

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 4 September 2014

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Subject:

A full application for the construction of 267 dwellings and integral public open space with associated access, parking and landscaping at Land at Simpsons Green, Apperley Road, Apperley Bridge, Bradford

Summary statement:

The development of this safeguarded development site with residential development in the manner proposed is considered an appropriate development of the site that gives the opportunity to provide a sustainable pattern of development at the edge of the existing urban area. Moreover, the development creates a well designed proposal which identifies a landscape/design led scheme which focuses development appropriately to ensure that the distinct landscape areas within the site and qualities and character of the adjoining locality are maintained. The effect of the proposal on the Site of Local Nature conservation (SEGI), the Leeds – Liverpool Canal Conservation Area, the biodiversity of the site itself, the surrounding locality and the adjacent neighbouring residential properties has been assessed and is considered acceptable. The provision of a principal access to the site in the manner and location proposed is appropriate whilst mitigation measures will encourage public transport usage and more sustainable modes of travel. In addition, the proposed emergency access measures now proposed are considered acceptable and will not create any adverse or severe consequent effect on highway safety and the movement of road/pedestrian users.

Continued



Overall, it is considered that the provision of a residential scheme as proposed on the challenging topography on the site, the structure of the new landscape, the proposed vehicular and pedestrian accesses takes into account the constraints of the site and builds upon the opportunities of the site. As such, it is considered development in the manner proposed is in conformity with the core principles outlined within the National Planning Policy Framework (paragraphs 17, 32, 47, 49, 50, 56, 57, 58, 61, 69, 118, 128, 129, 137, 197)) and Replacement Unitary Development Plan policies UDP1, UDP3, UDP7, UR3, UR6, H7, H8, H9, TM1, TM2, TM8, TM12, TM19A, D1, D2, D4, D5, D6, D7A, BH4A, BH7, BH9, BH10, BH11, BH12, BH19, BH20, CF2, OS5, NE3, NE3A, NE4, NE5, NE9, NE10, NE11, NE12, NE13, NR16 and NR17A

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

1. SUMMARY

Full planning permission is sought for the construction of 267 dwellings and integral public open space with associated access, parking and landscaping at Land at Simpsons Green, Apperley Road, Apperley Bridge, Bradford

Permission is recommended to be granted for the scheme subject to restrictive conditions and a S106/S278 legal agreement to deliver the following:

- Greengate junction and/or affordable housing contribution – the sum of £1,926,006 towards the Green Gate Junction Works (**option A**) and/or the provision of 15% affordable housing (1, 2 and 3 bedroom units) on the site at a discount of 35% discount on Open Market Value (**option B**). Mix to be provided as: 5 x 1 beds, 13x 2 beds and 22 x 3 beds. See explanation text in the technical report attached.
- Provision of recreation sum for playing fields of £21,000 to be used for improvements of the existing playing pitches in the nearby locality
- Provision of recreation equipment on the site in the on-site area to be provided for public open space. To be maintained in perpetuity by the management company responsible for the open spaces on the site (referred to below). Detail of the type and location of the equipment subject to approval of the Local Planning Authority.
- Provision of education contribution of £462,054 towards primary facilities and a sum of £596,786. Towards secondary facilities. Total amount to be paid £1,058,840 to be paid in four equal instalments at the following triggers: 25% on the occupation of the 50th unit, second instalment on the occupation of the 100th unit, third instalment on occupation of 150 units with the remainder paid on the occupation of the 200th unit.
- A management plan agreement for the management of all communal areas on the site which shall include long term design objectives, management responsibilities and maintenance schedules for all the areas in addition to including biodiversity enhancements). These POS area to be provided prior to occupation of the 50th unit and to remain open and free from any built form in perpetuity.
- Contribution of £134,000 to be used on transport infrastructure improvements and/or initiatives to support modal shift in the locality such as upgrades to the Bridleway and public rights of way network. £20,000 of these monies to be put towards the upgrading of bus stops 17179 and 17178
- A contribution of £15,000 to fund a mid/post development assessment and consultation exercise and any highway improvements seen necessary on Apperley Road and neighbouring roads, with consideration given to a road closure/one way system and residents permit parking scheme.
- A contribution of £5,000 to fund a Residents Permit Parking Scheme if identified as necessary by the mid/post development assessment and consultation exercise - scheme to be agreed with the Council.

- Provision of highway works under a Section **278 Agreement** including:
- Greengate Junction Works to the contribution sums of £1,926,006 (see above bullet point – this is an either or option or even part junction works contribution and part affordable housing contribution). Note: this is a mechanism for delivering the total developers required contribution to the Harrogate Road/New Line WY+ Transport Fund Scheme. This Fund scheme is estimated to be at a total capital cost of £5.3m but the required developer contribution is approximately 2 million hence the suggested contribution in option A.
- Traffic Regulation Orders (TRO) and speed hump order – double yellow line waiting restrictions are required to protect visibility splays at the junction and existing speed humps on Apperley Road need to be relocated – contribution amount £14,000
- Provision of Emergency Access along with the provision of a shared pedestrian/cycle link to and from the site to Leeds Road.

Overall, it is considered that the provision of a residential scheme as proposed with the proposed vehicular and pedestrian accesses takes into account the constraints of the site and builds upon the opportunities of the site.

2. BACKGROUND

The site is allocated as safeguarded land for development (reference BN/UR5.5 in the Bradford North Constituency Volume of the Replacement Unitary Development Plan. The technical report attached as appendix 1 explains in detail the current situation with regard to housing allocations in the District

3. FINANCIAL AND RESOURCE APPRAISAL

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

4. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications

5. 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.

6. OTHER IMPLICATIONS

6.1 EQUAL RIGHTS

None

6.2 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.

6.3 SUSTAINABILITY IMPLICATIONS

It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. Good design ensures attractive usable, durable and adaptable places and is also key element in achieving sustainable development. The proposal has been designed to effectively take into account the constraints of the site and utilise the topography of the site. The submitted scheme shows that the site can deliver a suitable site layout and design/massing of the buildings to provide for a sense of place within the proposed housing development at the site whilst also respecting the adjoining conservation area. Sustainable methods of drainage from the site are also to be fully explored as part of the proposal.

6.4 GREENHOUSE GAS EMISSIONS IMPACTS

No issues raised other than those identified in the appended technical report.

6.5 COMMUNITY SAFETY IMPLICATIONS

No undue matters raised. The design has focused on creating appropriately links throughout the site which are well integrated into the scheme.

6.6 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.

6.7 TRADE UNION

None.

7. NOT FOR PUBLICATION DOCUMENTS

None.

8. RECOMMENDATIONS

That planning permission is granted subject to the conditions and section 106/278 legal agreement set out in the report attached as appendix 1.

9. APPENDICES

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

10. BACKGROUND DOCUMENTS

National Planning Policy Framework

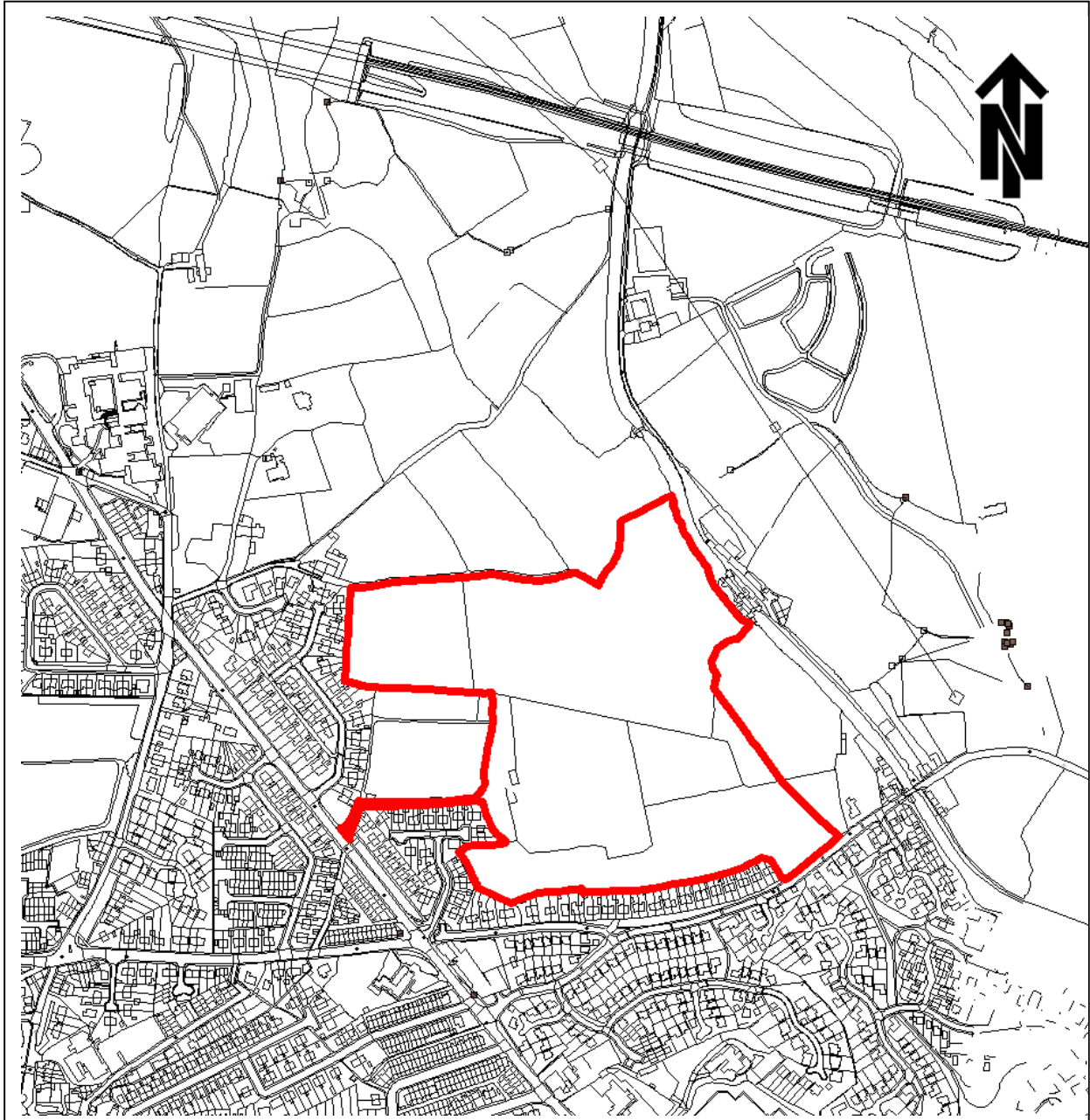
The Replacement Unitary Development Plan

