SC8, has been subject to public examination and there have been no substantial objections to this element of the policy. The Policy should therefore be considered as a material consideration in the decision making process.

Strategic Core Policy (SC8): Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence

In this Policy:

Zone A is land up to 400m from the South Pennine Moors Special Protection Area ("SPA") and South Pennine Moors Special Area of Conservation ("SAC") boundary;

Zone B is land up to 2.5km from the SPA and SAC boundary; and.

Zone C is land up to 7km from the SPA and SAC boundary.

The application site is within 1.6km of the edge of the SPA/SAC. : Zone B/C.

Policy SC8

Subject to the derogation tests of Article 6(4) of the Habitats Directive, in all Zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or the SAC.

In conducting the above assessment the following approach will apply:

In Zone A no development involving a net increase in dwellings would be permitted unless, as an exception, the development and/or its use would not have an adverse effect upon the integrity of the SPA or SAC.

In Zone B it will be considered, based on such evidence as may be reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA.

In Zone C, in respect of residential developments that result in a net increase of one or more dwellings, it will be considered how recreational pressure on the SPA or SAC, that such development might cause, will be effectively mitigated. The mitigation may be:

(i) such that the developer elects to offer, either onsite and / or deliverable outside the boundary of the development site, such as the provision of accessible natural greenspace and/or other appropriate measures; or

(ii) in the form of a financial contribution from the developer to:

- 1. the provision of additional natural greenspace and appropriate measures to deflect pressure from moorland habitats and the long-term maintenance and management of that greenspace;*
- 2. the implementation of access management measures, which may include further provision of wardens, in order to reduce the impact of visitors;*
- 3. a programme of habitat management and manipulation and subsequent monitoring and review of measures.*

To mitigate impacts on the SPA and SAC European sites due to the increase in population, an SPD will be adopted that sets out a mechanism for the calculation of the financial Planning contributions, by reference to development types, the level of predicted recreational impact on the SPA or SAC, and the measures upon which such contributions will be spent.

Although not yet formally adopted, the LDF Core Strategy, including policy SC8, has been subject to Examination in Public and so can be afforded weight in decision making.

This site is within Zone B.

The submitted ecological assessment establishes that the semi improved grassland of the site is not of value as supporting habitat to the SPA/SAC. However, the additional 14 dwellings would increase potential recreational pressure on the SPA/SAC moorland due to the additional people living in close proximity.

To mitigate these effects, it is proposed to require mitigation in the form of a financial contribution from the developer towards appropriate countryside management measures to mitigate pressure on moorland habitats or for the development of

alternative outdoor recreation facilities in the area to deflect such pressures. The proposal is to require a financial contribution of £10,500 towards the mitigation of the effects of additional housing on the integrity of the SPA and SAC.

RELATIONSHIP TO THE WHARFEDALE GREENWAY

The disused railway line bordering the proposed site is envisaged as part of the Wharfedale Greenway and Cycleway for which the Parish Councils in Wharfedale, in conjunction with Sustrans, have agreed to jointly fund a detailed design and delivery report for development of phase one - between Burley and Otley. The proposed Wharfedale Greenway will be an important green corridor as well as accommodating a cycle path. At the moment none of the route has been developed.

Some objectors have said this housing scheme will place this proposal in jeopardy, but it is difficult to see how this would be the case given that the application site is distinct and physically separate from the disused railway land. There are a number of existing, older housing developments that back onto the line of the route. Housing alongside the Greenway would not be an inherently harmful feature. Indeed, following negotiations, the applicant has now incorporated provision for a connection from the proposed cul de sac access to the boundary of the Greenway land. This will allow for a future connection to be formed to it through the proposed housing layout and thereby improve connectivity to the route when this section is developed.

A condition is suggested to require implementation of this link to the site boundary.

In addition, it has been suggested by the Council's Countryside Manager that, because one of the key ways to mitigate impacts on the SPA/SAC, is to deflect recreational pressure away from it by providing alternative accessible greenspace or creating/improving more local routes which people can use as an alternative, the SPA/SAC contribution might be used towards the Wharfedale Greenway.

Another section of the Greenway runs west of the application site from Menston Old Lane to Heather Rise. It currently forms an informal walking trail, which is to be managed for public use by Burley Community Council. There is an opportunity to improve the route and create better access at either end. This will provide a valuable recreational route which links into the wider rights of way network.

Based on Sustrans estimates (£100/m) for creation of multi-user surfaced routes, the entire section between Menston Old Lane and Heather Rise (approximately 500m) comes in at a cost of £50,000.

However given the scale of development at the Burley site (14 houses) a figure commensurate with that is appropriate. Therefore, it is proposed that a contribution of £10,500 is requested which would create ramped access to the Greenway from both the Menston Old Lane and Heather Rise ends. This figure would fund vegetation clearance, levelling and surfacing to enable access onto the main route. The ramps at either end have a combined total length of 50m – so the rate per metre totals £5,000. The additional costs will cover the need for additional works to grade the slopes and provide safety features (barriers, rails etc).

TERMS OF S.106 AGREEMENT

The Education contribution for a development of 14 houses would be £67,436 towards necessary expansion of primary and secondary school facilities at Burley & Woodhead CE, Burley Oaks, or Menston Primary in Menston. The secondary school reasonably accessible from the development is Ilkley Grammar.

The Recreation Contribution required is assessed as being £14,856 towards enhancement of facilities at Menston Recreation Ground or Grange Park, Burley in Wharfedale in the Wharfedale Ward.

The contribution towards mitigation of recreational pressure on the South Pennine Moors SPA/SAC is assessed as £10,500. The likely project would be to fund part of the first section of the Wharfedale Greenway.

Plus monitoring fee.

Community Safety Implications:

The proposals have been considered by the Police Architectural Liaison Officer (ALO). In response to comments the applicant has provided a drawing showing proposals for secure boundary treatment around the plots plus retention, where appropriate, of robust hedges that exist between the site and adjacent gardens. The applicant has confirmed that the developer will be pursuing Secured By Design accreditation, so detailed ALO recommendations in respect of door/window locks, lighting and alarms will be incorporated into the detailed house designs.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission

Although undeveloped, this site is not protected by Green Belt or any other protective land designations and residential development here is considered to be acceptable in principle considering the need for housing development in the Bradford District and the safeguarded land status of the site. The layout and design of houses are considered compatible with the characteristics of the locality, and the layout achieves appropriate separation between existing and neighbouring dwellings. The access is designed to an acceptable standard that achieves appropriate standards of visibility. Drainage issues are considered by consultees to be resolved, including the issue of localised flooding in the adjoining highway. The scheme makes appropriate provision in respect of the proposed Wharfedale Greenway and the mitigation of any impact of additional housing on educational and recreation facilities and the South Pennine Moors SPA/SAC. Subject to conditions and a Section 106 Agreement the proposed development is not considered to cause any significant harm to visual amenity, residential amenity, flood risk or highway safety and is considered to be of good design and to provide good standards of amenity for existing and future occupiers. The proposal is compatible with the National Planning Policy Framework and complies with Policies UR3, D1, TM2, TM12, TM19A, OS5, CF2 and NE10 of the Replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

3. 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 numbered 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.

4. Before any part of the development is brought into use, the adoptable visibility splays shall be laid out, hard surfaced, sealed and drained within the highway in accordance with the approved plan numbered 287/SL/01 Revision G.

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

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

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

6. Every dwelling shall be provided with an electric vehicle charging point readily accessible from the garage or dedicated parking spaces. 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 EV charging points shall be clearly marked.

Reason: To facilitate the uptake of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (Paragraph 35).

