

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Monday 14 May 2018 at 10.00 am in the Banqueting Hall, City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Brown Rickard	Warburton Amran Lee Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR
Ellis	Azam S Hussain Lal Wainwright

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 0915 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.
- **INTERESTED PARTIES ARE ASKED TO NOTE THAT ITEMS 8 TO 11 WILL NOT BE CONSIDERED BEFORE 1.30PM.**

From:

Michael Bowness
Interim 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 meeting held on 8 February 2018 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. LAND AT SUN LANE AND ILKLEY ROAD, BURLEY-IN-WHARFEDALE Wharfedale

1 - 68

Previous reference: Minute 56 (2017/18)

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “AT”**) in relation to an outline planning application for the demolition of existing buildings and permission (all matters reserved other than points of vehicular access into the site) for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works (Supplementary Environmental Statement relating to the provision of an up to two-form entry primary school) on land at Sun Lane and Ilkley Road, Burley-in-Wharfedale - 16/07870/MAO.

Members will recall that this application was considered at the meeting of the Committee held on 11 January 2018 when it was resolved:

- (1) *That consideration of the application be deferred until a local referendum on the Burley Neighbourhood Plan has taken place in May 2018; this being subject to the prior approval of the Executive, or, if approval is not given to the undertaking of the referendum in May that it be re-submitted to the next appropriate meeting of this Committee.*
- (2) *That the applicant be requested to provide a more defined strategy to show how a school can be delivered on the site, including consideration of how this will fit within the overall phasing of the development.'*

Recommended –

- (1) That the application be referred to the Secretary of State for Communities and Local Government under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009 and, subject to him deciding not to call-in the application for determination, it 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 grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**

 - (i) Affordable housing provision of 30% of the total units on site (or equivalent value); these units to be prioritised for people living in, working in or having close family links to the Burley-in-Wharfedale Parish and secondly the wider Wharfedale area.**
 - (ii) The safeguarding of an area of land within the site for the provision of an up to two form entry Primary School and to offer this land to the City of Bradford Metropolitan District Council, if requested, in order to deliver the school. The area of land identified for the school will be reserved for a minimum period of 10 years and will be transferred to the Council at the appropriate time at a cost of £1. Also, the establishment of a Primary School Delivery Partnership whose remit and terms of reference will be to seek to deliver the new school in the most appropriate manner and at the most appropriate time.**
 - (iii) Payment of commuted sums to secure highway improvements and sustainable travel measures as follows:**

 - (a) £15,000 for a review of the existing Traffic Regulation Orders on Main Street, Burley-in-Wharfedale; to include a review of waiting restrictions, loading restrictions and the potential for 20 mph speed restrictions. This sum to be payable on occupation of the 1st unit.**
 - (b) £55,000 for traffic calming and footway strengthening Traffic Regulation Orders in the Sun Lane area. This sum to be payable upon completion of the pedestrian link between the site and Sun Lane.**

(c) £40,000 to implement improvements to the A65 Coutances Way/Wheatley Lane Junction; taking the form of the installation of Microprocessor Optimised Vehicle Actuation (MOVA) within the traffic signals. This sum to be payable on occupation of the 401st unit.

(d) £25,000 towards Vehicle Activated Signs and the introduction of traffic islands on Manor Park. This sum to be payable upon completion of the ghost island right turn lane access into the site from the A65 (as shown on Drawing 13-215-TR-009A).

(e) £65,000 towards TR2500 Controller specification software improvements to the traffic lights at the Buckle Lane/Bingley Road Junction. This sum to be payable on occupation of the 1st unit.

(f) £320,000 towards a scheme of wider improvements to the Buckle Lane/Bingley Road Junction, as shown on Plan 13-215-TR-024. This sum to be payable on occupation of the 301st unit.

(g) £75,000 per annum to fund improving, re-routing and increasing the frequency of the 962 bus service (or any equivalent replacement facility) for a period of five years (£375,000); in order to provide a regular public transport link between the site, Burley Rail Station and the remainder of the settlement. This sum to be payable to the West Yorkshire Combined Authority in five equal annualised payments with the first payment being made upon substantial completion of the internal estate road,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the Interim City Solicitor) considers appropriate.

(John Eyles – 01274434380)

6. LAND AT HOLME MILL LANE, KEIGHLEY
Keighley West

69 - 88

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**Document “AU”**) in relation to an outline planning application for a residential development of up to 102 dwellings and a 90 bed nursing home, including means of access and the relocation of a Scout Hut, on land at Holme Mill Lane, Keighley – 16/08233/MAO.

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 grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the Interim City Solicitor, in respect of:

The payment of a financial contribution of £25,000 towards measures to mitigate against potential impacts on habitats from increased recreational pressures on the South Pennines Special Protection Area,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the Interim City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

7. **LAND AT FAGLEY YOUTH AND COMMUNITY CENTRE, FAGLEY ROAD, BRADFORD** 89 - 118
Eccleshill

A report will be presented by the Assistant Director - Planning, Transportation and Highways (**Document “AV”**) in respect of a full planning application for the construction of 128 traditional two storey 2, 3 and 4 bed semi-detached and detached homes including garages, access roads and general infrastructure on land at Fagley Youth and Community Centre, Fagley Road, Bradford – 17/05678/MAF.

Recommended –

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.

(John Eyles – 01274 434380)

INTERESTED PARTIES ARE ASKED TO NOTE THAT THE FOLLOWING ITEM WILL NOT BE CONSIDERED BEFORE 1.30 PM

8. **BOLTON WOODS QUARRY, BOLTON HALL ROAD, BRADFORD** 119 -
Bolton and Undercliffe 154
Windhill and Wrose

The Assistant Director - Planning, Transportation and Highways will submit a report (**Document “AW”**) in relation to an outline planning application for a residential development of up to 700 dwellings, with part means of access, and including demolition of buildings and fixed-surface infrastructure associated with the existing use, at Bolton Woods Quarry, Bolton Hall Road, Bradford – 15/06249/MAO.

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 grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the Interim City Solicitor, in respect of:**
 - (i) A financial contribution of £245,000 towards car charging points per household,**
 - (ii) A financial contribution of £35,000 towards personalised Travel Plans,**
 - (iii) A financial contribution of £220,000 towards site specific emission reduction measures,**
 - (iv) A financial contribution of £49,000 towards mitigating recreational impacts on protected habitats,**
 - (v) A financial contribution of £441,000 towards on-site affordable housing provision,**

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the Interim City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

INTERESTED PARTIES ARE ASKED TO NOTE THAT THE FOLLOWING ITEM WILL NOT BE CONSIDERED BEFORE 1.30 PM

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| 9. <u>LAND TO THE SOUTH OF THORNTON ROAD, BRADFORD</u>
<u>Thornton and Allerton</u> | 155 -
182 |
|---|----------------------|

The report of the Assistant Director - Planning, Transportation and Highways (**Document “AX”**) considers an outline application for a development of up to 250 dwellings, including means of access, on land to the South of Thornton Road, Bradford – 17/06423/MAO.

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 grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the Interim City Solicitor, in respect of:

- (i) On site affordable housing provision of up to 20% of the total number of units to be offered at an affordable rent by a Registered Provider,
- (ii) Relocation of the bus stop on Thornton Road and the implementation of Traffic Regulation Orders for the extension of the 30mph speed limit and double yellow line 'no waiting at any time' parking restrictions across the site frontage at the expense of the applicant,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the Interim City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

INTERESTED PARTIES ARE ASKED TO NOTE THAT THE FOLLOWING ITEM WILL NOT BE CONSIDERED BEFORE 1.30 PM

10. SECTION 106 PLANNING AGREEMENTS - MONITORING REPORT 183 - 200

The Assistant Director – Planning, Transportation and Highways will present the latest monitoring report in respect of Section 106 Agreements signed in the financial year 2017/18 and the income received since the appointment of the Planning Obligations Monitoring Officer (**Document “AY”**).

Recommended –

That Document “AY” be noted.

(John Eyles – 01274 434380)

INTERESTED PARTIES ARE ASKED TO NOTE THAT THE FOLLOWING ITEM WILL NOT BE CONSIDERED BEFORE 1.30 PM

11. **PUBLIC SPACE PROTECTION ORDER (PSPO) BRADFORD CITY CENTRE AND SURROUNDING AREA 2016 - REVIEW** 201 - 232
City
Manningham

Previous references: Minute 90 (2015/16) and 46 (2016/17)

The Strategic Director, Place will submit a report (**Document “AZ”**) which details the main findings of a recent review of the Public Space Protection Order (PSPO) for Bradford City Centre and Surrounding Area 2016, for Member’s consideration.

The PSPO was implemented further to the decision of this Committee on 29 September 2016 and enforcement commenced in April 2017. The Committee requested that a review of the Order be undertaken after a period of 12 months.

Recommended –

- (1) That no changes be made to the current Public Space Protection Order (PSPO) Bradford City Centre and Surrounding Area 2016.**
- (2) That the Strategic Director, Place be asked to give consideration to:**
 - (i) Increasing the number of officers patrolling this and other areas protected by PSPOs.**
 - (ii) Enforcing the PSPO during evenings and weekends.**
- (3) That referral to Alcohol Awareness Sessions be discontinued with signposting to Drug and Alcohol Services continuing.**
- (4) That the impact of the use of Community Protection Notices (CPNs), Community Protection Warnings (CPWs) in conjunction with PSPOs be monitored.**
- (5) That the impact of the ‘Bradford Cares’ initiative be monitored.**
- (6) That the Strategic Director, Place be requested to undertake a further review of the effectiveness of the PSPO with particular regard to the impact of the use of Community Protection Notices (CPNs), Community Protection Warnings (CPWs) and ‘Bradford Cares’ in 12 months time, and prior to September 2019 when the Council will be required to consider its renewal.**

(Rebecca Trueman – 01274 431364)

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 14 May 2018

AT

Subject:

This is an outline application for the demolition of existing building and outline planning permission (all matters reserved other than points of vehicular access into the site) for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works (Supplementary Environmental Statement relating to the provision of an up to two-form entry primary school) on land at Sun Lane and Ilkley Road, Burley-in-Wharfedale.

Summary statement:

The proposal relates to the development of a large site for residential and educational development with associated open space and other infrastructure. The site is located within the defined Green Belt and under current policy guidance would be considered to be inappropriate development in that it doesn't comply with the criteria for what constitutes appropriate development. As such very special circumstances need to be proven to justify compliance with green belt policy. The very special circumstances include the provision of new housing to help meet the identified housing need for Burley-in-Wharfedale within the Core Strategy, the provision of a new primary school and the securing and delivery of the temporary Roman Camp. It is considered that these considerations outweigh the harm the development would cause to the Green Belt and the harm the development would cause to the character of the landscape by the development.

At the Committee meeting of the 11th January 2018 Members resolved to defer the application pending the result of the referendum of the Neighbourhood Plan and to allow a more defined strategy to be prepared to show how a school can be delivered on the site. The application is recommended for approval subject to a Section 106 Legal Agreement to secure off-site highway improvements, affordable housing, a new up to 2 form entry primary school and Sustainable Travel Measures.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is an outline application for the demolition of existing building and outline planning permission (all matters reserved other than points of vehicular access into the site) for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works (Supplementary Environmental Statement relating to the provision of an up to two-form entry primary school) on land at Sun Lane and Ilkley Road, Burley-in-Wharfedale.

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.

The proposal site is within the Green Belt and is considered to represent Green Belt Development, as defined by paragraph 4 of the Town and Country Planning (Consultation) (England) Direction 2009. In accordance with the requirements of the Consultation Direction, in the event that the Committee resolve to grant planning permission, the Secretary of State must be consulted to allow him opportunity to call-in the application for his own determination if he so chooses.

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with this proposal.

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 subject to referral to the Secretary of State under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

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

8.2 SUSTAINABILITY IMPLICATIONS

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. 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. If planning permission were to be granted, in order to encourage alternative means of transport Electric Vehicle (EV) charging points would need to be provided within the domestic curtilages of the residential dwellings comprising the development (normally secured by a 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. The development of this site for housing would have some implications for the Ward in terms of increased infrastructure pressure but this could be off-set by the provision of CIL payments.

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
Local Plan for Bradford
Planning application: 16/07870/MAO

SUPPLEMENTARY INFORMATION FURTHER TO THE REGULATORY AND APPEALS COMMITTEE ON 11 JANUARY 2018

The application was first presented to the Regulatory and Appeals Committee on the 11th January 2018 where it was resolved that:

(1) That consideration of the application be deferred until a local referendum on the Burley Neighbourhood Plan has taken place in May 2018; this being subject to the prior approval of the Executive, or, if approval is not given to the undertaking of the referendum in May that it be re-submitted to the next appropriate meeting of this Committee.

(2) That the applicant be requested to provide a more defined strategy to show how a school can be delivered on the site, including consideration of how this will fit within the overall phasing of the development.

The main body of the report has now been updated to incorporate the verbal updates that were made to members at the Committee meeting. This summary will concentrate on the progress made with regard to the resolution made by Members and outlined above.

Burley Neighbourhood Plan:

The referendum for the Neighbourhood Plan is taking place on the 3rd May 2018 and members will be updated verbally at the Committee meeting with regards to the outcome of the referendum.

Delivery of the primary school:

At the Committee meeting on the 11th January 2018 Members requested details of a strategy as to how the primary school will be delivered on site as it was considered that the delivery of the school contributed to the "very special circumstances" to justify the proposal within the green belt. To respond to the Members concerns the Applicant has submitted an Education Delivery Report outlining the proposed strategy for delivering the primary school.

Within the Masterplan submitted with the application there is an approximate 1.78 hectare site that will be protected for the new primary school and is of a sufficient size to allow a 2 form entry school to be accommodated within it. The site includes sufficient and suitable land for surrounding playing fields and car parking. The site is located within a strategic position thus allowing walking access for all pupils from the development.

The Applicant states that, based on the number of units proposed, there is only a requirement to accommodate 140 primary school pupils. The purpose of increasing the size of the school is to maximise the options at the later detailed stage as to the type and size of school that could be delivered as part of the development. The options for the provision of a new school include:

- A wholly new 2 form entry school – based on a typical 2 form entry school it would be expected that it could accommodate approximately 420 pupils once fully operational. This could accommodate pupils associated with the development as well as provide additional primary school capacity in the local area. The provision of such a school could be phased with potentially initially opening as a 1 form entry school but allowing a later second phase of expansion to 2 form entry; or,

- A wholly new single form entry school – such a school would largely just cater for the existing shortfall in place provision in Burley-in-Wharfedale, the needs arising from the development and the wider developments that will come forward in delivering the level of housing set by the Core Strategy; or,
- Accommodating the relocation and expansion of an existing primary school on the development site – whilst this option would require further consideration, an existing school within Burley-in-Wharfedale could expand and relocate to the site. The benefits of this would be that the school move into a new state of the art education facility and would have an existing cohort of children at the point of opening.

Whichever of the 3 options above is taken for the delivery of the new school, not only will it provide an enhanced educational facility for the village of Burley-in-Wharfedale as a whole it will also be capable of providing extracurricular and holiday activities as well as opening up its facilities for wider community use offering library, sport and recreational activities. The school will therefore meet with the Local Plan Core Strategy with regard to creating inclusive communities, delivering social improvement and securing a sustainable development.

In order to assist in the delivery of the new school the Applicant is willing to transfer the ownership of the land to Bradford Council for a nominal fee of £1 which would avoid the Council, or another developer, having to purchase the land at market value. The site would also be provided fully serviced with roads and utilities (gas/electric/drainage) brought up to the school site boundary. This offer would be secured as part of the Section 106 Legal Agreement. The Applicant has also offered an obligation to reserve the land identified for the school for a minimum period of 10 years and again this will be secured through the Section 106 Legal Agreement.

A delivery timeframe for the new school is linked to the overall phasing of the new development. This offers a number of scenarios dependent upon the start date of the development and the funding route adopted by the new school. The funding to facilitate the new school is made up of 2 elements – firstly the costs associated with purchasing the site and secondly the build costs. As previously stated the Applicant is prepared to offer the site to the Council at a nominal cost of £1 thus negating the need for the Council or any other party to acquire the site at market value. The Capital Build Costs are derived from 2 sources, firstly where the demand for places is generated by population growth without an extension of housing stock the cost is met by the Local Authority through its allocation of basic need capital funding and secondly where major new housing developments create additional need for school and derive from developer contributions. Where Local Authorities can no longer run or propose any new schools they may encourage successful and well established local education providers to establish new schools through the Government's Central Free Schools Programme.

The start date for the build programme is dependent upon when planning permission is granted and as such this remains fluid at this point. However the Applicant is working on a start date of 2020 should outline planning permission be granted. Upon commencement of the development it is anticipated that the delivery rate will be around 70 dwellings per annum resulting in an 8 year build programme.

To aid the delivery of the school it is proposed by the developer that a Primary School Delivery Partnership is established whose terms of reference and remit will be to seek to deliver the new school in the most appropriate way and at the most appropriate time. Both the Council and the Applicant will sit on the Partnership and will invite other local stakeholders to participate including the existing schools, potential free school sponsors

and local Councillors (at both Parish and Ward level). The requirement for this partnership and its funding (running costs) will be secured through the Section 106 Legal Agreement and a recommended planning condition which will require the developer to provide regular updates on the delivery of the school upto the point of it being secured. The condition is included in the main body of the report but will read as follows:

As part of the submission of the first reserved matters application, the applicant should submit a report setting out progress with the timescales and mechanism for delivery of a school on the site. The submitted report shall specifically set out a timetable for all required actions and shall detail and assign individual responsibilities for the applicants and any other relevant party involved in the school delivery process. Updates of this report (including the continual setting of the required timetable and assignment of delivery responsibilities) shall be provided for all subsequent reserved matters applications proposing a further phase of development, until the point of delivery of the school.

This Partnership will determine the timescales for the delivery of the school with regard to the most appropriate way forward and mechanism for delivering the school or indeed other means of meeting the educational needs of the village and timescales for its delivery.

The Education Delivery Report has been considered by the Council's Education Services who have stated that they have no issue with the housing element of the proposal but are concerned about the impact on schools and school places in the area.

They state that the report doesn't deal with the major issue of passing the liability to provide the school to the Council through what in effect will be the Free School presumption route, i.e. the Council applies to the Department of Education for the Free School and has to fund the free school rather than the Department of Education, thus leaving a shortfall which the Council cannot afford. It is accepted that the Applicant will be paying a large CIL contribution but this does not guarantee that the money will be allocated to a new school in Burley and even if they do then there will be a shortfall in funding which the Council cannot afford. The gifting of the land to the Council for £1 is acceptable and in theory there is a value to the land but it is not a realisable value. If Education Services were to get the full amount of the CIL contribution on this site this would equate to approximately £2.6-3.75 million and would certainly not cover the costs of a new school. The figure of between £4.5-5.7 million suggested by the Applicant as the cost of a new school is considered to be on the low side.

With regard to an existing primary school within Burley-in-Wharfedale moving into the proposed school the Council's Education Services section comment that this is not certain as there has been no indication from any of the existing schools at this stage that they would be willing to move. They add that even if one was to move no evidence has been submitted to show that the capital costs of building the new school would be covered by the sale of the land which could again lead to a shortfall in building costs.

The Council's Education Services section comment that the report suggests that should the new school be accepted then one way to provide it would be as a 1 form entry first and the 2 form entry element later. This could be workable although it is not guaranteed as it would need the agreement of the Department of Education as they are currently stipulating that all new Free Schools must be 2 form entry.

The Council's Education Services section comment further that if a 2 form entry school was provided on the site it is likely that it would affect the viability of all 3 primary schools in Burley-in-Wharfedale as the overall number of pupils would be 1030. At present the Education Services pupil forecast shows a current maximum of 638 pupils before any additional housing is approved.

The Council's Education Services section comment that the report suggests that "alternatively a full 2 FE build programme may be possible through the central Free School Application Process making use of EFSA upfront capital funding". It is not clear how the Applicant envisages this would work but if they gifted us the land and Education Services had the full allocation of CIL money generated by the development then the Council would still need to apply for a Free School down the presumption route and fully fund the bid thus incurring costs which have not been incorporated in any financial forecasting.

Education Services would welcome the proposal to set up a group to explore how the School can be delivered and the ESFA should play a role in this. However it is considered that this should not be contingent on the liability to provide the school being passed to the Authority with a shortfall. It is not clear how either these meetings would work or be funded or how the partnership could be written into the section 106 agreement.

Whilst there is pressure on places in Burley Education Services would seek to make provision within their own budget. The SCAP return will not at this stage provide any funding towards this development, although they have not yet received notification of this year's awards, it is likely to be very low if any at all as overall they have through their expansion programme, planned for additional places. Burley is in the Wharfe Valley primary school planning area where there are already expanded or are expanding schools, giving overall sufficiency, i.e. All Saints in Ilkley, Ashlands, Burley Oaks and Menston. Education Services are also discussing with Leeds LA the impact of housing on the borders and in Menston to ensure that their statutory obligations can be met.

It is clear from the response of the Council's Education Services that they do have concerns regarding how the school will be provided and that it's provision shouldn't place any further financial burden on the Council. However, it needs to be emphasised that many of their concerns are not related just to this housing development but would apply to other large scale housing schemes in similar circumstances where in the future new schools will need to be funded to accommodate increased pupil numbers. There are a number of ways in which the school can be provided and these may need further discussion and exploration as the development progresses and the need for places intensifies. It is not the short term that has to be considered but the longer term when the housing allocations are made for Burley-in-Wharfedale and the surrounding settlements. Within Burley-in-Wharfedale itself there are likely going to be around 700 new homes and this will place a big demand on school places not only at primary sector level but also at secondary sector level. The latter has recently been aided by the granted of planning permission for an expansion of Ilkley Grammar School.

To summarise the issues raised above, notwithstanding the concerns raised by the Council's Education Services section about how the school could ultimately be funded it is of note that this development provides the opportunity to provide a new primary school in an area already identified for future housing growth in the Core Strategy. The developer has confirmed that they are now willing to agree by means of a Section 106

Legal Agreement to offer the site for the new school (fully serviced) for £1. Members will be aware that this is a part of the district where the land value of a site, if it were to be purchased for a school, would be high. Members deferred this application previously to seek to understand what options the developer could explore to demonstrate greater confidence that a new school could, if so required by the Council, be delivered. Clearly there are limitations on the Council to actually build a new school and other options such as one of the existing local schools expanding or another school under the Free School route is a possible option. The developer has set out a formalised process bringing together the Council and the developers with other potential interested parties to work collaboratively over time to seek to explore all possible opportunities to deliver a school on this site, the benefits to the Council being this will allow the timing of the school to be factored into the possible delivery programme.

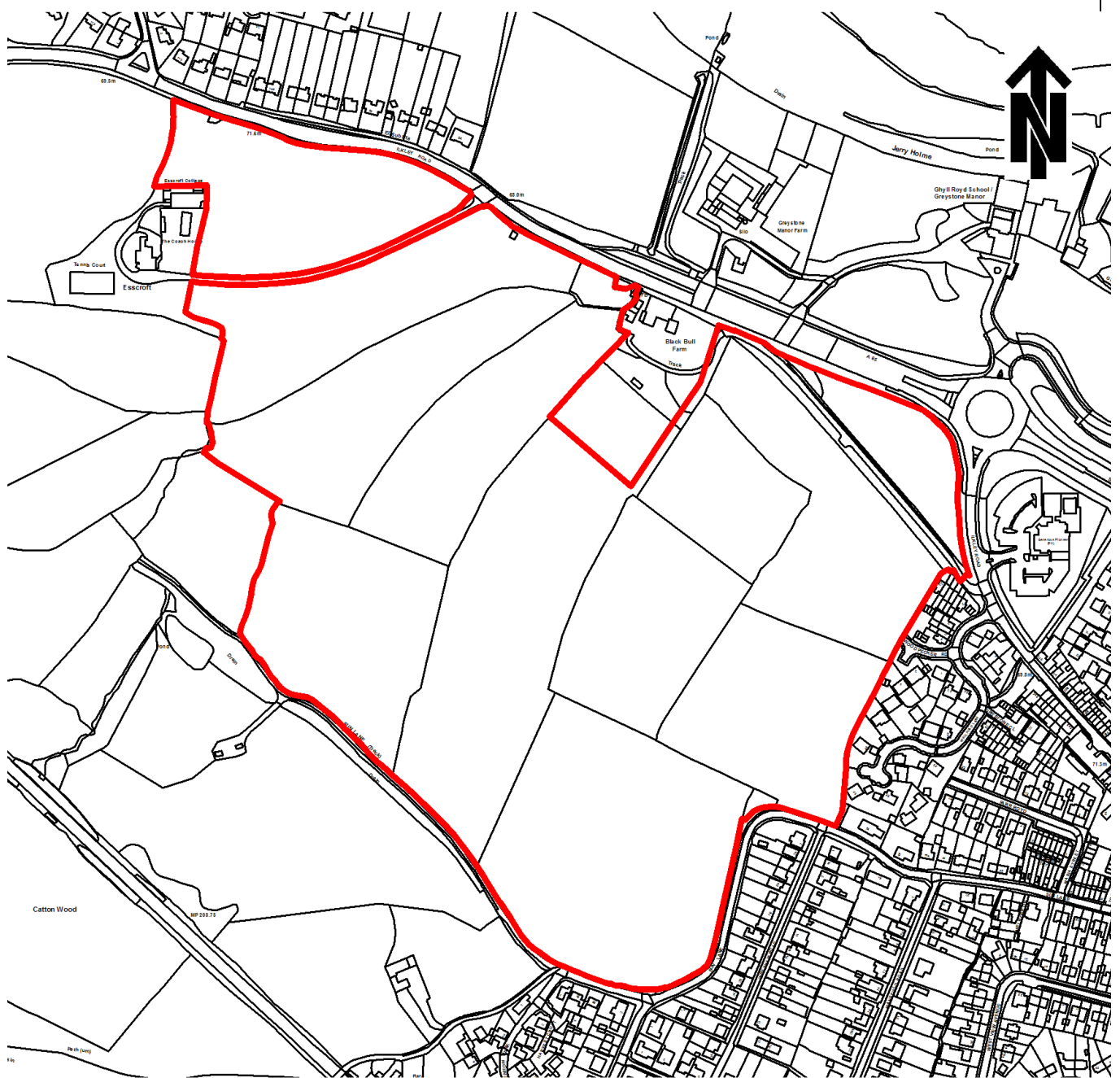
This scheme would be CIL liable. The developer has estimated this to be in the region of £3.5-5.0 million. The developer has correctly drawn attention to the legal constraints of the CIL Regulations that state that where education infrastructure appears on the Regulation 123 list it is not permissible for a Local Planning Authority to then ask for the developer to make a contribution. This would amount to “double payment “of a contribution (known as “double dipping”). This is acknowledged and explains the position of the Developer in not being able to offer ultimately in funding the primary school on site.

On the basis of the above it is considered that the developer has made further submissions in support of their application in response to the Members’ concerns about the delivery of the on-site school. On the basis of the inclusion of the proposed Primary School Delivery Partnership combined delivery initiative, confirmation of the £1 sale of land and the addition recommended condition set out above it is considered that the developer has responded most favourably to Members’ concerns.

16/07870/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:5,000

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**Land at Sun Lane and Ilkley Road
Burley-in-Wharfedale
Ilkley**

14 May 2018

Ward: Wharfedale

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT AND SUBJECT TO THE APPLICATION BEING REFERRED TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT UNDER THE PROVISIONS OF THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009

Heads of Terms of the Section 106 Legal Agreement:

Affordable Housing: Up to 30% (or equivalent value) of the total units on site delivered as affordable housing. The units should be prioritised for people living, working, or having close family links to the Burley-in-Wharfedale Parish and then secondly the wider Wharfedale area.

Primary School – To safeguard an area of land within the site for the provision of an up to 2 form entry Primary School and to offer this land to City of Bradford MDC if requested in order to deliver the school. The area of land will identified for the school will be reserved for a minimum period of 10 years and will be transferred to the Council at the appropriate time at a cost of £1. To establish a Primary School Delivery Partnership whose terms of reference and remit will be to seek to deliver the new school in the most appropriate way and at the most appropriate time

Highways – The following highways improvements will be secured through the Section 106 agreement:

- **£15,000 to allow a review of the existing Traffic Regulation Orders (TROs) on Main Street, Burley-in-Wharfedale. This will include a review of waiting restrictions, loading restrictions and potential for 20mph speed restrictions. This will be payable on occupation of the 1st unit;**
- **£55,000 towards traffic calming and footway strengthening TROs in the Sun Lane area. This will be payable on completion of the pedestrian link between the site and Sun Lane;**
- **£40,000 for improvements to the A65 Coutances Way / Wheatley Lane junction taking the form of the installation of Microprocessor Optimised Vehicle Actuation (MOVA) within the traffic signals. This will be payable on occupation of the 401st unit;**
- **£25,000 towards Vehicle Activated Signs and introduction of traffic islands on Manor Park. This will be payable upon completion of the ghost island right turn lane access into the site from the A65 (as shown on drawing 13-215-TR-009A);**
- **£65,000 towards TR2500 Controller specification software improvements to the Traffic Lights at the Buckle Lane / Bingley Road Junction. This will be payable on occupation of the 1st unit; and,**
- **£320,000 towards a scheme of wider improvements to the Buckle Lane /Bingley Road junction, as shown on Plan 13-215-TR-024. This will be payable on occupation of the 301st unit.**

Sustainable Travel Measures:

£75,000 per annum to fund improving, rerouting and increasing the frequency of the 962 bus service (or any equivalent replacement facility) for a period of 5 years (£375,000). This will provide a regular public transport link between the site, Burley Rail Station and the remainder of the settlement. This will be payable to West Yorkshire Combined Authority in five equal annualised payments. The first payment will be made on substantial completion of the internal estate road.

Application Number:

16/07870/MAO

Type of Application/Proposal and Address:

This is an outline application for the demolition of existing building and outline planning permission (all matters reserved other than points of vehicular access into the site) for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works (Supplementary Environmental Statement relating to the provision of an up to two-form entry primary school) on land at Sun Lane and Ilkley Road, Burley-in-Wharfedale.

Members are advised that the scale and nature of the development the subject of this application constitutes an EIA (Environmental Impact Assessment) proposal and the application is submitted with an EIA

Applicant:

CEG Land Promotions Ltd

Agent:

C Darley (Nathaniel Lichfield & Partners)

Site Description:

The site is located to the south of the A65 and to the west of Sun Lane. It currently comprises a number of open fields which are used as grazing land with trees scattered along both the field and site boundaries. The site is split into 2 by a private access drive serving an existing nursery business. A Grade II Listed Building is located adjacent to the site on the southern edge of the A65. Further to the south of the site is the Sun Lane Nature Reserve. The eastern boundary of the site is formed by the existing built up area of Burley-in-Wharfedale where a number of existing pedestrian routes lead from the development site to the main centre of the settlement. A water course runs through the north western portion of the site.

Relevant Site History:

There is no relevant planning history on the site

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.

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated but is located within the Green Belt as identified within the RUDP. Crossing the north eastern corner of the site is an identified Cycle Improvement (Ref: S/TM20.7 – The Wharfedale Cycleway). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

TM6 Bus Priority
TM10 National and local cycle network
TM20 Cycleway Improvements
NR1 Safeguarding (Minerals) Resource
GB1 New Building in the Green Belt

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC5 Location of Development
SC7 Green Belt
SC8 Protecting the South Pennine Moors and their Zone of Influence
SC9 Making Great Places
WD1 Wharfedale
EC4 Sustainable Economic Growth
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO3 Distribution of Housing Requirement
HO4 Phasing and Release of Housing Sites
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN3 Historic Environment
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection

EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID2 Viability
ID3 Developer Contributions

Parish Council:

The Planning Committee of Burley Parish Council met on 11th December 2017 and resolved to recommend no objections to the application.

Publicity and Number of Representations:

The application was initially publicised by press notice, site notice and neighbour notification letters. Subsequently an updated Environmental Statement was submitted on the 1st December 2017 and the application was readvertised via site notices and neighbour notification letters. The publicity period finished on the 15th December 2017.

As a result of the publicity exercise 183 representations were received following the initial publicity exercise with a further 22 representations received following its readvertisement. Of the 205 representations that have been received, 204 are objecting to the proposal and 1 is in support. Of the objections received 2 have been from local Ward Councillors and 1 from the MP for the area.

Summary of Representations Received:

Principle:

- By developing towards Ben Rydding, there is a risk of merging villages, as has already been seen around the area, and destroying the villages identity
- The proposal to build 500 new homes on green belt in Burley-in-Wharfedale totally ignores the Governments fundamental aims for protecting such land
- There is no proven need for this level of housing to be built
- There are no exceptional circumstances to justify building on green belt land. That in itself should be sufficient grounds to reject this development
- The village needs to build extra housing, however, these extra dwellings should be through various small individual developments which would keep the village identity and could be built on smaller in-fill sites and brownfield development which would ultimately avoid the extension of the village boundary to the south west of the village
- The demographics in Bradford clearly show that housing need centres on the City of Bradford where there is a growing population and where people work
- Bradford MDC, as the local planning authority, has the responsibility for long term land use planning in the district and so should view this proposed development, not just in terms of committed developments (Greenholme Mills and land south of Welborne, Bradford Road) but in terms of the 1800 additional houses proposed for Ilkley, Addingham and Menston and the cumulative impact on Landscape character, Highways etc
- There are still areas designated as brownfield sites which can be built on regenerating areas like the development at Greenholme Mills, leaving the Greenbelt land and the animal habitats in tact
- Bradford Council are supposed to have a "brownfield first" policy but this suggests that this is not the case

- In early October the BBC gave details of a government document that indicated a number of councils (Bradford being one) were in the process of overbuilding based on revised figures of future demand. A decision should not therefore be rushed and irrevocably desecrate green belt land which can never be regained
- Ilkley is not a growth area, there are no significant employers, the majority of employment opportunities are tourism related. Why does Burley need all these additional houses to support the job growth in Ilkley?
- Local Parish councils have produced much better plans to limit the impact of the additional housing, these plans do not seem to have been taken seriously into consideration by BDMC council
- Part of the site for the proposed building of 500 homes on the edge of Burley is still earmarked for a bypass of the manor park bends a major accident black spot
- The village needs to take its share of a growing population and are keen for the community to grow organically and in a considered way, taking account of where homes are truly needed and what types of homes are appropriate
- The Land Allocation Plan on which residents were invited to comment over the summer of 2016 has not yet been finalised. Allowing the this planning application to proceed for 500 homes on the site when the final land allocations have not yet been reviewed, analysed or concluded is wholly inappropriate and premature
- There is not enough employment in the local area to absorb this number of people to the people moving in will commute largely by car
- This application is an attempt by the applicant to circumvent the local democratic processes in terms of the developing Local Plan of Bradford Council and Burley's Neighbourhood Plan, being prepared by Burley Parish Council

Highways/Transport:

- The main road through is busy at the best of times with it being difficult to navigate through at its busiest due to the number of people visiting shops
- The A65 is already heavily congested at peak times
- The priority should be to improve this area of road by straightening and raising the road to stop flooding which has closed the road on numerous occasions
- No shops are proposed for the proposed development such that residents can continue to support businesses in the centre of Burley. From an economic perspective, this seems sensible. However, many residents of the development will choose to drive the three quarters of a mile journey from the development to the centre of Burley. This will cause greater congestion on the roads
- The Council has already commented that it will not allow development to proceed until it is satisfied that the proposal will not adversely affect existing and proposed transport infrastructure in the vicinity of the site
- The pavement runs only on one side of Main Street leading from the proposed development up to the centre of Burley. Consideration should be given as to how residents will safely cross from the development to the other side of Main St in order to walk into the centre of the village
- Object to the proposed pedestrian access from the development via Woodpecker Road. This pedestrian access would be the shortest walking route from the development to the centre of Burley. Wellfield Lane and Woodpecker Road are currently quiet, cul-de-sac locations
- To ensure greater pedestrian safety we ask that mitigation be included to slow traffic and inclusion of a pedestrian zebra-crossing point at Wellfield Lane

- It is unclear how the site would be connected to the village in terms of vehicular access of the type and volume associated with 500 homes, and how traffic management and calming measures could be used to manage such a surge in the number of homes and residents in the locality
- The river Wharfe continues to undermine the A65, as the road and river are closely located at the "Manor Park Bends". This section of road urgently needs to be widened, straightened, raised and set back from the river. These recommendations were made some time ago but will not be possible if the application is approved
- The proposals do not acknowledge other developments that will happen in the area (around 1800 new homes in Addingham and Menston) which will also utilise the A65
- The Applicant commissioned a traffic count in November 2015 on Countances Way. The figures they have produced do not take account of development that is required to be built but has not yet been "committed" - a selective omission to assist their statistics
- How up to date is the Travel to Work Origin and Destination data for the Bradford 003 Middle Super Output Area (MSOA) evidence? It seems difficult to believe that only 5% of traffic from the development will choose to drive through the centre of Burley along Main Street particularly as it would be the route taken to drive to the train station
- The legitimacy of the 'internal' assumption made by 'Bryan G Hall' on traffic patterns is questioned. If they have assumed that 60% of traffic visiting the site will use the Ilkley Road / Main Street entrance, then does that disproportionately skew all of the traffic modelling for the A65 in a manner that makes saturation of the A65 less evident as it ignores traffic going to the second, annexe site nearer Ilkley? Also, if 60% of the traffic will use the Ilkley Road / Main Street entrance, then it again brings into question the accuracy of the projection that only 5% of the traffic from the development will choose to drive through the centre of Burley along Main Street.
- The Applicant also fails to recognise how people actually live when making their assumptions. They suggest the new residents will walk and use public transport - it won't happen
- At present problems with accidents and flooding on the road causes major disruption – this is the single route for heavy vehicles as other local roads are not suitable
- Car parking is already an issue with cars parked in streets around the station causing congestion and inconvenience to residents
- People generally will not walk from the proposed development to the train station - it will be too far for many and others will be too time pressured
- The trains are running at full capacity and there are currently no plans to lengthen the platforms at the railway station or to provide additional carriages on the trains
- The proposal contradicts Policy TR1 which states development should be located so that the use of sustainable travel is maximised and the impact of development on existing transport networks is minimised
- Who will pay for the necessary transport infrastructure improvements required because of the development
- There are no credible plans to address the problems of negotiating a shuttle bus service from the new housing developments to Burley-in-Wharfedale train station through the village, given that cars are permanently parked on one or both sides of the 'local' road along the entire route towards Burley-in-Wharfedale
- Budget cuts mean bus services will suffer further reductions. Forcing people onto an inadequate/ deteriorating bus service will not work as people need a reliable way to commute to reach their employment

- The developer has proposed an investment in Burley railway station in order to increase the car parking capacity available. Parking is limited at Burley station as it is surrounded by housing or green belt. How exactly does the developer intend to meet this commitment?
- Aiming for a 10% reduction in car use is unrealistic and ignores practicalities. It cannot be delivered
- The houses proposed are not being built near to where the jobs are, thus people are having to travel further to work. It simply creates more congestion and far greater emissions than would be the case if these homes were built where they were needed, as opposed to where a developer would like to build them for ease (green belt as opposed to brownfield site) with a motive of profit and at huge detriment to the community
- The buses are limited stop services, which are not likely to divert through the estates and do not provide evening or weekend services. As the first bus would arrive in Ilkley at 09:20, it is of no use to those whose working day starts before then. Equally, those relying on the bus to travel to work in Harrogate, would have to finish early every day, as the last bus that goes through to Burley, leaves Harrogate at 16:30
- The main facilities of the village, such as the main Co-op store and the doctors' surgery, are 1,500 metres from the site. Whilst they may be walking distance for some this will not be the case for all - increased car usage through the small village main street will increase congestion and add to existing parking problems
- The traffic figures produced by CEG should be scrutinised in great detail and not taken at face value

Drainage:

- Inappropriate development in Burley-in-Wharfedale in an area at risk of flooding and future effects of climate change should be taken into consideration, as once this land is built on it will be very hard to improve flood defences in the future
- The soils in the locality are extremely clayey and are prone to compaction. A huge development such as the one proposed with its infrastructure of roads and high density housing would result in the compaction of the soil and underlying substrate which would affect the natural drainage and add to the risk of flooding
- It is very likely that the present Sewer and Water Treatment Plant (SWTP) wouldn't be able to cope with the extra residents' demand of the potential 500 - 700 houses in Zone 1 west of Burley-in-Wharfedale
- Yorkshire Water have confirmed there is capacity in the local foul sewer network and waste water treatment works to receive, convey and treat foul flows from the proposed development assuming a build rate of 50 dwellings per annum. This would restrict the developers to a 10+ year build programme for the site (for 500+ houses) which conflicts with the circa 7 years estimate provided to date?
- The Flood Risk Assessment does not fully detail the major flood events relating to the River Wharfe in Burley over the last 70 years. It refers to Environment Agency historical records of flooding on or near the proposed site in January 1982, 1991, 1995 and Autumn 2000 but fails to mention 5 other major events of fluvial flooding of the River Wharfe in Burley in 1950, 1965, 1975, 1990 and 1994
- Some of this site is designated a flood zone 3a
- Concerns about the potential negative impact that water channelling, flood management and drainage schemes may have on surrounding, existing housing and on the river level of the Wharfe, if that is where excess run off will be channelled

Residential amenity:

- The loss of view of neighbouring properties would adversely impact on the residential amenity of neighbouring owners
- Noise pollution will increase from extra residencies and traffic
- Due to differences in land levels, the dwellings adjacent to the site will be overlooked due to them being located on lower ground
- A 7 year development programme will impact nearby residents and residents on the development significantly - it is too long a period of time. Noise and dirt from building work, with the potential risk of unfinished or unbuilt road/transport infrastructure nearby, will be very disruptive to residents of Sun Lane, Wellfield Lane and other nearby roads

Visual amenity:

- The housing density proposed is high (to optimise profit, one would assume); the proposed housing types consists of tall town houses and terraces which are not appropriate on the rural edge of the village and would block views out of the west end of the village
- The proposed development would destroy the character of this landscape with its attractive network of pastures, meadows, hedgerows, field trees and isolated farm buildings, which is the charm of this landscape and the picturesque setting of the village

Environment:

- The Scoping Assessment of Operational Impacts on SPAs / SACs (Appendix J5) suggests there will be no pollution impact from traffic, although it acknowledges there will be an increase in traffic flow via Moor Lane
- The application demonstrates the integrity of the on SPAs/SACs will be completely undermined and there is no evidence to demonstrate alternatives have been considered i.e. use of Brownfield sites and there are no imperative reasons cited to override the public interest
- There will be ecological impacts that will take years to recover if ever

Conservation:

- A historic Roman development has recently been identified in the fields where the development is planned and this site needs to be analysed and preserved without interference from a commercial developer

Infrastructure:

- Burley-in-Wharfedale is already an extremely busy village with its local amenities struggling to cope with current village numbers
- The villages infrastructure (doctors/schools/nurseries/recreation ground) cannot cope with the increased numbers brought by the proposed development
- A new primary school would not be built until there were sufficient pupils to fill it. Where would the children go before this school was built? Current primary schools are full with little room for expansion
- Council services in the area will be stretched such as refuse disposal
- A massive development requires more investment in infrastructure and services due to the larger mass of inhabitants it attracts - the investment is not a justification for the development itself
- Some of the infrastructure investments may not come to fruition until much later in the development programme. This increases the likelihood that they may never be achieved. Such a situation may leave Burley with more housing and residents, but

without the increased infrastructure to support them. Greater guarantees on this point are required.

- The proposed primary school is at the back of the development. Will this mean that transient traffic will pass through the development on a daily basis as parents who do not live on the site drive their children to school? The positioning of the school in this location will also impact residents of this development in a negative way

Wildlife/Ecology:

- This site provides an important and diverse habitat including trees, grassland and hedgerows which provide opportunities for nesting, roosting, feeding and breeding
- The site is home to numerous species of birds and bats some of which are on the red and amber protection lists
- The Preliminary Ecological Appraisal reveals that the proposed site is extremely rich in bio-diversity and it is impossible to reconcile new housing with this
- The Preliminary Ecological Appraisal also raises the issue of "potential increase in numbers of dog walkers using Sun Lane Conservation NR/BWS". With the effective removal of any green buffer area around the NR plus additional foot (and paw) fall, the effect is likely to be disastrous

Others:

- There is no evidence to show that the development could bring any positive impact on the village
- The proposed development will result in premium houses out of reach of the average family even with 'affordable' provision
- Should planning permission be given that any Section 106 monies will reflect the additional burdens which will undoubtedly be placed on local resources and local residents and local families because of the decision
- Object to the manipulative way the developer has handled this application - appointing barristers to find loopholes to exploit, which has resulted in a jump from initially 200 to 500 houses; undermining the Greenholme Mills brownfield proposal (which the majority of the villagers approve) to improve the chances of their own application, and blatantly lying on some matters at their presentation to the village - for example, about guarantees of places for all the residents of Burley at Ilkley Grammar which was and is not true
- The absence of planning notices at any point along the perimeter of the site has meant that some residents may not be aware of the location of the proposed housing
- This is not a proposal to provide affordable housing or to provide facilities for Burley in Wharfedale, but driven by financial gain by a few
- The proposal makes reference to the provision of a primary school. Everyone who resides in this part of the Wharfe Valley knows that the major problem is the lack of places in secondary education
- Is this already a done deal? It will be interesting to see if the pages of objections for many reasons from residents all over the village have any impact on the decision!
- To suggest that the recently discovered roman camp could be incorporated into the overall site design smacks of theme park mentality and clearly shows a just how desperate the developer is to have this application approved
- There will be an inevitable increase in low level crime and antisocial behaviour which will likely spill over into the rest of the village. Manor Park, being right opposite, will be on the front line.
- It is likely to create a self-contained community that does not integrate with the rest of the village

- Nobody wants this development, it is just a cash cow for Bradford Council because they know we actually pay our council tax
- Provision on expensive housing that is not really addressing the housing shortfall
- The authority should concentrate on building affordable housing where it is needed
- Sun lane nature reserve still has some nasty rubbish ex buried under ground. How are the developers going to make certain any contaminated water does not reach the new development
- The glossy brochure and slick presentation used by CEG is full of empty promises of future improvements - increased train capacity, school investment - if planning is gained and this is sold off in pieces I very much doubt any of the promises will be fulfilled
- We have to be net self-sufficient in food production. The answer is fewer people, not more houses. This is unsustainable

Consultations:

BMDC Planning, Transportation & Highways: Local Plan / Policy Team – No objection to the proposal on the grounds that, whilst the site is located within the Green Belt, there are very special circumstances that would justify the granting of planning permission including meeting the identified housing need for Burley-in-Wharfedale within the Core Strategy, the provision of a new primary school and the securing and delivery of the temporary Roman Camp

West Yorkshire Archaeology Advisory Service – No objection to the principle of the development but state that the application site encompasses an area of previously undeveloped agricultural land which has the potential to contain remains of national significance. Whilst a desk based survey of the sites potential has been submitted it is recommended that further surveys and archaeological evaluation are carried out across the site. The site should be subject to further archaeological evaluation prior to determination of the outline application to fully establish its archaeological potential and the significance of the remains present.

Historic England – No objection to the proposal on heritage grounds but acknowledge that the proposed development will cause some harm to the identified Roman Camp through the development of the school and housing, the need for access roads and reduction of its rural setting. However, it is consider that it will deliver positive benefits by retaining and enhancing the external earthwork, undertaking further archaeological assessment building on the camp's initial discovery, the development of support material for the school and securing the long-term management of the earthworks.

Conservation Team – No objection to the principle of the development as there are no heritage assets within the application site. There is a non-designated heritage asset in the site in the form of the temporary Roman Camp whose archaeological interest is demonstrably of equivalent significance to a scheduled monument and which should therefore be considered subject to the policies for designated heritage assets. Adjacent to the site are two Grade II Listed Buildings which will effectively be surrounded by the development. The level of harm to the listed buildings is considered to be less than substantial and should be weighed against the public benefits of the proposal. If the proposal is considered sufficient public benefit to outweigh the limited harm identified then as part of the development it will be important to ensure that the layout provides the listed buildings with a buffer zone to retain the maximum spaciousness around them

Yorkshire Water – The indicative layout plan submitted shows that buildings are located over the line of the sewers potentially jeopardising Yorkshire Water's ability to maintain the sewerage network. However this could change at Reserved Matters stage and Yorkshire Water are satisfied that the matter can be controlled via condition

Drainage – No objection subject to the imposition of appropriate conditions relating to the discharge of foul sewage

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

Environment Agency – No objection to the proposal subject to the imposition of a condition stating that no development shall take place outside of flood zone 1. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 no further are submitted and the previous comments remain valid.

Landscape Design Unit – No objection to the principle of the development. It is considered that the draft landscape proposals for the Ilkley Road frontage are acceptable and that the planting of mature size replacement trees and the replacement hedgerow will help compensate for the loss of existing planting in this area. With regard to the updated draft landscape and Green Belt buffer information the details appear to be generally acceptable and sympathetic to the local landscape character of the area. Fully detailed planting plans will still be required for all of the proposed landscaped areas as part of the final submission.

