

## Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 12 January 2017 at 10.00 am in the Banqueting Hall - City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Brown	Warburton Abid Hussain Wainwright Watson	Griffiths

### Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis Miller	Azam S Hussain Lal Shabbir	R Ahmed

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0930 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

### From:

Parveen Akhtar

City Solicitor

Agenda Contact: Sheila Farnhill

Phone: 01274 432268

E-Mail: sheila.farnhill@bradford.gov.uk

### To:



## **A. PROCEDURAL ITEMS**

### **1. ALTERNATE MEMBERS (Standing Order 34)**

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### **2. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

*Notes:*

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. MINUTES**

**Recommended –**

**That the minutes of the meetings held on 4 August and 1 September 2016 be signed as a correct record.**

(Sheila Farnhill – 01274 432268)



#### 4. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

### **B. BUSINESS ITEMS**

#### 5. **MEMBERSHIP OF SUB-COMMITTEES**

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Sheila Farnhill – 01274 432268)

#### 6. **LAND TO THE WEST OF SANDHILL FOLD, BRADFORD**

1 - 18

The Assistant Director – Planning, Transportation and Highways will submit a report (**Document “AE”**) in respect of a Reserved Matters Application for layout, scale, appearance and landscaping associated with the construction of 60 dwellings and associated infrastructure on land to the west of Sandhill Fold, Bradford – 16/08403/MAR.

The report explains that the access was approved at the outline application stage (Planning Permission 14/01727/MAO).

The report also considers a request for a Deed of Variation in relation to the related Section 106 legal agreement to reduce the number of affordable dwellings to be provided on the site from 9 to 5. The report explains that a viability appraisal has been submitted in support of this request, the conclusions of which are accepted.



**Recommended –**

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.**
- (2) That the Assistant Director – Planning, Transportation and Highways (in consultation with the City Solicitor) be authorised to complete a Deed of Variation in respect of the Section 106 legal obligation associated with planning permission 14/01727/MAO, for the development of land at Sandhill Fold, Bradford, to reduce the number of on site affordable housing units from 9 to 5 whilst retaining all other obligations.**

(John Eyles – 01274 434380)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



## Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 12 January 2016

# AE

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### Subject:

This is a reserved matters application for the layout, scale, appearance and landscaping in connection with the erection of 60 dwellings and associated infrastructure pursuant to outline planning permission 14/01727/MAO on land west of Sandhill Fold, Bradford.

### Summary statement:

The application is a Reserved Matters application relating to layout, scale, appearance and landscaping. The access to the site has previously been approved at the outline stage and is taken from Sandhill Fold. The layout is such that the design of the dwellings is in keeping with those of the surrounding area and environmental improvements are proposed to the footpath that runs through the site to improve access to Idle Moor to the west. The application has been fully assessed against all relevant local and national planning policies and all public representations and consultation responses have been fully taken into consideration. The application is recommended for approval subject to conditions.

A Deed of Variation has been submitted in relation to the Section 106 Legal Agreement attached to the outline planning permission. The Deed of Variation seeks a reduction in the previously agreed heads of terms. A Viability Appraisal has been submitted to justify the reduction and assessed and the conclusions in relation to the revised offer concurred with.

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

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

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



## **1. SUMMARY**

This is a reserved matters application for the layout, scale, appearance and landscaping in connection with the erection of 60 dwellings and associated infrastructure pursuant to outline planning permission 14/01727/MAO on land west Of Sandhill Fold, Bradford.

## **2. BACKGROUND**

There is no relevant background to this application.

## **3. OTHER CONSIDERATIONS**

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

## **4. OPTIONS**

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

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

There are some financial implications associated with the development through the reduction in the level of contributions sought in the Deed of Variation. Any shortfall in the levels of contributions can be offset through monies gained through the New Homes Bonus.

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

No implications.

## **7. LEGAL APPRAISAL**

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

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

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

### **8.2 SUSTAINABILITY IMPLICATIONS**

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

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

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this

development against the previous use as a school. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

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

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

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

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

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

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

#### **8.6 TRADE UNION**

None.

#### **8.7 WARD IMPLICATIONS**

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

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

None.

