

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 6 December 2018 at 10.00 am in the Banqueting Hall - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Cooke	Amran Wainwright Warburton 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.
- **INTERESTED PARTIES ARE ASKED TO NOTE THAT ITEM 8 WILL NOT BE CONSIDERED BEFORE 1.30 PM.**

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 21 June 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. **LAND TO THE SOUTH OF LEAVENTHORPE LANE, BRADFORD** **Clayton and Fairweather Green** **Thornton and Allerton**

1 - 30

The Assistant Director - Planning, Transportation and Highways will present a report (**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 Leaventhorpe Lane, Bradford – 17/06897/MAO.

The report explains that the scheme is considered to be unacceptable due to concern in relation to the potential for flooding to take place on land outside the site.

Recommended –

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

(John Eyles – 01274 434380)

7. **TONG GARDEN CENTRE, TONG LANE, BRADFORD**
Tong

31 - 58

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**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.

Recommended –

That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ technical report.

(John Eyles – 01274 434380)

Interested parties are asked to note that the following item will not be considered before 1.30 pm.

8. **LAND AT HARDEN ROAD AND KEIGHLEY ROAD, HARDEN,**
BINGLEY
Bingley Rural

59 - 94

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

The Assistant Director - Planning, Transportation and Highways will submit 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.

Members will recall that this 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), were 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 has now been amended to address the reasons for refusal. The applicant has also given further consideration to the viability of the development and undertaken consultation with the local community and now proposes 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 is also suggested that the details be varied in order to benefit Harden more directly.

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 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 obligations in respect of affordable housing provision and amend/retain the contributions in respect of public open space provision, education infrastructure, Metro contribution and recreation infrastructure 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) The payment of a commuted sum of £31,893.75 to the Local Planning Authority to be spent on improvements to facilities at Harden Village Hall (also known as Harden Memorial Hall),**

- (iv) 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 1,900m², 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.**

- (v) 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.**

(John Eyles – 01274 434380)



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 6 December 2018

AF

Subject:

This is an outline planning application for the construction of a residential development scheme (site area 6.87ha) with public open space, landscaping and associated infrastructure, requesting consideration of access on land to the south of Leaventhorpe Lane, Bradford. The application is in outline form with details of the access submitted for consideration at this stage.

Summary statement:

The application relates to the construction of a residential scheme and whilst in outline form it seeks approval for the access to the site. Details of the layout have not been submitted for consideration at this stage but the Applicant suggests that 150 dwellings will be constructed. Of these 150 dwellings there will be 50 to be constructed and sold on the open market with the remaining 100 being constructed as affordable dwellings.

The site is located within an area identified as Urban Greenspace within the Replacement Unitary Development Plan. A parameters plan has been submitted which shows how the site could be developed whilst retaining areas of open land to break up the built form and respect its setting within the Urban Greenspace. The principle of residential development on the site is therefore considered to be acceptable subject to the development being carried out in line with the submitted parameters plan.

The point of access will be taken from Leaventhorpe Lane and no objection is raised to the details of the access. The development will generate a significant amount of additional traffic on the surrounding highway network and this will require improvements to the roads and the Applicant has agreed to pay a commuted sum towards these improvements.

Continued..

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
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Major Development Manager
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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Environment

The northernmost section of the site is located within a Flood Zone and in line with policies in the Core Strategy and guidance within the National Planning Policy Framework the proposal should not result in flooding taking place on land outside the application site. The Applicant has submitted a number of schemes to try and overcome the concerns relating to flooding but these have been considered unacceptable by Drainage Services. No evidence has been submitted which suggests that the measures put forward will work and will not result in flooding on land outside the application site.

As a result of the concerns regarding the potential for flooding to take place outside the application site, the proposal is considered unacceptable and is recommended for refusal.

1. SUMMARY

This is an outline planning application for the construction of a residential development scheme (site area 6.87ha) with public open space, landscaping and associated infrastructure, requesting consideration of access on land to the south of Leaventhorpe Lane, Bradford. The application is in outline form with details of the access submitted for consideration at this stage.

A parameters plan has been submitted which shows how the site can be developed to ensure that the layout meets the requirements of policy OS1 of the Replacement Unitary Development Plan through the introduction of large areas of open space breaking up the built form.

Part of the site is located within the Flood Zone and the Drainage Services have objected to the proposal on the grounds that the scheme as submitted could result in flooding taking place on land and dwellings outside the application site and this is therefore contrary to both policy EN7 of the Core Strategy and the paragraph 163 of the National Planning Policy Framework.

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 are raised. The site is located in a sustainable area and a Travel Plan framework has been submitted which aims to introduce travel initiatives for the future users of the development.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

A condition would normally be 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 refuse the application as per the recommendation contained within Appendix 1, or approve the application.

If the Committee decide that planning permission should be granted, they may approve the application accordingly, in which case conditions will have to be given based upon development plan policies or other material planning considerations

10. RECOMMENDATIONS

The application is recommended for refusal, subject to the reason included with Appendix 1.

11. APPENDICES

Appendix 1 Technical Report.