Publication Draft of the Core Strategy

Regulatory & Appeals Committee

14/00255/MAF

4 September 2014



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**LOCATION:
Land At Simpsons Green
Apperley Road
Apperley Bridge
Bradford**

4 September 2014

Ward: IDLE & THACKLEY

**Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A S106
LEGAL AGREEMENT**

Application Number:

14/00255/MAF

Type of Application/Proposal and Address:

A full application for the construction of 267 dwellings, integral public open space with associated access, parking and landscaping on Land at Simpsons Green, Apperley Bridge, Bradford

An application with two petitions against it.

Applicant:

Miller Homes

Agent:

Darryl Williams, DDC

Site Description:

An 11.7 hectare Greenfield site located in Apperley Bridge to the west of the Leeds-Liverpool Conservation Area. Residential development exists to the west and south of the site along with allotments abutting the western boundary of site. To the east lies the Leeds and Liverpool Canal which is a conservation area which runs through the District and listed buildings and the listed Dobson staircase locks exist on the far side of the towpath. A small slither of the application site actually falls within the conservation area. To the north of the safeguarded land lies designed green belt land.

The site is identified as a safeguarded site (BN/UR.5) within the Replacement Unitary Development Plan: Proposals for the Bradford North Constituency. Part of the safeguarded allocation is outside the red line boundary of this application.

The site is undulating pasture land enclosed by various dry stone walls. Bradford North Public Bridleway 84 abuts the northern boundary of the site, and this route is also known as Mitchell Lane. The site itself slopes down from Leeds Road towards the Canal to the north. At present there is no built development evident on the site.

Relevant Site History:

There is no recent planning history for the development of this site.

Replacement Unitary Development Plan (RUDP):

Allocation

Within the Proposals for the Bradford North Constituency Volume of the Replacement Unitary Development Plan the site is identified as being part of an allocated safeguarded site under policy UR5 (reference BN/5.5). A small slither of the site along its eastern boundary is located within the Leeds-Liverpool Conservation Area.

The following policies are relevant:-

Proposals and Policies

UDP1 – Promoting sustainable patterns of development
UDP2 – Restraining development
UDP3 – Quality of built and natural environment
UDP7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The local impact of development
UR5 – Safeguarded Lane
UR6 - Planning Obligations and conditions
H7 – Housing Density – Expectation
H8 – Housing Density – Efficient Use of Land
TM1 - Transport Assessment
TM2 – Impact of traffic and its mitigation
TM12 – Parking standards for residential developments
TM19A – Traffic management and road safety
BH4A – Setting of listed buildings
BH10 - Open space within or adjacent to Conservation Areas
BH20 – The Leeds-Liverpool Canal
D1 – General design considerations
D2 – Energy Efficiency and Sustainable Design
D4 – Community safety
D5 - Landscaping
D6 - Meeting the needs of pedestrians
OS5 – Provision of recreation open space and playing fields in new development
NE3 – Landscape Character Areas
NE3A – Landscape Character Areas
NE4- Trees and Woodlands
NE5 - Retention of Trees on Development Sites
NE6 - Protection of Trees during development
NE10 - Protection of Natural features and Species
NE11 - Ecological Appraisals
NR16 - Surface Water Run Off and sustainable Drainage Systems
NR17A – Water Courses and Water bodies

BMDC – Supplementary Planning Guidance

Landscape Character
Planning Obligations
Planning for Crime Prevention

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

N/A

Publicity and Number of Representations:

Site notices were displayed at the site, advertisements were placed in the local paper and individual neighbourhood notifications were also carried out with regard to the original submission details. Following the submission of amended plans/details further neighbourhood notifications have been carried out with the statutory period for comments being the 29th July 2014. In total 287 representations have been received arguing against the development along with several petitions against the development. The first petition with 233 signatures was to the original plans and an additional petition with over 100 signatures has subsequently been submitted. One letter of support has been received. It should be noted that all comments made are written within this report in no particular order of importance.

Any additional representations which may be received after the publication of this report will be reported orally at the Committee.

Statement of Community Involvement

Members should also be aware that community consultation exercises were undertaken by the applicants and their agents on 18th July 2013 (at Greengates Primary School).

Summary of Representations Received:

- No to new housing development at this site
- Loss of Green space
- Insufficient school places
- Planning permission should be refused for reason of highway safety, highway capacity,
- There will be increased traffic congestion

- Object on pedestrian safety
- Failure to improve the road network across the canal causing major problems with delays
- There is pressure on already oversubscribed local schools
- Adverse impacts on surrounding area and housing.
- Removal of valuable farmland and green space
- Concerns over housing design, parking spaces, the provision of affordable housing
- Impact on the listed buildings
- Impact on the Conservation Area
- Impact on the quality of life, health and amenity of the existing residents
- Planning permission for this application should be refused on highway grounds.
- Loss of important green space
- Current drainage is not sufficient and cannot cope
- The local highway network cannot cope with extra traffic
- The problems of traffic will cause pollution
- Local schools are already oversubscribed
- Overlooking of the adjoining properties
- Loss of farmland
- The listed buildings will be compromised
- The design of the flats is unacceptable.
- The development will cause harm to the attractive landscape and visual character of the area
- Lack of facilities to go with any new development
- Would have a major impact on local wildlife and the landscape
- Every efforts should be made to build on previously developed land
- The special character of the Grade 2 listed buildings adjacent will be lost
- Flooding problems created
- Traffic is already at capacity
- Objections raised to the revised emergency access track – the proposal for the use of the track for pedestrians and cyclists at all times is neither safe nor suitable
- Fire engines attending a fire at the allotments in 2011 failed to gain access to the allotments and had to park on Leeds Road and pipe water down the track
- Watercourse which leads towards the proposed site has not been weight tested and provides a safety hazard to heavy vehicles.
- There are no proposals for crossing the road on exiting the emergency vehicle access – will lead to many more people crossing unsafely at this accident black spot.
- The traffic assessment omits accident data from it
- The bridge of the Canal is totally inadequate for the level of traffic that will result from this development
- Traffic is already at a standstill due to congestion
- English heritage state that the apartments on the site have limited architectural valued in this setting and have a seriously detrimental impact on the setting of the listed buildings and the conservation area
- Should there be any public benefit to this plan then it cannot in any way outweigh the harm being done to the character of the landscape and the conservation area

- It is proposed to build what looks like a set of public toilets protruding in to the skyline which dominate the landscape.
- The proposals to close the swing bridge is madness
- Its nonsense to suggest the improvement to Greengates will address the problem of the additional traffic.
- Obvious that the allocation of this land was both misguided and ill-informed.
- Medical facilities are stretched to their limits, the highway is inadequate and the schools overpopulated.
- Would destroy the peace and tranquillity of the open space which is enjoyed by residents.
- Using a power wheelchair to local shops is already extremely challenging and increase in the volume of traffic would only make this even more perilous.

Summary of Representations Received which includes the petition details:

Support comments

- Objections to this development will not change the fact that the land is part of the UDP and will be built upon
- This is not a high density development
- Traffic in the whole area is a problem and requires a clear, progressive, open minded and radical action plan
- The upgrading of Mitchell Lane will enhance amenity in the part of Bradford Children are likely to use Mitchell Lane which can provide a more sustainable route to Idle, Thackley and Shipley as well as local schools, medical facilities and bus routes

Consultations:

Local Development Framework Policy Section –No comments made. Policy principles and density issues are reflected in the appraisal section of this report.

Highways (Development Control) Section - Overall, it is considered that adequate and safe access can be achieved to the site, and the level of traffic likely to be generated by the development can be safely accommodated within the surrounding highway network with the upgrading of the New Line/Harrogate junction. The justification for this statement is given in the following paragraphs.

The application is accompanied by a Transport Assessment (TA) and a Travel Plan (TP) to address the traffic and transport implications of the site. Further plan details and a technical note have also been received.

The 'Vehicle Tracking' drawing demonstrates that land within the red line boundary set aside for the Emergency Vehicle Access would successfully allow access to a fire engine entering from Leeds Road and exiting into the site itself.