#### **10. RECOMMENDATIONS**

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

#### **11. APPENDICES**

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

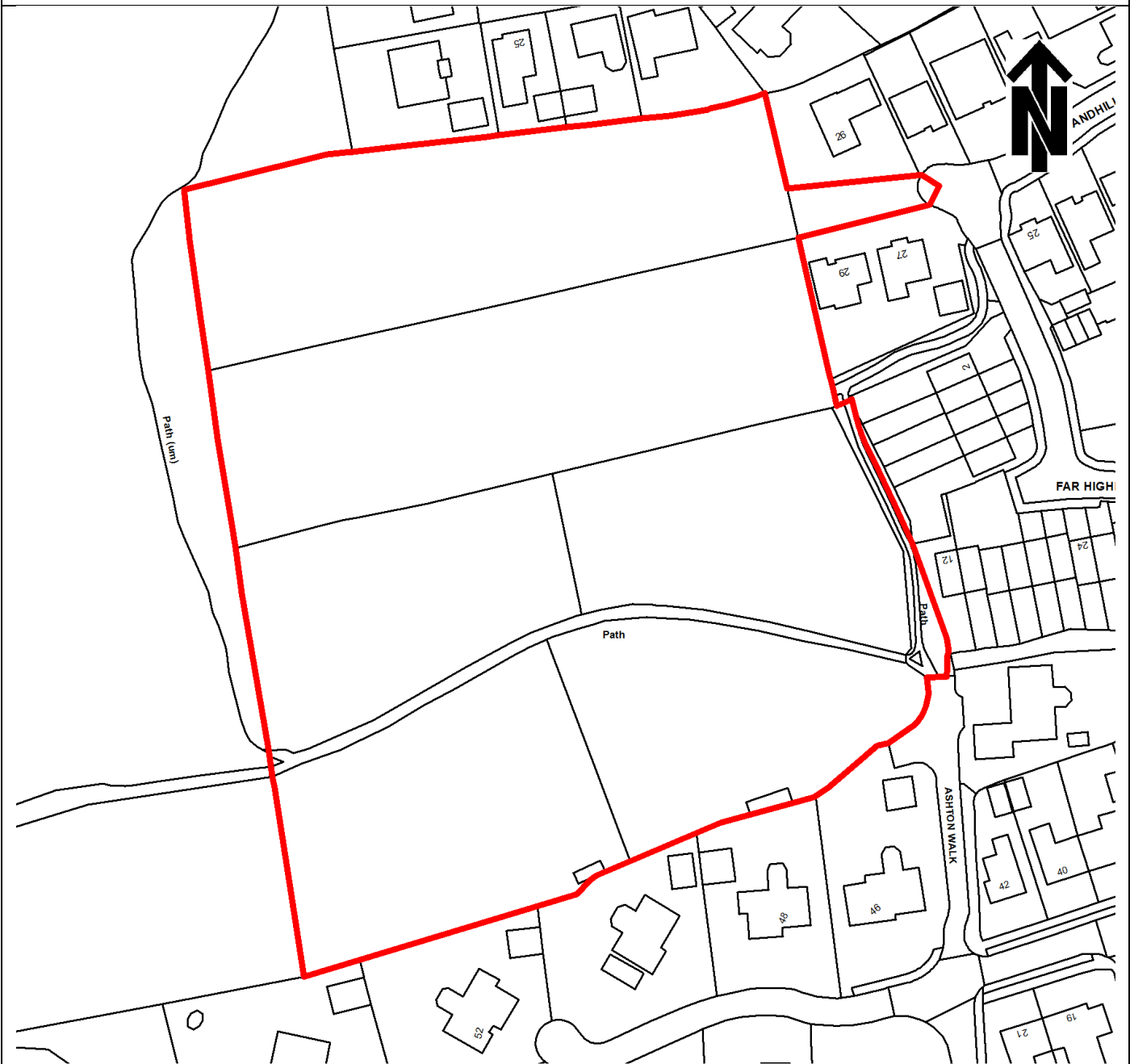
#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
The Replacement Unitary Development Plan  
Planning application 16/08403/MAR

16/08403/MAR

City of Bradford MDC

[www.bradford.gov.uk](http://www.bradford.gov.uk)



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**Land West Of Sandhill Fold  
Bradford**



**Appendix 1**

**12 January 2017**

**Ward: Idle and Thackley**

**Recommendation:**

- 1) APPROVE THE RESERVED MATTERS, and**
- 2) TO ACCEPT THE DEED OF VARIATION TO THE SECTION 106 LEGAL AGREEMENT TO INCLUDE THE FOLLOWING HEADS OF TERMS:**

**Education contribution – £292,960 (In line with the agreed S106 agreement)**

**Traffic Works contribution – £10,000 (In line with the agreed S106 agreement)**

**Affordable housing – 5 x 2 bedroom houses (plots 39-43) to be made available to a Registered provider for affordable rent**

**Application Number:**

16/08403/MAR

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

This is a reserved matters application for the layout, scale, appearance and landscaping in connection with the erection of 60 dwellings and associated infrastructure pursuant to outline planning permission 14/01727/MAO on land west Of Sandhill Fold, Bradford.

**Applicant:**

Avant Homes (Yorkshire)

**Agent:**

Barton Willmore (Mr Chris Atkinson)

**Site Description:**

The site is located to the west of Sandhill Fold and currently comprises an area of open grassland, some of which is used for the grazing of horses. To the north (Kenstone Crescent), east (Sandhill Fold and Far Highfield Close) and south (Ashton Walk and Santa Monica Road) is existing residential development in the form of detached, semi-detached, townhouses and bungalows. To the west of the site are further open fields. A footpath runs along the eastern boundary of the site connecting Ashton Walk and Sandhill Fold and a second footpath runs through the southern part of the site from east to west. Running along this footpath are a number of trees.

**Relevant Site History:**

Outline planning permission was granted on the 19th January 2015 via an appeal (appeal reference APP/W4705/A/14/2225842) under planning application reference 14/01727/MAO for the construction of up to 70 dwellings including outbuildings and associated works, with all matters reserved except for access to the site (access within the site is reserved). The approval was subject to a Section 106 Legal Agreement that secured the following heads of terms:

Affordable housing – the provision of 15% of the total number of dwellings rounded up to the nearest unit to be offered to a Registered Provider at 35% discount on open-market value. The breakdown of the units should comprise 40% x 3 bed and 60% x 2 bed

Education – the payment of a commuted sum of £292,959.80p (plus RPI) to be paid towards enhancing the educational infrastructure at both primary (£127,841) and secondary (£165,118.80p) sector level

Off-site highway works – the sum of £10,000 which shall be used for carrying out traffic calming on Green Lane

### **Development Plan Implications:**

On 10th October 2016 the Minister of State (Housing and Planning) issued a direction under section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by Section 145(5) of the Housing and Planning Act 2016) to the City of Bradford Metropolitan District Council not to take any step in connection with the adoption of the Core Strategy. The Holding Direction was triggered at the request of Philip Davies MP and allows the Minister time to consider the issues raised by him before determining whether to formally intervene under Section 21 of the 2004 Act. The direction will remain in force until it is withdrawn by the Minister or the Minister gives a direction under section 21 of the 2004 Act in relation to the Core Strategy.

The implications of this holding direction are that Section 21A of the Act states that the “document” (the Core Strategy in the case of BMDC) has no effect. It is the Council’s position that if and when the Secretary of State withdraws the holding direction then the Core Strategy will progress (on the basis of the recommendations by the Inspector appointed) to adoption. At present however there is no clear timescale given by the Minister for a resolution concerning the holding direction. Members therefore are advised not to take account of emerging Core Strategy Policies when determining this planning application.

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

#### ***Allocation***

The site is unallocated within the Replacement Unitary Development Plan but is located within an identified Urban Greenspace.

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

UDP1 Promoting Sustainable Patterns of Development  
UDP3 Quality of Built and Natural Environment  
UR2 Promoting Sustainable Development  
UR3 The Local Impact of Development  
H7 Housing Density – Expectation  
H8 Housing Density – Efficient Use of Land  
TM2 Impact of traffic and its mitigation  
TM12 Parking standards for residential developments  
TM19A Traffic management and road safety  
D1 General Design Considerations  
D4 Community Safety  
D5 Landscaping  
NE5 Retention of Trees on Development Sites  
NE6 Protection of Trees During Development

NE10 Protection of Natural Features and Species

NR15B Flood Risk

NR16 Surface Water Run Off and Sustainable Drainage Systems

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

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

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

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

**Parish Council:**

Not applicable in this instance.

**Publicity and Number of Representations:**

The proposal was advertised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 25th November 2016.

As a result of the publicity exercise 9 representations have been received objecting to the proposal.

**Summary of Representations Received:**

Principle:

- Concerns that the development is high density and is out of keeping with the generally low density development of the surrounding area
- The proposed housing is not going to solve any housing crisis or better the area, it's purely for profit
- Loss of a treasured piece of open space

Highways:

- Highway problems with the access along Green Lane
- This development will be accessed by Green Lane, which is now extremely busy, due to traffic going to all previous developments built in the last few years
- Parking restrictions i.e. yellow lining is required on parts of Green Lane and road marking in general needs to be improved for streets with junctions to Green Lane
- Traffic calming measures need to be put in place on Green Lane. An option would be to create a dead end at the top end of Green Lane, splitting the volume of traffic using the top (higher) part of Green Lane and thereby redirecting a share of the traffic at the halfway point on Green Lane

- Request staggered cycle barrier be put in place at junction of Ashton Walk and proposed site to slow down/prevent speeding cycles, while still allowing use for pedestrians, prams and cyclists.
- The junction between Sandhill Fold and Far Highfield Close is made as safe as possible

Residential amenity:

- Issues such as scale and privacy have not been properly addressed as the Inspector suggested they should in the appeal decision
- Impact of dust, grit and drilling on the existing properties during the construction phase
- A 2 year construction period will impact on residents particularly those that are home during the day
- Impact on the privacy of both the existing and proposed residential properties – the existing boundary treatment will not address the privacy issues

Other issues:

- All the local schools are full
- Difficult to get an appointment at the doctors and this development will make it worse
- There are potential subsidence issues – mine shafts will need to be properly dealt with
- Bats are known to live in the area and their habitat will be affected by the development

**Consultations:**

Drainage – No objection subject to the imposition of appropriate conditions relating to the disposal of foul water drainage

The Coal Authority – No objection as the intrusive site investigations have established that the mining legacy on the site is not associated with past coal mining activity

Rights Of Way – No objection to the proposal on the grounds that an application has been received to close the sections of the affected footpaths in the site

Airedale Partnership – No comments to make on the application

Design – No objection to the proposal but suggests that there are areas within the development that could be improved

Highways DC – No objection

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

West Yorkshire Police – No objection to the principle of the development but has made comments on specific aspects of the development including footpath routes, perimeter treatments and external lighting

Yorkshire Water – No objection and can confirm that the information submitted in support of condition 10 is acceptable

West Yorkshire Combined Authority – No objection but seek the provision of a Residential MetroCards Scheme for the future residents (at a cost of £28,875)

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety

5. Drainage
6. Trees
7. Secured by design
8. Other issues
9. Section 106 contributions

**Appraisal:**

The proposal is a Reserved Matters application relating to the layout, scale, appearance and landscaping of the development. The scheme comprises a mix of 2, 3 and 4 bedroom dwellings and is in the form of mews, semi-detached and detached dwellings. The majority of the dwellings are 2 storeys in height but there are a number of 3 storey dwellings within the development. The existing footpath that runs across the site will be retained and enhanced.

1. Principle of development

An appeal was allowed on the 19th January 2015 granting outline planning permission for the construction of upto 70 dwellings under reference number 14/01727/MAO (appeal reference APP/W4705/A/14/2225842). Through the allowing of the appeal the principle of residential development on the site has been accepted.

2. Visual amenity

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

The layout of the site is such that there is a mix of detached and semi-detached dwellings together with terraces of either 3 or 4 dwellings. There is a mix of 2 and 3 storey dwellings throughout the site. The designs and mix of dwelling types is considered acceptable and blends in with the surrounding areas. Details of the proposed materials were conditioned as part of the outline planning permission and will be subject to separate approval.

The Urban Design Officer is generally supportive of the layout and states that there are a number of positive elements to it such as the improvements to the public right of way which crosses the site. However, the comments go onto suggest that there are a number of areas that could be improved to further enhance the quality of the development in relation to connections, character, boundaries of the site, parking, and, bin stores.

Connections – it is suggested that there could be scope to create a more direct link through to the urban greenspace from Sandhill Fold in the vicinity of plots 9-12. This is not considered feasible as there is an existing link to the urban greenspace to the west of the site by improvements to the existing footpath running through the site. By increasing the number of access/egress points to/from the site it does increase the permeability of the site but also makes it less secure. Limiting the number of access/egress points is supported by the Police in terms of providing a safe and secure environment.

Character – additional information was sought in relation to how the form, materials and details have been adapted to the local context. The area immediately adjacent to the site comprises relatively modern dwellings and as such it is considered that the design of the proposed dwellings is compatible with the surrounding area and subject to the use of appropriate materials it will not be visually detrimental to the character of the area.

Boundaries of the site – concern is raised at the post and wire fence which will delineate the footpath through the site. In response it is considered that a post and wire fence along the edge of the footpath will provide clear delineation for the route of the footpath, will not be visually intrusive and will provide a relative open aspect to the footpath and is therefore considered to be acceptable. The Urban Design Officer also suggests that the properties along the western edge of the site should be resited such that the front elevations face onto Idle Moor. In response to this care needs to be taken to ensure that the streetscene within the site is attractive visually and through the inclusion of rear gardens, and appropriate 2 metre high rear boundary fence, will not provide an attractive streetscene. The dwellings that immediately about the site all have their rear elevations and rear gardens backing onto the Moor and therefore the proposed layout is no different than currently exists. Through the inclusion of appropriate boundary treatment it is considered that the layout as proposed is acceptable.

Parking – concern is expressed at the location of the car parking in that it is mainly positioned at the front of the dwellings thus dominating the streetscene. Whilst this is the case the design of the dwellings, particularly the detached dwellings, is such that there is limited space between them to accommodate parking spaces. The streetscene is broken up by small front gardens serving the dwellings so the streetscene will not be dominated by hard surfacing and therefore there will be visual interest to it.

Bin stores – a number of bin storage areas are proposed to the front of the townhouses but no details have been submitted as to how they will look. The Applicant has stated that the bin storage areas will consist of a hardstanding with hedge planting to screen it and these are clearly indicated on the plan. This proposed treatment is considered to be acceptable.

Overall therefore it is considered that the proposed layout and design of the dwellings would be in keeping with the character of the locality.

### 3. Residential amenity

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

The site is bounded on 3 sides by residential development. To the north is Kenstone Crescent, to the east is Sandhill Fold, and, to the south is Santa Monica Road. As such these are the external relationships to consider.

With regard to the relationship with Kenstone Crescent to the north it is both main elevation to main elevation and gable end to main elevation. The separation distances are a minimum of 18 metres (gable end to main elevation) and 20 metres (main elevation to main elevation) and these relationships comply with policy guidance and will not have a detrimental impact on the residential amenities of the occupiers of either the existing or proposed dwellings.

With regard to the relationship with Sandhill Fold to the east it comprises gable end to gable end, gable end to main elevation and main elevation to main elevation. The separation distances are a minimum of 11½ metres (gable end to main elevation) to 32 metres (main elevation to main elevation). These relationships comply with policy guidance and will not have a detrimental impact on the residential amenities of the occupiers of either the existing or proposed dwellings.

Finally with regard to the relationship with Santa Monica Road to the south it comprises gable end to main elevation and main elevation to main elevation. The separation distances are a minimum of 16 metres (gable end to main elevation) and 23 metres (main elevation to main elevation). These relationships comply with policy guidance and will not have a detrimental impact on the residential amenities of the occupiers of either the existing or proposed dwellings.

Internally within the site the relationships between the proposed dwellings are considered acceptable.

Overall therefore it is not considered that the proposal will have a detrimental impact on the residential amenities of either the existing or proposed dwellings.

#### 4. Highway safety

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

Details of the access arrangements into the site were approved at the outline planning application stage and therefore the only issue to consider is the internal layout of the access road. The layout is such that the site is served by a single point of access with 2 spur roads leading off the main access. The Highways Department are satisfied that the internal layout will not result in any highway safety issues and have therefore raised no objection.

A number of objections have been received in relation to the level of traffic that would be generated by the development and that the surrounding highway network is not capable of accommodating this additional traffic. These were issues that were considered at the Outline application stage where the Inspector was happy that upto 70 dwellings could be accommodated safely on the site in highway terms subject to securing a payment of £10,000 that would be used towards traffic calming on Green Lane.

The main footpaths that will be affected by the proposal are one that runs from the south eastern corner of the site to the western boundary and a separate one that runs adjacent to the eastern boundary of the site. The Rights of Way Section have received an application to close sections of affected paths and the paths to be closed are routes known to serve little purpose or value to those walking in the area. The developer has though agreed to retain and improve (to adoptable standards) the two main routes through the site. The footpath running through the site will be incorporated within a green corridor with appropriate lighting and is overlooked by a number of properties. This will provide an improved as well as safe and secure route for pedestrians to gain access to the wider area of Idle Moor to the west.

Overall in highway terms there are no objections to the proposal.

## 5. Drainage

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

The issue of drainage was considered at outline stage with appropriate conditions attached to the planning permission requiring the submission of appropriate drainage details to the Local Planning Authority.

## 6. Trees

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

There are a number of trees throughout the site that are considered to be of amenity value, these are mainly located along the western boundary and along the footpath running through the site. The majority of these trees are to be retained and will be protected during the construction phase through the installation of appropriate fencing secured under condition 8 of the outline planning permission. A number of additional trees are proposed particularly along the green corridor around the footpath and this will enhance both the ecological and biodiversity value of the site.

## 7. Secured by Design

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

The West Yorkshire Police Architectural Liaison Officer (WYPALO) is generally supportive of the scheme but has made some comments about specific aspects of the layout.

In relation to the perimeter treatments concern is expressed in relation to the stone boundary wall that protects plots 1 to 8, 9 to 22 and 23 to 36 and the WYPALO seeks to have the wall height increased to around 1800mm. Following the submission of the



original plan which showed the low level wall a subsequent plan has been submitted which shows a 1800mm high timber fence adjacent to it. This will provide both privacy and security for the development and is considered acceptable.

The 1200mm high post and rail plot dividers are quite low and offer no privacy when the residents are using the garden. The plot dividers should be changed to closed boarded timber fencing to a minimum height of 1500mm which will provide more privacy and security to each plot. An appropriate condition is therefore recommended to secure this increased height.

The WYPALO has also referred to external lighting of the dwellings, physical security (ground floor windows and doors), and, dwellings complying with secured by design standards. These are outside the normal planning regulations however Building Regulations Approved Document Q (Security – Dwellings) does cover a number of issues in relation to providing safe and secure dwellings.

#### 8. Other issues

Two other issues have been raised during the publicity exercise that have not been addressed in the above sections as follows:

*Difficult to get an appointment at the doctors and this development will make it worse – this is not a material planning consideration*

*Bats are known to live in the area and their habitat will be affected by the development – a condition was attached to the outline planning permission in relation to ecological and biodiversity measures to enhance the value of the area*

#### 9. Section 106 Contributions

The outline planning permission incorporated a Section 106 Agreement which secured the following heads of terms:

Affordable housing – the provision of 15% of the total number of dwellings rounded up to the nearest unit to be offered to a Registered Provider at 35% discount on open-market value. The breakdown of the units should comprise 40% x 3 bed and 60% x 2 bed

Education – the payment of a commuted sum of £292,959.80p (plus RPI) to be paid towards enhancing the educational infrastructure at both primary (£127,841) and secondary (£165,118.80p) sector level

Off-site highway works – the sum of £10,000 which shall be used for carrying out traffic calming on Green Lane

The Applicant is seeking to renegotiate the Section 106 Agreement through a Deed of Variation due to, amongst other things, the abnormal costs associated with the extensive remediation works that will be required to overcome the former mining and quarrying activities on the site. The Deed of Variation seeks to retain the education and highways contribution as previously agreed but to reduce the number of affordable dwellings from 9 (previously accepted 15% of the total number of dwellings) to 5

dwellings. A Financial Viability Appraisal has been submitted in support of the request which seeks to justify the reduction in the level of contributions.

Officers have assessed the viability information submitted by the developer and do support a reduction in the agreed Section 106 obligations to help aid the unlocking of this development. Bradford Council have acknowledged since 2009 that where there is a strong case to reduce S106 contributions to aid “scheme viability” and thereby deliver housing this should be supported, especially as there is a proven need to deliver more homes in the Bradford district to meet growing demands. This approach is also clearly advocated by central government who have issued advice and revised procedures to allow the renegotiation of S106 Agreements to promote increased delivery of housing. Consideration should also be given to the New Homes Bonus and how this can be used in part to make up for the reduced developer contributions. The delivery of houses also brings other regeneration benefits such as employment in house building and additional Council Tax receipts. Taking into consideration the obligations contained within the original Agreement, whilst there is a reduction in the number of affordable housing units, the Deed of Variation will secure the commencement of this development and the delivery of 60 new homes for the District.

The National Planning Policy Framework (NPPF) states that a development should not be subject to obligations and policy which prevents their ability to be viably developed. The NPPF further states that the costs of any obligations should be such that they provide not only competitive returns to the land owner but that they allow the development to be deliverable. Considering the viability evidence submitted by the developer which shows a profit level which is a level agreed nationally as appropriate, including by Inspectors on appeal, it is concluded that there is a strong case to fully support the request for a Deed of Variation to reduce some of the obligations contained within the Section 106 Agreement in order to aid the delivery of a residential development on this site.

It is therefore recommended that the Deed of Variation be accepted to incorporate the following heads of terms:

Education – the payment of a commuted sum of £292,959.80p (plus RPI) to be paid towards enhancing the educational infrastructure at both primary (£127,841) and secondary (£165,118.80p) sector level

Off-site highway works – the sum of £10,000 which shall be used for carrying out traffic calming on Green Lane

Affordable housing – 5 x 2 bedroom houses (plots 39-43) to be made available to a Registered provider for affordable rent

**Community Safety Implications:**

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

**Equality Act 2010, Section 149:**

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between

people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

**Reason for Granting Planning Permission:**

The scheme provides a residential scheme on a previously developed site. The density and layout of the proposal are acceptable and present no concerns with regard to visual or residential amenity and highway safety. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies UDP1, UDP3, UR2, UR3, UR6, H7, H8, TM2, TM12, TM19A, D1, D4, D5, NE5, NE6, NE10, NR15B, and, NR16 together with the relevant paragraphs contained within the National Planning Policy Framework.

**Conditions of Approval:**

**1. Time scale**

The Development to which this notice relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

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

**2. Landscape scheme implementation**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

**3. Off-street car parking**

Before the occupation of each dwelling, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

**4. Gates not to open over highway**

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

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

#### 5. Construction Plan

Prior to commencement of development, a scheme showing full details of the contractor's means of access, vehicle parking 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.

#### 6. Wheel washing facility

Before any development commences on site, full details of arrangements for wheel cleaning of construction vehicles and equipment, including the location of such a facility in relation to the highway and arrangements for disposal of contaminated surface water shall be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be installed, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles are leaving the site.

Reason: To prevent mud being taken on to the public highway in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

#### 7. Electric Vehicle Charging Points

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

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

#### 8. CEMP

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.

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

9. Boundary treatments

Notwithstanding the details submitted on drawing number 1627.01 Revision F revised details shall be submitted showing the plot dividers between the dwellings to comprise closed boarded timber fencing to a minimum height of 1500mm. The approved boundary treatments shall be implemented in full prior to the occupation of the dwellings and shall thereafter be permanently retained as such.

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

10. Finished floor levels

Prior to the development hereby permitted commencing on site, plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages and parking areas and the height of any retaining walls within the development site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be so retained thereafter.

Reason: To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and to accord with Policies UR3 and D1 of the adopted Replacement Unitary Development Plan.

11. Construction hours

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

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

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