7. Before any part of the development is brought into use, the proposed means of cycle access to the boundary of the site with the Wharfedale Greenway shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 287/SL/01 Revision H and completed to a width and constructional specification (including lighting) to be approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of cycle access connection to the route is made available in the interests of sustainable travel and to accord with Policy TM2 of the Replacement Unitary Development Plan.

8. The development shall not begin, nor shall there be any site preparation, groundwork, materials or machinery brought on to the site until tree protection fencing has been installed around the trees to be retained within the site and those existing along the disused railway line abutting the site. The fencing and other protection measures shall be installed to create construction exclusion zones around the retained trees in accordance with an arboricultural method statement or tree protection plan to the specifications set out in BS5837 : 2012.

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

9. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

10. The development shall not begin until details and calculations in respect of the proposed scheme for surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of attenuation and balancing works. The details so approved shall thereafter be implemented prior to the occupation of the dwellings.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

11. The proposed scheme for surface water drainage improvements in Bradford Road shall be implemented prior to the occupation of the dwellings. These shall include the new highway gully to be located in the lowest part of Bradford Road and the amendments to the surface water catchpit as shown on approved Highway Drainage drawing 287/HD 01.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

12. 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 to accord with Policy UR3 of the Replacement Unitary Development Plan.

13. In the first planting season following the completion of the dwellings, the soft landscaping proposals submitted with the application shall be implemented in accordance with the submitted specifications and details shown on drawing GR/12/15/01 Revision B.

Any trees or plants comprising this scheme that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

Reason: To mitigate the impact of the building on the landscape, in the interests of visual amenity and to accord Policies D5 and NE3/NE3A of the Replacement Unitary Development Plan.

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 1st September 2016.

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Subject:

A full planning application for the construction of 14 dwelling houses on land at 407 Little Horton Lane, Bradford. (Reference 15/06447/MAF).

Summary statement:

The site is located within unallocated land and benefits from planning permission for 14 dwellings granted in 2014 (ref: 13/04579/MAF). The application has been assessed against relevant planning policy and has been the subject of extensive negotiation in particular concerning the design of the houses to limit impact on residential and visual amenity and to secure a high quality development appropriate to this location on a key gateway into the city centre.

The proposal is considered to be acceptable in principle and is recommended for approval subject to conditions and a S106 Agreement as detailed in the main report at appendix 1.

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Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

The site is a long thin piece of land located within a mainly residential area. Planning permission (13/04579/MAF) has been granted on the site for 14 dwelling houses, this permission still being extant. The proposal in this application is for 14 dwellings also, although the dwellings will be larger than those originally approved.

2. BACKGROUND

This application was submitted in November 2015 and validated in February 2016. Since its original submission, the scheme has been amended to revise the design and parking layout of the proposed development and additional publicity has been initiated to inform the public of the changes to the application.

3. OTHER CONSIDERATIONS

None

4. OPTIONS

The Committee can resolve to:

- approve this full application subject to a Section 106 and the recommended conditions; or
- approve the application with different or additional conditions; or
- refuse the application giving reasons as to why it is unacceptable; or
- defer the application for further consideration.

5. FINANCIAL & RESOURCE APPRAISAL

The proposal involves no s106 contributions and this is fully explained in the attached report. This could have an implication in terms of local infrastructure but the Council have in place a mechanism to make up this deficiency using New Homes Bonus money specifically derived from the creation of the new residential units.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

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

7. LEGAL APPRAISAL

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

8. OTHER IMPLICATIONS

None

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 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.

8.2 SUSTAINABILITY IMPLICATIONS

The site is considered to be in a sustainable location being adjacent to a frequent public transport route and close to the city centre. The site also has good access to a wide range of services and other established centres within the district.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

A condition is recommended that one Electric Vehicle (EV) charging point is available to each of the 14 dwellings proposed. This would meet planning policy air quality objectives.

8.4 COMMUNITY SAFETY IMPLICATIONS

None

8.5 HUMAN RIGHTS ACT

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1

8.6 TRADE UNION

None

8.7 WARD IMPLICATIONS

There are no ward implications as a result of this application.

9. NOT FOR PUBLICATION DOCUMENTS

The Developers Scheme Viability Report is an Exempt Document.

10. RECOMMENDATIONS

It is recommended that planning permission is granted subject to conditions and a section 106 agreement as set out in the officer's report at Appendix 1

11. APPENDICES

Appendix 1: Report of the Strategic Director of Regeneration and Culture

12. BACKGROUND DOCUMENTS

The Replacement Unitary Development Plan for Bradford District

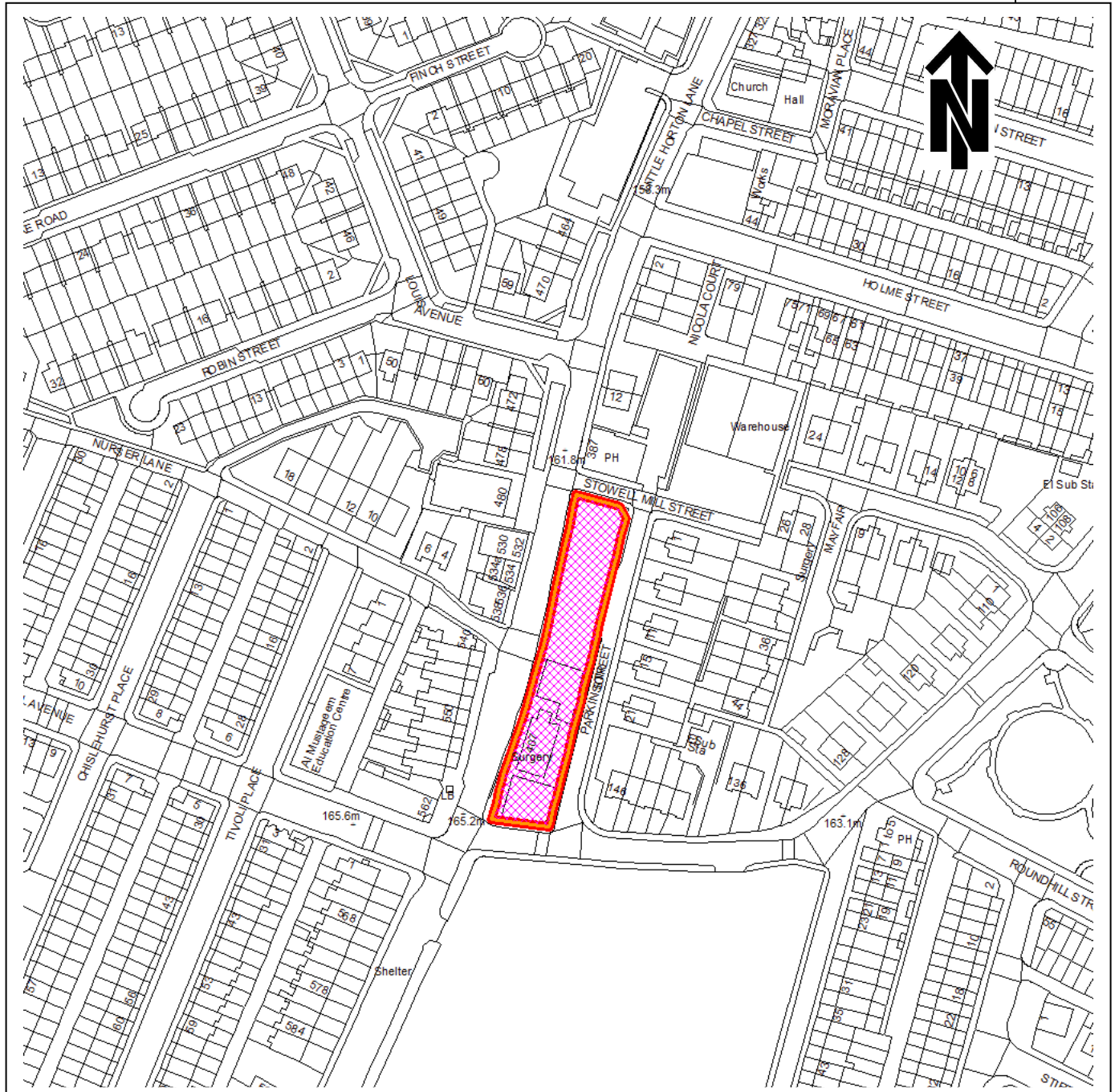
National Planning Policy Framework (NPPF)