Biodiversity Team – No objection to the principle of the development. The Habitat Regulations Assessment (HRA) submitted in support of the application identifies likely significant effects that the development proposals would have on the nearby South Pennine Moors Phase 2 Special Protection Area (SPA) and Special Area of Conservation (SAC), in particular recreational impacts. The HRA proposes sufficient measures both on and off-site that these impacts can be adequately mitigated such as sufficient accessible greenspace and adequate links with the surrounding public right of way network within the development and in relation to off-site measures improvements and funding for long-term management of the adjacent Sun Lane Nature Reserve together with additional accessible green space in close proximity to the development site. Further to the submission of the Ecology Technical Note submitted on 29th September 2017 it is noted that further bat and barn owl surveys undertaken on the site as a result of biodiversity comments provided previously by the Council. The conclusions of these additional surveys and the responses to other issues raised in the Council's comments are noted and accepted. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 it is noted that it identifies the loss of a further 0.4 hectares from this on-site open space provision to provide larger school site it further strengthens the argument that there will be residual recreational impact which is not be absorbed on-site, and underlines the need for the financial contribution for off-site mitigation measures.

Natural England – The site is within or in close proximity to a European designated site (South Pennine Moors Special Area of Conservation and Phase 2 Special Protection Area) and therefore has the potential to affect its interest features. Initial concerns were raised that the proposal doesn't contain sufficient information in relation to bird surveys, recreational impacts, and, landscape. The proposal does offer the opportunity to incorporate features into the design which are beneficial to wildlife

Trees Section – No objection to the proposal subject to there being adequate compensatory planting relating to any trees that are lost particularly along the northern boundary of the site onto the A65

Highways DC – No objection to the proposal subject to the imposition of conditions to secure the off-site highway works. Following the submission of the Transport Assessment Addendum (November 2017) no further comments are made

Rights Of Way – No objection to the principle of the development and support the intention to create new paths through the development site and for there to be a link to Sun Lane for pedestrians and cycles and that many of these routes will be through areas of green space. As a result of the Council's Rights of Way Improvement Plan, the link to Sun Lane should allow for access by horse riders as well as pedestrians and cyclists. The proposed bridleway should be located to form a reasonably direct route between the existing bridleways.

Environmental Health Air Quality – No objection to the proposal on the grounds that emissions from the construction and demolition phase of the development can be adequately controlled and mitigated. Conditions are sought in relation to the submission of a Construction Environmental Management Plan, provision of electric vehicle charging points in both domestic curtilages and communal parking areas, and, a low emission travel plan

Environmental Health Land Contamination – No objection to the principle of the development and concur with the findings of the Phase 1 Desk Study submitted in support of the application. Conditions are sought in relation to the carrying out of further site investigation works together with appropriate remediation and verification where appropriate. In relation to the submission of the additional information there are no further comments to make to those already made.

Minerals and Waste Section – No objection to the principle of the development but state that the site is partially located within a Minerals Safeguarding Area (MSA) for sand and gravel (to the north of the proposal site), if it is considered appropriate to extract minerals, a Minerals Resource Assessment will be required to demonstrate the viability of extraction. No concerns are raised regarding the reports that have been submitted to address land quality/contamination issues related to this former landfill

Environmental Health Nuisance – No objection to the proposal. In relation to the submission of the additional information there are no further comments to make to those already made.

Design – No objection to the principle of the development and it is considered that the design approach could lead to a high quality development. In formulating the final design consideration should be given to aspects such as connections, local facilities/community focus, and, topography

Sport & Leisure – No objection but seek the payment of a commuted sum of £410,686 to be used towards enhancing the existing recreational infrastructure due to the pressure the proposal will put it. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 the response has changed in that a financial contribution can no longer be sought but it is still stated that the development will result in a significant impact on the existing public open space due to 500 new residential units. If the developer is looking to provide new public open space they will

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

Education (Client Team) – No objection to the principle of the development but state that the schools in the area are operating at above 95% capacity and due to a growing population there is a need to seek a financial contribution towards enhancing the educational infrastructure in the vicinity of the site. The contribution sought equates to £4,402,060 (based on 500 dwellings) and is broken down into £2,481,120 at secondary sector level and £1,920,940 at primary sector level. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 revised comments have been submitted which state that the proposal is likely to cause concerns on where children of families coming to reside in the development might attend school. It is also stated that a housing development of 500 homes is unlikely to bring in sufficient additional primary aged children to fill a 2 form entry school and would impact on both existing primary schools in Burley. Any monies needed to be secured for education infrastructure improvements would be done through the CIL process

Development and Enabling – The site is located within an area where the affordable housing requirement is the provision of up to 30% of the number of units. There should be a mix of tenures including affordable rent and shared ownership. In terms of house sizes these should range from 1 to 3 bedrooms

West Yorkshire Police – No objection to the principle of the development but comments are made on specific aspects of it including footpath routes/permeability, rear car parking, public open space, boundary treatments, and, physical security. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 the previously submitted comments are reiterated.

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Affordable housing
8. Secured by design
9. Contaminated land
10. Biodiversity
11. Conservation
12. Community Infrastructure Levy
13. Burley Neighbourhood Plan
14. Other issues

Appraisal:

The proposal relates to the demolition of existing building and outline planning permission for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works. Details of the means of access to the site have

been submitted for consideration at this stage with matters such as the layout, appearance, scale, and, landscaping reserved for consideration at a later stage.

1. Principle of development

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the National Planning Policy Framework requires Local Planning Authorities to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The emerging Local Plan underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future Development of The District is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development through the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

In assessing the proposal policies contained within both the Replacement Unitary Development Plan and the Core Strategy are relevant as well as the relevant paragraphs within the National Planning Policy Framework.

The Replacement Unitary Development Plan was adopted in 2005 and the majority of its policies were saved by the direction of the Secretary of State in 2008 under the provisions of Paragraph 193) of Schedule 8 to the Planning & Compulsory Purchase Act 2004. Where there are policies within the RUDP which were saved, the weight which should be accorded to them will depend on the extent to which they accord with current Government policy and guidance and the extent to which they reflect the current needs of the District and requirements for the proper planning of it. One thing that is particularly pertinent is that the policies and parts of the RUDP that deal with the scale of need for new housing and those relating to the supply of housing do not reflect current government guidance and current need and are thus considered completely out of date.

Within the Replacement Unitary Development Plan Policy GB1 has been saved until the adoption of the Allocations Development Plan Document and is therefore a relevant consideration. The Policy only allows for development within the Green Belt, with the exception of a number of specified uses, where very special circumstances can be proven.

The Core Strategy was adopted on the 18th July at the Full Council meeting and is therefore the principle policy consideration in determining the application.

One of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City
- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

There are a number of policies within the Core Strategy that are relevant to the consideration of the proposal.

Policy SC1 sets out key spatial priorities with particular attention being given to parts 6 and 7 of the Policy. The proposed scheme by providing around 500 new homes, a network of open spaces and education facilities would accord with part 5 which seeks to support the District's Local Growth Centres (of which Burley-in-Wharfedale is one) to meet the need for homes and local services. Part 7 seeks the protection and enhancement of the District's environmental resources including areas of national and international importance such as the South Pennine Moors and the character and qualities of the District's heritage, landscape and countryside. You will need to consider the detailed advice of the Council's Landscape, Conservation and Biodiversity officers in judging the compliance of the proposal with this criterion together with the advice of key external bodies such as Natural England.

Policy SC4 is a key policy within the Plan in directing development and the distribution of growth to the most sustainable locations and also taking account of the opportunities and ability of settlements to grow in a sustainable way as informed by the land supply position within the SHLAA, the Settlement Study and the Bradford Growth Assessment. It is a policy which has identified Burley-in-Wharfedale as a Local Growth Centre, as one of a number of sustainable local centres accessible to higher order settlements, located along key road and public transport corridors and which should therefore make a significant contribution to meeting the District's needs for housing. Having considered the representations and objections made at Examination, the Inspector has endorsed this approach commenting that it is appropriate, properly justified and soundly based. The application scheme and its proposals for both housing and local infrastructure would accord with this policy and help deliver the sort of and scale of sustainable development and growth advocated by it.

Policy SC5 sets out the approach to be taken in allocating sites for development within the Local Plan. The proposed modifications to the supporting text (MM13) confirm that the policy is not to be applied to planning applications for windfall developments and thus is not applicable to this application. However, it may be pertinent to point out that were the site to be considered as part of the process of preparing the Land Allocations Development Plan Document, its confirmation as a housing site allocation would not be ruled out by the provisions of the Policy given the absence of sufficient site options in non- green belt locations within the settlement.

Policy SC7 establishes that there are 'exceptional circumstances' for the release of Green Belt land within the Local Plan in order to meet the District's need for homes and jobs and support the long term economic success of the District. It states that this will be achieved via a selective review of the Green Belt within the Local Plan with other policies such as Policy WD1 confirming where in settlement terms Green Belt change is needed and justified. Policy SC7 and WD1 together support the need for land releases to make a significant contribution to meeting the housing target for Burley-in-Wharfedale. Both policies have been endorsed by the report of the Core Strategy Inspector.

Policy HO3 sets out the apportionment of the district wide housing requirement of at least 42,100 new homes between 27 different settlements and sub areas and indicates that sufficient land should be allocated to ensure that 700 new dwellings are provided at Burley-in-Wharfedale. It is important to stress that the apportionments or targets set out within Policy HO3 and thus that of 700 for Burley are not maximums, they cannot be as the district wide housing requirement is prefaced by the word at least and national planning guidance within the National Planning Policy Framework requires plans to be flexible enough to respond to changing circumstances and in so doing ensure that they are likely to be deliverable. That is not to say that more than 700 new homes need to necessarily be accommodated in Burley-in-Wharfedale but it is a warning that planning decisions and analysis should not be based on assumption that there is an automatic cut off point once 700 new homes are provided for. It is also worth pointing out that the potential land supply and the nature and location of that supply were key elements of the evidence underpinning each housing apportionment and informed the proposal to increase the housing target at Burley. In the case of Burley-in-Wharfedale's 700 dwelling target the availability of a sustainable and deliverable site (i.e. broadly the application site) at the western edge of the village was a key factor.

The sub area policies within the Core Strategy bring together the proposals for development and growth from policies such as HO3 and identify key spatial priorities including the need where relevant for changes to the Green Belt. Policy WD1 deals with Wharfedale and establishes that Burley-in-Wharfedale will see the creation of 700 new homes through redevelopment of sites within the settlement and with a significant contribution from Green Belt changes, together with associated community facilities. The application at Sun Lane would therefore accord with this policy and Policy HO3.

Following the Core Strategy Examination the Inspector's Report, while recognising the concerns raised by some residents (in particular with regard to Burley and Menston's status as Local Growth Centres), has endorsed this policy. In paragraph 182 of his Report he states that these two settlements "... are smaller settlements than some other LGCs, but have a good range of local facilities and services, including shops, health, education and community facilities. They are sustainable settlements, are popular places to live in, have grown in the past and have a strong demand for new housing. There are few employment opportunities, but they have good accessibility by road and rail to jobs in Leeds, Bradford and elsewhere. They are tightly constrained by the Green Belt and, given the lack of existing brownfield and greenfield sites within the built up areas, significant areas of Green Belt land would be needed to meet these targets. However, the Growth Study [EB/037] assessed the impact of the proposed levels of development on the purposes of the Green Belt and concludes that there is the potential to accommodate some growth without coalescence or undermining Green Belt purposes. Nevertheless, the policy should confirm that a significant contribution

from the Green Belt will be needed at Burley to meet the amended scale of development proposed.”

In paragraph 185 of his Report the Inspector states that the proposed housing targets for Burley and Menston “...would represent a significant increase in the number of dwellings at these settlements, but both have grown in the past and these proposals would continue past trends at a relatively modest rate over the period of the Plan. Consequently, the revised apportionments for Burley and Menston are appropriate, reasonable and proportionate to the size, form and role of the settlements, given their sustainable location along the main A65 transport corridor and their potential to accommodate further growth”. The Inspector concludes in paragraph 190 that “...the settlement hierarchy, spatial distribution of development and sub-area policies for Wharfedale are appropriate, fully justified, effective and soundly based.”

Policy HO4 is aimed at the process of allocating and phasing the release of sites in a managed and sustainable way in the Allocations Development Plan Document. Paragraph 5.3.78 of the Core Strategy confirms that “it is not the intention that Policy HO4 be applied to prevent other future sustainable housing development proposals (which would be considered windfall development) from coming forward”. However, bearing in mind the comments and questions which may be asked relating to how the site would be judged if it were coming forward as part of the Allocations Development Plan Document process further comment can be made. Policy HO4 indicates that there will be a phased release of housing sites within the forthcoming Allocations Development Plan Document. Based on the criteria and goals of the modified policy, the site in question is one which, if being considered for allocation as part of the Local Plan, would in all probability be placed in the first phase to be brought forward straight away. This is because the policy suggests the bringing forward of sites straight away where those sites are large or complex or would secure required investment and infrastructure. In this instance the application appears to be making a positive contribution to resolving some infrastructure issues such as those relating to educational capacity at primary level. Such an early release would also support the policies goals of maintaining a 5 year land supply and boosting housing delivery. It is also important to stress that the policy does not place any bar on any type of site placed in the first phase – it is not a crude brown field first policy and there is nothing stopping green field or green belt sites being brought forward in the first phase of the new plan.

Under the provisions of Core Strategy policy HO5 the Council need to assess whether proposals will deliver a minimum of 30 dwellings per hectare and whether they represent an efficient use of the site. The efficient use of land is a particularly important policy since it helps ensure that the use of land and therefore green field sites is minimised and that sustainable patterns of development are secured. The policy allows for departures from the 30 dwellings per hectare minimum where there are issues relating to the nature of the site and its surroundings which warrant a reduced density approach. The application at this stage does not confirm final dwelling numbers but the submitted documents suggest provision of around 500 units which produces a return close to but just below the 30 dwellings per hectare minimum. If a subsequent detailed application were submitted the Council will need to carefully balance the need for a sensitive scheme that reflects the character of the area, the site context and house types which match need and demand, with the need to maximise site yield. It should be pointed out here that within the indicative masterplan submitted there is the provision of a new school together with numerous areas of open space which would need to be taken out of the calculation for the density of development.

Policy HO6 states that priority should be given to the development of Previously Developed Land and buildings and sets targets for the delivery of housing development on groups of settlements. It is not however a brownfield first policy (which would conflict with current Government policy within the National Planning Policy Framework), it does not rule out development on green field sites and it does not set a specific brown field target for individual settlements such as Burley-in-Wharfedale. Moreover the Burley-in-Wharfedale settlement target has been set at 700 dwellings within the Core Strategy precisely on the basis that the majority of such development will need to be on green field land. It is also important to stress that the sustainability of a site or otherwise is dependent on a range of factors and not just its status as brown or green. The application would therefore accord with Policy HO6.

Having outlined the relevant policy guidance against which the principle of the redevelopment of the site for residential purposes will be assessed there are a number of other issues that need detailed consideration including housing need, housing delivery, housing land supply/5 year land supply, and, the Green Belt.

Housing need: The District of Bradford is experiencing, and is expected to continue to experience, a rapidly growing population based in part on its relatively young age structure and in part on established patterns of migration. Meeting housing need in a sustainable way is one of the key aspects of the proper planning of the District. The policies of the Core Strategy have been informed by a robust objective assessment of housing need which accords with Government practice guidance and which has been endorsed by the Inspector appointed to examine the Plan. It is considered that there will be a need for the provision of at least 42,100 new homes over the period to 2030 to meet the expected population and household growth and to reflect housing market signals and projected jobs growth. Failing to provide for those new homes would have a significant adverse effect on the District's economy and its population, their health, life chances and well-being. For this reason the Council's Housing and Homelessness Strategy, 'A Place to Call Home' sets 4 key objectives – more homes, safe and health homes, affordable homes, and to support independence and prevent homelessness. Population and household growth is occurring across most of the District, however the greatest pressures are inevitably in the urban areas where migration and natural population change is focused. Housing delivery to meet need and demand and in particular to provide affordable homes is also needed in the valleys of Airedale and Wharfedale and this is one of the reasons why the Core Strategy has proposed significant levels of new development within areas such as Wharfedale, albeit at much lower scale than that proposed within the urban parts of the District.

The Council's Strategic Housing Market Assessment has also provided an assessment of the need for new affordable homes. In addition to estimating a net district wide need for 587 new affordable homes per annum it has highlighted the need for increased provision within Wharfedale. Based on the evidence within the Strategic Housing Market Assessment and the juxtaposition of need with potential supply, the Core Strategy indicates that a lower scheme threshold (11 units or more) for the provision of homes is justified in Wharfedale as compared to other parts of the District where that threshold is 15 units.

Housing Delivery: Given the above context, delivering new homes, which is also a national Governmental priority, is a key objective of the Council. However the District is already facing the problems of under delivery of new homes compared to recent household growth and this has manifested itself in a variety of ways ranging from over-

crowding in the urban areas to relatively high house prices and under supply of new affordable units in areas such as Wharfedale. The lack of a sufficient supply of deliverable sites together with prevailing and difficult conditions within the housing market and the economy have meant that housing delivery in the District has fallen significantly below that needed by a growing population and significantly below the planning targets in place. Under delivery has been persistent and substantial. Between 2004/5 and 2016/17 net completions (as reported with the Council's AMR) have fallen below plan targets in 10 out of 12 years with a cumulative deficit now built up of nearly 11,000 units over that time.

The Council's Housing Strategy notes that "Symptoms of insufficient housing supply are evident across the district: overcrowding has increased to nearly 10% of households, and homelessness is also increasing. If housing growth does not keep up with population growth, overcrowding and homelessness will get worse, and will impact upon the district's economic growth prospects". While these comments are more pertinent to the District's larger towns the urban areas, a failure to provide new homes in Wharfedale will also undermine the ability of young people and families within those areas to secure accommodation and in doing so will undermine the vitality and sustainability of those communities and settlements.

Housing Land Supply/5 Year Land Supply: In accordance with its overall goal of boosting significantly the supply of housing (National Planning Policy Framework paragraph 47) the Government places great importance on Local Planning Authorities ensuring that there is at all times an adequate supply of deliverable sites. The requirement to ensure that there is a 5 year land supply of such sites is contained within paragraph 47 of the National Planning Policy Framework. This states that Local Planning Authorities should "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

At present there is a significant and substantial shortfall of deliverable sites within the District. The two most recent assessments of the 5 year land supply position were within the Council's third Strategic Housing Land Availability Assessment where supply was estimated to be 2.33 years and within the analysis and conclusions of the Secretary of State in his consideration and approval of the housing proposal at Sty Lane, Micklethwaite where he concluded that the 5 year supply was estimated to be just 2.03 years, and thus described the shortage of supply as acute stating that this shortage should be accorded very substantial weight in the planning balance.

One of the reasons why the 5 year land supply position in Bradford District is so poor is because the requirement side of the calculation includes a 20% buffer to reflect recent and persistent under delivery of new homes and this in turn reflects difficult housing market conditions since the crash of 2008 and the problems of relatively poor levels of viability for sites within the urban areas (which is clearly demonstrated within the Local Plan Viability Assessment which was produced to inform the Core Strategy). It is also worth noting that the recovery in the housing market and in housing delivery within Bradford District since the crash of 2008 has been slow. In 2014/15 net completions

(1134) were still only at some 53% of the level at the last peak in 2007/8 (2156 - which itself would not have met annual need levels as currently assessed at 2,476).

This evidence together with on-going restrictions on the ability of Councils to borrow to deliver and build homes, pressures on public sector spending and thus the programmes such as those of the Homes and Communities Agency (HCA) would suggest that in the next few years and through the early part of the new Local Plan period, the ability of the District to boost deliverable land supply, increase housing delivery and start to meet its housing need will be dependent on securing development in those areas of the District where there is available and immediately deliverable land supply, and where market conditions and viability levels are favourable.

Given the lack of a 5 year land supply the following paragraphs of the National Planning Policy Framework are of particular relevance to this application. Paragraph 49 states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”. Clearly the policies of the existing statutory development plan, the Replacement Unitary Development Plan, which relates to housing supply and delivery cannot be considered up to date and thus paragraph 14 of National Planning Policy Framework indicates that for decision making this means “approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.

In effect the result of the above policy is to require the Council to weigh up the advantages of approving development proposals which otherwise conflict with policies within the development plan based on their contribution to resolving the shortage of housing land supply. With all applications in such circumstances there is a need to balance the contribution which the proposals will make in boosting housing supply against any adverse impacts of the proposal. In doing so the scale of the land supply shortage and the scale and nature of the housing contribution the application scheme will provide are of relevance.

It is important to stress however that the Government continues to place considerable emphasis on preventing inappropriate development within the green belt. This is indicated by the content of the technical guidance within the National Planning Practice Guidance which suggests that housing need is “unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site in the Green Belt”. Although this sets a high bar for considering development within the green belt it does not rule out such development on 5 year land supply grounds. As the applicant points out the Secretary of State has himself recently approved development within the Green Belt where the lack of deliverable land supply was one of the contributory justifications.

In conclusion, the potential contribution of this site to providing much needed housing and addressing a substantial and acute shortfall in 5 year land supply should, in the context of a rapidly growing District population and the policies of the Core Strategy which require significant green belt change around Burley-in-Wharfedale, be given very significant weight in determining this application.

As previously stated the site is located within the Green belt as identified within the Replacement Unitary Development Plan. The Government clearly places great importance to the protection given to the green belt and this is a factor which should be given considerable weight and very careful consideration in the consideration of this application. In line with the National Planning Policy Framework, Replacement Unitary Development Plan policy GB1 indicates that except in very special circumstances, planning permission will not be given other than for a number of defined uses.

Paragraph 89 of the National Planning Policy Framework states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt (unless one of a number of defined exceptions). New buildings for housing and education are not developments which the National Planning Policy Framework or Replacement Unitary Development Plan Policy GB1 consider as appropriate within the Green Belt. However, as the National Planning Policy Framework makes clear, developments which are otherwise considered inappropriate within the currently defined Green Belt can come forward in two situations. Firstly following a change to the Green Belt boundary resulting from a planned release of Green Belt as part of a Local Plan review where exceptional circumstances' have been demonstrated and secondly where a planning application has demonstrated that 'very special circumstances' exist which warrant such development.

The correct test to apply in the case of this application is therefore the 'very special circumstances test'. National Planning Policy Framework paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. To this end, paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It further states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In order to reach a carefully informed view as to whether this application meets the 'very special circumstances' test it is therefore necessary to assess both the degree of harm to the Green Belt which the proposed development would cause, then assess any other harm and finally assess any benefits of the application. The harm to the Green Belt should be considered by reference to the 5 purposes which National Planning Policy Framework states that Green Belt serves:

1: To check the unrestricted sprawl of large built up areas

Notwithstanding the fact that Burley-in-Wharfedale is not a large built up area the applicants assessment that the development would not lead to unrestricted sprawl due to its containment by the existing built up area to the east, the A65 to the north and the protected Sun Lane nature reserve to the south appears reasonable. Moreover the existing western edge to the settlement is irregular and not particularly well defined and as the applicants point out the scheme provides the opportunity to provide via its design and landscaping a robust and well defined new edge to the settlement.

2: To prevent neighbouring towns merging into one another

The proposed development is, as the applicant points out, located on the side of the settlement where a substantial gap exists between its western edge and the

neighbouring town of Ilkley. The proposed development would reduce that gap and thus while it cannot be claimed that the proposal would have no impact, it is considered that the impact would be small and would not either result in or significantly increase the potential for merger between the settlements. It is also concurred with that development in other directions from the edge of Burley-in-Wharfedale, in particular development to the east and south east, would pose greater impacts and threats with regard to coalescence.

3: To assist in safeguarding the countryside from encroachment

The impact of the proposed scheme is greatest with reference to countryside encroachment and in this sense it is considered that the applicant's planning statement underplays the level of impact and the significance of this impact. The size of the site means that there would inevitably be harm caused to the Green Belt on this criteria although it is also fair to argue that that impact can be mitigated by virtue of the schemes design and landscaping and also that the size of the Green Belt incursion is in part reflective of the amount of open space and landscaping to be potentially incorporated into its design and the presence of a school with the layout.

4: To preserve the setting and special character of historic towns

Burley-in-Wharfedale is not a historic town and this criteria was not one on which the Green Belt in this part of the District was defined. It therefore stands that there would be no impact against this criteria.

5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Burley-in-Wharfedale lies sufficiently distant from the main urban areas and in an area with sufficiently different market characteristics to suggest that there would be no impact on the recycling or development of derelict land elsewhere in those urban areas if the proposed site were brought forward. Moreover there are few Previously Developed Land opportunities within or close to the settlement of Burley-in-Wharfedale and as the applicant suggests the proposed housing apportionment of 700 units is predicated on the assumption that the majority of the new provision will be on greenfield sites.

In conclusion it is considered that there are either no impacts or limited Green Belt impacts resulting from the proposed development when considered against 4 of the 5 Green Belt purposes but there are significant potential impacts when considered against the need to resist encroachment into the countryside. However it is also suggested that, given that the Core Strategy requires and considers appropriate that significant Green Belt releases are made around Burley-in-Wharfedale, account needs to be taken as to the alternatives if the Sun Lane site were not to come forward. In particular caution should be advised where Green Belt releases would cause harm against not just one but several of the Green Belt purposes as could be the case if Burley-in-Wharfedale were to expand significantly in other directions. For example significant development to the south (Strategic Housing Land Availability Assessment site BU/002) could cause both countryside encroachment and threaten coalescence and merger between Burley and Menston while development to the east of Bradford Road would breach a durable and extremely well defined physical boundary. To that end National Planning Policy Framework paragraph 85 states that "when defining

boundaries, Local Planning Authorities should ...define boundaries clearly, using physical features that are readily recognisable and likely to be permanent”.

The benefits of the proposed scheme are considered below. The applicants have correctly pointed out that ‘very special circumstances’ do not need to be established by reference to a single large benefit but can be composed of a number of benefits which are cumulatively significant. There are a number of potential benefits to the scheme but they do vary in their individual significance and therefore a key will be to look at the package of benefits as a whole and judge whether they not only outweigh but clearly outweigh the harm caused to the Green Belt.

It may be useful to rank or grade the importance of those benefits and also take account of whether those benefits would be capable of being achieved in other ways i.e. without significant development within the Green Belt.

1. Accordance with established need for and justification for significant green belt releases in Burley-in-Wharfedale as set out within the Core Strategy

The fact that the need for and justification for significant Green Belt releases around Burley-in-Wharfedale has already been established as a result of Core Strategy Policies SC7, HO2, HO3 and WD1 is a significant factor. Moreover the evidence underpinning the approach within the Bradford Growth Assessment potentially supports development in this location and the principal and sustainability of Green Belt releases as part of growth at Burley has been considered and endorsed by a Planning Inspector. This should therefore be considered a significant factor and benefit in considering whether ‘very special circumstances’ exist.

2. The absence of a sufficient supply of deliverable housing sites

As identified above the current 5 year land supply amounts to at best only 2.33 years which means that the policies of the development plan relating to the supply of housing cannot be considered up to date and paragraph 14 of the National Planning Policy Framework is triggered.

However the proposed development lies within the green belt and thus as the applicants point out the National Planning Practice Guidance states that in such circumstances housing need is “unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site in the Green Belt. It is important to stress that this does not rule out the lack of a 5 year land supply being sufficient to overcome the Green Belt issue. Moreover there is not only a shortfall in the 5 year land supply but that shortfall is large and acute. The size of the shortfall is of relevance in increasing the weight to be given to this benefit as is the size of the scheme and its ability to deliver homes quickly. A scheme of the order of 500 new homes would make a significant contribution and would make a material difference to the 5 year land supply position. The relatively low likelihood of sufficient sites coming forward from within the urban areas in the short to medium term to address this shortfall is also of relevance. Finally it should be pointed out that the 5 year land supply issue is not the only potential reason for establishing ‘very special circumstances’ and the benefits of increasing the supply of deliverable sites also sits with a range of other potential benefits.

3. Meeting housing need and demand

The proposed scheme would clearly provide much needed affordable houses in an area identified as requiring new supply and would make a significant contribution to the overall requirement for 587 new homes per year as identified within the Strategic Housing Market Assessment. It would provide homes in an area of strong demand. However the weight to be given to this benefit should probably be described as moderate as the evidence suggests that both overall housing need and affordable housing needs are greatest within the urban areas of the District.

4. Alternative Site Options

Given that the Council are beginning the process of examining the alternative site options for delivering the Burley-in-Wharfedale housing apportionment within the Land Allocations Development Plan Document it is relevant to examine the number of options in and around the village. The thrust of the applicants' argument, which is that there are a very limited number of site options which do not exhibit some issues either in terms of conflict with current policy or where deliverability and suitability is uncertain, is reasonable.

The sites within the Strategic Housing Land Availability Assessment which have not already been classified as unachievable can be split into two groups. Group 1 consists of 5 sites with a combined capacity of only 164 units where it is considered likely that delivery can be relied upon (this includes sites with planning permission and sites recently completed and which are eligible to count towards the apportionment). The most substantial is the Greenholme Mills site which itself lies within the Green Belt.

Of the remaining Strategic Housing Land Availability Assessment sites it is considered that site BU/002 (Menston Old Lane) is unlikely to be considered suitable for allocation as it not only breaches an established and robust green belt boundary but is one of the few Green Belt options which would threaten the merger/coalescence of settlements.

This leaves 5 further site options which have a theoretical combined capacity of only 279 units. In the unlikely event that all were to be considered suitable for development and capable of delivering this capacity in full then the combination of this capacity and the 164 units outlined above would still leave a substantial gap of 280 units to be met. And those 5 sites are highly unlikely to all come forward as indicated in the Strategic Housing Land Availability Assessment as there are a variety of issues including green belt impacts, site covenants, loss of allotments and impacts on the conservation area to be considered.

It is of course possible that once more work is done on the Land Allocations Development Plan Document that some of these issues may be resolved or additional sites may be found. However with regard to the latter it should be pointed out that despite several "call for sites" exercises and the work carried out as part of the emerging Neighbourhood Plan no other suitable and deliverable alternatives have emerged.

It can therefore be concluded that the delivery of the 700 unit Burley-in-Wharfedale apportionment will require a very substantial contribution from the Sun Lane site and that this should be considered as a significant consideration in the 'very special circumstances' test.

5. Education Provision

It appears at face value that the proposed scheme would provide significant benefits in terms of the development of a new single or two form entry primary school and a financial contribution to the provision of expanded secondary school capacity. The key here in terms of 'very special circumstances' is whether the proposed primary school is genuinely capable of addressing existing school place shortfalls as well as the demand created by the new homes. It is also worth considering the likelihood of securing funding for increased capacity from current Government funding regimes as an alternative to rely on development in the Green Belt to secure such provision. There is therefore potential for the benefit provided by this aspect to be considered significant subject to funding being available.

6. The Roman Temporary Camp

This is considered at length within the Conservation section of this report and the unearthing of the temporary Roman Camp is supported by both Historic England and the West Yorkshire Archaeology Advisory Service. As indicated above it may be relevant to consider whether such benefits could be achieved without the development of this site.

7. Recreation and Open Space

The proposed scheme does imply that the site's eventual development could incorporate improved open space, enhancements and expansions to the local nature reserve and improved links between the wider countryside and local bridleways and footpaths. There are two potential issues to consider. The first issue is that as the scheme and its proposals are in outline form, judging these benefits may be difficult at this stage and secondly there could be an argument that the sort of design elements proposed would be expected of any well designed scheme whether within Green Belt or not. However it is also worth mentioning that paragraph 81 of the National Planning Policy Framework states that "once Green Belts have been defined, Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation".

As indicated above the 'very special circumstances' test can only be met if the proposed scheme provides benefits which clearly outweigh the harm to the Green Belt. A Parameters Plan has been submitted which shows areas of residential and educational development together with landscaped areas along the boundaries. It doesn't however go into detail with regard to the level of open space within the residential areas.. Subject to this it may be the case that 'very special circumstances' can be demonstrated to support development in this instance. However that case would be dependent on the full benefits being realised and securing the benefits as a package. Should the benefits assumed based on the parameters plan, framework plan and illustrative layout not be met in full or be diluted in any way by future applications then it is possible that even if very special circumstances are considered demonstrated at this point then an alternative less favourable conclusion could be reached in the future.

Prematurity: Finally it is worth considering the issue of prematurity in relation to the proposal and in what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity. Annex 1 of the National Planning Policy Framework

explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and
- (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the Local Planning Authority publicity period. Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. Based on the above the current application cannot be considered premature as the Land Allocations Development Plan Document has only reached Issues and Options stage and may be up to 2 years away from being submitted for Examination.

Sustainability: With regard to sustainability the Core Strategy places considerable importance in achieving sustainable development and in doing so the location and design of schemes is of particular relevance. Relevant policies include Policy PN1 which indicates a presumption in favour of sustainable development and Policy SC1 which supports the role of Local Growth Centres as sustainable locations for housing and economic development together with community and social infrastructure, and which seeks to protect and enhance the District's environmental resources which include areas of ecological and landscape value. In determining whether the proposal would represent sustainable development there are a number of both positive and negative aspects to consider. On the positive side the scheme by providing much needed new homes would certainly be supporting the social and economic aspects of sustainable development including providing significant potential for future community and social infrastructure including a new primary school and significant CIL payments, a proportion of which will be devolved to the local area via CIL payments to the Parish Council. Although the scheme lies on greenfield land the options for development on previously developed land within Burley are very limited. The site's peripheral location and potential to increase journeys by car is tempered by the fact that there are options for both bus and train travel within reasonable walking distance and the site lies within around 1km of the shops and services of Burley local centre. The developer is proposing sustainable travel measures including 5 year subsidy of an expanded bus route linking the site to the train station (£375,000). Balancing out of these issues means that the overall sustainability of the proposal will be dependent on the nature of any impacts on the Green Belt, and the natural environment in particular landscape and ecology and the extent to which these impacts can be mitigated.

In conclusion therefore having thoroughly considered the proposal against the relevant local and national policy guidance in terms of the Green belt policies it is considered that there are exceptional circumstances that would support the development of this

Green Belt site for the purposes proposed and therefore no objection is raised to the principle of the development.

2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The application is in outline form with only details of the access arrangements submitted for consideration at this stage. Details of the layout, scale, appearance, and, landscaping are reserved for consideration at a later stage.

An initial Landscape and Visual Impact Assessment was submitted with the application assessing how the proposal would impact on the landscape character of the wider area. This Assessment was considered by Natural England in their initial response. The consultation response made by Natural England addressed a number of issues, but included a few brief points concerning the Nidderdale Area of Outstanding Natural Beauty (AONB), in relation to landscape and visual issues. The response did not object to the principle of the development but did suggest that some additional detail and clarification should to be provided in response to these issues and identified Low Park

Road and West Lane as being of particular interest. Subsequently a Landscape and Visual Response to the concerns regarding the impact of the proposal on the wider area, particularly the comments made by Natural England, has been submitted.

The Landscape and Visual Response confirmed the findings of the initial submission in that there would be no more than a moderate effect overall on the Nidderdale Area of Outstanding Natural Beauty (AONB) and that these effects are limited to a small part of the AONB and will be reduced over time as a result of the proposed mitigation measures within the development. The potential visual effects on publicly accessible vantage points within the AONB are limited in number and extent and are largely confined to views from Loa Park Road and West Lane between Lodge plantation and Askwith, and some short sections of footpath. The development, where visible, will be seen in the scattered valley outside the AONB, and in a landscape already characterised by built form. The proposed development into a view or a part of the landscape which does not have housing as an existing characteristic. The Response concludes that the proposed development will not give rise to harm to the special qualities of the AONB, which will retain all the character and characteristics which give rise to its qualities.

These findings have been concurred with by the Council's Landscape Design Unit who are content that the proposal will not have a significantly detrimental impact on the wider landscape.

The site is allocated as Green Belt within the Replacement Unitary Development Plan and this allocation extends further west of the site. It is important that development of the site includes a substantial landscaped buffer zone along the western boundary that will not only provide a substantial screen to the development but will also provide a soft boundary transition into the Green Belt beyond the site. The parameters plan submitted with the application shows a buffer zone of 15 metres along the majority of this boundary with it reducing to 12 metres in some areas. Even with the reduction in width it is considered that subject to the planting of correct species to enhance what landscaping that already exists on the boundary will ensure the aims of the buffer zone can be achieved. This would form part of the Reserved Matters application when details of the landscaping are submitted for consideration.

As well as the reinforcement of the existing hedgerow planting, the parameters plan for the site shows an area of public open space to the north east of the boundary within which the indicative masterplan illustrates a network of pathways which will be laid out and associated native tree planting established. Although currently indicative, it is the intention that internal open space and landscaping will add to and complement the perimeter buffer planting, further integrating the development into its countryside setting.

An indicative masterplan has been submitted that shows how the site could be developed incorporating all aspects proposed. In terms of this layout it is considered that there are many positive aspects of the proposed design in that it works with the existing features of the site such as the former temporary Roman camp, the tree belts, hedgerows and the watercourses, and uses them as the basis for the green infrastructure on the site, with a series of connected open spaces and green routes which link it into its surroundings. Character areas provide variety across the site in terms of the proposed form, density and position of homes, types of public space and boundary treatments.

Overall it is considered that the design approach could lead to a high quality development. However there are a number of issues that need further consideration at the Reserved Matters stage to ensure that the layout is both functional to the best of its ability and visually enhances the character of this part of the village due to it being a significant development. These issues include connectivity within the site and to the surrounding area, the provision of local facilities/community focus such as a main square within the development, and, topography in that it would be useful to understand how the layout is workable with regard to street gradients and avoiding the need for extensive retaining structures etc.

It is important to ensure at outline application stage that proper controls are in place to guide future detailed design phases. As such conditions are recommended in relation to the provision of a Parameters Plan, a set of Design Principles in the Design & Access Statement with regard to layout, appearance and landscaping, a Phasing Plan, a detailed Indicative Masterplan demonstrating how the site could be laid out in accordance with the parameters and design principles, and, an 'appearance palette' providing more detailed design guidance similar to a Design Code.

Overall therefore it is considered that subject to appropriate control in relation to the details outlined above, the site could be developed such that it can have a positive visual impact on the character of the area.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The application is in outline form with only details of the access arrangements submitted for consideration at this stage. Details of the layout, scale, appearance, and, landscaping are reserved for consideration at a later stage. Existing dwellings are located along the eastern boundary of the site (Westfield Lane and Sun Lane) and adjacent to the eastern corner of the site on the northern side of the A65. It is considered that the site is of a sufficient size whereby a layout can be devised which respects the adjacent residential dwellings and protects the residential amenities of the occupiers of those dwellings by ensuring that there is adequate separation distances between the existing and proposed dwellings.

Running along the northern boundary of the site is the A65 which is a heavily trafficked road. As such air quality is an issue that needs to be taken into account. The Air Quality Officer has stated that should the current and future air quality conditions at the site be predicted to remain within health based objective levels it is considered that there are no grounds on which to recommend refusal of this application due to current and future exposure to air pollution of future site occupants. However, to ensure that the air quality in the vicinity of the A65 does not impact on the potential occupiers of the dwellings fronting onto that road it is recommended that any new housing (or other sensitive use) located along the A65 boundary is set back by at least 5 metres from the roadside. This should be taken on board when designing the layout of the development.

Overall it is not considered that the proposal, at this stage, will have a detrimental impact on the residential amenities of the occupiers of the existing dwellings located adjacent to the site.

4. Highway safety

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The application is in outline form with details of the means of access to the site submitted for consideration. The main access to the site will be via a new 3-arm roundabout from the A65 Ilkley Road with a secondary access via a priority ghost-island T-junction from the local road of Ilkley Road. The 3-arm roundabout is located approximately 350 metres to the west of the A65 Ilkley Road/Leather Bank/Ilkley Road. The design of the roundabout involves the realignment of the A65 Ilkley Road on approach to the roundabout, requiring land either in the applicant's control or currently forming part of the public highway. The roundabout has been designed in accordance with national design standards contained within the DMRB publication TD 16/07 'Geometric Design of Roundabouts'. The new priority ghost-island right-turn junction is located some 60 metres to the south of the A65 Ilkley Road/Leather Bank/Ilkley Road roundabout. The design of the priority ghost-island right-turn junction involves realignment of the existing carriageway and the provision of a footway along Ilkley Road/Main Street. The junction has been designed in accordance with national design standards contained within the DMRB publication TD 42/95 'Geometric Design of Major/Minor Priority Junctions'.

A small development parcel located to the northwest of the development area will also be developed for circa 30 dwellings. This small parcel will be accessed via a priority ghost-island T-junction from the A65 Ilkley Road and this access has been designed in accordance with national design standards contained within the DMRB publication TD 42/95 'Geometric Design of Major/Minor Priority Junctions'.

A Transport Assessment has been submitted with the application together with a Post Submission Highways Summary Note which was produced following extensive discussions with the Highways Department. The details contained within both documents are considered to be generally acceptable as is the Stage 1 Road Safety Audit, which has also been provided.

The only area where full agreement cannot be reached relates to there being a slight difference of opinion as to the appropriate level in degree of saturation (DoS) of a signalised junction that would trigger the need for accommodating works to be carried out to support any increase in traffic resulting from a development. The submitted documents reflect the applicant's view point that this figure is 100% however the Highways Department would consider the trigger point to be 90%. Working to a DoS of 90% would show that some improvements are required to accommodate the traffic likely to be generated by this development. Notwithstanding the above the applicant has agreed to a number of improvement measures that address the initial highway concerns and provide mitigation against the likely traffic impact.

These improvements will be delivered by way of a contribution, which should be secured through a Section 106 Agreement, and a Section 278 Agreement for off-site highway improvements and the construction of the access roads to serve the site.

The agreed contributions are as follows:

- Signalised junction of A65 Coutances Way / B6382 Wheatley Lane / A65 Leeds Road - a contribution of £40,000.
- Signalised junction of A65 Bradford Road / Buckle Lane / Bingley Road - a contribution of £65,000.
- Sun Lane, Hall Drive and Southfield Road improvements - a contribution of £55,000.
- Main Street, Burley-in-Wharfedale parking study / review - a contribution of £15,000.
- Manor Park Bend safety improvement measures - a contribution of £25,000
- £320,000 towards a scheme of wider improvements to the Buckle Lane/Bingley Road junction
- Section 278 Agreement Works:

With regard to the construction of left turn lane from Bingley Road to the A65 in the vicinity of the Hare and Hounds public house it has also been agreed that the appropriate trigger point for delivery of this will be no later than on occupation of the 301st dwelling.

A number of objections have been received in relation to the existing public transport within Burley-in-Wharfedale, particularly with regard to the relationship of the site to the railway station. The railway station is located on the southern edge of the village and does not benefit from having a good sized car park and as such users of the station who travel by car tend to park on-street. The station is approximately 1000 metres from the southernmost edge of the application site and this distance is considered an acceptable distance to walk. However as you progress further into the site the distance to the station does increase and this may deter users walking to the station. In order to try and overcome this concern the Applicant has agreed to pay a commuted sum of £75,000 per annum, for a 5 year period, which will be used to fund improving, rerouting and increasing the frequency of the 962 bus service (or any equivalent replacement facility). This will provide a regular public transport link between the site, Burley Rail Station and the remainder of the settlement.

The Rights of Way Officer has stated that Public Footpath No. 36 (Ilkley) is off Sun Lane and adjacent to part of the site. There are two public bridleways in the vicinity of the site – Public Bridleway No. 45 (Ilkley) off Sun Lane to the south of the site and Public Bridleway No. 39 (Ilkley) off Main Street close to the north east corner of the site. Bridleways can legally be used by pedestrians, horse riders and bicycles.

During the production of the Council's Rights of Way Improvement Plan (ROWIP) many gaps in the rights of way network were identified along with requests for routes to be physically improved. One request, received from multiple sources, identified the need for a safe off road bridleway crossing the area of this site to connect Public Bridleways No. 39 and 45, as currently users would need to travel along Sun Lane and Main Street to link between them. Given the ROWIP request for a new bridleway through the site the link to Sun Lane should allow for access by horse riders as well as pedestrians and cyclists. The proposed bridleway should be located to form a reasonably direct route between the existing bridleways. Care should be taken to minimise potential conflict between bridleway users and vehicles where the route connects to Main Street, which users will need to cross to reach Bridleway Ilkley 39. The details and precise siting of this new bridleway, together with any other new footpaths/rights of way, will be determined at Reserved Matters stage when the layout is submitted for consideration. They should be designed to be multi-user wherever possible and it should be clear from the plans the intended use of the routes – footpath, bridleway or cycleway. Routes should be within green corridors where possible but should be well overlooked by properties to avoid the creation of hidden areas where anti-social behaviour may occur.

Careful thought will need to be given to the proposed surfacing of the new routes, they should be appropriate for the intended use. Routes which are intended to be used as safe routes to the proposed school should have suitable all weather surfaces.

The proposal has been thoroughly considered in highway terms in relation to the impact on the highway network (vehicle and pedestrian) together with what off-site improvements will be needed to ensure that the site can be safely accessed/egressed. Subject to the off-site highway works secured through the Section 106 together with the recommended conditions it is not considered that the proposal would have a detrimental impact on highway safety.

5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively while policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

In relation to the disposal of foul sewage it is intended to connect to the existing mains sewer whilst in relation to the disposal of surface water it is proposed to utilise a sustainable drainage system together with an existing watercourse. With regard to the principles of this form of drainage no objections are raised by either Yorkshire Water or the Council's Drainage Services subject to the imposition of appropriate conditions.

Yorkshire Water have pointed out that the indicative masterplan is not acceptable to them in its current form in that it appears that buildings will be located over the line of the sewers within the site which could potentially jeopardise Yorkshire Waters ability to maintain the sewerage network. This concern can be overcome through either the design stage at Reserved Matters stage or by applying to divert the sewers.

The Environment Agency have not raised an objection to the principle of the development providing that the proposal follows the measures contained within the Flood Risk Assessment submitted with the application and subject to a condition stating that no part of the development, either residential or educational facility, shall be constructed outside of the flood zone 1. The reason for this condition is that a small

area of flood zone 2 is located to the immediate south of the A65 mainly around the Black Bull Farm. The indicative masterplan shows that this area is to provide the extended buffer zone around the listed building.

Overall therefore there is no objection to the proposal on drainage grounds.

6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

The site contains a number of trees throughout with the northern boundary (on the A65) being particularly heavily treed. As part of the application details of the access arrangements have been submitted for consideration at this stage and one of the points of access is from the A65 to the north western corner of the site and this will result in the loss of a number of trees from that boundary. In order to mitigate the loss of these trees a robust landscaping/tree planting scheme will need to be submitted. An indicative plan has been submitted to show how replanting could be achieved and this would include super heavy standard trees at 7 metres in height thus giving instant cover for the site and providing a visual screen of the development. Details of numbers and species of trees would be determined through the submission of a landscaping scheme. Any replacement trees could be made the subject of a Tree Preservation Order to ensure that there is no long term loss of public amenity value along the A65 boundary.

Along the field boundaries within the site are a number of trees which do add to the overall value of the site and at this stage it is not known whether or not they will be retained as details of the layout and landscaping have not been submitted for consideration at this stage. As part of the landscaping scheme to be devised for the layout it would be expected that replacement compensatory planting should take place for any tree that is lost.

Overall therefore, subject to the imposition of appropriate conditions, it is not considered that the proposal would have a detrimental impact on the visual character of the area in relation to tree cover.

7. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 30% in Wharfedale.

The site is located within the Wharfedale area and is therefore subject to the provision of up to 30% of the number of units as affordable housing. In this instance this would equate to 150 units. The Applicant has agreed to this provision on the basis that they are prioritised for people living, working, or having close family links to the Burley-in-Wharfedale Parish and then secondly the wider Wharfedale area. Objections have been received to the proposal on the basis that the proposal will not meet the need of the area in terms of affordable housing but by prioritising the occupancy of the units it will ensure that they go to local people rather than people from outside the area.

The Affordable Housing Team have not raised an objection to the principle of the development but have stated that as the application relates to a very large site a flexible approach will be needed as the provision of the full 150 units may overstretch the resources of the local Registered providers. As such a mix of on-site provision and commuted sum to allow off-site provision may be an appropriate way forward. Some provision may be directed to the City of Bradford Metropolitan District Council in their role as a Registered Provider either by usual discounted purchase of units or gifted development ready land for potentially 15-20 units as part of the affordable provision such that the land could then be developed to meet the Councils own requirements.

In terms of a mix of provision there should be a mixed tenure so any affordable provision should consider Affordable Rent and Shared Ownership opportunities for Registered Provider's. With regard to size of units there is an existing general demand right across the board so there should be some 1 bed and small 2 bed units as well as more family orientated 2 bed 4 person and 3 bed 5 person family houses.

The Local Ward Councillors have stated that they would like all the affordable homes to be in Burley-in-Wharfedale and for them to be truly affordable particularly to those people who have ties to this community. It is realised that this will ultimately reduce the numbers of actual houses because the developer has a specific amount of money which they have set aside for affordable houses. They would like a 50% of the final number to be for sale and 50% to be for rental (if the number is sufficient to attract a housing association or similar). The houses for sale should be affordable for those people earning salaries in the lower wage bracket and who would clearly not be able to afford a house in Burley-in-Wharfedale under normal circumstances. Restrictions should also be applied so that those persons who do qualify to purchase one of the affordable units are not permitted to merely sell the properties at a much higher value (e.g. normal market price) for a specific number of years, subject to any legal restrictions that might apply on this issue. Furthermore the criteria for buying should state that the buyers should have ties to the community of approximately 10 years, e.g. there may be young people who have had to rent further a field because prices are high here but who come from the village and would like to return. Ideally young people should be given the chance to live in the village.

