

## Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 6 December 2018 in the Banqueting Hall - City Hall, Bradford

Commenced 10.25 am  
Concluded 2.25 pm

### Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Warburton Wainwright Amran Watson	Brown Cooke	Griffiths

Observers: Councillor Sue Duffy (Minute 67), Councillor Richard Dunbar (Minute 67), Councillor Sinead Engel (Minute 67), Councillor Beverley Mullaney (Minute 67) and Councillor Carol Thirkill (Minute 67)

### Councillor Warburton in the Chair

#### 63. DISCLOSURES OF INTEREST

In the interests of transparency, Councillors Amran, Cooke, Wainwright and Warburton disclosed that they had been Members of the Committee when the application concerning Land at Harden Road and Keighley Road, Harden, Bingley (Minute 69) had been considered previously. They undertook to approach the amended current application with an open mind and to consider all the relevant material planning issues before making a decision.

In the interests of transparency, Councillor Cooke disclosed that he had been in receipt of communication from several parties and had been involved with Harden Pre-school and the asset transfer in relation to the application concerning Land at Harden Road and Keighley Road, Harden, Bingley (Minute 69). He had not entered into dialogue with any individuals nor expressed an opinion and stated that he would consider the application with an open mind and on its merits.

In the interests of transparency, Councillor Wainwright disclosed, in relation to the item concerning Tong Garden Centre, Tong Lane, Bradford (Minute 68), that he had been invited to a meeting at the Garden Centre but had declined to attend. He had not discussed the application with anyone nor expressed a view.

In the interests of transparency, Councillor Warburton disclosed, in relation to the item concerning Tong Garden Centre, Tong Lane, Bradford (Minute 68), that he

had received information concerning the application but had not read it or discussed the application with anyone nor expressed an opinion.

**ACTION:** *City Solicitor*

**64. MINUTES**

**Resolved –**

**That the minutes of the meeting held on 21 June 2018 be signed as a correct record.**

**65. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents.

**66. MEMBERSHIP OF SUB-COMMITTEES**

No resolution was passed on this item.

**67. LAND TO THE SOUTH OF LEAVENTHORPE LANE, BRADFORD**

The Assistant Director - Planning, Transportation and Highways presented **Document “AF”** in respect of an outline planning application for the construction of a residential development with public open space, landscaping and associated infrastructure, and including consideration of access, on land to the south of Leventhorpe Lane, Bradford – 17/06897/MAO.

Members were informed that the site was unallocated land that formed part of an area of green space and sloped upwards from north to south. The proposed access would be from Leventhorpe Lane and the applicant had indicated that the site could accommodate 150 dwellings, with 100 constructed as affordable housing along with an area of green space. A number of additional representations had been submitted since the report had published, however, no new issues had been raised. The Council’s Highways Department had not objected to the proposed access and the applicant had agreed to a contribution for off site highway works on Leventhorpe Lane to help alleviate traffic. The Assistant Director - Planning, Transportation and Highways reported that the main concern related to drainage and flooding. The applicant was aware of the drainage problems and had submitted several mitigation measures, however, the impact of flooding had not been satisfactorily resolved.

The Council’s Principal Drainage Engineer informed Members that the site was located within an existing 1 in 100 year flood zone with two existing becks, Pitty and Clayton. He explained that modelling by Bradford Council undertaken in 2013 had been adopted by the Environment Agency and developers must mitigate against the risk of flooding. The existing culvert beneath Leventhorpe

Lane was undersized and would cause the road to flood, therefore, it had to be ensured that the development had safe access and egress. The applicant had proposed the installation of a new culvert under Leaventhorpe Lane, however, it would alter the flood range and flood risk within the site needed to be considered. The latest submission had suggested that the road be raised and a large retaining wall against the boundary be constructed. It also included the provision of new culverts under Leaventhorpe Lane for Pitty and Clayton Becks and would excavate the flood plain. The Council's Principal Drainage Engineer confirmed that their objection still applied as the developer had not demonstrated how the over land flows would be managed and information had not been submitted so could not be assessed. He stated that complex mitigating measures would be required and insufficient documentation had been provided. The proposal was contrary to National and local policies and was recommended for refusal.