The Core Strategy Development Plan Document (Publication Draft- February 2014)

Regulatory & Appeals Committee

15/06447/MAF

1 September 2016



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**LOCATION:
407 Little Horton Lane
Bradford**

Appendix 1

1 September 2016

Ward: 18 – Little Horton

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT. DELEGATE TO THE ASSISTANT DIRECTOR PLANNING, TRANSPORTATION AND HIGHWAYS TO ISSUE THE GRANT OF PERMISSION UPON COMPLETION OF A SECTION 106 AGREEMENT

S106 AGREEMENT HEADS OF TERMS:

A S106 Agreement is recommended to secure the relevant funding to promote a TRO as set out in this report.

Application Number:

15/06447/MAF

Type of Application/Proposal and Address:

A full planning application for the construction of 14 dwellings at land at 407 Little Horton Lane, Bradford.

Applicant:

Mr. S. Chohan

Agent:

Faum Architecture

Site Description:

The site consists of a small, narrow parcel of land between residential areas of terraced and semi-detached properties. The site is occupied by a former (now disused) medical centre building. A protected tree also exists to the northern extreme of the site. Access to the site is from either Little Horton Lane or the smaller side roads of Parkinson Street and Stowell Mill Street. The site benefits from an extant planning permission for 14 dwellings, granted in 2014. A small number of retail properties are located close to the site on the opposite side of Little Horton Lane.

Relevant Site History:

12/04084/FUL: Demolition of existing former medical centre and replacement with 14 three storey terraced townhouses with integral garages (withdrawn 29.07.2013)

13/04579/MAF: Demolition of existing former Medical Centre and replacement with 14 three storey terraced townhouses with integral garages (granted subject to section 106 agreement 17.04.2014)

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

H7 Housing Density – Expectation
H8 Housing Density – Efficient Use of Land
TM2 Impact of traffic and its mitigation
TM12 Parking standards for residential developments
TM19A Traffic management and road safety
D1 General Design Considerations
D5 Landscaping
OS5 Provision of recreation Open Space and Playing Fields In New Development
NE5 Retention of Trees on Development Sites
NR17 Groundwater Protection
NR15B Flood Risk
NR16 Surface Water Run Off and Sustainable Drainage Systems
H9 Affordable Housing
CF2 Education Contributions in New Residential Development
P1 Air Quality

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:

N/A

Publicity and Number of Representations:

The application has been subject to two periods of publicity, one following the receipt of amended plans on July 13th 2016. The most recent publicity period expires on August 23rd, 2016. At the time of report preparation, the following representations had been received:

Objection from Bradford Trident Community Council
Sixteen individual objections

Summary of Representations Received:

Overlooking and adverse impacts on residential amenity
The development will generate additional traffic and cause potential highway safety

issues

No requirement for additional housing in the Bradford district

Adverse effect on house prices in the area

Insufficient off-street parking

The development is contrary to private covenants on the land

General disturbance during the construction phase of the development

Consultations:

Highways: No objections to the principle of development but raise some concerns about the level of parking provision (amended plans)

Environmental Health (land contamination): No objections subject to conditions

Minerals and waste: No objections subject to condition requiring submission of a construction plan

Bradford Trident Community Council: Objection on the grounds of highway safety and parking

Education: Contribution of £59,941 requested.

Sport and leisure: Contribution of £1850.80 requested.

West Yorkshire Police: No comments received.

Yorkshire Water: No objections

Drainage: No objections raised.

Trees: Replacement planting is required – condition suggested

Economic development officer: Consider the scheme would not be viable with the level of contributions requested

West Yorkshire Combined Authority (highways): No comments

Landscape design: No comments

Summary of Main Issues:

Principle of development and density

Residential amenity

Visual impact

Highway safety

Trees

Social contributions

Scheme viability

Contamination

Electric Vehicle Charging points (EVC)

Responses to outstanding issues raised by representations received

Appraisal:

Principle of development and density

This is a brownfield site which is unallocated in the Replacement Unitary Development Plan (RUDP). Policies in both the National Planning Policy Framework and the RUDP promote sustainable patterns of development. Indeed, adopted Policy UDP1 of the UDP seeks to focus new development on the urban areas. The appropriateness of Little Horton as a location for further significant development is reinforced by the emerging Core Strategy: Policy SC4. Little Horton falls within the Regional City which Core Strategy Policy SC4 states will be the prime focus for housing and other forms of development. It is therefore considered that the location and scale of the housing proposed on the application site would be consistent with policies of both the adopted

RUDP and the emerging Core Strategy which promote a sustainable pattern of development across the district.

A further important change in circumstance since the RUDP was produced from a strategic planning point of view is that 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 deliver the 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.

The Core Strategy has, in line with both the NPPF and the Government's National Planning Practice Guidance, used a range of evidence to assess the overall need for new homes over the period to 2030. Government projections indicate that the district is likely to see rapid population and household growth over the period. The Core Strategy therefore indicates that there is a need to provide for a minimum of 42,100 new homes up to 2030. This is a challenging target which will require a significant release of land and a significant uplift in housing delivery compared to recent and historic rates of completions. The provision of these homes will not only serve to meet the needs of the districts current and future population but will be essential in supporting the continuing growth and regeneration of the district's economy.

As indicated above the overall approach to securing sustainable patterns of development and growth are set out in a number of emerging Core Strategy policies notably Policy SC4 which deals with the settlement hierarchy. Policies HO3 and AD1 deal with the specific issues of the distribution of the district wide housing requirement and set a housing target for Bradford South West, of which Little Horton forms part, of 5,500 (Publication Draft). Part C2 of Core Strategy Policy BD1 indicates that the housing target of 5,500 will be delivered via a mix of sites and this will need to include some contribution from local green belt change. The site which is the subject of this application would make a significant and sustainable contribution to meeting these local and district wide targets in a non-green belt location.

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 together with an additional 5% buffer to ensure choice and competition in the market for land. 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 to 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 over an extended period . Data reported in the Council's Annual Monitoring reports indicate that net completions have been below target levels in 8 of the 10 years since 2004/5 resulting in a cumulative backlog in supply up to April 2014 of around 9,000 dwellings.

It is also clear that unless sites such as that proposed are successfully implemented and brought to the market this under supply will not only remain unmet but could 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.

The latest assessment of the deliverable land supply contained within the Council's Strategic Housing Land Availability Assessment shows that there is only a supply equivalent to 46.6% of the required quantum. This equates to a supply of just 2.33 years.

There are significant implications in national policy terms if a Local Planning Authority cannot demonstrate an adequate supply of deliverable sites. In line with the advice at paragraph 49 of the NPPF the relevant policies for the supply of housing land in Bradford should not be considered up to date and in this case the provisions of paragraph 14 of the NPPF should be applied. Paragraph 14 indicates that where the development plan is out of date planning 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 document. The strategic case for permitting development at this unallocated site therefore not only remains but has been strengthened as a result of the application of the policies of the NPPF.

