

## Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 13 September 2018 at 10.00 am in the Banqueting Hall, City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Cooke	Warburton Amran Wainwright Watson	Griffiths

### Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis M Pollard	Azam Godwin S Hussain Lal	R Ahmed

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 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.

### From:

Parveen Akhtar  
City Solicitor  
Agenda Contact: Sheila Farnhill  
Phone: 01274 432268  
E-Mail: sheila.farnhill@bradford.gov.uk

### To:

## **A. PROCEDURAL ITEMS**

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

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

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

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

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

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

*Notes:*

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

### **3. MINUTES**

**Recommended –**

**That the minutes of the meetings held on 5 April 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. **MEMBERSHIP OF SUB-COMMITTEES**

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

(Sheila Farnhill – 01274 432268)

#### 6. **BRITANNIA MILLS, PORTLAND STREET, BRADFORD** **Little Horton**

1 - 22

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “V”**) in relation to a full application for the construction of a new sixth form college with associated changes to site access (vehicular and pedestrian), provision of car parking, associated landscaping and engineering works at Britannia Mills, Portland Street, Bradford – 18/02214/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)

7. **THE HARE AND HOUNDS, 47 BRADFORD ROAD, MENSTON  
Wharfedale**

23 - 42

The Assistant Director - Planning, Transportation and Highways will submit a report (**Document “W”**) in relation to a full application for the demolition of a public house and the creation of specialist accommodation comprising apartments with care, communal facilities, parking and associated private amenity space for persons aged 60 and over at the Hare and Hounds, 47 Bradford Road, Menston – 18/01556/MAF.

**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 City Solicitor, in respect of**

**Occupancy of the apartments being restricted to a C2 use for people over the age of 60 only,**

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

(John Eyles – 01274 434380)



## Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 13 September 2018

# V

---

### **Subject:**

This is a full application relating to the construction of a new sixth form college with associated changes to site access (vehicular and pedestrian), provision of car parking, associated landscaping and engineering works at Britannia Mills, Portland Street, Bradford.

### **Summary statement:**

The proposal relates to the construction of a new post 16 college building. The building will have a raised floor level such that the ground floor will be at the same height as Nelson Street with undercroft parking below. The building will mainly be 5 storeys in height with the section of the building containing the sports hall at a slightly lower level. Vehicular access to the site will be taken from Portland Place, an existing access located in the north western corner of the site. The design of the building has taken into account the site's location within a defined flood zone and by raising the height of the accommodation it will alleviate any concerns should the site flood and this is considered acceptable by the Environment Agency.

The scheme will provide a much needed post 16 college for which there is a general shortage within the Bradford District, particularly in the inner city. The design of the building is considered to be acceptable as is the proposed means of access. Whilst the adopted City Centre Action Plan does identify the site for recreational purposes (swimming pool), an alternative site for the swimming pool has been found off Huddersfield Road and a new pool is currently under construction.

It is considered that the need for additional post 16 education accommodation in this location is sufficient justification to support the proposal bearing in mind the site's allocation within the City Centre Area Action plan.

---

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

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

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

## **1. SUMMARY**

This is a full application relating to the construction of a new sixth form college with associated changes to site access (vehicular and pedestrian), provision of car parking, associated landscaping and engineering works at Britannia Mills, Portland Street, Bradford.

The impact of the proposal has been assessed against its location and allocation within the City Centre Area Action Plan, residential and visual amenity, and, highway safety and it is considered to be acceptable subject to the imposition of appropriate conditions as highlighted in the main body of the report included within Appendix 1.

## **2. BACKGROUND**

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

## **3. OTHER CONSIDERATIONS**

All considerations material to the determination of this planning application are as set out in Appendix 1.

## **4. FINANCIAL & RESOURCE APPRAISAL**

The presentation of the proposal is subject to normal budgetary constraints.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

No implications.

## **6. LEGAL APPRAISAL**

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

## **7. OTHER IMPLICATIONS**

### **7.1 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.

## **7.2 SUSTAINABILITY IMPLICATIONS**

No significant issues raised. The site is located within a very sustainable location in that it is located within walking distance of the Interchange which will encourage the use of alternative modes of transport to access the development.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

A condition is recommended requiring the inclusion of electric vehicle charging points, in accordance with the Council’s Low Emissions Strategy.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

There are no community safety implications associated with the development.

## **7.5 HUMAN RIGHTS ACT**

Article 6 - 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.

## **7.6 TRADE UNION**

None.

## **7.7 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.

## **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

None.

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None.

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT**

None.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None.

## **9. OPTIONS**

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

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

## **10. RECOMMENDATIONS**

The application is recommended for approval, subject to the conditions included with Appendix 1.

