

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

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**N****Subject:**

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

**Summary statement:**

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

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

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

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

## **1. SUMMARY**

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

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

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

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

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

## **2. BACKGROUND**

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

## **3. OTHER CONSIDERATIONS**

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

#### **4. OPTIONS**

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

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

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

#### **5. FINANCIAL & RESOURCE APPRAISAL**

None relevant to this application.

#### **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

None relevant to this application.

#### **7. LEGAL APPRAISAL**

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

#### **8. OTHER IMPLICATIONS**

##### **8.1 EQUALITY & DIVERSITY**

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

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

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

## **8.2 SUSTAINABILITY IMPLICATIONS**

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

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

## **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

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

## **8.4 COMMUNITY SAFETY IMPLICATIONS**

Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The proposed development includes various provisions to minimise the vulnerability of the development to crime and anti-social behaviour including natural surveillance of the play area and public open spaces, barriers to prevent vehicles from utilising footpaths and providing for a layout which minimises the vulnerability of rear gardens. It is therefore not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with saved policy D4 of the RUDP.

## **8.5 HUMAN RIGHTS ACT**

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

## **8.6 TRADE UNION**

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

## **8.7 WARD IMPLICATIONS**

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

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

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

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

## **9. NOT FOR PUBLICATION DOCUMENTS**

None

## **10. RECOMMENDATIONS**

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

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

## **11. APPENDICES**

Appendix 1: Technical Report

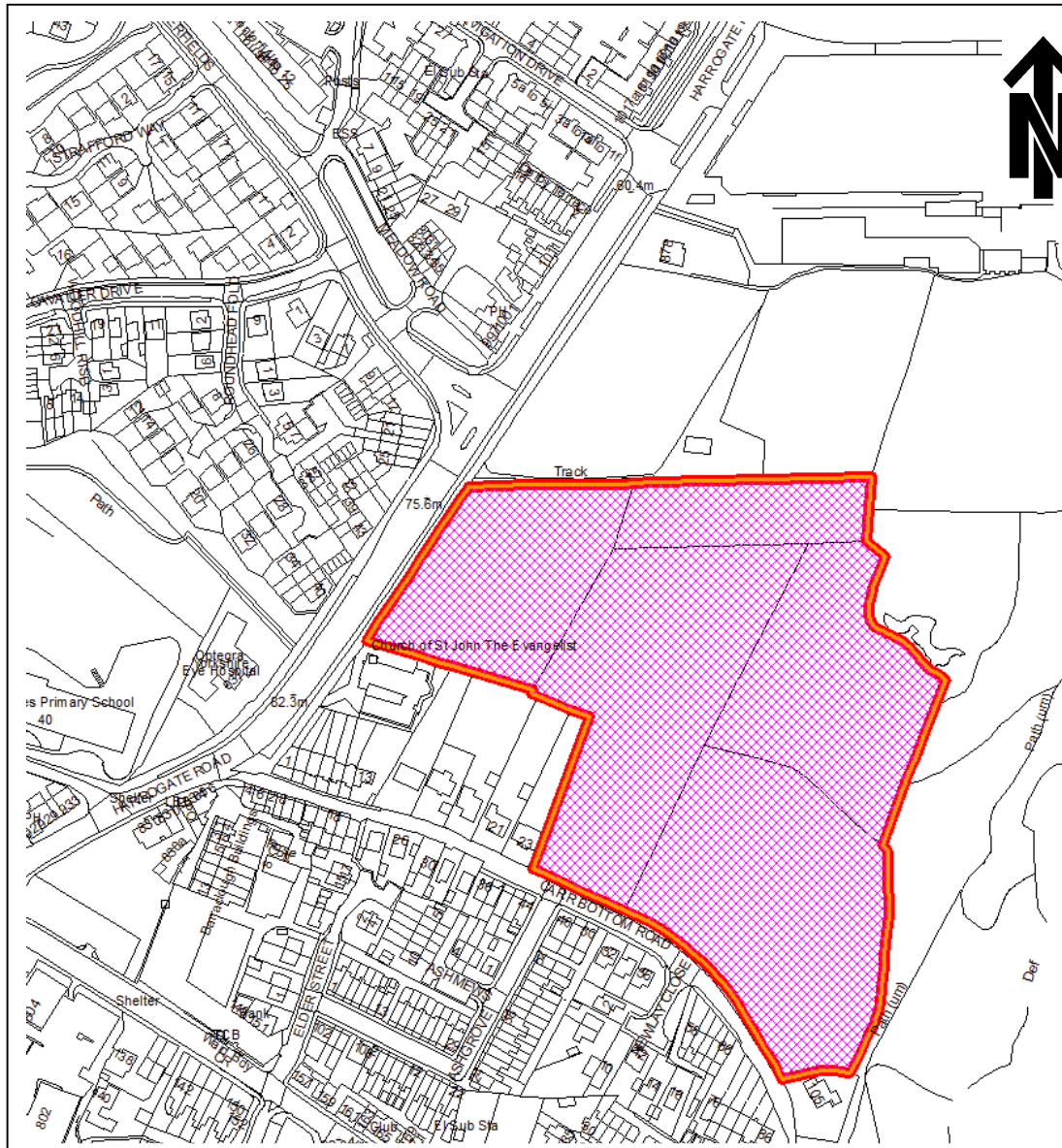
## **12. BACKGROUND DOCUMENTS**

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

**Regulatory & Appeals Committee**

**16/02834/MAR**

14 July 2016



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**LOCATION:  
Land At Harrogate Road  
Bradford**

Appendix 1

04 August 2016

**Ward:** Idle and Thackley (13)

**Recommendation:**

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

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

**Application Number:**

16/02834/MAR

**Type of Application/Proposal and Address:**

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

**Applicant:**

Avant Homes (England) Limited

**Agent:**

Mr Rob Moore - Savills UK Ltd

**Site Description:**

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

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

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

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

**Relevant Site History:**

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

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

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



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

### **Replacement Unitary Development Plan (RUDP):**

#### ***Allocation***

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

#### **BN/E1.14 HARROGATE ROAD, GREENGATES 3.26 ha**

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

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

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

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

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

#### ***Proposals and Policies***

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

- UDP3 Quality of Built and Natural Environment

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

**The National Planning Policy Framework (NPPF):**

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

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

**Parish Council:**

*None Covering This Area.*

**Publicity and Number of Representations:**

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

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

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

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

**Summary of Representations Received:**

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

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

### **Petition Comments**

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

### Applicant's Pre-application Public Consultation

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

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

### Consultations:

#### **Drainage/ Lead Local Flood Authority**

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

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

