

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

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**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.

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

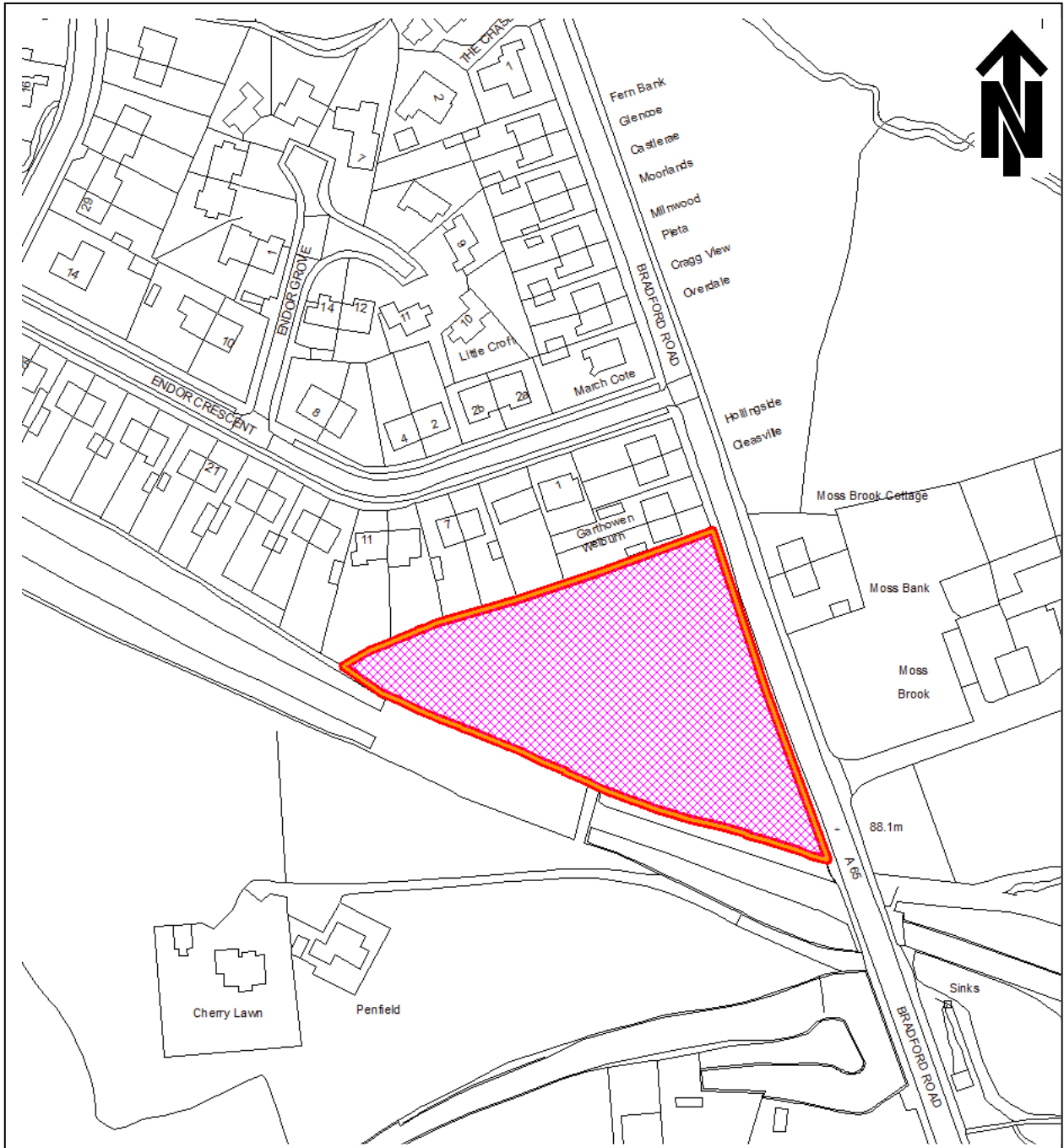
## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
The Replacement Unitary Development Plan  
Publication Draft Core Strategy (draft subject to an examination in public in March 2015).

**Regulatory & Appeals Committee**

**16/05635/MAF**

1 September 2016



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**LOCATION:**  
**Land South Of Welburn**  
**Bradford Road**  
**Burley In Wharfedale**  
**Ilkley**

**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.

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