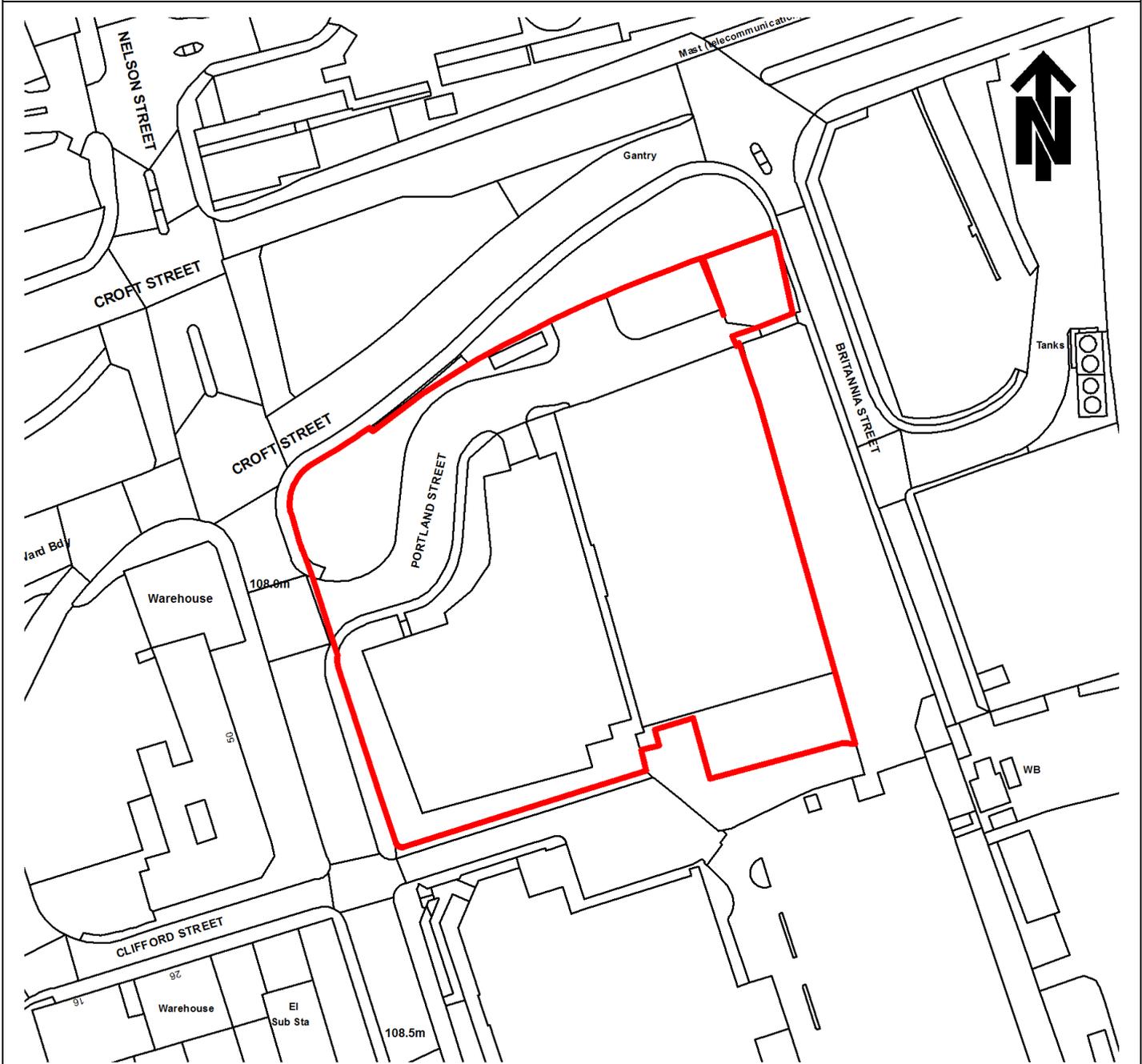
## **11. APPENDICES**

Appendix 1 Technical Report.

## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy  
Replacement Unitary Development Plan

18/02214/MAF



1:1,250

© Crown copyright and database rights 2017 Ordnance Survey 0100019304

**Britannia Mills**  
**Portland Street**  
**Bradford BD5 0DW**

13<sup>th</sup> September 2018

**Ward: Little Horton**  
**Recommendation:**  
**GRANT PLANNING PERMISSION**

**Application Number:**  
18/02214/MAF

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

This is a full application relating to the construction of new sixth form college with associated changes to site access (vehicular and pedestrian), provision of car parking, associated landscaping and engineering works at Britannia Mills, Portland Street, Bradford.

**Applicant:**  
BAM

**Agent:**  
Katie Purdam (Turley)

**Site Description:**

The site is located to the south east the junction of Croft Street and Nelson Street. The eastern section of the site was formerly occupied by a mill building which was demolished quite recently. The western section of the site was used as a car park. Building work is currently being undertaken on the site to construct a replacement culvert as well as lowering the land levels over part of the site.

The site is in a mixed use area with offices located to the further north of the site, a mix of plumber's merchants/gymnasium/storage to the west, police station to the south and a car park to the east. The site is at a lower level than Nelson Street. Access to the site is currently taken from Portland Street in the north western corner of the site.

**Relevant Site History:**

Planning permission was granted on the 24<sup>th</sup> July 2018 under reference 18/02394/FUL for the re-profiling of the site to provide a level piling platform and replacement of existing culvert with associated works prior to construction of New College Bradford (subject to separate application reference 18/02214/MAF)

**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 not allocated for any specific land-use in the RUDP. Within the adopted City Centre Action Plan the site is allocated as site SG/1.2 and has been identified as a proposed leisure complex. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

N/A

**Core Strategy Policies:**

SC5 Location of Development  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
EN2 Biodiversity and Geodiversity  
EN5 Trees and Landscape  
EN7 Flood Risk  
EN8 Environmental Protection Policy  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places

**Parish Council:**

Not applicable in this instance

**Publicity and Number of Representations:**

The application was initially publicised by press notice, site notice and neighbour notification letters. Additional plans have subsequently been submitted which have required the application to be readvertised and this was through site notices. The expiry date for the second publicity exercise was the 3<sup>rd</sup> September 2018.

At the time of writing the report, 1 representation has been received commenting on the proposal. Members will be verbally updated at the Committee meeting with regard to any further representations received.

**Summary of Representations Received:**

- Concerns as to how the additional pedestrian and vehicular movements will impact on the operational effectiveness of the Police Station

- Egress via Clifford Street could become a waiting area at pick-up and drop-off times, significantly increasing the risk of obstruction to emergency response vehicles
- As Clifford Street is the first road junction after passing through the Croft Street intersection there is a realistic danger of this junction becoming a turning area which again could lead to congestion around the only exit route for the Police Station

**Consultations:**

Environment Agency Planning Liaison – No objection to the principle of the development. The site is located within both Flood Zones 2 and 3 (the medium and high probability zones). The application should pass the Sequential and Exception Tests and be supported by a site-specific flood risk assessment. It is noted that the Flood Risk Assessment submitted with the application identifies a finished floor level of 108.6mAOD which is above the stated 1 in 100 plus 30% climate change level of 107.183mAOD

Rights Of Way – No objection to the principle of the development as there are no recorded public rights of way within or adjacent to the site. However, there are areas of adopted and unadopted highway within the site area which will need to be formally closed to allow the proposal to take place and this has been acknowledged by the applicant.

Drainage – No objection subject to the imposition of appropriate conditions

Highways Development Control – No objection to the proposal

West Yorkshire Police – No objection to the principle of the proposal but comments made on specific aspects of the development including boundary treatments, access, external lighting and CCTV, undercroft parking/cycle storage, access control, ICT rooms, and, doors and windows

Yorkshire Water Land Use Planning – No objection to the proposal subject to the imposition of appropriate conditions

Education – No objection to the proposal as the new Post 16 school will be offering a wider curriculum choice fitting with the Council's post 16 review and strategy of having fewer but higher quality post 16 providers

**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. Biodiversity
9. Contaminated land

**Appraisal:**

The proposal relates to the construction of a new college. The building will be 5 storeys in height with undercroft parking incorporated in the design. The ground floor of the college will be at the same level as Nelson Street. Vehicular access to the site will be taken from Portland Street which will serve both the outdoor and undercroft parking.

1. Principle of development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways and these include identifying and co-ordinating the provision of infrastructure (economic objective) and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (social objective).

Paragraph 11 of the National Planning Policy Framework states that development proposals should be determined in accordance with an up-to-date development plan without delay.

Within the adopted City Centre Area Action Plan (adopted in December 2017) the site is identified as being located within the Southern Gateway and is allocated as site SG/1.2 and has been identified as a proposed leisure complex. Within the supporting text to the allocation it is suggested that the site is appropriate for tall buildings provided that they are of high quality and distinctive in terms of their massing, appearance and materials, and, that the buildings should positively address the surrounding streets in terms of layout, scale and appearance including a strong corner feature at the junction of Croft Street/Nelson Street. It also identifies that the site is located within Flood Zone 3b.

The site is no longer required for a swimming pool as part of the Council's wider leisure strategy in that planning permission was granted for a new swimming pool on the Sedbergh Playing Fields off Huddersfield Road under reference 17/00352/REG. This new swimming pool is currently under construction.

As such, therefore, an alternative use needs to be found for the site but the development principles contained within the allocation description as highlighted above are still relevant and will be addressed in the later paragraphs of this report.