The site is located within a sustainable location, close to a frequent public transport route and access to a wide range of services. The site benefits from an extant planning permission for 14 dwellings, granted in 2014. It is considered that the principle of development at the site would be acceptable, particularly as there is a lack of a 5 year housing land supply in the Bradford district and the sustainable location of the site. Furthermore, the principle of residential development has been accepted at the site previously.

The density achieved by the scheme is considered acceptable in terms of the size of the site and it is considered that the site could not support a higher number of units

Residential amenity

The proposed scheme is located close to other areas of housing, particularly on Parkinson Street. As the proposed units are quite large in terms of their footprint, they achieve a facing distance of 17 metres to the properties on Parkinson Street which is considered acceptable to prevent undue overlooking or overbearing impacts. To the front of the site, only commercial/retail properties are present whereby there is a minimum facing distance of 17 metres achieved. This is also considered acceptable and will not significantly affect the amenity of these properties. The proposed units achieve a maximum height of 9 metres which is not considered to result in unacceptable overbearing of the surrounding properties. Overall, it is considered that the scheme is acceptable in terms of its impacts upon amenity.

Visual impact

The dwellings will feature a mixture of materials and the overall design and scale of the units is considered to be acceptable in the location. The design has been amended since the original submission to reduce the impact of the proposed undercroft parking which will be a feature of the rear elevations on Parkinson Street. The parking arrangements have now been changed to feature undercroft parking which is less uniform than first proposed. This will allow a more acceptable appearance to the rear elevations with areas of solid wall breaking up the otherwise overbearing appearance of

the originally proposed undercroft design. Overall, the scale, design and materials proposed for the scheme are considered acceptable to the two key street scenes.

Highway safety

Amendments have been made to the original scheme, mainly to the proposed undercroft parking. The proposal now provides two spaces per unit; however, the driveway depth is less than the 10 metres normally required for two vehicles. Parkinson Street will be increased in width to 5.5 metres and a footway provided – this will improve the present situation in terms of access to the site and bring Parkinson Street up to adoptable standards. The development does not include 2 spaces per unit due to the limited driveway depths proposed, however, it is not considered this will be a significant issue given the sustainable location of the site and the availability of on-street parking on Parkinson Street. In addition, traffic regulation orders are proposed as part of the scheme on Stowell Mill Street, Park Lane and Little Horton Lane to reduce on-street parking in these locations to aid visibility. Overall, it is considered that the proposed scheme will not result in significant implications for highway safety.

Trees

As part of the scheme, a protected tree will be removed from the northern end of the site close to Stowell Mill Street. This was permitted on the previously approved scheme and as the tree is quite isolated; its removal is considered acceptable. The loss of this one tree has been balanced against the benefits of delivering new housing in a sustainable location and serving to in part address the Council's housing shortage. The applicant is open to landscaping the site and to provide replacement planting as mitigation for the removal of the tree.

Social contributions

Given that the scheme is for 14 units, there is no requirement for affordable housing provision on the site. However, Education has requested a total contribution for primary and secondary education of £59,941 and there is also a request for a contribution in terms of recreation open space maintenance.

However, it is important to consider scheme viability. This is a noted challenging location to deliver new housing, especially bearing in mind there will be demolition costs (existing surgery) and with sales values extremely modest. The applicant has submitted a financial viability appraisal for the scheme and factored in the requested contributions set out above. The conclusion of the report is that the requested contributions would reduce the profit of the scheme to a level where the development would not be viable. The report submitted has been assessed by the Council's Chartered Surveyor and is considered to be accurate and robust in terms of the likely sales values anticipated for the area. With the contributions requested it shows a developers profit as low as 12% - 14% which is substantially lower than the nationally agreed minimum of 20% (this is agreed on planning appeals and is set out in government guidance as the reasonable developer profit for sites). Given this evidence, it is considered justified to allow the scheme to be approved with a nil contribution in relation to education and recreation open space.

Members are reminded that the Executive have agreed a scheme which allows New Homes Bonus money derived from housing schemes to be "ring-fenced" to off-set money not secured by S106 Agreements where it is necessary to reduce contributions due to scheme viability and this would clearly apply here if the scheme went ahead within the life of the new Homes Bonus government funding regime.

Contamination

An initial phase I report has been submitted in support of the application and identifies certain possible sources of contamination at the site, namely demolition waste and possible lateral migration of contamination from nearby sites. However, it is considered appropriate to require a phase II site investigation prior to commencement of development on the site in order to identify the precise risks and control any appropriate remediation measures needed to bring the site to an acceptable level for development to precede. This can be required by appropriate conditions, as previously.

Electric Vehicle Charging points (EVC)

It is considered appropriate to ensure that the Council's initiative to seek electric vehicle charging points (EVC) to be secured via a planning condition. This initiative seeks to aid air quality issues throughout the District and this site and furthermore, an EVC point would be there in perpetuity on the site.

Responses to outstanding issues raised by representations received

Adverse effect on house prices in the area

This is not a material planning consideration

The development is contrary to private covenants on the land

This is a private matter and relates to covenants which have historically been placed on the land – grant of planning permission does not override such covenants between parties.

General disturbance during the construction phase of the development

Given the creation of cellars for the dwellings and the movement of material from the site, a condition is suggested for the submission and agreement of a construction plan prior to development commencing on the site.

Community Safety Implications:

None significant

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The principle of development has been established on the site and it is located within a suitable location, close to a public transport route and services. The proposed scheme is not considered to result in significant impacts in terms of residential amenity, highway safety, visual impact or contamination issues. The viability of the scheme is such that social contributions cannot be offered by the applicant. The scheme is considered acceptable and in compliance with policies UR3, D1, TM2, TM12, TM19A, OS2, CF2, H7, H8, NE5, H9, NR15B, NR17 and P1 of the replacement Unitary Development Plan.

Conditions of Approval:

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan

2. The development shall be constructed so that there is no building or foundation pressure within three metres of the nearest side of the public sewer without the prior written permission of the Local Planning Authority.

Reason: To avoid damage to the public sewer in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan

3. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the use being established on site.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan

4. Before any works towards the development starts on site full details and specifications of the works associated with Parkinson Street, as shown indicatively on Dwg. No. 15039 - P - 02, shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan

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

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

6. Any gates to be constructed as part of the development shall not open over the highway.

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

7. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and

approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) Full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) 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;
- ix) 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 8. Unless otherwise agreed in writing with the Local Planning Authority, 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.

9. Unless otherwise agreed in writing with the Local Planning Authority, 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.

10. 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.

11. 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.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

13. The development shall not be begun until three oak trees have been planted in locations to be agreed in writing by the local planning authority. The trees shall be 12-14cm girth, rootballed, as per British Standard BS3936 Nursery Stock and must be staked and tied in accordance with good arboricultural practice.

Any new tree becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

All trees shall be planted in the first available growing season following the completion of the development or as otherwise specified by the Local Planning Authority.

Reason: To replace trees being felled as part of the approved plans, for the maintenance of tree cover and in the interests of visual amenity to accord with Policy D5 of the Replacement Unitary Development Plan.

14. Prior to the occupation of each dwelling any garage space or the allocated car parking space associated with that dwelling shall be provided with an electric vehicle charging point and retained thereafter unless agreed otherwise by the Local planning Authority.

Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the District, and takes into consideration paragraph 35 of the National Planning Policy Framework and polices UDP3 and UR2 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 1st September 2016

U

Subject:

To consider an outline application with all matters reserved other than access - reference 16/00543/MAO- relating to Residential Development at Land To Rear Of 589 Leeds Road, Thackley.