In response to queries Members were informed that:

- Urban Green Spaces were areas of open land not within the Green Belt but important to break up areas of urban development. The area to the East of the site was Green Belt and was seen to be a key area to break up the developments. Policy OS1 allowed the scheme but ensured that it maintained a reflection of the Green Belt.
- Hard standing areas would have a surface drainage system that mimicked green land, however, the main issue was the watercourses that flowed through the site.
- Generated traffic had been considered and more trips were anticipated. Further impact would be created on Thornton Road and the developer would mitigate these problems. It was acknowledged that Leaventhorpe Lane was a busy road and would be at school and peak times.
- Proposed schemes within a flood zone had to have safe access and the houses had to be a sufficient distance from the zone.
- The application was outline with access details only submitted for consideration. No information had been provided in relation to the types of houses and only the principle of development could be deliberated. All the other aspects would be submitted at the Reserved Matters stage.
- Traffic numbers at peak times had been counted, however, it was not known how many trips would be generated by the proposed scheme. A National database covering a similar area had been used and this had provided an approximate figure. The capacity and movement at junctions had also been considered.
- The traffic data had been collected at peak times in the morning and afternoon.
- The junction at Thornton Road would exceed capacity and amendments to the right turn lane had been proposed, however, other schemes that would be affected would require consideration.
- The access road would have to be raised by up to four metres more than the current level at certain points.
- The Council's Drainage Team had objected to the application as it was not known where the additional water would flow.
- A drainage strategy had been submitted by the applicant, however, as the application was outline the scheme did not have to be detailed. The flood risk and drainage system were separate issues.

- It was not known whether the applicant had assessed the possibility of another access that would provide a safe access and egress.
- The Council had identified a scheme that would provide a more permanent solution to the Four Lane Ends junction and a contribution would be sought from the developer rather than them working on an unsuitable scheme.
- It would be difficult to refuse the application in respect of the issues at the junction if the scheme was only adding to the problems and not creating them.

A number of objectors and Ward Councillors were present at the meeting and made the following points:

- Hundreds of local residents were distressed by the plan, which would have a considerable impact on the community.
  - Reports had been submitted to the Planning Department, but very little had been acknowledged in the officer's report.
  - The proposed access would be built on land categorised as 3b, which was a functional floodplain.
  - The entire area flooded roughly every three years.
  - It was the only area in West Bradford where houses were at this level of risk from flooding.
  - Four major floods had taken place between 2008 and 2018.
  - Significant floods had occurred following the snow and heavy rain this year.
  - A 4 metre high wall had been proposed which would restrict the water flow.
  - The proposed mitigations were inadequate.
  - The models used massively underestimated the risks.
  - The Environment Agency had not objected.
  - The development would increase the flood risk, which was against National policy.
  - The concept of development on the site should be rejected.
  - Sewage was a major issue and the sewers were inadequate.
  - An attenuation solution would only be as good as the measures.
  - The scheme would have a massive impact on the community.
  - Noise from the site would be amplified due to its elevation.
  - The land was unstable and at risk of land slips and run off.
  - The application should be rejected.
- 
- Many new developments were planned in the area.
  - The houses would be between 600 to 920 metres from the nearest bus stop.
  - Despite attempts to encourage public transport use in the area, the difficulties would mean that residents would use their cars.
  - Leaventhorpe Lane was steep and narrow with limited footpaths and a secondary school at one end.
  - Accidents occurred regularly and Thornton Road had been closed on occasions.
  - Traffic calming had been suggested but would not resolve the issues.
  - The applicant had not considered a recent traffic survey.
  - The design of the access road had significantly changed since the original

submission but did not address the original criticisms.