The site is a brownfield site and is in a very sustainable location. This form of development does exist in the area with the recently opened Rainbow Primary School further to the south along Nelson Street. There is also a lack of post 16 school/college places throughout Bradford and particularly within the city centre area. As such, whilst acknowledging the allocation contained within the City Centre Area Action Plan it is considered that the principle of the development is considered acceptable subject to detailed consideration in the following sections of this report.

## 2. Visual amenity

The National Planning Policy Framework states in paragraph 124 that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

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.

The site is located in an area where there is a mix of buildings in terms of not only their design but also the materials used and the height. To the north west of the site is the Jacobs Well Offices which, whilst they are proposed to be demolished in the near future are a mix of 6 and 8 storeys in height, whilst to the north is a modern office block that is 5 storeys in height. To the west of the site is an older stone building is a mix of 3 and 4 storeys in height whilst to the immediate south of the site is the modern Police Station which is 4 storeys in height. These buildings accept the principle of tall buildings within the locality and are not visually prominent on the streetscene.

Whilst the application site is set at a lower level than the adjacent Nelson Street it is proposed to have the ground floor at the same level as Nelson Street with undercroft parking underneath the building. The building will be mainly 5 storeys in height with a slightly lower element comprising the sports hall. The design of the building incorporates a flat roof which is fairly alien to the immediate streetscene although a flat roofed building does exist to the north west of the site in the form of Jacobs Well which is significantly higher at 8 storeys.

The neighbouring buildings in the vicinity of the site include an older stone built building to the west whilst to the south is the more modern Police Station. To the further north of the site are modern office buildings.

In the locality there is no identified architectural style and the differing styles that do exist add character to the area. The City Centre Action Plan does support tall buildings provided that they are of high quality and distinctive in terms of their massing, appearance and materials, and, that the buildings should positively address the surrounding streets in terms of layout, scale and appearance including a strong corner feature at the junction of Croft Street/Nelson Street. It is considered that the building is distinctive in its design and does provide a strong development in its location.

Overall therefore it is considered that the proposed development will have a positive impact on the visual character and appearance of both the streetscene and 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.

There are currently no residential properties adjacent to the site. However within the adopted City Centre Area Action Plan the site to the west of the application site, which is currently occupied by, amongst other uses a bathroom show room and plumbers merchants, has been identified as a possible development site for residential and associated uses, such as convenience retail floor space/healthcare. It is suggested that a minimum of 200 residential units should be provided within the site. As there are no definite proposals at present for the site the relationship of the proposed school to the existing uses should be considered, not a potential use.

As such therefore there is no objection to the proposal on the grounds of residential amenity.

#### 4. Highway safety

Paragraph 102 states transport issues should be considered from the earliest stages of development proposals such that, amongst other things, the potential impacts of development on transport networks can be addressed, and, opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It goes on to state in paragraph 110 that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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.

Portland Street is located towards the north western corner of the site and is an existing access that currently serves the site. It is intended to utilise this vehicular access to serve the proposed college and will lead to the parking and servicing areas within the site. It is intended to provide a gate across the access that will be open during the opening hours of the college. It is also proposed to incorporate an island at the junction of Portland Street and Nelson Street which will prevent vehicles turning right out of Portland Street in close proximity to the traffic lighted junction. A new pedestrian footpath will be created from Croft Street that runs through the existing landscaped area at the junction of Nelson Street and Croft Street.

As part of the publicity exercise comments have been received from the Police Station who, whilst not objecting to the principle of the development, have expressed concern regarding how the proposal will impact on the operational aspects with particular reference to the exiting of emergency vehicles. At dropping off and picking up times there is the potential for parents to park outside the college or use Clifford Street as an area to wait.

Clifford Street is an unadopted highway and as such the Council is not responsible for its maintenance and this would be down to those properties taking access off it. The Council do not promote the use of double red lines to manage on-street parking and in this case there is no intention of doing so as a Traffic Regulation Order already exists on the road. The existing Traffic Regulation Order on Clifford Street is "No Loading & No Waiting at any time" and therefore no vehicles should stop there for any reason whatsoever and enforcement action can be taken by the Council's traffic wardens if they do. If "Access Only" signs were promoted at the entrance to Clifford Street this would then be the responsibility of the Police to enforce and not the Council. If cars park on Clifford Street in its current form the Police can always ask the drivers to move on if they are blocking the road as they will be illegally parked.

The Highways Department are satisfied with the access arrangements and the level of parking proposed subject to the gates at the site entrance on Portland Street being set back a minimum of 15 metres from the footway which will allow any vehicles visiting the site to pull clear of Nelson Street whilst waiting to enter the site should the gates be closed. The Applicant has suggested that these gates will remain open during the opening hours of the college but a planning condition cannot be used to control this as it would be impossible to monitor it as it would require monitoring whilst ever the college is open.

The Rights of Way Officer has confirmed that there are no rights of way issues associated with the development.

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

## 5. Drainage

Paragraph 163 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Policy EN7 of the Core Strategy states that the Council will manage flood risk proactively 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.

The Environment Agency have stated that the site lies within Flood Zones 2 and 3, the medium and high probability zones. As such it is necessary for the proposal to pass the Sequential and Exception Tests and to be supported by a site-specific flood risk assessment which can demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

A Sequential Test and Exception Test have been submitted by the Applicant together with a Flood Risk Assessment and this has been considered by the Environment Agency and they have not raised an objection to the proposal. It is noted that the Flood Risk Assessment identifies a finished floor level of 108.6 metres AOD which is above the stated 1 in 100 plus 30% climate change level of 107.183 metres AOD.

In relation to the disposal of both foul sewage and surface water it is proposed to connect to the mains sewer. No objections have been raised to these proposals subject to the imposition of appropriate conditions.

Yorkshire Water have confirmed that there is a public combined sewer of a 225mm diameter upsizing to 600mm that is recorded to cross the site and will need diverting. A proposal to alter or divert the sewer will need to be considered by Yorkshire Water under Section 185 Water Industry Act 1991. An appropriate condition relating to this diversion is recommended.

A culvert crosses the site in a north to south direction and was in a poor state of repair and in the need of rebuilding. Planning permission was granted under reference 18/02394/MAF for the rebuilding of the culvert and this work is currently taking place on the site.

Overall taking into account the comments outlined above there are no objections to the proposal with regards to flooding or the drainage of the site.

## 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 trees running along the northern boundary of the site and adjacent to the eastern boundary. The siting of the building is such that it is of a sufficient distance away from the trees that they will not be affected and will be retained as part of the proposal. The retention of the trees will provide a landscaped screen to the site when viewed from both the north and east.

As such therefore there is no objection to the proposal with regards to the impact on the trees.

## 7. Secured by Design

Paragraph 91 of the National Planning Policy Framework states that Planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

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.