Concerns have previously been raised by the Councils Rights of Way team with regard to the requirement for a bridle link from Mitchell Lane to Apperley Road. A link has now been indicated on plan which is generally satisfactory and full comments are being made by the Councils Rights of Way team.

All previous highway concerns have now been alleviated and therefore I have no highway objection to raise about the proposed development.

The Councils Traffic team have received a number of concerns from residents regarding 'rat running' traffic using Apperley Road to avoid the current traffic congestion at the Greengates junction and these concerns have again been expressed by a high number of objectors to this development. Therefore the applicant has agreed to fund a mid/post development assessment and consultation exercise as part of the New Line/Harrogate Road junction improvement scheme and any necessary highway improvements highlighted as a result of the assessment. Highway improvements to be considered will include a point closure, one way system and residents permit parking scheme. The initial assessment will be likely to cost in the region of £15,000. Should a residents permit parking scheme be seen necessary, the applicant would also be required to fund this, likely to cost in the region of £5,000.

Section 106 contributions are required on several matters which are all summarised within the body of this report (appraisal section) and as part of the overall recommendation for the proposal.

Rights of Way - Bradford North Public Bridleway 84 abuts the site (this route is also known as Mitchell Lane). This bridleway forms part of a route that runs from Leeds Road via Mitchell Lane, over the canal and river and then through land controlled by Yorkshire Water at Esholt. Although the bridleway is shown on Rights of Way records it is not currently available for use in its entirety due to a number of long term obstructions. These obstructions include the lack of a bridge over the canal, status disputes with Canal Rivers Trust (formally British Waterways), a pedestrian suspension bridge over the river (no provision being made for horse riders) and access issues on Yorkshire Water land. From the Councils point of view costs to fully reinstate this route have been prohibitive due to the range of issues above and a requirement for at least two bridle bridges.

While it is acknowledged that there are significant issues to deal with on the existing bridleway the developer is requested to commit funding to provide a new bridge over the canal subject to the formal agreement with the Canal Rivers Trust. In addition the applicant is also requested to improve the section of bridleway abutting the site. Providing this route, would in the short term be beneficial to pedestrians and cyclists from this development, Leeds Road and a number of Schools in the area. In the longer term this would provide the Council the opportunity to pursue the reinstatement of the rest of the route or to look at alternative routes i.e. via the canal towpath or via Council owned land at Bottoms Farm. Reinstating the route will also improve access links as part of the Leeds/Bradford/ShIPLEY canal towpath improvements.

Rights of Ways Section request that the developer improves the route known as Mitchell Lane and commits funding for a bridge over the canal (subject to the Canal Rivers Trust agreement). In addition we would also request a dedicated bridle route via the development site (to connect Mitchell Lane and Apperley Lane).

The bridge over the canal is most likely to be as a swing bridge to replace the one that was removed a number of years ago. If such a bridge is seen as being restrictive to canal users

and bridle users alike (i.e. would need to be open/closed as required), an alternative would be that access could be made available at Dobson Lock with the provision of two smaller bridges

It is also noted on the plans that the access to the west of the site is noted as an emergency access to the site and it is presumed like with other developments in the district that the access will at least be available for pedestrians and cyclists. Such an access may also be suitable for bridle access]

Urban Design – The application has been assessed having regard to the following:

- Replacement Unitary Development Plan (RUDP) policies UDP3, UR2, TM8, D1, D2, D5, D6 and D7.
- National Planning Policy Framework (NPPF) paragraphs 57, 58, 60, 61, 62, 64 and 69.
- Comments by the Yorkshire Design Review Panel
- Building for Life 12 – the national standard for the design of new housing

The site is allocated as Safeguarded Land site K/UR5.4 in the RUDP. Part of the allocation to the east of the application site itself is outside the red line boundary.

The scheme has evolved through two design reviews at pre-application stage. It is considered that this has led to a number of improvements and the overall design approach is supported. There are a number of positive aspects such as nodal points throughout the design, the public open space leading down the Canal and adjoining the listed structures, and the definition of the streets by the buildings. More detailed comments follow in the appraisal section of the report.

Trees – The site at the moment is open fields with a significant tree population mostly along the field boundaries. The site is uneven and slopes towards the edge of Leeds and Liverpool Canal.

A tree survey has been submitted showing the species, location and condition of all the trees on site. Although BS5837 2012 is referenced throughout the report, the criterion used to assess the trees appears to be that of its 2005 predecessor. From this information the site layout plan has shown all the trees which have been categorised as “C” or “R” to be removed, regardless of their impact on the development. According to the schedule of trees provided there are no “R” category trees on the site yet according to the plan Ash trees T20 and T21 have both been marked as such. Both these trees are of significant amenity value to the area.

No tree constraints plan has been submitted and although the plans show the retention of higher quality trees they appear to be very close to proposed units with no root protection area or protective fencing being shown. If the plans were to be implemented as shown there would be very few trees remaining on the site in the long term which would be of detriment to the character of the area.

There appears to be a significant amount of engineering works proposed to be carried out in close proximity to the retained trees which is likely to cause irreparable damage to the trees and lead to their early decline, causing problems to the occupants of the houses they are close to. The trees team does not support the application as it is contrary to policies D1, D5, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

National Grid – No objections.

West Yorkshire Archaeological Advisory Service – No apparent significant archaeological implications.

Canal and Riverside Trust (CART) – Original comments - After initial consideration unable to make a substantive response as unable to determine the visual impact on the canal, the conservation area and the listed lock structures and buildings. Recommend that some view analysis is provided including photomontages of the development when viewed from key points along the canal corridor.

Revised comments on the submission of further visual evidence – comments awaited and will be reported orally.

English Heritage - Initially responded by letter of 7 March 2014, outlining our concerns regarding the impact of the proposal on the Leeds Liverpool Canal Conservation Area and associated group of Grade II listed buildings. The amended plans do not appear to address this detrimental impact, and in fact the photomontages provided serve to underline our concerns. Our position therefore remains unaltered and we are unable to support the application as it stands.

Recommend the scheme be refused or amended to omit or redesign the four storey apartment blocks to reduce the harmful impact on the surrounding designated heritage assets, as required by paragraph 129 of the *National Planning Policy Framework*.

Heritage Section - The eastern edge of the site is in part formed by the Leeds – Liverpool Canal, however a significant portion of the eastern edge of the site is separated from the canal by land in other ownership. The site topography generally falls to the east, towards the canal. There are no heritage assets within the site, however several are located adjacent or in proximity. These include the listed Dobson Lock, and the canal offices, workshops and cottages to the east of the canal here, listed late Georgian houses at 287 and 289 Apperley Road, and other listed dwellings and a former barn clustered to the east of the swing bridge at Apperley Road. The canal itself and the buildings historically connected to its operation are designated a conservation area. The areas of open landscape which the canal passes through and adjacent to provide a tangible connection to the historic rural setting of the canal. The canal has a historic relationship with rural areas in providing transport for lime for use in agriculture. The landscaped areas also have obvious positive visual relationships to the heritage asset.

Concern was expressed over the form, appearance and impact of the proposed apartment block. This has undergone some changes, but the effect of these can only be described as minor. A useful street scene of the whole frontage of the block has now been provided.

The photomontages are only from 1 viewpoint, when the impact could be better understood with photomontages prepared from a number of viewpoints along the canal corridor. The block occupies the same footprint as in the initial submission, and is to the same height and form. The elevations now have some projecting bays to the ground and first floors of the 4 storey elevation, with a variation in the disposition of window openings. However, in my opinion, the reduction in windows to the corner aspect has resulted in a reduction in aesthetic quality, with large expanses of masonry and high level cladding. The unduly urban appearance previously referenced, remains prevalent.

The presence of the block and its impact in relation to the open space and the conservation area is unchanged by these minor amendments from the original submission. Although the full impact from varied viewpoints remains indeterminate, it can only be concluded that the proposed structure would still appear excessively urban for the context, unduly prominent and discordant in relation to the retained open space which is primarily intended to maintain the setting of the heritage asset.

Attention should be drawn, as in the initial English Heritage consultation response, to the requirements of planning statute, set out in Para.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance' of conservation areas in determining planning applications. This duty is reiterated in the NPPF at Para.137 which states:

'Local planning authorities should look for opportunities for new development within conservation areas... and within the setting of heritage assets to enhance or better reveal their significance.' I do not consider that the submitted or amended scheme adequately achieves these objectives and hence I am unable to conclude that the NPPF or policies BH4A, BH7 or D1 are satisfied.

In relation to other concerns previously expressed, I am still unable to find information on the boundary treatment to the rear of plots 3-8, which address the canal. What is also now clear is the very poor elevational treatment of these 3 storey elevations, which will be visible from the heritage asset. The 5 elevations will read as one due to their close spacing, and the effect of inconsistent window sizes, generally small apertures in relation to wall surface, and random illogical Juliet balconies will be wholly discordant with local distinctiveness.

In conclusion the amendments have not addressed previous concerns, and I am unable to support the proposals, which I consider will fail to maintain or enhance the setting of the listed buildings and the conservation area. The comments supplied by English Heritage remain applicable.

Police Architectural Liaison Officer – From looking at the design the site is appears very permeable with no defensible space. Whilst it is commended that there is only one entrance way in and out of the site, there are several of the streets which have a various access routes which permit any potential offender to travel around the area and commit crime. If various streets were made into a cul-de-sac this would restrict access to either one or two ways of entry which makes the site more secure by allowing residents to be

more assertive and take more ownership of the area which produces more stable and sustainable communities.