- The access road would create a race track at a higher level and destroy the open nature of the area.
  - The road surface would be at first floor window level and eradicate privacy.
  - The retaining wall would run 100 metres across the valley and rise to 4 metres in height.
  - Traffic was a major issue in the area.
  - The access to a large recreation centre was on Thornton Road.
  - How would the traffic flow against the Fire Station be mitigated?
- 
- The land should be designated as Green Belt.
  - It was a critical resource for the City of Bradford.
  - The land satisfied all the criteria within Strategic Core Policy SC6.
  - The proposed scheme would work against Strategic Core Policy SC4.
  - The green corridor was the closest green space to the City Centre.
  - Bradford was an impoverished city in relation to green space.
  - The Core Strategy stated that “Land identified as recreation open space will be protected from development”.
  - Pathways had criss-crossed the land for generations, however, not all were formerly marked as rights of way.
  - The land was a visual resource for thousands of people.
  - The proposed houses would block the view down the valley for many.
  - A previous consultation response from the Council’s Landscape Architect had stated that “The proposal constitutes inappropriate development on a greenfield site”.
  - The land attracted various species of wildlife and the access road would close the wildlife corridor.
  - The development would turn Clayton from semi-rural into an urban area.
  - The land was a buffer between communities and allowed them to remain separate.
  - The social dynamic of the area would change.
  - A key local resource would be destroyed and Policy SC9 contravened.

In relation to the public footpaths across the land, the Assistant Director - Planning, Transportation and Highways explained that the recorded public rights of way were a bridleway and two public footpaths, however, the other paths across the land may not be registered and evidence would be required.

The objectors then continued to address the Members stating that:

- Secondary school places in the area were in short supply and additional houses would exacerbate the issue.
  - It was not a Community Infrastructure Levy (CIL) area and this would have a huge financial implication for the Council.
  - The demand for services in the area outstripped the supply.
  - The highways surveys should have been undertaken from 2.30pm onwards.
- 
- The proposal contravened the Core Strategy and failed to meet policies SC1, 2, 4, 6, 8 and 9; TR1; EN1, 4, 7 and 8; and DS1, 2, 4 and 5.

- The application was full of mistakes, so what other errors had been made?
- The land to be traversed had not been surveyed.
- Large parts of the land had been subject to mining and would be unstable.
- There was the potential for contaminants to leak into the river.
- Pollution and catastrophic flooding could occur.
- Barratt Homes withdrew their application for the site as there were too many issues.
- The bed rock was a long way down.
- The viability of the plan was questionable.
- Bradford was the cheapest city to purchase a house in the UK.
- Bradford needed houses in locations near to businesses and transport.
- The application should be refused.

Members were informed that the Coal Authority had been consulted, however, as the application was only outline detailed investigations were not required.

The final objector reported that:

- The site could only be accessed via the community.
- The elevated site had an amphitheatre effect and the construction noise would blight the lives of many people.
- HGVs would use unsuitable roads.
- There would be a risk of land slip and run off which could lead to flooding.
- It was a sensitive and high risk site.
- It was amazing that the application had been taken so far when it should be refused.
- Little heed had been taken of the importance of the land.
- The access road should not be permitted to be built.
- An important local area should be retained.
- The application should be rejected on the grounds of flooding, amongst others.
- Education and Recreation Departments expected CIL money but it was not a CIL area.
- The traffic junction of Thornton Road and Cemetery Road was far from the site, however, the junction at Leaventhorpe Lane raised more concerns.
- A planning application had been approved at Greenside Mills and would affect the area.
- What impact would the application have on other developments and the location if approved?
- Serious consideration of the report was required.

In response to some of the points raised, the Assistant Director - Planning, Transportation and Highways confirmed that it was the Full Council's responsibility to allocate any CIL money that was generated and a Section 106 Agreement could not be secured for the scheme. He acknowledged that there was a need for schools in Bradford to expand and funds were slow in coming forward. With regards to highways issues, Members noted that extant planning permissions and their impact on the roads were take into consideration.