Summary statement:

The development of this site with residential development in the manner proposed is considered an appropriate development that gives the opportunity to provide a high density sustainable pattern of development within the the urban area of Thackley. The provision of an access to the site in the manner and location proposed is appropriate and as such the proposals will not compromise highway and pedestrian safety. 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, 32, 47, 49, 50, 56, 57, 58, 61, 69) and development principles outlined within the Replacement Unitary Development Plan under policies UDP1, UDP3, UR3, UR6, H7, H8, H9, TM2, TM12, TM19A, D1, D2, D4, D5, D6, CF2, OS5, and NR16.

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



1. SUMMARY

Outline Planning permission is recommended to be granted for the construction of 10 dwellings and with access provision subject to the completion of a S106 agreement to deliver the following:

- Payment of education contribution of £42,815 towards the nearest Primary and Secondary School facilities (schools as listed in the attached report).
- Payment of recreation sum of £14,048 to be used for enhancement of existing recreational facilities and/or infrastructure work within Buck Wood.

Overall, it is considered that the provision of a residential scheme with the proposed vehicular access builds upon the opportunities of the site to provide a sustainable development of the site.

2. BACKGROUND

Attached at Appendix 1 is a copy of the officer's report which identifies the material considerations of the proposal.

3. OTHER CONSIDERATIONS

None.

4. OPTIONS

- To grant permission as detailed in the report of the Assistant Director of Planning, Highways and Transportation.
- To refuse permission (giving reasons)
- To grant permission with alternative conditions.
- To grant permission with alternative S106 provisions

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 following consultation with the Secretary of State under the Town and Country Planning (Consultation) (England) Directions 2009.

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 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.

8.2 SUSTAINABILITY IMPLICATIONS

It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. In terms of density the scheme would maximise the efficient use of land.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

A condition is recommended that one Electric Vehicle (EV) charging point is available to each of the 10 dwellings proposed. This would meet planning policy air quality objectives.

8.4 COMMUNITY SAFETY IMPLICATIONS

At this outline stage there are no issues. This will be fully assessed at the Reserved Matters stage in relation to design and layout.

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 into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report forming Appendix 1.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

None. Ward members have been notified concerning the proposals.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That outline planning permission is granted subject to a S106 legal agreement and the conditions set out in the report attached as appendix 1.

11. APPENDICES

Appendix 1 – Officer Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

The Replacement Unitary Development Plan for the Bradford District

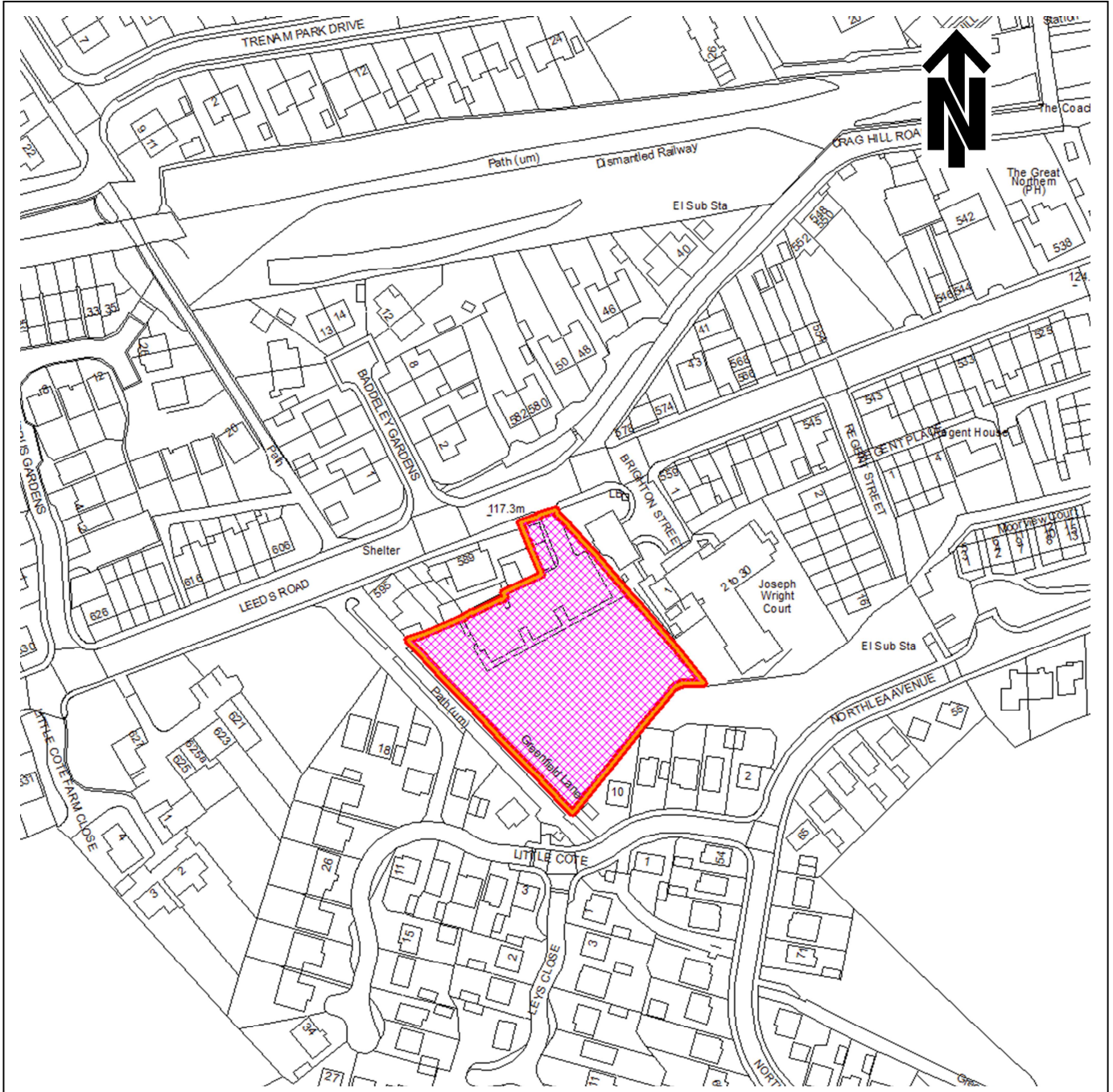
Planning Application file 16/00543/MAO

Bradford Council's emerging Core Strategy is a material consideration.

Regulatory & Appeals Committee

16/00543/MAO

1 September 2016



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**LOCATION:
Land To Rear Of 589 Leeds Road
Thackley
Bradford**

Ward: Idle and Thackley

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT. DELEGATE TO THE ASSISTANT DIRECTOR, PLANNING TRANSPORTATION AND HIGHWAYS TO ISSUE THE GRANT OF PLANNING PERMISSION FOLLOWING COMPLETION OF A SECTION 106 AGREEMENT

Application Number:

16/00543/MAO

Type of Application/Proposal and Address:

An outline application with all matters reserved other than access relating to Residential Development at Land To Rear Of 589 Leeds Road

Applicant:

Ms Ruth Yeadon

Agent:

Jeff Redmile Architectural Plans

Site Description:

The site comprises land associated with a former public house with a large curtilage forming a car park and beer garden. An area of rough grassland exists towards the rear of the site, which is currently bordered by a 2 metre high timber fence. The former car park to the rear is raised up from the road and the land slopes upwards in a southerly direction. A hard-surfaced level forecourt exists to the side of the former public house with a lowered pavement onto the highway. The property fronts onto Leeds Road.

Relevant Site History:

84/06062/FUL Car park and beer garden

GRANT 12.12.1984

14/05115/FUL Change of use from public house to private dwelling house and construction of detached garage GRANT 28.01.2015 (implemented).