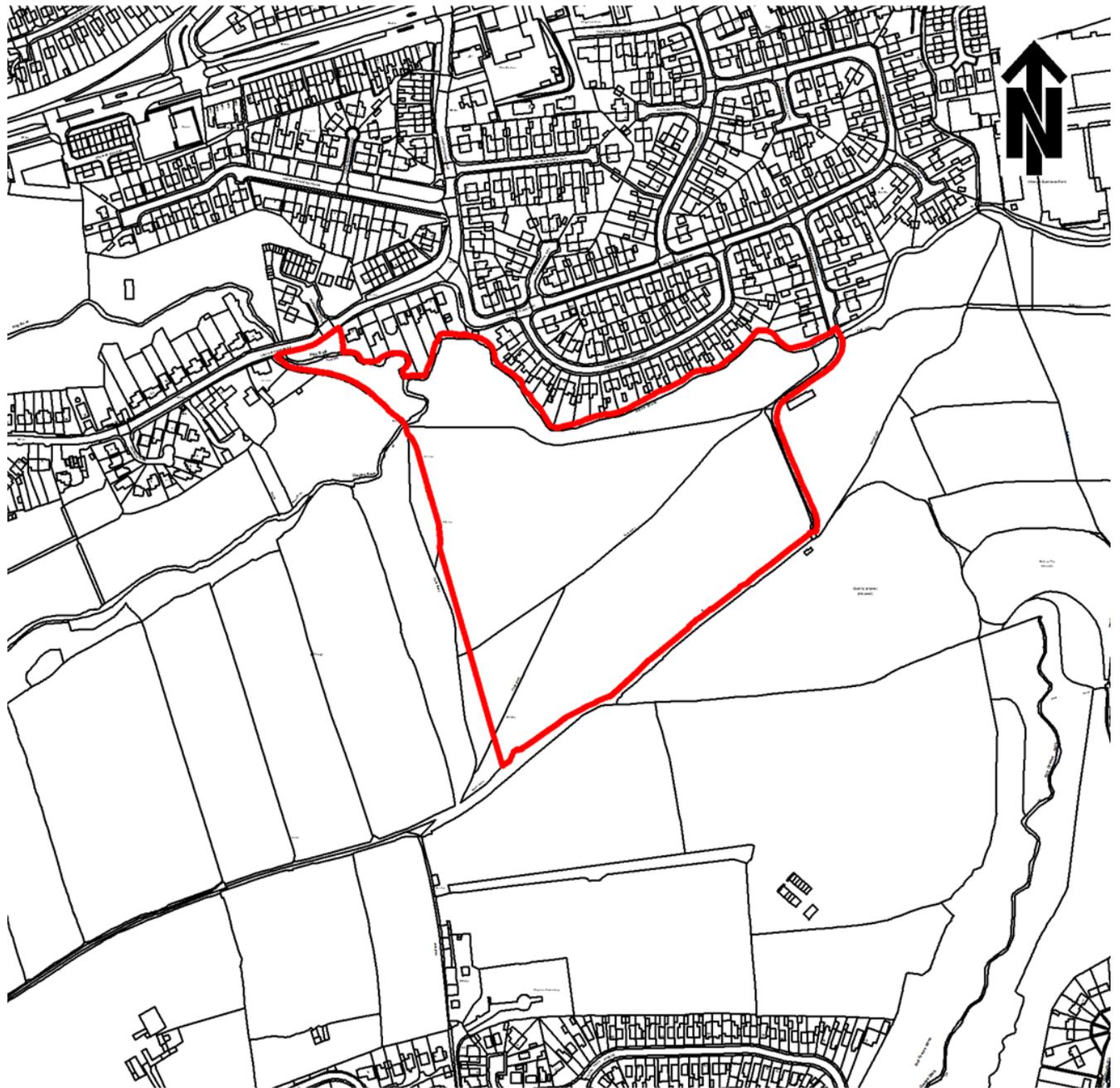
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Replacement Unitary Development Plan

17/06897/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:5,000

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**Land south of Leventhorpe Lane
Bradford**

6th December 2018

**Wards: Clayton and Fairweather Green
Thornton and Allerton**

**Recommendation:
REFUSE PLANNING PERMISSION**

**Application Number:
17/06897/MAO**

Type of Application/Proposal and Address:

This is an outline planning application for the construction of a residential development scheme (site area 6.87ha) with public open space, landscaping and associated infrastructure, requesting consideration of access on land to the south of Leaventhorpe Lane, Bradford. The application is in outline form with details of the access submitted for consideration at this stage.

Applicant:

Alcuin Homes (Bradford) Ltd

Agent:

Mr Paul Butler (PB Planning Ltd)

Site Description:

The site is located to the south of Leaventhorpe Lane and Middlebrook Crescent and currently comprises an open piece of land which gradually slopes upwards from north to south. To the north of the site are residential properties fronting onto both Leaventhorpe Lane and Middlebrook Crescent whilst to the south east of the site is a quarry. To the east, south and west is open grassed land. Pedestrian access to the site exists from Leaventhorpe Lane to the north west of the site. Between the dwellings on Middlebrook Crescent and the site is a beck.

Relevant Site History:

There is no relevant planning history on the site.

The National Planning Policy Framework (NPPF):

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

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

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

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated in the RUDP but is located within the defined Urban Greenspace (Ref: BS/OS1.5 – Scholemoor Cemetery). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

OS1 Urban Greenspace
TM10 The National and Local Cycle Network
TM20 Cycleway Improvements

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN3 Historic Environment
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection
EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID2 Viability
ID3 Developer Contributions

Parish Council:

Clayton Parish Council has objected to the proposal on the following grounds:

- The proposed site is on a flood plain and the houses in the locality are known to have difficulty in getting insurance.
- There are concerns about the wildlife in the vicinity.
- The designated area conflicts with a public footpath.
- There are highway issues associated with narrow roads causing congestion.
- The nearby schools are oversubscribed

Publicity and Number of Representations:

The proposal was advertised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 9th February 2018.

As a result of the publicity exercise 201 representations have been received of which 191 are objecting to the proposal and 10 submitted in support. Objection letters have been received from a number of local Councillors. A petition containing 264 signatures has also been submitted objecting to the proposal.

Summary of Representations Received:

Objections:

Principle:

- The Council should develop town centre sites before allowing development on green sites
- There are plenty of brownfield sites available that should be developed first
- The council need to adhere to Government recommendations to prioritise brownfield sites
- There is a need for new housing, but this is the wrong place, it's frustrating that because it's a green space that's "doing nothing" it must be built on. Brownfield first should be the rule
- You should be thankful of the green spaces and they should be protected as assets that other parts of the country don't have the luxury of
- The proposal will result in the loss of a recreational area
- The Council should consider the impact of the collective applications in Thornton and Clayton and the surrounding areas
- If all applications are approved it won't be long until Clayton and Thornton become one village
- This will be the fourth large scale build in the area, all of which have been on green belt land. These are 2 on Allerton Lane/Cote Lane, one proposed at Leaventhorpe Hall and this one
- A number of housing developments have already been approved in the local area. Surely it is time to put the interests of all the residents, old and new, to the top of the agenda
- It is a wonderful urban greenspace suitable for pleasure for all ages
- The site has been designated as an area to be maintained as green space because it is important to have these green corridors reaching in to our city both from a community and an environmental point of view. Once it's gone it's gone. Many green spaces in the area are already being destroyed for housing, this one needs to be protected
- Why should more greenbelt fields be taken away from residents when we are being encouraged to exercise more and get out into the open and fresh air?
- Huge development taking place at Allerton that has not all sold and has decimated green space
- It would be immoral for the Council to remove this open green field site for the sake of houses in a wholly inappropriate area as it the only area of green space in the locality, other areas for walking are along footpaths/roads and users suffer from inhaling car fumes

Highways:

- The access to the site is from a very narrow road
- The roads are already congested and this development will just add to the problem.

