

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

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Subject:

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

Summary statement:

The development of this site with residential development in the manner proposed is considered an appropriate development that gives the opportunity to provide a high density sustainable pattern of development within the the urban area of Thackley. The provision of an access to the site in the manner and location proposed is appropriate and as such the proposals will not compromise highway and pedestrian safety. As such, it is considered development in the manner proposed is in conformity with the core principles of the National Planning Policy Framework (paragraphs 17, 32, 47, 49, 50, 56, 57, 58, 61, 69) and development principles outlined within the Replacement Unitary Development Plan under policies UDP1, UDP3, UR3, UR6, H7, H8, H9, TM2, TM12, TM19A, D1, D2, D4, D5, D6, CF2, OS5, and NR16.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

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

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

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

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

None.

4. OPTIONS

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

5. FINANCIAL & RESOURCE APPRAISAL

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

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority following consultation with the Secretary of State under the Town and Country Planning (Consultation) (England) Directions 2009.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

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

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

8.4 COMMUNITY SAFETY IMPLICATIONS

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

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

None. Ward members have been notified concerning the proposals.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

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

11. APPENDICES

Appendix 1 – Officer Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

The Replacement Unitary Development Plan for the Bradford District

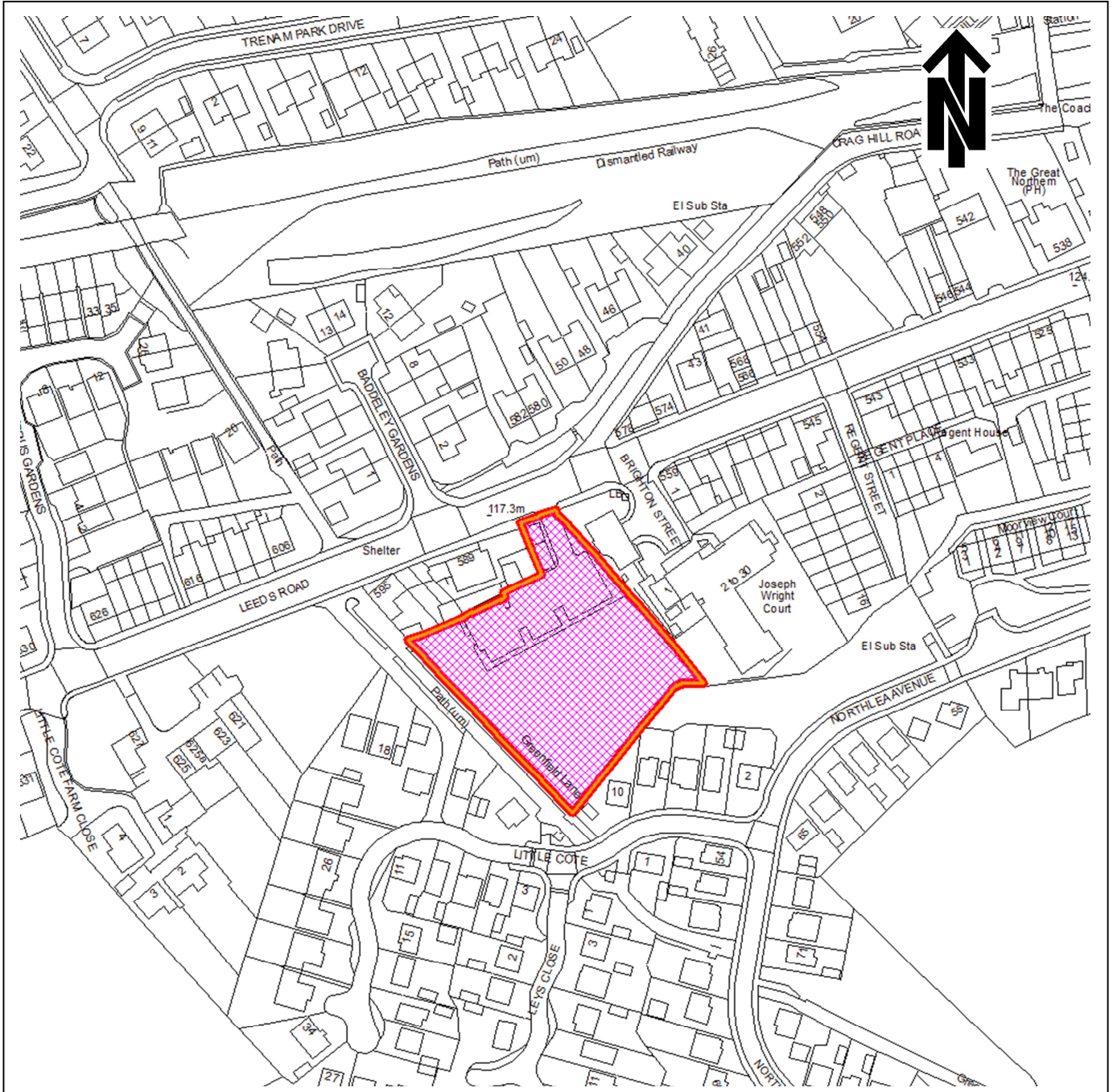
Planning Application file 16/00543/MAO

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

Regulatory & Appeals Committee

16/00543/MAO

1 September 2016



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

Ward: Idle and Thackley

Recommendation:

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

Application Number:

16/00543/MAO

Type of Application/Proposal and Address:

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

Applicant:

Ms Ruth Yeadon

Agent:

Jeff Redmile Architectural Plans

Site Description:

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

Relevant Site History:

84/06062/FUL Car park and beer garden

GRANT 12.12.1984

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

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

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

A Condition set out of this application stated:

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

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

The following policies are relevant:-