The proposed emergency access and pedestrian walkway link needs to be removed from the design layout. Footpaths links leading from one area to another can be a very damaging feature to a development as they permit and legitimise the presence of strangers and offenders throughout the site, the connection changes the whole nature of the development from basically private into largely public space. Footpaths provide 'potential offenders' with the unrestricted and an unchallengeable opportunity to enter the area, thereby allowing them to familiarise themselves with it, search, offend and escape. Footpaths are great advantages for potential offenders within any area, which can be enhanced, or by design removed in the development layout.

The children's play area located to the East of the development, appears to be overlooked by neighbouring houses which is acceptable in respect of the age range it is designed for, I do however have concerns that local youths may use this area to congregate and cause anti-social behaviour (ASB) on an evening especially as seating is being provided. I would advise on removing the seating areas which should deter youths from gathering and look to include external lighting to cover this area, acceptable standards are to BS 5489:2013, this should provide more natural surveillance over the site.

There is a large area of public open space (POS) overlooking the canal, it has not been demonstrated how this area will be utilised or managed. My concern is that youths can congregate in this area to cause ASB or as the lighter nights approach, the Police receive numerous telephone calls for nuisance youths riding quad bikes on "open land" which causes more ASB problems for residents.

Environmental Protection (Air Quality) – Recommend conditions on these matters which should to be attached to any permission granted.

Environmental Protection (Contamination) – No comments in principle – suggested condition to be attached to any permission granted.

Minerals and Waste – It is noted that the north-east corner of the site contains some features associated with old gravel pit workings in this area; there are no other apparent minerals or waste legacy issues relevant to the proposed development. The applicant has submitted a Tier 2 Geo-Environmental Report in support of the application which does not flag up any significant contamination problems other than an isolated hotspot of arsenic and lead contamination around the farm building area. Appropriate conditions should be imposed to ensure that the identified remediation/ mitigation is implemented and verified.

It is noted that the site is steeply sloping and that numerous large retaining structures are proposed to allow the site to be developed in a series of stepped development terraces. Although drawing 425/51/SK11 F provides details of the location and height ranges of the retaining structures further documentation providing details of the design of these structures, the cut/ fill balance of the proposed levels design or the proportion of excavation arisings which will be re-used within the development scheme is required. Recommend that information setting out the cut fill balance and the magnitude of any consequent requirements for fill material to be brought to the site or excavation arisings to

be removed from the site, is sought prior to determination of the application to enable a full understanding of the impacts of the proposed development works. The following condition should be imposed to ensure that full site levels details are approved before development works commence:

Environment Agency – Have removed the original objection to the proposed scheme following supplementary information being submitted regarding the foul drainage. As such there are no objections in principle but recommend a condition regarding run off rates are attached to any permission granted. (Members should note that this condition is attached as suggested condition 6 below)

Drainage Section – No objections subject to conditions regarding: details of the proposed means of disposal of both foul and surface water and investigation of the site in order to determine the extent of the land drainage network and Land Drainage consent is granted by the local authority.

Yorkshire Water – no objections in principle subject to conditions attached to any permission granted.

Sports and Leisure Section - require a contribution of £208,769 for the provision of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development.

Education Services - We have assessed the situation in this area and can advise that we would need to request a contribution towards primary educational provision as all schools serving this area are now full.

For Primary Schools the formula calculation is: **£462,054**
For secondary schools the formula calculation is: **£596,786**
Total section 106 request for education purposes = **£1,058,840**

Housing Development and Enabling Section - The affordable housing requirement is 15% of the number of units on the site. There is a need for 2 and 3 bed houses to be sold to a Registered Provider at a discount of 35% on open market value.

Metro – The TA provides a comprehensive appraisal of the public transport accessibility of the site and highlights a number of bus services that are within the ‘vicinity’ of the development. The main public transport corridor past the site is Leeds Road where there is a combined bus service frequency of 4 buses per hour offering connections to Bradford, Keighley, Shipley and Leeds. Further afield on Harrogate Road are additional bus services but these are well outside the 400m catchment.

The site is within 2km of the proposed new rail station at Dapperly Bridge. The proposed station site is located off Apperley Lane (A658). The station is programmed to be operational by summer 2015. We encourage that this new station facility to be utilised by this development. Whilst the distance to the station may be out of range to access by foot, it is within range for cycle access. Cycle storage facilities will be provided at the station. Cycling to the station should therefore be encouraged at the new development.

On balance, it is considered that the public transport accessibility is adequate for a site of this size and location. Particularly when the rail station at Apperley Bridge opens, there are a number of sustainable travel options from this site. The closest bus stops located on Leeds Road should be upgraded as part of this development to include bus shelters. The narrow footpath width will likely mean that only narrow cantilever shelters will have to be provided which cannot accommodate real time information displays. A total cost of £20,000 would be required for the shelters at stops 17179 and 17178.

In terms of travel planning measures to encourage the use of sustainable modes, as with other Miller Homes applications in West Yorkshire, the travel plan includes a 'Travel Voucher' scheme as an alternative to Metro Cards.

In addition the developer should provide Electric Vehicle Charing points at the site. Within the government's strategy for ultra-low emission vehicles in the UK, installing electric vehicle charging points in new homes is a part of the strategy to introduce the necessary infrastructure to enable the use of electric vehicles. The Combined Authority is working with district partners on introducing similar charging points across West Yorkshire. We suggest this development should require to install electric vehicle charging points in each of the dwellings in this site.

The site will have an impact on the New Line junction. The Combined Authority and district partners, through the West Yorkshire Transport Fund+, has identified and prioritised improvements to the New Line junction as a and are developing a scheme with the council to improve the capacity at this junction. The analysis of the junction in table 7.3 of the TA has demonstrated the existing capacity issues at this junction and highlighted how this development will exacerbate the problem. As committed to in the TA, the council should seek contributions from this development towards this scheme to mitigate the impacts of the development.

Summary of Main Issues:

- Principle of development
- Sustainability
- Density
- Design/landscape impacts
- Heritage Impacts
- Highway Safety
- Pedestrian/rights of way linkages
- Impacts on the amenities of the nearby properties
- Other impacts: - biodiversity, contamination, flooding/drainage, air quality
- Use of planning conditions/S106 & 278 legal agreements
- Comments on representations made
- Community Safety

Appraisal:

1. Planning permission is sought for the construction of 267 dwellings by introducing a development of mixed housing types in a well conceived scheme which utilises the topography of the site by building small enclaves of housing in different character areas. A substantial parcel of land adjacent to the Leeds Liverpool Canal is to be provided as public

open space on the site. The principle access to the development is via Apperley Road and an emergency link is to be provided to Leeds Road from the western edge of the site to the south of the existing allotment plots.

Principle

2. This is a Greenfield site which was allocated as Safeguarded Land in the Replacement Unitary Development Plan (RUDP). The principle of housing development of this site is considered acceptable providing it conforms to the requirements of the National Planning Policy Framework. The justification for this statement is set out in full below.

3. Since the adoption of the RUDP in 2005 there have been a number of changes to national and regional planning policy and the Council has also set out its strategic priorities with regards to regeneration and housing in the Big Plan and the District Housing Strategy. The sum total of these changes are to underline and increase the importance of delivering housing development on allocated (or former allocated) and safeguarded RUDP housing sites in support of the district's growing population.

4. The most 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.

5. Local Planning Authorities (LPAs) are now responsible for setting their own housing requirement. However, this must be based on robust evidence including household and population projections, which take into account migration and demographic change. In assessing the housing needs in their area over the plan period, the NPPF states LPAs should identify the scale and mix of housing that meets household and population projections, taking account of migration and demographic change (pages 12-13, section 6).

6. This site was identified and allocated in the RUDP 2005 to meet future development needs thought likely to arise for the plan period and beyond. This equated to an annual house building target of 1390 dwellings per annum. The scale of need for new housing is now thought to be significantly higher than that which led to the allocation of this site in 2005.

7. 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 judged against their housing requirement. Moreover 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 i.e. over and above the basic 5 year requirement by 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 in recent years which amounts to a back log of over 5000 units since 2008/9. Bradford will therefore be required to identify the additional 20% of deliverable land in order to meet the requirements of NPPF paragraph 47. It is also clear that unless sites such as this at Simpsons Green are successfully implemented and brought to the market this under supply will not only remain unmet but will 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. Completions for the year 2011/12 are at a similar level to the previous 2 monitoring years adding further to the cumulative undersupply as already indicated above.

8. Although the detailed wording has changed in the NPPF as compared to the previous Planning Policy Statement 3 it is clear that there are still 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 the 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 on this site therefore not only remains but has been strengthened as a result of the application of the policies of the NPPF.

9. Overall, the proposed residential use of the site is acceptable in principle. An extensive and robust statutory process has previously allocated this site for development in future. Furthermore, 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 NPPF: 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 at this site 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

10. 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.

11. Essentially, the key principles of this document are that are that good quality, carefully sited accessible development within existing towns 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.

12. It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. 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 (good bus routes and a new railway station is proposed at Apperley Bridge); and, that the proposal represents a sustainable form of development which would comply with Policy UDP1 of the RUDP.

13. Good design also ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. It is considered that this proposed residential development could successfully integrate into the existing built form. Transport solutions can be proposed which encourage low carbon travel (travel plan) and a drainage strategy will ensure that sustainable drainage measures are being pursued as far as practically possible.