- The proposal will create a rat run from Leaventhorpe Lane to Thornton Road via Middlebrook and Thornton Old Road
- If the development is approved Leaventhorpe Lane and Thornton Road should be widened
- The proposal will result in more traffic through Clayton, particularly the narrow point at Town End/Low Lane
- Exiting developments/permissions, such as Cote Lane, and other applications, such as Thornton Road and Westminster Avenue, will result in additional traffic through villages such as Clayton
- People who work in the town centres will drive thus increasing the amount of traffic on the roads
- Leaventhorpe Lane is not always gritted in times of bad weather and for existing householders higher up the hill, getting out is difficult and sometimes impossible
- It is inconceivable that this road can handle such an injection of extra traffic and this is something the developer has tried to glibly dismiss by suggesting they would simply encourage the new residents to use public transport without taking into account local public transport is already filled to capacity with people commuting from places such as Thornton village & Denholme into Bradford and vice versa
- Some parts of Leaventhorpe Lane do not have pavements. Pedestrians already have to walk on the road around parked cars. What will it be like with the new development?
- There would need to be considerable change to the junctions onto Thornton Road or there would be significant delays for drivers trying to enter Thornton Road city bound, it is already difficult and would add to travel time for workers
- Lorries needed at any building stage would present a major hazard and easily cause congestion
- The council would soon have to invest considerable money into the local infrastructure to widen Leaventhorpe Lane and making safer access to and from the main roads for vehicles and pedestrians
- The narrowness of Leaventhorpe Lane makes it dangerous for wheelchair users and through increasing the amount of traffic will increase the danger for such users
- The highways report should be read with great caution as it is misleading and does not represent the nature of Leaventhorpe Lane accurately as the report has been produced using data that is over 12 months old
- The report talks about number of parking spaces as if you could park along the full length of the lane and on both sides. This is clearly not the case. On large sections of the lane you can't park on both sides, in fact people have to park on the pavement to leave sufficient space for cars to pass, never mind buses and delivery vehicles
- Students will be impacted with quiet roads that they use becoming busy and more hazardous
- Concerns about parking spaces due to the already over-crowded nearby streets

Drainage:

- The report attached to the planning application is both misleading and inadequate. It suggests that the site to be developed is at low risk of flooding but that does not take account of the impact of the access route
- The arch of the bridge over the stream on Leaventhorpe Lane is often submerged with water backing up on the north side of the lane. This has the impact of significantly increasing the force and speed of water on the south side of the bridge

- The proposed new bridge across Pitty Beck would have a similar effect and put neighbouring properties at risk. A clearance of 1 metre is simply not sufficient and a higher clearance would be inappropriate as it would raise the level of the access road to an unacceptable level
- The building of the houses will increase the chances of the existing gardens flooding as the beck struggles to cope with the existing heavy rainfall
- The development on Westminster Avenue will result in more water running down the beck and this will impact on the Leaventhorpe area
- Concerns regarding sewage waste
- It is unclear from the plans where the foul sewage from the development will enter the main sewer but the original plans prepared by Barratt Homes indicated that this would be at the end of the access road on Leaventhorpe Lane
- The main combined sewer on Leaventhorpe Lane is not capable of dealing with any additional development
- In 2004 Yorkshire Water also undertook a massive development in the field adjacent to houses to deal with these problems and that still does not seem to have solved problems in the beck
- The existing houses struggle to get insurance because of the flooding of the beck
- At this moment the greenfield area acts as a flood plain, during prolonged periods of rain the middle Brook has been known to flood out onto the site of the proposed new development, If this area is tampered with there is a very clear flooding risk to the proposed new residents as well as the existing residents living next to the middle brook on Middlebrook Crescent & Leaventhorpe Lane
- The council has a responsibility to protect existing homes from increased flood risk as a direct result of any new build. The National Planning Policy Framework (NPPF) (paragraph 103) says "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere"
- The Flood Risk Assessment Report appears to consider only the impact of flooding within the boundaries of the plans, but certain comments within the report make it clear that there would be an impact externally
- Any large scale building work will also inevitably see rainfall on newly disturbed soil leading to mud being washed downhill into the beck
- The flood risk assessment is almost a year old (and many of the appendices date back to 2016) and so this will not have taken into account the impact the Bracken Hall development has already had on our beck, or the additional potential impact of a number of other new developments that have already been agreed upstream of this area, which will also contribute to this issue
- The "normal" depth of water in the beck as it passes the houses is around half a meter. This rose by approximately 2 meters in the December 2015 floods and as a result destroyed neighbours' retaining walls, flooded gardens and outbuildings, and came perilously close to entering homes

Residential amenity:

- Loss of views over open fields for the existing residents on Middlebrook Crescent
- The proposed houses will overshadow houses already present in the Middlebrook estate
- Loss of privacy to the existing dwellings on the Middlebrook estate
- Increase in pollution from the increase in traffic will impact on the residents
- Plot numbers 147-152 are directly overlooking properties on Middlebrook Crescent and would negatively impact on the privacy of the existing residents. The ground floor view from those houses would look straight into the bedrooms of Middlebrook Crescent properties and overlook the rear gardens

- Impact of noise on local residents during the construction phase of development

Environment/Ecology:

- There are many different types of wildlife on the site that need protecting
- The site contains ancient hedgerows and ancient/mature trees
- The site is of special scientific interest and is a nature habitat and corridor for wildlife
- The site has Himalayan balsam growing in the area which can stop people getting mortgages
- If this development goes ahead all the wildlife habitat will disappear which should not be happening. Wildlife is extremely important for the environment
- There will be increased sewage flowing into the beck which will kill wildlife and increase bad odour
- The estate would certainly change the nature of the area removing the separation between Clayton, Fairweather Green and Thornton which is undesirable. The landscape would be completely urbanised
- The loss of the space for nature would be another negative consequence, it is very popular for horse riding, dog walking and rambling and this would be unlikely to continue if the estate is built
- The site is anything but ideal for housing because of way it slopes down towards the back
- The tree report provided talks about rough vegetation and limited numbers of trees, there were many more trees before the land owner destroyed them three or four years ago
- This is land that has been used as common land for many, many years and is actively used by the local and surrounding communities
- The report on visual impact is disingenuous in its description of the impact of this development. When leaving Bradford it is the first chance you get to see open ground and in the summer the view as you travel down Leaventhorpe Lane really lifts your spirits
- This open space really defines the area and its loss would be deeply distressing. Our cities need open green space that can be accessed easily and this is one such space that should be preserved

Others:

- Increased traffic on the roads will impact on the health and well-being of both commuters and the general public
- All the local schools are full – where will the children from this development go to school?
- The doctors and dentists are all over-subscribed and cannot cope with the additional population that will be generated by the development
- The application was submitted just before Christmas when it has been subject to conversations over the last 12 months – this is disgusting and the Council should be ashamed of the way it has been handled
- It is truly despicable that Alcuin Homes have spent an inordinate amount of time and effort to collude with various agencies, authorities and businesses over the past few months (or years) and then surreptitiously submit their planning application immediately before Christmas, purely to keep their application concealed from our community
- Over the past year or so, they have generated over 1,000 pages of documentation by liaising with subject matter experts. How can we, as mere residents, undertake to challenge the veracity of their planning documents in a matter of only a few weeks? The process is flawed, prejudicial and potentially illegal.