Proposals and Policies

UDP1 – Promoting sustainable patterns of development

UDP3 – Quality of built and natural environment

UR2 – Promoting sustainable development

UR3 – The local impact of development

UR6 - Planning Obligations and conditions

H7 – Housing Density – Expectation

H8 – Housing Density – Efficient Use of Land

TM2 – Impact of traffic and its mitigation

TM12 – Parking standards for residential developments

TM19A – Traffic management and road safety

D1 – General design considerations

D2 – Energy Efficiency and Sustainable Design

D4 – Community safety

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

NR16 - Surface Water Run Off and sustainable Drainage Systems

BMDC – Supplementary Planning Guidance

Planning Obligations

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

Parish Council:

Not applicable

Publicity and Number of Representations:

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

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

Summary of Representations Received:

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

Consultations:

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

The formula calculation are:

Primary

Houses:

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

Secondary

Houses:

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

Total request for 10 houses £42,815

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

Parks and Greenspaces Service - require a recreation contribution of £14,048 for 10 houses associated with the planning application for the provision and enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Buck Wood.

If the developer is looking to the Council to maintain any areas of public open space on the development a commuted sum will be required to maintain the areas for the next 25 years. If the developer is looking to maintain the areas themselves a full landscape management plan will need to be produced and agreed as part of the planning process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of Main Issues:

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

Appraisal:

Proposal

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

Principle

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

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

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

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

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

In terms of delivering a wide choice of high quality homes the NPPF states at page 12, paragraph 47 that LPAs should boost significantly the supply of new housing. In order to achieve this goal the NPPF requires LPAs to identify a 5 year supply of deliverable housing sites together with an additional 5% buffer to ensure choice and competition in the market for land. The NPPF goes on to state that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned housing supply. It is clear that Bradford has experienced just such a sizeable and persistent under delivery of housing over an extended period. Data reported in the Council's Annual Monitoring reports indicate that net completions have been below target levels in 8 of the 10 years since 2004/5 resulting in a cumulative backlog in supply up to April 2014 of around 9,000 dwellings.

It is also clear that unless sites such as that proposed are successfully implemented and brought to the market this under supply will not only remain unmet but could also grow significantly worse. This in turn will have severe impacts on the prospects for regeneration in the district and will exacerbate existing and growing problems of overcrowding and long waiting lists for social housing which already exist in parts of the district.

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

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

Conclusion of principles

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

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

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

Overall, the proposed residential use of the site is acceptable in principle. The Ministerial Statement Planning for Growth makes it clear that the economic benefits of proposals should be taken into account, and encourages support for sustainable forms of development, including housing. The importance of sustainable economic growth is reiterated in the Framework: one of the core principles of the Framework is that planning should proactively drive and support economic development to deliver, amongst other results, the homes which the country needs. The proposed housing would represent a sustainable form of development. Its economic benefits, including job creation, the new homes bonus, and expenditure in the local economy, carry significant weight.

Sustainability

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

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

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

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

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

Density/Efficient use of land

Policies H7 and H8 of the RUDP seek to ensure that the best and most efficient use is made of any development site. As such there is a requirement to achieve a minimum density of 30 dwellings per hectare on sites. The National Planning Policy Framework also advises that Local Planning Authorities shall have regard to:

- Achieving high quality housing
- Ensuing development achieve a good mix of housing
- Setting out their own approach to housing density to reflect local circumstances.

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

Highway Safety

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

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

Officers agree with the conclusion that the proposed development of 10 dwellings on this site can be accommodated on the surrounding highway network, particularly taking into account the former Public House use (with a relatively large car park), without raising any undue highway safety concerns. Overall, it is considered that the provision of highway access in the manner proposed is satisfactory and will not comprise highway safety but will accord with established highway standards and policies TM19A of the RUDP.

Contamination

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

Rights of Way

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

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

Drainage infrastructure

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

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

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

Mining

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

Electric Vehicle Charging points (EVC)

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

Contributions: S106

Development of housing of the scale proposed inevitably involves social infrastructure works such as recreation provision and contributions towards education provision. In line with policy UR6 of the Replacement Unitary Development Plan it is usually appropriate that the developer should enter into a Section 106 to address the following issues –recreational provision and educational contributions.

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

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

Policy OS5 of the RUDP requires that new residential development be required to make appropriate provision of or equivalent commuted payment for recreational open space due to the extra demands placed on the locality by this development. The total contribution is identified to be £14,048 for 10 housing units. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Buck Wood.

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

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

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

Comments on the letters of representation

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

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

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

Community Safety Implications:

Under a reserved matters application there would be an expectation that regard is given to defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space including appropriate boundary enclosures. The proposal would be required to accord with the principles of policy D4 of the Replacement Unitary Development Plan.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case it is considered that the above characteristics have been fully considered within the scheme

Reason for Granting Planning Permission:

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

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

The development of this site with residential development in the manner proposed is considered an appropriate development that gives the opportunity to provide a sustainable pattern of development within Thackley. The provision of an access to the site in the manner and location proposed is appropriate and as such the proposals will not compromise highway and pedestrian safety. As such, it is considered development in the manner proposed is in conformity with the core principles of the National Planning Policy Framework (paragraphs 17, 32, 47, 49, 50, 56, 57, 58, 61, 69) and development principles outlined within the Replacement Unitary Development Plan under policies UDP1, UDP3, UR3, UR6, H7, H8, TM12, TM19A, D1, D2, D4, OS5, and NR16.

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

Conditions of Approval:

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

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

2. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping
- iii) layout,
- iv) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4) must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

5. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

10. No development shall take place until the site is investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate to be agreed with the Lead Local Flood Authority for approval.

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

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

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

12. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with policy NR16 of the replacement Unitary Development Plan.

13. Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing, a proportionate Phase 2 site investigation and risk assessment methodology, to assess the nature of any ground gas contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

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

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

FOOTNOTE

Bradford North Public Bridleway 114 abuts the site:

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

FOONOTE

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

FOOTNOTE

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

The applicant should have regard to:

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

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

Heads of Terms of any Section 106 legal agreement

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