West Yorkshire Police have not objected to the principle of the development but have made comments on specific aspects of the development and these are as follows:

**Boundary treatments:** The proposed boundary treatments and heights are considered to be acceptable. The front entrance gates which lead into the site on Portland Street will be manually operating gates which will be open throughout the day and locked on an evening. The gates should be to the same height and standards as the fencing

**Access from Britannia Street:** Britannia Street will not be closed as the existing business on Clifford Street uses the route as a means of fire escape. A 2.4 metre high fence will be incorporated along the Britannia Street boundary and this is considered to be acceptable. There is also low level lighting along this elevation of the building which will increase surveillance within this area.

**External Lighting and CCTV:** It is recommended that the external car park on Portland Street has a minimum lux level of 25 which will improve visibility. It is also recommended that monitored CCTV is installed that covers the access routes into the site, vehicle access control barrier, access doors within the building including the undercroft car park and steps which lead into the building, the outer car park area and the east elevation where the public footpath is located. Lighting should work in unison with the CCTV and provide good quality evidential images which are worthy for identification purposes – *these issues are outside of the control of the planning system and it is up to the occupier of the college building whether to adhere to these recommendations*

**Undercroft parking/cycle storage:** The undercroft parking area will be secured by either an automated shutter or garage door which has some form of access control such as swipe card/key fob access. Access control measures should also be applied on the doors which lead from the stairs in the undercroft into the main building

**The cycle storage area:** As this has gated access from the visitor car park, this should also include access control measures on the door as noted above.

**Access Control:** Access control measures as described above within the undercroft access, should be applied to the vehicle entrance barrier and the main entrances which lead into the building. There should also be an external intercom system located by the vehicle access barrier and one by the main visitor entrance door which is DDA (Disability Discrimination Act) compliant, vandal resistant and includes both CCTV covering the location in addition to communication between the visitor and reception in addition to push button release – *this issue is outside of the control of the planning system and it is up to the operator of the college building whether to adhere to these recommendations*

**ICT rooms:** A number of schools have suffered crimes where laptops, tablets, projectors are desirable items. Reception/offices have also been a target where petty cash or money can be stolen. From looking at the floor plans if there are any ICT rooms which are deemed accessible (which is any height up to 2 metres) it would be prudent to move these ICT rooms to upper floors – *the internal layout of the building is outside the control of the planning system and it is up to the operator of the college building where the rooms are located*

Doors and window: These should achieve Secured by Design standards – *the types of doors and windows installed in the building is outside the control of the planning system and it is up to the operator of the college to determine which standard of doors/windows are installed*

Intruder alarm: It is recommended that a monitored intruder alarm is installed which includes door sensors which are fitted to external access doors and the ground floor windows of the two ICT rooms and general office which will provide additional security should there be any attempts of entry – *the installation of an intruder alarm is outside the control of the planning system and it is up to the operator of the college to determine whether one is installed*

## 8. Biodiversity

Paragraph 175 of the National Planning Policy Framework states that when determining planning applications, Local Planning Authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

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.

A Preliminary Ecological Appraisal has been submitted with the application which concluded that none of the habitats that occur within the survey area were considered to have high ecological importance on an international, national, regional or county scale. The habitats on site are of site significance only. The site is not considered suitable for roosting bats, Great Crested Newts, otter, water vole, Hazel Dormice reptiles or badger. However it did identify that there are suitable features within the area to be affected by the proposed development which may provide foraging, breeding habitat for birds and bats. In particular this includes foraging bats (the trees and scrub provide suitable foraging and commuting habitat) and birds (the areas of scrub and trees provide suitable nesting habitat for breeding birds during the breeding season).

The report recommends that any vegetation clearance work should be undertaken outside the bird-nesting season which is generally regarded to extend between March and August inclusive.

Based on the findings of the Ecological Appraisal there are no objections to the proposal.

## 9. Contaminated land

Paragraph 178 of the National Planning Policy Framework states that decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and  
c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 179 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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.

Geosphere Environmental Phase 1 and 2 Reports have been submitted with the application. The reports state that the asbestos identifications were considered to be 'typical of a brownfield site with historical uses that would have included asbestos to varying degrees within their building fabric'. The report also states that 'the potential for significant concentrations of fibres to be released during construction is considered to be low subject to appropriate dust controls being employed during the works'. Asbestos quantification testing indicated levels lower than the hazardous waste threshold except for the area where a former chimney base was understood to be located. The report recommends that this area of ground be removed from the site and also that the stockpiled material was also subject to asbestos quantification.

The primary controlled waters receptor was considered to be the surface water i.e. the on-site culverted watercourse. Six samples of groundwater were analysed and the report states that "the exceedances recorded for ammonia, sulphate, copper, lead and zinc were considered to represent marginal exceedances with the identified concentrations likely to represent typical background concentrations of determinants, rather than a specific sources of on-site contamination". It was concluded that "the risk to controlled waters is assessed as low and therefore there is no requirement for further action in terms of risk to controlled waters".

The ground gas risk assessment observes that "the calculated Hazardous Gas Flow Rates (Qhg) are considered reflective of a conservative assessment of Gas Screening Values (GSV) with generally very low to negligible flow rates and low concentrations of carbon dioxide and methane recorded". It also notes that the building footprint is not planned to cover the area where the elevated flow was observed and that the inclusion of a ventilated undercroft parking area within the structure also provide passive ventilation if necessary. It is concluded that there is very low risk in relation to ground gas and recommends that no gas protection will be required in the development. Environmental Health concurs with this conclusion.

The remediation strategy identifies the main contaminant of concern to be asbestos fibres which may be released during excavations and mitigation measures are recommended. For health and safety reasons ground gas monitoring in relation to confined spaces is recommended during the works. It is understood from the report that the Contractor will be responsible for demonstrating that imported material for landscaping is 'clean'. However, it also states that validation visits will be made through the construction phase and that a completion report will be required to confirm

remedial works have been completed satisfactorily. The verification report should be produced by a suitably qualified and experienced 'competent person' as per the NPPF.

The Remediation Strategy identifies appropriate remedial works required and recommends production of a Completion Report to provide verification that these works have been completed satisfactorily.

Overall therefore, subject to the imposition of appropriate conditions there is no objection to the proposal from a land quality point of view.

**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 proposal provides a new college which is considered to be acceptable and presents no concerns with regard to residential or visual amenity and highway safety. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies SC5, DS5, TR1, TR2, TR3, EN2, EN5, EN7, EN8, DS1, DS2, DS3, DS4, and, DS5 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. 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 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.

### 3. 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.

### 4. 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.

### 5. Proposed sewer diversion

The developer shall submit evidence to the Local Planning Authority that the proposed sewer diversion has been agreed with the relevant statutory undertaker.

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

### 6. Drainage details

The development shall be carried out in accordance with the details shown on the submitted NCB-CUR-00-ZZ-DR-C-92101-S2-P04 dated 24/05/2018 that has been prepared by Bam, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to accord with policy EN7 of the Local Plan for Bradford.

### 7. 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.

### 8. 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.

9. Materials importation

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

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

10. Section 278 Agreement

Before the development is brought into use full details and specifications of the works associated with the site entrance on Nelson Street, as shown indicatively on drawing reference NCB-SLR-Z0-Z0-DR-L-90-0003-P03, 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.

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

11. Car parking provision

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.

12. 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.