- This is a large scale development with little regard to the community around it
- This application has been slipped in under the radar, a move that appears to have been colluded in by Bradford Council, and that the deadline for objections must be extended
- The house prices will also drop due to the visual impact the new houses will have
- This development is a case of a developers ambition outweighing all conceivable common sense & practically and it should not be allowed to go ahead
- The possibility of the housing development going ahead is impacting on people's health and general well-being
- Alcuin Homes have not followed due process. No site notices have been placed up, nor have residents been consulted by them
- Alcuin Homes appear to be using Barratt Homes' documentation
- Are Alcuin Homes financially robust to manage such an undertaking as they have only been established for a couple of years and holds an insignificant balance
- There is no reference to social housing or homes for the disabled. It is purely a commercial entity to build these houses with no regard to the potential occupants
- Many Bradfordians will simply not be able to afford these houses, particularly during the austerity period
- Barratt homes decided the site was unsuitable for building after 3 days of test drilling due to close proximity to quarry & old mine workings
- The planning application states that the site cannot be seen from the public road, public footpath, bridleway and other public land but this incorrect as all these can be seen from these places
- Affordable homes are included in this application there is no mention or inclusion in these plans for Homes for Life. This is a major flaw of this application
- Local residents' home and car insurance will be increase
- All the cars which release carbon monoxide. Carbon monoxide is harmful when breathed
- How come that Alcuin is using Barratt's documentation & not their own coupled with no initial consultation to local residents by Alcuin? This shows a disdain for the local community
- The Parish Council weren't consulted by the Planning Department until it was highlighted to them that they had failed to do so
- Lack of natural sunlight which would affect the benefits of having solar panels
- Increase in light pollution

Support:

- There is a need for affordable housing in the area
- The area is much smaller than first applied for. There will only be 150 houses and whilst the concerns are understood more houses are needed
- The fields are currently unsafe to walk alone on due to dog mess and people sleeping rough
- Roads need sorting and flooding issues too, the only way they will get done is if a development company get involved
- This land can't be left wild, just so folk can walk dogs. folk need homes
- The land looks like it is owned by somebody so why can't they do what they want with it? Let's work with these people and make it better for new and old
- The council will receive more council tax so will help make changes to the problems, always ways around problems
- There will still be much green spaces ,compared to many places around the country

Consultations:

Rights Of Way – No objection to the principle of the development providing that the recorded public rights of way (public bridleway 198 and public footpaths 201 and 204 Bradford West) are not obstructed in any way by the development and that public access is maintained and actually enhanced with the additional paths connecting to the wider network

Highways – No objection subject to the imposition of appropriate conditions

West Yorkshire Combined Authority (Highways) – No objection to the principle of the development but state that the Travel Plan should be strengthened to include more incentives and commitments to fund measures to increase the use of public transport through the provision of discounted or free bus travel cards. The provision of MetroCards would equate to £495 per dwelling. There is also a requirement for the provision of a real time bus information display at a nearby bus stop at a cost of £10,000 to the developer

Environmental Health Land Contamination – No objection to the principle of the development subject to the imposition of conditions relating to the carrying out of further site investigation work, appropriate remediation works together with conditions relating to the importation of materials and the discovery of unexpected contamination

West Yorkshire Police – No objection to the principle of the development but comments are made on specific aspects of it including boundary treatments, shared pathway, surveillance of parking bays, visitor parking bays, public open space, external Lighting, and, physical security

Yorkshire Water – No objection to the principle of the development subject to the imposition of an appropriate condition requiring the development be carried out in accordance with the submitted Flood Risk Assessment

Lead Local Flood Authority – Objection on the grounds that the design of the raised access road into the site will impact on the identified flood zone and will increase the risk of flooding to the adjacent land and properties

Environment Agency – No objection to the principle of the development subject to the mitigation measures contained in Section 6.18 of the Flood Risk Assessment. It is also recommended that the finished floor levels be set at 600mm above the modelled 1 in 100 plus climate change level for the site as additional resilience to account or any potential modelling/assessment errors

Trees Section – No objection to the principle of the development and although none of the trees on the site are protected a number have been identified as being of good quality. One is located near the access but is unlikely to be damaged by the access route. However, the indicative layout may impact on some of the better quality tree stock and care should be taken to allow adequate space to be left between the buildings and retained trees

Landscape Design Unit – The amended scheme provides more green open spaces around and within the site. The plan does indicate roads and footpaths ending at the boundary of the proposed site to the south and east suggesting that further phases of development are likely and details of the adjacent development sites should be submitted

West Yorkshire Archaeology Advisory Service – No objection to the principle of the development but state that the developer be required to provide an evaluation of the full archaeological implications of the proposed development. The evaluation should involve a geophysical survey and the excavation of a number of archaeological evaluation trenches. Ideally this should be done pre-evaluation but if this cannot be done an appropriate condition is recommended

Development and Enabling – No objection to the principle of the development but state that the site is located within an area where the affordable housing requirement is up to 20% of the number of units and this equates to up to 30 dwellings

Education (Client Team) – The schools at primary sector level (Crossley Hall, Dixons Allerton, Ley Top, Lidget Green, St Matthew’s Catholic, St Williams Catholic and The Academy at St James) do have spare capacity however the schools at secondary sector level (Beckfoot Thornton, Dixons Allerton and Dixons Kings) are full. Should planning permission be granted then the Council would need to increase the number of school places in the area

Sport & Leisure – The proposal will result in increased pressure on the existing recreational infrastructure in the vicinity of the site and any monies to improve the infrastructure will be secured through CIL (Community Infrastructure Levy). If the developer is to provide open space within the development a private maintenance agreement will be required for its future maintenance or a commuted sum for a period of 25 years can be offered to the Council for them to maintain it

Summary of Main Issues:

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

Appraisal:

The proposal relates to the construction of a residential development scheme with only details of the access submitted for consideration. Access to the site will be taken from Leaventhorpe Lane. The layout indicates that 150 dwellings will be constructed as part of the development with two thirds of them being affordable houses.

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.

Policy OS1 of the Replacement Unitary Development Plan relates to land within the defined Urban Greenspaces. The policy has been superseded by policy EN1 of the Core Strategy but is saved until the adoption of the Allocations and Area Action Plan Development Plan Documents.

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

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

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

Policy HO6 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way the Council will give priority to the development of previously developed land and buildings. It also states that District wide there should be a minimum of 50% of total new housing development over the Local Plan period on previously developed land.