The applicant's agent was present at the meeting and made the following

comments:

- Yorkshire Housing had been engaged to deliver the affordable housing provision.
- The majority of their work was in Bradford and they had delivered 400 new homes in the District.
- Houses would not be developed on the flood plain.
- The access road would be raised and located a significant distance from existing properties.
- Phase two site investigations had been undertaken. It would be feasible, viable and full funding would be available.
- The application was outline and met all relevant policies.
- There were no concerns in relation to highways matters.
- The only outstanding issue was the design solution for the drainage.
- An exemplary Masterplan had been submitted.
- 44% of the site would be greenspace, which would be located on the boundary and adjacent to the beck.
- The site was in private ownership and not accessible except for the rights of way.
- A design solution was available to overcome the issue of flooding.
- The Environment Agency had not objected to the proposal.
- The properties constructed would not be detrimental to the existing houses.
- Two thirds of the dwellings would be affordable housing, which was above the required 20%.
- Yorkshire Housing was a local provider with a strong track record.
- 50% of the houses would be affordable rent for those on low income and 50% would be rent to buy.
- The scheme would provide a great opportunity for people to secure homes.
- £200,000 had been generated through the New Homes Bonus.
- The scheme would reduce the backlog in the housing supply.

During the discussion a Member acknowledged the significance of the Council's Principal Drainage Engineer's report and proposed that the officer recommendation to refuse the application be accepted. Another Member concurred and expressed concern in relation to traffic and visual impact. The Chair outlined his reservations with regard to the proposed retaining wall and the mitigating measures submitted in order to alleviate the problems. He stated that further work needed to be undertaken to support the development. A Member applauded the work undertaken by Yorkshire Housing and suggested that the Council should work harder with such organisations, however, he agreed that the proposal could not be supported.

**Resolved -**

**That the application be refused for the reason set out in the Assistant Director - Planning, Transportation and Highways' technical report.**

***ACTION: Assistant Director - Planning, Transportation and Highways***

## 68. TONG GARDEN CENTRE, TONG LANE, BRADFORD

The Assistant Director - Planning, Transportation and Highways submitted (**Document “AG”**) in respect of a full application for the demolition of existing canopies, walkways and glasshouse and the erection of a garden centre shop extension, replacement canopy, events space, indoor play area, store extension, lakeside cabins and a lakeside pavilion, and the improvement of the existing lake to form a wildlife area, at Tong Garden Centre, Tong Lane, Bradford – 18/02997/MAF.

Members were informed that an additional representation had been received from a Pudsey resident following the publication of the report that had identified similar concerns to those already reported. It was also noted that amendments would be required to some of the measurements within condition 3 on the application.

The Assistant Director - Planning, Transportation and Highways explained that the application proposed the demolition of canopies and glasshouses, replacement buildings and other improvements at Tong Garden Centre, which was located within the Green Belt. It was reported that the greenhouses had been used for storage for some time, the existing outdoor area site would be used for part of the new extension and other buildings would be replaced. An indoor play and an events area had also been proposed. Members noted that the lake area would become an education zone with log cabins and a walkway and the small lake would be a biodiversity space. The canopies would be replaced and the new buildings would be timber clad. The site currently contained a mish-mash of structures and the aim was to have an overarching design that would be more suitable within the Green Belt. The woodland area would be managed and a number of trees would be removed.

Members were informed that a number of representations and objections had been received and the issues raised were covered in the officer's report. The applicant had also attended a Village Association meeting in order to present the proposal. The Assistant Director - Planning, Transportation and Highways confirmed that the site was located within the Green Belt, however, the footprint of the garden centre had not increased. It was explained that proposed condition 3 restricted the retail use and covered the previous provision from 2014 (with a slight adjustment), with further goods restricted to garden centre use only in the extension to the indoor shop. The proposal was an exception to the National Planning Policy Framework's Green Belt policies and the scheme would have little or no greater impact on the openness of the wider Green Belt. The applicant had submitted a coherent design that incorporated timber cladding and natural stone, bat surveys had been undertaken and addressed, and tree surveys had been carried out. It was noted that 500 car parking spaces already existed on the site, new cycle places for staff and the public, and electric vehicle charging points would be provided as part of this proposal. In conclusion the Assistant Director - Planning, Transportation and Highways recommended the application for approval, subject to the conditions as set out in the report and reiterated that it was considered that the scheme would not impact on the openness of the wider Green Belt or the wider area.