### 13. 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.

### 14. Electric Vehicle Charging Points

Within 6 months of the development hereby permitted commencing on site, a scheme showing the provision of parking bays with direct access to electric vehicle charging points shall be submitted to, and agreed in writing, by the Local Planning Authority. These must be fully operational from the first occupation of the building which they serve. The Electric Vehicle charging points shall be clearly and permanently marked with their purpose and details of how to access them provided at point of use. The presence of the charging points shall be drawn to the attention of all eligible site users including both staff and customers. Provision shall be made by the developer for the long term provision of a service and maintenance plan for the charging points and to ensure priority access is maintained at all times via effective on site parking management arrangements. A detailed plan of the proposed charging point provision (including type and location) shall be provided to City of Bradford Metropolitan District Council for approval prior to commencement of development at the site.

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).

### 15. Travel Plan

Unless otherwise agreed in writing with the Local planning Authority, within 6 months of the first occupation of the building, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable travel options for future occupants of the development and include measures and incentives to reduce their reliance upon the private car. The Travel Plan as approved shall be implemented within 3 months of its approval in writing. 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: In the interests of promoting sustainable travel and to accord with policy TR1 of the Local Plan for Bradford.

16. Materials

Notwithstanding the details submitted, 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.

17. Retaining walls

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site, details of the proposed retaining walls 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: In the interests of visual amenity and to accord with policy DS1 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 13 September 2018**

# W

---

### **Subject:**

Demolition of public house and creation of specialist accommodation, comprising of apartments with care, communal facilities, parking and associated private amenity space for persons aged 60 and over, Hare and Hounds, 47 Bradford Road, Menston.

### **Summary statement:**

The application is for a 4-storey apartment block, for residential accommodation for the over 60s, at the site of the Hare & Hounds pub. There would be 71 one, two and three-bed apartments. The use is C2, residential institution, with on-site care available to all occupiers.

This type of development is CIL exempt and as a residential institution, would not be liable for affordable housing.

The application is recommended for approval subject to a Section 106 to control the occupancy to the over-60s and conditions included within the report.

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

### **Portfolio:**

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

**Regeneration and Environment**

## **1. SUMMARY**

The application is for a 4-storey apartment block, for residential accommodation for the over 60s, at the site of the Hare & Hounds pub. There would be 71 one, two and three-bed apartments. The use is C2, residential institution, with on-site care available to all occupiers. The application is recommended for approval subject to a S106 to control occupancy of the development and conditions included within the report.

## **2. BACKGROUND**

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to this planning application.

## **3. OTHER CONSIDERATIONS**

All considerations material to the determination of this planning application are set out in Appendix 1.

## **4. FINANCIAL & RESOURCE APPRAISAL**

The presentation of the proposal is subject to normal budgetary constraints.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

No implications.

## **6. LEGAL APPRAISAL**

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

## **7. OTHER IMPLICATIONS**

### **7.1 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 and it is not considered that there are any issues in this regard, relevant to this application.

## **7.2 SUSTAINABILITY IMPLICATIONS**

The proposals have been fully considered in relation to sustainability issues and the site is considered to be located in a sustainable location served by public transport.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

A condition would require the inclusion of electric vehicle charging points, in accordance with the Council's Low Emissions Strategy.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, CCTV and lighting provisions being implemented, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with Core Strategy Policy DS5.

## **7.5 HUMAN RIGHTS ACT**

Article 6 - 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.

## **7.6 TRADE UNION**

None

## **7.7 WARD IMPLICATIONS**

None

## **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

None

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT**

None

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

The Committee can approve the application, as the recommendation in Appendix 1, or refuse the application.

If the Committee determines to refuse the application, reasons for refusal will have to be given, based upon development plan policies and/or other material planning considerations.

## **10. RECOMMENDATION**

This application is recommended for approval, subject to a S106 to control the type of occupancy and the conditions included within Appendix 1.

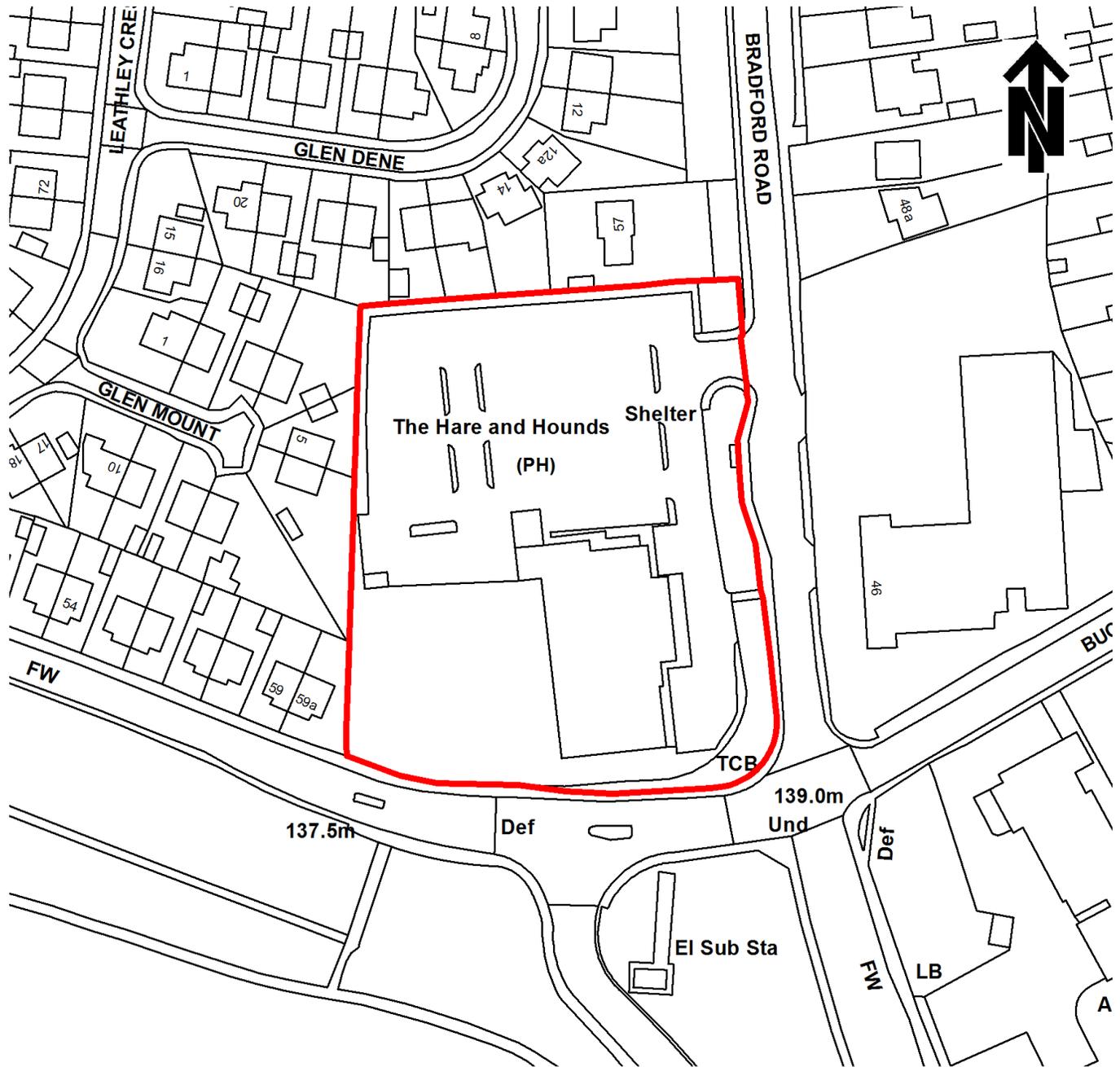
## **11. APPENDICES**

Appendix 1 Technical report.

## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework (2018)  
Adopted Core Strategy  
RUDP (saved policies)

18/01556/MAF



1:1,250

© Crown copyright and database rights 2017 Ordnance Survey 0100019304

**Hare And Hounds**  
**47 Bradford Road**  
**Menston**  
**Ilkley LS29 6BU**

13 September 2018

**Ward: Wharfedale**

**Recommendation:**

To approve the application subject to a Section 106 and the conditions included within this report.

**Heads of Terms of a Section 106 Agreement**

The occupancy of the apartments shall be restricted to a C2 use, for the over 60s only.

**Application Number:**

18/01556/MAF

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

A full application for the demolition of public house and creation of specialist accommodation for the over 60's comprising of apartments with care, communal facilities, parking and associated private amenity space, Hare and Hounds, 47 Bradford Road, Menston.

**Applicant:**

Gladman Care Homes Ltd & Spirit Pub Company (Managed) Ltd

**Agent:**

N/a

**Site Description:**

The application site lies approximately 600 metres south east of Menston village centre, on the A65 and is currently occupied by the Hare and Hounds public house. Access to the site is from Bradford Road. The northern side of the application site is bounded by residential properties on Glen Dene. The southern boundary is formed by Bingley Road. The western boundary is formed mainly by the rear of residential properties on Glen Mount. There is extensive tree and shrub planting to the northern and western boundaries. The site slopes down from the south, adjacent to the junction of Bradford and Bingley Road, to the north.

**Relevant Site History:**

Pre-application enquiry, ref. 17/06372/PMJ, submitted for residential accommodation for the elderly.

**Policy:**

**Replacement Unitary Development Plan**

**Allocation**

None

**Proposals and Policies**

*Policies*

Policy UR2 promotes sustainable development.

Policy UR3 local impact of development

Policy UR6, the Council will seek planning obligations where development proposals require or would not be acceptable without the provision of - physical infrastructure, the mitigation of adverse environmental impacts and/or the enhancement of the environment and social infrastructure.

Policy H9 affordable housing.

Policy TM1 developments likely to be significant generators of travel, would be required to be supported by a Transport Assessment (TA). The TA should incorporate proposed traffic reduction measures and measures to promote sustainable travel.

Policy TM2 relates to the impact of traffic and its mitigation.

Policy TM8 new pedestrian and cycle links.

Policy TM10A impact on other road users.

Policy TM12 parking standards.

Policy TM19A impact on traffic management and road safety.

Policy D1 all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.

Policy D2 development should maximise opportunities to conserve energy and water resources.

Policy D4 developers are required to integrate crime prevention measures, to provide a safe and secure environment.

Policy D5 development proposals designed so that important existing and new landscape features are incorporated in the proposal.

Policy D6/D7 Meeting the needs of pedestrians/cyclists

Policy NR16 Surface water run-off and sustainable drainage.

### **The Core Strategy**

There are a number of Core Strategy Policies which should be considered as part of the 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
- H08 Housing Mix
- H09 Housing Quality
- H011 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
- DS5 Safe and Inclusive Places

## **The National Planning Policy Framework (NPPF).**

The National Planning Policy Framework is a material planning consideration on any development proposal.

Local planning authorities are required to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development, where possible

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Where a viability assessment is needed and can be justified, this should reflect the recommended approach in national planning guidance, including standardised inputs, and be made publicly available.

Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Substantial weight is given to the value of using suitable brownfield land within settlements for homes and other identified needs.

Planning policies and decisions should make more intensive use of existing land and buildings, especially where it would help to meet housing need.

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Planning policies and decisions should ensure that developments: a) 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; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate

amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.

**Parish Council:**

Menston Parish Council considers that the proposed design is intrusive on the local environment. It considers that the design would be more acceptable if it was reduced by a storey. If the application is approved, the Parish Council suggests that Highways looks at restricting parking on Bradford Road.

**Publicity and Number of Representations:**

Site notices were displayed at and around the application site; a notice placed in the Telegraph & Argus and individual neighbourhood notifications were carried out, with the expiry of the notification period being 30 May 2018.

There have been 9 representations, including 1 in support and 8 objections.

**Summary of Representations Received:**

The height of the proposed housing is excessive for the village and not in keeping with the area.

The 4-storey building would be overwhelming and too imposing for the site. This is especially so, given that the proposed building would be much closer to the existing residential properties than the current building. The proposed building on a sloping site would dwarf everything around it.

The location of the building crosses over the culverted stream which runs from the south west to north east across the site. Any building would put pressure on this system and would almost certainly cause subsidence or even partial building collapse. The collapse would be bad enough but the resultant flooding would be a substantial problem as well.

The location of the proposed electrical sub-station was subject to major flooding from the underground culvert. The remedial work carried out was hampered by the Council's insistence that riparian rights be maintained which meant that the stream could not be re-routed. The remedy being two underground water storage tanks, located in the north east corner of the site and an overflow pipe into Bradford Road. Any damage to the tanks or to the culvert would result in the proposed sub-station and the site being flooded. Prior to the remedial work being carried out, the flooding lasted several weeks and the effects continued for months. The flooding affected substantial areas of the site and the extensive run-off also had a damaging effect on large areas of garden and driveway.

The 71 properties would have a profound impact on the services and utilities serving the area, especially as they will be connecting to the already increased burden caused by the High Royds development.

Insufficient parking for the amount of people, staff, visitors, residents.

I am concerned about the impact this development on the already struggling GP service. It is extremely difficult to get an appointment with the GP.

The fact that some of these apartments are 3-bed, leads me to believe that the development is being dressed up as a care facility when it will be another block of serviced apartments. The village already has an abundance of apartments in the High Royds development.

As residents of 59a Bingley Road, adjacent to the application site, we support the plans but would request discussions on pruning and maintaining the existing trees and maintenance of boundary walls to the site.

A Ward Councillor has commented that if to be approved, careful consideration must be given to the junction to facilitate the left hand turn to Otley from Menston so as to ease the flow across the junction from and to Buckle Lane, remembering the issue with access to the Ambulance Station.

**Consultations:****Arboriculture Team**

No objection subject to condition.

## **Gardens Trust**

The proposals to replace the existing Hare and Hounds building with a much more extensive and largely four-storey development will affect the iconic views of High Royds from Buckle Lane where its burial ground is located and the views from the Chevin. Although we consider that the pre-application advice to the developer has resulted in more interesting elevations and response to the Hare and Hounds site and its location within the community, we find the proposals very overbearing and too high at four-storeys.