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

The site is located within an area defined as Urban Greenspace within the Replacement Unitary Development Plan. Policy OS1 states that development will not

be permitted in the areas identified as Urban Greenspace unless it retains their open and green character, and, through design makes a positive contribution to the character and amenity of such areas. Whilst the application is in outline form with details of the layout reserved for consideration at a later stage a parameters plan has been submitted which shows how the site could be developed for the number of dwellings being applied for. The parameters plan shows the development split into 2 distinct parts with a substantial green corridor separating them together with green corridors along western, northern and southern boundaries. The north western section of the site, through which the proposed access will run, also comprises an open grassed area. Details of these areas, in terms of planting/landscaping, have not been submitted for consideration at this stage.

The parameters plan only restricts the areas of new development together with areas of open space to be provided to try and retain an element of open green space as well as making a positive contribution to the character of the area. The detailed layout of the site will be considered at Reserved Matters stage and could be enhanced through further landscaping and the provision of additional areas of open space. It is considered that, with the inclusion of the green corridor running centrally through the site and the green edges along the western, northern and southern boundaries, all of which could be appropriately landscaped to further minimise the potential impact on the allocated urban greenspace, the overall impact on the openness of the area is acceptable.

Policy H05 states that residential developments should achieve a minimum density of 30 dwellings per hectare which will make the most efficient use of a site and relieve the pressure for future release of green belt sites. The application site is 6.87 hectares in size and proposes 150 units. This equates to a density of 22 dwellings per hectare. Whilst this density is below the policy requirement there are extenuating circumstances which make it acceptable such as the north western part of the site being located within a flood zone and the need to accommodate areas of open space/landscaping to comply with policy OS5 and its siting within an allocated urban greenspace.

Overall therefore the principle of the development is considered to be acceptable.

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 users⁴⁶; 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.

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

The site is located on the edge of the urban area with residential development to the north on both Leaventhorpe Lane and Middlebrook Crescent. Within the area there is a mix of house types including older stone built cottages and more modern detached and semi-detached dwellings. The more modern dwellings are constructed using brick, render and fascia boarding.

Details of the layout of the development and external appearance have not been submitted for consideration at this stage. It is considered that the design of the development could be such that it is in keeping with the character of the area both in terms of the layout and the dwelling types themselves.

As part of the proposal the access road leading into the main body of the site will be located within a Flood Zone and will need to be raised above existing ground levels as part of the flood prevention measures. The indicative plans submitted in relation to the flood defence works show the road to be raised up to 3½ metres above the existing ground level. On the eastern side of the road there will be a banking that slopes down

towards the adjacent land and this will be landscaped to reduce its impact. On the western edge of the road there is insufficient room within the application site to incorporate landscaped banking and therefore a retaining wall is proposed. The sectional plan submitted in relation to the flood alleviation proposals shows that the retaining wall will potentially be up to 4 metres in height. This will be visually prominent when viewed from the open land to the west and potentially from Leaventhorpe Lane to the north west. The Applicant has stated that the plans are only indicative and relate to the proposals submitted to resolve the potential flooding issue and that through detailed design the proposals may change and this could reduce the visual impact of the retaining wall. Appropriate materials could also be used to further minimise the potential impact of the retaining wall.

Overall therefore from a visual impact aspect there is no objection to the proposal.

3. Residential amenity

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

The site is bounded to the north by existing residential development on both Leaventhorpe Lane and Middlebrook Crescent. The application site does slope upwards away from these dwellings which will result in a potentially greater impact on the residential amenities of their occupiers. The application is in outline form and detail of the layout and external appearance of the dwellings has been reserved for consideration at a later stage.

It is considered that the layout is such that a scheme can be devised that will allow an appropriate separation distance to be achieved between existing and proposed dwellings together with some strengthening of the northern boundary of the site to ensure that the residential amenities of the occupiers of both the existing and proposed dwellings are not adversely affected.

At this stage, with regards to residential amenity, there are no objections to the principle of the development.

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.

Whilst the application is in outline form, details of the means of access have been submitted for consideration. It is proposed to create an access point directly off Leaventhorpe Lane.

A Transport Assessment submitted with the application has been assessed by the Highways Department and was initially based on 170 dwellings. With the application now suggesting 150 dwellings will be constructed on the site, the Transport Assessment is still considered to be robust. It is considered that, based on the calculations and modelling in the Transport Assessment, Thornton Road (west) and Allerton Road operate above absolute capacity with Cemetery Road approaching or just exceeding absolute capacity within the AM peak. As a result some improvement works are required at this junction to mitigate against the likely impact of this development on the highway network by making more efficient use of the green time provided to the Thornton Road (west) approach. This is to be achieved by increasing the right turn lane length through an altered white lining scheme. The layout plan (Ref: 16001/GA/02) submitted would not be acceptable as it makes no allowance for cyclists.

The Council currently has an improvement scheme to radically alter the junction layout and, as part of this, Thornton Road (west) is to be widened from its junction with Lane Ends Close to Cemetery Road. This will require the acquisition of third party land on the north side of Thornton Road. Therefore rather than the applicant carrying out their proposed lining scheme, which will result in abortive work, a contribution will be sought towards the Council's preferred junction improvements that would bring wider benefits to all users.

Concerns are raised regarding the existing levels of traffic on Leaventhorpe Lane, which will be made worse by the proposed development. The traffic engineer has advised that whilst part of this road has been traffic calmed in the vicinity of the school this should be extended to cover the whole of Leaventhorpe Lane and then up Middlebrook Way to Thornton Road. Speed cushions should be provided along this route with the appropriate signing and Traffic Regulation Orders. The existing street lighting will also have to be upgraded as part of this scheme. The works will be carried out by the applicant/developer under a Section 278 Agreement with the Council and this can be appropriately conditioned.

The Applicant has confirmed their acceptance for payment of the contribution towards the off-site highway works and this would normally be secured through a Section 106 Legal Agreement.

As such, therefore, it is considered that the proposal is acceptable and there are no objections in highway terms.

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 whilst policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

With regards to the drainage of the site the Applicant intends to connect to the mains sewer for the disposal of foul sewage and to utilise the existing watercourse for the disposal of surface water. It is stated on the application form that the proposal will not increase the flood risk elsewhere.

The north western corner of the site is located within a flood zone due to the existence of Pitty Beck and therefore the scheme needs to be devised such that it will not result in the flood risk outside the site being increased.

The application is in outline form with only details of the access submitted for consideration at this stage. However, at this stage, because of the existence of the flood zone it is important to see how the access road from Leaventhorpe Lane to the main body of the site will be designed such that it will neither impact on the flood zone nor increase the potential for flooding of the areas of land, including domestic properties, adjacent to the site.

Drainage Services originally objected to the proposal on the grounds that the access road is within a Flood Zone 3 and if an appropriate design for the access road could not be achieved then it could flood thereby leaving any future occupiers of the development without an acceptable and safe means of exit from the development. A meeting was held with the Applicant on the 20th August 2018 where the issue of flooding was considered at length and the Council's Drainage Services advising the Applicant what information was needed to try and achieve an acceptable design for the access road that would not impact on the existing becks (Pitty Beck and Clayton Beck) and cause further flooding of the adjacent dwellings on Leaventhorpe Lane.