15/01398/FUL Retention of garden fence and use of rear land to extend rear garden GRANT 25.06.2015

This retrospective application was approved at Panel and related to the change of use of an area of grassland to the rear of 589 Leeds Road and the erection of a timber fence to the front side and rear of the site. The property was previously operating as the Shoulder of Mutton public house which had a small beer garden to the rear and car park. The property has since been converted to a dwelling and garden area and the applicant has fenced off the remainder of the site, which includes an area of rough grassland.

A Condition set out of this application stated:

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

Reason: To ensure the Local Planning Authority retains reasonable control over future development of the land in the interests of visual and residential amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated in the Replacement Unitary Development Plan (RUDP).

The following policies are relevant:-

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

H7 – Housing Density – Expectation

H8 – Housing Density – Efficient Use of Land

TM2 – Impact of traffic and its mitigation

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

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

NR16 - Surface Water Run Off and sustainable Drainage Systems

BMDC – Supplementary Planning Guidance

Planning Obligations

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:

Not applicable

Publicity and Number of Representations:

Site notices were displayed at the site, advertisements were placed in the local paper and individual neighbourhood notifications (49) were also carried out with the statutory period of expiry date for comments being 16 June 2015. 6 letters of representations have been received and a petition of 32 signatories all expressing objections.

The following is a summary of the key issues raised. It should be noted that all comments made are written within this report in no particular order of importance.

Summary of Representations Received:

- Increase in residents and congestion along Leeds Road made worse by other housing schemes (Cote Farm and Simpson Green). New access of insufficient width is close to a junction and zebra crossing (Thackley Corner).
- Place demands on schools in area.
- Erosion of urban green space.
- Overshadowing, loss of light and loss of privacy through overlooking.
- Sewer runs across application site.
- Noise and disturbance from builders.
- No more houses.
- Letter (dated June 2015) from applicant expressing no wish to build on application land.

Consultations:

Education Services – Need a contribution towards primary and secondary educational provision due to shortfall in places. The primary schools which are readily accessible from the development include Greengates, Idle CE, Parkland, St Anthony's Catholic, Thackley and Thorpe. The secondary schools which are reasonably accessible from the development are Immanuel and Titus Salt.

The formula calculation are:

Primary

Houses:

0.02 (yield per year group) \times 7 (year groups) \times 10 (number of dwellings) \times $\pounds 13345$ (cost per place) = $\pounds 18,683$

Secondary

Houses:

0.02 (yield per year group) x 6 (year groups) x 10 (number of dwellings) x £20110 (cost per place) = £24,132

Total request for 10 houses £42,815

The assessment has been made on homes with 4 bedrooms and if any are to have 5 or more the calculation would increase.

Parks and Greenspaces Service - require a recreation contribution of £14,048 for 10 houses associated with the planning application for the provision and enhancement 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 Buck Wood.

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. If the developer is looking to maintain the areas themselves a full landscape management plan will need to be produced and agreed as part of the planning process.

Housing Development and Enabling Section – Have not responded however the number of units proposed is below the threshold therefore no affordable homes are required on this site.

Metro – Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired.

We recommend that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The fund could be used to purchase discounted MetroCards for all or part of the site. Based on our current Residential Metro Card (RMC) scheme, there is an option for the developer to purchase (in bulk) heavily discounted Residential MetroCards (circa 40% discount) as part of a wider sustainable travel package. Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking / cycling promotion and or further infrastructure enhancements. The payment would be agreed within a S 106 agreement. The contribution appropriate for this development would be £4,812.50

Coal Authority - The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the Local Planning Authority (LPA) impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entries / areas of shallow mine workings etc. to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The undertaking of a scheme of appropriate intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * Implementation of those remedial works.

Yorkshire Water - On the Statutory Sewer Map, there is a 1200 mm diameter public combined sewer recorded to cross through the red line site boundary. The presence of the pipe may affect the layout of the site. Yorkshire Water feels that an appropriate planning condition is necessary to adequately protect the pipe from being built over or near to. A stand-off distance of 5 (five) metres is required at each side of the sewer centre-line.

A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land.

Rights of Way - A new fence has been erected alongside the footpath to help secure the site. While the Rights of Way Section had no specific objection to the fence it was noted that the height of the fence (2m) made users of the footpath feel isolated when using the path in the dark or on their own. The preference of the Councils Rights of Way Section would be for the Applicant to improve street lighting along the section of footpath.

Environmental Protection – A Phase 2 site investigation is required due to the Proposed sensitive end use as dwellings and it is recommended that a proportionate Phase 2 intrusive site investigation will be required by condition.

Minerals and Waste Section - A former landfill site is approximately 180m from the proposal. This former landfill site was formerly part of a disused railway line. A small area of this land was used in early 1990 for the disposal of soil waste from a nearby housing development. The landfill site is a sufficient distance from the proposal not to cause any stability or contamination issues and coupled with the nature of the material deposited, it is not considered that there will be any adverse impacts from this landfill site on the proposal.

There are no other apparent minerals or waste legacy issues relevant to the proposed development.

Highways (Development Control) Section - Following amended plans the scheme is now considered acceptable. The new access location proposed is away from the zebra crossing which is acceptable and it has been indicated on plan that adoptable standards can be achieved and therefore no highway objection to the principle of the development.

In the interests of highway safety parking to the existing dwelling (former public house) should be provided to the rear via the new access road. A rectangular box has been indicated on plan which reads garage. For a dwelling of this size (five bed) three parking spaces should be proposed and indicated on plan within the red line boundary.

Summary of Main Issues:

Proposal
Principle
Conclusions of Principles
Sustainability
Density/Efficient use of land
Highway Safety
Contamination
Rights of way
Drainage infrastructure
Mining
Electric Vehicle Charging points (EVC) point
Contributions by S106
Secure by Design
Comments on representations made
Community Safety

Appraisal:

Proposal

An outline application for residential development with all matters reserved other than access. On the application form 10 residential units are specified all with 4 plus bedrooms. (The total number and size of units is a matter to be resolved at the Reserved Matters stage). The site area is 0.38 hectares.

Principle

This is a Greenfield site which is unallocated in the Replacement Unitary Development Plan (RUDP). Policies in both the National Planning Policy Framework and the RUDP promote sustainable patterns of development. Indeed, adopted Policy UDP1 of the UDP seeks to focus new development on the urban areas. The appropriateness of Thackley as a location for further significant development is reinforced by the emerging Core Strategy: Policy SC4. Thackley falls within the Regional City which Core Strategy Policy SC4 states will be the prime focus for housing and other forms of development. It is therefore considered that the location and scale of the housing proposed on the application site would be consistent with policies of both the adopted RUDP and the emerging Core Strategy which promote a sustainable pattern of development across the district.

A further important change in circumstance since the RUDP was produced from a strategic planning point of view is that 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 deliver the 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.

The Core Strategy has, in line with both the NPPF and the Government's National Planning Practice Guidance, used a range of evidence to assess the overall need for new homes over the period to 2030. Government projections indicate that the district is likely to see rapid population and household growth over the period. The Core Strategy therefore indicates that

there is a need to provide for a minimum of 42,100 new homes up to 2030. This is a challenging target which will require a significant release of land and a significant uplift in housing delivery compared to recent and historic rates of completions. The provision of these homes will not only serve to meet the needs of the districts current and future population but will be essential in supporting the continuing growth and regeneration of the district's economy.