In response to Members' queries the Assistant Director - Planning, Transportation and Highways confirmed that:

- The outside retail space would become an indoor garden area and existing canopies would be replaced with a smaller one.
- The business had several storage containers, which would be replaced.
- The former greenhouses on the site were no longer used for that purpose, therefore, the new building would replace them and become an indoor play area.
- The event space would be split into two parts and provide a demonstration area. A restriction had not been proposed and the goods permitted would be restricted as per the condition on the application and have to be in relation to garden merchandise or products.
- If supported, the application would not have to be referred to the Secretary of State, as it was classed as an exception.

The applicant was present at the meeting and addressed the Committee stating that:

- The business had been acquired in 2015 and had previously been family owned.
- There had been a lack of investment and the Garden Centre was tired and run-down.
- The business had employed 45 people and now had 160 staff to date.
- The aim was to continue the development and become a leading garden centre.
- A meeting had taken place with local residents.
- The business was a garden centre with garden retail.
- Ancillary uses, such as the indoor play area, were required to increase footfall.
- The event area would hold demonstrations and classes.
- The business's role in the community had been recognised.
- The development would be centred around the existing buildings and land.
- Further investment into the site would take place.
- Work would be undertaken with local trades where possible.
- Local jobs would be created.

Members then questioned the applicant and were informed that:

- The doors on the side would be manually operated and would only be open in fair weather.
- The business had changed from 'grow and grow on' to 'buy in and retail'.
- The education area would have four or five log cabins that would be used for school visits.
- The business employed 81 part time and 79 full time employees. The goods in area was used for staff parking and the peak time was from 10am to 4pm.

**Resolved -**

**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 and subject to the amendment of condition 3 as**

follows:

- g) Arts, hobbies and crafts: Maximum floor area 617m<sup>2</sup>
- l) Garden clothing 383m<sup>2</sup>

**ACTION:** Assistant Director - Planning, Transportation and Highways

**69. LAND AT HARDEN ROAD AND KEIGHLEY ROAD, HARDEN, BINGLEY**

Previous references: Minutes 11 (2015/16) and 24 (2017/18)

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document “AH”**) in relation to a Reserved Matters application for the construction of 28 dwellings including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale – 18/03868/MAR.

The application, and an associated request for a Deed of Variation to the Section 106 Legal Obligation attached to the outline planning permission (15/01039/MAO), had been considered at the meeting of the Committee held on 19 July 2018, when it was resolved:

*‘That the application be refused for the following reasons:*

- (i) The development would cause harm to the setting of the Grade II Listed Buildings at Crowther Fold and the registered historic landscape of the St Ives Estate and would therefore be contrary to Policies EN3 and SC9 of the Core Strategy.*
- (ii) The proposed three storey units would, by reason of their massing, have an adverse impact on the visual amenity of Harden Village and would therefore be contrary to Policies DS1 and DS3 of the Core Strategy.*
- (iii) The proximity of the proposed development to woodland adjacent to the Northern boundary of the site is likely to result in future pressure for the pruning and/or felling of trees to the detriment of visual amenity which would be contrary to Policies EN5, DS1 and DS3 of the Core Strategy.’*

The application had now been amended to address the reasons for refusal. The applicant had also given further consideration to the viability of the development and undertaken consultation with the local community and now proposed that the Section 106 Agreement be varied to omit the affordable housing provision but to retain the financial contributions to local infrastructure totalling £108,970.75 and the provision of Public Open Space at a stated cost of £38,000. It had also been suggested that the details be varied in order to benefit Harden more directly.