The initial information submitted following the meeting did not satisfactorily overcome the concerns raised and Drainage Services again objected to the proposal. The concerns were reported back to the Applicant and further details were submitted which were again considered to be unsatisfactory by Drainage Services.

The latest flood alleviation scheme submitted by the Applicant proposes to raise the road level up above the existing ground levels such that should the land flood then both pedestrians and vehicles will be able to enter and exit the site. This will involve raising the land by up to 3½ metres to create the road with sloping landscaped banking on the eastern side of the road and a retaining wall on the western side. Flood compensation areas are also being created to the east and south east of the proposed access road. The scheme will incorporate new culverts under the proposed access road that will serve both Pitty Beck and Clayton Beck.

Drainage Services are still objecting to the proposal for the following reasons:

- The access to the site is proposed to be gained from Leaventhorpe Lane. At the point of access, Pitty Beck passes beneath Leaventhorpe Lane in culvert. The culvert offers a restriction at this point within the watercourse causing Leaventhorpe Lane to be at risk of flooding. To overcome this flood risk, the proposal is to install a new culvert beneath Leaventhorpe Lane large enough to not impede flows within the watercourse. Conceptually this is acceptable however only if flood risk is not increased downstream. The submission does not assess the downstream flows in detail, including an assessment of the proposed flood mitigation structures, to show flood risk will not be increased elsewhere.
- Overland flows generated within Clayton Beck by the 1% AEP plus climate change event will be impeded by the proposed retaining wall. The applicant has not provided sufficient information to show how these overland flows will be managed through the development site as not to increase flood risk to neighbouring land to the west.
- Overland flows generated within Pitty Beck by the 1% AEP plus climate change event will be impeded by the proposed road embankment. The applicant has not provided sufficient information to show how these overland flows will be managed through the development site as not to increase flood risk to neighbouring land to the north.
- The applicant is proposing to lower ground levels to provide compensatory flood storage. The applicant has not provided sufficient information to show if the compensatory flood storage will operate as expected for all storms up to and including the 1% AEP plus an allowance for climate change.

A 2D hydraulic model will need to be submitted to show that the complex proposals operate as they intend them to. This would need to include blockage scenarios on the proposed culverts. The current level of information simply does not assess the mitigation measures in any detail and therefore do not confirm whether the measures will operate effectively.

The Environment Agency have not raised an objection to the proposal but this is on the basis that any proposed flooding would impact on becks and not rivers and is therefore considered to be an issue to be dealt with by the Lead Local Flood Authority.

The Applicant has been afforded every opportunity to submit an acceptable flood alleviation scheme following the initial meeting on the 20th August 2018. Requests were made by the Applicant for further meetings to discuss each submission made with

regards to the flood alleviation scheme but each time a detailed written response was provided to explain why each submission was not acceptable and it was felt that a further meeting was not necessary.

Based on the latest information submitted by the Applicant it is considered that in its current form the proposal will result in potential flooding issues on adjacent land and dwellings outside the application site and is therefore contrary to policy EN7 of the Core Strategy and paragraph 163 of the National Planning Policy Framework.

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 on the site but none of them are afforded any protection through, for example, a Tree Preservation Order. A number of trees have been identified as being of good quality in the submitted arboricultural information with one of them being located close to the proposed entrance to the site. However, it is considered that it is unlikely that it would be damaged during the construction process.

The indicative layout provided may impact on some of the better quality tree stock and care should be taken to allow for adequate space to be left between the buildings and the retained trees at reserved matters stage to avoid conflict in future and allow for the long term retention of the trees. However it should be pointed out that the layout submitted is indicative only and shows how the site could be developed. There will be the opportunity to undertake a replanting scheme during the designing of the layout or even enhance the existing tree stock within the site.

Overall therefore, subject to the Applicant taking on board the comments of the Tree Officer in designing the final layout of the proposed development, there is no objection to the principle of the development.

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.

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it based on the indicative layout plan. The comments relate to matters such as boundary treatments, shared pathways, surveillance of parking bays, provision of visitor parking bays, management of public open space, external lighting, doors and windows, and, intruder alarms.

The majority of the issues raised will be dealt with when the detailed layout of the development is drawn up and a Reserved Matters application is submitted. They cannot be addressed at outline planning application stage. The other matters such as external lighting, doors and windows, and, intruder alarms, will be addressed through Building Regulations Approved Document Q – Security in Dwellings – and are outside the control of the planning system.

Overall therefore there is no objection to the principle of the development in terms of providing a safe and secure environment for the future occupiers of the proposal.

8. 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.

A Stage 1 Desk Study Assessment has been submitted with the application and has been assessed by the Environmental Protection Team. The assessment indicates that “there is no evidence of any significant structures or buildings previously present on the site, but it is evident that quarrying has taken place over a large area of the site, and adjacent areas off-site. The quarries are no longer evident, presumably having been backfilled.”

The desk study does identify that potential contamination sources are evident on site but concludes that “the existence of the possible contamination sources is not known, and it is recommended that a ground investigation is implemented, involving sampling on a grid system, along with any targeted sampling (particularly focussing on the infilled quarries) and testing. This will enable a refinement of the conceptual model and a full assessment of risks to be undertaken, enabling any Remediation Strategy to be determined.”

In order to identify any potential contamination and its sources further investigation work will need to be undertaken and where appropriate remediation works. These further works would be secured through appropriate conditions.

Subject to the imposition of these conditions there is no objection to the proposal from a land quality perspective.

9. Biodiversity issues

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

A Preliminary Ecological Appraisal has been submitted with the application which has concluded that the majority of the application site represents species-poor, semi-improved pasture which is considered to be of relatively low ecological value. It identifies that mature trees and hedgerows within the site represent features of intrinsic value and should be retained. However should any loss of trees or planting happen, then this should be mitigated for by replacement planting of native trees and species-rich hedgerow elsewhere within the site.

The Appraisal identifies that there are a number of becks in close proximity to the site and these are seen as valuable features which require protection and should be a focal point for enhancement. The proposed vehicular access to the site will impact on both Pitty Beck and Clayton Beck in that it will require their culverting. The area around the access will require sensitive design to ensure there is no detrimental impact on wildlife.

In terms of wildlife the Appraisal does not consider that the proposal will have a detrimental impact on species such as bats, crayfish or hedgehogs.

The Appraisal does consider that there are possibilities for the future enhancement of the ecological value of the site through the development and these enhancements include the following:

- Use of native canopy forming and understory trees within the soft landscaping;
- Native woody buffer planting along the northern boundary to protect the watercourse and enhance connectivity;
- Sow and manage areas of wildflower rich grassland within the areas of POS (Public Open Space); and,
- Installation of bird and bat boxes within retained mature trees and suitable new builds.