The proposed Heads of Terms for the Section 106 Legal Agreement propose that the units should be prioritised for people living, working, or having close family links to the Burley-in-Wharfedale Parish and then secondly the wider Wharfedale area. The breakdown of the units in relation to for sale and for rent will be discussed during the preparation of the Agreement and will be in line with discussions to be had with the Affordable Housing Officers. The other issues raised with regard to the criteria for buying one of the affordable units will be the subject of further discussion.

Overall therefore there is no objection to the proposal and the affordable housing provision will be secured through a Section 106 Legal Agreement. As the application is in outline form no details are known as to the size of units and subsequently their values and as such the Legal Agreement would need to build in flexibility to allow for the provision of the affordable housing in alternative ways including all on-site provision or a mix of on-site provision and commuted sum but the latter to be spent in the Wharfedale area.

8. Secured by design

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it, such as footpath routes/permeability, rear car parking, POS (Public open space), boundary treatments, and, physical security. Whilst these comments are noted it needs to be pointed out that the majority of them are relevant to the next stage of the proposal in relation to the Reserved Matters and should be taken on board in designing the layout of the development and the dwelling types. Building Regulations Approved Document Q: Security in dwellings is also relevant and covers a number of issues that have been raised in relation to physical security.

At this stage therefore there are no objections to the proposal in it being able to provide a safe and secure environment for its future occupiers.

9. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

Chapter L of the Environmental Statement comprises a Desk Study that provides a summary of the known, land quality context of the site. The report states that 'the preliminary conceptual site model indicates potential pollutant linkages to construction

workers, site end-users and controlled waters related to gas migrating from Sun Lane Refuse Tip and potential localised areas of made ground. Extensive remediation is not anticipated. It is recommended that a site investigation is carried out to address these matters'.

The Report further identifies that 'based on the proximity of the closed Sun Lane Refuse Tip, it is considered that there is potential for ground gas generation, migration and accumulation to occur at the site (low to moderate). Assessment of gas migration from the landfill is currently proposed as part of investigation of the adjacent land. This investigation would include the installation and monitoring of gas and leachate wells between the landfill and the current study site. As such, it is considered that this investigation would allow assessment of gas impacts on the current site, and hence no specific gas investigation at the current site is proposed. The generation of significant volumes of ground gas from the localised areas of possible made ground identified at the site is considered unlikely.'

The desk study recommends further works to include:

- A program of trial pitting and window sampling to characterise site wide ground conditions and obtain shallow soil samples for chemical and geotechnical testing. Standard penetration tests (SPTs) should be undertaken to provide geotechnical data for the underlying soils;
- Installation of combined gas and groundwater/leachate monitoring wells within selected boreholes, to target specific gas generating sources and potential migration of leachate onto site. The spacing of monitoring wells should be closer along the site boundary with the landfill and increasing to the north (i.e. further from the landfill);
- Twelve gas and groundwater monitoring visits over a six month period (assuming a "moderate" gassing potential in accordance with CIRIA C665). The monitoring regime may need to be amended on the basis of conditions identified;
- Geotechnical and contamination testing at UKAS and MCERTS accredited testing laboratories to adequately characterise the made ground, shallow soils, groundwater and surface water; and
- Reporting.

A subsequent letter presents the results of the 12 gas monitoring visits at 23 boreholes and provides assessment of risk posed by hazardous ground gases along with consideration of the results of ground and surface water analysis.

Groundwater samples obtained from a number of the boreholes and one surface water sample from Sun Lane Beck were analysed for a range of potential contaminants. The conclusion was that 'the likelihood of significant impact to future site users or Controlled Waters from groundwater contamination in the vicinity of the site is low'. The Environmental Protection Team concur with the finding that the potential for water contamination is low, although a single sampling occasion provides only minimal evidence that this is the case.

With regard to other potential contaminants the concentrations of methane and carbon dioxide are all low, and the ground gas flows are generally non-detectable or relatively low. The conclusion of the ground gas risk assessment is that the site as a whole can be considered as representing CS1 conditions and therefore that no specific gas protection measures are required for future development at the site.

Overall the Environmental Protection Team concur with the findings of the submitted report but point out that the site investigation undertaken did not include the trial pitting and soil sampling recommended in the Phase 1 desk study. No objection is raised subject to further intrusive site investigations being carried out and, where necessary, appropriate remediation and verification of these works. Appropriate conditions are recommended.

The Minerals and Waste Section have stated that the application site is partially in a Minerals Safeguarding Area (MSA) for sand and gravel (to the north of the proposal site), that is the area has been identified as containing a potential mineral resource that should be considered for extraction prior to development in order to prevent the sterilisation of the mineral. In accordance with policy NR1 of the Replacement Unitary Development Plan, policy EN12 of the Core Strategy and paragraph 144 of the National Planning Policy Framework, it is important to give due consideration to extraction prior to development. If it is considered appropriate to extract minerals, a Minerals Resource Assessment will be required to demonstrate the viability of extraction.

The Applicant has referenced this in their Planning Statement (paragraphs 9.115-9.117) where it stated that through the ground investigations works and drilled boreholes little was found in the way of sand and gravel and it concluded that there are no viable minerals to extract. These conclusions are concurred with as the sand and gravel identified within the Councils MSA was only to the north of the site and on the periphery of the potential resource. As such no objection is raised.

Overall therefore there are no objections on either land contamination or minerals issues.

10. Biodiversity issues

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

Policy SC8 states that “subject to the derogation tests of Article 6(4) of the Habitats Directive, in all zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or SAC”. It goes on to state that “in Zone B it will be considered, based on such evidence as may reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA”.

Natural England have stated that the site is within or in close proximity to a European designated site (South Pennine Moors Special Area of Conservation and Phase 2 Special Protection Area) and therefore has the potential to affect its interest features. Initial concerns were raised that the proposal doesn't contain sufficient information in relation to bird surveys, recreational impacts, and, landscape. The proposal does offer the opportunity to incorporate features into the design which are beneficial to wildlife

A Shadow Habitats Regulations Assessment (sHRA) has been prepared by the Applicant and subsequently adopted by the Council. The document assesses the

potential impacts of the proposed development upon the designated European sites within the locality which includes Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). The Habitats Regulations Assessment of the draft Core Strategy, when considering development such as housing, looked at the potential impacts on four European sites within the locality: the South Pennine Moors SAC, the South Pennine Moors Phase 2 SPA, the North Pennine Moors SAC and the North Pennine Moors SPA.

The potential environmental impacts of the development have been thoroughly assessed based on a comprehensive suite of surveys. Impacts that were assessed include the loss of or disturbance to SPA "supporting" or "functional" habitat, recreational pressures, urban edge effects, emissions to air, and, water quality and water availability. The Assessment then proposes a number of mitigation measures in response to the potential impacts.

Loss of, or disturbance to, SPA "supporting" or "functional" habitat: This relates to the loss of habitat outside the South Pennine Moors Phase 2 or the North Pennine Moors SPAs, that may be used by birds of the species for which these SPAs are classified. The concern is that birds of the species for which the SPAs are classified will not only use habitats within the SPAs but will also rely on farmland outside the SPAs (up to 2.5 km away from the moorland). The surveys have shown that the site does not provide supporting/functional habitat for birds of the species for which the South Pennine Moors Phase 2 SPA or indeed for which the North Pennine Moors SPA is classified. The proposed development at the Site would have no effect upon either the South Pennine Moors Phase 2, nor the North Pennine Moors, SPAs. Given that the movement of birds between the South Pennine Moors Phase 2 SPA and the surrounding land was found to be extremely rare it would appear that the area around the Site and the Burley in Wharfedale area in general is not functional/supporting land for the South Pennine Moors Phase 2 SPA. If these areas were functional supporting land for the South Pennine Moors Phase 2 SPA, then one would have expected the surveys to have identified regular commuting of SPA birds from their breeding sites within the SPA to land outside the SPA. Therefore any disturbance that extended beyond the boundary of the Site (which in any event would be very limited given that the Site is flanked by existing housing, a major road and a railway line) would not result in disturbance to birds for which the SPA is classified.

Recreational Pressures: this relates to increased recreational pressures from the increases in population associated with new housing may have an adverse impact upon European sites within the area. The Assessment identifies that by far the greatest recreational impact pathway arising from the proposed development at the Site on the South Pennine Moors Phase 2 SPA/ South Pennine Moors SAC would be from residents exercising dogs. The impact of dog walking is likely to be greater than other recreational activities because of the high frequency. Access to the SPA/SAC from the Site using this footpath involves a walk of 2.5 km on public rights of way. As such the return journey to the SPA/SAC boundary alone would therefore be more than twice the distance of the average dog walk. Furthermore, there are a number of footpaths in the area, which are likely to be preferred by dog walkers, that give a suitable circular route. It is therefore anticipated that the development of the Site will not generate significant additional recreational pressures on the South Pennine Moors Phase 2 SPA/South Pennine Moors SAC from dog walking. Other recreational activities include increases off road vehicles access, equestrian access, other events such as fell running but any potential impact from these activities can be mitigated through appropriate

management of access routes across the South Pennine Moors Phase 2 SPA/South Pennine Moors SAC within the locality.

Urban edge effects: This relates to the impact that could be generated through increased population arising from new housing development. It is generally accepted that urban edge effects are manifest when development is located within 400m of the boundary of a European site. Given that the Site is located 1.5 km from the boundary of the South Pennine Moors Phase 2 SPA and the South Pennine Moors SAC and is 3.2 km from the North Pennine Moors SAC and SPA, it is considered that no urban edge effects would arise from the proposed development on these European sites.

Emissions to air: This relates to the potential for the development to increase air pollution within the vicinity of the development. A key potential impact pathway is from changes to air quality arising from traffic generated from the Site during the operational phase. The traffic assessment found that the development, when considered alone, would only result in an increase in light vehicles of 80 Average Annual Daily Traffic (AADT) movements (heavy duty vehicles movements would be unaffected). When the increase in traffic from the development was then considered together with increases in traffic predicted from other committed developments, the assessment predicted that there would be a total increase in light vehicles of 111 Average Annual Daily Traffic (AADT) movements (again, heavy duty vehicles movements would be unaffected). The Design Manual for Road and Bridges (DMRB) sets out the criteria which should be used for air quality assessments, in relation to designated sites, where the sources of emissions of concern (nitrogen in the form of NO_x) are any additional vehicle/road traffic movements predicted to occur from the proposed development on existing roads. Paragraph 3.13 states that “only properties and Designated Sites within 200 metres of roads affected by the project need be considered” in an assessment. In other words any impacts should be scoped out if properties/designated sites are beyond 200 metres from any road; or if any road within 200 metres from the designated site is not “affected by the project”. Whilst the South Pennine Moors Phase 2 SPA/South Pennine Moors SAC is within 200 metres of a road which would be subject to the small traffic increases set out above, this road is not “affected by the project”. This is because none of the relevant criteria in the DMRB to identify a road “affected by the project” is triggered. With regard to the North Pennine Moors SPA/SAC it is considered that given the distance from the development Site and the nature of the small lanes between the Site and nearest edge of the North Pennine Moors SPA/SAC, the assessment was able to rule out any changes in traffic flows. Regarding potential impacts during the construction phase from dust, this impact pathway could also be ruled out as the Site is located more than 50 metres from any of the European sites. Overall therefore the Site will not give rise to any likely significant effect alone or indeed in combination with other plans or projects.

Water quality and water availability: This relates to the potential impacts of the proposed development at the Site upon water quality and water availability. There are no surface water linkages between the Site and the European sites (both the South and North Pennine Moors are elevated above the Site). With regard to groundwater the nearby European sites are elevated above the Site so there is no potential for any contamination from the Site to affect the SPAs/SACs.

The Assessment then goes on to propose a number of mitigation measures and these include:

- The provision of public open space within the boundary of the site – this will be determined at Reserved Matters stage however the design and Access Statement submitted with the application demonstrates how the scheme can accommodate a significant amount and variety of types of open space, as well as providing new footpaths and bridleways, linking with the existing network around the settlement and providing access into the Sun Lane Nature Reserve: and,
- A financial contribution towards mitigating against any residual recreational impacts that may arise from the development upon the European sites (this will form part of the CIL payment)

The shadow Habitats Regulations Assessment has been fully considered by the Biodiversity Officer who states that it proposes sufficient measures both on and off-site such that the impacts likely to be created by the proposal can be adequately mitigated. A Supplementary Environmental Statement has been submitted since the sHRA was prepared and it identifies the loss of a further 0.4 hectares from this on-site open space provision to potentially provide a larger school site. The additional loss of this space further strengthens the argument that there will be residual recreational impact which is not be absorbed on-site, and underlines the need for the financial contribution for off-site mitigation measures.

In conclusion it is considered that the sHRA has adequately assessed the proposed development in relation to its impact on the identified European designated sites (South Pennine Moors Special Area of Conservation and Phase 2 Special Protection Area) and proposed mitigation measures which are considered acceptable in terms of off-setting any potential impact. As such no objection is raised to the proposal in relation to any biodiversity issues.

11. Conservation

Policy EN3 of the Core Strategy states that the Council will preserve, protect and enhance the character, appearance and historic value and significance of the Districts designated and undesignated heritage assets and their settings.

Paragraph 128 of the National Planning Policy Framework states that ‘where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.

Paragraph 132 states that “ when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation..... significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 goes onto state that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

The application proposals have been assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act (1990), the National Planning Policy Framework and Replacement Unitary Development

Policies. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of the application. Insofar as material the statutory provisions provide: Section 66(1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

With regard to conservation issues there are three main areas to consider, these being:

- The impact on the Burley-in-Wharfedale Conservation Area
- The impact on identified Listed Buildings (Black Bull Farm)
- The impact on the identified Roman Camp

The Burley-in-Wharfedale Conservation Area is located to the east of the application site and is separated from it by an existing residential development (Westfield Lane). This development is relatively modern and comprises a mix of modern designed 2 and 2½ storey dwellings. This development provides a good buffer between the Conservation Area and the application site. The application is in outline form with details of the layout, scale, appearance and landscaping reserved for consideration at a later stage. The layout can be designed such that the eastern boundary contains a landscaped strip/hedging with the gardens backing onto this boundary to ensure that there sufficient separation distance from the new dwellings to minimise the impact on the Conservation Area.

The nearest Listed Building to the application site is Black Bull Farm which is Grade II listed and is located on the south side of the A65 outside the application site. The application site effectively surrounds the curtilage to these designated heritage assets. The proposal would clearly have some impact on the rural setting of these agricultural buildings, which date from the eighteenth-century. The Conservation Officer considers that the level of harm to the significance of the two designated heritage assets to be less than substantial. In accordance with paragraph 134 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal. The benefits of the proposal have been outlined elsewhere in this report and as such it is considered to be important that the setting of the Listed Buildings is protected and in order to achieve this it will be necessary to retain an open buffer zone around the buildings which will respect the buildings in terms of retaining views from both the A65 and the site itself. As previously stated details of the layout, scale, appearance and landscaping have been reserved for consideration at a later stage and it is then, when designing the layout, that the building needs to be respected and the buffer zone retained provided. It is considered that there is sufficient space within the application site to be able to achieve a satisfactory buffer zone.

As a result of site investigation works the archaeological remains of a temporary Roman camp have been identified within the site. The camp is located within 3 fields and is rectangular in shape with rounded corners. It is approximately 1.2 hectares in size and measures 144 metres by 85 metres. No internal features were identified in the evaluation and no artefacts or biological remains of Roman date were recovered, however this is not atypical of this monument type. On the basis of form and its relationship to other landscape features, it is considered that the enclosure represents a previously unknown Roman temporary camp. This is an important and exciting discovery, particularly at a regional and local level. Its location within the hinterland of the Roman fort at Ilkley and its possible relationship to the fort, increases its

significance and interest. It is intended to incorporate the camp onto the proposed development to ensure that the heritage asset is utilised in a way that makes it culturally visible and significant in terms of place-making.

Based upon investigations undertaken on this and other similar sites, the camp is unlikely to contain internal archaeological remains and therefore it was considered acceptable to locate both the school and some residential development within the interior and this is shown on the indicative masterplan submitted with the application. In designing the indicative layout the proposed form of the residential element reflects the regular, rectangular layout, typical of Roman fort/camp design, with garden areas to the rear. The residential block has been set back from the defences and all houses look outward onto an area of public open space with the perimeter defences of the camp beyond. Grassland setting provides an attractive foreground to the defences, and the placement of footpaths between the development and open space prevents future encroachment, and enables positive public interaction and connectivity with the monument. The resultant effect is that the defences and their grassland setting form part of people's wider gardens as a 'borrowed' landscape. Roads and paths, where essential, cross the line of the defences perpendicularly and at locations close to the positions of typical gateways. The inclusion of the southern part of the camp and its perimeter within the grounds of the school has been designed in such a way as to make this part of the camp a cultural heritage resource which can be actively incorporated into the school curriculum (supported by artefacts or facsimiles and information from the excavations). The strategy which has been adopted will have a substantial beneficial impact on the Roman camp and provide significant public benefit. It will preserve the key components of the camp, enhance their visibility and make them a central element of the masterplan design, thereby enabling significant public engagement with the monument and a substantial contribution to place making within the development. It has to be stressed that this approach is in relation to the indicative masterplan that shows how the site could be developed but it is considered an approach that will best benefit the Roman camp and bring it forward as a key feature of the site and make it available for the village as a whole.

Historic England have accepted that the proposal will cause some harm to the Roman camp through the development of the school and housing, the need for access road and the reduction of its rural setting. However, they also consider that the proposal will deliver positive benefits by retaining and enhancing the external earthwork, undertaking further archaeological assessment building on the camp's initial discovery, the development of support material for the school and securing the long-term management of the earthworks. With regard to the Heritage Design Brief submitted in support of the application Historic England raised 2 concerns, firstly that the detailed design of the buildings within the development need to stand out from those of the rest of the development (This may be as simple as using red pan tiles for the roof [red tiles being commonly used on Roman buildings]) and secondly there needs to be a robust mechanism to secure the heritage significance of the camp, its management and the wider public benefits proposed as required by the National Planning Policy Framework.

The West Yorkshire Archaeology Advisory Service have considered the proposal and are aware of the site's potential and recommend that further surveys and archaeological evaluation are carried out in this location and across the entire site to determine the full extent of the archaeological remains. The evaluation would involve the excavation of a number of archaeological evaluation trenches, an earthworks survey and a metal detector survey.

A condition is recommended in relation to the retention of the Roman camp and the method of its retention and archaeological evaluation.

Overall therefore, subject to the attachment of appropriate conditions, it is not considered that the proposal will have a detrimental impact on the heritage assets, both below and above ground, within the vicinity of the site.

12. Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area. The money can be used to support development of the area by funding the infrastructure that the Council, local communities and neighbourhoods deem as necessary. It was formally introduced by Bradford Council on the 1st July 2017. The CIL is intended to provide infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of a planning obligation (Section 106 Agreement). The application site is located within a Residential Charging Zone 1 where the rate is currently £100 per square metre. The amount of CIL payable on the development will be calculated at Reserved Matters stage when details of the size of the proposed dwellings in terms of floorspace are submitted.

In terms of the consultation responses for both education and recreation these were received prior to the adoption of CIL and therefore the financial contributions sought to enhance the education and recreation infrastructure cannot be sought. Monies for such enhancements will need to be secured through the CIL process.

Finally in relation to CIL the Parish Council will be entitled to 15% of the sum available to be spent on infrastructure improvements within the Parish. This figure will rise to 25% should the Burley Neighbourhood Plan be adopted before a planning permission is issued.

13. Burley Neighbourhood Plan

Burley Parish Council is in the process of preparing a Neighbourhood Plan. It has presently been through an examination and the Examiners final report has recommended that the Plan, with a number of modifications to it, proceeds to Referendum. If it passes the Referendum then it will become part of the adopted Plan. It is expected to go to Referendum in May 2018. The Plan doesn't comment specifically on individual sites but acknowledges that as a result of the adoption of the Core Strategy there will need to be some green belt boundary changes. Policies are contained within the Plan that relate to housing mix and design together with views and mitigation of any adverse impacts.

13. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the earlier sections of this report. These issues, together with the response, are as follows:

There is no evidence to show that the development could bring any positive impact on the village – *There is a requirement on the Council to identify the housing needs for the District over the next 30 years through the allocation of sites within both the Core Strategy and the Allocations Development Plan Document. It has been identified that*

there should be approximately 700 new houses built in the Burley-in-Wharfedale area and this scheme will go towards meeting that need. In terms of benefits to the area it will, amongst other things, provide a significant number of much needed affordable housing units, a new primary school (up to 2 form entry), the opening up to the community of the Roman Camp identified to exist within the application site, and, off-site highway improvements together with other issues identified within the above sections of this report

The proposed development will result in premium houses out of reach of the average family even with 'affordable' provision' – *the scheme will provide up to 30% of the number of units as affordable housing*

Should planning permission be given that any Section 106 monies will reflect the additional burdens which will undoubtedly be placed on local resources and local residents and local families because of the decision – *any monies secured through granting planning permission will reflect the Councils policies in relation to the level of contributions that can be secured. The scheme will also be subject to Community Infrastructure Levy of which either 15% or 25%, subject to the Neighbourhood Plan being approved, will be allocated to the Burley-in-Wharfedale Parish Council to spend within the area*

Object to the manipulative way the developer has handled this application - appointing barristers to find loopholes to exploit, which has resulted in a jump from initially 200 to 500 houses; undermining the Greenholme Mills brownfield proposal (which the majority of the villagers approve) to improve the chances of their own application, and blatantly lying on some matters at their presentation to the village - for example, about guarantees of places for all the residents of Burley at Ilkley Grammar which was and is not true – *these comments are outside the realm of the planning application and are therefore not a material planning consideration*

The absence of planning notices at any point along the perimeter of the site has meant that some residents may not be aware of the location of the proposed housing – *the application was advertised in line with the Councils protocol for the publicity of planning applications. Site notices have been posted for the application and were also posted following the receipt of the Supplementary Environmental Statement*

This is not a proposal to provide affordable housing or to provide facilities for Burley-in-Wharfedale, but driven by financial gain by a few – *as previously stated that scheme will provide up to 30% of the units as affordable housing and will also provide on-site benefits such as the opening up of the Roman Camp and other recreational areas. Money will also be provided to the Parish Council through the Community Infrastructure Levy to be spent within the Parish*

The proposal makes reference to the provision of a primary school. Everyone who resides in this part of the Wharfe Valley knows that the major problem is the lack of places in secondary education – *whilst the secondary schools within the Wharfe Valley may be operating at nearly full capacity, any expansion of those schools will be undertaken as part of the programme of school expansions of the Council's Education Services and it cannot be insisted upon that the Developer provide a secondary school*

Is this already a done deal? It will be interesting to see if the pages of objections for many reasons from residents all over the village have any impact on the decision – *all*

the objections are fully considered and responded to in this report prior to a decision being made

To suggest that the recently discovered roman camp could be incorporated into the overall site design smacks of theme park mentality and clearly shows a just how desperate the developer is to have this application approved – *the Roman Camp has been identified as existing within the application site and will be properly investigated in accordance with a scheme to be agreed with the relevant Authorities. It will be opened up to the public and form part of the proposal. At present it is currently not visible for anyone to see so this is seen as a benefit to the local community*

There will be an inevitable increase in low level crime and antisocial behaviour which will likely spill over into the rest of the village. Manor Park, being right opposite, will be on the front line – *the detailed applications for both the layout of the development and the design of the dwellings will be considered against Policy DS5 of the Core Strategy which states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime*

It is likely to create a self-contained community that does not integrate with the rest of the village – *the application site is located on the edge of the existing settlement and may well be seen as a "self-contained community" but it will incorporate links to the existing settlement to ensure that there is connectivity with the existing settlement to ensure that this doesn't happen*

Nobody wants this development, it is just a cash cow for Bradford Council because they know we actually pay our council tax – *this is not a material planning consideration*

Provision on expensive housing that is not really addressing the housing shortfall – *as previously stated the scheme will provide up to 30% of the number of units as affordable housing*

The authority should concentrate on building affordable housing where it is needed – *because of the housing market and the inflated cost of buying houses within the Wharfe Valley it is considered that affordable housing is needed in this particular area and the proposal will provide up to 30% of the number of units as affordable housing thus meeting an identified need*

Sun Lane nature reserve still has some nasty rubbish ex buried under ground. How are the developers going to make certain any contaminated water does not reach the new development – *Phase 2 Site Investigations will be required to identify the current ground conditions of the site and this will identify whether or not there is any contamination leeching onto the site from the Sun Lane nature reserve. If any contamination is discovered there will be a need to undertake appropriate remediation works to ensure that the site is contamination free*

The glossy brochure and slick presentation used by CEG is full of empty promises of future improvements - increased train capacity, school investment - if planning is gained and this is sold off in pieces I very much doubt any of the promises will be fulfilled – *as part of the application, should planning permission be secured, it will be subject to a Section 106 Legal Agreement that will secure a number of benefits (outlined at the start of this report) and all the features shown on the plans, such as the*

school and Roman Camp, will also be secured. These benefits will be secured whether the site is developed by a single developer or sold off in pieces as the Agreement relates to the site as a whole

We have to be net self-sufficient in food production. The answer is fewer people, not more houses. This is unsustainable – *there is a growing population within the Bradford District and there is a need to provide new houses throughout the District to meet this need*

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the 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 proposed development represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Substantial weight has been given to the harm the proposed development would cause to the Green Belt by reason of its inappropriateness, the loss of openness which would be consequential from the development and the development’s conflict with the purposes of allocating land as Green Belt.

However it is considered that the harm the development would cause to the Green Belt and the harm the development would cause to the character of the landscape is clearly outweighed by other considerations, in respect of the provision of new housing to help meet the identified housing need for Burley-in-Wharfedale within the Core Strategy, the provision of a new primary school and the securing and delivery of the temporary Roman Camp.

Therefore it is considered that very special circumstances have been demonstrated to warrant the grant of planning permission for this development in the Green Belt.

It is considered that, subject to securing the Section 106 Legal Agreement relating to off-site highway works, sustainable travel measures, affordable housing and the new primary school, and to the conditions recommended in the report, the development will not result in unacceptable impacts upon the environment, highway safety, historic environment or residential amenity of the occupiers of the neighbouring residential dwellings.

The proposal is considered to accord with the relevant national planning policies set out in the National Planning Policy Framework, saved policies TM6, TM10, TM20, NR1, and, GB1 of the replacement Unitary Development Plan, and, policies P1, SC1, SC4,

SC5, SC7, SC8, SC9, PN1, EC4, TR1, TR2, TR3, HO3, HO4, HO5, HO6, HO8, HO9, HO11, EN2, EN3, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, DS5, ID2, and, ID3 of the Local Plan for Bradford.

Conditions of Approval:

1. Time scale

Application for approval of the reserved matters for the first phase of the development shall be made to the Local Planning Authority not later than three years from the date of this permission. Application for approval of the reserved matters for all other phases shall be made not later than 5 years from the date of this permission.

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

2. Time scale

The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the date of approval of the last reserved matters application for the first phase or before the expiration of five years from the date of this permission.

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

3. Reserved Matters

Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping,
- iii) layout, and,
- iv) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

must be submitted to and approved in writing by the Local Planning Authority.

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

4. Approved Plans

The development shall be carried out in broad accordance with the following plans:

Drawing number 31620-301-P showing the Parameters Plan and received on the 30th November 2017;

Drawing number 301A showing the Arboricultural Impact Plan A and received on the 6th December 2017;

Drawing number 301B showing the Arboricultural Impact Plan B and received on the 6th December 2017;

Drawing number 301C showing the Arboricultural Impact Plan C and received on the 6th December 2017;

Drawing number 13-215-TR-007-C showing The Proposed Ghost Island Junction Arrangement and received on the 30th November 2017;

Drawing number 13-215-TR-008-G showing the Western Access Roundabout Option – Taking Land from North of Ilkley Road and received on the 30th November 2017; and,

Drawing number 13-215-TR-009-A showing the Proposed Right Turn Ghost Island Arrangement (Western Area of Land) and received on the 30th November 2017.

Reason: For the avoidance of doubt as to what the planning permission relates to.

5. Enabling works

No advance infrastructure and enabling works (including but not limited to any works of demolition and/or works of a temporary nature, such as, temporary hard and/or soft landscaping or temporary vehicular routes) within a Phase ("Advance Infrastructure and Enabling Works") shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority.

The Advance Infrastructure and Enabling Works shall be carried out in accordance with those approved details. For the avoidance of doubt, any Advance Infrastructure and Enabling Works may be undertaken prior to the submission or approval of Reserved Matters Applications and without compliance with pre-commencement conditions 8, 11, 15, 17, 19, 24, 25, 26, 27, 34, 36 and 37.

Reason: To safeguard highways safety and amenity during early development activities and to accord with Policies SC9, DS1, and, DS3 of the Local Plan for Bradford.

6. Quantum of development

The development shall accommodate no more than 500 dwellings (Use Class C3).

Reason: For the avoidance of doubt and to ensure no ambiguity in the decision notice over the amount of development that has been approved.

7. Phasing plan

As part of the submission of the application for Reserved Matters for the first phase of development, a phasing plan setting out the proposed phasing of construction of the development across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include a programme for the layout out of the access roads into the site. Thereafter each reserved matters application for a phase submitted pursuant to Condition 2 shall be accompanied by an updated phasing plan. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated unless otherwise agreed in writing with the Local Planning Authority or required by other conditions of this permission. For the purposes of this permission all references to a "phase" or "phase of development" shall be interpreted as being a reference to a phase as defined on the phasing plan approved or subsequently updated pursuant to this condition.

Reason: To ensure the satisfactory delivery of elements of the proposed development and to accord with Policies SC9, DS1, DS2, DS3 and DS4 in the Local Plan for Bradford.

8. Archaeology

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological recording consultant or organisation, in accordance with a

written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains present are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated and to accord with Policy EN3 of the Local Plan for Bradford.

9. Delivery of the Roman Temporary Camp

The area identified on the Parameters Plan (ref. 301 rev. P) as an 'Area to come forward in accordance with the Heritage Design Brief' shall be brought forward in broad accordance with Sections 7 - 10 of the Roman Temporary Camp Heritage Design Brief (November 2017). In addition all buildings coming forward within the area covered by the Roman Temporary Camp Design Brief shall incorporate a red pantile roof as part of their palette of construction materials.

Reason: To ensure the long-term preservation of the Roman Temporary Camp as an integral part of the development and that this area is developed in a way that maximises the significance of this heritage feature and to accord with Policy EN3 of the Local Plan for Bradford.

10. Use of Roman Temporary Camp

Prior to the first occupation of dwellings, a strategy for providing the Roman Temporary Camp (as identified in the Roman Temporary Camp Heritage Design Brief (November 2017) as an educational resource will be submitted to the Local Planning Authority. This will include details of:

- Teaching materials to include Roman artefacts (or facsimiles) and worksheets;
- A series of interpretation panels relating to the Roman Temporary Camp that will be installed in the vicinity of the education facility, around the camp perimeter, and at strategic points on the footpath network;
- A programme of small-scale excavation focussed on better revealing and understanding the camp defences by school pupils (with professional archaeological assistance); and
- A programme of wider community outreach.

Reason: To maximise the exposure of the Roman Temporary Camp as an educational resource and to accord with Policy EN3 of the Local Plan for Bradford.

11. Construction Emission Management Plan

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust, and other emissions to air, from both the site operations and associated transport movements should be submitted to, and approved in writing by the Local Planning Authority. The CEMP should 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 and as a minimum must contain the emission mitigation measures set out in sections J6.4 to J6.51 of the Environmental Statement (ref. 50335/JG/SP). 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 the local population

12. Electric Vehicle Charging Points

From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces shall be provided with access to a fully operation 3 pin socket on a dedicated circuit, capable of providing a 'trickle' charge to an electric vehicle. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within easy access of the off road parking areas. All Electric Vehicle charging points shall be clearly marked with their purpose and their purpose drawn to the attention of new residents in their new home welcome pack / travel planning advice.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emissions impact of traffic arising from the development in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF)

13. Electric vehicle charging points (Communal areas)

Communal electric vehicle charging points shall be provided for residential properties with non-dedicated parking at a rate of 1 per 10 communal parking spaces. The charging points must be fully functional at the first occupation of the properties with access to communal parking areas. The minimum requirement will be access to a fully operational 3 pin socket capable of providing a 'trickle' charge to an electric vehicle. All communal Electric Vehicle charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice. The advice must include arrangements for accessing and using the communal charging points.

Reason: To facilitate the uptake and use 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 the National Planning Policy Framework (NPPF)

14. Non-domestic electric vehicle charging points

All other types of development (other than housing) at the site will be required to provide Electric Vehicle charging facilities in line with the requirements of the Bradford LES. This will include parking at the proposed educational use. All Electric Vehicle charging providing must be fully operational at first occupation and their purpose fully explained within any relevant travel plans / welcome packs.

Reason: To facilitate the uptake and use 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 the National Planning Policy Framework (NPPF)

15. Disposal of surface water drainage

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, the development shall not commence within any phase of development until full details and calculations of the proposed means of disposal of surface water drainage, including two levels of water quality treatment prior to its outfall into the local surface water network for that phase of development, have been submitted to and approved by the local planning authority.

Reason: To ensure that the site is properly drained and that surface water is appropriately discharged and to accord with Policy EN7 of the Local Plan for Bradford.

16. Fluvial flows

Any subsequent site layout and scale submission shall include an assessment of the pre and post-development fluvial flows across the site in a 1 in 100 annual probability event from the unnamed watercourses and any groundwater flows including an allowance for climate change, to assess the impact to the development and to third party land.

Reason: To ensure that the development can be properly drained and to prevent the increased risk of flooding and to accord with Policy EN7 of the Local Plan for Bradford.

17. CEMP

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to commencement of the development on any phase of development a Construction Environmental Management Plan (CEMP) for avoiding, minimising and mitigating and adverse effects on the water environment for that phase of development will be submitted to, and approved in writing by the Local Planning Authority. The CEMP should be prepared with due regard to the mitigation measures set out in sections H6.2 to H6.27 of the Environmental Statement (ref. 50335/JG/SP). 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 prevent the increased risk of flooding to the proposed development and future occupants and to accord with Policy EN7 of the Local Plan for Bradford.

18. Surface Water Drainage Maintenance and Management

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

Reason: To ensure that the development can be properly drained and to prevent the increased risk of flooding and to accord with Policy EN7 of the Local Plan for Bradford.

19. Temporary drainage strategy

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, the development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: To ensure that the site is properly drained and that surface water is appropriately discharged during the constructions phases and to accord with Policy EN7 of the Local Plan for Bradford.

20. Forward flow of surface water

The maximum pass forward flow of surface water from the development shall be restricted to the peak flow rates set out in table 4 of the Drainage Assessment reference 3213/DA/FINAL/v1.0.

Reason: To ensure that the site is properly drained and in order to prevent overloading and to accord with Policy EN7 of the Local Plan for Bradford.

21. Flood zone 1

No part of the built residential development or education facility shall be erected outside of the flood zone 1.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Policy EN7 of the Local Plan for Bradford.

22. Sewer easement zones

No building or other obstruction including landscape features shall be located over or within :-

(a) 5 metres either side of the centre line of the 825mm sewer i.e. a protected strip width of 10 metres; and

(b) 4 metres either side of the centre lines of each of the 375 and 305mm sewers and the 125mm rising main i.e. protected strip widths of 8 metres per sewer/rising main;

that traverse the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and now works in the affected area shall commence until the approved works have been implemented to the satisfaction of the Local Planning Authority.

Reason: In order to allow sufficient access for maintenance and repair work to the public sewer at all times and to accord with Policy EN7 of the Local Plan for Bradford.

23. Discharge of surface water

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: To ensure that the site is properly drained and in order to prevent overloading and surface water is not discharged to the foul sewer network and to accord with Policy EN7 of the Local Plan for Bradford.

24. Foul water drainage

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, no development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 5 (five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper and timely provision has been made for their disposal and to accord with Policy EN7 of the Local Plan for Bradford.

25. Phase 2 site investigation

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to development commencing on any phase of development, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, for that phase must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy EN8 of the Local Plan for Bradford.

26. Phase 2 site investigation

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to development commencing on any phase of development the Phase 2 site investigation and risk assessment for that phase must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to accord with Policy EN8 of the Local Plan for Bradford.

27. Remediation strategy

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to accord with Policy EN8 of the Local Plan for Bradford.

28. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report including quality control of soil materials and clean cover systems where necessary, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to accord with Policy EN8 of the Local Plan for Bradford.

29. Unexpected contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being

carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to accord with Policy EN8 of the Local Plan for Bradford.

30. Importation of material

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.

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 accord with Policy EN8 of the Local Plan for Bradford.

31. 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 policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

32. Sound insulation for dwellings

No dwellings within a phase of development shall be occupied until a scheme of sound insulation works for that phase has been installed. Such scheme of works shall be first submitted to and approved in writing by the Local Planning Authority and shall:

- a. Be based on the findings of approved Noise Assessment report ref. 15/0652/R1.
- b. Be capable of achieving the following noise levels:
 - Bedrooms: LAeq (8 hour) - 30dB - (2300 to 0700 hours);
 - Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
 - Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
 - External Amenity Areas (rear gardens): LAeq (16 hour) - 55dB (0700 to 2300 hours).
- c. Where the above internal noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Such works shall thereafter be retained.

Reason: In the interests of residential amenity and to accord with Policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

33. Sound insulation – education facility

Prior to its construction, a scheme of sound insulation works for the educational facility shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with these details prior to the education facility first being brought into use.

Reason: In the interests of residential amenity and to accord with Policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

34. Recreation and open space masterplan and strategy

As part of the application for Reserved Matters for the first phase of development, a recreation and open space masterplan and strategy for the entire site shall be submitted to and agreed in writing by the Local Planning Authority. This masterplan should be in broad accordance with the areas of open space identified on the approved Parameter Plan (ref.31620-301-P) and also be in broad accordance with the recommendations of Section 3 of the Recreation Mitigation Strategy contained at Appendix 1 of the Shadow Habitat Regulations Assessment (Ref. 383 HRA Draft 009 AB.docx)

Thereafter each reserved matters application for a phase submitted pursuant to Condition 3 above shall be accompanied by an updated recreation and open space masterplan.

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, no development within a phase shall commence until the Local Planning Authority has approved in writing the details of, and arrangements for, the setting out of on-site public open space as part of that phase of the development to include the following matters in respect of the phase:

- i The delineation and siting of the proposed public open space;
- ii The type and nature of the facilities to be provided within the public open space, including where relevant children's play provision;
- iii The arrangements to ensure that the Public Open Space is laid out and completed during the course of the development; and
- iv The arrangements for the future maintenance of Public Open Space.

The open space for that phase shall be completed in accordance with the approved details and arrangements for that phase.

Reason: To ensure adequate provision of public open space to meet the needs of future occupiers of the development and to accord with Policies SC9, DS1, and, DS3 of the Local Plan for Bradford.

35. Means of access

Before any part phase of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved as part of that phase shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plans listed in Condition 4 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 TR1 of the Local Plan for Bradford.

36. Section 278 Agreement

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5 and unless otherwise agreed in writing by the Local Planning Authority, no development within that phase of development shall take place until an Agreement with the Local Planning Authority has been made under Section 278 of the Highways Act

1980 to provide the new access arrangements into that part of the site as shown on the approved plans.

Reason: In the interests of highways safety and to accord with Policy TR1 of the Local Plan for Bradford.

37. Construction Plan

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5 and notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, prior to the commencement on site of each phase of the development hereby permitted, a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

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

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

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

38. Wheel wash facility

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

Reason: In the interests of highway safety and to accord with policies DS4, and, DS5 of the Local Plan for Bradford.

39. Travel Plan

The Travel Plan shall be implemented in accordance with the travel plan administration and promotion details and travel plan measures set down in the travel plan framework document submitted by Bryan G Hall (document reference no. 13-215-005.03). The

Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: To promote sustainable travel options, minimise reliance on the private car and reduced traffic congestion and demand for on street parking in the locality, in the interests of pedestrian and highway safety and to accord with Policy PN1 of the Local Plan for Bradford.

40. Temporary Tree Protective Fencing

The development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained until the tree protection fencing and other tree protection measures are installed in strict accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

The development shall not begin until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are in place in accordance with the submitted details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity and to accord with Policy EN5 of the Bradford Local Plan Core Strategy.

41. Retention of tree protective fencing

The approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity and to accord with Policy EN5 of the Bradford Local Plan Core Strategy.

42. Removal of tree protective fencing

Prior to the removal of the protective fencing and/or agreed tree protection measures, written verification/evidence that the developer/s have arranged for supervision and monitoring of those approved measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the development, shall be submitted to the Local Planning Authority.

Prior to the occupation of the development, or prior to the occupation of phases of the development as have been agreed in writing with the Local Planning Authority, the Local Planning Authority shall have first confirmed in writing its agreement to the verification/evidence.

Reason: To ensure that trees have been adequately protected by the developer during development activity and that harm to the trees has been effectively prevented or mitigated by the measures proposed in the planning application submission. To ensure that protection measures have prevented harm to trees and visual amenity, to accord with Policy EN5 of the Bradford Local Plan Core Strategy.

45. Design

The development hereby permitted shall be carried out in broad accordance with the Parameter Plans (drawing ref number 31620-301-P) and the principles set out in the Design & Access Statement with regard to Strategic Site Design Principles (p71-75), Incorporating Heritage Features (p79-80), Street Typology (p81-82), Green Infrastructure, Landscape and Play Strategy (p83-86), Creating Characterful Streets & Spaces (p88-106), and Design Parameters (p111-112).

Reason: To ensure that the development achieves high quality design and is in accordance with paragraphs 57, 58, 60, 61, 64 and 69 of the National Planning Policy Framework and policies SC9, DS1, DS2, DS3 and DS4 in the Local Plan for Bradford.

46. School delivery

As part of the submission of the first reserved matters application, the applicant should submit a report setting out progress with the timescales and mechanism for delivery of a school on the site. The submitted report shall specifically set out a timetable for all required actions and shall detail and assign individual responsibilities for the applicants and any other relevant party involved in the school delivery process. Updates of this report (including the continual setting of the required timetable and assignment of delivery responsibilities) shall be provided for all subsequent reserved matters applications proposing a further phase of development, until the point of delivery of the school.

Reason: in order to ensure the delivery of the school and to accord with Policies P1, SC1 and SC5 of the Local Plan for Bradford.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 14 May 2018

AU

Subject:

An outline application for residential development of up to 102 dwellings, access roads and 90 bed nursing home, with relocation of scout hut, Holme Mill Lane, Keighley.

Summary statement:

The proposed development includes residential development and a nursing home, the former on land west of Holme Mills and the latter east of Holme Mills. The applicant is applying for the means of access to both the proposed housing and proposed nursing home.

The application site is within a nil Community Infrastructure Levy zone. The applicant has however, agreed to a financial contribution towards mitigating any adverse impact from recreational pressures on the SPA/SAC. An independent viability assessment was carried out on the development appraisal and this concludes that the development would not be viable if other planning obligations including affordable housing were met.

The application is recommended for approval subject to the completion of the S106 and conditions included within the technical report.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 4342484
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Portfolio:

**Regeneration, Planning and Transport
Overview & Scrutiny Area:**

Regeneration and Economy

1. SUMMARY

This is an outline application for development of up to 102 dwellings and nursing home, with means of access to the sites applied for. The proposed development involves the relocation of a scout hut, to the west, along Holme Mill Lane.

The application site includes two areas of land – one to the west side of Holme Mill Lane and one to the east of Holme Mill Lane. The site to the west is currently grassland, the site to the east includes woodland and a scout hut.

The area where the housing is proposed is allocated in the RUDP, as a Phase 2 housing site and the land to the east is identified as a Bradford Wildlife Area & allocated for employment use. The principle of both residential and employment use is accepted.

As the application site is within a nil CIL zone and the independent viability assessment concludes that the scheme would not be viable with affordable housing, the application would only be liable to a contribution to mitigate any adverse impact from recreational pressures on the SPA/SAC.

2. BACKGROUND

A pre-application enquiry was submitted by the applicant and supported in principle.

3. FINANCIAL & 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.

6. OTHER IMPLICATIONS

6.1 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.

6.2 SUSTAINABILITY IMPLICATIONS

The application sites are located on the edge of the urban area with bus services serving Keighley and the surrounding area on Fell Lane.

6.3 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 whether the location of the proposed development is such that sustainable modes of travel by users would be facilitated and

future greenhouse gas emissions associated with the activities of building users are minimised. As part of the development EV (electric vehicle) charging points would be required through condition.

6.4 COMMUNITY SAFETY IMPLICATIONS

None

6.5 HUMAN RIGHTS ACT

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

6.6 TRADE UNION

None.

7. NOT FOR PUBLICATION DOCUMENTS

The applicant has submitted a viability appraisal concerning 106 matters. This is an exempt document, not for publication, as it contains sensitive financial information (financial privacy).

8. RECOMMENDATION

The application is recommended for approval subject to the completion of a Section 106 Agreement and the conditions included within the technical report.

9. APPENDICES

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

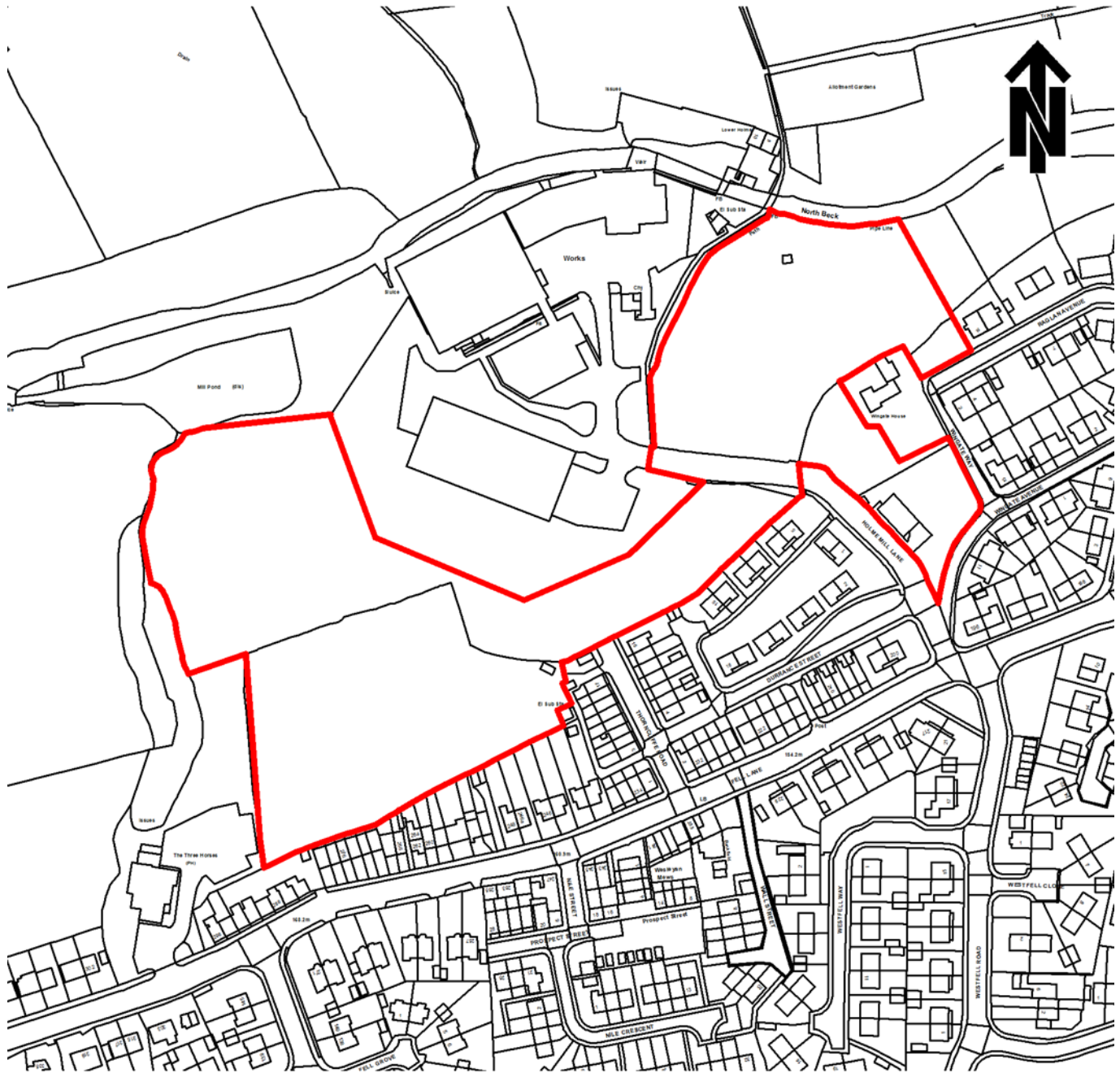
10. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
RUDP

16/08422/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Holme Mill Lane
Keighley**

14 May 2018

Ward:
Keighley West

Recommendation:

To grant outline planning permission subject to the completion of a S106 and conditions included within the technical report.

Application Number:

16/08233/MAO

Type of Application/Proposal and Address:

An outline application for residential development of up to 102 houses, nursing home and relocation of scout hut, with the means of access applied for. The application includes two sites - west of Holme Mill Lane, adjacent to Holme Mills and east of Holme Mill Lane.