The Assistant Director - Planning, Transportation and Highways explained that correspondence had taken place between the applicant and the Parish Council, who supported the additional contributions. He confirmed that the proposals met the Community Infrastructure Levy (CIL) requirements regarding the Memorial Hall and new allotments and that the sums provided would be subject to separate agreements.

Members were informed that the site was an open area of land, close to listed buildings, that would have a new access and the existing one would be closed. A number of representations in support and objection had been received. Harden Parish Council had objected to the removal of the affordable housing and had raised concerns in relation to the proximity to woodland on the northern boundary of the site. They had stated that they believed the site could accommodate affordable housing and had requested that the cherry trees to be removed be replaced like for like. The Assistant Director - Planning, Transportation and Highways confirmed that the development would contribute to the housing supply for the District, however, the density would be below 30 dwellings per hectare. This had been justified due to the retention of open land. The green space proposed within the scheme would retain the views and the layout sensitively responded to the area. Members were informed that revisions had been made to reduce two of the dwellings from three to two storey in order to reduce the impact on the listed buildings. The existing coal yard had a negative impact on the listed buildings, therefore, its removal was an improvement to the area. The proposed houses had been set down in relation to the northern boundary, so the views remained and the impact on the St Ives Estate would be acceptable. The Assistant Director - Planning, Transportation and Highways acknowledged that concerns had been raised in respect of the three storey properties within the site, however, there were similar houses surrounding the site and they did not appear unsightly in the location. He reported that the trees would not require pruning or removing and the tree protection condition on the application would be sufficient to safeguard the woodland. The application was then recommended for approval, subject to the conditions as set out in the report and the amended deed of variation.

In response to Members' queries, the Assistant Director - Planning, Transportation and Highways explained that the northern boundary would retain the stone wall, though it was dilapidated in some other areas and condition 6 could be amended to reflect the retention of feature walls. It was confirmed that the access at Crowther Fold would be retained and be a gated entrance, however, a secondary access point would not be required for this development.

A representative of Harden Parish Council was present at the meeting and made the following comments:

- The application submitted addressed more of the issues raised and was a significant step forward.
- A substantial part of the Section 106 Agreement had been reinstated.
- It was accepted that the cherry trees would be removed, however, identical ones should be replanted
- The cherry trees were a significant amenity to the village.
- The Mill House access was perceived to be remote and had issues that needed addressing.
- The Core Strategy reduced affordable housing and affected the whole of Bradford.
- The viability of the scheme should be considered.

In response the Assistant Director - Planning, Transportation and Highways explained that:

- The cherry trees could be removed as they were not protected and it would be difficult to state that the developer should replace like for like. The submitted comprehensive planting scheme was acceptable and the replanting could not be justified.
- An alternative plan could be requested that included the planting of cherry trees at an appropriate location at the entrance of the site.
- The Government had set a high bar for the Council to achieve affordable housing and the schemes had to be viable. Consultants had looked at the site and stated that it would not provide an opportunity for affordable housing, therefore, the applicant had proposed additional contributions.

Objectors were present at the meeting and raised the following concerns:

- As owner of Harden Fisheries, access across the field to the utilities was required.
- There was a 4 foot maintenance strip around the building and this needed to be retained.
- The proposal would place pressure on Keighley Road.
- The 'arrival square' had been removed but should be reinstated.
- Where would delivery vehicles and customers park, as double yellow lines would be installed.
- The development would be close to forest trees.
- There would be less pressure to fell or prune the trees if the distance was adequate.
- The proposed houses were close to the tree canopy.
- The only change was that some of the three storey houses had been slightly reduced in height.
- The proposed layout had not altered.
- The development was not in accordance with policy EN5.
- The first two reasons for refusal still applied.
- A Tree Preservation Order was required for the trees at the boundary.

The City Solicitor confirmed that the granting of planning permission would not affect the existing rights of access and there would be a statutory right of entry onto land to maintain property.