As indicated above the overall approach to securing sustainable patterns of development and growth are set out in a number of emerging Core Strategy policies notably Policy SC4 which deals with the settlement hierarchy. Policies HO3 and AD1 deal with the specific issues of the distribution of the district wide housing requirement and set a housing target for Bradford North East, of which Thackley forms part, of 4,400. Part C2 of Core Strategy Policy BD1 indicates that the housing target of 4,400 will be delivered via a mix of sites and this will need to include some contribution from local green belt change. The site which is the subject of this application would make a significant and sustainable contribution to meeting these local and district wide targets in a non-green belt location.

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 together with an additional 5% buffer to ensure choice and competition in the market for land. 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 to 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 over an extended period. Data reported in the Council's Annual Monitoring reports indicate that net completions have been below target levels in 8 of the 10 years since 2004/5 resulting in a cumulative backlog in supply up to April 2014 of around 9,000 dwellings.

It is also clear that unless sites such as that proposed are successfully implemented and brought to the market this under supply will not only remain unmet but could 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.

The latest assessment of the deliverable land supply contained within the Council's Strategic Housing Land Availability Assessment shows that there is only a supply equivalent to 46.6% of the required quantum. This equates to a supply of just 2.33 years.

There are significant implications in national policy terms if a Local Planning Authority cannot demonstrate an adequate supply of deliverable sites. In line with the advice at paragraph 49 of the NPPF the relevant policies for the supply of housing land in Bradford should not be considered up to date and in this case the provisions of paragraph 14 of the NPPF should be applied. Paragraph 14 indicates that where the development plan is out of date planning 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 document. The strategic case for permitting development at this unallocated site therefore not only remains but has been strengthened as a result of the application of the policies of the NPPF.

Conclusion of principles

The NPPF underlines the importance of planning of meeting the identified housing needs of the district, boosting housing delivery and maintaining an adequate supply of deliverable sites.

Indeed as a result of the need for Bradford Council to demonstrate an additional 20 per cent of deliverable housing sites and the fact that the housing supply aspects of the development plan would be considered as significantly out of date, the result of the NPPF is to strengthen the strategic case for development to proceed at this Application site. In terms of housing delivery the proposal is in line with the NPPF as it will contribute to meeting the identified housing needs of the district on an unimplemented housing site.

The district faces a significant challenge in securing sufficient housing to meet its need over the coming years. Ensuring the delivery of development on well located allocated and unallocated sites will be the first step to meeting this challenge. Therefore, if an acceptable scheme is achieved, the site will contribute to the Council's 5 year land supply and thus reduce the pressure and threat of unplanned releases of land in other less sustainable locations which conflict with current RUDP policy such as the green belt.

Overall, the proposed residential use of 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. 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 would represent a sustainable form of development. Its economic benefits, including job creation, the new homes bonus, and expenditure in the local economy, carry significant weight.

Sustainability

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.

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/urban areas 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.

It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. The site is located only 1.9 miles from Shipley town centre and 1.6 miles from the Sainsbury's store at Greengates. There is a range of smaller convenience stores and other local shops and facilities closer to the site. Indeed, it is considered that the site is well located in relation to built-up areas, that there is a reasonable level of accessibility by non-car modes of transport; and, that the proposal represents a sustainable form of development which would comply with the fundamental principles enshrined in the National Planning Policy Framework and Policy UDP1 of the RUDP.

Good design also ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. There would be an expectation under a future reserved matters application that a proposed detailed residential development would integrate into the existing built form and environmental sustainability will not be compromised by the scheme. Transport solutions are proposed (Electric Vehicle Charging points) which encourage low carbon travel.

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 dwellings per hectare on sites. 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
- Setting out their own approach to housing density to reflect local circumstances.

The total site area for the application site is 0.38 hectares. The proposed density is 26 dwellings per hectare which is below this requirement. However it is considered that there are certain factors in this case that would justify a lower density such as steep topography and a need to maintain a 5m buffer at each side of the sewer centre-line. This means that a density of 26 dwellings per hectare can be justified.

Highway Safety

Following amended plans the scheme is now considered acceptable by the Highway Officers. The new access location proposed is away from the zebra crossing which is acceptable and it has been indicated on a plan that adoptable standards can be achieved and therefore there are no highway objections to the principle of the development.

At the reserved matters application stage there would be an expectation for the existing dwelling (former public house) to have satisfactory off-street parking provision to be served via the new access road.

Officers agree with the conclusion that the proposed development of 10 dwellings on this site can be accommodated on the surrounding highway network, particularly taking into account the former Public House use (with a relatively large car park), without raising any undue highway safety concerns. 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 TM19A of the RUDP.

Contamination

Given the previous use of the site it is considered unlikely that there would be significant contamination that would affect the ability to develop this site for housing. An intrusive Phase 2 site investigation is required on the basis of the proposed sensitive end use as dwellings and this requirement is to be secured by a planning condition.

Rights of Way

A new fence has been erected alongside the footpath to help secure the site. While the Rights of Way Section had no specific objection to the fence it was noted that the height of the fence (2m) has made users of the footpath feel isolated when using the path. The preference of the Councils Rights of Way Section would be for the Applicant to improve street lighting along the section of footpath.

However, it is noted that this is an existing situation and the proposed development will not change this line of the footpath or exacerbate the situation. On this basis it is not considered reasonable to require the developer to add street lighting to the footpath.

Drainage infrastructure

Yorkshire Water have identified a combined sewer recorded to cross through the red line site boundary. The presence of the pipe may affect the layout of the site. Yorkshire Water's recommendation is for a planning condition to adequately protect the pipe from being built over and they require a suitable stand-off distance.

However a developer may, where it is reasonable to do so, require a sewerage undertaker to relocate a sewer where it is deemed necessary to enable redevelopment. This is a matter for the developer to negotiate with Yorkshire Water should they wish to develop the parts of the site within the sewer easement.

The Council's own specialist drainage team have raised no objections to the proposal subject to conditions. The application complies with policies UR3 and NR16 of the Replacement Unitary Development Plan.

Mining

After a request for a further report the Coal Authority are satisfied with this application subject to conditions and as such the Officers are satisfied the application accords with policy P6 of the replacement Unitary Development Plan with regards to land stability.

Electric Vehicle Charging points (EVC)

It is considered appropriate to ensure that the Council's initiative to seek electric vehicle charging points (EVC) to be secured via a planning condition. This initiative seeks to aid air quality issues throughout the District and this site and furthermore, an EVC point would be there in perpetuity on the site.

Contributions: S106

Development of housing of the scale proposed inevitably involves social infrastructure works such as recreation provision and contributions towards education provision. 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 –recreational provision and educational contributions.

Development contributions on this scheme include those for educational provision. Under policy CF2 of the Replacement Unitary Development Plan, new housing proposals that would result in an increased demand for educational facilities that cannot be met by existing schools and colleges should contribute to new and extended school facilities.

The nearest schools at primary and secondary level are full and a contribution of £42,815 is required and it has been offered by the applicant in full. The primary schools which are readily accessible from the development include Greengates, Idle CE, Parkland, St Anthony's Catholic, Thackley and Thorpe. The secondary schools which are reasonably accessible from the development are Immanuel and Titus Salt.

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 due to the extra demands placed on the locality by this development. The total contribution is identified to be £14,048 for 10 housing units. 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 Buck Wood.

The West Yorkshire Combined Authority have requested that the development includes a Metro Card contribution of £4812. In this case given the other S106 costs as set out above it is not considered to be appropriate to seek this funding which is likely to affect delivery of the scheme.

Heads of Terms: Overall, in accordance with policies in the Replacement Unitary Development Plan and the Council's Supplementary Planning Guidance on Planning Obligations the Heads of Terms of any legal agreements should include: -

- Payment of education contribution of £42,815 (£18,686 primary and £24,132 secondary) allocated for spending at the following schools Primary: Greengates, Idle CE, Parkland, St Anthony's Catholic, Thackley and Thorpe Secondary: Immanuel and Titus Salt
- Payment of recreation sum of £14,048 to be used for enhancement of existing recreational facilities and/or infrastructure work within Buck Wood.