In our view the proposed development would harm the significance of High Royds, due to the proposed urbanisation of its more rural setting, and in particular as seen from the Chevin and Buckle Lane. We do not consider that there are any compensatory public benefits and, as such, we object to this application.

## **Highways Development Control**

The proposal is supported by a Transport Statement (TS) which provides information on the nature of the development, access, traffic generation, parking demand and sustainability issues associated with the proposal. A Framework Travel Plan has also been submitted.

The site is situated in a relatively sustainable location with good pedestrian links to Menston Village and good links to local public transport provision.

The development proposal would utilise the existing site access from the A65 Bradford Road which is acceptable.

The TS shows that the forecast total trip generation for the existing use of the site is 443 vehicle movements per day which is significantly higher than the predicted 105 weekday total and 73 weekend totals for the proposed development. The development peak hour (between 10am and 11am) is outside the highway network peak hours with 13 two way vehicle movements. The forecast trips for the highway network peak hours are 3 two way trips in the Am peak and 6 trips in the Pm peak. These levels of traffic generation would be subsumed within daily traffic variations and no adverse impact is expected from the proposed development.

The development proposal includes the provision of 42 car parking spaces including 5 disabled spaces. The TS explains in detail the car usage levels of similar developments and how the provision of this number of spaces has been arrived at. The TS has assessed four operational developments in terms of total traffic movement and levels of parking provision. The surveys show the average parking demand across the four sites surveyed to be lower than the parking provision. Average parking provision across the sites is 0.49 spaces per apartment whereas this proposal provides a ratio of 0.59 spaces per apartment. The proposed level of parking provision is also higher than the Local Plan parking standards which is acceptable as this is a high car ownership area.

Cycle parking/storage would be provided in the buggy store.

The TS includes vehicle tracking for the largest vehicle expected to regularly access the site (3-axle Phoenix 2 Duo Recycler) which demonstrates that the vehicle can safely access and egress the site.

The TS has assessed highway safety along the A65 corridor which shows that there are no deficiencies in the existing highway network, or existing safety issues within the vicinity of the site, that would be exacerbated by the development proposals.

No objections to the proposed development subject to conditions.

### **West Yorkshire Police (Architectural Liaison Officer)**

Boundary treatments/pedestrian entrances.

The design and access statement mentions that the existing boundary treatments will be retained or made good where possible. I would advise that north and west boundaries which protect the parking areas are to a minimum height of 1800mm which will provide more security and privacy for both existing and new residents. The southern boundary mentions that the existing conifers will be removed, so it is unclear if the 1100mm high wall will be retained along this elevation. I would recommend that the height is increased to 1800mm whether this be railings or close board fence which will provide more security residents using the rear gardens.

The layout of the garden space does appear very permeable, especially with the two pedestrian access links into the site. If these routes are left open or have manual style gates this allows any stranger / potential offender access into the site, where they can walk around the perimeter garden, if residents have left any ground floor doors open or unlocked this can provide an opportunity for theft, where an offender can enter an apartment steal valuables and leave via one of the open access routes.

If the footpath links have been created for staff / residents use only, I would recommend that the 1100mm high wall and railings are increased in height to 1800mm, this will provide more security whilst allow natural surveillance into the site. The two access gates located on the south and east elevations should include an 1800mm high gate which includes access control measures to make access entry easier for residents, which ensures that the gates lock after staff / residents have entered the site which provides better security.

Where the hair salon and the first ground floor apartment are located, I would recommend that the 1800mm paladin railings be continued horizontal with the building line of the ground floor apartment, this will create more defensible space and prevent strangers from accessing the private / gardens. Where refuse store and horizontal line of trees are located to the west of the site, I would recommend installing an 1800mm high close board timber fence along this edge and 1800mm high lockable gate on this location which makes the rear gardens more secure and restricts strangers from accessing this location.

External lighting, CCTV.

There should be good lighting levels within the car park along with the entrances and exits around the building, including external lighting above the rear doorways to each apartment. I would recommend that fittings, including the wiring, should be vandal resistant and located within an inaccessible position to deter any criminal attack.

Installing CCTV that covers the car park, entrance / exists within the building will provide additional security. If CCTV is installed, this can help aid identification should any incidents of crime occur. CCTV should work in unison with the proposed lighting plan and provide good quality evidential pictures which are worthy for identification purposes.

Access control.

The main entrance into the building should have an external intercom system which is DDA (Disability Discrimination Act) compliant, vandal resistant with both integral or stand along camera providing colour images which should be visible from the office / apartments in addition to audio communication between the visitor and the resident / staff and electronic release mechanism.

### **Lead Local Flood Authority (LLFA)**

The LLFA is a statutory consultee on matters relating to surface water management on all major developments. The LLFA also has a role to monitor and manage flood risk from other sources of flooding. As such the LLFA has reviewed the submitted documentation of the planning application (against the requirements of the National Planning Policy Framework, Planning Practice Guidance and other relevant regulations with regards to flood risk from all sources). Insofar, if the following details are implemented and secured by way of a planning condition on any planning permission the LLFA has no objection to the proposed development.

The proposal would accord policy EN7 (Core Strategy).

### **Summary of Main Issues:**

Principle of Development  
Layout and Design  
Highways & Transportation  
Drainage Issues  
Planning Obligations

### **Appraisal:**

#### Principle of development

The proposed development would result in the demolition of the existing pub and the redevelopment of the site with a four-storey building, associated parking and landscaping. The site is not allocated within the RUDP and therefore the proposal is considered on its merits. This is a previously developed site and whilst the former use was commercial the proposed residential type use would reflect residential uses locally. The proposed residential units would contribute to the housing supply within the District. There are no drainage or highways grounds on which the proposed development would be unacceptable and therefore the principle of development is accepted. Proposal would accord with policies P1 (Presumption in Favour of Sustainable Development) and SC5 (Location of Development) contained in the adopted Core Strategy.

#### Effect on Residential Amenity

The application site is bounded on two sides, the west and north, by residential properties. On the northern boundary there is currently landscaping to the car park. On the western boundary there is car parking and an external drinking/seating area.

The proposed development would see the car park retained to the northern part of the application site and part of the western boundary. To the south western boundary, the building would be sited where currently there is an external drinking/seating area. The nearest residential property is 59a Bingley Road, where the gable end of the building faces the boundary between that property and the application site. On this elevation of the proposed building there would be secondary windows to living rooms of the apartments. The distance between the existing and proposed buildings varies from 19m to 22m, as the buildings would be oblique to each other. This distance along with planting along the

boundary is considered to provide an appropriate level of privacy for both existing and prospective residents. It is not considered that the proposed development would constitute loss of amenity for local and adjacent residents and would comply with policy UR3 (RUDP).

#### Drainage Issues

A watercourse, in culvert, runs south west - north east through the application site. The intention is to divert the watercourse and this has been agreed with the Council, as riparian owner. Subject to conditions there is no objection on land drainage grounds.