In response to further questions, the Assistant Director - Planning, Transportation and Highways confirmed that:

- Access to the rear of the fisheries would not be prevented. The landscape plan would be amended and the location of the hedgerow could be looked at to ensure that the access to the property would be maintained.
- The applicant had to be agreeable to submit an amended landscaping scheme and the business owner would then be contacted in relation to any agreements.
- 28 dwellings would not create a significant impact on the highways. The proposed double yellow lines and Traffic Regulation Order (TRO) in front of the property would protect the visibility splays. The TRO would also be subject to the usual process via the Area Committee.
- The drainage proposals had been covered under the previous application.

- Information had been submitted by qualified experts and accepted in respect of the proximity of the properties to the trees on the northern boundary.

The applicant's agent was present at the meeting and stated that:

- Following the previous refusal, the scheme had been evaluated.
- The Parish Council and local community had been consulted.
- The feedback and advice received had been welcomed.
- An improved scheme had now been submitted.
- Additional requests regarding the allotments would be considered.
- He believed that cherry trees had been planted, but the scheme could be revised if not.
- If the hedgerow presented an issue, it could be addressed.
- The application should be approved.

During the discussion Members requested that the conditions in relation to the boundary treatments and the landscaping scheme be amended. It was also agreed that a separate legal agreement be completed in order to ensure that the additional contributions proposed by the developer be spent on improvements to Harden Memorial Hall and the provision of new allotments.

#### **Resolved –**

- (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, subject to the amendment of Condition 6 as set out below**

**Notwithstanding the details provided on the submitted plans details of the design, height and materials of boundary treatments to the plot curtilages and any retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall show, wherever possible, retention of the existing boundary walls particularly along the northern boundary of the site. The details so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained as long as the development subsists.**

**Reason: In the interests of amenity and privacy and to accord with Policies DS2, DS3, DS5 and EN3 of the Local Plan Core Strategy.'**

**and the amendment of Condition 8 as set out below:**

**In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, the landscaping proposals and new tree planting shall be implemented at the site in accordance with details shown on the Landscape Proposals drawing reference GL0744 01 REV J.**

**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.**

- (2) That authority be delegated to the Assistant Director - Planning, Transportation and Highways (in consultation with the City Solicitor) to enter into a Deed of Variation, in respect of the Section 106 Legal Obligation attached to Planning Permission 15/01039/MAO, to remove the obligation in respect of affordable housing provision and to amend/retain the other infrastructure contributions as follows:**
- (i) The payment of a commuted sum of £20,419 to the Local Planning Authority for the purpose of upgrading the existing public recreation infrastructure at the St Ives Estate, Keighley Road, Harden,**
  - (ii) The payment of a commuted sum of £46,708 to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Cullingworth Primary School or Harden Primary School,**
  - (iii) An obligation to provide the Village Greenspace and other Public Open Spaces as shown on Drawing 1357DHP/MCH/IMO1 REV J, or as otherwise agreed by the Local Planning Authority, to a minimum area of 1,900m<sup>2</sup>, as open spaces [containing no buildings] in perpetuity; to include the submission of full details of the arrangements which shall be made for the management and maintenance of the Public Open Spaces shown on Drawing 1357DHP/MCH/IMO1 REV J, or as otherwise agreed by the Local Planning Authority.**
  - (iv) The payment of a commuted sum of £7,000 to the Local Planning Authority for the provision of a Traffic Regulation Order to protect the visibility splays at the access point to the site.**
  - (v) The payment of legal fees of £1,200.**
  - (vi) The payment of the Monitoring Fee of £1,175,**
  - (vii) The completion of separate legal agreements by the developer and the respective local organisations/Parish Council in respect of; the provision of a sum of £31,893.75 to be spent on improvements to facilities at Harden Village Hall (also known**

as Harden Memorial Hall), and the provision of a sum of £16,166 to contribute towards the scheme to provide allotments for Harden, the details and completion of which to be confirmed to the Council prior to the commencement of development.

***ACTION:*** *Assistant Director - Planning, Transportation and Highways*

Chair

**Note:** These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER