

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 29 September 2016

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**Subject:**

This is a full application relating to the proposed alterations to the design of 10 house plots (ref 10/01719/OUT and 13/05022/REM) at Ashwell Farm, Ashwell Road, Heaton, Bradford.

**Summary statement:**

The proposal relates to the construction of 10 dwellings which are amended house types to a previously approved scheme whose permissions have now lapsed. The layout of the site, route of the access road and point of access into the site remain the same as those previously approved which accepted the principle of the development. The changes are mainly elevational.

The application has been fully assessed against all relevant local and national planning policies and all public representations and consultation responses have been fully taken into consideration. The application is recommended for approval subject to conditions.

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**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**



## **1. SUMMARY**

This is a full application relating to the proposed alterations to the design of 10 house plots (ref 10/01719/OUT and 13/05022/REM) at Ashwell Farm, Ashwell Road, Heaton, Bradford.

## **2. BACKGROUND**

There is no relevant background to this application.

## **3. OTHER CONSIDERATIONS**

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

## **4. OPTIONS**

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

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

There are no financial implications associated with the development.

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

No implications.

## **7. LEGAL APPRAISAL**

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

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

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

### **8.2 SUSTAINABILITY IMPLICATIONS**

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

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

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

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

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

#### **8.4 COMMUNITY SAFETY IMPLICATIONS**

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

#### **8.5 HUMAN RIGHTS ACT**

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

#### **8.6 TRADE UNION**

None.

#### **8.7 WARD IMPLICATIONS**

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

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

None.

#### **10. RECOMMENDATIONS**

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

#### **11. APPENDICES**

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

#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework

The Replacement Unitary Development Plan

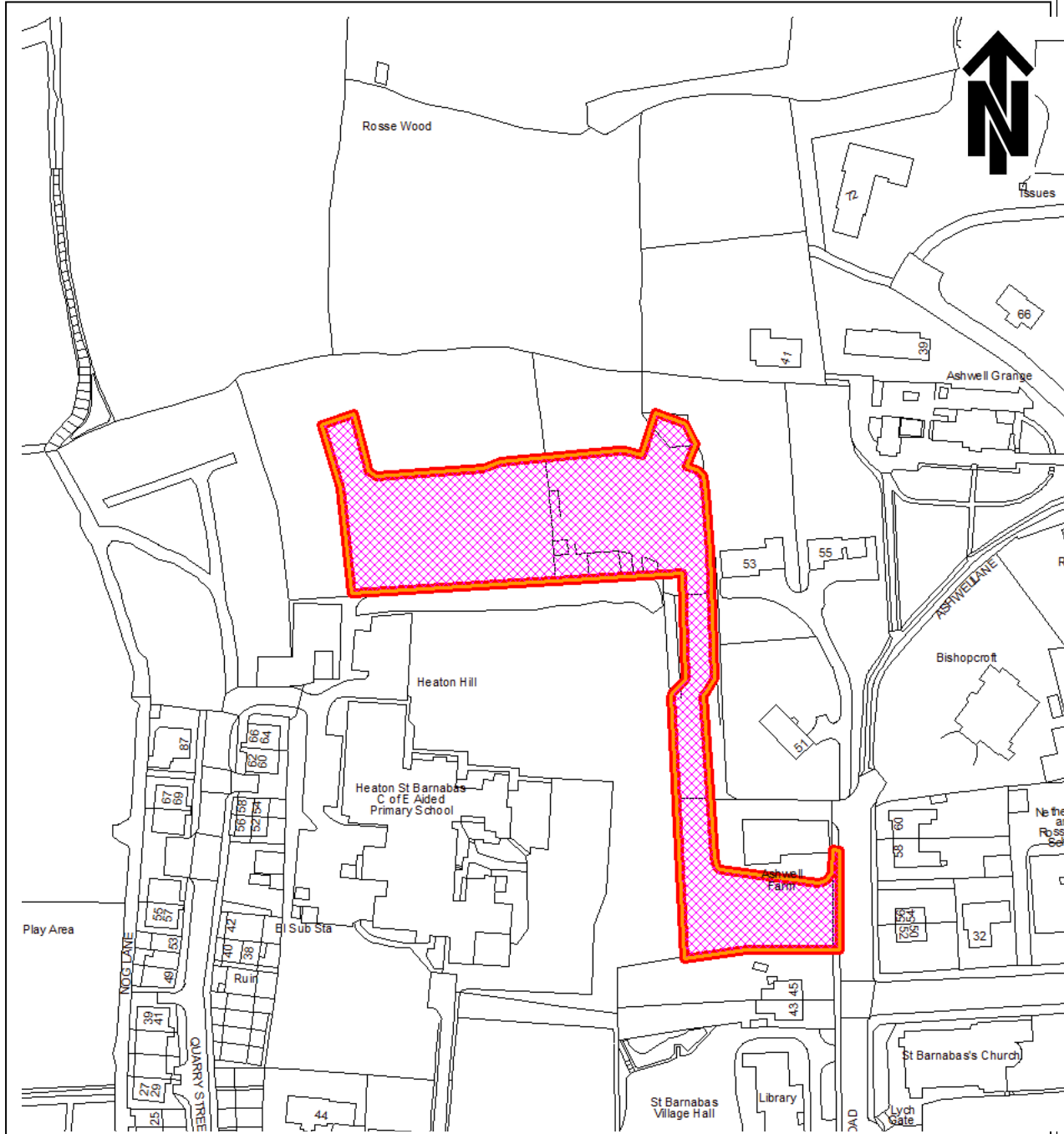
Publication Draft Core Strategy (draft subject to an examination in public in March 2015) and subject to modification which is current out to consultation

Planning application 16/06365/MAF

**Regulatory and Appeals Committee**

**16/06365/MAF**

29 September 2016



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**LOCATION:**

**Ashwell Farm 47 - 49 Ashwell Road  
Heaton Bradford BD9 4AX**

**29 September 2016**

**Ward: Heaton**

**Recommendation:**

**GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

**The Heads of Terms of the S106 Legal Agreement are:**

**Education:** The payment of a commuted sum of £49,237 to be spent enhancing the education infrastructure in the vicinity of the site. This is broken down into £21,485 at primary sector level and £27,752 at secondary sector level. The money will be spent at Heaton Primary School and Parkside Secondary School.

**Recreation:** The payment of a commuted sum of £14,048 towards enhancing the recreational infrastructure in the vicinity of the site due to the extra pressure that will be created on it through the development. The money will be spent at Lister Park.

**Application Number:**

16/06365/MAF

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

This application relates to alterations to the design of 10 house plots (ref 10/01719/OUT and 13/05022/REM) at Ashwell Farm, Ashwell Road, Heaton, Bradford.

**Applicant:**

Mr A Choudhury

**Agent:**

Ashley France (Batty France Consultancy)

**Site Description:**

The site is located to the north west of Ashwell Road and is accessed via an existing vehicular access that currently serves Ashwell Farm. It currently comprises a grassed field that slopes downwards from south to north. A number of trees are located along the boundaries of the site together with some dilapidated outbuildings along the southern boundary. The site is bounded by residential development (to the east), open countryside (to the north) and a school and library/village hall (to the south and west).

**Relevant Site History:**

There have been a number of previous applications on the site relating to residential development.

90/08151/OUT – Permission was refused on the 3rd January 1992 for the construction of 6 dwellings on the grounds that the site lies within an area allocated as Green Belt.

92/02609/OUT – Outline planning permission was granted on the 9th November 1992 for the construction of 4 detached dwellings.

97/00149/OUT – Outline planning permission was granted on the 12th March 1997 for the construction of 4 detached dwellings.

98/01824/OUT – Outline planning permission for the construction of a single dwelling was refused on the 22nd September 1998 on the grounds that the site lies within an area allocated as Green Belt, the proposed means of access was substandard, and, the location of the access in close proximity to an existing dwelling would cause harm to the amenity of that dwelling.

99/00669/OUT – Outline planning permission for the construction of a single dwelling was refused on the 25th June 1999 on the grounds that the development represents inappropriate development in the Green Belt in the absence of any very special circumstances.

10/01719/OUT – Outline planning permission was granted on the 7th December 2010 for the construction of a residential scheme.

13/05022/REM – Construction of a residential development scheme was approved on the 3rd July 2014

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

***Allocation***

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.11).

***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

H9 Affordable Housing

TM2 Impact of traffic and its mitigation

TM12 Parking standards for residential developments

TM19A Traffic management and road safety

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

CF2 Education Contributions in New Residential Development

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

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees during Development

NR15B Flood Risk

NR16 Surface Water Run Off and Sustainable Drainage Systems

**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 in this instance.

**Publicity and Number of Representations:**

The application was publicised by press notice, site notice and neighbour notification letters. The deadline for the submission of comments was the 26<sup>th</sup> August 2016.

As a result of the publicity exercise 16 representations have been received.

**Summary of Representations Received:**

Boundary issues:

- The boundary issue with Heaton Woods Trust is still on-going and the boundary fence has not been replaced
- Concerns about the nature of the boundary conditions between the domestic dwellings and the land immediately adjacent, downhill, that belongs to the nationally recognised Heaton Wood Trust – would expect there to be a substantial woodland barrier between the new houses and the Trust land
- No evidence of boundary plans

Highway issues:

- Inadequate parking spaces
- Increase of traffic will cause severe traffic congestion within the Ashwell Road area
- Increase in construction traffic during the build process

Drainage:

- Drainage and surface water will contaminate the woodland below
- The strong possibility of surface water running off the development and onto neighbouring land, causing it damage

Design:

- Designs not in keeping with surrounding properties
- It seems to be a plan for low quality development, not in keeping with the neighbourhood

Environmental issues:

- The environmental damage that will be done to the surrounding area
- The whole site is contaminated and remediation is required
- Detrimental impact on the landscape when viewed from the woods below
- It removes a large area of green space, open land and trees which, although small and not under preservation orders, do provide nesting and other cover for a lot of birds so there will be a significant impact on animals and other wildlife as a result of the reduced open green space

Other issues:

- The proposal will ruin the allotments as the (waist high) garden boundary will overlook and be overlooked by, house and gardens
- The proposal will make the allotments into an enclosed box which will remove the joy of being there and the experience of closeness to nature, the weather and the glorious views across Bradford and Shipley
- There is also the possibility of incursion, theft or damage by occupants of the new houses
- The conditions of the original planning application have not been met
- Issues with regard to the original application have never been resolved
- Not enough room for the bore holes
- Overloading of local amenities such as public transport, schools & medical
- Lack of play space
- No evidence of areas for waste bins
- What if any are the plans for further development as this is only the first phase
- Land is unstable
- There's no stated timeline for the 3 phases of building, so the inconvenience of noise, dust and building machinery using the roads will be over an extended period of time.
- The site has a history of quarrying and has asbestos on it.

**Consultations:**

Education – No objection subject to the securing of a financial contribution of £49,237 towards improving the educational infrastructure at both primary (£21,485) and secondary (£27,752) sector level

Sport & Leisure – No objection subject to the payment of a commuted sum of £14,048 towards enhancing the recreational infrastructure in the vicinity of the site due to the extra pressure that will be created on it through the development

West Yorkshire Police – No objection in principle to the development but comments on specific aspects of the layout

Yorkshire Water – No objection as the drainage of the site has previously been approved under references 10/01719/OUT and 13/05022/REM

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

Drainage Services – No objection subject to the imposition of a condition relating to the disposal of foul water drainage

Environmental Health Land Contamination – No objection, seek conditions relating to the carrying out of further site investigations and, where appropriate, a remediation strategy

Environmental Health Nuisance – No comments to make

Conservation – No objection in principle to the development but would seek improvements to the detailing of the plot nearest the access



Highways DC (Non-transport Assessment) – No objection in principle but concerns about the level of parking, in particular the sizes of the garages

**Summary of Main Issues:**

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

**Appraisal:**

The application relates to the construction of a residential development scheme comprising 27 units. The site is accessed directly off Ashwell Road. There is a mix of dwelling types including semi-detached and detached and heights including 2, 2 ½ and 3 storeys. Whilst the application makes reference to the 2 previous permissions these have, in the opinion of the Local Planning Authority lapsed, and the proposal is assessed as a new development but the previous permissions are a material consideration.

1. Principle of development

The site was formerly allocated as a Phase 2 Housing Site within the Replacement Unitary Development Plan, site reference BW/H2.11) and was granted outline planning permission for a residential scheme under reference 10/01719/OUT on the 7<sup>th</sup> December 2010 with subsequent Reserved Matters approval under reference 13/05022/REM on the 3<sup>rd</sup> July 2014. These permissions were, in the view of the Local Planning Authority, never legally implemented.

As such the principle of residential development on the site has been established despite the above permissions having lapsed.

2. Visual amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials.

The site is located in a predominantly residential area where there are a mix of house types including older traditional stone built terraces through to semi-detached dwellings and large detached dwellings set in good sized curtilages. There is also a mix of materials in the area.

The layout of the development is such that there is a single proposed dwelling close to the site access with the remainder running along the southern boundary of the site. All the dwellings are served from the single access road. There are proposed to be 2 pairs of semi-detached dwellings and 6 detached dwellings. Four different house types will make up the development and comprise 2½ and 3 storey dwellings with ridge heights of between 9.0-9.6 metres. The designs are relatively basic but are considered to fit in with the surroundings. It is proposed to use York stone and render on the elevations and natural slate on the roofs which are again considered to be acceptable and blend in with the environment.

Overall it is considered that the proposal is generally in keeping with the surrounding locality and due to it being a relatively self-enclosed site will not be visually detrimental to the overall character and appearance of the locality.

### 3. Residential amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should not harm the amenity of prospective or existing users and residents.

The site is bounded to the east by residential development fronting onto Ashwell Road. Adjacent to the main body of the site is 53 Ashwell Road whose gable end face onto the site at separation distances of 6 metres. The layout of the development is such that the nearest dwelling (plot 2) is 14 metres from the joint boundary and therefore 20 metres from the nearest dwelling. This distance is considered acceptable and will not have a detrimental impact on the residential amenities of the occupiers of either the existing or proposed dwellings.

A dwelling (45 Ashwell Drive) is located adjacent to the access road in the south eastern corner of the site but due to the siting of plot 1, it being set back from Ashwell Road, and the existing hedging along the joint boundary, it is not considered that the proposal would significantly impact on the residential amenities of the occupiers of that property.

Ashwell Farm House is located to the north of the access road and has a separation distance of 16 metres from plot 1. Due to the orientation of the proposed and existing dwellings there will be no direct overlooking of either property and as such the impact on the residential amenities of the occupiers of both dwellings will not be adversely affected.

### 4. Highway safety

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

Vehicular access to the site will be taken from Ashwell Road with the point of access and the route of the access road internally within the site being exactly the same as per the previous approval.

The Highways Department have not raised an objection to the principle of the development but have raised concerns regarding the level of parking. Each dwelling has an integral garage and a front curtilage in excess of 6½ metres in depth and 7 metres wide which can satisfactorily accommodate a parking space. As such each dwelling will have a minimum of 2 spaces and this satisfies the policy requirement.

Overall therefore it is not considered that the proposal will be detrimental to highway safety.

#### 5. Drainage

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

In relation to the discharge of foul water it is proposed to connect to the mains sewer whilst in relation to the discharge of surface water it is proposed to use soakaways. No objections have been raised to this subject to the imposition of appropriate conditions.

#### 6. Conservation Issues

Policy BH7 of the RUDP states that development which would affect the setting of a Conservation Area will be expected to be of the highest standards of design and should preserve or enhance the character or appearance of the Conservation Area whilst policy BH4A seeks to protect the settings of Listed Buildings.

The site is neither located within a Conservation Area nor in the immediate vicinity of a listed buildings. However running along the eastern edge of the northern section of Ashwell Road is the boundary of the Heaton Estates Conservation Area. The main body of the application site will neither be visible from the Conservation Area nor seen in conjunction with it. The only dwelling that may have some relationship with the Conservation Area is plot 1 located near the access from Ashwell Road.

The Conservation Officer has stated that the detailing of this dwelling is simple but lacks visual interest and could appear quite bland within the context of the high quality dwellings in the surrounding conservation area environment. It is suggested that greater consideration is given to this dwelling to ensure that the design quality is of adequately high standard and that the building makes a positive contribution to the setting of the character conservation area. The use of natural materials and appropriate window/door materials should ensure that it is of an adequate standard to not be detrimental to the setting of the Conservation Area.

The Conservation Officer has also suggested that conditions are attached requiring samples of all facing, roofing and surfacing materials are submitted for approval, details of boundary treatments are sought, fenestration is recessed into the reveals by a minimum of 100mm to give depth and visual interest to the elevations and rainwater goods are finished in a dark colour. In line with these comments appropriate conditions are recommended.

## 7. Recreation open space

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

Within the site there is no provision for either formal or informal recreation open space. As such the Parks and Greenspaces Service have requested the payment of a commuted sum of £14,048 that will be used towards the provision or enhancement of existing recreation open space and playing fields in the locality 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 Lister Park. The Applicant has accepted this level of contribution and the money will be secured via a Section 106 Legal Agreement.

## 8. Trees

Policy NE4 of the RUDP seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

There are a number of trees located on the boundaries of the site with the bulk being located on the boundaries with the adjacent school. These will run adjacent to the proposed access and to the rear of the bulk of the proposed dwellings. A Tree Preservation Order exists on trees on the adjoining land which may be affected by the development. As such it is important that adequate protection of these trees is incorporated within the development during the construction phase. An appropriate condition is therefore recommended in relation to the submission of a root protection plan.

## 9. Affordable housing

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

The number of units proposed as part of this application is below that for which an element of affordable housing provision can be sought (15 units).

## 10. Education

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

The primary schools which are readily accessible from the development include Heaton St Barnabas, Heaton, St Cuthbert & the First Martyr, Lister and Margaret McMillan. Based on data available as at July 2016 despite recent expansion current capacity in the primary schools is being exceeded in some year groups and allowing for the desire to operate at 95% occupancy to allow for population changes this is being exceeded in nearly all year groups. Overall these schools are overcrowded now and future forecasts show an increasing pupil population. The financial contribution sought that would be used towards enhancing the education infrastructure at this level would be £21,485.

The secondary schools which are reasonably accessible from the development are 11-18 schools are St Bede's & St Joseph's and Oasis Academy Lister Park. Based on data available as at July 2016 and the current capacity in there are no places in any of the year groups particularly when allowing for the desire to operate at 95% occupancy to allow for population changes as shown in the table below. Please note however that there have been changes at St Bede's & St Joseph's Catholic School who have reduced their admission number and alterations are being undertaken at both school sites making their school sites fit for purpose and which reduces their capacity. The financial contribution sought that would be used towards enhancing the education infrastructure at this level would be £27,752.

The total contribution will be £49,237 with the money being proposed to be spent at Heaton Primary School and Parkside Secondary School. The Applicant has accepted this level of contribution and the money will be secured through a Section 106 Legal Agreement.

#### 11. Secured by Design

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

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised concerns regarding specific aspects of it. These are addressed below.

Perimeter treatments: As the majority of crimes occur to the rear of the property where surveillance is minimal protecting the rear boundary is essential. Whilst foliage does provide a more natural feel to a development, it can wither away in the winter months or an intruder can easily cut back foliage at ground level to gain entry so it's preferable to use a more permanent/solid material. As a guideline rear boundary treatments should be to a height of 1800mm, ideally of a permanent structure such as stone/brick walls or closed boarded timber fencing with plot dividers to a minimum height of 1500mm with an 1800mm high privacy panel adjacent to the rear doorway, this will provide more security to the rear of the gardens – *An appropriate condition is recommended that will require details of the proposed boundary treatments to the dwellings and the comments of the WYPALO will be considered in ensuring the correct type of fencing is installed to ensure a safe and secure development.*

External Lighting: It is recommended that each plot should have external lighting installed to illuminate the front and rear entrance/ exit areas – *this is outside planning controls and will be upto either the developer or individual household as to whether or not such lighting is installed.*

Physical Security: There are no overall issues with the designs of the dwellings, however it is recommended that they are constructed to Secured by Design standards – *this is outside planning controls and it will be upto the developer as to whether or not the dwellings are constructed to such standards.*

## 12. Contaminated land

The Environmental Protection Team have not objected to the principle of the development but state that there will be a requirement for further site investigations to be undertaken in the form of a Phase II Site Investigation Report. If a site investigation is not undertaken and the potential for contamination dealt with appropriately at this stage, then the future residents are likely to encounter problems with obtaining 'pass' certificates from environmental search organisations during the conveyancing process. Appropriate conditions are therefore recommended in relation to the carrying out of further site investigations and dependent on the findings of such investigations there may be a requirement to submit a Remediation Statement outlining how the contamination will be dealt with.

## 13. Other issues

There are a number of other issues raised during the publicity period that have not been assessed in the above sections of the report. These are considered below:

*The proposal will ruin the allotments as the (waist high) garden boundary will overlook and be overlooked by, house and gardens* – The layout of the development is identical to that of the previously approved scheme and simply relates to amended house types. The allotments were previously overlooked by the dwellings and nothing has changed as part of this current proposal. Allotments are not considered to be private spaces and no loss of amenity will occur through the overlooking of them.

*The proposal will make the allotments into an enclosed box which will remove the joy of being there and the experience of closeness to nature, the weather and the glorious views across Bradford and Shipley* – The layout of the development is identical to that of the previously approved scheme and simply relates to amended house types. The proposed dwellings are not moving any closer to the existing allotments and this relationship was considered acceptable when assessing the previous scheme. Allotments are not considered to be private spaces and no loss of amenity will occur through the overlooking of them.

*There is also the possibility of incursion, theft or damage by occupants of the new houses* – At present the allotments abut onto an area of land that does not have any natural surveillance and could provide an easy access route into the allotments for any antisocial behaviour or criminal damage. By having a residential development on the site it will provide natural surveillance of the allotments and will most likely result in a decreased likelihood of criminal activity taking place.

*The conditions of the original planning application have not been met* – the previous planning permissions have expired and therefore there are no conditions to be satisfied.

*Not enough room for the bore holes* – any bore holes to be dug to meet the requirements of any planning conditions will be done so prior to any building work taking place so there will be sufficient room for them.

*Overloading of local amenities such as public transport, schools & medical* – the issue of the schools being full will be partially satisfied through the securing of a financial contribution towards improving the education infrastructure. With regard to overloading medical facilities, these facilities are often based on the level of demand in that if the level of demand increases then it is likely that level of service will increase through expanded facilities. Unfortunately this is outside the control of the planning system and no contributions can be secured towards their improvement.

*No evidence of areas for waste bins* – bin storage will be within the curtilages of each individual dwelling.

What, if any, are the plans for further development as this is only the first phase – the site is clearly of a size where more dwellings can be accommodated and indeed there are more dwellings shown on the submitted plan. This application relates only to the construction of 10 dwellings and it is entirely upto the owner of the site as and when, if at all, further applications are submitted for the remainder of the site.

*Land is unstable* – there is no evidence submitted to show that the land is unstable.

*There's no stated timeline for the 3 phases of building, so the inconvenience of noise, dust and building machinery using the roads will be over an extended period of time* – As with all developments there will be an element of noise and dust generated as it is impossible to control it all. However, a condition is recommended that restricts the hours of construction such that it tries to minimise the impact on the residential amenities of the occupiers of any neighbouring dwellings.

**Community Safety Implications:**

There are no other community safety implications other than those referred to in this report.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission**

The scheme provides a residential scheme on a formerly allocated Housing Site. The proposal is considered to be acceptable and presents no concerns with regard to residential amenity and highway safety and therefore subject to the imposition of appropriate conditions and a Section 106 Legal Agreement securing contributions towards education and recreation infrastructure enhancement, satisfies the requirements of policies UDP1, UDP3, UR2, UR3, UR6, H7, H8, H9, TM2, TM12,

TM19A, D1, D4, D5, OS5, NE4, NE5, NE6, CF2, CF6, NR15B, and, NR16 together with the relevant paragraphs contained within the National Planning Policy Framework.

**Conditions of Approval:**

1. Time limit

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. Details of new junction

Prior to any development commencing on site, a detailed scheme for the proposed new junction of the estate road with Ashwell Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, surface finishes and treatment of junction/forward sight lines together with an Independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety and to accord with policies TM2 and TM19A of the Councils adopted Replacement Unitary Development Plan.

3. Means of access

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

4. Visibility splays

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.

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

5. Off street car parking

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. Construction Plan

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

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan

## 7. Preventive measures: mud on highway

The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

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

## 8. Section 278 Agreement

Before any development work starts on site, full details for the works associated with any Section 278 Agreement shall be submitted to and approved in writing by the Local Planning Authority. The plans so approved as well as appropriate timescales for the delivery of these highway improvements shall be implemented in accordance to the specification of the LHA.

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

9. Electric Vehicle Charging Points

Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All Electric Vehicle Charging Points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack / travel planning advice.

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

10. Gates not to open over highway

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

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

11. Construction hours

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

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

12. Materials

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.

13. Site Investigation

Prior to development commencing the proportionate Phase 2 site investigation and risk assessment must be completed. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

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

14. Remediation strategy

Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

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

15. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

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

16. Unexpected contamination

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

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

17. Materials importation

A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

18. Boundary treatment

Notwithstanding the details submitted, the development shall not begin on site until a plan showing the positions, design and materials of boundary treatments has been

submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the development first being brought into use and shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with Policy D1 of the Replacement Unitary Development Plan.

19. Root protection plan

The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

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

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

20. Window frame inset

The works shall not begin until details showing the window frames inset from the face of the wall by a minimum of 100mm have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

Reason: In the interests of the character and visual amenity of the area and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

21. Rainwater goods

All gutters, down pipes and other external plumbing shall be in black finish and so retained thereafter.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

22. Retention of garages

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the garages shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of a private dwelling house) which would preclude the use for the housing of a private motor vehicle.

Reason: To secure a satisfactory standard of on-site parking provision in accordance with the Council's policies and in the interests of highway safety and to accord with policies TM2 and TM12 of the Replacement Unitary Development Plan.

23. Separate systems of foul/surface water

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

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

24. Provision of sewer easement

Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to ensure compliance with policy UR3 of the Replacement Unitary Development Plan.

25. Surface water drainage

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

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

26. Surface Water Drainage Maintenance and Management

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

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

27. Foul water drainage

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

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