Applicant:

Mr Javi Khanijau, MSK Law

Agent:

archENG

Site Description:

The site of the proposed housing is described in the RUDP as a green field site on the edge of the urban form; the site of the proposed nursing home, a brownfield site on the edge of the urban form, as well as a wildlife corridor.

The green field site comprises a number of fields, that slope down towards North Beck. To the site frontage and within the application site there are a number of trees, some subject of Tree Preservation Orders (TPOs). The site around the scout hut, east side of Holme Mill Lane, also includes trees subject of TPOs. The site of the proposed nursing home is wooded and slopes down towards North Beck.

To the north of the application site there are a number of industrial units, site of Holme Mill, to the south and east are residential areas.

Relevant Site History:

N/a

Policy:

Replacement Unitary Development Plan

The site of the proposed housing, west of Holme Mill Lane is allocated as a phase 2 housing site, K/H2.40. The site of the nursing home is allocated for employment use under K/E1.7. It is also identified as being within a Bradford Wildlife Area, a Site of Ecological Interest, K/NE9.57. (The site around the scout hut is unallocated).

The National Planning Policy Framework (NPPF).

The National Planning Policy Framework is 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.

The NPPF suggests local planning authorities should approve development proposals that accord with statutory plans, without delay.

The Core Strategy

The Core Strategy was adopted in July 2017.

There are a number of Core Strategy Policies which should be considered as part of the application, some of these policy areas will be covered in consultation responses to this application:

- P1 Presumption in Favour of Sustainable Development
- SC5 Location of Development
- SC6 Green Infrastructure
- SC9 Making Great Places
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- TR3 Public Transport, Cycling and Walking
- H05 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN2 Bio-diversity and Geo-diversity
- EN4 Landscape
- EN5 Trees and Woodlands
- EN6 Energy
- EN7 Flood Risk
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban Character
- DS4 Street and Movement
- DS5 Safe and Inclusive Places
- ID3 Developer Contributions

Parish Council:

Keighley Town Council recommends that the application be refused. The Town Council is opposed to the proposal by reason of increased highway congestion in the vicinity, degradation of the local environment (in terms of views and loss of recreational amenity) and destruction of wildlife habitats. In addition, the Town Council comments that it has not been supplied with sufficient information to properly assess the impact of the proposals.

Publicity and Number of Representations:

Site notices were displayed at and around the application site; a notice placed in the Telegraph and Argus and individual neighbourhood notifications were carried out, with the expiry of the notification period being 18 April 2017.

There have been 81 representations, including 1 in support and 80 objections.

A Ward Councillor has objected to the planning application.

The MP for Keighley has objected to the planning application.

Summary of Representations Received:

Loss of green field.

Brownfield sites should be developed first.

Increased traffic/congestion.

Loss of habitat/adverse impact on biodiversity.

The disruption caused by the relocation of the scout hut.

Oversubscribed schools and healthcare services in the area.

Noise pollution, traffic pollution.

Overlooking.

Overshadowing.

Fell Lane Scout Group is in support of the application.

The Ward Councillor objects on the grounds that the development - would be contrary to the Council's Core Strategy; would cause low-lying areas to flood more often due to the lack of adequate flood defences; would not safeguard, enhance and promote the historic and natural heritage of the District which help reinforce the local distinctiveness; would not provide accessible for leisure and recreation including access to the countryside and the utilisation of green infrastructure spaces and routes for walking/cycling; and would not safeguard and enhance the District's biodiversity assets through careful management.

The MP' objection reiterates the concerns of residents – brownfield sites should be developed before green field; there would be an adverse impact on bio-diversity and traffic congestion, as a result of the proposed development.

Consultations:

Public Rights of Way

Keighley Public Footpath 73 runs in conjunction with Holme Mill Lane which would be the vehicular access to the site from Fell Lane. While the footpath is shown recorded over Holme Mill Lane, the Lane has been partly adopted as highway. As such, records will be amended to reflect this change. This footpath then continues along the north-western boundary of the proposed scout hut and care home and connects with other paths to the north of North Beck. Please note that there is a slight anomaly affecting Keighley 73 along this boundary. A short section of this path was provided (and improved) along a slightly different line to the recorded path. While both sections of path are outside the site boundary both should be considered as being public. One of these routes is available for use while the other (within the industrial site) is obstructed. Paths to the north of the Beck have been improved in recent years (Cat Steps and paths through the Town Council Allotments). These paths, including the path along the site boundary are in need of further improvements. As such, request a commitment from the developer to carry out improvements to the path along the site boundary and

request a commitment/contribution towards the on-going maintenance and enhancement of the routes to the north of the Beck. These routes are well used, especially by school children accessing schools in the Guardhouse and Highfield area.

The proposed development to the west of Holme Mill Lane was covered by a Section 31 (6) submission. Such a submission helps a landowner stop additional public rights from being gained on land that they control. This submission had been made as a result of the public regularly accessing the land in part to connect with other paths to the west of the site at Tinker Bridge and Holme House Woods. The landowner also erected signage at the time to try and deter such use. It should be noted that the original Section 31 (6) submission has now expired and while the public may still be using routes through the land it is unlikely the public have had sufficient time for public rights to have been gained.

Environment Agency

The Flood Risk Assessment identifies that all the development would be outside flood zones 2 and 3. No objections to the development.

Arboriculture Team

Concerns have been raised on the potential loss of protected trees and the woodland.

Parks & Greenspaces

A request for a recreation contribution of £142,344 for the provision/enhancement of Recreation Open Space and Playing Fields, due to the extra demands placed on the locality by this development.

The contribution would be split between capital and revenue and used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at North Dean Recreation ground or Lund Park.

Environmental Health (Land Contamination)

The Phase 2 Geo-Environmental Site Investigation by E3P includes Holme Mills and therefore takes the Mills into account when assessing the potential risks at the site. The report concludes by making a number of recommendations including that “Extensive further post demolition intrusive ground investigations will be required to confirm the findings of this preliminary investigation and inform the development of a suitably detailed/robust Remediation & Enabling Works Strategy”. (As the proposed development does not include demolition, the recommendations made in the report are not relevant to this application). As a result, the conclusions indicate more significant contamination across the wider site than assessment of results from the non-mill area would indicate.

With regards to the gas monitoring and the risk assessment the report states that “This is an interim assessment based on preliminary ground gas readings, the final classification will be supplied as an addendum to this report on completion of the remaining monitoring visits.”

The addendum gas report has not been submitted as part of this application.

Environmental Health recommends that a revised report based on existing information is submitted which focuses specifically on the area of the site to which this application

pertains. The report must include the completed gas monitoring results and amended risk assessment.

Environmental Health (Pollution)

The proposed development constitutes a major development for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (LES)(adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013).

Under the provisions of the LES planning guidance major developments are required to provide:

Type 1 Emission Mitigation

- Provision of electric vehicles charging facilities at a rate of 1 charging point per house with dedicated parking and 1 point per every 10 houses with undedicated parking.
- Adherence to the *London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.

Type 2 and 3 Emission mitigation

- Inclusion in the Travel Plan of mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles. The types of mitigation proposed should be compatible with lists of suggested measures included in the Bradford LES.

If the Council is minded to approve this application, EV charging provision will be required at the rates set out in the West Yorkshire Low Emission Planning Guidance. For residential developments this is 1 charging point per dwelling with dedicated parking or 1 charging point per 10 spaces with unallocated parking. Charging points will be required at both the houses and the care home.

The minimum EV charging requirement will be provision of a 3 point plug socket capable of providing safe overnight trickle charge to an electric vehicle. It is recommended that these are provided on dedicated circuits to prevent overloading of electrical circuits. Sockets can be mounted within domestic garage space or mounted externally on properties adjacent to driveways or shared parking spaces. Stand-a-lone charging points may be required to serve the care home but this is open for further discussion.

Yorkshire Water

If planning permission is granted, conditions should be attached to protect the local aquatic environment and YW infrastructure.

West Yorkshire Ecology

The land at the western end of the proposed development site, previously described in our submission as a mosaic of national vegetation communities MG4/MG6/MG9 was reassessed and removed from the Local Wildlife Site (LWS) boundary. Land to the immediate west of the proposed development site is considered to support important species rich grassland communities.

The earlier response stated that the proposed development would “result in the direct loss of land of LWS quality”. Subsequent analysis of the survey results have found this

not to be the case and this comment is withdrawn however, we still consider that other matters raised in the same letter are valid and need to be addressed.

Highways & Transportation

Following further discussions with the applicant's highway consultant, acceptable access arrangements have been agreed and these are shown on plan Ref: 16-1723-01 T. It should be noted that the current application will require the developer to carry out works on Holme Mill Lane to support the proposed development i.e. provision of footways on both sides of this road leading up to and in between the proposed access locations, including street lighting. In order to carry out the works within the highway the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council. All the works shall be agreed and approved in writing by the Local Highway Authority prior to any construction towards the development starting on site and the works then completed on site before the development is brought into use.

West Yorkshire Combined Authority

Recommends that the applicant contributes to a sustainable travel fund and is used to provide discounted travel cards.

West Yorkshire Police (Architectural Liaison Officer)

Policy D4 makes clear that new developments must incorporate the principles of secured by design, (SBD) and further states that developers will need to ensure that crime prevention is considered an integral part of the initial design of any development and not retrospectively or as an afterthought, in particular they will need to demonstrate how their development proposal has addressed the following issues in respect of designing out crime.

1. Natural surveillance of public and semi-private spaces in particular entrances to a development, paths, play spaces open spaces and car parking.
2. Defensible space and the clear definition differentiation and a robust separation of public, private and semi-private space so that all are clearly defined and adequately protected in terms of their ownership and use.
3. Lighting in the development in particular streets and footpaths.
4. The design or any layout of pedestrian cycle and vehicular routes into and within the sites including how they integrate with existing patterns.
5. Landscaping and planting, hiding places and dark secluded areas should not be created.

Comments are made on - perimeter treatments; rear and shared pathways; car parking; public open space; external lighting and CCTV.

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. An assessment of the submitted documentation has been carried out and if the details are implemented and secured by way of a planning condition on any planning permission the Lead Local Flood Authority has no objection to the proposed development.

Childrens Services

For Application 16/08422/MAO the calculation for 102 2-3 bedroom houses is:

Primary -

0.02 (yield per year group) \times 4 (full year groups) \times 102 (number of dwellings) \times £13721 (cost per place) = £125,136

Total request for 102 \times 2-3 bedroom houses = £111,963.

Countryside

It is considered that the most effective way of mitigating recreational impacts from this development is to improve local public rights of way networks so that residents can take advantage of the amenities closer to home and thus deflect pressure away from the SPA/SAC.

With that in mind, it is recommended that a developer contribution of £25,000 be secured for improvements to the local access network, in particular:

Routes Keighley footpath 18, Keighley 73 & 268 (both cross-valley routes) and Keighley 22 towards Holme House Woods and Goose Eye.

Collectively, these routes extend for approximately 2566 metres, re-surfacing costs and additional furniture improvements (stiles, gates, signage) amount to a total of £25,000.

Summary of Main Issues:

Principle of development
Impact on residential amenity
Highways & Transportation
Drainage Issues
Contaminated Land Issues
Rights of Way Issues
Planning Obligations
Ecological issues including Impact on protected trees
Other matters

Appraisal:

Principle of development

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.11). Given the resolution of the Council's Executive meeting on the 21st November 2011 (as regards the saving of RUDP policies H1 and H2) allocation BN/H2.3 is no longer allocated as part of the saved statutory development plan. This is due to the lapsing of policies H1 and H2 on the 30th September 2008. For this reason the site is now unallocated within the RUDP. At the Executive meeting it was resolved that the Executive note the extensive and robust statutory process which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented Housing Sites previously allocated under these policies should be accorded significant weight when considering their use for residential development.

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. The adopted Core Strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

In relation to housing land supply, the National Planning Policy Framework (NPPF) indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment Update Report 2015 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required by the NPPF. Under these circumstances paragraph 14 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date. Paragraph 49 of the NPPF confirms that where a five-year supply of housing land cannot be demonstrated housing applications should be considered with a presumption in favour of sustainable development. In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. This proposal would make a valuable contribution towards meeting that need.

The application site includes three areas of land - green fields to the west side of Holme Mill Lane, the Scout hut off Holme Mill Lane and woodland off Wingate Way. The first site was originally allocated for housing, the last site was allocated for employment use in the RUDP. The proposed uses are in part, currently in accordance with the Development Plan.

With the proposed housing layout and siting of the nursing home being indicative, other than agreeing the principle, the means of access is being dealt with as part of this outline application. A number of concerns have been raised in relation to the indicative layout and how this could affect a number of protected trees. Given a reserved matters application would be required, establishing the layout, it is at that stage the details of the layout would be considered. The granting of any outline permission does not convey any agreement to the indicative layout and the impact on any protected trees would be fully assessed with the submission of the reserved matters application.

Similarly, Highways has commented on the indicative highways layout. The means of access to the sites, but not within is applied for as part of the application. The details of the internal highways layout is not part of this application and would be considered with the reserved matters application. Again, the granting of outline permission would not bind the Council to a highways layout and this would be fully assessed as part of the reserved matters application.

The Scout group has occupied the Scout Hut on a temporary licence, for a number of years. The applicant advises that the current licence expires in September 2018. The applicant has confirmed that the relocated Scout Hut would be granted a long lease on a nominal rent, providing security of tenure. The Scout Group has been contacted and confirmed that in discussion with the applicant on completion of the relocation, the scout hut would be signed over to the trustees of First Keighley Fell Lane scout group. The proposed site of the relocated Scout hut is within the red line application site and planning permission would be subject to a condition requiring the developer to make provision for a new scout hut, as part of any approved development.

Impact on residential amenity

The application is submitted with an indicative housing layout. The actual layout of the housing would be the subject of a reserved matters application. It would be at this stage

that the relationship between existing properties and proposed properties would be properly assessed. Currently, there is nothing to suggest that the layout could not be designed to ensure that the residential amenity of either existing occupiers or prospective occupiers would be prejudiced. When the reserved matters application was submitted, consideration would be given to the relationship between the existing properties and any proposed housing.

Highways & Transportation

The scheme has been submitted with a Transport Assessment that has considered the likely generation of additional traffic and assessed this in relation to the local highway infrastructure. This Assessment has been fully considered by the Council's Highways team and found to be an accurate analysis of the likely traffic impacts of the proposal. The means of access to the proposed development have been assessed and are considered acceptable in highway terms.

As part of the proposal, footways would be provided to both sides of Holme Mill Lane. Currently, the footway does not extend the full length, with footways limited to one side of the carriageway.

Additionally, the applicant would be required to carry out other highway improvements and there would be no adverse impact on the local highway network.

Drainage Issues

The Lead Local Flood Authority (LLFA) has assessed the documentation, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. An assessment has been carried out and the Lead Local Flood Authority has no objection to the proposed development.

The Flood Risk Assessment identifies that all the development would be outside flood zones 2 and 3 and the Environment Agency has no objections to the development.

Contaminated Land Issues

Phase 1 and 2 site investigation reports have been submitted with the planning application and comments will be reported verbally.

Rights of Way Issues

The application site links with a number of public footpaths serving the surrounding area and beyond. It is recommended that a developer contribution be secured for improvements to the local access network, in particular:

Routes Keighley footpath 18, Keighley 73 & 268 (both cross-valley routes) and Keighley 22 towards Holme House Woods and Goose Eye.

Collectively, these routes extend for approximately 2566 metres and the applicant has agreed to meet the re-surfacing costs and provision of additional furniture improvements (stiles, gates, signage).

Planning Obligations

This development is within the nil CIL zone within the Council's adopted CIL charging regime.

Whilst the West Yorkshire Combined Authority has recommended that the applicant purchase residential Metrocards for residents, the application site is within a nil CIL zone and consequently, no monies for this would be sought.

The planning obligation that would be met by the applicant/developer is measures to address recreational pressures on protected habitats. The applicant has agreed to a Section 106 Agreement to make a financial contribution towards measures to mitigate against possible recreational pressures on the protected areas. This would take the form of improvements to the public footpath network including resurfacing.

In regard of affordable housing, the applicant has submitted a development appraisal, in support of a case for there being no affordable housing. Ordinarily, in this part of the District, the affordable housing ratio would be 15%. The submitted viability appraisal assesses the likely sales values, overall development costs, details appropriate land values and inputs appropriate developer profits. The conclusions are that there is no scope for S106 contributions beyond the required habitat mitigation funding. This has been independently assessed, with the conclusion of the assessment being that the provision of affordable housing would render the development unviable. Consequently, no affordable housing is being sought.

Ecological Issues including impact on protected trees

The relevant surveys have been carried out and there is no evidence that protected species would be detrimentally affected by the proposed development.

Whilst the applicant has submitted the application in outline, a number of concerns have been raised on the potential impact on trees, with some being protected by TPO'. The applicant has been advised that the only matter submitted for consideration is the means of access with the housing layout being indicative. The application description includes up to 102 houses. Given the concerns on the potential impact on protected trees, the layout, if agreed at reserved matters, could result in there being less than 102 houses. This is acknowledged by the applicant and any outline approval does not convey any agreement to the loss of protected trees within the housing sites.

With regard to the means of access, the principal area of housing, west of Holme Mill Lane is proposed to be served by an access directly from Holme Mill Lane. The proposed nursing home, east of Holme Mill Lane is similarly to be served by a single point of access from Holme Mill Lane. Both sites are allocated in the development plan, for housing and employment use respectively. As such, both sites would have to be accessed in order for development to take place, in accordance with the development plan. The local highway network and nature of the surrounding area, limits the means of access to the sites. Consequently, the means of accessing the sites from Holme Mill Lane is regarded as the only way of accessing the application site. The resultant loss of trees would ordinarily be mitigated by a scheme of replacement planting.

In relation to the loss of woodland at the site of the proposed nursing home, the Woodland Trust was contacted with a view to consider any local sites that would benefit from replacement tree planting. As such, the possibility of the applicant providing compensatory tree planting, off-site has been explored. After discussion between the Council and the Woodland Trust, it transpired that the scope for a developer entering arrangements with the Woodland Trust is very limited with various conditions being required to be met. In this particular instance, the Woodland Trust is not in a position to undertake any replacement tree planting with the applicant. Therefore, it is not possible to pursue this as an option.

The application site is located within 6 km of the South Pennines Special Protection Area and the application is required to mitigate against any potential impacts on habitats, by increased recreational pressures. This would involve a contribution towards footpath improvements to divert users away from the protected areas. As part of the Section 106, a contribution towards mitigation measures would be included (£25,000).

Other matters

West Yorkshire Police raises a number of issues, however, these relate to the layout/design of the proposed housing and would be dealt with at reserved matters stage, when a detailed layout would be submitted.

As with any new development there will be an increase in traffic in the area. However, the Transport Assessment has been reviewed and the increase in traffic does not warrant the application being recommended for refusal on highway grounds.

Heads of Terms of S106 Obligation

- Financial contribution towards measures to mitigate against possible recreational pressures on the protected areas comprising the South Pennines Special Protection Area to the value of £25,000.

Reason for Granting Approval:

The proposed development would meet the requirements of Core Strategy policies P1, SC5, SC6, SC9, H05, H08, H09, H011, EN1, EN2, EN4, EN5, EN6, EN7, EN8, DS2, DS3, DS4, DS5, ID2 and ID3 and the application is recommended for approval.

Conditions:

1. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping
- iii) layout
- iv) and scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Any application requesting approval of the reserved matters of layout, scale or appearance shall include details of existing and proposed ground levels and include drawings showing the following details:

- i) adequate scaled cross sections of the site,
- ii) details of the existing and proposed ground levels,
- iii) proposed finished floor levels of all buildings,
- iv) levels of any drives, garages and parking areas,
- v) height and appearance of all retaining walls or other retaining features.

and the development shall subsequently be carried out in accordance with the details so approved.

Reason: To ensure that works are carried out at suitable levels in relation to adjoining properties and highways and in the interests of visual amenity.

3. 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.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site.

4. The drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure proper drainage of the site.

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

Reason: To ensure appropriate management of surface water infrastructure.

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

Reason: To ensure the consideration of sustainable drainage techniques.

7. The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: For appropriate phasing of the drainage strategy.

8. Before any works towards the development starts on site full details and specifications of the works associated with Holme Mill Lane i.e. provision of footways on both sides of this road leading up to and in between the proposed access locations, including street lighting, shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority. The applicant should contact James Marsh (Section 278 Co-ordination Engineer) on 01274 437308 (email james.marsh @bradford.gov.uk) in order to discuss the requirements of the s278 Agreement.

Reason: In the interests of highway safety and to accord with Policy TR2 and Appendix 4 of the Core Strategy

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

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

10. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

11. Prior to the occupation of development full details of a Traffic Regulation Order and any other associated Orders deemed necessary by the Highway Authority shall be submitted to agreed and writing by a Section 278 Agreement to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and to accord with Policy TR2 and Appendix 4 of the Core Strategy.

12. From the date of first occupation each property built on the site with dedicated parking shall be provided with access to a fully operation 3-pin socket on a dedicated circuit, capable of providing a 'trickle' charge to an electric vehicle. Every other property (with non-dedicated parking) shall be provided with access to a communal EV charging point at a rate of 1 per 10 properties. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within easy access of the parking areas. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents and care home staff in their new home welcome pack/travel planning advice.

Reason: To facilitate the uptake and use 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 the National Planning Policy Framework (NPPF).

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 site preparation and construction 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. It must include a site specific dust risk assessment and mitigation measures that are proportional to the level of identified risk.

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

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

Reason: To ensure that the site is remediated appropriately for its intended use.

15. Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the site is remediated appropriately for its intended use.

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

Reason: To ensure that the site is remediated appropriately for its intended use.

18. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use.

19. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy.

20. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
- ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
- iii) The extent, types and heights of the means of enclosure to all curtilages.
- iv) Details of types of hard surfaces within the development other than those within the domestic curtilages.

v) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy.

21. Prior to the occupation of any part of the development, a schedule of landscape maintenance for all amenity and recreation open space areas within the site and covering a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan to define all communal hard and soft landscaped areas to be maintained under the maintenance regime, an outline of maintenance works to be undertaken and the frequency of those works, together with details of responsibilities for implementing the maintenance regime by a Management Company or other agency. It shall provide email, postal address and telephone contact details of such a company or agency.

Landscape maintenance of the identified areas shall subsequently be carried out in accordance with the approved schedule for the period agreed.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS5 of the Core Strategy.

22 The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details to be submitted to and approved in writing by the LPA.

No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy.

23. The developer shall arrange for the supervision and monitoring of the approved tree protection measures by a suitably qualified and pre-appointed tree specialist at regular and frequent intervals throughout the duration of the construction period.

Prior to the occupation of the development, or prior to the occupation of such phases of the development as may have been agreed in writing, the developer shall submit written verification evidence to the Local Planning Authority which demonstrates that such regular supervision and monitoring has taken place, and the Local Planning Authority shall have confirmed its written agreement that the verification evidence shows effective protection of the retained trees during the construction process.

Tree protection fencing and other tree protection measures shall not be removed except upon agreement of the verification evidence, or as may otherwise be agreed in

writing by the Local Planning Authority.

Reason: To ensure that trees have been effectively protected by the developer during development by means of the protection measures proposed and agreed in the planning application submission. In the interests of visual amenity and to accord with Policy EN5 of the Core Strategy.

24. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site 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.

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

Reason: To establish a suitable form of access, parking and servicing facilities commensurate to the scale of the development proposed.

26. 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.

27. No building or other obstruction including landscape features shall be located over or within 6 metres either side of the centre line of the 12" water main ie. a protected strip width of 12m that enters the site. No building or other obstruction including landscaping features shall be located over or within 5m either side of the centre line of the 300mm water main ie. a protected strip width of 10m that enters the site. No building or other obstruction including landscape features shall be located over or within 3m either side of the centre line of the 150mm water main ie. a protected strip of 6m that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main the developer shall submit evidence to the LPA that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

28. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 14 May 2018

AV

Subject:

This is a full application for the construction of 128 traditional two storey 2, 3 and 4 bed semi-detached and detached homes, including garages, access roads and general infrastructure on land at Fagley Youth and Community Centre, Fagley Road, Bradford.

Summary statement:

The layout of the development is such that it will not have a significantly detrimental impact on the residential amenities of the occupiers of the adjacent dwellings to the east, south and west whilst the design of the dwellings is considered to be in keeping with the overall character of the area. The access to the site will be taken from Fagley Road and the Highways Authority have not raised any objection to this subject to the imposition of a Traffic Regulation Order at the junction to protect visibility splays.

A Financial Viability Appraisal has been submitted which supports the Applicant's assertion that the scheme cannot support the provision of any affordable housing. The Appraisal has been assessed by the Council's Economic Development Unit who have concurred with the conclusions and no affordable housing is sought.

Through the attachment of appropriate conditions the proposal is considered to be acceptable.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full application for the construction of 128 traditional two storey 2, 3 and 4 bed semi-detached and detached homes, including garages, access roads and general infrastructure on land at Fagley Youth and Community Centre, Fagley Road, 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 Members are minded to refuse the application then material planning reasons for refusal need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with this proposal.

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. 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).

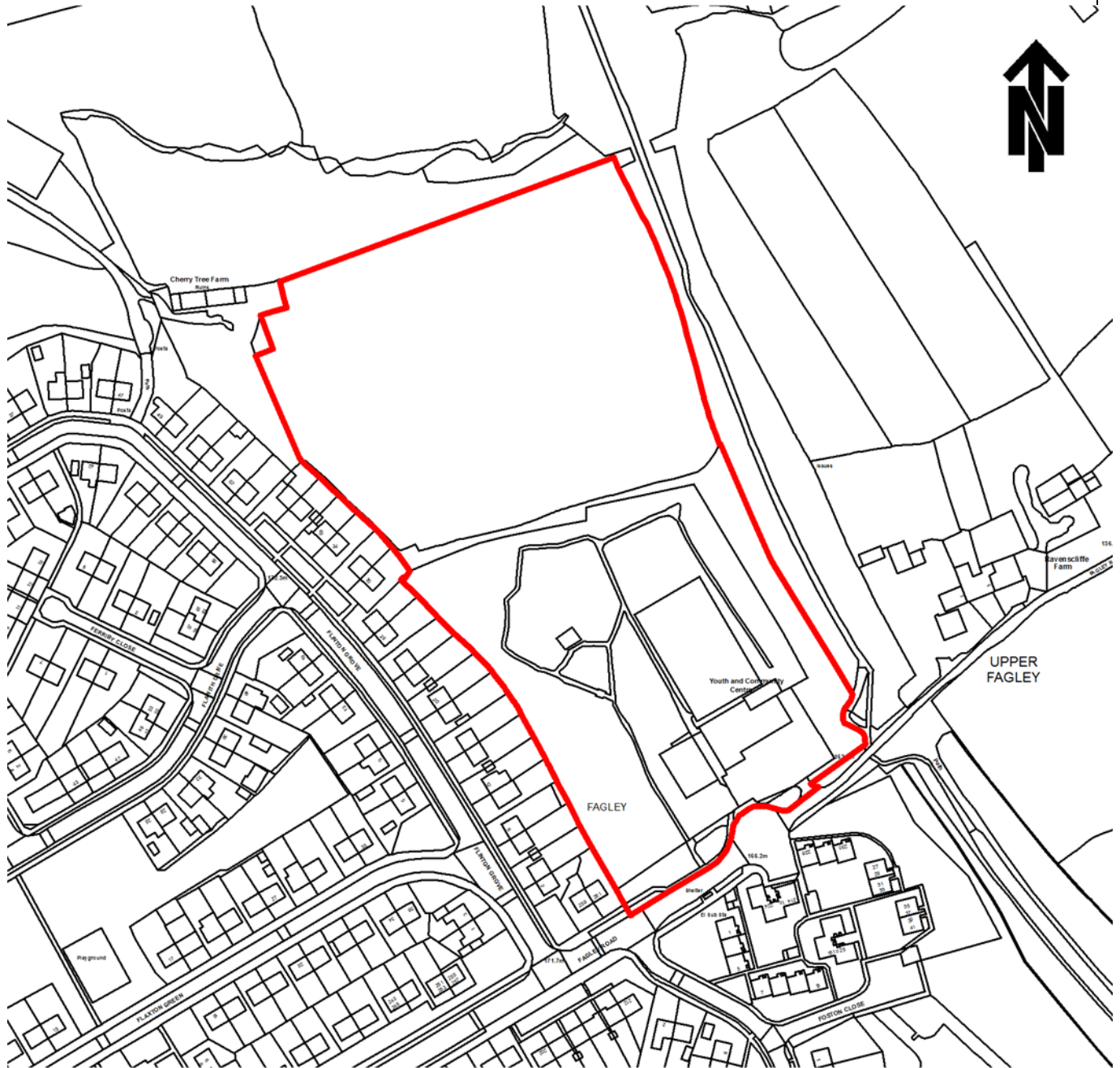
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/05678/MAF

17/05678/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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Fagley Youth and Community Centre
Fagley Road
Bradford

14th May 2018

Ward: Eccleshill

Recommendation:

GRANT PLANNING PERMISSION

Application Number:

17/05678/MAF

Type of Application/Proposal and Address:

This is a full application for the construction of 128 traditional two storey 2, 3 and 4 bed semi-detached and detached homes, including garages, access roads and general infrastructure on land at Fagley Youth and Community Centre, Fagley Road, Bradford.

Applicant:

Mr Brian Reynolds (Gleeson Regeneration Ltd)

Agent:

N/A

Site Description:

The site is located to the north of Fagley Road and currently comprises a building in the south eastern corner of the site with a hard surfaced MUGA adjacent to its northern elevation. The remainder of the site comprises grassed areas. A number of trees are scattered throughout the site and mainly along the western and eastern boundaries.

To the north of the site are open grazing fields (but which benefit from outline planning permission as part of the larger redevelopment of Fagley Quarry), to the east, beyond the disused railway line, are a row of dwellings fronting onto Fagley Road and open fields, to the west are dwellings fronting onto Flinton Grove whilst to the south is a residential complex accessed directly off Fagley Road.

Access to the site is taken directly from Fagley Road.

Relevant Site History:

There is no relevant planning history on the site.

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.

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The southern part of the site is allocated as both Playing Fields and New Sites for Recreation Open Space and Playing Fields whilst the northern part of the site is unallocated within the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

OS3 Protection of Playing Fields
OS4 New Open Space Provision

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection
EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID2 Viability
ID3 Developer Contributions

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 24th November 2017.

As a result of the publicity exercise 17 representations have been received objecting to the proposal.

Summary of Representations Received:

Principle:

- Too many houses are being built in the area
- These plans should be dismissed the community centre should be just that a community area for the people living here and much needed as one
- Community facilities need hanging onto and more spaces/places for young people to meet and socialise should be provided
- There's a covenant on the property that says there has to be a community centre on site
- There is already plans for 500 new houses on the old Quarry site on the Eccleshill road side of Fagley which are also not needed and will cause undue problems without adding to it with these

Highways:

- The surrounding road network cannot deal with the additional traffic likely to be generated by the development
- There is only one access road into and out of Fagley which does get very busy at peak times
- Residents don't want more traffic or the problems and issues that come with that
- There is safety of the people to consider with no room for the cars to park potential risk of accidents and very high volumes of traffic on just the one road in and out of Fagley that struggles as it is during peak times

Residential amenity:

- Pollution levels for this area are at an all-time high, building these would set them even higher which will cause health issues more so for the people who live here

Visual amenity:

- There are endangered trees planted on site with Newlands permission, along with over 1000 other trees planted there and an orchard, again with Newlands permission

Others:

- You can't have a sustainable community with enough schools, this will take the number of house to almost 1000
- Where will the children of these homes go to school as a lot of schools that were in the area have closed
- The GP's and dentists are already full
- A new school or doctors or dentists surgery would be a better development on the site to serve the local community
- If we have to have development, it's not houses Fagley needs it's shops, and if all these developers got together they could sort the mess out and have a brilliant development, not a hodgepodge mess that the Council will have to sort out

- Gleeson Homes sent out a survey to garner opinion - but the questions were loaded in their favour. Also as they did not include a reply paid addressed envelope for return there will be little response - hence they will say no one was interested
- There is lots of wildlife in this area

Consultations:

Trees Section – No objection as there are no trees of significance within the site and the proposals appear to adequately allow for the offsite trees

Lead Local Flood Authority – No objection subject to the imposition of appropriate conditions

Highways DC (Transport Assessment) – No objection to the proposal subject to the imposition of appropriate conditions

Education (Client Team) – The proposal will create additional pressures on the existing schools in the area. Bradford Council has a statutory duty to ensure that there are sufficient early years and school places in its area and to promote parental choice through increasing the diversity of provision. Currently the primary schools are overcrowded or full. There are currently spaces available in the older year groups in some of the secondary schools but there is significant overcrowding in the lower year groups. It may therefore mean that the Council would need to increase the number of school places in this area.

Development and Enabling – No objection to the principle of the development but state the site is located in an area where the affordable housing quota is 15% which equates to the provision of 20 units which should be delivered on site and at affordable rent via a Registered Provider

Sport & Leisure – No objection to the principle of the development but state that it will have a significant impact on the existing public open space. If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required and a commuted sum will be required to maintain the areas for the next 25 years.

West Yorkshire Police – No objection to the principle of the development but comments on specific aspects of the layout including boundary treatments, visitor parking/front boundaries, surveillance of parking spaces, public open space, external lighting, doors and windows, and, intruder alarms

Yorkshire Water Land Use Planning – No objection to the principle of the development but state that the developer needs to fund a package of sustainable travel measures to encourage the use of sustainable transport as a realistic alternative to the car. This should include a Residential MetroCard Scheme (bus only) at a cost of £64,845 to the developer

West Yorkshire Combined Authority (Highways) – No objection to the principle of the development but seek the provision of a Bus Only Residential MetroCard Scheme for the future occupiers of the site at a cost of £64,845 to the developer

Environmental Health Air Quality – No objection to the principle of the development subject to the imposition of appropriate conditions relation to the submission of a

Construction Environmental Management Plan and the provision of electric vehicle charging points for the dwellings with a dedicated off-street parking space

Environmental Health Land Contamination – No objection to the proposal subject to the imposition of conditions relating to the undertaking of appropriate remediation work and subsequent verification together with conditions relating to the discovery of unexpected contamination and materials importation

Environmental Health Nuisance – No objection subject to the imposition of a condition relating to the hours of construction/demolition

Airedale Partnership – No comments to make as the proposal is outside the scope of the Airedale masterplan

Rights Of Way – No objection to the principle of the development but would like to see the developer commit to making improvements to the public routes that abut the site such as improvements to the bridle access off Fagley Road, including surfacing works as required and step repairs. In addition a commitment to improve the surface of the route along the site boundary is also sought

Conservation – Concerns regarding the impact the proposal would have to the setting of Cherry Tree Farmhouse and barn further eroding the once entirely rural context. The harm caused should be weighed against the public benefits of the proposal in that the provision of a substantial number of new houses may be considered sufficient public benefit to outweigh the harm caused to the designated heritage assets

Regeneration Team – No objection to the proposal and concur with the findings of the Viability Appraisal in that the development cannot sustain any affordable housing provision

Sport England – No objection

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. Contaminated land
9. Biodiversity issues
10. Affordable housing
11. Conservation
12. Community Infrastructure Levy
13. Other issues

Appraisal:

The proposal relates to the construction of 128 dwellings with a mix of 2, 3 and 4 bed units. The layout of the development is such that the dwellings will be in the form of both detached and semi-detached dwellings. Access to the site will be via a single point of access from Fagley Road.

1. Principle of development

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the National Planning Policy Framework requires Local Planning Authorities to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The emerging Local Plan underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future Development of The District is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development though the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

The Framework also states in paragraph 111 that the planning system should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. It goes on to state that Local Planning Authorities may make allowance for windfall sites in the five-year supply if there is evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

The southern part of the site is allocated as both Playing Fields and New Sites for Recreation Open Space and Playing Fields whilst the northern part of the site is unallocated within the RUDP and as such policies OS3 and OS4 of the Replacement Unitary Development Plan are relevant. Policy OS3 (Protection of Playing Fields) states that development will not be permitted on land shown as playing fields or otherwise used as playing fields unless there is a demonstrable excess of playing field provision in the area and the site could not be used to help meet any deficiency in another type of open space, or, the proposed development only affects land which is incapable of forming a playing pitch. Policy OS4 (New Open Space Provision) states that planning permission will not be granted for the development or use of these areas for any other purpose.

The area of land covered by the two allocations include a hard surfaced multi-use games area (MUGA) and a rough grassed area that has informal footpath routes running through it. Sport England initially objected to the loss of the MUGA unless as a mitigation measure a contribution was made to a Football Association project such as towards Prospect Football Club bringing some land forward for the use as football pitches at the back of Idle Cricket Club.

In response to this objection the Applicant submitted a justification in support of the loss of the pitches. It was stated that the pitch was last used in December 2006 by a local football team and subsequently the pitches were allowed to become derelict when the changing rooms were converted to a computer suite and subsequently the football club could no longer hold matches, compete in a league or attract funding because they didn't have the required facilities. The pitch was tarmacked over in 2006 by the Fagley Youth and Community Centre and replaced with two five-a-side pitches. These pitches are now of poor quality, they slope across the site and do not meet the minimum pitch sizes for a five-a-side pitch for adults or juniors. The area of tarmac in its form falls below the normal standards of a MUGA which is normally a flat, fenced area partially or fully closed with built in goal post units and specialist surfacing for various types of sports games. On this basis the Applicant suggests that the area cannot be considered as a MUGA as it is incapable of being used as either a football pitch or five-a-side pitch or MUGA and is not suitable in either standard or condition to meet the identified deficiency in any other form of open space and is therefore surplus to requirements.

In assessing the additional justification Sport England has sought the views of the Football Association who acknowledge that the facility at the site in question is currently not fit for purpose for football and the site operators are not in a financial position to bring the facility up to the required standard. It is also acknowledged that the proposed development cannot financially contribute to off-site provision due to the nature of the scheme and therefore do not wish to pursue this matter any further and accept loss of the area in question. On this basis, Sport England no longer objects to the proposal on the grounds of the loss of the sports pitch.

With regard to the redevelopment of the site for housing one of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City
- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

Policy HO5 of the Core Strategy states that states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way developers will be expected to make the best and most efficient use of land. Densities should normally achieve at least a minimum density of 30 dwellings per hectare although higher densities would be possible in areas well served by public transport.

Policy HO6 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way the Council will give priority to the development of previously developed land and buildings. It also

states that District wide there should be a minimum of 50% of total new housing development over the Local Plan period will be on previously developed land.

Policy HO8 of the Core Strategy states that the Council will ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures and the mix should be based on both market demand and evidence of local need within the District's Strategic Housing Management Assessment (SHMA).

Due to the southern section of the site currently being occupied by an existing building and associated external areas, this part of the site does constitute previously developed land and the re-use of such sites for residential development is encouraged. The northern section of the site is unallocated and comprises grassed fields. The site is located within the urban area of Bradford and is in reasonably close proximity to a number of facilities and services including shops, schools, employment and recreational spaces.

The proposed scheme does incorporate a mix of dwelling sizes including 46x2 bed, 75x3 bed and 7x4+bed and will all be private sales on the basis that the site cannot afford to offer any affordable housing units – this is explained further later in Section 10 (Affordable Housing) of this report.

The site measures 3.71 hectares and proposes up to 128 dwellings. This equates to a density of 35 dwellings per hectare which is considered to be acceptable in terms of making the most efficient use of the site.

Overall therefore it is considered that the development of the application site with a residential development scheme accords with the principles of sustainable development articulated through the National Planning Policy Framework and the policies contained within the Core Strategy and that the amount of development proposed would make an efficient use of the land without compromising design imperatives. The principle of residential development is considered acceptable subject to the detailed consideration in the following sections of this report.

2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The site is located in an area where to the west, south and east is existing residential development. There is a mix of dwellings in the area including both single and two storey dwellings constructed of both brick and render on the elevations and concrete tiles on the roofs. In terms of design the dwellings are very simple and not of any significant architectural interest. The dwellings are mainly in the form of semi-detached and terraced units.

The layout of the scheme is such that the proposed dwellings are to be in the form of both semi-detached and detached dwellings which is in keeping with the surrounding development. The proposed material on the elevation is principally red brick with both light and dark bricks to be used as contrast. With regard to the roof cover concrete tiles are to be used in the form of double Roman pantile or flat profile. All the proposed materials are considered to be acceptable and will not be out of character with the area. Within the scheme some areas of open space are to be retained which will help break up the built form of the development.

Overall it is considered that the design of the dwellings and the layout is acceptable and will not have a detrimental impact on the visual character and appearance of either the streetscene or the wider locality.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

Existing residential development is located to the east, south and west of the site but it is only the dwellings to the west on Flinton Grove that face directly onto the site with their rear elevations overlooking it. To the south the site is separated from the nearest dwellings by Fagley Road whilst to the east the former railway embankment separates the site from the nearest dwellings.

With regard to the dwellings to the west the main relationships are main elevation to main elevation (rear to rear) with one instance of gable end (241 Fagley Road) to rear elevation (Proposed plots 1 and 2). The minimum separation distance for the rear to rear elevation relationship is 24 metres whilst for the gable end to rear elevation relationship the separation distance is 19 metres. Both of these distances are in excess of the policy requirement and are therefore considered acceptable.

The separation distances to the south and east are a minimum of 35 metres and 65 metres respectively and are again in excess of the minimum policy requirement and are considered to be acceptable.

Internally within the site the relationships between the proposed dwellings include main elevation to main elevation and main elevation to gable end. In all instances the separation distances are in excess of the policy requirement and are therefore considered to be acceptable.

Overall it is considered that the layout of the development is acceptable in that the separation distances between the proposed and existing dwellings and between the proposed dwellings themselves is acceptable and will not result in the residential amenities of the occupiers of the dwellings being adversely affected.

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

4. Highway safety

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The site is accessed via a single point of access from Fagley Road. Within the site the majority of the access road is in the form of a traditional estate road with all dwellings having off-street parking spaces in the form of both garages and driveways. A Transport Assessment has been submitted with the application which assesses the impact of the proposal on the surrounding highway network.

The Highways Department have not raised an objection to the proposed layout and are satisfied that the surrounding highway network will be able to satisfactorily accommodate the additional traffic likely to be generated by the proposal without being detrimental to highway safety. In order to improve the safety of the proposed new junction with Fagley Road the Highways Department are seeking the provision of a Traffic Regulation Order to ensure that appropriate visibility splays are provided and retained. An appropriate condition is recommended to secure this TRO. A number of dwellings also incorporate integral garages to provide a parking space. In order to ensure that the garages are retained as such a condition is proposed to remove the permitted development rights with regard to converting them to habitable accommodation without the need for first obtaining planning permission.

The Rights Of Way Officer has not raised an objection to the principle of the development but would like to see the developer commit to making improvements to the public routes that abut the site such as improvements to the bridle access off Fagley Road, including surfacing works as required and step repairs. In addition a commitment to improve the surface of the route along the site boundary is also sought.

There are no direct links from the site to the footpaths referred to by the Rights of Way Officer. In order to secure improvements to the footpaths a justification needs to be submitted which proves that they will be a main foot route to/from the houses and not just one that the Rights of Way Team would like upgrading. No evidence has been provided for this and therefore it is recommended that no developer contributions are sought with regards to funding to improve the footpaths.

West Yorkshire Combined Authority (Highways) have not raised an objection to the principle of the development but seek the provision of a Bus Only Residential MetroCard Scheme for the future occupiers of the site at a cost of £64,845 to the developer. Any such contribution would normally be secured by a Section 106 Legal Agreement but in this instance the Applicant has not offered the contribution. A Financial Viability Appraisal has been submitted by the Applicant in support of this and has been assessed by the Council's Economic Development Unit. With regard to both the purchase price for the site and the build costs they are not considered excessive for this location. The end values range from £98,000 for a 2 bed house through to £160,000 for a 4 bed house. The compare favourably to new builds in the surrounding area where new dwellings on the Ravenscliffe Estate can be purchased for £105,000 whilst in Eccleshill new builds are on the market for between £135,000-£170,000. The end values submitted by the Applicant are considered appropriate for the product and the location. The profit level for the development is set at industry accepted 20% and when all is taken into account and with no Section 106 contributions the development will make a small loss. The loss is not at a level where the scheme becomes undeliverable as the completion date for the development is 2025 and this gives time for prices to increase to cover the small deficit. As such, therefore, in this instance it is recommended that the contribution for the MetroCard Scheme is not secured.

Overall in highway terms it is considered that the scheme is acceptable and will not be detrimental to highway safety.

5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively while policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

With regards to the drainage of the site it is proposed to connect to the main sewer in relation to the disposal of both foul sewage and surface water whilst a sustainable drainage system will also be used for the disposal of surface water. A pumping station is proposed within the site along the eastern boundary. No objections have been raised to the proposed methods of drainage subject to the imposition of appropriate conditions.

6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

There are no trees of significance within the site and the proposals appear to adequately allow for the offsite trees. As such no objection is raised to the proposal.

7. Secured by design

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it, these being as follows:

Boundary treatments: The proposed 1800mm high close board timber fencing is acceptable and should be applied to the north, east and west boundaries to ensure that all rear gardens plots are secure. There doesn't appear to be any gated access showing to restrict stranger access from the front of the properties into the rear gardens and these are recommended. Rear plot dividers should be to the same height and material as the rear boundaries (i.e. 1800mm) which will provide more security and privacy for each plot – *amended plans have been submitted by the Applicant which shows the inclusion of 1500mm timber fencing as plot dividers instead of the post and wire fencing originally shown. Whilst this is not quite in line with the requirements of the*

West Yorkshire Police it is considered acceptable in that it provides security of the rear gardens as well as some natural surveillance.

Visitor parking bays/front boundaries: The site plan doesn't appear to show any visitor parking bays which means that any relatives or family members are likely to park on the roadside which can end up with vehicles parked on the corner of a bends or grassed areas which can cause obstructions – *there is no policy requirement to provide visitor spaces. The road is of a width whereby cars can park within its confines without being detrimental to highway safety.*

Surveillance of parking bays: It is positive to see that all parking is on plot and that garages are included within the scheme. Looking at plots 7, 113 and 122 as the garages are set further back from the building line, it would be prudent to install a side window in the lounge or kitchen which will allow more surveillance of any second vehicles parked in the drive – *the driveways do benefit from natural surveillance from the highway and this is considered satisfactory.*

Public open space (POS): It is recommended that there is a management plan for any areas of public open space so that the land remains tidy and free from littering, fly tipping or tethering of horses – *such a condition is recommended*

External lighting: It is recommended that external lighting is installed above the front and rear exit doors of each property to provide more illumination for the plots – *this is outside the control of the planning system and it is upto the Developer of the future occupiers as to whether external lighting is installed*

Doors and windows: Doors and windows should be to Building Regulations standards; PAS 24:2012, PAS 24:2016, STS 202 issue 3:2011 burglary rating 2 or LPS 1175 issue 7:2010 security rating 2 – *this is covered by Building Regulations Approved Document Q and is outside the control of the planning system.*

Intruder alarms: It is recommended that intruder alarms are installed on each plot – *this is covered by Building Regulations Approved Document Q and is outside the control of the planning system.*

8. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities

such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

A Phase 1 Desk Study Report has been submitted with the application and assessed by the Environmental Protection Team. The report states that “the earliest map of 1851 shows the site to be a number of fields. The 1893 map shows a pump along the southern boundary of the northern field. The site remains undeveloped today”. Historic land uses in the surrounding area include agriculture, a railway line and a sandstone quarry. The report concludes by recommending that an intrusive investigation is carried out.

An Intrusive investigation detailed in the Phase 2 Geo-environmental Site Investigation Report has also been submitted in support of the application and assessed by the Environmental Protection Team. The Report identifies that made ground was encountered in some areas within the site but only in small areas.

The topsoil analysis results from the north western half of the site (open fields) showed that “no elevated contaminants have been identified” and indicated that “this topsoil is therefore considered to be suitable for reuse on site”. The topsoil analysis results from the 6 samples in the south of the site show that “all samples recorded elevated concentrations of between one and three PAHs. The modified means of all three PAHs are still above the assessment value” and recommends that “where this material is to remain below gardens, it should be capped with a 600 mm permeable capping inclusive of 100 mm of topsoil”.

The analysis results from the four samples of made ground from the community centre area in the south of the site showed that “two samples recorded marginally elevated concentrations of arsenic”. It is recommended in the report that “a 300 mm clean capping will be required for gardens overlying made ground that is remaining insitu in the community centre area. Alternatively this material could be removed and placed beneath areas of hardstanding or used to raise levels elsewhere on site”.

The report concludes that Ground gas precautions are “not considered to be necessary”.

The conclusions of both the reports are concurred with by the Environmental Protection Officer and subject to conditions relation to remediation and subsequent verification the proposal is considered to be acceptable.

9. Biodiversity issues

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

An Ecological Appraisal was submitted with the application and looked at all aspects of the site including the potential of the buildings on site to be of ecological value as well as the vegetation. The report states that the buildings on site are considered as having

a moderate potential for bats with holes, cracks and cavities within the walls and gaps within the roof tiles. It is recommended that further ecological surveys may be necessary on the building prior to its demolition.