#### Design and Layout

The building is designed as 4-storey, with a 3-storey element to the south western boundary. The footprint of the building is a reversed 'C', with a landscaped space on the western side of the building. The car park would be located to the northern part of the site, with access/egress in a similar position to where it is now.

The proposed building would be greater in height than the existing building and the buildings footprint would also be larger than the existing building footprint. As a consequence, the proposal has been considered in the context of its impact on neighbouring residential properties and the street scene. Given the position of an existing house to the south western boundary, the proposed building has been designed with that part of the building being 3-storey. The building is otherwise designed at 4-storey. The existing trees and shrubs to the northern and western boundaries would be retained, providing separation between the residential properties and the proposed building. On this basis it is considered that the relationship between the existing properties and the proposed development is acceptable and there would be no adverse impact on neighbouring residents.

The application site is located on a principal route, at a crossroads, on one of the approaches to Menston. In terms of the surrounding area, there are non-residential buildings, including a car dealership, ambulance station and high school. The proposed building would be greater in scale than those surrounding buildings. It is considered that a building of this scale, that is well-detailed, could be supported. The buildings varying height and roof form would provide interest, as would the projecting bays and balconies. Along with the landscaped frontage to Bradford Road, this provides a scheme that is believed to sit appropriately within the street scene.

The proposal would accord with policies D1 (RUDP) and DS1 (Core Strategy).

The Gardens Trust raises concern on the height of the proposed building and the impact on High Royds and surrounding views. The proposed building would be approximately a storey higher than the existing pub. The proposed scheme has been looked at in relation to High Royds, views of the application site from the Chevin and the east, through a Landscape Visual Appraisal.

It is considered that the proposed development would result in a limited impact. It is believed that the proposal is a considered approach to the landscape and context of the application site. Furthermore, the development at the site would integrate into the local surroundings without any unacceptable landscape or visual effects.

In respect of the West Yorkshire Police comments the applicant has commented. As *demonstrated on the submitted landscaping plan, the site has three pedestrian entrances a) one along Bingley Road, one half way up Bradford Road and one at the site entrance. The two accesses away from the main site access will be gated and only accessible by residents through an electronic fob system. In terms of the building itself, entry to the building is only via the manned main entrance or through doors which can only be accessed by residents/staff using an electronic key fob. As also set out in the DAS, all external entrances to the building will be illuminated and be fitted with CCTV protection.*

The proposal would accord with policies D1 (RUDP) and DS5 (Core Strategy) in relation to designing out crime objectives.

### Highways

The application scheme has been the subject of a Traffic Statement that has looked at the traffic implications for this proposal. This includes looking at the site and its relationship with the local highway network and predicting future traffic generation created by the proposal. This has been assessed by the Council's Highways Officer and it is concluded that the proposal will not result in severe highway safety concerns. The single point of access/egress, from Bradford Road, follows that of the existing pub and is acceptable. The car parking would be suitable for the type and number of residential units. As the existing pub generates traffic movements above that of the proposed use, there are no concerns re: traffic generation, or movements on the local highway network. It is therefore not considered waiting restrictions are required on Bradford Road.

The Bradford Road/Bingley Road junction and ambulance station are considered to be able to function, without being adversely affected by the traffic generated by the proposed development.

Proposal would accord with policies TM1 and TM2 (RUDP) and TR1 and TR2 (Core Strategy). As the proposal would not create adverse highway safety implications, the proposal will accord with the provisions of the NPPF (2018) dealing with traffic implications related to new development.

### **Other Issues Raised by the Public**

*The 71 properties would have a profound impact on the services and utilities serving the area, especially as they will be connecting to the already increased burden caused by the High Royds development.*

Comment: The representation does not state which services or utilities will be adversely impacted upon. No consultees who provide utilities have raised an objection.

*Insufficient parking for the amount of people, staff, visitors, residents.*

This is covered in the report and the scheme meets Council parking standards. The Council operates minimum standards to promote alternate modes of transport.

*I am concerned about the impact this development on the already struggling GP service. It is extremely difficult to get an appointment with the GP.*

The provision of GPs in an area is not something that the Council can promote but generally any increase in residential units in an area will generate additional funding to provide such facilities from appropriate funding agencies where this is necessary.

*The fact that some of these apartments are 3-bed, leads me to believe that the development is being dressed up as a care facility when it will be another block of serviced apartments. The village already has an abundance of apartments in the High Royds development.*

The proposal is not for serviced apartments and this would be prohibited by the proposed S106 legal agreement.

#### Planning Obligations

The proposed development, a C2 Use, is exempt from the CIL. Additionally, this type of residential use is not required to provide affordable housing. Consequently, the applicant is not liable to meet any planning obligations. A Section 106 would be required to ensure that the occupancy of the apartments was restricted to a C2 use, for the over 60's. Any planning permission would be subject to the completion of a Section 106.

#### **Reason for Granting Approval:**

The proposed development would meet the requirements of Core Strategy policies P1, SC5, SC6, SC9, HO5, HO8, HO9, HO11, EN1, EN2, EN4, EN5, EN6, EN7, EN8, DS2, DS3, DS4, DS5, ID2 and ID3 and the application is recommended for approval.

#### **Conditions:**

1. 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 have been submitted and approved by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure the appropriate means of surface water disposal.

2. 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 the appropriate management of surface water drainage.

3. 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 provide temporary drainage strategy.

4. Surface water from the vehicle parking and/or manoeuvring area shall be drained using petrol/oil interceptors which shall be installed before the development is brought into use.

Reason: To ensure proper drainage of the site and in the interests of pollution prevention.

5. From the date of first occupation fully operational electric vehicle recharging points shall be provided on the development at the rates set out in the Bradford Low Emission Strategy. The number, type and location of the charging points shall be submitted for approval by City of Bradford MDC prior to installation. Details shall also be provided of the maintenance arrangements for the charging points for a minimum of 10 years. All charging points shall be clearly marked with their purpose and drawn to the attention of residents and staff in their new home welcome pack / induction 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 Bradford Local Plan (core strategy) and the NPPF.

6. 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 and to comply with policy EN8 of the Local Plan for Bradford.

7. 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 and to comply with policy EN8 of the Local Plan for Bradford.

8. 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.

9. 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.

10. 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.

11. 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.

12. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced and drained within the site, in accordance with details shown on the approved plan numbered and this shall then be retained whilst ever the development is in use.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

13. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, marked out into bays and drained within the curtilage of the site in accordance with details to be submitted and approved in writing by the LPA. The car parking facilities so provided shall be kept available for use whilst ever the development is in use.

Reason: In the interests of amenity and highway safety, and in accordance with Policies TR2 and DS4 of the Core Strategy Document.

14. 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 Development Plan Document.

15. All gutters, down pipes and other external plumbing to be installed on the building shall have a black finish and shall be retained in this form thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

16. 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 Development Plan Document.

17. 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 DS 5 of the Core Strategy Development Plan Document.

### **Positive & Proactive Statement in accordance with Article 35(2) of the Town and Country (Development Management Procedure) (England) Order 2015**

In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Local Plan for Bradford policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other

representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.