Density/affordable housing

14. Policies H7 and H8 of the RUDP seek to ensure that the best and most efficient use is made of any development site. As such there is a requirement to achieve a minimum density of 30 dwelling per hectare on 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

15. The total site area for this site is identified as 11.7 hectares. The proposed density (including the area set aside for the open spaces) is 23 dwellings per hectare however excluding the area set aside for open spaces it will be 27 dwellings per hectare. It is considered that there are very special site specific factors such as the necessity to preserve the setting of the listed buildings by the provision of areas of open space around that part of the site, the steep undulating topography of the site and provision of a well conceived design to minimise the impact of development as far as possible on this site and which works with the contours of the land, which mean that a density of just below 30 dwellings per hectare can be justified as an exception to policy H7.

Housing Mix

16. This is a site which can accommodate the proposed 267 houses; therefore the mix of housing on the site should achieve a mix of households as well as a mix of tenure and price. It is recognised and supported that the applicant has proposed that 15% of the units will be affordable (if this is the option chosen by Members with regard to the S106 legal agreement). This provision is in line with the most recent evidence put forward in the Publication draft of the Core strategy and will help ensure that a mix of tenure and range of prices will be provided on site. That is one of the reasons why apartments are proposed on part of the site to ensure that a suitable mix of 1 and 2 bedrooled apartments are also provided in addition to houses.

17. Overall, in principle, the proposed residential use of the site is acceptable. provision of between 267 dwellings on this site in the manner proposed.

Design principles/landscape impacts

18. The application has been assessed having regard to the following:

- Replacement Unitary Development Plan (RUDP) policies UDP3, UR2, TM8, D1, D2, D5, D6 and D7
- National Planning Policy Framework (NPPF) paragraphs 57, 58, 60, 61, 62, 64 and 69
- Comments by the Yorkshire Design Review Panel dated 30 August 2013 and 5 November 2013.
- Building for Life 12 – the national standard for the design of new housing
- Planning Practice Guidance and the Manual for Streets

This site forms a large part of an area of 'Safeguarded Land' allocated in the RUDP. It is a large Greenfield site which presents a number of challenges and opportunities, notably its sloping topography and its canal side/edge of countryside location. The scheme has evolved through two design reviews and it is considered that it has made a number of positive improvements which makes it feel more of a place that takes advantage of the features of the site and the overall design approach as fully detailed within this application is supported.

19. It is considered that the design approach is based on a number of positive aspects such as key nodal points, the public open space adjacent to the listed structures along with canal, footpath links and the definition of the streets by the buildings. Overall it is consistent with the design policies in the National Planning Policy Framework and the RUDP

20. In response to concerns raised to the original scheme detail some of the rear elevations of the houses which would be highly visible on the hillside have been provided with more appropriate detailing. At key nodal points in the layout more variety in the materials with stone, brick and render to differentiate these areas from other parts of the scheme have been proposed.

21. A street scene and photomontages have been provided of the apartment block. It is considered that there is a need for a positive form of development in this location to address the large area of open space above the canal and to define the new edge of the settlement. It is considered that the building proposed has some merit in this respect and has large areas of glazing and balconies to take advantage of views over the valley. The co-ordination of the materials and fenestration provides visual interest and it will provide an attractive environment at ground floor level with doors opening up onto patios overlooking the pathway. The staggered building line helps to break up the mass of the building. The quality of the materials will be key with a mix of coursed and ashlar stone, zinc and timber being proposed.

22. Further, the applicant is proposing to upgrade the pedestrian link to Leeds Road as far as they are able (taking into account land ownership matters with the Canal and Riverside Trust). This includes new surfacing, plating and lighting subject to highways approval) and re-orientating plot 187 to provide better sightlines and overlooking of the route.

23. In conclusion, the application is supported in design terms. It responds well to the existing features of the site and its context to create a scheme which integrates well with its surroundings in terms of the setting of the listed buildings, landscape, and pedestrian movement and built form. The scheme proposes areas which are structured around a network of streets which are linked together by a permeable framework of routes and focal areas in the form of nodal points are also provided.

Heritage Impacts

24. The eastern edge of the site is in part formed by the Leeds – Liverpool Canal, however a significant portion of the eastern edge of the site is separated from the canal by land in other ownership. The site topography generally falls to the east, towards the canal. There are no heritage assets within the site, however several are located adjacent or in proximity. These include the listed Dobson Lock, and the canal offices, workshops and cottages to the east of the canal here, listed late Georgian houses at 287 and 289 Apperley Road, and other listed dwellings and a former barn clustered to the east of the swing bridge at Apperley Road. The canal itself and the buildings historically connected to its operation are designated a conservation area. The areas of open landscape which the canal passes through and adjacent to provide a tangible connection to the historic rural setting of the canal. The canal has a historic relationship with rural areas in providing transport for lime for use in agriculture. The landscaped areas also have obvious positive visual relationships to the heritage asset.

25. Much of the proposed development will not be visible from the canal and it is considered that the distancing of the development from the canal is welcomed as retaining some of the open setting, and providing amenity space benefiting both the development and the canal.

26. Both English Heritage and the Councils conservation officer have raised concerns regarding the detailed design of the apartment block advising that although the full impact from varied viewpoints remains indeterminate, it can only be concluded that the proposed structure would still appear excessively urban for the context, unduly prominent and discordant in relation to the retained open space which is primarily intended to maintain the setting of the heritage asset.

27. At paragraph 137 of the National Planning Policy Framework it states that 'Local planning authorities should look for opportunities for new development within conservation areas... and within the setting of heritage assets to enhance or better reveal their significance' and conservation officers have concluded that the amended scheme does not adequately achieve these objectives. However, as described above, the proposed apartment scheme, a feature which was positively endorsed as an appropriate design feature for the site by the Yorkshire Design Review Panel, is set back a considerable distance from the Canal edge and the conservation area. Indeed the setting of the Canal is preserved in part by the significant amount of public open space which will create an open buffer between the built form and the heritage assets.

28. Overall, in general terms but with regard to heritage matters it is considered that the proposed development would make a significant contribution to the supply of housing land, which is of particular relevance given the identification of this locality as an area where an appropriate amount of housing development is to be delivered in the emerging Core Strategy. Further, paragraph 49 of the NPPF explains that policies for the supply of housing should not be considered up to date in the absence of a five year supply of deliverable housing sites, which is the situation in Bradford. Consequently the test in paragraph 14 of the Framework applies. The adverse impact on certain heritage assets does not amount to substantial harm and having regard to the policy in paragraphs 134 and 135 of the NPPF, it is considered that the benefits attributable to the development would outweigh that harm.

Highway Safety

29. This is a full application and as such means of access to the site is to be considered on this scheme. The detailed consultation comments from the highway officers have been set out earlier in this report. Details of the proposed S106/278 works in terms of highways details are fully explained later in the report. Essentially, there is no highway objection in principle to this proposed development

30. A comprehensive Transport Assessment (TA) and Travel Plan have been submitted as part of the application. Following an examination of the TA highway engineers agree with the conclusion that the proposed development of 267 dwellings on this site can be accommodated on the surrounding highway network without raising any undue highway safety concerns assuming that the highway improvements suggested as part of this development are delivered.

31. Basically the highway evidence for the application establishes that there would be an impact on the New Line/Harrogate Road junction, between Apperley Bridge and Eccleshill. This junction is acknowledged as creating a 'bottleneck' between Bradford and Leeds. An

improvement scheme is currently being designed by the Council, to alleviate congestion currently associated with the junction.

32. As part of the WY+ Transport Fund Bradford have been successful in securing agreement for the funding of a scheme to carry out very significant improvements to the Harrogate/New Line road junction as this would open up opportunities as a key link between Bradford and the Leeds/Bradford Airport and could lead to increased opportunities for economic growth and business investment. The Harrogate Road/New Line junction has been identified as a suitable scheme for inclusion as one of the first schemes to be funded under the terms of the West Yorkshire Plus Transport Fund. (The scheme forms part of a £1bn fund which is being established to deliver a programme of transport interventions to support economic growth with the districts of Bradford, Kirklees, Leeds, Calderdale, Wakefield and York. The programme is collectively known as the West Yorkshire Plus Transport Fund.)

33. The works are costed at around £7m and the scheme would be delivered under the terms of the WY+ Transport Fund Scheme. In order to receive this funding for the improvement scheme, c. £2m of the cost is expected to be provided by the private sector. As there a number of current housing applications being considered which have implications for the junction, it's expected that the private sector funding would come from one of these housing developers.

34. The WY+ Transport Fund Scheme programme for the junction improvements is for construction works to be completed by 2017, with the developer contribution being delivered in 2016/17. On this basis, only current applications related to the junction can be considered for a developer contribution. (The WY+ Transport Fund Scheme contribution is conditional on the delivery of the scheme by 2017). There are a number of proposed housing developments in the area, another one being on this agenda. There are 3 current relevant housing planning applications (this application at Simpsons Green; Land at Cote Farm, Leeds Road, Thackley (13/04148/MAF) which is elsewhere on this agenda and Land at Fagley Quarry (14/00208/MAO) – the latter site being the subject of a planning application but not yet ready for consideration by the Committee. There is a further site to the north of the Harrogate Road/New Line junction (land to the north of Carbottom Road/Harrogate Road) which is allocated for part Safeguarded Land and part Employment land in the Replacement Unitary Development Plan. This land has not been the subject of a planning application but given the current position concerning the availability of housing land in the district and given the indications that there is at least a start in the upturn in the house building economy in Bradford it is considered reasonable to assume that this land could be the subject of a planning application in the relatively near future. All four sites detailed here are considered to be in a position whereby the traffic generated by new development would place a strain on the Harrogate Road/New line junction justifying a requirement to carry out significant improvements to increase capacity.

35. On the issue of the Harrogate Road/New Line junction improvement scheme in order to ensure the monies are successfully delivered to meet the funding deadlines it is considered that rather than each developer providing a pro rata Section 106 contribution, a different approach is taken. The approach being promoted is that the first housing developer to commence development makes the full developer contribution of £2m,

towards the junction improvements. It is acknowledged that the contributions can be paid on a stage payment basis over the period of the construction of the highway improvement scheme to assist the developer's cash flow objectives but with a deadline for payment of final instalments to coincide with the completion of the junction improvement works. The exact details of stage payments including timing of such payments would be set out in the S106 Agreement.

36. This mechanism for dealing with the planning obligation would then allow certainty that the WY+ Transport Fund Scheme highway junction works could proceed and prevents reliance on other schemes (which may not have planning consent, may not have any certainty of being implemented or may be developed beyond the time period to secure the funding for the WY+ Transport Fund Scheme). Where it is calculated that the S106 contributions, including the highway improvement scheme exceed £2m, the remaining balance would be payable by the developer towards affordable housing; education recreation open space/playing fields and public transport infrastructure improvements. The specific details of the Section 106 contribution are included in the Planning Obligations section below.

37. However, it should be noted that mechanism of dealing with the planning obligations, whilst reducing certain planning obligations, would ensure the delivery of a strategic highway scheme, to the benefit of both the local area and the district. Furthermore the approach that the "first developer pays all" (in relation to the Harrogate/New Line road junction improvement works) would in fact allow subsequent developers to pay S106 contributions towards infrastructure provision (affordable housing, education and recreation for example) without the need to contribute to the junction works.

38. Members are advised that if the monies for this junction improvement scheme are not delivered within the prescribed timeframe, then the opportunity to improve the Harrogate Road/New Line junction with a scheme that includes significant traffic growth could be lost as the funding package offered as part of the WY+ Transport Fund Scheme is time limited. In the case of this application the developers have confirmed that they would be prepared to make the funding payment and would be prepared to enter into the S106 obligations to secure the funding for the developer contribution.

39. The WY+ Transport Fund Scheme programme for the junction improvements is for construction by 2017, with the developer contribution being delivered by 2016. On this basis, only current applications related to the junction can be considered for a developer contribution. (The Government contribution is conditional on the delivery of the scheme by 2017). There are a number of proposed housing developments in the area, another one being on this agenda. However, in order to ensure the monies are successfully delivered to meet the funding deadline (in 2016) it is considered that rather than each developer providing a pro rata Section 106 contribution, a different approach is taken. The approach being promoted is that the first housing developer to commence development makes the full developer contribution of £2m, towards the junction improvements. This would then allow certainty that the WY+ Transport Fund Scheme highway junction works could proceed and prevents reliance on other schemes (which may not have planning consent, may not have any certainty of being implemented or may be developed beyond the time period to secure the funding for the WY+ Transport Fund Scheme). Where it is calculated

that the S106 contributions, including the highway improvement scheme exceed £2m, the remaining balance would be payable by the developer towards affordable housing; education recreation open space/playing fields and public transport infrastructure improvements. The specific details/options of the Section 106 contribution are included in the Planning obligation/contribution section below.

40. However, it should be noted that mechanism of dealing with the planning obligations, whilst reducing certain planning obligations, would ensure the delivery of a strategic highway scheme, to the benefit of both the local area and the District. Furthermore the approach that the “first developer pays all” (in relation to the Harrogate/new line road junction improvement works would in fact allow subsequent developers to pay S106 contributions towards infrastructure provision (affordable housing, educational and recreation for example) because they would not need to divert contributions into the junction improvement scheme as would be the case if each developer made an individual pro-quota payment. Members are advised that if the monies for this junction improvement scheme are not delivered within the prescribed timeframe, then the opportunity to improve the junction with a scheme that includes significant traffic growth could be lost.

41. Overall, it is considered that the provision of highway access in the manner proposed is satisfactory and will not comprise highway and pedestrian safety but will accord with established highway standards and policies TM2 and TM19A of the RUDP. Further, as noted above, one of benefits of the proposal is the improvement of the New Line/Harrogate Road junction. This would result in reducing traffic congestion in the Thackley and wider area and allow for continued local investment.

42. The Travel Plan promotes the integration of travel modes to improve the accessibility of the site by means other than the single person occupied car, to ensure that the travel plan framework meets the needs of the residents and employees, to make people aware of the benefits to be derived from the travel plan, to minimise the level of vehicular traffic generated by the development and to enable the development to protect and enhance the environment as far as practically possible. It is considered that the provision of a travel plan will ensure that the development of this site in the manner proposed encourages, as far as practically possible, sustainable practices in this location in accordance with the National Planning Policy Framework. A condition regarding the implementation of a travel plan for this development which incorporates matters raised with regard to the Low emissions Strategy of the Council (Air Quality) is suggested on any permission granted.

Pedestrian/bridleway Linkages

43. Public Bridleway No. 84 runs abuts the site (known as Mitchell Lane) and forms part of a route across the Canal. The Rights of Way section welcomed the amended plans and the commitment a by the developer to fund sustainable transport links (outside by nearby the site). The commitment that a bridleway route has been retained through the site and green space is also welcomed as it will provide an off road link avoiding the need to use sections of Leeds and Apperley Roads. It is also considered that pedestrians would find the new route and use of Mitchell Lane as being a convenient way of getting to the northwest of the site.

44. Finally it is considered that the use of the proposed emergency access route for pedestrian, cycle (and possible horse use) helps to ensure sustainable links are provided to and from the exiting community. Overall, the proposals to provide funding for sustainable transport links is in accord with established local plan policy and ensures this scheme promotes a range of sustainable measures as required in the National Planning Policy Framework.

Effects on the surrounding locality

45. The development is proposed at the edge of the setting of the urban setting of Apperley Bridge. In principle, development of the site for the housing as proposed is acceptable and the site has been safeguarded for development since 2005. It is considered that there are no undue adverse impacts which would arise out of the grant of planning permission on this site in the manner proposed. Heritage impacts have been considered and discussed above and it is considered that overall a suitable assessment of the general urban design impacts has been made by this comprehensive development. Indeed, suitable linkages to the existing community are provided along with suggested enhancements to local rights of way. The provision of a large equipped recreational space on the site is a welcome feature to benefit the whole community.

Effects on the adjoining residential properties

46. Residential properties are sited to west and south of the application site. It is considered that no undue loss of amenities would be created on any of the surrounding residential properties. Detailed design matters including spatial standards have been fully considered the impact of the proposed development. As such, it is considered that the proposal, as currently shown in its outline form, complies with policy UR3 of the Replacement Unitary Development Plan.

Other Impacts - Biodiversity

47. Whilst Policy NE10 of the RUDP states that wildlife habitats accommodating protected species will be protected by the use of Planning conditions/obligations it is clear from the supporting text and Policy NE11 that an ecological appraisal should be submitted with a planning application so that the Local Planning Authority can 'assess the potential impact of the proposed development prior to the consideration of granting planning permission.'

48. A Phase 1 habitat and Protected Species survey has been submitted as part of this application. Mitigation to avoid adverse effects on the Leeds and Liverpool Canal has been incorporated in the proposed development layout through the proposed soft landscaping buffer; as such the development is not considered to present any adverse impact on the Canal. The survey recommends a series of mitigation measures with regard to breeding birds and protected species - bats, badgers, otters and white clawed crayfish - and a condition is recommended to ensure that these measures form an integral part of the scheme as it goes forward.

Other Impacts - Contamination Issues

49 A phase 2 ground investigation report has been submitted with the application which provides a remediation strategy. It recommends that final verification of the site will need to be undertaken and a condition will be required regarding unexpected contamination at the site. As such, conditions regarding the implementation of the remediation scheme and

final verification are recommended to be attached to any permission granted to ensure that the site is 'fit for purpose'. Conditions regarding unexpected contamination should also be attached to any permission granted.

Other Impacts – Flooding/Drainage

50. The Environment Agency originally objected to the scheme because a suitable flood risk assessment was not provided. Subsequently the Environment Agency has withdrawn their outstanding objection following the submission of supplementary document to the original flood risk assessment. The Environment Agency has also specified a condition on surface water drainage which should be attached to any permission granted. It is considered the suggested conditions (numbers 4 and 5 below) will provide mitigation regarding flooding, by ensuring the satisfactory storage of/disposal of surface water from the site and comply with policies UR3 and NR16 of the Replacement Unitary Development Plan.

51. Yorkshire Water has also requested that conditions regarding drainage matters are also attached to any permission granted. The conditions regarding the built environment and its drainage can be seen at the end of this report as conditions 6 and 7.

Other Impacts – Air Quality

52. The proposed development constitutes a medium development for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013). Under the provisions of the LES planning guidance medium developments are required to provide Type 1 and 2 emission mitigation as detailed in the full consultation response from the air quality officers which is outlined in the earlier consultation section of this report. In short the provisions are:

- Provision of electric vehicles charging facilities at a rate of 1 charging point per house with dedicated parking
- Adherence to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
- A Travel Plan which includes mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.

As such conditions on Electric vehicle charging facilities, a construction environmental management plan and travel plan details are suggested to be attached to any permission granted – condition numbers 11, 12 and 13.

Use of planning conditions/Legal Agreements/278 agreements/Contributions

53. Development of housing of the scale proposed inevitably involves physical infrastructure works, management plans and social infrastructure works such as recreation provision, contributions towards education provision and affordable housing. 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 – affordable housing, recreational provision, transport/sustainability infrastructure and educational contributions.

54. There is a requirement to provide 15% for affordable housing on this site and this is offered in full by the provision of a mix of properties in accord with policy. The amount for affordable housing equates to £1,926,006 (see later text for options possibility for the Heads of Terms of any S106 legal agreement).

55. 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. Within the scheme itself there is a large area of public open space which is to be equipped and which provides a focal feature within the scheme and helps integrate the proposed housing into the landscape and adjoining conservation area. A contribution towards playing fields is also proposed to be spent in the nearby location to improve existing play areas or playing pitches - contribution amount is £21,000.

56. Further development contributions on this scheme also 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 should contribute to new and extended school facilities. The nearest schools at primary and secondary level are full and a contribution of £1,058,840 is required and has been offered in full.

57. A package of £134,000 has been offered by the developer to fund sustainable travel measures. Metro have required that the closest bus stops located on Leeds Road should be upgraded as part of this development to include bus shelters. This upgrading will be at a total cost of £20,000 to be required for the shelters at bus stops 17179 and 17178. The remainder to the monies can be utilised to upgrade surrounding rights of way/bridleway as requested by the Countryside/Rights of Way Section.

58. As discussed in the highway section of this report, there is a need to upgrade the existing Harrogate/New Line junction by the provision of a new junction. The West Yorkshire+ Transport Fund Scheme has been drafted on the basis of a developer contribution of approximately £2m (£2 million pounds) towards this upgraded junction. This may be revised (lower figure) but for the purposes of this paper the figure is recorded as £2m. It is acknowledged that there are at least 4 potential housing schemes locally that would have varying highway capacity impacts for the Harrogate Road/New Line junction but all schemes are deemed most likely to require capacity improvements to the road junction to allow a planning consent.

59. WY+ Transport Fund Scheme is estimated to be at a total capital cost of £5.3m but the required developer contribution is £2m. A "lesser capacity improvement scheme" for the Harrogate Road/New Line junction has previously been considered at a value of around £2m – this scheme could be deemed as the necessary scheme to allow any development that places a strain on the Harrogate Road / New Line junction to proceed but might not be sufficient to deal with the capacity increase for more than one site and would not improve existing position of this overcapacity junction. Hence the greater benefit scheme (£5.3m) is supported with a developer contribution of £2m, this being the contribution they would have to make under a non- WY+ Transport Fund Scheme -in any event.

60. The applicants have offered that the £1, 926, at which the affordable housing contribution is calculated out at can be put towards the new junction as the entire developer contribution towards the highway junction works. This is noted in this report as option A. There is considerable merit in this approach as it would allow the required highway monies to be provided by just one of the potential schemes and there would be greater certainty in the delivery of the monies towards the junction prior to the funding deadline of 2016.

61. Members should note that if they do not wish to pursue option A above (by moving the funding from affordable housing provision on this particular site and into the delivery of the junction), there are a number of other options which could be pursued. These could be that the development is required to provide an amount of affordable housing and monies are then moved from other suggested contributions above to ensure that the required amount of monies can be obtained to deliver the junction. Members could also compel other schemes to provide monies towards the delivery of the junction although it should be noted that the timescales are tight to ensure that the required amount of monies for the junction works are collected in an appropriate and timely manner.

62. As such, bearing in mind the above considerations it is considered that option A – that the affordable housing provision monies (calculated at £1, 926,006) should be provided towards the new junction arrangements at Harrogate Road/New Line. If those monies were not required for the junction upgrades they would be put back towards the provision of affordable housing on the site.

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

- Provision of 15% affordable housing (1, 2 and 3 bedroom units) on the site at a discount of 35% discount on Open Market Value. The calculated monies to deliver the affordable housing is £1,926,006 and it is considered that under option A these monies shall be provided in entirety towards the New Line/Harrogate junction.
- Payment of recreation sum of £21,000 to be used for the improvement of the existing playing pitches within the near locality
- Payment of education contribution of £1,058,840 towards primary and secondary facilities in this ward and the adjacent wards.
- Contribution of £134,000 to be used on transport infrastructure improvements and/or initiatives to support modal shift in the locality such as upgrades to the Bridleway and public rights of way network. £20,000 of these monies to be put towards the upgrading of bus stops 17179 and 17178
- Traffic Regulation Orders (TRO) and speed hump order – double yellow line waiting restrictions are required to protect visibility splays at the junction and existing speed humps on Apperley Road need to be relocated – contribution amount £14,000
- Provision of Emergency Access along with the provision of a shared pedestrian/cycle link to and from the site to Leeds Road.
- A contribution of £15,000 to fund a mid/post development assessment and consultation exercise and any highway improvements seen necessary on Apperley

Road and neighbouring roads, with consideration given to a road closure/one way system and residents permit parking scheme.

- A contribution of £5,000 to fund a Residents Permit Parking Scheme if identified as necessary by the mid/post development assessment and consultation exercise - scheme to be agreed with the Council
- To enter into a S278 highway works agreement to deliver highway improvements as specified

Comments on the letters of representation

64. There is substantial opposition to this development from the local community. The issues raised in the letters of representation and the petition received have in the main been covered within the relevant sections of the above report .e.g. the principle of development on this Greenfield site, highway safety details and the capacity of the road network, concerns about the impact of construction traffic, drainage issues, lack of school infrastructure in the area, heritage impacts and design issues.

65. It is clear from the letters of representation that one of the principal concerns of this scheme is the capacity of the road network and the poor junctions which are around this locality. It is however considered by the Councils highway engineers that the construction on the site of up to 267 dwellings is acceptable and will not compromise highway safety within the locality following improvements and mitigation measures being carried out.

66. It is also clear from the letters of representation that many residents do not consider that the development of this Greenfield site is acceptable. It should be noted that this site had been safeguarded within the RUDP for a considerable number of years for future development with the inspector into the RUDP stating that “ this is a site on the edge of the main urban area, bounded by development on two sides, by the Leeds Liverpool Canal and by an unmade track know as Mitchell Lane...in my opinion the most important views are from the canal and the road frontage, as any development would be seen as an extension to the existing built form from more distant viewpoints. Clearly developments would change the character of this section of Apperley Road from rural to urban, but there is already development along the whole of the south side of the road, west of the canal bridge and along much of the north side. I do not consider that the change in character would be unacceptable. The view from the canal is more sensitive since this is a conservation area ...the illustrative master plan for the site showed an area of informal open space alongside the canal, together with structure planting to screen the proposed housing. This would reduce the impact of any development on the conservation area to a level that I consider would be acceptable.” Furthermore, the RUDP Inspector considered “that this is land that could be considered for development at some time, but there are a number of disadvantages to this site....I have concluded that there is a need to remove a significant amount of land from Green Belt, and to safeguard it to accommodate development needs beyond the plan period, up to 2026. In my view this site would be suitable for development in the longer term, and the need to provide safeguarded land is an exceptional circumstances, which justifies removing the land from the Green Belt”.

Community Safety Implications:

The scheme is well designed with spaces and routes which are suitably overlooked. A management plan for all open space areas is to be provided as part of the scheme which will ensure that appropriate measures are in place to ensure that anti-social behaviour can be suitably managed. As such, overall, the proposal will accord with the spirit 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 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 it is considered that the above characteristics have been fully considered within the scheme.

It is acknowledge that a severely disabled person overlooks the proposed site on which the planning application has been made. Consideration has been given to the loss of peace and tranquillity, and view of this protected person. Further consideration has also been given to the increase in the volume of traffic which would make the young mans journey to local facilities more difficult.

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.

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

The development of this safeguarded development site with residential development in the manner proposed is considered an appropriate development of the site that gives the opportunity to provide a sustainable pattern of development at the edge of the existing urban area. Moreover, the development creates a well designed proposal which identifies a landscape/design led scheme which focuses development appropriately to ensure that the distinct landscape areas within the site and qualities and character of the adjoining locality are maintained. The effect of the proposal on the Site of Local Nature conservation (SEGI), the Leeds – Liverpool Canal Conservation Area, the biodiversity of the site itself, the surrounding locality and the adjacent neighbouring residential properties has been assessed and is considered acceptable. The provision of a principal access to the site in the manner and location proposed is appropriate whilst mitigation measures will encourage public transport usage and more sustainable modes of travel. In addition, the proposed emergency access measures now proposed are considered acceptable and will not create any adverse or severe consequent effect on highway safety and the movement of road/pedestrian users.

Overall, it is considered that the provision of a residential scheme as proposed on the challenging topography on the site, the structure of the new landscape, the proposed vehicular and pedestrian accesses takes into account the constraints of the site and builds upon the opportunities of the site. As such, it is considered development in the manner proposed is in conformity with the core principles outlined within the National Planning Policy Framework (paragraphs 17, 32, 47, 49, 50, 56, 57, 58, 61, 69, 118, 128, 129, 137, 197) and Replacement Unitary Development Plan policies UDP1, UDP3, UDP7, UR3, UR3, UR6, H7, H8, H9, TM1, TM2, TM8, TM12, TM19A, D1, D2, D4, D5, D6, D7A, BH4A, BH7, BH9, BH10, BH11, BH12, BH19, BH20, CF2, OS5, NE3, NE3A, NE4, NE5, NE9, NE10, NE11, NE12, NE13, NR16 and NR17A

Approval is recommended accordingly subject to a section S106/S278 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 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. The development hereby approved shall only be carried out in accordance with the approved plans listed below:

Location Plan - dwg: 100-002
Proposed Planning Layout - dwg: 100-001 Rev E
Street Scene – dwg: 100-600
Boundary Wall/fence detail – dwg: 100-010
Planting Strategy – dwg: 03
Play area – dwg: 04
Levels – dwg 425/51/SK11 Rev F
Drainage – dwg: 425/51/SK12 Rev A
House type – part 1 Rev A
House type – part 2 Rev A
House type – part 3 Rev A
Dwellings Addendum – Part 1
Dwellings Addendum – Part 2
Dwellings Addendum – Part 3
Access Track – dwg: 1462-05

Reason: For the avoidance of doubt.

3. No development shall take place until a phasing scheme for the erection of the dwellings has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the satisfactory overall development of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) 425/51r3 and supplementary flood risk assessment statement 425/5 along with the following mitigation measures:

A. Limiting the surface water run-off generated by the up to and including 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

B. An easement of 6 metres will be maintained between the culverted watercourse and the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to maintain management easement and protect properties from flood risk and to accord with the requirements of the National Planning Policy Framework, and policy NR16 of the Replacement Unitary Development Plan.

5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and to accord with policy NR16 of the Replacement Unitary Development Plan.

6. Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewers that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to accord with policy UR3 of the Replacement Unitary Development Plan

7. The development shall not be carried out except in complete accordance with the drainage details shown on the submitted plan, "drawing 425/51/SK12 A dated 21/12/2013 that has been prepared by ARP Associates", unless otherwise agreed in writing with the Local Planning Authority

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

8. Prior to the commencement of each phase of the residential development, details of all external wall and roofing materials to be used in that phase shall be submitted to and approved in writing by the Local Planning Authority. The residential development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

9. Before any phase of the development is brought into use, the proposed means of vehicular and pedestrian access for that phase shall be laid out, hard surfaced, sealed and drained within the site in accordance with drawing 0135-100-001 Rev E Rev I 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.

10. Prior to the commencement of any works on site, a scheme showing full details of the contractor's means of access, vehicle parking facilities, wheel wash facilities, loading/unloading areas for materials, 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 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

11. Prior to the occupation of the development, the i-Transport Travel Plan dated 2014 shall be implemented and thereafter be carried out and operated unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel options, minimise reliance on the private car, in the interests of environmental sustainability and reduction of traffic congestion, in the interests of highway and pedestrian safety and to accord with policies TM2, TM19A and UR3 of the Replacement Unitary Development Plan.

12. 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. Additional communal electric vehicle recharging points shall be provided at a rate of 1 per every 10 communal parking bays. The electrical

circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All EV charging points shall be clearly marked 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 future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (Paragraph 35).

13. Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and the National Planning Policy Framework.

14. A remediation verification report prepared in accordance with the approved remediation 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.

15. 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 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.

16. 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 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 ensure that requirements of policy UR3 of the Replacement Unitary Development Plan have been accorded with.

17. 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.

16. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

17. The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the 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 remains 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 protect trees for the duration of the development without written consent by the Local Planning Authority.

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

18. Prior to the commencement of development a level changes scheme shall be submitted to and approved in writing by the Local Planning Authority. The level changes scheme shall include:

- i) A plan and sectional drawings showing full details of proposed and existing ground levels throughout the site;
- ii) A calculation of the volume of fill material required to implement the proposed site levels;

- iii) A calculation of the volume of excavation arisings which will result from the implementation of the proposed site levels;
- iv) An assessment of the proportion of fill material which can be sourced from on-site excavation arisings;
- v) An assessment of the proportion of excavation arisings which can be dealt with through on-site reuse as fill/ construction/ landscaping material;
- vi) A calculation of the quantity of excavation arisings required to be removed for off-site disposal/ recycling;
- vii) A calculation of the quantity of fill material and soils required to be imported from off-site;
- viii) The type and quality specifications of the fill material and soils required to be imported from off-site;
- ix) The quality control protocols which will be put in place to ensure the off-site fill and soils meet the specifications;
- x) The number and type of HGVs required to transport fill and soils to the site and remove excavation arisings from the site;
- xi) A transportation strategy setting out the maximum daily HGV movements, anticipated haulage routes, access provisions and the hours during which transportation of fill material, soils and demolition and excavation waste will take place;
- xii) Details of the mitigation which will be put in place to minimise adverse environmental impacts associated with the implementation of the site groundworks and transportation of excavation waste/ fill material (i.e. dust, noise, vibration and the deposition of mud on the road). Thereafter the development shall only proceed in strict accordance with the approved level changes scheme.

Reason: To ensure that all available opportunities to minimise the volume of material required to be brought to or removed from the site are taken, that only suitable fill material and soils are used and that the implementation of level changes does not unacceptably harm amenity or road safety, in accordance with policies UDP9, TM2, TM19A and UR3 of the Replacement Unitary Development Plan.

19. No development shall take place until a Land Drainage consent is granted by the Local Authority.

Reason: Records indicate a watercourse crosses the site and the extent of the land drainage network within the existing site boundaries must be consented to ensure that no flooding will occur from the site and to accord with the requirements of the National Planning Policy Framework, and policy NR16 of the Replacement Unitary Development Plan.

20. Notwithstanding the landscaping details provided within the scheme, no development shall take place until a scheme and programme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include the size, species and spacing of planting, the areas to be grass covered, and the treatment of hard-surfaced areas. The scheme shall be carried out in accordance with the approved programme; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interests of visual amenity and to accord with Policies D1, UR3, UR5 of the Replacement Unitary Development Plan.

21. No development shall take place on each phase until an ecology management strategy and timetable has been submitted to and approved in writing by the local planning authority. The approved strategy and mitigation measures shall be implemented in accordance with the timetable for that phase.

Reason: To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site and to ensure the site is developed in accordance with the principles of the National Planning Policy Framework and policies UR3, NE9, NE10, NE11, NE12 and NE13 of the Replacement Unitary Development Plan.

22. 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: 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.

Heads of Terms of any Section 106 legal agreement/S278 highways works agreement

- Greengate junction and/or affordable housing contribution – the sum of £1,926,006 towards the Green Gate Junction Works (**option A**) and/or the provision of 15% affordable housing (1, 2 and 3 bedroom units) on the site at a discount of 35% discount on Open Market Value (**option B**). Mix to be provided as: 5 x 1 beds, 13x 2 beds and 22 x 3 beds. See explanation text in the technical report attached.
- Provision of recreation sum for playing fields of £21,000 to be used for improvements of the existing playing pitches in the nearby locality
- Provision of recreation equipment on the site in the on-site area to be provided for public open space. To be maintained in perpetuity by the management company responsible for the open spaces on the site (referred to below). Detail of the type and location of the equipment subject to approval of the Local Planning Authority.
- Provision of education contribution of £462,054 towards primary facilities and a sum of £596,786 towards secondary facilities. Total amount to be paid £1,058,840 to be paid in four equal instalments at the following triggers: 25% on the occupation of the 50th unit, second instalment on the occupation of the 100th unit, third instalment on occupation of 150 units with the remainder paid on the occupation of the 200th unit.

- A management plan agreement for the management of all communal areas on the site which shall include long term design objectives, management responsibilities and maintenance schedules for all the areas in addition to including biodiversity enhancements). These POS area to be provided prior to occupation of the 50th unit and to remain open and free from any built form in perpetuity.
 - Contribution of £134,000 to be used on transport infrastructure improvements and/or initiatives to support modal shift in the locality such as upgrades to the Bridleway and public rights of way network. £20,000 of these monies to be put towards the upgrading of bus stops 17179 and 17178
 - A contribution of £15,000 to fund a mid/post development assessment and consultation exercise and any highway improvements seen necessary on Apperley Road and neighbouring roads, with consideration given to a road closure/one way system and residents permit parking scheme.
 - A contribution of £5,000 to fund a Residents Permit Parking Scheme if identified as necessary by the mid/post development assessment and consultation exercise - scheme to be agreed with the Council.
 - Provision of highway works under a Section **278 Agreement** including:
 - Greengate Junction Works to the contribution ums of £1,926,006 (see above bullet point – this is an either or option or even part junction works contribution and part affordable housing contribution). Note: this is a mechanism for delivering the total developers required contribution to the Harrogate Road/New Line WY+ Transport Fund Scheme. This Fund scheme is estimated to be at a total capital cost of £5.3m but the required developer contribution is approximately 2 million hence the suggested contribution in option A.
 - Traffic Regulation Orders (TRO) and speed hump order – double yellow line waiting restrictions are required to protect visibility splays at the junction and existing speed humps on Apperley Road need to be relocated – contribution amount £14,000
 - Provision of Emergency Access along with the provision of a shared pedestrian/cycle link to and from the site to Leeds Road.
-