With regards to birds the report states that there is suitable cover in which birds could nest and it is evident that birds do inhabit the area. There are bird boxes attached to the building. However, during the survey there were no active birds' nests discovered.

With regards to reptiles there were some areas identified throughout the site as having moderate potential for their existence and further ecological surveys are considered necessary.

The report goes onto make a number of recommendations including the following:

- All trees within the site that have been assessed as having Potential Roost Features (PRF) need to be specifically surveyed for bats and/or bat roosts if those trees are to be impacted by the future potential development
- Further survey effort is necessary to prove definitively whether bats are present or absent from this building (the old Youth and Community Centre). It is therefore recommended that three further surveys are conducted at the building as is recommended by the national guidance. The guidance suggests that 2 (two) dusk emergence surveys and 1 (one) dawn re-entry survey will suffice. These surveys will need to be conducted at the appropriate time of year (May – Sept), the two emergence surveys to be conducted at least 21 (twenty-one) days apart.
- Further survey effort could be considered beneficial within the site to determine the definitive presence or absence of reptiles. According to the National Guidance, reptile surveys using artificial refugia (such as tin sheets or dark mats, for reptiles to shelter under and bask on top of) laid within a site between April and June and/or again in September (the months reptiles are most active) is by far the most effective method.
- Any buildings, trees and/or shrubs to be impacted or lost to the potential development of the site, need to be removed outside of the bird nesting season (August – March). Where this is not possible, these habitats should be searched for any evidence of birds' nests and nesting birds immediately before work commences. Natural England recommend that the bird nesting season in the UK is April – July, however, birds of various species have been known to nest outside this range if conditions are suitable.

A condition is recommended that the development is carried out in accordance with these recommendations.

10. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 15% in towns, suburbs and villages.

The site is located in an area where the affordable housing requirement is the on-site provision of up to 15% of the number of units to a Registered Provider for delivery at affordable rent. The provision of the affordable housing would normally be secured via a Section 106 Legal Agreement. However the Applicant has stated that the

development cannot incorporate the provision any affordable housing as this would make the development unviable.

A Financial Viability Appraisal has been submitted by the Applicant in support of this and has been assessed by the Council's Economic Development Unit. With regard to both the purchase price for the site and the build costs they are not to be considered excessive for this location. The end values range from £98,000 for a 2 bed house through to £160,000 for a 4 bed house. The compare favourably to new builds in the surrounding area where new dwellings on the Ravenscliffe Estate can be purchased for £105,000 whilst in Eccleshill new builds are on the market for between £135,000-£170,000. The end values submitted by the Applicant are considered appropriate for the product and the location.

The profit level for the development is set at industry accepted 20% and when all is taken into account and with no affordable housing provision the development will make a small loss. The loss is not at a level where the scheme becomes undeliverable as the completion date for the development is 2025 and this gives time for prices to increase to cover the small deficit.

Overall therefore based on the assessment of the Financial Viability Appraisal it is accepted that the development cannot accommodate the provision of any affordable housing and this conclusion is accepted.

11. Conservation

Policy EN3 of the Core Strategy states that the Council will proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the Districts designated and undesignated heritage assets and their settings.

Paragraph 132 states that " when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..... significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 goes onto state that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

The application proposals have been assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act (1990), the National Planning Policy Framework and Replacement Unitary Development Policies. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of the application. Insofar as material the statutory provisions provide: Section 66(1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The Conservation Officer has stated that there are three groups of listed buildings in close proximity: Cherry Tree Farmhouse and attached barn, immediately to the north of

the site; Throstle Nest Farmhouse and barn, located a short distance to the north-west, and Ravenscliff Farmhouse and barn, situated a short distance to the east.

The development will undoubtedly affect the setting of these listed buildings to some extent, impacting upon views and on the ability to read the original function of the buildings and how they interacted with the surrounding landscape. However, Throstle Nest Farmhouse and barn are not immediately adjacent to the application site and it is likely that the distance and topography will limit the impact of the development of the application site on the setting of these designated heritage assets. Similarly Ravenscliffe Farmhouse and barn are separated from the application site by the embankment of a disused railway, which provides a visual buffer. As such, the impact of the proposed development on the setting of these designated heritage assets will be limited.

The Cherry Tree Farmhouse and barn are currently in a ruinous condition it is important that the proposed development does not prejudice any future opportunities for their restoration. It is therefore pleasing to see that the current application shows amendments to the layout, whereby a degree of open space is retained adjacent to these listed buildings which will allow some views of the listed buildings from within the development site. However it is considered that the proposal would impact on the setting of Cherry Tree Farmhouse and barn by further eroding their once entirely rural context. That said it is considered the level of harm is less than substantial, and consequently, in accordance with paragraph 134 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal. It also has to be considered that to the north of this site outline planning permission exists for the construction of up to 600 dwellings on the Fagley Quarry site and adjacent land which again will reduce the rural setting of Cherry Tree Farmhouse and barn.

Whilst it is acknowledged that the proposed development is sited in close proximity to the listed Cherry Tree Farmhouse and barn they are not Grade I or II* or listed buildings. It also has to be acknowledged that they have fallen into a state of disrepair with no signs of any repairs being carried out to restore it to its former glories. The housing layout has incorporated an area of open space adjacent to the listed building to preserve its setting as much as possible and to offer views of it from within the development site. Overall therefore it is not considered that the harm created to the listed buildings is so significant that it would justify a refusal of this proposal.

12. Community Infrastructure Levy (CIL)

The site is located within a nil CIL area and therefore will not generate any monies towards infrastructure provision under the CIL legislation.

13. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the earlier sections of this report. These issues, together with the response, are as follows:

You can't have a sustainable community with enough schools, this will take the number of house to almost 1000 – *It is accepted that the majority in the schools are operating at at least 95% capacity and with a growing population additional pressure is placed on*

the educational infrastructure to accommodate the additional pupils. Any expansion of the schools will need to be done through moneys secured through the CIL process

Where will the children of these homes go to school as a lot of schools that were in the area have closed – *It is accepted that the majority in the schools are operating at at least 95% capacity and with a growing population additional pressure is placed on the educational infrastructure to accommodate the additional pupils. Any expansion of the schools will need to be done through moneys secured through the CIL process*

The GP's and dentists are already full – *unfortunately the issues of doctors/dentists being full is not a material planning consideration and they will generally respond to demand in regard to providing additional spaces*

A new school or doctors or dentists surgery would be a better development on the site to serve the local community – *whilst the local community may consider a new school or dentist/doctors as a more appropriate use for the site the application being considered is for residential use and there is a demand for new housing throughout the Bradford District to meet the housing need. A refusal reason for an alternative use could not be justified*

If we have to have development, it's not houses Fagley needs it's shops, and if all these developers got together they could sort the mess out and have a brilliant development, not a hodgepodge mess that the Council will have to sort out – *there is a need for new residential development sites to come forward to meet the housing needs of the District. A new retails development has been granted planning permission on the Union Mills site as well as as part of the redevelopment of Fagley Quarry so the new houses that are planned for the area will have an appropriate increase in services available for them*

Gleeson Homes sent out a survey to garner opinion - but the questions were loaded in their favour. Also as they did not include a reply paid addressed envelope for return there will be little response - hence they will say no one was interested – *A Community Consultation Exercise was undertaken but the Local Planning Authority have no control over the content of a questionnaire/survey or whether a pre-paid envelope is provided for the return of any comments*

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the 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 development on a part previously-developed site. The layout of the proposal is acceptable and presents no concerns with regard to residential or visual amenity and highway safety. The proposal is considered acceptable and with attached conditions, satisfies the requirements of policies OS3 and OS4 of the Replacement Unitary Development Plan and policies P1, SC1, SC4, SC9, TR1, TR2, TR3, HO5, HO6, HO8, HO9, HO11, EN2, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, DS5, ID2, and, ID3 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time limit

The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Remediation strategy

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

3. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

4. Unexpected contamination

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

5. Materials importation

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

6. Electric Vehicle Recharging Points

From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to a fully operation 3 pin socket on a dedicated circuit, capable of providing a safe overnight 'trickle' charge to an electric vehicle using a mode 2 charging cable. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within 3 metres easy access of the off road parking areas. All EV charging points shall be clearly marked with their purpose and their purpose drawn to the attention of new residents in their new home welcome pack/travel planning advice.

Purpose: To facilitate the uptake and use 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 the National Planning Policy Framework (NPPF)

7. Construction Environmental Management Plan

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 site preparation and construction 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. It must include a site specific dust risk assessment and mitigation measures that are proportional to the level of identified risk.

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

8. Biodiversity enhancements

The development shall be carried out in accordance with the biodiversity enhancement recommendations contained with the Preliminary Ecological Appraisal Survey Report prepared by Wildlife Discovery Ecological Consultants and dated 2nd October 2017. A timetable for the implementation of the recommendations shall first be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences on site.

Reason: To enhance the biological value of the site and to accord with policy EN2 of the Local Plan for Bradford.

9. Materials

Within 6 months of the development hereby permitted commencing on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with policy DS1 of the Local Plan for Bradford.

10. Root protection plan

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

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

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with policy EN5 of the Local Plan for Bradford.

11. Finished floor levels

Within 6 months of 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 policy DS1 of the Local Plan for Bradford.

12. Traffic Regulation Order

The development shall not be brought into use until all reasonable endeavours have been undertaken to promote a Traffic Regulation Order to restrict parking at the junction of Fagley Road and the proposed access road. Reasonable endeavours shall constitute instructing the Council to proceed with the required Traffic Regulation Order and paying all reasonable costs incurred in processing the aforementioned Order.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

13. Means of access

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

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

14. Off-street car parking

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

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

15. Gates

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 policies DS4 and DS5 of the Local Plan for Bradford.

16. Construction Plan

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

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) temporary warning and direction signing on the approaches to the site

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

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

17. Wheel wash facility

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

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

18. Removal of permitted development rights regarding the conversion of garages

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the integral garages within the dwellings hereby permitted shall remain available for the purposes of garaging and no subsequent alterations to convert these garages to primary residential accommodation addition shall be carried out without the express written permission of the Local Planning Authority.

Reason: To ensure these facilities remain for parking purposes, in the interests of amenity and highway safety and to accord with Policies TR2, DS4 and DS5 of the Local Plan for Bradford.

19. Driveway surface to be agreed

Within 6 months of the development hereby permitted commencing on site, details of the proposed surfacing for the driveways serving each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in full accordance with these details prior to the occupation of each dwelling the driveway serves.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

20. Hard margin and transition ramp construction details

Within 6 months of the development hereby permitted commencing on site, details of the hard margin and transition ramp construction specifications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance of the approved details.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

21. Management plan for open areas

Within 6 months of the development hereby permitted commencing on site, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to the Local Planning Authority for approval in writing. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord with Policies EN5 and DS3 of the Local Plan for Bradford.

22. 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 policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

23. Boundary treatments

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site, a plan showing the positions, design, height and materials of boundary treatments to the plot curtilages shall be submitted to and approved in writing by the Local Planning Authority. Where timber fencing is proposed it shall be of the closed boarded timber type. The boundary details so approved shall then be provided in full prior to the first occupation of the dwellings to which they relate and shall thereafter be retained as long as the development is in use.

Reason: In the interests of amenity and privacy and to accord with Policies DS2, DS3 and DS5 of the Local Plan for Bradford.

24. Surface water drainage

Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment., have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

25. Surface Water Drainage Maintenance and Management

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

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

26. Temporary drainage strategy

The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development

shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

27. Culvert structure

Notwithstanding the details contained in the supporting information, the drainage works shall not commence until the downstream culvert structure is proven hydraulically acceptable to accept the maximum pass forward flow of surface water from the development restricted to a rate agreed with the Lead Local Flood Authority.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

28. Disposal of foul water drainage

Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of foul water drainage, have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 14 May 2018

AW

Subject:

Outline application for residential development of up to 700 dwellings, with part means of access; including demolition of buildings and fixed-surface infrastructure associated with existing use.

Summary statement:

The application is for residential development at the site of Bolton Woods Quarry. The application site is identified within a proposal area, BWQ1, in the Shipley Canal Road Corridor Area Action Plan, where housing is promoted.

As an outline application, the principle of housing, along with the means of accessing the site are under consideration. Whilst the principle of housing is agreed, the layout within the site would be subject of reserved matters application. The means of access to the application site has been fully assessed and is considered appropriate.

In view of the scale of the proposed development, there would ordinarily be a detailed masterplan for development of this size. It is proposed to require this through condition, along with details on phasing, character and landscaping.

The application site is within a nil Community Infrastructure Levy zone but the applicant has agreed to a contribution towards other planning obligations through a Section 106 Agreement including– on-site provision of affordable housing; site specific emission reduction measures; and mitigation measures to address the recreational impact on protected habitats.

The application is recommended for approval subject to the completion of the S106 and conditions included within the technical report.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 4342484
E-mail: john.eyles@bradford.gov.uk

Portfolio:

**Regeneration, Planning and Transport
Overview & Scrutiny Area:**

Regeneration and Economy

1. SUMMARY

This is an outline application for development of up to 700 dwellings, with means of access applied for. The proposed development is for housing, indicated within 5 zones, with vehicular access from Poplars Park Road, Brookwater Drive, Bolton Hall Road and Livingstone Road. It is the principle of development and means of access to the development site that are being considered under the outline application. (The layout would be agreed through subsequent reserved matters application).

The application site includes a stone quarry, associated buildings and land. It is located at an elevated position between Bradford and Shipley. There are spoil heaps around the perimeter of the site and vehicular access is currently taken from Bolton Hall Road.

The adjacent Bolton Old Hall and Bolton Old Hall cottage, located to the north eastern boundary of the application site, are both grade II* listed. An objection has been made by Historic England on the adverse impact of the development on these heritage assets.

There are residential areas surrounding the application site, bar to the immediate south west.

Within the Shipley Canal Road Area Action Plan (adopted 12 December 2017) the application site is within proposal area BWQ1, where a residential-led scheme is promoted. The proposed development contributing substantially to the housing supply in the district and is supported.

Whilst the application site is located within the nil CIL zone, the applicant would be required to provide affordable housing. As a major development, the proposed development has been considered against the Council's Low Emission Strategy and is also required to mitigate against any impacts on air quality. Additionally, due to the application sites proximity to protected habitats, mitigation measures are required to offset any pressure for recreational use on those habitats. All these matters would be dealt with through the Section 106 Agreement.

2. BACKGROUND

In 2012, a masterplan for the central section of the Canal Road Corridor (CRC), the New Bolton Woods Masterplan, was reported to Executive. The aim being to promote the long-term regeneration of the CRC area, which is embedded in strategic policy – the 'Big Plan', the District's Economic Strategy and the Development Plan, including the adopted Shipley- Canal Road Corridor Area Action Plan (SCRC AAP).

The adopted Core Strategy identifies the Shipley and Canal Road Corridor as providing 3200 new homes by 2030. The application site is within proposal area BWQ1, of the SCRC AAP, where - 1000 residential units; supporting non-residential uses to meet day to day needs; new high quality on-site open space, play areas and ecological areas - are promoted.

The quarry is located within the Windhill & Wrose ward, with the access to serve part of the development, off Poplars Park Road within Bolton & Undercliffe ward.

3. FINANCIAL & 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 Councils powers as the Local Planning Authority.

6. OTHER IMPLICATIONS

6.1 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.

6.2 SUSTAINABILITY IMPLICATIONS

Given the location of the application site, the topography and the previous use as a quarry, there are limited connections to public bus services, with Frizinghall train station some 2km distant. The distance between existing bus services and the proposed residential development results in parts of the site not meeting accessibility standards in the Core Strategy.

Due to the level changes across the quarry, the applicant is unable to provide a connecting route through the site, north to south. Effectively, the development would be a series of cul-de-sac, some served from the north and some from the south. For this reason, it’s been confirmed by WYCA, that bus operators would not consider new/extended bus services into the application site. Consequently, there is likely to be a high dependence on car use for travel.

6.3 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 whether the location of the proposed development is such that sustainable modes of travel by users would be 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, the applicant has undertaken an assessment of emissions associated with the scale of development and would provide agreed emission reduction measures. In discussion with Environmental Health, the application includes enhanced electric vehicle charging facilities provided within the development; Personalised Travel Plans; a £220,000 contribution towards strategic mitigation measures to improve air quality in the Canal Road corridor. These measures are considered to contribute towards mitigating against the emissions impact.

6.4 COMMUNITY SAFETY IMPLICATIONS

In regard of public safety, the Health and Safety Executive has an Approved Code of Practice and the Mineral Products Association has guidelines for the management of public safety on non-operational sites.

In the event that the quarry site was developed for housing, part of the southern boundary would retain the significant change in levels from the former quarry floor and the adjoining land. At present there is a boundary fence to the quarry, along the southern boundary. It is understood that public safety at the quarry would be the responsibility of a management company, to be established by the developer.

6.5 HUMAN RIGHTS ACT

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

6.6 TRADE UNION

None.

7. NOT FOR PUBLICATION DOCUMENTS

The applicant has submitted a viability appraisal concerning 106 matters. This is an exempt document, not for publication, as it contains sensitive information.

8. RECOMMENDATION

The application is recommended for approval subject to the completion of a Section 106 Agreement and the conditions included within the technical report.

9. APPENDICES

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

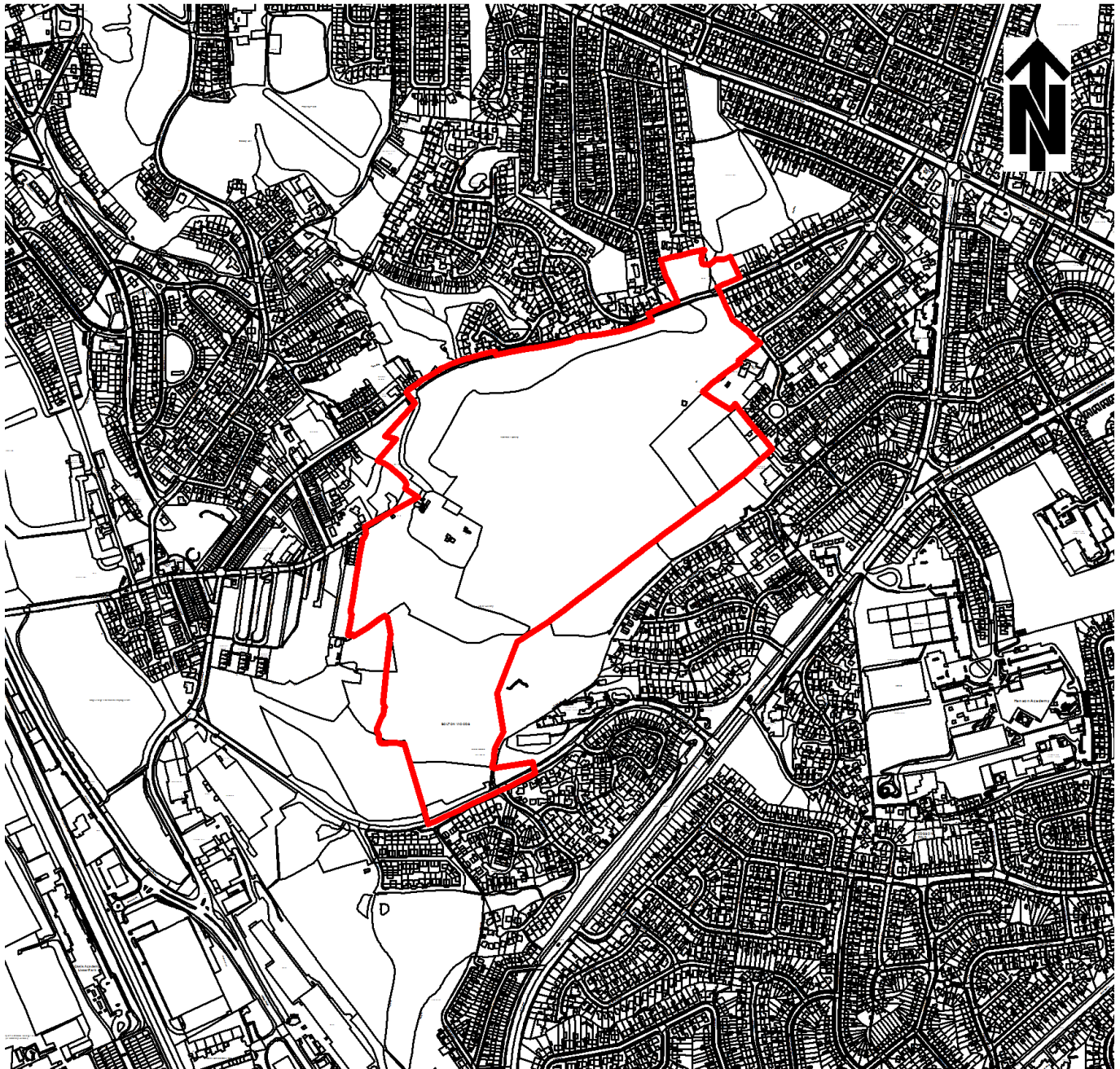
10. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Shipleigh Canal Road Corridor Area Action Plan
New Bolton Woods Masterplan
Design Review report

15/06249/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**Bolton Woods Quarry South
Bolton Hall Road
Bradford**

14 May 2018

Wards:

**Bolton & Undercliffe
Windhill & Wrose**

Recommendation:

The application is recommended for approval subject to the completion of the S106 and conditions included within the technical report.

Application Number:

15/06249/MAO

Type of Application/Proposal and Address:

Outline application for residential development of up to 700 dwellings, with part means of access; including demolition of buildings and fixed-surface infrastructure associated with existing use, Bolton Woods Quarry, Bolton Hall Road, Bradford.

Applicant:

Berry & Marshall (Bolton Woods) Ltd

Agent:

Kilmartin Plowman and Partners Ltd

Site Description:

The application site comprises a large tract of land, c.29 hectares, partly in use as a stone quarry, located c.2 miles north of Bradford City Centre. There are a number of operational buildings within the site and vehicular access is from Bolton Hall Road. A public footpath runs along part of the southern boundary. The quarry is located on relatively high ground and is seen in long views from the west.

There are residential properties to the north of the application site, Brookwater Drive/Bolton Hall Road and east of the application site - Livingstone Road/Cheltenham Road. To the south of the site, there are residential properties at Wood Lane/Lichfield Mount and Poplars Park Road. Along the southern edge of the quarry there is an area of grassed land between the quarry and housing along Wood Lane. On the western perimeter of the site there are residential properties at Chestnut Grove.

There are a number of trees, along the north western and western boundaries, not protected.

To the northern and western perimeter of the application site, there are spoil heaps which have become grass covered over time.

Bolton Old Hall and Bolton Old Hall cottage, both grade II* listed, are sited to the north eastern boundary of the application site.

A public footpath runs parallel with the southern boundary.

Relevant Site History:

There is a long history of quarrying and associated development at the site.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is 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.

The Core Strategy

The Core Strategy was adopted by the Council in July 2017.

There are a number of Core Strategy Policies which should be considered as part of the application, some of these policy areas will be covered in consultation responses to this application:

- P1 Presumption in Favour of Sustainable Development
- SC5 Location of Development
- SC6 Green Infrastructure
- SC9 Making Great Places
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- TR3 Public Transport, Cycling and Walking
- H05 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN1 Open Space, Sports and Recreation
- EN2 Bio-diversity and Geo-diversity
- EN4 Landscape
- EN5 Trees and Woodlands
- EN6 Energy
- EN7 Flood Risk
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban Character
- DS4 Street and Movement
- DS5 Safe and Inclusive Places

The Shipley Canal Road Corridor Area Action Plan (SCRCAAP)

The SCRC AAP adopted 12 December 2017, identifies the site within proposal area, BWQ1, where the comprehensive redevelopment of the quarry is considered to present

a key opportunity for – delivering a significant level of housing development and environmental improvements in the heart of the Corridor; c.1000 residential units; supporting non-residential uses of a local scale to meet day-to-day needs; new high-quality on-site open space, play areas and ecological areas.

Housing Mix

To deliver a vibrant and sustainable community, development will be expected to - incorporate a mix of house types and sizes, including a high proportion of family sized housing; include specialist housing products for older people and a proportion of accessible homes and custom build/self- build plots; deliver homes built to high standards of sustainable design and construction. The use of innovative low-carbon housing will be supported and encouraged. Local retail and community uses including, supporting community facilities and small shops will be supported, to meet local day-to-day needs, in accordance with Core Strategy Policy EC5.

Green Infrastructure and Ecology

The site is identified as a key opportunity to enhance green infrastructure & ecological assets and provide new green space within the development. Development will be expected to: provide significant improvements to green infrastructure, including the creation of new on-site open space, play areas and wildlife areas, which link to proposals developed as part of New Bolton Woods; protect and enhance the Wildlife Habitat Network in the immediate surrounds of the quarry and contribute to habitat creation as part of the quarry restoration. This should include the creation of heath land habitat/acidic grassland in line with the Ecological Assessment, where feasible. Proposals should be supported by a Green Infrastructure Strategy in accordance with Policy SCRC/NBE1.

Sport, Recreation and Open Space

Development will be expected to - provide new high quality on-site open space and play areas; where appropriate and feasible, take advantage of opportunities to provide active sports and recreation, including mountain biking and climbing, to help deflect pressure on moorland habitats; contribute to off-site provision for playing fields in a suitable location.

Design and Heritage

Due to the size and significance of the site, a Masterplan/Development Brief should be prepared to ensure that the site is developed in a comprehensive manner and that future phases relate well to each other. Proposals should be submitted for independent design review at an early stage. The Masterplan/Development Brief should be based on a thorough understanding of the site and its surroundings and it should set out the approach with regard to: the movement framework; landscape and open spaces; land uses; densities; character areas; townscape, scale and siting; car parking and development parcels. Detailed design code type guidance should be provided for different street types, open space types and character areas. Proposals will be expected to - integrate with new and existing communities and provide safe and attractive links to New Bolton Woods, surrounding communities and areas of green space; demonstrate how the scheme connects to surrounding communities and relates to future development at New Bolton Woods (NBW1). Development should ensure elements which contribute to the character or setting of Grade II* listed Bolton Old Hall and Bolton Old Hall Cottage are preserved. This site lies on the opposite side of the valley to the Grade II Historic Park and Garden at Lister Park. Development proposals

should have regard to the potential impact upon any important views from this Registered Landscape.

Transport and Movement

Any development proposal should be accompanied by a Transport Assessment detailing access and service arrangements and connectivity to the wider highway network. A number of access points may be required to minimise impact on the strategic highway corridor along Canal Road. Appropriate access would be considered from Bolton Hall Road and Livingstone Road to the north and through the adjacent New Bolton Woods site to the south. The development should take account of the adjacent New Bolton Woods Masterplan proposals. A Travel Plan would also be required to ensure the site is sustainable and to minimise traffic impacts. The development will be expected to: provide new/alternative sustainable transport solutions, to ensure the site is sustainable and to minimise traffic impacts; be designed to ensure that bus access is achievable; provide improvements to pedestrian and cycle links within and through the site to existing networks to help to connect the development to the surrounding area and encourage walking and cycling. Improvements to bus infrastructure, including future links to the bus network, may also be required.

Parish Council:

Wrose Parish Council objects to the application, on the grounds that - there has been no public consultation on this proposed build of 700 houses; the access/egress for the site coming from Wrose Road is already at a near standstill during peak hours at Wrose Road, Five Lane Ends and Kings Road; at present, all schools in/around Wrose are full, the doctors are close to full capacity and there are few places for dentists.

Publicity and Number of Representations:

Site notices were displayed at and around the application site, a notice placed in the Telegraph and Argus and individual neighbourhood notifications were also carried out, with the statutory period of expiry being 2 February 2017.

There have been 41 objections and three representations, including representation from a Ward Councillor.

Summary of Representations Received:

Privacy would be destroyed, it would change a very peaceful and private neighbourhood.

Planning permission has been approved for 275 houses in Apperley Bridge and 270 in Cote Farm which will affect this area. The additional 700 houses would not be beneficial for education, the NHS and employment.

Traffic is already bad on Livingstone Road, Wrose Road and Canal Road. This huge housing estate will have a significant impact of the traffic in these areas. Highway safety will be affected by this huge increase in traffic from the residents of these new properties.

The proposed siting of the development is particularly ill-considered. The quarry serves a historic purpose, it should be protected, not destroyed.

Would diminish the striking view and privacy we currently enjoy.

Furthermore, these proposals are in close proximity of both my homes, infilling/major development would ruin the character of this site.

Traffic on Canal Road is like a car park rather than a road. How can the Council even consider building more houses thus more traffic in this area?

The proposal to route traffic out of the new development from Bolton Hall Road onto Brookwater Drive is perplexing no considerations have been taken to the residents who only have one means of entry and exit out of the estate, the road conditions currently faced are just about manageable adding extra pressure cannot be a justifiable reason for building 700 new homes just because the quarry is no longer viable.

This is proposed to be built behind my property where there are bats which are protected species.

Local schools and facilities. Potentially 1400 school age children local schools are already oversubscribed. Further strain is unlikely to improve this situation. Local doctors are also difficult to access.

In winter getting up Bolton Hall Road is difficult as it is sloped and has planters to slow traffic which make travel difficult in icy conditions. The junction to Wrose Road already struggles. Kings Road itself often queues most of its length at peak morning times with current traffic levels, and for people going out of the south exits onto Canal Road, the bridge near the garages bottlenecks which would get worse.

The phase 1 seems to be planned above a beck, how will this be dealt with to ensure the plots do not flood?

I appreciate that we need more housing, but there are empty buildings that are spoiling our city, regenerating them would fix more problems than causing them.

The proposed planning application would take 18/24+ months to develop during which there will be increase in noise and in addition the potential dirt/debris will become apparent within the area and road leading into the estate.

Although I have no objection to the new houses being built, I do object to Poplars Park Road being opened to through traffic. Opening up that road would make Poplars Farm estate very dangerous for all residents but children in particular.

One solution is to place bollards halfway down Poplars Park road so that the residents of Poplars Farm would access it from Kings Road and the residents of the newly built part of Poplars Farm could access it from Stanley Road removing the risk of Poplars Park Road becoming a rat run. This would keep us all safe and happy.

Objection to planned development as this could cause crime in the area with cut-throughs for car thieves.

Any proposal to access onto Bolton Hall Road North and Brookwater Drive must not be allowed. Both are already traffic calmed and the north end approaching Livingstone Road is frequently lined with parked vehicles that it is only passable by an ad-hoc priority system.

If the road was to be opened to Stanley Road, would be absolute chaos as people would use it to miss the junction of Queens/Kings Road. Poplars Farm school is awful during peak times, so these additional houses will create more demand for this school, again more traffic along with other local schools in the area.

Object to more housing in this already over populated area. I am also concerned about the detrimental effect on the local green areas which are in rapid decline. Existing home owners in the area will also have to ensure disruption caused by heavy plant traffic, dirt and pollution which will affect residents health during the building.

The quarry would be better placed to be used as a public green area for future generations.

The only people to benefit are the owners of the quarry, building companies and Bradford Council. Why should the general public, in this case the owners of the properties in the affected areas, have this to put up with this for 10 years?

The proposed development overlooks existing properties.

The development would cut out natural sunlight, the site sections suggest that the roof line of the proposed properties would be almost 40 metres above the ground level of our property.

The access road to Site 4 is to the rear of our property and the traffic will cause noise, disturbance and pollution

The access roads to Sites 1, 2 & 4 will cause light pollution to existing properties

The development does not make best use of the local transport and infrastructure services.

No consideration has been made for public transport.

No consideration has been made for safety improvements to the local highway.

Many of the proposed properties to Site 1 would need to reverse onto Brookwater Drive with very poor visibility splays causing serious danger to pedestrians and road users.

The proposed access road to Site 2 is very close to an existing Grade 2* listed building, the building sits within its own grounds enjoying an open aspect, if the development goes ahead it would spoil the important historic value of this building and its surroundings.

The proposed development involves the loss of mature woodland especially in relation to Site 3 and cannot just remove this mature woodland for development, as a local resident we have witnessed in the last 12 years of living in this area many species of birds, foxes, rabbits and bats within the proposed development site

It would be unacceptable to remove the extent of mature trees and landscaping.

Current proposals indicate foul and surface water connections into the drainage infrastructure within Brookwater Drive, the existing drainage system currently runs through residents land and the upkeep of the drainage is the individual landholders responsibility, therefore private property.

No proposals have been put forward for surface water discharge during the works
The existing land has been identified as not free draining therefore sustainable drainage would be an issue.

The current proposals provide no supporting evidence that utility providers would be able to service a development of this size.

The current water supply to the Brookwater Drive development is at full capacity with pressure drops during peak periods.

No documented evidence has been provided proving that the quarry has in fact come to the end of its working life.

Most families have 2 cars another 1400 cars in the area will make the area grind to a halt not to mention extra damage the roads.

Council resources are already minimal regarding cleaning in the area around Swain House/Kings Road/Bolton Hall Road. Adding more houses the service will be stretched resulting in poor service for new home owners and existing owners.

This new development will have huge impact on the lives of local residents that are already living in this area. Cuts in the local youth and library services already have a massive effect.

Consultations:

Minerals & Waste

A revised red-line plan, indicative sections and Design and Access Statement has been provided. It appears that the design concept articulated through the Design and Access Statement and indicative sections remains to develop the site for housing without infilling the site, by utilising quarry face treatment and retention techniques and landscaped buffer zones. The applicant is not proposing any works which would be inconsistent with the quarrying permission. Likewise, the residential development of the site should not result in the loss of substantial economically viable sandstone reserves, considering the limited remaining unworked reserves within the quarry and the constraints on working the allocated extension area adjacent to the current active quarry face (particularly in terms of the location of adjacent HV overhead power lines and an associated pylon).

However it will be expected for any reserved matters application which provides a detailed development scheme for the site to include details of how any remaining viable aggregate and building stone reserves within the quarry are to be recovered as part of any development scheme.

Public Rights of Way

A number of public rights of way are likely to be affected by the proposal. Improvements are requested to Bradford North Public Footpath 153; Public Footpath 154 and an unrecorded route along Bolton Hall Road.

Countryside

The site falls within the above Area Action Plan, for which a detailed Ecological Appraisal was undertaken in 2014. The Phase 1 Habitat plan shown in the developers submitted Ecological Appraisal Oct 2015 shows slight differences to West Yorkshire Ecology's evaluation (Shipley/Canal Road Corridor AAP Appendices Phase 1 Habitats Map 5). There are broad similarities between the two and there are no issues in this respect.

The site is approximately 6.5km from the nearest edge of the South Pennine Moors Special Protection Area (SPA)/ Special Area of Conservation (SAC). The proposals will result in an increase of approximately 700 houses and therefore are likely to have significant impact on the European Site recreational, in respect of increased recreational pressure. In accordance with the Habitat Regulations Assessment of the emerging Core Strategy for the Bradford District, in particular Policy SC8, for any approval of this scheme to be deemed lawful, developer contributions towards mitigation for these increased recreational impacts will be required.

Provided there is suitable protection for the existing woodland areas and significant, robust landscaping and biodiversity enhancement, with sustained long-term management, the principle of development on the site is acceptable.

Environment Agency

No objection to the proposed development.

Advise planning conditions to manage the risks to human health and controlled waters from contamination at the site.

West Yorkshire Archaeology Advisory Service (WYAAS)

The WYAAS recommend that in areas undisturbed by quarrying, the site's archaeological potential is fully evaluated by a pre-determination archaeological evaluation. However, should the guidance given in the NPPF and Policy BH19 be ignored and planning permission is granted the above works can be secured by a suitable condition in accordance with the NPPF para. 141 and with the Department of the Environment's Circular 11/95.

Arboriculture Team

No trees on site are protected by Tree Preservation Order, or within a Conservation Area. The trees, along with the topography, provide good screening to the site, with most trees being on the periphery.

Although many of the trees are to be retained, there appears to be a number proposed to be cleared along Bolton Hall Road, although the plans provided are vague as to the exact number/area of trees to be removed overall.

The Design and Access statement claims that it is "proposed to retain and enhance this element and through the remodelling of the quarry levels". Care should be taken to ensure that levels are not changed around retained trees as this causes irreparable damage. The D&A also goes on to state that more information can be found in the Tree Survey, although this particular document, while relating to the development site, does not relate to the development proposals.

If minded to approve, a robust and detailed landscaping scheme should be submitted including details of species, numbers, size, location and management proposals.

Historic England

Historic England considers that the area of land which remains undeveloped to the south-west of the listed buildings and the rural nature of this part of the application site, contributes strongly to our understanding of the significance of the Hall and Cottage, which are both listed at Grade II*. Whilst this setting has now been compromised to some degree by the quarry and 19th & 20th century residential development to the

south and east, the application site retains its rural character, providing an historic setting which contributes to the significance of the listed buildings. Given the loss of setting elsewhere, this remnant of undeveloped land is particularly important and provides an historic context and rural setting to the listed buildings.

The concept masterplan indicates a substantial residential development which will fundamentally change the landscape character of the land surrounding the Grade II* listed buildings. We previously raised concerns regarding the lack of assessment of the significance of Bolton Old Hall and Bolton Old Hall Cottage and the contribution made by their setting in accordance with para. 128 of the NPPF. In addition and bearing in mind the scale of the proposed residential development and associated infrastructure, we requested that a wider search should be carried out to identify all heritage assets affected by the proposals.

Note the revisions which have been undertaken to the Heritage Statement, the submission of aerial views and also the retention of a landscape buffer identified in the indicative site zoning layout adjacent to the north and south west boundaries of the Grade II* listed buildings. Whilst we welcome the removal of the residential development in this location we note the layout still incorporates the access road across the landscape and it is not clear from the submission why this access cannot be taken from Wood Lane. We remain concerned about the impact of the road and associated infrastructure within the open setting and also the remainder of the residential development forming zone 1 to the south of the listed buildings. We consider the aerial views in particular views 4, 5 & 8 serve to demonstrate the impact the extent and density of the proposed housing will have on the setting of Bolton Old Hall and Cottage. In addition we are also concerned that a mature landscape buffer is being proposed as a substitute for the current open landscape.

In summary, the revisions undertaken do not fully address our concerns and we consider the proposed development will result in harm to the setting of these listed buildings. We advise therefore that zone 1 is removed from the scheme and the area of land surrounding the Hall and Cottage is left as open landscape in order to safeguard the contribution the rural nature of this part of the application site makes to the significance of the two Grade II* listed buildings.

Historic England recommends the application is deferred or refused to allow further amendments to the scheme to better preserve those elements of the site which contribute to the setting of the two Grade II* listed buildings and therefore ensure the proposals constitute sustainable development as defined by the NPPF.

If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

Conservation

It is considered that the Heritage Statement has adequately assessed the significance of the heritage assets and therefore the proposed development does have the capacity/potential to maintain the setting of the heritage assets, this is heavily dependent on the design quality of the scheme and the subsequent details that are submitted at reserved matters stage. As mentioned previously significant concerns about the use of a heavily landscaped 'buffer' behind the hall and cottage as this would effectively cut off the listed buildings from their wider setting and it would be a lost

opportunity for the development to respond positively to the context of the heritage assets. Presuming that the matters of landscaping could be addressed at Reserved Matters stage, then issues of design, scale and layout would become key in terms of the impact of on the setting of the heritage assets. Whilst I defer to the opinion of the Urban Design Officer, it does appear that there is a lack of local distinctiveness and sense of place demonstrated which would be a basic starting point in addressing how the proposed development would relate to the heritage assets.

In regard to the matters of the access road, it is understood that Historic England maintain its objection to the location of this in relation to the heritage assets. In principle the acceptability of this will come down to the details of how this access road is dealt with in terms of its visual relationship to the heritage assets and as yet these matters are reserved for future consideration and cannot be fully assessed.

Sport & Leisure

Parks and Green Spaces calculates a recreation contribution of £574,960. This would comprise £383,307 capital and £191,653 revenue for 700 houses/units for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development. Usually, the money would be used towards for the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Claremont and Windhill Recreation grounds, however, on a development of this size the service would expect that recreation open space, fixed play equipment and playing fields would be provided on site. Should the developer provide the above recreation open space, fixed play equipment and playing fields on site then the Council would request a contribution of £140,000 towards works to playing pitches within the vicinity.

Environmental Health (Nuisance)

No objection, recommend that all operations on site be carried out to conform to BS5288 Parts 1, 2 and 4 (as appropriate) Noise Control on Construction and Open Sites. This will minimise the likelihood of dust and noise complaints from neighbouring properties.

Environmental Health (Pollution)

The proposed development constitutes a major development for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (LES) (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013).

Under the provisions of the LES planning guidance major developments are required to provide:

Type 1 Emission Mitigation

- Provision of electric vehicles charging facilities at a rate of 1 charging point per house with dedicated parking and 1 point per every 10 houses with undedicated parking.
- Adherence to the *London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.

Type 2 and 3 Emission mitigation

- Inclusion in the Travel Plan of mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles. The types of mitigation proposed should be compatible with lists of suggested measures included in the Bradford LES.

Following a request from Bradford Council air quality staff an emission damage cost calculation has now been submitted which sets out the expected emission damage cost of this proposal. The methodology and assumptions made to generate the emission damage costs are accepted as being suitable for purpose and in line with the requirements of the Bradford LES.

The cumulative emission damage costs from the development proposal are £500,000.

The following has been agreed with CBMDC with regards to mitigating the £500,000 air quality impact value:

- High specification, purpose built rapid car charging point at £350 per unit totalling £245,000.
- Personalised Travel Plans £35,000.
- £220,000 contribution to site specific emission reduction measures.

It is a requirement of the Bradford LES that the type 2 and 3 emission mitigation measures incorporated into these development proposals should be proportionate in value to the emission damage costs to society and be over and above the basic type 1 mitigation required for all developments in Bradford. The type 2 and 3 emission mitigation are expected to be incorporated into the ordinary travel plan for the site and should have a particular emphasis on reducing the use of high emission vehicles and encouraging the use of low emission vehicles.

The £220,000 should be delivered through a S106 agreement.

Policy

Housing Delivery

In regards to delivering a wide choice of high quality homes, the NPPF sets out that the Council should identify sufficient sites to boost significantly the supply of housing. The Council cannot currently demonstrate that there is a 5 year supply of deliverable housing sites. In these circumstances the provisions of NPPF paragraph 14 and 49 apply.

Para. 14 indicates that where the development plan is out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or specific policies in the NPPF indicate that development should be restricted.

For decision making this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in

the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

Para. 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In respect to housing delivery it is considered that the proposal would contribute to the Council's deliverable housing land supply and help to boost significantly the supply of housing in the District.

Minerals

Para.142 of the NPPF states that minerals are essential to support sustainable economic growth and quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

NPPF para.144 states that when determining planning applications, planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. As the site is identified as an existing minerals extraction site any redevelopment proposals should safeguard any minerals resource by providing for the prior extraction of any remaining mineral resource.

In summary, it is considered that the proposal is in general accordance with the NPPF in respect to the principle of development.

Core Strategy

The proposed development is located in the Shipley and Canal Road Corridor which is identified as a key regeneration priority area and growth area in the Core Strategy.

The Centre Section of the Shipley and Canal Road Corridor has been identified in the Core Strategy as a location for housing growth. The proposed large-scale residential use would support the vision and priorities in the Core Strategy for this area and deliver a significant number of new homes, which would contribute to meeting the Council's housing requirement.

There are a number of Core Strategy policy areas including housing density, sport and recreation and open space, green infrastructure, historic environment, minerals safeguarding and travel reduction and public transport, cycling and walking that will need to be considered as part of the application.

Shipley and Canal Road Corridor Area Action Plan

The Core Strategy sets out that the Shipley and Canal Road Corridor AAP (SCRCAAP) will guide and co-ordinate future development and deliver the Core Strategy policies in the Corridor. A key objective of the AAP is to deliver an Urban Eco-Settlement of over 3100 new homes in the Corridor by 2030.

The proposed development is located in the Centre Section of the AAP. This sub-area is identified in the AAP as the focus for the new Urban Eco-Settlement which would have a diverse and high quality housing offer, supported by the necessary infrastructure and facilities required to deliver truly sustainable development.

The site at Bolton Woods Quarry (BWQ1) is proposed in the AAP for residential redevelopment. As set out in the AAP site proposal statement for BWQ, Bolton Woods Quarry will be suitable for comprehensive redevelopment consisting of:

- approximately 1000 residential units;
- supporting non-residential uses of a local scale to meet day to day needs;
- new high quality on-site open space, play areas and ecological areas.

In principle, the proposed development is considered to be in accordance with the SCRC AAP, in terms of proposed use and location. However, there are a number of policy areas which will need to be considered as part of the application.

The supporting documents do not currently refer to any of the policies or proposal statement in the Core Strategy or Shipley and Canal Road Corridor AAP. The proposed development will need to consider and take account of the relevant policies in the AAP. The proposal should be supported by a planning statement which takes into account the Local Plan including the Core Strategy and Shipley and Canal Road Corridor AAP.

Conclusion

The proposed development is for large-scale residential redevelopment within an existing quarry. This would provide substantive regeneration benefits to the District. The application site is previously developed land and is of strategic scale. The comprehensive redevelopment of the quarry presents a key opportunity for delivering a significant level of housing development and environmental improvements in the heart of the Canal Road Corridor.

It is considered that in principle, the proposal for residential redevelopment on this site is in accordance with national planning policy and the Local Plan, Core Strategy. The principle of residential redevelopment on this site is therefore supported, subject to other relevant policies in the Local Plan being met. As set out above, there are a number of key policy areas which would be addressed as part of this application and for any subsequent detailed planning application stages.

Yorkshire Water

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

Landscape

Note that the latest revisions do take into account some of the original comments related to landscape matters that were made and no further comments at this stage.

Urban Design

The applicant has submitted a Design Code following on from my comments of October 2016 and July 2017 and the requirement set out in the SCRC AAP. This is a step in the right direction but much further work is still required.

The first point is that the code is of little use if it's not based on a good quality Masterplan. My previous comments identified significant concerns with the Masterplan which still haven't been addressed.

In any event the design code is of poor quality. Some selected problems are:

- 2.2.1 Density – No variations in density are proposed across the site.
- 2.2.2 Phasing – The plan only shows development parcels – it doesn't address which parts of the open space and greenways will be delivered/maintained with which phase. The likelihood is that they will just end up as left over areas of land.
- 2.2.3 Building Heights – The code should identify which heights are appropriate on which parts of the site. Given the levels of the site there could be scope for taller and higher density buildings to optimise its potential.
- 3.0 Character Areas – There are no discernible differences in character across the site and the code doesn't provide any firm principles which could be used to guide future design stages.
- 4.0 Street Codes – There is a bit more detail here but the proposed dimensions for the different street types (4.5-4.8) are way in excess of the height to width ratios recommended in the Manual for Streets/Building for Life. The predictable outcome of this will be streets of poor design dominated by frontage parking.
- 5.0 Open Spaces – There are some interesting ideas here but it should be identified on a plan which parts of the green infrastructure will be treated as gateways, plateaus, attenuation basins and landscape pockets otherwise it lacks any real value.
- Quarry Edge – The code proposes that the upper edges of the quarry are lined by back gardens to allow those properties to take advantage of the views and openness. This is not good design – these areas should be opened up for public access to enable everyone to enjoy the views and the homes should face onto it.

As stated previously, this is a very large scheme likely to be developed in phases over many years by different developers and design teams. Therefore it is important to ensure that a strategy is in place to coordinate this and ensure quality over the long term.

Normally for major schemes like this the masterplan and design code would be attached to any outline permission by a condition but the current submission is not good enough in this respect.

However, if minded to recommend for approval, a condition should be included which requires the preparation of a masterplan and design code by suitably qualified persons, to be agreed in writing by the local planning authority before the submission of any reserved matters.

Highways & Transportation

The proposal is for a residential development of up to 700 dwellings, including means of access, demolition of on-site buildings and fixed surface infrastructure associated with the existing quarry use. The proposal is outline with all matters reserved except access.

The proposed development site is located to the south of Bolton Hall Road on the site of the Bolton Woods quarry. Access to the quarry site is currently taken from Bolton Hall Road, however a number of new accesses and connections to the surrounding road network are proposed as part of the development. The site is split into 5 plots. The three phases on the northern part of the site would take access via Brookwater Drive/ Bolton Hall Road and Livingstone Road towards Wrose Road to the north of the site. The number of properties that take access to the north of the site has been limited to 200 units due to the limited capacity at the Wrose Road/Livingstone Road junction.

The phase including 100 units would take access via Bolton Hall Road (from the same location as the existing quarry access) towards Gaisby Lane and the wider network to the west.

The largest phase, providing 400 units, would take access to the south from Poplars Park Road, through the adjacent CRUVL development site. This phase would also include an emergency vehicle access providing a connection from the south/ western area of the site to the northern end of the site, in the event that alternative access routes become blocked.

The site access from Poplars Park Road would be routed through the CRUVL site and would serve up to 400 dwellings and around 150 dwellings within the CRUVL scheme. Although the site access road alignment is indicative at this stage, the applicant has demonstrated that it is achievable. The road is designed as a Type 1 Connector Street as defined in the Leeds Street Design Guide. The road is designed to the recommended maximum gradient of 1 in 15.

A major concern has been the number of dwellings being accessed from Poplars Park Road and whether the vehicular traffic generated can be accommodated on Poplars Park Road and also whether more of these dwellings could be accessed from Livingstone Road/ Wrose Road junction. The vehicle trip generation from this site, based on same trip rates as approved for the CRUVL Masterplan, is set out below according to the access used.

Poplars Park Road (400 dwellings) - Am peak 64 arriving and 156 departing; Pm peak 148 arriving and 92 departing.

The proposed development site is located to the south of Bolton Hall Road on the site of the Bolton Woods quarry. Access to the quarry site is currently taken from Bolton Hall 150 dwellings are built, traffic generated would be Am peak 24 arriving and 59 departing; Pm peak 56 arriving and 35 departing.

Livingstone Road/Wrose Rd (200 dwellings) - Am peak 32 arriving and 78 departing; Pm peak 74 arriving 46 departing.

Bolton Hall Road (100 dwellings) - Am peak 16 arriving and 39 departing; Pm peak 37 arriving and 23 departing.

An assessment of the Poplars Park Road/Kings Road priority junction, using the nationally accepted computer software Picady, shows that the junction would be capable of accommodating all of the traffic generated by the proposed development of 400 dwellings. The assessment also shows that there would be spare capacity to accommodate traffic generated from the CRUVL site. Notwithstanding this, to ensure

that any impact of the proposed development is mitigated and assuming that CRUVL Masterplan 're-opens' Poplars Park Road as a through route, the applicant is willing to provide a contribution towards traffic calming / management on Poplars Park Road in partnership with CRUVL.

The applicant has also assessed the Wrose Road/Livingstone Road/King's Road double junction layout to see if it is capable of accommodating the traffic generated by the proposed 200 dwellings and also whether any spare capacity is available to accommodate traffic from additional dwellings. The assessment using the industry standard software for signal junctions (LINSIG) indicates that this junction layout operates within capacity (with 2015 base traffic flows) in both the AM and PM peak periods although a number of entries are approaching their theoretical capacity, particularly in the PM peak with Degree of Saturation (DoS) exceeding 90%. A future year assessment shows that, in the am peak, the Livingstone Rd arm of the junction would be approaching capacity in 2020 (DOS at 93%) and would become overcapacity with the development traffic (DOS 103%). The junction is physically constrained so limited capacity improvement could take place. The applicant is proposing to widen the Livingstone Road access to two lanes which would mitigate the impact of the proposed development on this junction. The developer would also provide MOVA on the holistic double signal junction which would provide significant benefits to the capacity of the two junctions and would mitigate some of the existing queuing on Livingstone Road. With the mitigation measures in place, capacity of Livingstone Road could be improved to base levels of 93% with the development traffic in 2020. This assessment shows that there is no spare capacity at Wrose Road/Livingstone Road junction to accommodate any significant number of additional dwellings.

The applicant has shown that the site is in a relatively sustainable location even though outside some of the recommended accessibility distances. The guideline figures used by Metro for walking distances are 400m to bus stop and 800m to rail station. The nearest bus stops on Stanley Road and on Kings Road are 450m and 600m respectively from the centre of the site. The two routes provide 9 peak hour bus services which is a good level of service balancing the slightly longer walking distances. The rail station at Frizinghall is located approximately 1.1km from the centre of the site and within an acceptable walking distance to encourage rail patronage.

Examination of personal injury accident records over a five year period from 2009 - 2013 for the network surrounding the site does not show any significant highway safety problems. For instance for the network surrounding the Livingstone Road/Wrose Road/Kings Road junctions, there were no accidents recorded on Livingstone Road during the study period with three accidents recorded on Wrose Road and one on Kings Road. This is not considered to represent a significant road safety issue with an accident rate of less than one accident per year in the vicinity of the Livingstone Road access to the site.

No objections raised on the proposed development in highway terms, subject to conditions.

West Yorkshire Combined Authority

The topography and size of the site makes the permeability of the site difficult , which is reflected in the number of access point to the separate 5 zones.

Zone 1

This zone (35 units) at the north east of the site is accessed from Brookwater Drive. There are currently no services that operate on this section of road. The closest bus services are located on King's Road some 420m from the zone entrance. The walk route does use a footpath onto King's Road with steps. At this point on King's Road there is only the 633 service available which offers a 30-minute headway between Shipley and West Bowling via Bradford Interchange.

Whilst this site is marginally outside the accessibility standards (in terms of distance to the stop) set out in Appendix 3 of the Local Plan, residents can access either Bradford or Shipley respectively every 30 minutes. In addition, Frizinghall station is approximately 2km from the site which is within scope to cycle to the station.

On balance, in isolation, we would accept this part of the site to be accessible by public transport. We suggest that the developer provide funding to a bus shelter with Real Time Passenger Information Display at a cost of £20,000. An additional cost of c.£1000 may be required to provide a hard standing for the shelter at this stop. Any kerbing and bus stop clearway markings would be provided by the Council and are not included in this cost.

Zone 2

This zone (125 units) is located to the east with access taken from Livingstone Road/ Cheltenham Road. No bus services currently operate on this section of road. As in Zone 1, King's Road is the closest bus corridor. Due to the existing residential properties the closest stop is the same as in Zone 1 located a similar 420m to the site entrance. However, Zone 2 extends approximately 100m+ from the site entrance. The total walk distance therefore would be in excess of 500m for most residents which exceeds the accessibility criteria in the Local Plan. Based on the current bus network, this section of the site would not be considered to be compliant with the Council's accessibility standards.

Zone 3

The proposed access is taken from Bolton Hall Road. There are currently no services that operate on this section of road. The closest bus services are located on Stanley Road, some 430m from the zone entrance. It should also be noted that Bolton Hall Road has a steep gradient and therefore would discourage some potential public transport users accessing Stanley Road. At this point on Stanley Road there is the 656 and 675 services available. The 656 provides an hourly service between Baildon and Bradford Interchange, the 675 provides an hourly service between Shipley and Bradford Interchange.

As in Zone 2, there is an additional 50m+ distance from the site entrance. The total walk distance therefore would be in excess of 400m for most residents which exceeds the accessibility criteria in the Draft Local Plan.

Based on the current bus network, this section of the site would not be considered to be compliant with the council's accessibility standards.

Zone 4

This zone (40 units) at the north of the site is accessed from Brookwater Drive. There are currently no services that operate on this section of road. The closest bus services are located on King's Road some 450m from the zone entrance. The walk route does

use a footpath onto King's Road with steps. At this point on King's Road there is only the 633 service available which offers a 30 minute headway between Shipley and West Bowling via Bradford Interchange.

Whilst this site is marginally outside the accessibility standards (in terms of distance to the stop) set out in Appendix 3 of the Local Plan, residents can access either Bradford or Shipley respectively every 30 minutes. In addition, Frizinghall station is approximately 2km from the site which is within scope to cycle to the station.

On balance, in isolation we would accept that this part of the site to be accessible by public transport. The stop improvements required are the same as in Zone 1. We would expect whichever zone came forward first to fund these improvements prior to occupation.

Zone 5

This large zone (400 units) is made up of the western half of the site with the primary access proposed for Poplar Park Road with the optional emergency access onto Brookwater Drive through Zone 4. The master plan doesn't appear to indicate where the access connects in to the existing road network. This needs clarifying to establish what the walk distance is likely to be to access bus services.

In any case, the route is likely to be in excess of 500m to bus stops on Stanley Road. As in Zone 3, on Stanley Road there are only the 656 and 675 services available. The 656 provides an hourly service between Baildon and Bradford Interchange, the 675 provides an hourly service between Shipley and Bradford Interchange. Given the size of this zone, this level of service in terms of frequency and proximity to the site is not considered accessible and does not meet the Local Plan accessibility criteria requirements.

When considering the site as a whole we disagree with the conclusion of the TA that the site is well located in terms of bus services or that the walk distances are appropriate for this level of development. The only realistic means of improving the accessibility of the site would be through either the enhancement of an existing service (656) or introduction of a new service that would need to be funded by the developer. Based on other recent services procured through the planning process, the cost of providing a single bus would be £150,000 per annum (gross cost). As alluded to earlier, we would look for a contribution for 10 years for a development of this size. In order for a bus service to be introduced to the site, it is essential that the site layout be amended to allow a bus to penetrate the site from Zone 4 through to Zone 5.

West Yorkshire Police (Architectural Liaison Officer)

Whilst it's positive to see that the roads have been segregated to prevent any 'potential offenders' from driving stolen vehicles at speed around the whole of the development, there should be good natural surveillance of any footpath routes or areas of public open space to prevent any future crime or anti-social behaviour problems.

Drainage

The Lead Local Flood Authority (LLFA) is a statutory consultee on matters relating to surface water management on all major developments. Drainage will therefore only provide comments on other drainage aspects on major planning applications. Insofar as the following details are implemented and secured by way of a planning condition on any planning permission Drainage has no objection to the proposed development.

The LLFA has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. An assessment of the submitted documentation has been carried out and if the following details are implemented and secured by way of a planning condition on any planning permission the Lead Local Flood Authority has no objection to the proposed development.

Children's Services

For application 15/06249/MAO the calculation for 700 houses based on 2 - 4 bedroomed homes:

Primary

0.02 (yield per year group) \times 7 (year groups) \times 700 (number of dwellings) \times $\pounds 13345$ (cost per place) = $\pounds 1,307,810$

Secondary

0.02 (yield per year group) \times 6 (year groups) \times 700 (number of dwellings) \times $\pounds 20110$ (cost per place) = $\pounds 1,689,240$

Total for 700 houses, $\pounds 2,997,050$.

Summary of Main Issues:

Principle of Development
Highways & Transportation
Planning Obligations
Design
Effect on Heritage Assets
Impact on Residential Amenity
Ecological Issues
Other Planning Issues

Appraisal:

Principle

The SCRC AAP identifies proposal area, BWQ1, which the application site lies within. The comprehensive redevelopment of the quarry is a key opportunity for delivering a substantive level of housing and environmental improvements; c.1000 residential units; supporting non-residential uses to meet day-to-day needs; high-quality on-site open space, play areas and ecological areas. The applicant has responded that the application does not include for non-residential uses as they are unviable and in addition the NBW1 allocation, immediately adjacent to the application site, includes for the provision of ancillary retail, education, employment, sports facilities and open space. The applicant contends that there is no demand for small-scale retail and community uses within the application site. If such demand came forward, the applicant comments that this could be provided within the BWQ1 land that doesn't currently form part of the application site, or could be included within a Reserved Matters application for a future phase of development on the application site.

The principle of this site being developed for residential purposes would be fully compliant with the relevant adopted Core Strategy and Area Action Plan policies designed to promote regeneration through housing growth.

Highways & Transportation

The proposed development would be accessed from two principal roads, Wrose Road and Kings Road. However, due to level differences, the applicant is not able to achieve a through-route within the application site. This would result in a series of culs-de-sac serving the residential development. The development would effectively be two relatively large culs-de-sac which would not meet the bus operators requirements for providing services. As a consequence, whilst WYCA had initially recommended that the applicant make a contribution to provide bus services to serve the application site it has been indicated by WYCA that bus operators would not consider the introduction/extension of bus services to serve the application site.

The routes from the application site to the north east would ultimately take traffic to Wrose Road. The remainder of the site would be accessed via Poplars Park Road, to the south west. The Transport Assessment has been considered and the traffic generated by the proposed development is not seen to adversely impact on these two junctions.

The access required to serve the proposed development, within the former quarry itself, c.400 houses, is proposed to be from Poplars Park Road. This road would be required to be constructed on land outside the control of the applicant, with the land owned by CRUVL. It has now been confirmed that agreement between the two parties has been reached to ensure that this access would be delivered.

Given there is also other planned residential development in the area eg. off Poplars Park Road, it is intended to re-open Poplars Park Road at its western end. This would enable traffic to access the development via Stanley Road and provide a route between Canal Road/Kings Road and beyond.

The means of accessing the site from a number of existing highways would see increased levels of traffic on those roads. As part of the recently approved application off Poplars Park Road, 17/04666/MAF, there would be traffic calming measures along Poplars Park Road. As part of the quarry application site would be served by Poplars Park Road, the traffic calming measures would apply to traffic generated by the quarry application.

The level of traffic along with the effect on the surrounding highway network has been considered and it is not believed that there would be an adverse effect on local residents to the extent of the application not been supported.

Planning Obligations

The Council's Community Infrastructure Levy (CIL) was approved on the 18th July 2017.

CIL is intended to provide infrastructure to support development of an area, rather than making an individual planning application acceptable in planning terms, which is the purpose of the S106 system. The Council has set out a list of those projects or types of infrastructure that it intends to fund through the CIL. This is known as the Regulation 123 List and amongst a number of other things, it includes:

- i) Education, including primary and secondary provision.
- ii) Community sport and recreation facilities.
- iii) Sustainable transport improvement schemes.

However, the application site is within 'Residential - Zone 4' in which the rate is nil. This rate was the result of a modification by the Planning Inspector at the CIL examination, due to viability issues in certain parts of the District. Therefore, there will be no requirement for the applicant/developer to make payment under CIL.

The applicant has submitted a viability statement and advised that due to viability issues, the proposal would provide a 20% profit with a balance of £1,000,000. The applicant has advised that this would be its contribution towards planning obligations.

In discussions on matters of Air Quality the applicant has confirmed the following would be offered:

- Car charging point per household c. £350 per unit totalling c. £245,000.
- Personalised Travel Plans £35,000.
- £220,000 contribution towards site specific emission reduction measures.

This leaves c. £500,000 for affordable housing and mitigation measures on the impact on protected habitats. The former being met by a contribution of £441,000 and the latter by a contribution of £49,000.

Design

The applicant presented the proposal to the Integreat Design Review in 2016. The Design Review report, included in the appendix, focussed on – context; access; connectivity; Green Infrastructure and the listed buildings.

After concerns on the quality of the concept masterplan, a revised masterplan was submitted. However, this does not demonstrate how a high quality development would be delivered. A number of areas remain problematic – it is not shown how the development would integrate with surrounding neighbourhoods; how variety and interest would be introduced to create a sense of place; delivery of green infrastructure or how the street hierarchy would provide an attractive development.

In an attempt to allay the concerns on the masterplanning exercise, the applicant submitted a Design Code in November 2017. However, a design code needs to be based on a good quality masterplan, to ensure that the aspirations for quality and quantum of development are realised. In the absence of that it is considered appropriate to condition the requirement for an appropriate masterplan, to ensure that the scale and quality of development can be dealt with comprehensively and across all phases of the proposed development.

In view of the above, it's considered appropriate to condition the requirement for a more detailed masterplan and continually updated phasing plan as development proceeds, to ensure that the eventual scale and quality of development can be dealt with comprehensively and across all phases of the proposed development.

Effect on Heritage Assets

Policy EN3 of the Core Strategy states that the Council will preserve, protect and enhance the character, appearance and historic value and significance of the District's designated and undesignated heritage assets and their settings. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..... significance can be harmed or lost

through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 goes on to state that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

The application proposals have been assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act (1990), the National Planning Policy Framework and Replacement Unitary Development Policies. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of the application. Insofar as material the statutory provisions provide: Section 66(1) provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

The application has been objected to by Historic England (HE), see above. The objection is based on the adverse effect of the proposed development on the setting of the listed buildings. HE considers that the open setting to the listed building would be compromised by an access road and landscaping.

The means of access submitted as part of the outline application is limited to identifying where the adopted highway would connect with the application site. The issue raised by HE is that the access from Livingstone Road to the application site would result in an internal access road running to the western side of the listed buildings. Whilst the internal access arrangements are not part of the outline application, an indicative access road is shown on the application plan. The alternative of an access serving this part of the development, from Wood Lane has been explored by the applicant, but is dependent on land outside of the applicants ownership. Any access to the application site from Wood Lane would have to be the subject of further discussion. However, at the time of the application, the option of access from Wood Lane is not under consideration. (This would not however, rule out the option of Wood Lane being considered for access at a later date with further applications).

If the reserved matters application included the internal access to the western side of the listed buildings, given the levels across the site, it is considered that an appropriate solution could be found to address any adverse impact on the setting of the listed buildings. Similarly, with landscaping being controlled through a subsequent reserved matters application, this would be considered against HE’s concern on maintaining an appropriate open setting to the heritage assets.

On the basis of the above, the Council’s Conservation Officer does not share the concerns of HE the proposed development would be designed to ensure there was no adverse effect on the setting of the listed buildings.

Impact on residential amenity

There are residential properties to the immediate north east boundary and to the north at Brookwater Drive. The quarry and its environs currently sit at an elevated position, in relation to those areas of housing.

Whilst the layout submitted is indicative, the relationship between existing properties and the proposed development can be dealt with once the housing layout is submitted as part of the requisite reserved matters application. There is no reason why appropriate distances between properties could not be achieved through the layout design at reserved matters stage. However, any concerns on the impact of the new development and existing properties would be considered in detail and addressed through reserved matters applications.

There is no right to a view and any effect on house prices is not a planning consideration. It is likely that through construction of the proposed development there could be noise and disturbance associated with construction activities. However, through the use of condition, matters such as hours of working, would be appropriately controlled.

The application has been considered by Drainage/Lead Local Flood Authority and subject to conditions, any issues regarding drainage and flooding would be addressed.

Ecological Issues

The application site is located within 6 km of the South Pennines Special Protection Area and the application is required to mitigate against any potential adverse impacts on habitats, by increased recreational pressures on those habitats. As part of the Section 106, a contribution has been agreed towards requisite mitigation measures.

The application included an ecological appraisal, with bat survey. Whilst the survey was carried out in the month of October, outside of the bat season of April-September, a number of bats were recorded at the site. The fact that bats were recorded at this time of year could indicate that they were under-recorded. However, no bats were recorded roosting within the application site and the bats were recorded as either foraging or commuting. Therefore, without evidence of roosting, it is not considered that a further survey would be required.

Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict system or protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. The Habitat's Directive is given effect domestically by the Conservation of Habitats and Species 2017, which requires all local planning authorities to have regard to the Habitats Directive so far as they may be affected by those functions. Derogations from the strict protection are allowed only in certain limited circumstances and subject to certain tests being met.

Where a European protected species may be affected by development proposals, planning decisions must be reached in a manner that takes account of and in accordance with the Directives requirements. Planning permission should ordinarily be granted save only in cases where the planning authority concludes that the proposed development would both (a) be likely to offend Article 12 (1) and; (b) be unlikely to be licenced pursuant to the derogation powers.

The application included an ecological appraisal, with a bat survey. Whilst the survey was carried out in the month of October, outside of the optimum time, April- September, a number of bats were recorded at the site. The fact that bats were recorded at this time of year could indicate that they were under-recorded. However, no bats were recorded roosting within the application site and the bats were recorded as either

foraging or commuting. Therefore, without evidence of roosting, it is not considered that a further survey would be required.

Given the application is submitted in outline, with only the means of access being applied for, the layout would be submitted as part of a subsequent reserved matters application. The Council would therefore retain control over the layout, through the reserved matters application, enabling the protection and enhancement of the corridors, where bats have been recorded on-site. In the event that the proposed layout adversely affected those corridors, the reserved matters application would not be approved. As such, it is not believed that the proposed development would offend article 12(1).

Where development involves disturbance to protected species or damage to habitats, a derogation licence is required from Natural England. As outlined above, the habitats would be protected and mitigation measures put in place to avoid any damage. Consequently, there would be no adverse impact on the habitats and it is concluded that a derogation licence would only be required, if the presence of bats was confirmed during construction. Subsequently, work would have to cease and a licence applied for. Any further work would then have to comply with the licence conditions.

Other Matters

As the application site is located within nil CIL zone, the planning obligations met by the applicant/developer would include provision of affordable housing; air quality mitigation measures and mitigation to address impact on protected species.

The provision of school places; recreation/sport facilities would have to be considered outside of this planning application, as the development would not be liable to the CIL.

Public consultation events were held at Bolton Villas Church in December 2015 and January 2016. These along with the notification process are considered to represent appropriate publicising of the application.

Section 106 Agreement

Heads of Terms

A contribution of £245,000 towards car charging points per household.

A contribution of £35,000 towards personalised Travel Plans.

A contribution of £220,000 contribution towards site specific emission reduction measures.

A contribution of £49,000 towards mitigating recreational impacts on protected habitats.

A contribution of £441,000 towards on-site affordable housing.

Reason for Granting Approval:

The proposed development would meet the requirements of Core Strategy policies P1, SC5, SC6, SC9, H05, HO8, HO9, HO11, EN1, EN2, EN4, EN5, EN6, EN7, EN8, DS2, DS3, DS4, DS5 and the application is supported.

Conditions:

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

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

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

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

3. Before any development works commence on site, full details of the phasing of the development including the proposed timetable for implementation of the means of access, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure that a suitable form of access, parking and servicing facilities are made available at an appropriate stage throughout the course of the construction works, in the interests of highway safety and to accord with Core Strategy policy TR1.

4. A construction programme to set out the planned sequence in which the following works will be carried out:

- i) tree clearance works
- ii) construction of development phases
- iii) highway works
- iv) surface water drainage works
- v) utility works
- vi) recycling facilities

Reason: In order to ensure a phased programme of development in the interests of proper planning and comprehensive redevelopment of the area.

5. As part of the reserved matters application a Masterplan for the application site shall be submitted to and approved in writing by the LPA containing the following details:

- i) the disposition of the development within the site including the density of development;
- ii) the movement framework including the proposed street hierarchy and the principles of vehicular, pedestrian and cyclist access to the development and connections within it;
- iii) the provision of green infrastructure/open space and the landscaping principles for the development;
- iv) the design principles for the development in response to existing and retained features of the site;
- v) a plan showing the character areas, landmarks and focal points within the site development.

The details comprised in the reserved matters shall comply in all respects with the approved Masterplan;

and a Design Code based on the principles in the approved Masterplan shall be submitted to and approved in writing by the LPA setting out design principles in relation to the following:

- i) a built-form strategy establishing the principles of layout, permeability, street enclosure, scale, massing and palette of materials for each character area. This shall include an analysis of how these principles inform character;
- ii) mix of dwelling types;
- iii) hard and soft landscaping strategy including boundary treatments;
- iv) a strategy for the design of the public realm including public space and areas for play;

- v) a lighting strategy;
- vi) a parking strategy;
- vii) integration of utility requirements;
- viii) public art.

Thereafter all reserved matters applications shall be submitted in accordance with the approved Masterplan and Design Codes, as may be varied by written agreement with the LPA.

Reason: To enable the LPA to exercise appropriate control of the design of the development in accordance with Core Strategy policy DS1.

7. As part of the reserved matters application a Phasing Strategy which shows the phases in which development is to be carried out shall be submitted to and approved in writing by the LPA. The Phasing Strategy shall include the following:

A Planning Submission Programme which shall set out the sequence for the submission of the Masterplan, Design Code, Reserved Matters, strategies and other details referred to in other conditions attached to this permission.

Phasing Strategy Plans which shall include the following details:

- i) location of each phase of development
- ii) the order in which works are to be completed in the development phases
- iii) Landscape, utility and highway works for each phase

Reason: In order to ensure a phased programme of development in the interests of proper planning and comprehensive redevelopment of the area.

8. From the date of first occupation of each housing unit a high specification electric vehicle charging point shall be provided. The charging points shall be purpose-built with 3kw charge capability and must be readily accessible from the dedicated parking space using a maximum of a 3m charging cable. All EV charging points shall be clearly marked as such and their purpose explained to new occupants within the travel planning advice.

Reason: To facilitate the uptake and use 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, policy EN8 of the Core Strategy and National Planning Policy Framework .

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

Reason: To ensure the appropriate management of surface water drainage infrastructure.

10. Before the commencement of development shall take place until the site is investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable would disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate agreed with the Lead Local Flood Authority.

Reason: To ensure the proper consideration of appropriate sustainable drainage techniques.

11. The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: In the interests of proper drainage arrangements.

12. The development shall not begin until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the Local Planning Authority. The approved development to be carried out in accordance with the approved details and calculations.

Reason: To ensure the site is properly drained.

13. No phase of development shall commence until full details and calculations of the proposed means of disposal of surface water drainage for that phase, based on sustainable drainage principles to provide water quality treatment to be agreed with the Lead Local Flood Authority, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure proper means of surface water drainage.

14. Prior to the commencement of development an Ecological Design Strategy (BS 42020:2013 D.4.3) shall be submitted to and approved in writing by the Local Planning Authority to include:

- Protection of existing woodland areas - including the frontage to Bolton Hall Road to maintain foraging/commuting for bats and other nocturnal wildlife and to screen the development from the housing to the north.
- Additional planting of predominantly native (including fruit) trees.
- Shrubs/herbaceous plants which benefit invertebrates and pollinator species, in particular species-rich grassland - eg wildflower verges.
- Heather planting - as recommended in the SCRC AAP.
- Wetland details.
- Bare earth areas for invertebrates - as informed by invertebrate surveys.
- Bat roosting and bird nesting opportunities in the built part of the scheme.

Reason: To ensure the development incorporates appropriate ecological measures.

15. Prior to the commencement of development a Lighting Design Strategy to BS 42020:2013 shall be submitted to and approved in writing by the LPA to demonstrate bat commuting/foraging networks such as trees and hedgerows are not affected by light spill. The lighting proposals shall be endorsed by an ecological consultant.

Reason: To ensure no adverse impact on protected species.

16. Prior to the commencement of development a Landscape and Ecological Management Plan to (BS 42020:2013 D.4.5) shall be submitted to and approved in writing by the LPA. The approved development shall be carried out in accordance with the approved Plan.

Reason: To ensure then proper management of the landscape and ecology.

17. Prior to the commencement of development details of a scheme for the mitigation of the impact of increased recreational access on the SPA/SAC in accordance with

the Habitat Regulations Assessment shall be submitted to and approved in writing by the LPA.

Reason: To ensure the protection of habitats in accordance with Core Strategy policy EN2.

18. The proposed redevelopment of the site shall provide for the prior extraction of any remaining viable stone reserves,

Reason: To ensure the proper use of natural resources in accordance with Core Strategy policy ENV12.

19. Prior to the commencement of the development the applicant/developer shall submit for written approval of the Local Planning Authority a Travel Plan, containing additional elements that encourage the use of low emission vehicles. The approved Travel Plan will be implemented, monitored and reviewed annually by an appropriately qualified person.

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 National Planning Policy Framework (NPPF), Core Strategy policy EN8 and the Council's Low Emission Strategy.

20. 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.

21. 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.

22. No phase of development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording relating to that phase. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To provide for an appropriate archaeological record of the site.

23. Before any works towards construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with the approved plan numbered and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety.

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

Reason: To establish a suitable form of access, parking and servicing facilities commensurate to the scale of the development proposed and to accord with Policy TR1 of the Core Strategy.

25. Before any part of the development is brought into use the proposed highway serving the site shall be laid out, hard surfaced, sealed and drained within the site to base course level and to a constructional specification approved in writing by the Local Planning Authority. As and when a phase or the whole development is completed the final road surfacing and drainage relating to that phase or the whole development, whichever shall apply, shall be laid out and the street lighting installed.

Reason: To ensure that adequate and safe access is provided in the interests of highway safety.

26. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Core Strategy policies SC9 and, DS1.

27. 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 site preparation, construction and demolition 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 IAQM Guidance on the Control of Dust and Emissions from Construction and Demolition and include a site specific dust risk assessment and mitigation plan. 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 and National Planning Policy Framework (NPPF), Core Strategy policy EN8 and the Council's Low Emission Strategy.

28. The development shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii) Proposed topsoil depths for grass and shrub areas.
- iv) Types of enclosure (fences, railings, walls).
- v) Types of hard surfacing (pavings, tarmac, etc).
- vi) Regraded contours and details of changes in level

Reason: In the interests of visual amenity and to accord with Core Strategy policy SC9.

29. A landscape management plan, including long term design objectives,

management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord with Core Strategy policy SC9.

30. No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure proper maintenance of the landscaped areas in the interests of amenity and to accord with Core Strategy policy SC9.

31. Prior to the commencement of development an energy demand assessment shall be submitted to and approved in writing by the LPA. This shall demonstrate -

a) that before taking account of on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against target emission rate as set out in Part L of the Building Regulations (2006).

b) A proportion of the developments energy requirements will be provided from on-site renewable energy production which shall be at least 10%.

The buildings thereafter constructed shall be in accordance with the approved assessment and be retained thereafter.

Reason: In the interests of sustainability and efficient use of resources in accord with policy EN6 of the Core Strategy.

32. The vehicular access to the site from Poplars Park Road serving both the approved residential development and the development approved under planning permission ref. 14/04818/MAF shall include an appropriate highway specification (gradients, width of carriageways, footways and margins) to accommodate the total number of residential units this access would serve within both approved developments.

Reason: To ensure an acceptable means of access & egress is provided as part of the approved development.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 14 May 2018

AX

Subject:

This is an outline planning application for a development of up to 250 dwellings, including means of access from Thornton Road, on land to the south of 869 Thornton Road, Bradford.

Summary statement:

The proposal is an outline application for the construction of up to 250 dwellings. Details of the means of access have been submitted for consideration at this stage with matters such as scale, layout, appearance and landscaping reserved for consideration at a later stage.

The site is allocated as an Employment Site and has previously benefitted from planning permission for an employment development. The site has been marketed for employment/industrial purposes since 2012 with no firm expressions of interest for a number of reasons including accessibility of the site and other more suitable sites being available in the form of smaller units. Whilst the economy is picking up it is unlikely that interest in the site will improve mainly due to the locational issues that cannot change. It is considered that the justification put forward with regard to the marketing of the site and it no longer being suitable for employment/industrial development justifies a change to allow the principle of residential development. It has been accepted that an alternative use is acceptable and the precedent has previously been set for residential development on allocated employment sites. The application is in outline form with only details of the means of access submitted for consideration. Subject to some off-site highway works, the provision of Traffic Regulation Orders along the site frontage and the moving of the bus stop on Thornton Road no objections are raised to the access proposals. Subject to a Section 106 Legal Agreement securing the TRO's and an element of affordable housing and the recommended conditions it is considered that the proposal is acceptable.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is an outline planning application for a development of up to 250 dwellings, including means of access from Thornton Road, on land to the south of 869 Thornton Road, 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 Members are minded to refuse the application then material planning reasons for refusal need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with this proposal.

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

8.2 SUSTAINABILITY IMPLICATIONS

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

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

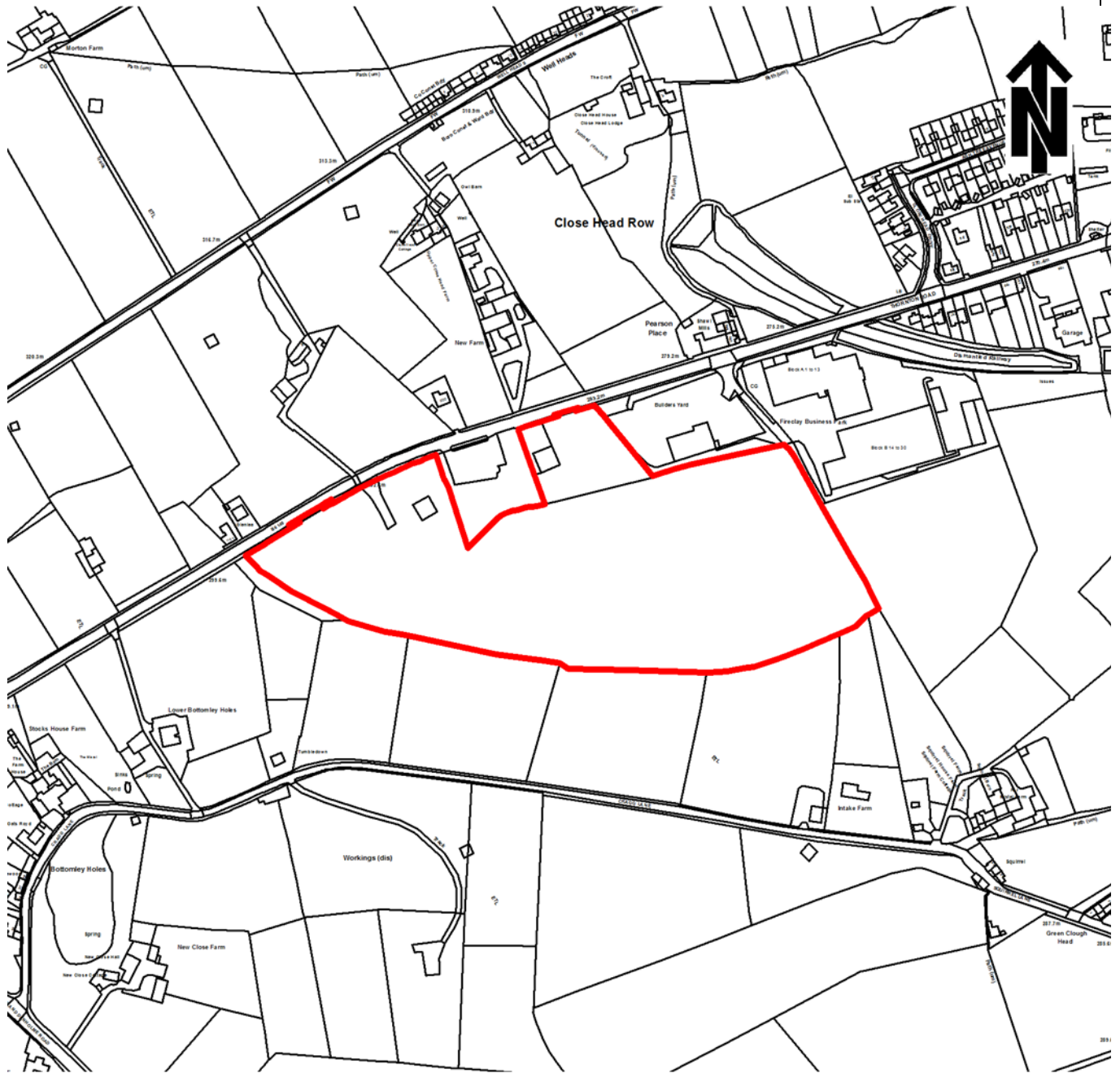
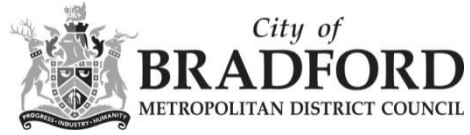
11. APPENDICES

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

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/06423/MAO

17/06423/MAO



1:5,000

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**Land south east of 869 Thornton Road
Thornton
Bradford**

14 May 2018

Ward: Thornton and Allerton

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Heads of terms of the Legal Agreement:

Affordable housing: The on-site provision of up to 20% of the number of units to a Registered Provider as affordable housing. The units will be offered at an affordable rent by the Registered Provider.

Highways: The relocation of the bus stop on Thornton Road and the provision of Traffic Regulation Orders for the extension of the 30mph speed limit and double yellow line "no waiting at any time" parking restrictions across the site frontage

Application Number:

17/06423/MAO

Type of Application/Proposal and Address:

This is an outline planning application for a development of up to 250 dwellings, including means of access from Thornton Road, on land to the south of 869 Thornton Road, Bradford.

Applicant:

Thornton Meat Company Limited

Agent:

Mr Andrew Watt (MAZE Planning Solutions)

Site Description:

The site is located to the south of Thornton Road and the majority of the site currently comprises an open piece of rough grassland. In the northern section of the site close to Thornton Road is a derelict single storey agricultural building. To the immediate east of the site are existing industrial/commercial buildings whilst to the north are a number of residential dwellings. The site is principally bounded by open countryside. Overhead power lines cross the site in a north-south direction.

Relevant Site History:

Planning permission was granted on the 26th February 2009 under reference 08/02420/FUL for a "hybrid application for mixed employment uses, development of buildings 7, 8, 9 and 10. Estate road, site access junction with Thornton Road, diverted footpath, outline application for buildings 1, 2, 3, 4, 5, 6, 11 and 12" (Not implemented – expired)

Planning permission was granted on the 30th December 2009 under reference 09/05256/VOC for the variation of conditions 18 and 19 of planning approval 08/02420/FUL in relation to the provision of CCTV and external lighting details prior to construction of the buildings. (Not implemented – expired)

Planning permission was granted on the 2nd June 2010 under reference 10/01406/VOC for the variation of conditions 4, 23 and 27 for planning approval number 08/02420/FUL in relation to details of reserved matters, drainage and landscaping. (Not implemented – expired)

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.

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is allocated as an Employment Site (Ref: BW/E1.9 – Thornton Road, Thornton) in the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

E1 Protecting Allocated Employment Sites
TM10 The National and Local Cycle Network

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC8 Protecting the South Pennine Moors and the Zone of Influence
SC9 Making Great Places
EC4 Sustainable Economic Growth
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality

HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection
EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID2 Viability
ID3 Developer Contributions

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 22nd December 2017.

As a result of the publicity exercise 23 representations have been received objecting to the proposal.

Summary of Representations Received:

Principle:

- The site should be left as countryside or like people say a place for people to enjoy walks and nature not more buildings
- Why not use the land to build a nice new medical centre like the Manor in Allerton or the Picton in Heaton or even a community centre to provide the children with somewhere to go
- Stop building houses already knowing you aren't putting money into these communities that you're effecting
- Developers do not want to build on brownfield or renovate commercial property they want desirable open green space in order to make the. most profit
- This was green belt land
- With other proposed dwellings Thornton will no longer be a village but becoming more of a town
- There are other sites within Bradford that should be developed and not the green belt sites
- There are so many properties for sale in this area and within Thornton, so extra housing is not required or justified
- In the current economic climate how are these properties going to sell to actual 'families' and not just opportunist investors looking for a quick buck
- Less than three miles away there are lots of new housing development in Denholme (many still unsold/unoccupied) why not direct potential new buyers to these sites?
- The term "affordable housing" is a joke. People who are on housing waiting lists either live alone or are on low incomes, unemployed claiming benefits and immigrants who cannot afford to buy in this economy
- Look around how many houses are creating large extensions, cheaper than moving. So these can be excluded from buying new builds

- If the site is not needed for employment purposes it should be left open
- There is a need for employment development due to the closure of Manywells industrial estate and other local former mill sites. One such employment site is Denholme Business Park which has nearly all the units occupied and this could be the same
- There is a lack of industrial/commercial properties to let or for sale in the locality
- The council are constantly approving new build houses in the areas surrounding the site, such as Denholme and Queensbury. Surely a bit of forward thinking is required to safe guard employment land
- A number of smaller sites should have been allocated for employment uses in the RUDP, rather than this one big site, which has simply been land banked by wealthy owners and prevented businesses for expanding due to a lack of available buildings/employment land
- If the site cannot be developed by the current owners, then it should be sold or Business Rates should be applied in order for the owners to actually do something with the site.
- The site hasn't been marketed properly for sale for employment land and should have been marketed for smaller plots rather than 1 large one
- The proposal is a classic case of land banking with the owners knowing it will be worth considerably more if it is used for housing therefore no attempt has been made to construct industrial units

Highways:

- The traffic in the village is horrendous as it is and will be made worse by the proposed development
- The road through the village is a tiny single carriage way that is always jammed in the centre by the shops during the day. At night it's turned into a drag strip for morons to race down at ridiculous speeds
- Cycling to and from the high school would be dangerous due to high levels of (speeding) traffic
- Frequency of public transport is too low

Drainage:

- No thought has been given to how to drain the site

Environment/Ecology:

- Thornton is recognised as a landscape character and conservation area and it is clearly stipulated that development will not be permitted if it adversely affects the particular character of the landscape, which the proposed housing development absolutely would do
- Loss of wildlife habitat due to houses being built recently
- Ecological impacts on the overall environment which is against the principles of the UDP policy framework which commits to conserving and enhancing our countryside
- The developer should commit a financial contribution towards the planned extension of the adjacent Great Northern Railway Trail

Other:

- Thornton doesn't have the infrastructure (doctors, dentists, schools etc) to cope with the additional dwellings proposed
- The coop doesn't have the space for enough stock to supply the additional demand that these houses would bring

- Crime would rise
- The countryside is slowly being eaten up by greedy money making developers
- There are not enough shops in the area to cope with the additional houses to be built
- We need new investment to create employment in the city so maybe they can afford a nice new house overlooking green fields
- The application is one for financial gain for the owner

Consultations:

Minerals Section – No objection to the principle of the development and state that the site is located within a Minerals Safeguarding Site for coal. However, recent coal mining and waste activity on site are likely to have an impact on the viability to extract any materials that may be present. It is unclear from the submission if the recent construction and demolition material deposited on site has been deposited in such a manner to be sufficiently stable to take the proposed built development and infrastructure. The proposal site is in not within a Coal Authority Development High Risk Area and the risks are concluded as negligible

Environmental Health Land Contamination – No objection to the principle of the development subject to the attachment of conditions to a planning permission requiring the undertaking of Phase II Site Investigation works together with appropriate remediation and verification together with conditions relating to the discovery of unexpected contamination and the importation of materials

Conservation – There are no heritage assets within the site but located to the south on Crag Lane is a Grade II Listed Building (Intake Farm) whose curtilage adjoins the site. The proposal would have some impact on the rural setting of this former farmhouse and attached barn. It is considered that the level of harm to be less than substantial and this harm should be weighed against the public benefits of the proposal. It will be important in due course to ensure that the layout of the development and the design of the houses are contextual and reflect local character.

Biodiversity Team – No objection to the principle of the development as in biodiversity terms there is no substantive interest on the site. It does however, present an opportunity for ecological enhancement through new planting and open spaces. The site lies within 2.5km of the South Pennine Moors Special Protection Area/Special Area of Conservation and whilst some of the additional recreational impact will be absorbed by the open spaces within the development it is not large enough to absorb it all and therefore a financial contribution will be required.

Natural England – No objection to the principle of the development but state that the impact on the South Pennine Moors Special Area of Conservation {SAC} and the South Pennine Moors Phase 2 Special Protection Area {SPA} needs to be considered

Yorkshire Water – No objection subject to the imposition of appropriate conditions relating to the disposal of foul and surface water

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

Development and Enabling – No objection to the proposal but state that the site is located in an area where the affordable housing requirement is 20% of the number of

units. This equates to the provision of 50 units which should be delivered on site and at an affordable rent by a Registered Provider

West Yorkshire Police – No objection to the principle of the development but site specific comments are made in relation to issues including boundary treatments, public footpaths and shared pathways, rear parking bays, visitor parking bays, play areas, external lighting, cycle storage, doors and windows, and, intruder alarms

Landscape Design Unit – The proposed character will be an improvement from previous schemes as the opportunity for mitigating measures with planting and the allocation of areas for public open spaces gives a better opportunity to improve both the internal spaces and views of the site from surrounding areas. Comments are made of site specific issues such as the planting buffer on the southern boundary, LAP play area, footpath diversion, and, the submission of landscape details

Rights Of Way – No objection to the principle of the development but state that public footpath 32 Bradford West crosses the site and public footpath 34 Bradford West abuts the site. To legally move the footpath the applicant will have to make an application to have the public footpath diverted.

Highways DC – No objection to the proposal subject to the imposition of appropriate conditions

Education (Client Team) – The development is likely to cause concerns on where children of families coming to reside in the development might attend school. Parents also usually have an expectation that their children would be able to secure a school place at their local school and minimise the distance they may need to travel. Currently the schools are overcrowded or full in most year groups. It may therefore mean that the Council would need to increase the number of school places in this area.

Sport & Leisure – The development will result in a significant impact on the existing public open space. If new open space is to be provided within the development a full landscape management plan will need to be agreed and if this area is to be maintained by the Council a commuted sum will need to be paid to cover a period of 25 years

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. Contaminated land
9. Biodiversity issues
10. Conservation
11. Affordable housing
12. Community Infrastructure Levy
13. Other issues

Appraisal:

The proposal relates to the construction of up to 250 dwellings. The application is in outline form with only the means of access submitted for consideration at this stage. Two points of vehicular access into the site from Thornton Road are proposed, one towards the north western corner of the site and one located to the west of the industrial/commercial buildings adjacent to the north eastern corner of the site. A plan has been submitted showing an indicative layout as to how the site could be developed.

1. Principle of development

The site is allocated as an Employment Site (Ref: BW/E1.9 – Thornton Road, Thornton) within the Replacement Unitary Development Plan and is subject to Policy E1 of that Plan. The policy states that proposals for non-employment uses will not be permitted on such sites unless, amongst other things, there has been a material change in circumstances which has arisen since the date of adoption of the Plan or during the life of the Plan, and, the site is no longer appropriate for employment use because of possible adverse effects on surrounding land.

Policy EC4 of the Core Strategy is also relevant and states that planning permission for alternative uses of land and buildings currently or last in use for business or industrial purposes within both urban and rural areas will be refused unless it can be demonstrated that the site is no longer suitable for such use in terms of location, accessibility, adjacent land uses, environmental impacts, and, market significance (where it can be shown that the site has been continuously marketed for employment use for a period of at least 2 years).

A supporting letter has been submitted with the application outlining that the site has been marketed with Eddisons since 2012 for both freehold and leasehold interest at rates that are considered to be local market rates. The freehold price for industrial units was £75 per square foot and rentals at £5 per square foot. The land was also promoted at a guide price of £3.2 million which is again not considered excessive for the site. The sales particulars also stated that the landowner's willingness to consider design and build requirements or the provision of serviced plots for development by the end user. No formal offers were forthcoming and whilst enquiries were made they were considered to be of low covenant strength and unviable for a site which needs a significant amount of investment in it to get started. One example of an enquiry was for part of the site to be used as an "end of life tyre processing facility" which was considered to be an unsuitable use and would potentially have blighted the rest of the site.

The main reasons put forward for the lack of progress on developing the site for employment purposes include:

- The demand in the area for smaller facilities is served by the nearby Fireclay Business Park and by industrial/commercial units in and around Thornton and Denholme
- Larger occupiers that would be needed to make the site economic from a development viewpoint have tended to seek sites closer to the motorway network/commercial centres, e.g. M606/M62/M1 and Bradford/Leeds (particularly to the south of the centres)

The letter concludes by stating that a very flexible approach has been adopted to the promotion of the site with a range of possible industrial uses proposed. Whilst the market has improved since the site was first offered for sale/lease and there is a demand for industrial premises the over-riding problem of the site's location remains and that potential occupiers struggling for land/opportunities within the Bradford area are looking further afield outside the Bradford district rather than consider this particular opportunity. It is considered unlikely that the locational issue resolving itself and the site will therefore remain undeveloped for years to come.

Based on the information submitted it is acknowledged that the site has been marketed at local rates for a number of years with no definite offers made. There are issues with the site, particularly its location, which make it difficult to develop and attract appropriate end-users. It is considered that if the site was going to be developed for industrial/employment uses then it would have happened shortly after the planning permission was granted.

The application proposes a residential development scheme of up to 250 dwellings. At present the Council do not have a 5 year housing land supply and whilst this isn't a key factor in determining residential applications it is a material planning consideration. Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the National Planning Policy Framework requires Local Planning Authorities to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The emerging Local Plan underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future Development of The District is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development though the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

The Framework also states in paragraph 111 that the planning system should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. It goes on to state that Local Planning Authorities may make allowance for windfall sites in the five-year supply if there is evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

One of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City
- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

Policy HO5 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way developers will be expected to make the best and most efficient use of land. Densities should normally achieve at least a minimum density of 30 dwellings per hectare although higher densities would be possible in areas well served by public transport.

Policy HO6 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way the Council will give priority to the development of previously developed land and buildings. It also states that District wide there should be a minimum of 50% of total new housing development over the Local Plan period will be on previously developed land.

Policy HO8 of the Core Strategy states that the Council will ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures and the mix should be based on both market demand and evidence of local need within the District's SHMA.

The Applicant has submitted a justification for the loss of the employment site and this has been outlined in detail earlier in this report. It is accepted that the site is unlikely to come forward for employment purposes despite it having been marketed since 2012 and a flexible approach adopted for potential end users. As such the principle of an alternative use on the site is considered acceptable.

In terms of residential use on the site precedents have been set of similar proposals on allocated employment sites such as the former Grattans site on Ingleby Road/Northside Road (Reference: 12/01722/MAO). One major consideration in relation to the principle of residential development is that of the proposed density of the scheme. Policy H05 of the Core Strategy states that a minimum density of 30 dwellings per hectare should be achieved with higher densities where possible in areas well served by public transport. It is acknowledged that the application is in outline form with details of the layout reserved for consideration at a later stage. However the application does specify the number of units in that it will be up to 250 dwellings. The site measures 6.68 hectares and equates to a density of 38 dwellings per hectare which is considered satisfactory and complies with policy guidance.

Overall it is considered that sufficient justification has been submitted in relation to the site no longer being suitable for employment purposes and therefore the principle of residential development on the site is considered acceptable.

2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The application is in outline form with details of the layout, scale, external appearance and landscaping reserved for consideration at a later stage. There are a number of dwellings located on the northern side of Thornton Road and these include a mix of designs, styles and materials and as such there is no definitive design of dwelling in the locality. The main body of the village of Thornton begins about 290 metres to the west of the site where again the houses comprise a mix of design, styles and materials.

The Landscape Design Unit have stated that in the context of the proposals for housing the proposed character will be an improvement as the opportunity for mitigation measures with planting and the allocation of areas of open space gives a better opportunity to improve the character both of the internal spaces and views of the site from the surrounding areas. A landscaping scheme, showing both hard and soft landscaping, will need to be submitted which should include a clear indication of any

existing stone walls to be retained. A management plan for the future maintenance of the open spaces and landscaping areas will also be required and an appropriate condition is recommended.

It is considered that the site provides an opportunity to design a layout that provides a mix of house types in terms of design, size and materials such that it complements the existing residential development in the vicinity of the site. It also provides an opportunity to incorporate a landscaping scheme that will provide a soft edge to the development and the settlement of Thornton whilst at the same time protecting the surrounding countryside.

Overall therefore at this stage it is not considered that the proposal will have a detrimental impact on the visual character and appearance of the streetscene or wider area.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

There are no existing residential properties that abut the site, the nearest dwellings being located on the northern side of Thornton Road with a separation distance of 13 metres from the main elevation to the boundary of the site. The site is of a size whereby a layout can be achieved which will protect the residential amenities of the occupiers of the existing dwellings by ensuring the separation distances meet the policy requirement.

To the east of the site are commercial/industrial buildings which could potentially impact on any future residential development on the site. An appropriate buffer should be provided between the proposed dwellings and the existing industrial/commercial buildings together with a landscaping strip to minimise the visual impact. Again it is considered that the site is of an adequate size to ensure that an appropriate separation distance and landscaping scheme are provided.

Overall therefore it is considered that the site is of an appropriate size whereby a scheme can be achieved that will minimise the potential impact on the residential amenities of the occupiers of both the existing and proposed dwellings.

4. Highway safety

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Whilst the application is in outline form details of the access to the site have been submitted for consideration at this stage. The proposal incorporates two site access points off Thornton Road which accords with advice in Manual for Streets. Visibility splays at the accesses were derived from speed surveys and are based on the more onerous requirements in Design Manual for Roads and Bridges (DMRB) compared to Manual for Streets. Visibility splays of 2.4 x 92 metres to the west and 2.4 x 97 metres to the east are achievable at both access points.

The development proposal is predicted to generate 147 two-way vehicle movements during the Am peak hour (108 out of site and 39 in to the site), and 201 two-way vehicle movements during the Pm peak hour (80 out of the site and 121 in to the site). This is based on 85th percentile trip rates and represents the worst case scenario as bus frequency past the site is poor for travel during the network peaks. The Transport Assessment shows that the residential development compares favourably with the approved B2 employment use. The residential development would generate slightly less traffic in the Am peak (-24 trips) and slightly more in the Pm peak (+56 trips).

In relation to the impact on the wider highway network an assessment of junctions has been carried out at the site access, Thornton Road/James Street, Thornton Road/Brighouse Road/Brighouse & Denholme Road and Thornton Road/Halifax Road. It is noted that the development traffic that is predicted to use the Thornton Road/Halifax Road junction is well below the threshold for formal assessment, but the junction has been assessed for the sake of completeness. The assessments were carried out for the year 2022, 5 years following registration of application. The assessments indicate that the site access and the Thornton Road/James Street junction are predicted to operate with significant reserve capacity with the additional development traffic in both the Am and Pm peak hour in 2022. At the Thornton Road/Brighouse Road/Brighouse & Denholme Road signal junction some arms of the junction would operate just below the design capacity of 90% degree of saturation (DoS) without the development traffic but would remain below this threshold with the additional development traffic. At the Thornton Road/Halifax Road signal junction, all arms of the junction would operate well below the 90% DoS in the Am peak. During the Pm peak some arms of the junction would operate over the 90% threshold without the development traffic and the assessment shows that the additional development traffic would not have a notable impact on the levels of DoS.

The highway capacity assessment has shown that the development traffic would not have a material impact upon the operation of nearby junctions or lead to an increase in congestion or delay on the surrounding highway network.

An assessment of personal injury accidents along Thornton Road and its junctions with the James Street, Brighouse Road and Halifax Road, shows that there are no notable

accident issues within the study area linked to highway layout which traffic from the proposed development would exacerbate.

In terms of the details of the development the internal layout has been reserved for consideration at a later stage. However with regards to the access there will be a requirement for the provision of a 2 metre wide footway across the site frontage with the exception of a small length in the middle which is not owned by the applicant. However, pedestrian facilities would be provided within the site linking the two site access points.

The existing speed limit on Thornton Road is 30mph at the western end of the site and 40mph at the eastern end. The applicant is proposing to extend the 30mph speed limit across whole of the site frontage. A Traffic Regulation Order will be required for this at the applicant's expense and this will be secured through a Section 106 Legal Agreement. Also within the Legal Agreement will be the provision of 'no waiting at any time' double yellow line restrictions across the site frontage at the applicant's expense together with the relocation of the bus stop which is currently located approximately 50 metres to the east.

The existing central hatching on Thornton Road would be extended to the west to take in the new access and will facilitate right turning movements into the site without blocking straight ahead traffic. It is also proposed to extend the existing central refuge located to the east of this access to allow for a pedestrian crossing point. Dropped crossings are also proposed on Thornton Road at the site's western boundary. A new pedestrian refuge crossing facility is also proposed adjacent to the eastern access. All off-site highway works will be secured through a S278 Agreement and an appropriate condition is recommended.

The Rights Of Way Officer has not raised an objection to the principle of the development but has stated that public footpath 32 Bradford West crosses the site and public footpath 34 Bradford West abuts the site. To legally move the footpath the applicant will have to make an application to have the public footpath diverted. If any such application is unsuccessful then the public footpaths would need to be retained on their current routes. The Applicant should be aware of this when designing the layout of the development.

Overall therefore it is considered that, subject to the imposition of appropriate conditions and securing the Section 106 Legal Agreement, the proposal will provide an adequate and safe access to the site and that the level of traffic likely to be generated by the development can be safely accommodated within the surrounding highway network.

5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively which policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

In relation to the disposal of foul sewage it is intended to connect to the mains sewer whilst in relation to the disposal of surface water it is intended to use a sustainable drainage system together with connecting to an existing watercourse. The proposals

have been fully considered by both Yorkshire Water and the Council's Drainage Services and no objections are raised subject to the imposition of appropriate conditions.

A Flood Risk Assessment has also been submitted with the application which outlines the potential flood risk to the site, the impact of the proposed development on flood risk elsewhere, and the proposed measures which could be incorporated to mitigate the identified risk. The Assessment identifies that a culverted watercourse crosses the site from west to east. The main potential source of flooding to the site is surface water flooding, associated with a flow route crossing the site or flooding from the culverted watercourse, attributed to a failure / collapse of the culvert leading to blockage and exceedance. The surface water flood flow route, denoted by Environment Agency (EA) surface water flood mapping, represents the potential flood flow route should flooding from the culverted watercourse occur. The flood extent is minimal and contained to low ground along the line of the culvert. The identified flood risk will be mitigated by maintaining the flood flow route and providing a 6 metre easement from the culvert. There is also potential to open up the culvert through the site to create an open watercourse. This would mitigate the flood risk identified.

The Assessment makes a number of recommendations and these are as follows:

1. Provide a 6 metre easement either side of the culverted watercourse which crosses the site and maintain the flood flow route which follows the line of the culvert;
2. Consider opening up the culverted watercourse through the site;
3. Verify the attenuation volumes included in this report when undertaking detailed drainage design;
4. Make provision for sustainable drainage features in the lower north-eastern extent of the site;
5. Make provision for a foul pumping station compound in the lower north-eastern extent of the site, including a 15m easement from the wet well to habitable dwellings.

No objections have been raised with regard to the conclusions and recommendations of the Flood Risk Assessment subject to a condition requiring the development to be carried out in accordance with the above recommendations.

Overall therefore, subject to the imposition of appropriate conditions, there are no objections to the proposed methods of drainage from the development.

6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

There are a number of small trees scattered along the boundary of the site but these are not considered to be of any visual amenity value to the wider area. As has been acknowledged by the Landscape Design Unit the site does offer the potential for improvements to be made to the landscape character of the area through substantive tree planting particularly along the southern, eastern and western boundaries of the site. The planting scheme will form part of any future Reserved Matters planning application.

As such therefore there is no objection to the proposal from a landscape point of view.

7. Secured by design

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it including boundary treatments, footpaths and shared pathways, rear parking bays, visitor parking bays, play areas, external lighting, cycle storage, doors and windows, and, intruder alarms. These are issues that will either be addressed at a future Reserved Matters or are subject to consideration against Building Regulations Approved Document Q: Security in Dwellings.

8. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

A Phase 1 Desk Top Study has been submitted with the application and has been assessed by the Council's Environmental Protection Officer. The report identifies that historically the site "remained undeveloped from around 1852 up until around 1969 when overhead power lines were installed, traversing the site north to south, with a pylon in the north of the site (by the main road access). By around 2000 there has been

a limited development of several small buildings along the northern edge of the site, probably associated with its agricultural use. Between 2007 and 2017 a large quantity of made ground material has been deposited on site, changing its topography and this has presented a potential contamination source. This made ground (on information provided by the client) is understood to be inert construction waste (Cat U1) therefore is unlikely to contain any gross contamination, however this will need to be confirmed by contamination testing.”

The report concludes that “several contaminative issues have been highlighted for this development site and these have been listed below;

- Potential presence of made ground associated with historical activities.
- Potential presence of hazardous ground gases associated with deep made ground known to exist on site as well as adjacent historical landfill site”

In light of the findings of the report it goes onto recommend that “a phased programme of Ground Investigation (intrusive investigation) works are completed for this site, taking into account the different elements of the proposed development works, to provide an assessment of the geotechnical and contamination characteristics of the site.”

In order to secure these further investigative and remediation works appropriate conditions are recommended.

As such therefore there is no objection to the proposal from a land quality point of view.

9. Biodiversity issues

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

Policy SC8 states that “subject to the derogation tests of Article 6(4) of the Habitats Directive, in all zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or SAC”. It goes on to state that “in Zone B it will be considered, based on such evidence as may reasonably be required, whether land proposed for development affects foraging habitat for qualifying species of the SPA”.

Natural England have stated that the application site is located within 1.5 km of a European designated site (South Pennine Moors Special Area of Conservation {SAC} and the South Pennine Moors Phase 2 Special Protection Area {SPA}) and therefore has the potential to affect its interest features. They do state that due to the ecological and topographical nature of the site it is not likely to provide foraging habitat for bird species which are qualifying features of the SPA, however, it is likely to result in an increase in recreational visits to the SPA/SAC. Policy SC8 of the Core Strategy sets out mitigation requirements for residential developments within 7 km of the SPA/SAC and include provision of alternative natural greenspace as well as management measures and habitat management/manipulation within the SPA/SAC. Natural England state that

whilst the submitted layout includes areas of open space they are considered unlikely to offer comparable visitor opportunities and therefore further information should be sought in relation to how the impact of increased recreational pressure from the development will be mitigated. It should also be noted that the development will result in an increase in traffic movements in the vicinity of the SPA and consequently an increase in air emissions. When considered alone it is unlikely that the impacts of increased emissions on habitats will be significant.

The Council's Biodiversity Officer states that, in relation to the Habitat Regulations Assessment, it is unlikely that, given the topographical and ecological condition of the site, it will provide foraging and feeding areas for SPA bird species and so is not regarded as supporting habitat.

It is suggested that the additional recreational impact will be absorbed to some extent by the likely provision of accessible open space within the site but it won't be large enough to absorb all the impacts and residual impacts will result. A developer contribution would therefore be required towards management and mitigation measures of these impacts. One such measure which would serve to deflect recreational activity away from the SPA would be the Great Northern Railway Trail in nearby Thornton – which could act as a strategic mitigation project for such development proposals. The contribution cannot be secured through a Section 106 Legal Agreement and would need to be secured through Community Infrastructure Levy.

In ecological terms it is considered that the proposal will provide opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes as well as the incorporation of native planting species. A condition is recommended in relation to the provision of biodiversity/ecological enhancements whilst the planting will be covered at a future Reserved Matters stage.

Overall there in biodiversity/ecological terms there is no objection to the proposal.

10. Conservation

Policy EN2 of the Core Strategy states that the Council will work to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the Districts designated and undesignated heritage assets and their settings.

Paragraph 132 states that " when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..... significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 goes onto state that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

The application proposals have been assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act (1990), the National Planning Policy Framework and Replacement Unitary Development Policies. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of the application. Insofar as material the

statutory provisions provide: Section 66(1) provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”.

The Conservation Officer has stated that there are no designated heritage assets within the application site but located to the south on Crag Lane is a Grade II Listed Building (Intake Farm) whose curtilage adjoins the application site. As such the redevelopment of the application site will impact on the rural setting of the building although this is lessened by its elevation position in the landscape.

In terms of the impact it must be noted that the site is allocated as an employment site and the principle of building on the site would there be acceptable. In designing the layout of the development at a future Reserved Matters stage the existence of this listed building should be taken into account in terms of providing an acceptable separation distance between that and the proposed dwellings as well as ensuring the design of the proposed dwellings respect their setting in close proximity to the listed building.

At this stage it is not considered that the granting of planning permission for the principle of residential development on the site will significantly harm the setting of the listed building.

11. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 20% in towns, suburbs and villages.

This site falls within the Thornton and Allerton Council Ward where the affordable housing requirement is the provision of up to 20% of the number of units to be providing to a Registered Provider. In this instance it equates to up to 50 units. The requirement in the area is for on-site provision and will include a mix of dwellings in terms of their size (likely to be mainly 2 and 3 bedroomed in size). The dwellings should be delivered at an affordable rent by the Registered Provider. The affordable units will be secured by a Section 106 Legal Agreement and the Applicant has accepted this requirement.

12. Community Infrastructure Levy (CIL)

The site is located within a nil CIL area and therefore will not generate any monies towards infrastructure provision under the CIL legislation.

13. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the earlier sections of this report. These issues, together with the response, are as follows:

Thornton doesn't have the infrastructure (doctors, dentists, schools etc) to cope with the additional dwellings proposed – *unfortunately the issues of doctors/dentists being full is not a material planning consideration and they will generally respond to demand*

in regard to providing additional spaces. With regard to the educational infrastructure monies will be available through the Community Infrastructure Levy (CIL) which can be used towards expanding schools

The coop doesn't have the space for enough stock to supply the additional demand that these houses would bring – *this is not material planning consideration*

Crime would rise – *policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime and as such this should be taken into consideration when designing the layout of the development*

The countryside is slowly being eaten up by greedy money making developers – *the site is allocated as an Employment Site in the Replacement Unitary Development Plan and as such was earmarked for future development. As stated previously in this report the site has been marketed for employment use but unsuccessfully and the alternative use on the site as residential development is considered to be acceptable*

There are not enough shops in the area to cope with the additional houses to be built – *the existing shops in the area will benefit from the increased trade that will be brought from the development and if retailers consider there is additional demand that could sustain further retail units then they will open*

We need new investment to create employment in the city so maybe they can afford a nice new house overlooking green fields – *the site has previously benefitted from planning permission for an employment development but when marketed there was no interest in taking over the units. New employment sites will be allocated in the Allocations Development Plan Document that will provide employment land for the future*

The application is one for financial gain for the owner – *this is not a material planning consideration*

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the 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 development on an allocated employment site. The layout of the proposal is acceptable and presents no concerns with regard to residential amenity and highway safety. The proposal is considered acceptable and, with the

proposed Section 106 Legal Agreement securing the affordable housing and the Traffic Regulation Orders, satisfies the requirements of policies E1 and TM10 of the Replacement Unitary Development Plan and policies P1, SC1, SC4, SC9, EC4, TR1, TR2, TR3, HO5, HO6, HO8, HO9, HO11, EN2, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, DS5, ID2, and, ID3 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time limit

The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Means of vehicular access

Before any works towards construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with an approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

3. Visibility splays

Before any part of the development is brought into use, the visibility splays hereby approved shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

4. Construction Plan

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

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;
- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;

vi) temporary warning and direction signing on the approaches to the site

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

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies DS4 and DS5 of the Local Plan for Bradford

5. Travel Plan

The approved Travel Plan shall be implemented in accordance with the Travel Plan administration and promotion details and Travel Plan measures set down in the Travel Plan framework document submitted by CBO Transport. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: To promote sustainable travel options, minimise reliance on the private car and reduce traffic congestion and demand for on street parking in the locality, in the interests of pedestrian and highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

6. Separate foul and surface water drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 6 (six) litres per second.

Reason: In the interest of satisfactory and sustainable drainage and to accord with Policy EN7 of the Local Plan for Bradford.

7. No piped discharge of surface water

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and to accord with Policy EN7 of the Local Plan for Bradford

8. Use of SuDS

Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment. The maximum pass forward flow of surface water from the development shall be restricted to ten litres per second and cater for all storms up to and including the 1% annual exceedance probability plus an allowance for climate change. The details to be submitted to and approved by the local planning

authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

9. Surface Water Drainage Maintenance and Management

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

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

10. Flood Risk Assessment

Development to be carried out in accordance with the submitted flood risk assessment (FRA) dated August 2017 by Waterco Consultants.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

11. Disposal of foul water drainage

Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of foul water drainage, have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

12. Site Investigation Implementation

Prior to construction of the houses a Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme included in the Phase 1 report. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

13. Remediation strategy

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

14. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

15. Unexpected contamination

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

16. Materials importation

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

17. 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).

18. Construction Environmental Management Plan

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 National Planning Policy Framework (NPPF).

19. 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 policy DS1 of the Local Plan for Bradford.

20. Biodiversity enhancements

Within 6 months of the development hereby commencing on site a detailed scheme of biodiversity enhancements, including but not exclusive to bat roosting and bird nesting boxes, together with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details.

Reason: To enhance the biological value of the site and to accord with policy EN2 of the Local Plan for Bradford.



**Report of the Assistant Director (Planning,
Transportation & Highways) to the meeting of
Regulatory and Appeals Committee to be held on 14
May 2018**

AY

Subject:

Planning Agreements annual monitoring report

Summary statement:

Bi-annual monitoring report to inform Members of progress on Section 106 Agreements for the financial year 2017/2018.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This bi annual monitoring report provides an assessment of the Section 106 Agreements signed for the financial year 2017/2018 and for the income received since the appointment of the Planning Obligations Monitoring Officer.

2. BACKGROUND

Attached at appendix one is the Officer's Report.

3. OTHER CONSIDERATIONS

None

4. OPTIONS

Members of the Regulatory and Appeals Committee are recommended to note the contents of this report.

5. FINANCIAL & RESOURCE APPRAISAL

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

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None

7. LEGAL APPRAISAL

Planning Obligations are controlled by Section 106 of the Town and Country Planning Act 1990, Section 46 of the Planning and Compulsory Purchase Act 2004 and ODPM Circular 05/05 Planning Obligations.

8. OTHER IMPLICATIONS

None

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 the matters raised in this report or in the recommendations to committee.

8.2 SUSTAINABILITY IMPLICATIONS

There are no direct sustainability implications arising from this report.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no direct greenhouse gas emissions impacts arising from this report.

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no direct community safety implications arising from this report.

8.5 HUMAN RIGHTS ACT

There are no direct human rights implications arising from this report.

8.6 TRADE UNION

There are no trade union implications arising from this report.

8.7 WARD IMPLICATIONS

Ward Members are notified upon completion of a Section 106 Agreement for their ward.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

It is recommended that the contents of this report be noted.

11. APPENDICES

Appendix 1 – bi-annual monitoring report.

Appendix 2 – new Agreements signed by ward, obligation type and obligation value.

Appendix 3 – breakdown of Section 106 monies received since January 2009 to present day by Ward and Area.

12. BACKGROUND DOCUMENTS

None

SUMMARY

This bi annual monitoring report provides an assessment of the Section 106 Agreements signed for the financial year 2017/2018 and for the income received since the appointment of the Planning Obligations Monitoring Officer.

BACKGROUND

Section 106 Agreements or Planning Obligations are normally entered into in connection with the grant of planning permission. The Council has the power to enter into a legal agreement with a developer under Section 106 of the Town and Country Planning Act 1990, to make acceptable development which might otherwise be unacceptable in planning terms.

Planning Agreements can be used to prescribe, mitigate and compensate for the impact that a development may cause by:

- Restricting the development or use of land referred to in the Agreement in any way
- Requiring specific operations or activities to be carried out on the land referred to in the Agreement
- Requiring the land to be used to be used in a particular way
- Requiring a financial contribution to be made to the Local Planning Authority on a specified date or dates, or periodically

The majority of Agreements relate to major developments and can cover many issues including:

- The provision of an element of affordable housing and phasing the release of properties
- Rules governing the management arrangements for affordable housing and the method of discount to be applied to dwellings to ensure they are genuinely affordable.
- Commuted sums for the provision of off site affordable housing
- Contributions towards off site highway improvement works such as junction improvements or traffic calming
- Details relating to green travel plans to be implemented in order to minimise impacts on the highway network and improve sustainability
- Landscape management plans/payment to secure appropriate long term management of open areas, landscaping or wildlife areas
- The provision of play/recreation facilities or equipment or commuted sums. These could relate to on or off site facilities

Copies of Planning Agreements are currently available to view on the Council's website.

DEFINITIONS

Members are advised that there are a number of definitions used in connection with Section 106 Agreements. For ease of reference the following shall apply in this report:

- A clause: part of an Agreement detailing the obligations which can be a financial commitment or agreement to do works or even the revocation of a previous planning permission.

- Trigger point: within an Agreement, this clearly specifies the point in time when the developer needs to carry out work or make a payment. For example, a payment of £10,000.00 is to be paid upon occupation of the 25th dwelling unit.

AGREEMENTS SIGNED

14 Section 106 Agreements were completed between 1st April 2017 and 31st March 2018. The majority of these Agreements contained multiple numbers of clauses. In comparison, 22 Agreements were signed during the whole of 2016/2017.

One of the 14 Agreements was a Deed of Variation Agreement to increase the education contribution to be paid following an application to increase the number of approved dwellings.

Within the 14 Agreements completed, there were 25 clauses in total, of which 14 had a financial obligation. The value of the 14 financial obligations is £819,494.50. Compared to the previous year 2016/2017 where there was a total of 47 financial clauses totalling £2,799,468.75.

Of the 11 non financial clauses, 9 were for the transfer of dwellings to a Registered Provider (RP) or to deliver on site Starter home units.

Appendix 2 details all the new Agreements signed by ward, obligation type and obligation value.

Table 1 below shows the number and value of clauses requiring financial contributions by type.

Table 1: Number and value of obligations by clause type

Obligation type	No of clauses	Total value of clauses
Recreation Open Space	2	£66,261.00
Education	3	£385,241.00
Highways, physical infrastructure and travel	5	£276,000.00
WYCA (Metro) commuted sums	2	£70,000.00
Drainage	1	£13,792.50
Tree planting	1	£8,200.00
Total	14	£819,494.50

Table 2 below shows the number of non financial contribution clauses by type.

Table 2: Number of non financial obligations by clause type

Obligation type	No of clauses
Affordable housing – transfer of dwellings to RP	9
Open space schemes, woodland works and tree planting	1
Other	1
Total	11

Highway obligations accounted for the highest value of obligations, whilst education obligations were the most in number.

It should be noted that the benefits associated with an Agreement cannot be secured until the planning permission is implemented. Given that permissions are normally valid for three years this creates uncertainty about when and if contributions will be received. Once the permission has lapsed the ability to receive such benefits is lost.

To date 3 of the 14 permissions granted subject to a Section 106 Agreement have commenced.

Of the 3 developments which have commenced, two have financial contributions to pay. To date trigger points have been met by both and a total of £70,700.00 has been paid.

PAYMENTS RECEIVED

Financial contributions will normally be received when a particular trigger point has been reached. This is normally prior to the commencement of development and/or for large scale developments at another pre agreed stage in the construction work.

Since 1st January 2009 to the present day the total amount of Section 106 monies received is £15,753,385.60.

Table 3 shows the area breakdown of money received by obligation type

Table 3: Money received per area by obligation type

	Bradford East	Bradford West	Bradford South	Shipley	Keighley	Total
Recreation open space	£224,760.00	£255,086.67	£791,565.58	£278,677.72	£377,386.01	£
Affordable housing	£315,000.00	£610,550.00	£406,716.87	£2,033,142.98	£935,275.00	£
Education	£135,064.00	£418,425.95	£1,264,169.59	£1,031,275.14	£840,672.27	£
Highways	£1,952,311.00	£65,240.00	£1,053,677.16	£178,349.00	£350,462.00	£
Metro		£120,313.00	£113,023.80	£119,991.97	£901,293.77	£
Trees and Landscaping		£5,528.00	£65,250.00	£149,142.00		£
Footpaths				£618.00	£5,490.00	£
Woodlands			£15,300.00		£42,000.00	£
Community facilities				£314,271.16		£
Habitat mitigation				£33,776.17	£72,312.75	£
Drainage/ culvert works	£273,524.74				£3,743.25	£
Total	£2,900,659.74	£1,475,143.62	£3,709,703.00	£4,139,244.14	£3,528,635.05	£15,753,385.60

Appendix 3 provides a breakdown of the monies received by Ward and obligation type.

BANKRUPT DEVELOPERS

Given the unstable financial climate some Developers are no longer trading and have been, or are in the process of being declared bankrupt. Where these developers owe the Council monies as a result of a Section 106 Agreement, the Council's Debt Recovery team have been engaged to resolve the matter and hopefully secure some of the outstanding monies.

DEED OF VARIATION AGREEMENTS

Members will be aware that the Assistant Director (Planning, Transportation and Highways) presented a report to the Regulatory and Appeals Committee on 7th December 2009. This report concerned the provisions to be implemented in the case of Developers who were not in a financial position to pay monies owed or to agree to full contributions.

In the case of new proposals where Developers demonstrate that they cannot agree to full contributions the Planning Service will ask for a full Financial Viability Statement to be submitted. This document is then assessed and the findings considered. If the Council believe that it is important to promote a development proposal despite the developer contributions not being met in full, one of four routes will be adhered to. There routes are:

- An agreement to accept reduced payments or contributions
- Deferred payments whereby the obligations will be met but payment will be phased
- An overage agreement will be drawn up where Developers agree to pay contributions if profits from the development exceed a minimum level
- A hybrid agreement to require specified key contributions (for example highway works) are met early by the Developer and then the remainder of the contributions being met through an overage agreement or through deferred payments. This route is normally only used if the Development would not be acceptable in principle without the key contributions being met initially

Where Developers have an extant planning permission and have met their trigger point for payment of Section 106 monies, Assistant Director (Planning, Transportation and Highways) may agree on revised trigger points and a new payment schedule. For example, on a large housing scheme monies could be paid on a staged payment basis of occupation of every 25th dwelling as opposed to the whole sum being paid on commencement of development. This results in a Deed of Variation being completed. Members are advised that in such circumstances the original sums of money are achieved by the end of the development.

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Ward	Application Number	Address	Proposal	SIGNEDD	Clause Number	Clause Summary	Contribution Value
City	16/02316/MAO	Trafalgar Street Car Park Snowden Street Bradford West Yorkshire	Mixed use development of apartments and wedding venue with conferencing facilities and associated car parking	01-Jun-17	1	Affordable housing	25 units
					2	Education contribution	£ 77,067.00
					3	Recreation contribution	£ 41,261.00
					4	TRO contribution	£ 8,000.00
Clayton and Fairweather Green	17/05251/MAF	Land At Holts Lane Bradford West Yorkshire	Residential development of 99 dwellings with associated works	08-Feb-18	1	Affordable housing	20 units
Craven	15/05875/MAO	Land At Belton Road Silsden West Yorkshire	Outline planning application for the erection of up to 190 dwellings with means of access to be considered with all other matters reserved	05-Sep-17	11	DoV - increase education contribution	£ 244,783.00
Great Horton	17/02462/MAF	Scott Works Hollingwood Lane Bradford West Yorkshire BD7 2RQ	The construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works	18-Sep-17	1	Highway traffic contribution	£ 125,000.00
Great Horton	17/05863/VOC	Scott Works Hollingwood Lane Bradford West Yorkshire BD7 2RQ	Variation of condition number 36 of permission 17/02462/MAF dated 25.09.17: The construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works	01-Dec-18	1	Highway works contribution	£ 125,000.00
Heaton	16/09073/MAO	Showers Mill Frizinghall Road Bradford West Yorkshire BD9 4JB	Residential development of 42 dwellings comprising of 24 houses and 18 flats	28-Sep-18	1	Affordable housing	8 units
					2	Traffic Regulation Order contribution	£ 10,000.00

Appendix 2 - Agreements completed 1st April 2017 to 31st March 2018

Idle and Thackley	16/07708/VOC	Land At Simpsons Green Apperley Road Apperley Bridge Bradford West Yorkshire	Minor Material Amendment to planning permission 14/00255/MAF 'Construction of 267 dwellings and integral public open space, with associated access, parking and landscaping' through a variation of condition 2 to substitute revised drawings showing various changes to retaining walls, boundary treatments, levels, layout and house designs	16-May-17	1	Planning reference	
Idle and Thackley	16/09142/MAF	Sports Ground Harrogate Road Bradford West Yorkshire	Erection of 45 dwellings with associated access and infrastructure (building to be demolished)	15-Jun-17	1	Bus stop contribution	£ 30,000.00
					2	Affordable housing	9 units
					3	Carr Beck Contribution	£ 13,792.50
					4	Education contribution	£ 63,391.00
					5	Offsite Greenspace contribution	£ 25,000.00
Idle and Thackley	16/07045/MAO	Ashfield Mills Ashfield Road Bradford West Yorkshire BD10 9AD	Demolition of existing buildings and construction of 35 dwellings with associated roads, hard standings and gardens	28-Sep-17	1	Affordable housing	7 units
					2	TRO contribution	£ 8,000.00
Keighley East	16/06857/FUL	Land East Of Former Gas Works Site Airedale Road Keighley West Yorkshire	Development of two plants to recover energy from waste with materials reception, waste bunker hall, turbo generator hall, bottom ash hall; construct education/visitor centre, offices, workshop/warehouse for plant operatives, with parking and landscaping	11-Apr-17	1	Tree planting contribution	£ 8,200.00

Appendix 2 - Agreements completed 1st April 2017 to 31st March 2018

ShIPLEY	17/01313/MAF	Former Site Of Bankside Dock Lane ShIPLEY West Yorkshire BD17 7BJ	Residential development of 81 units	07-Nov-17	1	Affordable housing	6 units
					2	Bus stop contribution	£ 40,000.00
Thornton and Allerton	16/09318/MAF	Former Site Of Avenel Club Whitburn Way Bradford West Yorkshire BD15 7PE	Development of 23 two and four bedroom properties	21-Dec-17	1	Affordable housing	5 units
Windhill and Wrose	16/09513/MAF	Land At Grid Ref 415007 437193 Crag Road ShIPLEY West Yorkshire	Construction of 85 dwellings, formation of new access and construction of cul-de-sac	27-Jun-17	1	Starter Homes	50 units
Worth Valley	15/07479/MAF	Bridgehouse Mills Bridgehouse Lane Haworth Keighley West Yorkshire BD22 8PA	Mixed Use Development Comprising: Change of use, alteration, conversion, extension and partial demolition of existing mill buildings to develop 45 retirement living apartments; construction of 77 new dwellings including associated access; construction of an extension to the existing industrial building accommodating Airedale Springs; construction of a new factory for Wyedean Weaving; provision of junction improvement works, landscaping works, flood water storage works, parking and links to public footpaths	20-Apr-17	1	Bridgehouse Beck Park	
					2	Starter homes	5 units

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Appendix 3 - money received

Application	Date received	Obligation	Ward	Parliamentary Constituency	Amount
13/00377/MAO	07/04/2016	Affordable Housing	Idle and Thackley	Bradford East	£ 315,000.00
10/06124/VOC	04/03/2014	Education	Idle and Thackley	Bradford East	£ 12,544.00
13/00377/MAO	07/04/2016	Education	Idle and Thackley	Bradford East	£ 122,520.00
14/03838/FUL	30/08/2016	Highways	Bradford Moor	Bradford East	£ 7,000.00
12/05134/FUL	22/10/2013	Highways	Eccleshill	Bradford East	£ 7,000.00
09/05887/FUL	19/02/2013	Highways	Idle and Thackley	Bradford East	£ 5,305.00
13/01365/FUL	01/11/2013	Highways	Idle and Thackley	Bradford East	£ 7,000.00
14/00255/MAF	29/12/2015	Highways	Idle and Thackley	Bradford East	£ 300,000.00
14/00255/MAF	29/12/2015	Highways	Idle and Thackley	Bradford East	£ 200,000.00
14/00255/MAF	27/01/2017	Highways	Idle and Thackley	Bradford East	£ 426,006.00
14/00255/MAF	22/12/2017	Highways	Idle and Thackley	Bradford East	£1,000,000.00
13/00377/MAO	29/04/2016	Highways/Culvert	Idle and Thackley	Bradford East	£ 273,524.74
05/09173/OUT	02/12/2015	Recreation	Bolton and Undercliffe	Bradford East	£ 12,600.00
03/00337/OUT	28/06/2010	Recreation	Bowling and Barkerend	Bradford East	£ 10,200.00
03/00337/OUT	29/12/2015	Recreation	Bowling and Barkerend	Bradford East	£ 99,960.00
08/06080/FUL	22/04/2009	Recreation	Bowling and Barkerend	Bradford East	£ 15,500.00
11/00317/MAF	11/05/2011	Recreation	Bowling and Barkerend	Bradford East	£ 18,500.00
03/00368/OUT	27/02/2013	Recreation	Bradford Moor	Bradford East	£ 25,000.00
04/02150/FUL	30/12/2009	Recreation	Eccleshill	Bradford East	£ 25,000.00
10/06124/VOC	04/03/2014	Recreation	Idle and Thackley	Bradford East	£ 18,000.00
07/05860/OUT	08/02/2011	Affordable Housing	Tong	Bradford South	£ 267,326.73
13/04941/MAF	15/02/2016	Affordable Housing	Wyke	Bradford South	£ 139,390.14
10/01302/FUL	15/08/2013	Education	Queensbury	Bradford South	£ 38,519.20
12/02183/MAF	02/05/2014	Education	Queensbury	Bradford South	£ 215,828.88
12/04065/VOC	21/01/2016	Education	Queensbury	Bradford South	£ 8,618.24
12/04065/VOC	14/03/2016	Education	Queensbury	Bradford South	£ 8,585.63
13/00420/MAF	22/05/2015	Education	Queensbury	Bradford South	£ 110,750.01
13/03817/MAF	18/03/2016	Education	Queensbury	Bradford South	£ 98,912.50
12/00049/FUL	18/11/2016	Education	Queensbury	Bradford South	£ 18,888.00
07/05860/OUT	08/02/2011	Education	Tong	Bradford South	£ 303,897.03
10/04191/FUL	08/12/2011	Education	Tong	Bradford South	£ 43,000.00
12/02924/MAF	15/04/2014	Education	Tong	Bradford South	£ 80,000.00
13/00308/FUL	17/04/2014	Education	Wyke	Bradford South	£ 110,030.25
13/00308/FUL	18/04/2016	Education	Wyke	Bradford South	£ 108,029.70
13/04941/MAF	15/02/2016	Education	Wyke	Bradford South	£ 70,714.56
15/01530/MAF	27/09/2017	Education	Wyke	Bradford South	£48,395.59
09/05692/FUL	04/04/2011	Highways	Great Horton	Bradford South	£ 10,000.00
09/05692/FUL	04/04/2011	Highways	Great Horton	Bradford South	£ 10,000.00
11/04960/FUL	18/07/2012	Highways	Great Horton	Bradford South	£ 104,384.80
11/05593/VOC	26/07/2012	Highways	Great Horton	Bradford South	£ 135,945.00
11/05593/VOC	26/07/2012	Highways	Great Horton	Bradford South	£ 100,700.00
09/01355/FUL	13/12/2010	Highways	Queensbury	Bradford South	£ 50,000.00
11/01309/MAF	10/05/2013	Highways	Queensbury	Bradford South	£ 39,300.00
12/03858/VOC	12/03/2013	Highways	Queensbury	Bradford South	£ 5,440.00
07/08687/FUL	29/06/2011	Highways	Tong	Bradford South	£ 250,000.00
05/02958/FUL	16/06/2016	Highways	Wibsey	Bradford South	£ 14,263.86
13/00308/FUL	18/09/2015	Highways	Wyke	Bradford South	£ 110,584.10
13/00308/FUL	01/12/2016	Highways	Wyke	Bradford South	£ 7,000.00
13/00308/FUL	01/06/2017	Highways	Wyke	Bradford South	£ 216,059.40
11/05593/VOC	17/09/2012	Metro	Great Horton	Bradford South	£ 40,160.00
13/00420/MAF	23/04/2014	Metro	Queensbury	Bradford South	£ 28,901.80
13/04941/MAF	15/02/2016	Metro	Wyke	Bradford South	£ 20,400.00
13/04941/MAF	15/02/2016	Metro	Wyke	Bradford South	£ 23,562.00
10/01302/FUL	15/08/2013	Recreation	Queensbury	Bradford South	£ 12,334.80
12/02183/MAF	02/05/2014	Recreation	Queensbury	Bradford South	£ 139,166.06
12/04065/VOC	21/01/2016	Recreation	Queensbury	Bradford South	£ 6,590.39
12/04065/VOC	14/03/2016	Recreation	Queensbury	Bradford South	£ 6,565.45
13/00420/MAF	22/05/2015	Recreation	Queensbury	Bradford South	£ 73,141.27
13/03817/MAF	18/03/2016	Recreation	Queensbury	Bradford South	£ 30,750.00
02/02661/REM	08/02/2010	Recreation	Royds	Bradford South	£ 28,775.00
07/04289/FUL	06/09/2011	Recreation	Royds	Bradford South	£ 24,046.00
07/07601/FUL	10/11/2009	Recreation	Royds	Bradford South	£ 10,550.00
07/09220/FUL	13/10/2010	Recreation	Royds	Bradford South	£ 44,496.00
04/05171/FUL	09/03/2017	Recreation	Royds	Bradford South	£ 119,540.00
07/05860/OUT	08/02/2011	Recreation	Tong	Bradford South	£ 141,148.51

Appendix 3 - money received

09/03812/FUL	26/02/2013	Recreation	Tong	Bradford South	£ 15,250.00
10/04191/FUL	08/12/2011	Recreation	Tong	Bradford South	£ 24,326.00
94/03013/OUT	19/03/2010	Recreation	Tong	Bradford South	£ 91,756.00
08/00316/REM	26/01/2010	Recreation	Wibsey	Bradford South	£ 11,500.00
15/01530/MAF	27/09/2017	Recreation	Wyke	Bradford South	£11,630.10
09/01355/FUL	13/12/2010	Trees and Landscaping	Queensbury	Bradford South	£ 65,250.00
13/04941/MAF	15/02/2016	Woodland	Wyke	Bradford South	£ 15,300.00
03/02886/FUL	03/12/2009	Affordable Housing	City	Bradford West	£ 10,000.00
03/02886/FUL	03/03/2010	Affordable Housing	City	Bradford West	£ 10,000.00
03/02886/FUL	08/04/2010	Affordable Housing	City	Bradford West	£ 10,000.00
03/02886/FUL	05/05/2010	Affordable Housing	City	Bradford West	£ 10,000.00
03/02886/FUL	03/06/2010	Affordable Housing	City	Bradford West	£ 10,000.00
03/02886/FUL	05/07/2010	Affordable Housing	City	Bradford West	£ 10,000.00
08/01975/FUL	09/04/2013	Affordable Housing	Heaton	Bradford West	£ 431,250.00
05/05083/FUL	11/03/2011	Affordable Housing	Manningham	Bradford West	£ 119,300.00
08/02667/FUL	24/01/2012	Education	Clayton and Fairweather	Bradford West	£ 47,204.64
08/01975/FUL	09/04/2013	Education	Heaton	Bradford West	£ 143,750.00
10/02398/OUT	15/03/2013	Education	Thornton and Allerton	Bradford West	£ 227,471.31
11/02238/FUL	11/10/2011	Highways	City	Bradford West	£ 5,000.00
11/02570/FUL	11/08/2011	Highways	City	Bradford West	£ 5,000.00
14/02891/MAF	13/03/2015	Highways	City	Bradford West	£ 7,000.00
12/01640/FUL	01/07/2013	Highways	Clayton and Fairweather	Bradford West	£ 8,000.00
07/08007/COU	02/02/2010	Highways	Heaton	Bradford West	£ 5,030.00
13/04679/MAF	25/11/14	Highways	Manningham	Bradford West	£ 25,150.00
13/04679/MAF	25/11/14	Highways	Manningham	Bradford West	£ 10,060.00
05/07483/FUL	09/01/2013	Metro	City	Bradford West	£ 16,000.00
06/05694/FUL	01/09/2010	Metro	City	Bradford West	£ 10,373.00
08/07010/FUL	08/09/2010	Metro	City	Bradford West	£ 20,940.00
08/07115/FUL	16/08/2010	Metro	City	Bradford West	£ 70,000.00
11/02570/FUL	11/08/2011	Metro	City	Bradford West	£ 3,000.00
05/07483/FUL	09/01/2013	Recreation	City	Bradford West	£ 21,525.00
07/02376/COU	02/04/2013	Recreation	City	Bradford West	£ 27,630.22
11/02570/FUL	11/08/2011	Recreation	City	Bradford West	£ 6,245.00
13/00278/FUL	17/01/2014	Recreation	City	Bradford West	£ 21,297.97
13/04145/FUL	23/04/2014	Recreation	City	Bradford West	£ 10,270.00
14/02922/FUL	04/09/2015	Recreation	City	Bradford West	£ 10,852.84
10/02369/FUL	15/05/2012	Recreation	City	Bradford West	£ 12,470.00
06/04805/FUL	09/04/2010	Recreation	Clayton and Fairweather Green	Bradford West	£ 10,500.00
08/02667/FUL	24/01/2012	Recreation	Clayton and Fairweather	Bradford West	£ 20,432.37
10/02398/OUT	15/03/2013	Recreation	Thornton and Allerton	Bradford West	£ 113,863.27
14/00411/FUL	04/03/2015	Trees	Heaton	Bradford West	£ 5,528.00
13/02588/MAF	06/10/2015	Affordable Housing	Craven	Keighley	£ 800,000.00
05/04269/FUL	09/01/2012	Affordable Housing	Ilkley	Keighley	£ 135,275.00
14/02541/MAF	01/06/2017	Drainage	Keighley West	Keighley	£ 3,743.25
12/04547/VOC	27/05/2016	Education	Craven	Keighley	£ 13,799.10
13/02487/MAF	12/05/2015	Education	Craven	Keighley	£ 46,211.09
15/02772/FUL	03/12/2015	Education	Craven	Keighley	£ 12,811.00
16/01784/MAF	08/06/2016	Education	Craven	Keighley	£ 10,000.00
14/01233/OUT	28/09/2016	Education	Craven	Keighley	£ 47,463.12
13/02588/MAF	21/06/2016	Education	Craven	Keighley	£ 103,100.00
13/05300/OUT	27/10/2016	Education	Craven	Keighley	£ 22,529.65
12/04547/VOC	22/05/2017	Education	Craven	Keighley	£ 14,088.22
13/02588/MAF	05/06/2017	Education	Craven	Keighley	£ 244,383.84
15/03305/MAF	10/10/2017	Education	Craven	Keighley	£136,809.31
14/02638/MAF	01/12/2017	Education	Craven	Keighley	£12,583.26
09/03062/OUT	24/06/2013	Education	Keighley West	Keighley	£ 87,296.57
12/03905/MAF	15/05/2014	Education	Worth Valley	Keighley	£ 33,669.00
12/03905/MAF	18/08/2014	Education	Worth Valley	Keighley	£ 33,930.00
12/03938/VOC	09/01/2015	Education	Worth Valley	Keighley	£ 21,998.11
09/03062/OUT	20/02/2013	Footpath	Keighley West	Keighley	£ 5,490.00
16/01784/MAF	08/06/2016	Habitat mitigation	Craven	Keighley	£ 4,021.00
15/03305/MAF	21/12/2016	Habitat mitigation	Craven	Keighley	£ 24,871.75
13/05300/OUT	27/10/2016	Habitat mitigation	Craven	Keighley	£ 15,420.00
15/07583/MAF	06/03/2017	Habitat mitigation	Ilkley	Keighley	£ 28,000.00
12/04547/VOC	01/06/2015	Highways	Craven	Keighley	£ 5,155.00
13/02487/MAF	18/02/2014	Highways	Craven	Keighley	£ 20,100.00

Appendix 3 - money received

13/03716/FUL	11/08/2015	Highways	Craven	Keighley	£ 7,500.00
15/02772/FUL	03/12/2015	Highways	Craven	Keighley	£ 7,000.00
14/00450/MAO	24/03/2017	Highways	Craven	Keighley	£ 10,240.00
14/00450/MAO	24/03/2017	Highways	Craven	Keighley	£ 7,168.00
14/00450/MAO	24/03/2017	Highways	Craven	Keighley	£ 25,600.00
15/03871/MAF	13/03/2017	Highways	Craven	Keighley	£ 201,800.00
09/03175/FUL	27/05/2011	Highways	Ilkley	Keighley	£ 6,204.00
09/03175/FUL	27/05/2011	Highways	Ilkley	Keighley	£ 6,204.00
10/02832/VOC	11/05/2011	Highways	Ilkley	Keighley	£ 2,000.00
15/07583/MAF	02/03/2017	Highways	Ilkley	Keighley	£ 12,000.00
15/00575/VOC	18/09/2017	Highways	Ilkley	Keighley	£15,705.00
09/02304/FUL	08/11/2010	Highways	Keighley East	Keighley	£ 5,000.00
11/00676/FUL	17/01/11	Highways	Keighley East	Keighley	£ 7,000.00
09/03062/OUT	20/02/2013	Highways	Keighley West	Keighley	£ 6,786.00
11/03373/FUL	23/04/2012	Highways	Worth Valley	Keighley	£ 5,000.00
13/04193/MAF	12/06/2015	Metro	Craven	Keighley	£ 10,080.00
13/05300/OUT	27/10/2016	Metro	Craven	Keighley	£ 5,699.23
14/00450/MAO	24/03/2017	Metro	Craven	Keighley	£ 20,000.00
05/04269/FUL	04/02/2010	Metro	Ilkley	Keighley	£ 4,961.00
05/04269/FUL	19/07/2010	Metro	Ilkley	Keighley	£ 451.00
05/04269/FUL	19/07/2010	Metro	Ilkley	Keighley	£ 451.00
05/04269/FUL	04/04/2011	Metro	Ilkley	Keighley	£ 495.00
05/04269/FUL	04/04/2011	Metro	Ilkley	Keighley	£ 495.00
05/04269/FUL	04/04/2011	Metro	Ilkley	Keighley	£ 495.00
05/04269/FUL	16/01/2012	Metro	Ilkley	Keighley	£ 495.00
10/00139/FUL	04/08/2011	Metro	Ilkley	Keighley	£ 6,523.54
15/07583/MAF	06/03/2017	Metro	Ilkley	Keighley	£ 10,000.00
01/00903/OUT	12/06/2009	Metro	Keighley Central	Keighley	£ 150,000.00
01/00903/OUT	10/05/2010	Metro	Keighley Central	Keighley	£ 650,000.00
01/00903/OUT	12/05/2010	Metro	Keighley Central	Keighley	£ 8,100.00
09/03062/OUT	20/02/2013	Metro	Keighley West	Keighley	£ 6,588.00
09/03062/OUT	07/09/2015	Metro	Keighley West	Keighley	£ 2,162.50
09/03062/OUT	05/11/2015	Metro	Keighley West	Keighley	£ 1,297.50
09/03062/OUT	05/11/2015	Metro	Keighley West	Keighley	£ 865.00
09/03062/OUT	08/03/2016	Metro	Keighley West	Keighley	£ 437.50
09/03062/OUT	08/03/2016	Metro	Keighley West	Keighley	£ 437.50
09/03062/OUT	19/08/2016	Metro	Keighley West	Keighley	£ 5,000.00
09/03062/OUT	05/12/2016	Metro	Keighley West	Keighley	£ 5,000.00
09/03062/OUT	19/01/2017	Metro	Keighley West	Keighley	£ 5,000.00
09/03062/OUT	18/05/2017	Metro	Keighley West	Keighley	£ 5,000.00
09/03062/OUT	07/11/2014	Metro	Keighley West	Keighley	£ 1,260.00
12/04547/VOC	27/05/2016	Recreation	Craven	Keighley	£ 7,817.25
13/02487/MAF	12/05/2015	Recreation	Craven	Keighley	£ 20,693.90
15/02772/FUL	03/12/2015	Recreation	Craven	Keighley	£ 16,857.00
16/01784/MAF	08/06/2016	Recreation	Craven	Keighley	£ 10,000.00
14/01233/OUT	28/09/2016	Recreation	Craven	Keighley	£ 14,869.08
13/05300/OUT	27/10/2016	Recreation	Craven	Keighley	£ 14,970.76
12/04547/VOC	22/05/2017	Recreation	Craven	Keighley	£ 7,981.04
13/02588/MAF	20/06/2017	Recreation	Craven	Keighley	£30,720.00
14/02638/MAF	01/12/2017	Recreation	Craven	Keighley	£8,040.10
05/04269/FUL	27/02/2008	Recreation	Ilkley	Keighley	£ 17,870.00
05/07882/FUL	23/07/2009	Recreation	Ilkley	Keighley	£ 13,405.00
09/03175/FUL	27/05/2011	Recreation	Ilkley	Keighley	£ 8,297.85
10/02832/VOC	11/05/2011	Recreation	Ilkley	Keighley	£ 14,500.00
15/07583/MAF	06/03/2017	Recreation	Ilkley	Keighley	£ 7,201.63
98/00409/OUT	15/06/2012	Recreation	Keighley East	Keighley	£ 87,584.00
09/03062/OUT	07/09/2015	Recreation	Keighley West	Keighley	£ 60,000.00
12/03905/MAF	15/05/2014	Recreation	Worth Valley	Keighley	£ 11,074.90
12/03905/MAF	18/08/2014	Recreation	Worth Valley	Keighley	£ 11,160.76
12/03938/VOC	09/01/2015	Recreation	Worth Valley	Keighley	£ 14,342.74
98/00409/OUT	22/05/2012	Woodland	Keighley East	Keighley	£ 42,000.00
04/00562/COU	12/10/2011	Affordable Housing	Shipley	Shipley	£ 1,734,170.00
05/04806/FUL	18/08/2009	Affordable Housing	Shipley	Shipley	£ 125,000.00
10/02064/FUL	15/06/2012	Affordable Housing	Windhill and Wrose	Shipley	£ 62,357.98
10/05475/FUL	23/08/2013	Affordable Housing	Windhill and Wrose	Shipley	£ 111,615.00
14/01120/MAF	09/12/2014	Comm facilities	Bingley Rural	Shipley	£ 10,000.00
14/01120/MAF	05/12/2017	Community Facilities	Bingley Rural	Shipley	£38,271.16