Comments on the letters of representation

- INCREASE IN RESIDENTS AND CONGESTION ALONG LEEDS ROAD MADE WORSE BY OTHER HOUSING SCHEMES (COTE FARM AND SIMPSON GREEN). NEW ACCESS OF INSUFFICIENT WIDTH IS CLOSE TO A JUNCTION AND ZEBRA CROSSING (THACKLEY CORNER). Highways Officers are fully aware of other housing schemes consented in the vicinity and have factored these into their consultation. It is considered by the Council's highway engineers that the construction on the site of 10 dwellings is acceptable and will not compromise highway safety within the locality. Following amended plans an improved new access location would be away

from the zebra crossing which is acceptable and it has been indicated on plan that adoptable standards can be achieved and therefore no highway objection to the principle of the development.

- **PLACE DEMANDS ON SCHOOLS IN AREA.** The developers full payment of education contribution of £42,815 will go towards the nearest primary and secondary schools.
- **EROSION OF URBAN GREEN SPACE.** There is no specific land use notation on the site as identified on the Councils Unitary Development Plan.
- **OVERSHADOWING, LOSS OF LIGHT AND LOSS OF PRIVACY THROUGH OVERLOOKING.** The application is in an outline form with the only matter for consideration being the access. During a reserved matters Application stage, when sufficient details are submitted, these issues will be carefully considered.
- **SEWER RUNS ACROSS APPLICATION SITE.** Yorkshire Water concur that a combined sewer recorded crosses the application site. The presence of the pipe may affect the layout of the site because Yorkshire Water require a stand off distance to protect the pipe from being built over or near to it. However a developer may, where it is reasonable to do so, can require a sewerage undertaker to alter or remove a pipe where it is necessary to enable the Developer to carry out a proposed improvement of land.
- **NOISE AND DISTURBANCE FROM BUILDERS.** Conditions are recommended to be attached to any permission granted to ensure that construction traffic is appropriately managed in addition to a limitation on the construction hours themselves in order to maintain as far as practically possible the amenities of the surrounding residents.
- **NO MORE HOUSES.** The site has no notation on the RUDP. The report provides a detailed analysis for the rationale for this site meeting housing needs.
- **LETTER (DATED JUNE 2015) FROM APPLICANT EXPRESSING NO WISH TO BUILD ON APPLICATION LAND.** Any change to previous intentions and plans of the Applicant is not material to this planning application.

Community Safety Implications:

Under a reserved matters application there would be an expectation that regard is given to defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space including appropriate boundary enclosures. The proposal would be required to accord with the principles 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 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 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. Appropriate weight has also been given to relevant policies in the emerging Core Strategy.

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

The development of this site with residential development in the manner proposed is considered an appropriate development that gives the opportunity to provide a sustainable pattern of development within Thackley. The provision of an access to the site in the manner and location proposed is appropriate and as such the proposals will not compromise highway and pedestrian safety. 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, 32, 47, 49, 50, 56, 57, 58, 61, 69) and development principles outlined within the Replacement Unitary Development Plan under policies UDP1, UDP3, UR3, UR6, H7, H8, TM12, TM19A, D1, D2, D4, OS5, and NR16.

Approval is recommended accordingly subject to a section S106 legal agreement and the following conditions: -

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 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).

2. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping
- iii) layout,
- iv) and 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.

3. 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)

4. Prior to the commencement of any works on site, a scheme showing full details of the contractor's means of access, vehicle parking facilities, loading/unloading areas for materials, wheel washing facilities on the site, location of the site compound, together with internal turning facilities, temporary warning and direction signs on the adjacent highway, levels, gradients, construction, surface treatment and means of surface water drainage shall be submitted to and have been approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and be available for use before the commencement of any construction works on the site. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.

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

5. 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.

6. Prior to the occupation of each dwelling any garage space or the allocated car parking space associated with that dwelling shall be provided with an electric vehicle charging point and retained thereafter unless agreed otherwise by the Local planning Authority.

Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the District, and takes into consideration paragraph 35 of the National Planning Policy Framework and polices UDP3 and UR2 of the Replacement Unitary Development Plan.

7. Before any development works commence on site full details of the proposed means of access, layout of buildings, car parking and servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented prior to the comprised within the development being brought into use.

Reason: To establish a suitable form of access, parking and servicing facilities commensurate to the scale of the development proposed and to accord with Policy TM19A of the Replacement Unitary Development Plan.

8. 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: In the interests of satisfactory and sustainable drainage, to reduce the risk of flooding to the proposed development and future occupants and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

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

Reason: In the interests of satisfactory and sustainable drainage, to reduce the risk of flooding to the proposed development and future occupants and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

10. 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 a rate to be agreed with the Lead Local Flood Authority for approval.

Reason: In the interests of satisfactory and sustainable drainage, to reduce the risk of flooding to the proposed development and future occupants and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

11. No building or other obstruction including landscape features shall be located over or within 5.0 (five) metres either side of the centre line of the sewer/water main i.e. a protected strip width of (10) metres, that traverses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with policy NR16 of the replacement Unitary Development Plan.

12. 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 NR16 of the replacement Unitary Development Plan.

13. Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing, a proportionate Phase 2 site investigation and risk assessment methodology, to assess the nature of any ground gas 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.

14. Before the development, hereby granted, commences a report shall be submitted to and agreed in writing by the Local Planning Authority which shall demonstrate an undertaking of intrusive site investigations in order to ascertain ground conditions, the depth and condition of shallow coal mine workings and the Local Planning Authority shall be notified of any necessary remedial measures. Any remedial works identified by the site investigation shall be undertaken and implemented prior to commencement of the development.

Reason: In the interest of land stability and to accord with policy P6 of the replacement Unitary Development Plan.

FOOTNOTE

Bradford North Public Bridleway 114 abuts the site:

- The affected public footpath/bridleway must not be obstructed by any plant, materials or equipment. Even the temporary storage of materials on the right of way is not permitted. Any obstruction of the route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.
- If essential works mean that the public footpath/bridleway cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact Network.management@bradford.gov.uk for details.
- Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Equality Act 2010 must also be considered.
- If works alongside the public footpath/bridleway present a danger to path users the affected section should be fenced off with safety netting.
- The surface of the public footpath/bridleway should not be disturbed, however, if development works causes damage to the right of way it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way, these must be approved, in advance by the Rights of Way Section.
- If building works remove features that would enable users to find the right of way, the line of the right of way must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

FOONOTE

A new fence has been erected alongside the footpath to help secure the site. While the Rights of Way Section had no specific objection to the fence it was noted that the height of the fence (2m) made users of the footpath feel isolated when using the path in the dark or on their own. The preference of the Councils Rights of Way Section would be for the Applicant to improve street lighting along the section of footpath.

FOOTNOTE

The applicant should have regard to the YAHPAC 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination', if necessary the YAHPAC 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials will be necessary, and YAHPAC (2016) guidance on 'Verification Requirements for Gas Protection Systems'. Current editions of all documents are available on the Bradford MDC website www.bradford.gov.uk

The applicant should have regard to:

- YAHPAC 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
- YAHPAC 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
- YAHPAC (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.

Current editions of these documents are available on the Bradford MDC website <https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-permission/>.

Heads of Terms of any Section 106 legal agreement

- Payment of education contribution of £42,815 towards the nearest Primary and Secondary School facilities
- Payment of recreation sum of £14,048 to be used for enhancement of existing recreational facilities and/or infrastructure work within Buck Wood.

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