**Condition:**

1. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on a maximum pass forward flow of surface water from the development restricted to 20.4 litres per second, have been submitted to and approved by the local planning authority.

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

3. The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

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

**Condition**

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

**Environment Agency**

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

*Foul Drainage*

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

*Informative: Surface Water*

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

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

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

### ***Environmental Health***

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

### ***Highways Development Control 1st Response***

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

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

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

***Highways Development Control 2nd Response***

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

***Rights of Way 1<sup>st</sup> Response***

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

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

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

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

***Rights of Way 2<sup>nd</sup> Response***

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

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



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

### ***Sport and Leisure***

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

### ***Yorkshire Water***

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

### **Summary of Main Issues:**

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

### **Appraisal:**

#### ***1) Principle***

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

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

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

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

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

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

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

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

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

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

## ***2) Density/ Efficient Use of Land***

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

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

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

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

### ***3) Design, Landscaping and Visual Impact***

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

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

The NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. At the local level saved RUDP policy D1 sets out design principles, indicating that new development should relate to the existing character of the locality, policy D4 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime and policy D5 emphasises

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **4) Access and Highways**

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

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

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

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

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

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

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

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

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

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

### ***5) Flood Risk and Drainage***

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

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

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

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

The concept drainage strategy for the site is as follows:

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

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

### **6) Ecology/ Biodiversity**

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

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



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

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

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

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

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

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

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

## **7) Affordable Housing Provision, Education and Recreation Contributions**

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

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

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

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

**8) Community Safety Implications:**

Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The proposed development includes various provisions to minimise the vulnerability of the development to crime and anti-social behaviour including natural surveillance of the play area and public open spaces, barriers to prevent vehicles from utilising footpaths and providing for a layout which minimises the vulnerability of rear gardens. It is therefore not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with saved policy D4 of the RUDP.

**9) Equality Act 2010, Section 149:**

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

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

**Reason for Granting Approval of Reserved Matters:**

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

**Conditions of Approval:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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