Appendix 3 - money received

14/01120/MAF	05/12/2017	Community Facilities	Bingley Rural	Shipley	£266,000.00
07/01356/FUL	05/11/2010	Education	Baildon	Shipley	£ 96,667.00
13/02782/MAF	02/03/2016	Education	Baildon	Shipley	£ 70,059.57
10/06048/RG6	27/06/2013	Education	Bingley	Shipley	£ 23,022.14
11/01491/MAF	10/06/2014	Education	Bingley	Shipley	£ 89,565.17
11/05543/MAR	29/08/2013	Education	Bingley	Shipley	£ 23,706.40
13/00093/FUL	01/12/2014	Education	Bingley Rural	Shipley	£ 169,294.44
13/00093/FUL	17/03/2016	Education	Bingley Rural	Shipley	£ 170,770.84
14/01120/MAF	05/12/2017	Education	Bingley Rural	Shipley	£59,046.00
13/01241/MAF	02/07/2015	Education	Wharfedale	Shipley	£ 150,094.94
12/03680/FUL	20/08/2014	Education	Wharfedale	Shipley	£ 13,869.27
12/03680/FUL	28/12/2016	Education	Wharfedale	Shipley	£ 14,342.86
10/05475/FUL	23/08/2013	Education	Windhill and Wrose	Shipley	£ 150,836.51
13/02782/MAF	02/03/2016	Footpaths/bench	Baildon	Shipley	£ 618.00
14/04295/MAF	21/12/2016	Habitat mitigation	Bingley Rural	Shipley	£ 10,070.00
13/01241/MAF	02/07/2015	Habitat mitigation	Wharfedale	Shipley	£ 23,706.17
11/04054/FUL	05/11/2013	Highways	Baildon	Shipley	£ 7,000.00
12/00783/FUL	26/09/2013	Highways	Baildon	Shipley	£ 5,085.00
12/04659/FUL	23/07/2014	Highways	Baildon	Shipley	£ 7,140.00
13/02368/VOC	11/03/2014	Highways	Baildon	Shipley	£ 7,021.00
08/07436/FUL	14/04/2010	Highways	Bingley	Shipley	£ 5,150.00
10/06048/RG4	27/06/2012	Highways	Bingley	Shipley	£ 5,215.00
13/04347/MAF	06/07/2015	Highways	Bingley	Shipley	£ 10,010.00
13/01113/MAF	08/12/2014	Highways	Bingley Rural	Shipley	£ 1,500.00
13/01113/MAF	08/12/2014	Highways	Bingley Rural	Shipley	£ 7,000.00
14/01120/MAF	09/12/2014	Highways	Bingley Rural	Shipley	£ 5,000.00
14/01120/MAF	09/12/2014	Highways	Bingley Rural	Shipley	£ 7,000.00
14/01120/MAF	09/12/2014	Highways	Bingley Rural	Shipley	£ 22,000.00
14/04295/MAF	21/12/2016	Highways	Bingley Rural	Shipley	£ 18,126.00
10/01538/FUL	15/04/2011	Highways	Shipley	Shipley	£ 3,102.00
10/02064/FUL	22/12/2010	Highways	Windhill and Wrose	Shipley	£ 48,000.00
14/01120/MAF	07/09/2016	Highways/Sustran	Bingley Rural	Shipley	£ 20,000.00
04/00562/COU	12/10/2011	Landscape	Shipley	Shipley	£ 148,642.00
07/01356/FUL	05/11/2010	Metro	Baildon	Shipley	£ 8,536.00
07/08080/FUL	27/01/2010	Metro	Bingley	Shipley	£ 12,000.00
11/05543/MAR	29/08/2013	Metro	Bingley	Shipley	£ 6,572.88
14/01120/MAF	09/12/2014	Metro	Bingley Rural	Shipley	£ 46,000.00
14/04295/MAF	21/12/2016	Metro	Bingley Rural	Shipley	£ 20,140.00
11/00450/FUL	12/07/2011	Metro	Wharfedale	Shipley	£ 1,496.55
11/00450/FUL	03/08/2011	Metro	Wharfedale	Shipley	£ 1,995.40
11/00450/FUL	28/06/2011	Metro	Wharfedale	Shipley	£ 3,990.80
11/00450/FUL	23/08/2011	Metro	Wharfedale	Shipley	£ 997.70
11/00450/FUL	17/01/2012	Metro	Wharfedale	Shipley	£ 997.70
13/01241/MAF	02/09/2014	Metro	Wharfedale	Shipley	£ 17,264.94
07/01356/FUL	05/11/2010	Recreation	Baildon	Shipley	£ 96,030.00
13/02782/MAF	02/03/2016	Recreation	Baildon	Shipley	£ 17,469.83
06/05097/COU	10/11/2009	Recreation	Bingley	Shipley	£ 2,445.84
06/05097/COU	11/01/2010	Recreation	Bingley	Shipley	£ 2,445.84
06/05097/COU	12/02/2010	Recreation	Bingley	Shipley	£ 2,445.84
06/05097/COU	09/03/2010	Recreation	Bingley	Shipley	£ 2,445.84
06/05097/COU	09/04/2010	Recreation	Bingley	Shipley	£ 2,445.84
07/08080/FUL	27/01/2010	Recreation	Bingley	Shipley	£ 13,120.00
08/03031/FUL	30/01/2012	Recreation	Bingley	Shipley	£ 1,000.00
08/03031/FUL	15/05/2012	Recreation	Bingley	Shipley	£ 1,000.00
08/03031/FUL	15/05/2012	Recreation	Bingley	Shipley	£ 1,000.00
08/03031/FUL	15/06/2012	Recreation	Bingley	Shipley	£ 1,000.00
08/03031/FUL	15/06/2012	Recreation	Bingley	Shipley	£ 1,000.00
08/03031/FUL	24/07/2012	Recreation	Bingley	Shipley	£ 1,000.00
08/03031/FUL	17/10/2012	Recreation	Bingley	Shipley	£ 1,000.00
08/03031/FUL	08/01/2013	Recreation	Bingley	Shipley	£ 1,000.00
08/03031/FUL	18/01/2013	Recreation	Bingley	Shipley	£ 1,000.00
10/06048/RG5	27/06/2013	Recreation	Bingley	Shipley	£ 7,249.89
11/05543/MAR	29/08/2013	Recreation	Bingley	Shipley	£ 7,465.37
13/00093/FUL	01/12/2014	Recreation	Bingley Rural	Shipley	£ 37,257.78
13/00093/FUL	17/03/2016	Recreation	Bingley Rural	Shipley	£ 37,582.70
04/00259/FUL	15/01/2010	Recreation	Windhill and Wrose	Shipley	£ 23,457.00
10/02064/FUL	15/06/2012	Recreation	Windhill and Wrose	Shipley	£ 17,815.95

Appendix 3 - money received

11/04054/FUL	05/11/2013	Trees	Baildon	Shiple	£	500.00
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Report of the Strategic Director of Place to the meeting of Regulatory and Appeals Committee to be held on 14 May 2018

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Subject:

Review of Public Space Protection Order (PSPO) Bradford City Centre and surrounding area 2016

Summary statement:

The report provides a summary of the main findings from the review of the PSPO City Centre and surrounding area 2016.

Steve Hartley
Strategic Director, Place

Report Contact: Rebecca Trueman
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Portfolio:

Neighbourhood and Community Safety

Overview & Scrutiny Area:

Corporate Overview and Scrutiny

1. SUMMARY

The report provides a summary of the main findings from the review of the PSPO City Centre and surrounding area 2016.

2. BACKGROUND

2.1 This report is submitted in compliance with the resolution of this Committee of the 29 September 2016:

(1) That the proposed Public Space Protection Order, as set out in Appendices C and D to Document "Z", be formally adopted; the Order having been amended, as a result of the consultation process, to extend the boundary of the exclusion zone to include the following streets and places:

*Trinity Green Campus
University accommodation (close to the existing proposed boundary)
Dixon's Trinity Academy, Trinity Road
Laisterdyke Lane towards All Saints' Road (Dirkhill area)
Grantham Road
Grantham Place
Spring Place
Dirkhill Road
Rand Street
Rand Place
Alexandra Street
To the junction of All Saints' Road with Great Horton Road
Retford Place,
St Luke's Hospital*

(2) That it be noted that:

(a) Under Section 63(5) of the Act an authorised person can dispose of any item that has been surrendered under Section 63(2) i.e. alcohol or a container for alcohol.

(b) An authorised person in the context of this Public Space Protection Order is defined as being either a Police Constable, Police Community Support Officer or Council Officer.

(c) An authorised person can decide when it is appropriate to either:
(i) Impose a Fixed Penalty Notice,
(ii) Waive the Fixed Penalty Notice in the event that a person who would have been issued with a Fixed Penalty Notice agrees to and attends an alcohol or substance misuse service, or
(iii) If anti-social awareness sessions are made available locally, reduce the level of the Fixed Penalty Notice if the person who would have been issued with a Fixed Penalty Notice agrees to and attends an anti-social awareness session.

(d) That the Strategic Director, Environment and Sport be requested to investigate and, if feasible, make available local anti-social awareness sessions.

(e) That the Strategic Director, Environment and Sport be authorised to take all the necessary action to implement the Public Space Protection Order, as amended, and to make it operational.

(f) That the Bradford City Centre Anti-Social Behaviour (ASB) Partnership review the Order in 12 months time, taking account of the comments and suggestions made by respondents during the consultation exercise and the evidence arising during the time the Order is in force.

(Regulatory and Appeals Committee 29 September 2016 - Document 'Z' and Minute 46))

- 2.1.1** Please note that the term 'exclusion zone' as used in the Committee's resolution above in 2.1 and in various parts of this report and Appendix A has the same meaning as 'restricted area' within the Order.
- 2.2** Since the PSPO came into force Environment and Sport has been replaced by the Department of Place.
- 2.3** This review has been led by Place's Safer Communities Co-ordinator and undertaken by staff within the Office of the Chief Executive with support from initially a non-PSPO operational Safer and Stronger Project Officer (SSPO) and in the later stages of the review, due to staff turnover, a PSPO operational SSPO.
- 2.4** Initially this review was to also consider the existing Designated Public Place Order in place within the City Centre over an area covered by this PSPO. However due to delays in undertaking the review, the City Centre DPPO (which became a PSPO from the 24th October 2017) retains the original provisions contained in the DPPO.
- 2.5** A further four DPPOs that protected Shipley, Keighley and Bingley Town Centres and an area in West Bowling in compliance with the Police and Anti-Social Behaviour Act 2014 became PSPOs after 15 October 2017. These have not been subject to this review.
- 2.6** Six Safer and Stronger Project Officers were engaged by the Council in March 2017. One of their roles was to undertake enforcement of the PSPO City Centre and surrounding areas. Since April 2017, at any given time, during the hours of 9am until 5pm from Monday to Friday, two of these officers have been deployed to enforce the PSPO.
- 2.7** At all other times not covered by the Council Officers the Police agreed to enforce the PSPO but only if they had available resources

2.8 The review considered:

- a) The impact, if any, of the current PSPO on reducing anti-social behaviour caused by people imbibing new psychoactive substances or alcohol not in licenced premises or in a place covered by a liquor licence across the area protected by the PSPO.
- b) Resources deployed to enforce the current PSPO and a projection of resources required if the PSPO is altered.
- c) If there has been an increase in anti-social behaviour caused by people imbibing new psychoactive substances or alcohol not in licenced premises or in a place covered by a liquor licence around the boundaries of the PSPO area.
- d) If public and businesses perceptions of anti-social behaviour related to the prohibited behaviours within the PSPO area have changed since implementation.
- e) In light of issues that arise out of the review, recommendations for changes to either or both the area protected and the prohibitions within the PSPO.

2.9 The review methodology

2.9.1 Analysis of data:

- Calls for service to the Police in the PSPO area and at points around its boundary
- Information collected by those enforcing the PSPO
- Perception survey responses from residents, businesses, people, and agencies in or using the area protected by the PSPO

2.9.2 Direct engagement and methods of engagement:

- Agencies consulted as part of the original PSPO consultation such as the Police and Crime Commissioner, neighbourhood policing teams
- Representative groups with an interest in the area covered by the PSPO such as Bradford Chamber of Commerce
- Elected Members
- Safer and Stronger Communities Partnership and associated strategic groups such as the City Centre ASB Group and any other partnerships with an interest
- Providers and advocates that support people
- Staff who have enforced the PSPO.

2.9.3 Engagement through a range of mechanisms, some targeted and some self-selecting included:

- Contact with specific agencies/individuals via e-mail or letter
- Focus Group – Safer and Stronger Project Officers
- Press release to invite people to submit their views

- Online survey questionnaire – for use with targeted groups and also for people to self select.

A segment within Question 1 of the online survey was incorrectly worded and read 'I have visited the exclusion zone (the area outside the red line) shown on the map within the last 6 months'. This has been taken into account when analysing the survey responses.

Appendix A contains the list of those contacted directly about the review of the PSPO.

2.10 Review findings

As previously noted, the term 'exclusion zone' as used in parts of this report and the attached document has the same meaning as 'restricted area' within the Order.

2.10.1 Summary of individual responses

A number of individuals and organisations wrote to the Council in response to the review of the PSPO, a range of views were expressed, in summary:

- Local respondents were either in favour of the PSPO continuing as it was, felt it should be extended to prohibit additional activities, such as begging, or felt that enforcement of the PSPO was not consistent across the area covered- especially around the market area at the top end of the City – and that calls for support went unanswered.
- Conversely, national organisation Liberty, expressed concern about the use of PSPOs that disproportionately impact the most vulnerable and criminalise poverty. Liberty urges the Council to withdraw its plans to renew the PSPO or, alternatively, to not extend its scope.

Please note, the Council is reviewing the PSPO and is not at the point where the PSPO needs to be renewed.

None of the statutory organisations contacted as part of this review submitted individual written responses.

2.10.2 Summary of online Survey responses

- a) A total of 156 completed online surveys were submitted. Of these 8% were from people living within the area covered by the PSPO and 9% from business or land owners within the PSPO area. 47% of submissions were from people who worked in the area and 58% had either visited the PSPO area or areas on the map provided that were outside of the PSPO area.
- b) 54% of respondents knew that the Council had been enforcing the PSPO since April 2017.

- c) 34% of respondents felt that levels of alcohol related anti-social behaviour had remained the same, with 23% feeling they had decreased.
- d) When asked if they felt safer in the 'exclusion zone' since the enforcement of the PSPO, 50% of respondents stated that they hadn't noticed any difference, with 29% responding 'no' and 13% reporting that they did feel safer.
- e) In summary, those stating they felt safer cited these reasons: visible enforcement officers dealing with people who were drunk, reduced numbers of groups of drinkers, less begging and swearing, feel less threatened by drunk or drugged people.
- f) In summary, those stating they felt less safe since enforcement commenced in April 2017 cited:
- Unruly behaviour by youths outside Broadway Shopping Centre on a weekend,
 - Drug dealers operating in the area
 - Aggressive drunk people and beggars
 - Low footfall in the City Centre at night
 - Poor driving
 - Unavailability of PSPO enforcement officers out of hours
 - Anti-social behaviour including swearing
 - Increase in the number of homeless people
 - Types of shops in the centre – vap, bargain, attempts by some to sell goods on the street.
- g) 83% of respondents stated that they visited the 'exclusion zone' once per week or more in the past six months. Most respondents were there in the afternoons (77%) compared to the evenings (53%).
- h) 37% of respondents stated that they felt very or fairly safe going to areas outside of the PSPO area and 23% stating they felt fairly or very unsafe.
- i) In summary, reasons stated for feeling unsafe outside the PSPO area were:
- Poor and dangerous driving and parking
 - Car hijacking and quad bikes
 - Begging on streets and at major road junctions
 - Poor lighting and dark winter nights
 - Hate crime towards white residents
 - Litter,
 - Witnessing assaults, robbery and vandalism
 - People abusing drugs and dealing drugs, young people smoking cannabis
 - People abusing alcohol
 - Run down buildings
 - Prostitution,

- 'Influx' of people who do not reside in the area and more homeless people
 - Lack of uniform presence.
- j) 57% of respondents were male, and 40% were female. The majority of respondents, 74%, were aged 35-64, with 15% aged 34 and under and 7% aged 67 and over. 8% of respondents identified as being disabled. 82% of respondents were white English, Welsh, Scottish or Northern Irish and 14% identified as BAME.

2.10.3 Summary of Police and Enforcement Officer data and focus group

a) PSPO Council Enforcement - data

Since 1 April 2017, Council authorised officers have asked individuals to surrender alcohol on 446 occasions. Individuals have refused to surrender their alcohol on 4 occasions, 3 of them have been issued with a Fixed Penalty Notice, 1 has been offered alcohol awareness courses, and due to none attendance at the awareness course he also been issued with a Fixed Penalty Notice.

Just over a quarter of those asked to surrender alcohol have been in Centenary Square, with the highest number of interactions occurring across the area covered by the PSPO on Tuesdays and Fridays.

Recorded data shows activity across the breadth of the area protected by the PSPO. It also shows nil interactions on some days for some of the streets – this may indicate that prohibited activities were not taking place on those days in those locations or that those locations were not patrolled on those days. Recently due to staffing resources enforcement officers have been patrolling for four out of the five days from Monday to Friday.

Enforcement officers indicated in the focus group meeting that they did cover all the streets and roads protected by the PSPO but not everyday. There were hotspots that they concentrated on, such as City Park, the new bus stop at Manningham Lane, these changed as the street drinkers moved around the city centre.

There are no recorded interactions with individuals suspected of taking new psychoactive drugs. Enforcement officers explained that they were unable to establish if individuals were intoxicated through the use of alcohol or drugs. In addition they do not have powers to search individuals and any drugs surrendered to them would need to be disposed of by the Police.

The PSPO enforcement officers felt their role in relation to people who might be intoxicated through the use new psychoactive drugs(formerly known as 'Legal Highs') had become unclear when the New Psychoactive Drugs Act 2016 came into force on the 16 May 2016.

PSPO enforcement officers have also called ambulances on several occasions to attend to people in distress in the PSPO area – either through alcohol, drugs or other medical incidents.

Enforcement officers expressed that they felt that on occasion that they needed support from the Police which wasn't always available. They were also unaware of any occasions when Police colleagues had enforced the PSPO in their absence.

The enforcement officers also expressed that they were generally dealing with a 'hard core' of 20 or so street drinkers and felt that their powers were not adequate to deal with the problems they encountered. However they felt that the introduction of the use of Community Protection Warning (CPW) and Community Protection Notices (CPN) would improve their impact in addressing anti-social behaviour across the PSPO area by enabling them to deal more effectively with the 'hard core'. Appendix B provides further information about these provisions.

Officers also expressed that on occasion that members of the public had impeded them in their duties, suggesting that they were targeting vulnerable individuals. In the course of their duties these officers have been spat at and threatened. Conversely they also mentioned that shop owners and others have praised them for the positive impact they've had in the City Centre and surrounding areas.

Officers also expressed that members of the public, and to some extent partner agencies staff, expected them to be able to deal with a wide range of issues that some would consider to constitute anti-social behaviour – such as begging, defecating in public – and were not supportive when they explained their remit and powers. Officers did try to assist where they could but sometimes felt they were left vulnerable and exposed due to their lack of powers.

Of other anti-social behaviour they witnessed whilst on patrol, officers stated that they felt begging, especially in the City Centre and at road crossings, had increased, along with the open smoking of cannabis around the magistrate's court. In addition they also mentioned witnessing an increase in anti-social driving across the PSPO area since they started in their roles.

Please note that these officers have developed 'Bradford Cares' in conjunction with partners. The initiative encourages and enables people to donate to charitable, community and voluntary services that support those people who are rough sleepers, beggars, alcohol or substance misusers or vulnerable in other ways. The initiative is also supported by an App that signposts to those services.

b) Police data

Police recorded alcohol incidents have been falling since March 2014 both in the Bradford District and also within the City Centre.

Since the introduction of the PSPO the number of alcohol related incidents has fallen further. There were 555 alcohol incidents recorded by the Police for the period 1st April 17 – 31st Dec 17. This is a 25% reduction on the same period the previous year. The reduction for the City Centre at 35% is greater than the District as a whole.

There was a decrease of 33% in alcohol related incidents in the City Centre in the 12 months to 31 December 2017 over the previous year.

c) Other anti-social behaviour taking place within the PSPO area recorded by Police

The number of road related offence incidents increased by 14% in Bradford City Centre over the last year. This is higher than the increase of 11% for the District.

Youth related incidents had increased by 92% in the City centre in the 12 months to the 31 December 2017 over the previous year.

2.10.4 Conclusions

Police data shows further falls in calls to alcohol related issues in the area protected by the PSPO since enforcement commenced in April 2017.

However people responding to the online survey who state that they do not feel safer since enforcement commenced have cited incidents that they have witnessed outside the times the PSPO officers patrol the area.

PSPO officers have stated that they feel that the powers under the PSPO have not permanently impacted the behaviour of the hard core of 20 or so drinkers they come across within the PSPO area. They stop the behaviour when they witness it but the individuals concerned start the behaviour again either later in the day, next day or at another location.

Enforcement of the PSPO has not impacted on the behaviour of those taking new psychoactive drugs except in the limited manner described above where an individual also has an open container of alcohol.

Referral of street drinkers to awareness sessions with the intention of signposting them to services has been ineffective.

Both PSPO enforcement officers and those responding to the online survey or submitting comments directly have cited an increase in begging in the City Centre and surrounding areas and anti-social driving. This is also supported by the Police data. A district-wide PSPO to deal with anti-social driving is currently under consideration. The issue of ASB driving raised in this review will be considered as part of that process.

There is some evidence that anti-social behaviour has been displaced to areas outside of this PSPO area – however, four other areas covered by PSPOs – Shipley, Keighley and Bingley town centres and an area in West Bowling – will be benefitting from active enforcement activity in the future.

It is too early to assess the impact of the use of CPNs and CPWs to increase the effectiveness of the PSPO.

It is too early to assess the Bradford Cares initiative in relation to reducing street begging and rough sleeping in the area covered by the PSPO.

3. OTHER CONSIDERATIONS

Public Space Protection Orders

- 3.1 A Public Space Protection Order is an order that identifies the space to which it applies and can make requirements, or prohibitions within the area. This means that the local authority can, require people to do specific things in a particular area or not to do specific things in a particular area. The local authority can grant the prohibitions/requirements where it believes that they are reasonable in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances. The order can apply for a maximum of three years upon which the process of reviews and consultation must be repeated to ensure the issues is still occurring and the order is having the required effect. Thereafter it can be extended for a further three years and, upon the reviews and consultation taking place, can be extended more than once for further periods of three years.
- 3.2 Failure to comply with the order is an offence. Breaches of the order can also be discharged by use of a fixed penalty notice (FPN) £100.00.
- 3.3 Consumption of alcohol, contrary to the terms of any order made, is a separate issue and is not in itself an offence; the offence is committed by failure to comply with a request to surrender the alcohol, from an authorised person.
- 3.4 The Act is not overly prescriptive about the necessary process required for application of these powers. It has therefore been necessary to design a process that is considered to be appropriate and suitably robust.
- 3.5 The recommendation following the consultation period is to seek a Public Space Protection Order with the terms as set out below and for an area, as shown on the plan.

Person(s) within this area will not:

- *Ingest, inhale, inject, smoke or otherwise use intoxicating substances.*

Intoxicating Substances is given the following definition (which includes Alcohol and psychoactive substances: Substances with the capacity to stimulate or depress the central nervous system).

Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.

Persons within this area who breach this prohibition shall: surrender intoxicating substances in his/her possession to an authorised person.

(An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.)

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The cost of enforcing this PSPO and the additional PSPOs is covered by current temporary resources.
- 4.2 Continued enforcement of the PSPO City Centre and surrounding areas along with the additional four PSPOs that protect Shipley, Keighley and Bingley town centres, and an area in West Bowling is dependent on having authorised officers available to undertake this role. Funding for the current provision is temporary and due to end in March 2019.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no risk management or governance issues apparent.

6. LEGAL APPRAISAL

- 6.1 The Anti-Social Behaviour, Crime and Policing Act came into force on 20th October 2014. This Act contains the provisions for the making of a Public Space Protection Order.
- 6.2 Under section 59 local authorities have the power to make Public Space Protection Orders if satisfied on reasonable grounds that two conditions are met?

The first condition is that—

- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 6.3 The second condition is that the effect, or likely effect, of the activities— is, or is likely to be, of a persistent or continuing nature,
- a) is, or is likely to be, such as to make the activities unreasonable, and
 - b) Justifies the restrictions imposed by the notice.

- 6.4 Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect). As with any new legislation of its type, this is untested ground and the legislation will be further defined in years to come by a process of appeals and High Court rulings. Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the new Orders states that "interested persons" may challenge the validity of any order in the High Courts.

This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks; beginning on the day the Order is made or varied. There are three grounds upon which a challenge could be made, these are:

- That the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied)
- That a requirement under this element of the legislation not complied with in relation to the order or variation
- The High Court would have the power to quash, amend or uphold the order.

Section 63 of the Act states

Consumption of alcohol in breach of prohibition in order

(1) This section applies where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require the person;

- a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- b) to surrender anything in persons possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

- a) is asked by the person to show evidence of his or her authorisation, and
- b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Section 67 creates a second offence of failing to comply with order

- (1) It is an offence for a person without reasonable excuse—
- a) to do anything that the person is prohibited from doing by a public spaces protection order, or
 - b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).
- 6.5 The penalty for breaches of a PSPO relate to fixed penalty notices and fines alone, which may lead to significant levels of non-payment. The suite of new powers available however would allow officers to utilise a range of measures for those identified as persistently breaching the order, for example:
- Community Protection Notices could be issued against the individuals
 - An Anti-Social Behaviour Injunction (ASBI) could be sought against individuals, which carries tougher sanctions (and ultimately imprisonment)
 - A Criminal Behaviour Order could be sought. Breach of the PSPO is an offence and upon conviction, individuals could be made subject to a Criminal Behaviour Order. This carries both tougher sanctions, along with the ability to implement positive conditions requiring support for substance misuse issues.
- 6.6 Consideration was also given by officers of the Council and the police as to whether or not to include in the draft PSPO prohibitions lifted from the Council's 1998 Good Rule and Government Byelaws e.g. prohibitions against the use of motor cycles and other vehicles, skateboarding, noise in streets and other public places, touting (selling), fireworks and urinating some of which appear to be supported by evidence from the police. Other prohibitions under consideration are begging, rough sleeping and busking but these issues do not appear to be identified specifically in current Police evidence.
- 6.7 Given the evidence provided to the Council by the police of current levels of ASB and following the consultation in respect of the additional prohibitions it is not recommended the matters referred to in Paragraph 8.6 are included by way of additional prohibitions in the PSPO. The existing Good Rule and Government Byelaws 1998 will continue in force under section 70 of the Act.

- 6.8 The making of a PSPO does not affect existing DCOs or DPPOs.
- 6.9 In October 2017 all the Councils existing DPPOs and DCO's will become PSPOs under section 75 of the Anti-Social Behaviour Crime & Policing Act 2014 and FPNs will then apply to the existing DPPOs. If a PSPO was not pursued now in relation to prohibition of the consumption of alcohol then in October 2017 the current City Centre DPPO's could be reviewed and including the whole of the new City Park . As mentioned above the current DPPO's do not include those parts of the City Park which were part of former public highways.
- 6.10 In order to implement a PSPO the procedure under section 72 of the Act must be followed. Section 72 states

Convention rights, consultation, publicity and notification

- (1) A local authority, in deciding—
- a) whether to make a public spaces protection order (under section 59) and if so what it should include,
 - b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
 - c) whether to vary a public spaces protection order (under section 61) and if so how, or
 - d) whether to discharge a public spaces protection order (under section 61), must have particular regard to the rights of freedom of expression and freedom of assembly set out

In articles 10 and 11 of the Convention.

- (2) In subsection (1) "Convention" has the meaning given by section 21(1) of the Human Rights Act 1998.
- (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—
- a) making a public spaces protection order,
 - b) extending the period for which a public spaces protection order has effect, or
 - c) varying or discharging a public spaces protection order.
- (4) In subsection (3)—
- "the necessary consultation" means consulting with—
- a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;

- b) whatever community representatives the local authority thinks it appropriate to consult;
- c) the owner or occupier of land within the restricted area;

“the necessary publicity” means—

- a) in the case of a proposed order or variation, publishing the text of it;
- b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

- a) the parish council or community council (if any) for the area that includes the restricted area;
- b) in the case of a public spaces protection order made or to be made by a district Council in England, the county council (if any) for the area that includes the restricted area.

(5) The requirement to consult with the owner or occupier of land within the restricted area—

- a) does not apply to land that is owned and occupied by the local authority;
- b) applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.

(6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.

(7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

6.11 Guidance relating to publication of PSPO’s is set out in the Anti-Social Behaviour Crime and Policing Act 2014 (Publication of PSPO’s) Regulations 2014. There is also the July 2014 Home office guidance which will assist in the legal formalities in creating an order.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

7.1.1 We are committed to ensuring that every part of the district and everyone who lives in it is equitably served, and no one feels excluded or is unfairly favoured or disadvantaged. Promoting equality is one of our core principles and is central to all we do.

7.1.2 In 2016 Bradford Council committed to new equality objectives to enhance its work and celebrate the diversity of the district. These objectives do not cover everything the Council does in relation to equalities, but identifies a few areas which the Council feels are most important to progressing our equalities approach. These are also directly embedded into the Council's overarching priorities, which are outlined in its Council Plan (2016-2020).

7.1.3 The objectives are summarised below:

- Community relations – ensure that the people of the district get on well together.
Encouraging and celebrating good community relations and active citizenship
Hate and street crime
- Employment and skills – promote inclusive growth through ensuring those most disadvantaged in the labour market are able to get the skills they need and access good jobs.
Poverty and ethnicity employment and skills programme
Apprenticeship programme
- Organisational equalities culture – the Council is well run, fit for business and is fair and inclusive in its approach.
- Equalities competency and corporate approach
Workforce diversity
Accessible information
- Equality data – our data better provides us with the right insight, evidence and intelligence to make well informed decisions that impact on our communities.
Equality monitoring
Use of the equality data and information

7.1.4 Generally it is understood anti-social behaviour has a disproportionate effect on those most vulnerable in our communities.

7.1.5 Penalties for breaching prohibitions contained within the Public Space Protection Order impacted more on those people most vulnerable to substance and alcohol misuse than on any other identifiable group who use this space.

7.1.6 This impact was mitigated by the decision to waive any FPN where the person deemed to be in breach of the PSPO agreed to and participated in alcohol and substance misuse services. As few people broke the prohibition (by refusing to surrender open receptacles containing alcohol), people were not in breach and therefore were not required to attend these sessions. They were, however, sign-posted to appropriate services. The intention is to continue to sign post individuals in this way.

7.1.7 In future Community Protection Warnings and Community Protection Notices will be issued against people who authorised officers encounter on more than one occasion consuming alcohol away from licensed premises. Whilst these individuals will continue to be sign posted to services, there is also a risk that they may be taken to Court if they breach the conditions set out in the CPW and CPN.

7.2 SUSTAINABILITY IMPLICATIONS

None apparent

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None apparent

7.4 COMMUNITY SAFETY IMPLICATIONS

7.4.1 Anti-social behaviour, including street drinking and harassment can have an adverse impact on town and city centres. Any actions the authority can take to improve community safety outcomes, how safe people feel and consequently the reputation of the city centre will be of benefit to visitors and businesses.

7.5 HUMAN RIGHTS ACT (HRA)

7.4.2 Individuals have rights established under the HRA some of which are absolute and some of which are qualified.

7.4.3 The Council is required under the HRA to balance the rights of those affected by the order, against the rights of the community to enjoy the area proposed to be included in the order without being subject to acts of anti-social behaviour as evidenced by complaints to the police and as prohibited by the draft order.

7.6 TRADE UNION

N/A

7.7 WARD IMPLICATIONS

7.1.1 The boundary of the PSPO covers parts of Manningham and City wards.

7.1.2 All Elected Members were contacted and invited to provide their comments about the use and impact of the PSPO

7.9 IMPLICATIONS FOR CORPORATE PARENTING

There are no implications for our Corporate Parenting Duty.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

The report considers the operation of an existing policy. Management of personal data collected as part of the enforcement of the PSPO complies with the Council's current Council Data Protection and Data Retention policies.

8. NOT FOR PUBLICATION DOCUMENTS

There are no documents that are not for publication.

9. OPTIONS

- 9.1 This report provides a review of the effectiveness of the PSPO Bradford City Centre and surrounding areas 2016.
- 9.2 In light of the evidence presented, the Council has the option to retain the PSPO City centre and surrounding areas 2016 as it is, extend or reduce its boundary or increase or reduce the activities prohibited under the PSPO

10. RECOMMENDATIONS

That the Committee resolves:

- 10.1 There are no changes to the current PSPO City centre and surrounding areas 2016.
- 10.2 That consideration be given by the Strategic Director of Place to:
- (i) increasing the number of officers patrolling this and the other areas protected by PSPOs.
 - (ii) enforcing the PSPO during evenings and weekends.
- 10.3 That referral to alcohol awareness sessions is discontinued. However signposting to drug and alcohol services will continue.
- 10.4 The impact of the use of CPNs and CPWs in conjunction with the PSPOs is monitored.
- 10.5 The impact of Bradford Cares is monitored.
- 10.6 A further review of the effectiveness of the PSPO is undertaken in 12 months time and prior to September 2019, with particular regard to the impact of the use of CPNs and CPWs and Bradford Cares, when the Council will be required to consider its renewal.

11. APPENDICES

- 11.1 Appendix A – Consultation documents, including the PSPO and map of the exclusion zone (known as the 'restricted area') agreed by Regulatory and Appeals Committee 29 September 2016, and T & A article dated 10 May 2016.
- 11.2 Appendix B - Community Protection Warnings and Community Protection Notices

12. BACKGROUND DOCUMENTS

- 12.1 Consultation Survey Data and individual responses
- 12.2 Police and WISE data collected by the PSPO enforcement officers
- 12.3 Notes of focus group meeting with Safer and Stronger Communities Project Officers
23 March 2018
- 12.4 Doc 'Z' to Regulatory and Appeals Committee 29 September 2016
- 12.5 Document 'AS' to Regulatory and Appeals Committee 17 February 2016
- 12.6 Minute 90 of Regulatory and Appeals Committee 17 February 2016

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Review of Public Space Protection Order (PSPO) Bradford City Centre and surrounding area 2016

Appendix A - Consultation documents, including the PSPO and map of the exclusion zone agreed by Regulatory and Appeals Committee 29 September 2016, list of those directly contacted regarding the PSPO Consultation and T & A article dated 14 February 2018 .

Survey questions



Review consultation on the Public Spaces Protection Order (PSPO) Bradford City Centre and surrounding areas Order 2016

The Council introduced a new PSPO in September 2016 and we would appreciate your comments on how effective it has been

The Council and Police have been enforcing the Public Spaces Protection Order (PSPO) for Bradford City Centre and surrounding area since April 2017. The Order, aimed at reducing anti-social behaviour caused through the drinking of alcohol or the use of new psychoactive substances (previously known as legal highs), was approved for implementation by the Council's Regulatory and Appeals Committee in September 2016.

The Order, in force for a period of three years, is being reviewed to find out if people believe the PSPO:

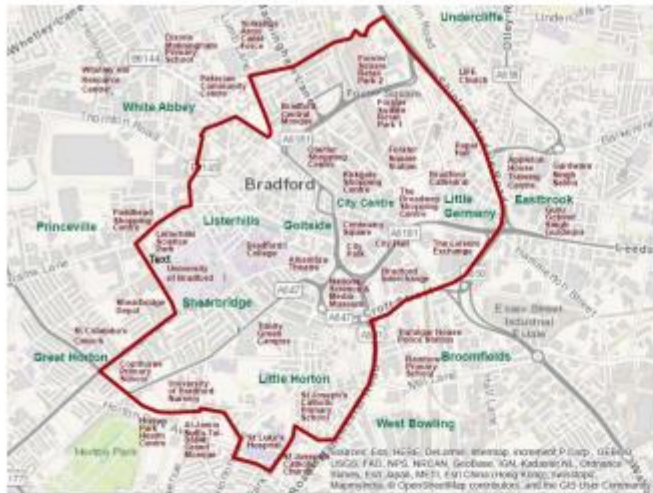
- * is effective in reducing anti-social behaviour
- * requires changing to improve its effectiveness

Please let us know what you think by completing and submitting this online survey.

Please click 'Next' to continue

In April 2017 the Council started to enforce a Public Spaces Protection Order (PSPO) which prohibits the consumption of alcohol in the exclusion zone

*The exclusion zone is the area **within** the red border*



Q1 Please confirm (*Please tick all that apply*)

- I live within the exclusion zone (the area within the red line) shown on the map
- I live outside the exclusion zone (the area outside the red line) shown on the map
- I work within the exclusion zone (the area within the red line) shown on the map
- I have visited the exclusion zone (the area outside the red line) shown on the map **within the last 6 months**
- I am an owner of a business inside the red line shown on the map
- I own land inside the red line shown on the map
- I do not live or work in Bradford

Q2 Are you aware the Council started enforcing this PSPO in April 2017?

- Yes
- No
- Not sure

Q3 Within the exclusion zone (area within the red line shown on the map), in your opinion do you think the levels of alcohol related antisocial behaviour have

- Reduced
- Increased
- Remained the same
- Don't know / not sure

Q4 Since the enforcement of the PSPO started in April 2017 have you felt safer when in the exclusion zone shown on the map?

- Yes
- No
- I have not noticed any difference
- Not sure / Don't know
- I haven't visited the exclusion zone since April 2017

Q4a Please explain why you feel safer in the exclusion zone since the PSPO was enforced in April 2017

Q4b Please explain why you feel less safe in the exclusion zone since the PSPO was enforced in April 2017

Visiting the exclusion zone



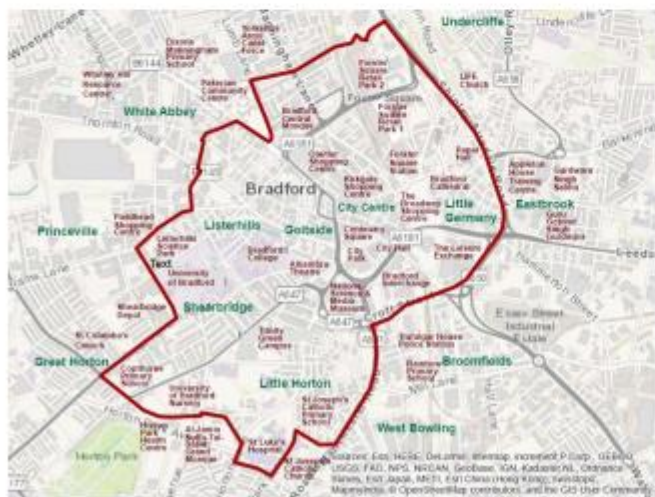
Q5 Since April 2017 how regularly have you visited the exclusion zone (area within the red line shown on the map) shown on the map?

- Every day
- More than twice a week
- At least once a week
- About once a month
- Once within the last six months
- I have not visited the exclusion zone since April 2017
- Don't know / cannot remember

Q6 Since April 2017 what time(s) of day have you visited the exclusion zone? *(Please tick all that apply)*

	Morning	Afternoon	Evening	I don't visit
Monday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tuesday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thursday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Friday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Saturday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sunday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other areas of Bradford



Q7 Since April 2017 how safe do you feel when going to areas of Bradford **outside** the exclusion zone? *(The area outside the red boundary)*

- Very safe
- Fairly safe
- Neither safe nor unsafe
- Fairly unsafe
- Very unsafe
- Don't know / unsure
- I never go to areas outside the exclusion zone

Q8 Please give as many details about where outside the exclusion zone (the area outside the red line on the map) you feel unsafe mentioning when and why

About you

To assist us with the analysing the results of this survey it would be appreciated if you could answer the following questions.
All information will be considered strictly confidential

Q9 Which of the following options best describes your gender identity?

- Male
- Female
- Other
- Prefer not to say

Q10 Please state your age category

- 18 - 24
- 25 - 34
- 35 - 44
- 45 - 54
- 55 - 64
- 65 - 74
- 75+
- Prefer not to say

Q11 Do you consider yourself to be disabled?

- Yes
- No

Q12 Which of the following options best describes your race, ethnic or cultural origin?

- White English/Welsh/Scottish/Northern Irish/British
- White Irish
- White Gypsy or Irish Traveller
- Any other white background
- Asian / Asian British Indian
- Asian / Asian British Pakistani
- Asian / Asian British Bangladeshi
- Asian / Asian British Chinese
- Any other Asian background
- Mixed white and black Caribbean
- Mixed white and black African
- Mixed white and Asian
- Any other mixed ethnic background
- African
- Caribbean
- Any other black / African / Caribbean background

Please state:

Please state:

Please state:

Please state:

Q13 Please enter your postcode to allow us to make sure we receive a good geographical coverage (eg BD1 1NN)

Thank you for completing this survey

Thank you for your enquiry but based on your response this survey is not relevant to you

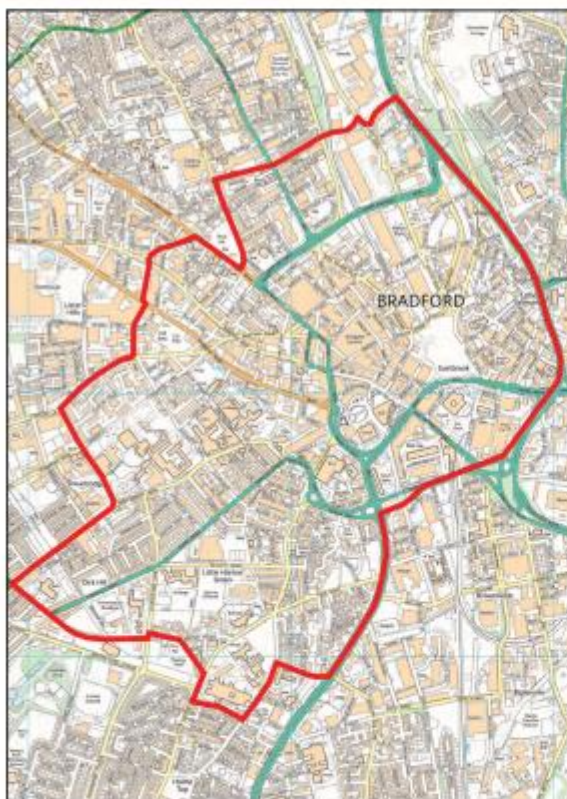
Please click the 'Submit' button to forward your responses

From the 1st December 2016

The City of Bradford Metropolitan District Councils **Public Space Protection Order No 1/2016** prohibits the consumption or use within the restricted area (exclusion zone) of:

Alcohol and Legal Highs

A person must not without reasonable excuse consume or intend to consume alcohol in the restricted area (see the area on the map below edged in red) or ingest, inhale, smoke or otherwise use 'legal highs'.



If a Police Constable, authorised Police Community Support Officer or authorised Council Officer reasonably believes a person is consuming or intends to consume alcohol and having informed the person that it is an offence the officer may ask them to stop and or surrender the alcohol and the officer may later dispose of it.

The authorised officer may also issue a fixed penalty notice of £100 which if unpaid may lead to prosecution in the Magistrates Court and upon conviction to a fine of up to £500 or £1000 (alcohol-related offences or use of legal highs respectively).



City of Bradford MDC
www.bradford.gov.uk

Telegraph and Argus article 14th February 2018

Public asked for views on yobs crackdown in Bradford city centre

Jo Winrow JoW_TandA T&A Reporter

Show caption

Is Bradford's street drinking ban in the city centre working?

PEOPLE are being asked whether a city centre ban dealing with street drinkers and drug-takers causing a nuisance is working.

Bradford Council and West Yorkshire Police have been enforcing a Public Spaces Protection Order for the city centre and surrounding area for the last 10 months.

It aims to reduce anti-social behaviour caused by people drinking alcohol or using so-called legal highs, giving the police, police community support officers and the council's anti-social behaviour officers added powers to intervene.

Anyone caught can be issued a fixed penalty notice of £100 if they refuse to co-operate. It can lead to up to a £2,000 fine if the matter ends up in court.

The latest figures show that between April and November, alcohol was confiscated 285 times in Bradford when drinkers were approached by officers.

Now the council wants to assess how effective the order has been and whether any changes should be made, so is asking people to have their say.

The consultation will look at whether the order is helping to reduce anti-social behaviour; whether the area protected by the order should be altered; if other types of anti-social behaviour are causing problems in the city centre; and whether other types of anti-social behaviour should also be banned.

The order applies to a large part of central Bradford, from Little Germany in the east, the University of Bradford in the west, Forster Square retail park in the north and Hawkshead Estate in the south.

The rules apply within all public spaces although people are still allowed to drink in outdoor seating areas for premises with an alcohol licence.

Traders have often complained about problem drinkers and drug-users blighting areas of the city centre, such as City Park.

Val Summerscales, secretary of the Bradford and District Chamber of Trade, said she would welcome any changes to toughen up the order if the feedback showed it was necessary.

"Anti-social behaviour in the city centre does nothing for daytime or night time trade. Businesses don't want their customers to feel vulnerable or unsafe," she added.

Councillor Abdul Jabar, the council's executive member for neighbourhoods and community safety, said: "We would encourage anyone who visits or works in the city centre to take part in the consultation so that we can work together to make Bradford city centre the best that it can be."

To take part in the short online survey, visit surveys.bradford.gov.uk The closing date is Friday, March 23, 2018.

Those directly contacted about the PSPO review consultation

Police and Crime Commissioner
Bradford Divisional Commander
City Centre businesses
University of Bradford
Bradford College
St Luke's Hospital
Little Germany Action Ltd
Bradford Trident
Ward Councillors across Bradford District
Members of Safer and Stronger Communities Partnership Board
Bradford Chamber of Trade
Bradford and District Chamber of Commerce
Bradford University Students Union
Bradford College Students Union
Horton Housing Association
Manningham Housing Association
Bridge Project
Substance Misuse Commissioner
Youth Offending Team
National Rail
West Yorkshire Metro
Peace Museum
National Science and Media Museum
Impressions Gallery

Review of Public Space Protection Order (PSPO) Bradford City Centre and surrounding area 2016

Appendix B Community Protection Warning and Community Protection Notice

THE COMMUNITY PROTECTION NOTICE

This tool replaced the old Litter Clearing notice, Street Litter Control notice, and Defacement Removal Notices, but has much greater breadth and potential.

The great advantage of this form of notice is that it is designed to be a broad ranging tool. In effect, it comes close to allowing officers to create instant targeted byelaws to protect against nuisance behaviour (by writing and issuing a Warning, followed by the CPN). For ease of reference we refer to the Warning as a “CPW”.

Grounds

Anti-Social Behaviour, Crime and Policing Act 2014 (Section 43) –

An authorised person may issue a community protection notice to an individual aged 16 or over, (unlike the injunction or CBO) or a body, if satisfied on reasonable grounds that

the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality; and

the conduct is unreasonable.

“Conduct” includes a failure to act – SECTION 57.

They can only be issued if the offender has been given a written warning that the notice will be issued if their conduct doesn’t change and that they have been given enough time to have reasonably made those changes, and yet have chosen not to do so.

It should be noted that there is no specified duration for a CPW. If officers wish to add an element of certainty, they may specify a duration at point of issue.

A person issued with a community protection notice who fails to comply with it commits an offence. FPN (£100) is available, as are default works, court ordered works and seizure and forfeiture.

Formal Steps

Step 1 – Warning notice

Step 2 – CPN

Step 3 – FPN / prosecution / default action / order to comply / seizure

The only requirements that may be imposed are ones that are reasonable to impose in order:

- to prevent the detrimental effect from continuing or recurring, or

- to reduce that detrimental effect or to reduce the risk of its continuance or recurrence.

There is a right of appeal to the Magistrates' Court both for the CPN and any subsequent default notice (appeal must be made within 21 days of issue) – however, any restrictive requirements imposed remain in force pending appeal.

Penalties

Breach (defence of all reasonable steps or reasonable excuse (section 48)) is a criminal offence with a maximum penalty of a £2,500 fine for individuals or unlimited fine in the case of bodies. FPN of £100 is available.