The findings of the Appraisal are concurred with and in order to ensure that the ecological value of the site is enhanced it is considered that the recommended enhancements be secured and this would be via an appropriate planning condition.

Subject to the imposition of an appropriate condition securing the ecological enhancements there is no objection to the proposal.

10. Conservation

Paragraph 184 of the National Planning Policy Framework states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 189 states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190 goes on to state that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN2 of the Core Strategy states that the Council will work to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the Districts designated and undesignated heritage assets and their settings.

The West Yorkshire Archaeological Advisory Service has stated that during excavation at Allerton Lane in 2016 the works uncovered unexpected and well presented evidence of late Iron Age occupation on a south facing slope above a water course. This discovery establishes the potential for previously unrecognised archaeological remains on the flanks of valleys to the west of Bradford where previously it had not been thought to occur. It is considered that the application site would have been attractive to communities from the Prehistoric to the early medieval period and given the scale of the proposals its archaeological potential should be fully evaluated prior to development. Whilst ideally the evaluation should take place prior to the determination of the application the West Yorkshire Archaeological Advisory Service has recommended that if this cannot be done then an appropriate condition should be attached to a planning permission.

Subject to the imposition of an appropriate condition requiring the evaluation of the site for its archaeological potential there is no objection to the proposal.

11. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 20% in towns, suburbs and villages.

The majority of the site falls within the Clayton and Fairweather Green Ward and the number of units proposed are over the 15 units threshold so an element of Affordable Housing provision on site would be required. The quota for this ward is up to 20% Affordable housing provision and this equates to 30 units and these should be provided on site and delivered at affordable rent via a Registered Provider.

The Applicant, however, is proposing to provide 100 units to be used as affordable housing. This is in excess of the policy requirement and is considered to be acceptable subject to the provision being secured through a Section 106 Legal Agreement. As such no objection is raised to the proposal in relation of the provision of affordable housing.

12. Community Infrastructure Levy (CIL)

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

13. Other issues

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

Increased traffic on the roads will impact on the health and well-being of both commuters and the general public – *the public footpaths that run along the boundaries of the site will still be available for use allowing the local residents to walk along them and use them for recreational activities. The proposal will result in an increase in the level of traffic but sustainability improvements would normally be secured in the development through the inclusion of electric vehicle charging points to encourage the use of electric vehicles to potentially reduce the emissions from cars*

All the local schools are full – where will the children from this development go to school? – *contributions towards education infrastructure enhancements are no longer secured via Section 106 money and are done through Community Infrastructure Levy (CIL)*

The doctors and dentists are all over-subscribed and cannot cope with the additional population that will be generated by the development – *the issues of doctors/dentists being full is not a material planning consideration and they will generally respond to demand in regard to providing additional spaces*

The application was submitted just before Christmas when it has been subject to conversations over the last 12 months – this is disgusting and the Council should be ashamed of the way it has been handled – *the Council have no control over when a planning application is submitted. It has been publicised in accordance with the Council's own protocol for publicity for planning applications. Discussions have been held with the Applicant following the receipt of some of the consultation responses to try and overcome the concerns raised. This is normal practice for all applications where it is considered that the concerns can be overcome*

It is truly despicable that Alcuin Homes have spent an inordinate amount of time and effort to collude with various agencies, authorities and businesses over the past few months (or years) and then surreptitiously submit their planning application immediately

before Christmas, purely to keep their application concealed from our community – *the Council have no control over when a planning application is submitted and it has been publicised in accordance with the Council's own protocol on the publicity of planning applications*

Over the past year or so, they have generated over 1,000 pages of documentation by liaising with subject matter experts. How can we, as mere residents, undertake to challenge the veracity of their planning documents in a matter of only a few weeks? The process is flawed, prejudicial and potentially illegal – *the Applicant is entitled to discuss the scheme prior to the application being submitted to try and overcome any potential concerns that may be raised. The supporting information that has been submitted is a requirement for Major planning applications and is to help both the statutory consultees and the general public understand how the scheme has been developed*

This is a large scale development with little regard to the community around it – *The Applicant submitted a Community Engagement Statement that was undertaken by Barratt Homes in September 2016 for a scheme of 151 dwellings. The Statement summarised that 125 people attended the exhibition and 40 completed feedback forms were received and commented upon*

This application has been slipped in under the radar, a move that appears to have been colluded in by Bradford Council, and that the deadline for objections must be extended – *the Council have no control over when a planning application is submitted and it has been publicised in accordance with the Council's own protocol on the publicity of planning applications*

The house prices will also drop due to the visual impact the new houses will have – *the impact on the valuation of adjacent dwellings is not a material planning consideration*

This development is a case of a developer's ambition outweighing all conceivable common sense & practically and it should not be allowed to go ahead – *the application will be assessed against the relevant policy considerations and the comments raised as part of the publicity and consultation exercises*

The possibility of the housing development going ahead is impacting on people's health and general well-being – *the public footpaths that run along the boundaries of the site will still be available for use allowing the local residents to walk along them and use them for recreational activities. The proposal will result in an increase in the level of traffic but sustainability improvements would normally be secured in the development through the inclusion of electric vehicle charging points to encourage the use of electric vehicles to potentially reduce the emissions from cars*

Alcun Homes have not followed due process. No site notices have been placed up, nor have residents been consulted by them – *there is no requirement on the Applicant to publicise the application through the putting up of site notices or letters to residents. As previously stated the application has been publicised in accordance with the Council's own protocol on the publicity of planning applications*

Alcun Homes appear to be using Barratt Homes' documentation – *who produces the supporting information is not a material planning consideration*

Are Alcuin Homes financially robust to manage such an undertaking as they have only been established for a couple of years and holds an insignificant balance – *this is not a material planning consideration*

There is no reference to social housing or homes for the disabled. It is purely a commercial entity to build these houses with no regard to the potential occupants – *the proposal is to incorporate 100 affordable houses and these will be constructed to Life Time Homes standards*

Many Bradfordians will simply not be able to afford these houses, particularly during the austerity period – *this is not a material planning consideration*

Barratt Homes decided the site was unsuitable for building after 3 days of test drilling due to close proximity to quarry & old mine workings – *this was a decision made by Barratt Homes and is not a relevant consideration*

The planning application states that the site cannot be seen from the public road, public footpath, bridleway and other public land but this incorrect as all these can be seen from these places – *the site can be seen from public footpaths/bridleways but this statement does not have any bearing on the consideration of the application*

Affordable homes are included in this application there is no mention or inclusion in these plans for Homes for Life. This is a major flaw of this application – *the dwellings will be built to Life Time Homes standards*

Local residents' home and car insurance will be increase – *this is not a material planning consideration*

All the cars which release carbon monoxide. Carbon monoxide is harmful when breathed – *sustainability improvements would normally be secured in the development through the inclusion of electric vehicle charging points to encourage the use of electric vehicles to potentially reduce the emissions from cars*

How come that Alcuin is using Barratt's documentation and not their own coupled with no initial Consultation to local residents by Alcuin? This shows a disdain for the local community – *the Applicant is entitled to use documentation prepared by other companies providing it is relevant to the application that has been submitted and not significantly different*

The Parish Council weren't consulted by the Planning Department until it was highlighted to them that they had failed to do so – *the Parish Council have been consulted on the application and submitted their comments and these are highlighted in the relevant section of the report*

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:

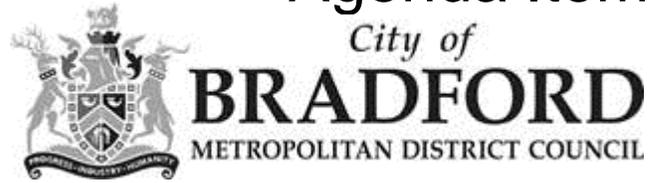
Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and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

1. Flooding

The northern part of the application site is located within a flood zone. The access to the proposed development will be located within the identified flood zone and it is not considered that an acceptable flood alleviation scheme has been submitted which will show how the proposed development will not result in localised flooding on land adjacent to and outside the application site. The proposal is therefore considered to be contrary to EN7 of the Core Strategy and paragraph 163 of the National Planning Policy Framework.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 6th December 2018

AG

Subject:

Demolition of existing canopies, walkways and glasshouse and erection of garden centre shop extension, replacement canopy, events space, indoor play area, store extension, lakeside cabins, lakeside pavilion and improvement of existing lake to form wildlife area.
Tong Garden Centre, Tong Lane, Tong, Bradford, West Yorkshire, BD4 0RY
Ref. 18/02997/MAF

Summary statement:

This full application seeks to rebuild, reutilise and extend the garden centre by demolishing some current structures, rebuilding others and creating an extension to the existing buildings. There are also improvements proposed for the redundant lake.

The site is allocated as Green Belt in the Local Plan. This type of development is CIL (Community Infrastructure Levy) exempt.

The planning merits of the proposal are examined in the Officer Report forming Appendix 1 to this report. This considers the various points and outlines consultation advice received. Officers recommend that planning permission should be approved for the reason outlined in the officer report. It is concluded that the proposal provides an appropriately designed development which is limited infilling on previously developed land in the Green Belt; it is within an enclosed area situated on land that is part on an existing garden centre, therefore having no greater impact on the openness of the wider Green Belt.

continued.....

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Environment

Consequently, it is considered the proposal is not inappropriate development in the Green Belt, as it falls within the exception tests set out in para 145 of the NPPF, which advises that under certain circumstances new built development in the Green Belt is acceptable. It presents no concerns with regards to overall amenity, biodiversity, highway safety, flooding and land quality. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of the relevant policies within the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendation for the determination of a full planning application ref. 18/02997/MAF made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1, which proposes:

Demolition of existing canopies, walkways and glasshouse and erection of garden centre shop extension, replacement canopy, events space, indoor play area, store extension, lakeside cabins, lakeside pavilion and improvement of existing lake to form wildlife area.

Tong Garden Centre, Tong Lane, Tong, Bradford, West Yorkshire, BD4 0RY

The proposal seeks to undertake a number of changes and improvements to the current Garden centre by:

- a) Extending the current Garden indoor shop – involving a ground floor level of 1,301m² and a first floor level of 1,1148m² (which will incorporate a café) . The extension would be adjacent to the main entrance and on part of an existing hard standing which is currently used for an outdoor display.
- b) Replace an existing canopy – the existing structures with one replacement twin span canopy comprising 1,811m² . This is smaller than the existing canopy size of 3,085m² , resulting in a reduction in building area of 1274m²
- c) Events space - part removal of the existing canopies, walkways and conservatory to create an events space which will comprise 1,155m². Taking the proposed events space and replacement canopy as a whole at 2,966m² it is 119m² smaller than the buildings which are to be remove. The replacement buildings will increase the height of the existing structures.
- d) Indoor play area - An existing redundant glasshouse comprising 1128m² will be removed from this area to facilitate the development.
- e) Storage space – new store shed at 403m²
- f) Lakeside works – biodiversity improvements, a lakeside pavilion and 5 small log cabins.

There are no new highway works proposed. The proposals are intended to improve the site, appeal to a wider clientele and retain customers on site. The main use of the site will remain a Garden Centre.

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 these applications.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application and listed building consent are set out in the Technical Report at Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

None relevant to these applications.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None relevant to these applications..

6. LEGAL APPRAISAL

The options set out below are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended).

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that either refusing or approving planning permission would be likely to lead to disproportionate impacts on any groups of people or individuals who possess protected characteristics.

Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are attached at Appendix 1.

7.2 SUSTAINABILITY IMPLICATIONS

The NPPF (National Planning Policy Framework) confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; 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; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The report at Appendix 1 explains why the proposed development is considered to be acceptable. The application is considered to be for Sustainable Development as defined by the NPPF and is in accordance with policies set out in the NPPF and adopted Core Strategy.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development will invariably result in the release of additional greenhouse gases associated with both construction operations and the future activities. However the Development Plan seeks to limit such impacts both by directing new development to sustainable locations, either close to existing centres or well connected to those centres in terms of public transportation, and also by requiring air quality mitigation to be incorporated into new developments, such as through travel planning measures and the provision of electric vehicle charging points.

In relation to these matters it should be noted that the proposed development does not intend to increase vehicle movements, rather the intention of the proposed development is to improve run down areas of the existing site and retain customers on site. Nevertheless the applicant has proposed 14 additional cycle spaces to encourage staff and customers to cycle and noted that a bus stop is 0.3 miles south of the site. A bus route into the site was considered, but due to the bulky nature of garden centre products a new bus stop or route would be unlikely to be attractive to a bus company. Further mitigation is to be secured by EV charging points.

7.4 COMMUNITY SAFETY IMPLICATIONS

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

7.5 HUMAN RIGHTS ACT

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

7.6 TRADE UNION

There are no implications for Trades Unions relevant to these applications.

7.7 WARD IMPLICATIONS

The proposal site is within the Tong Ward. Ward Councillors and local people have been made aware of the application and have been given opportunity to submit written representations through notification letter, site notices and an advertisement in the press.

The Technical Report at Appendix 1 summarises the material planning issues raised in the representations. It is not considered that there are any significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

N/A

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

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 resolve that planning permission should be refused, then they will need to give reasons based on material planning grounds.

10. RECOMMENDATIONS

To approve planning permission with conditions for the reasons set out at the end of the Technical Report at Appendix 1

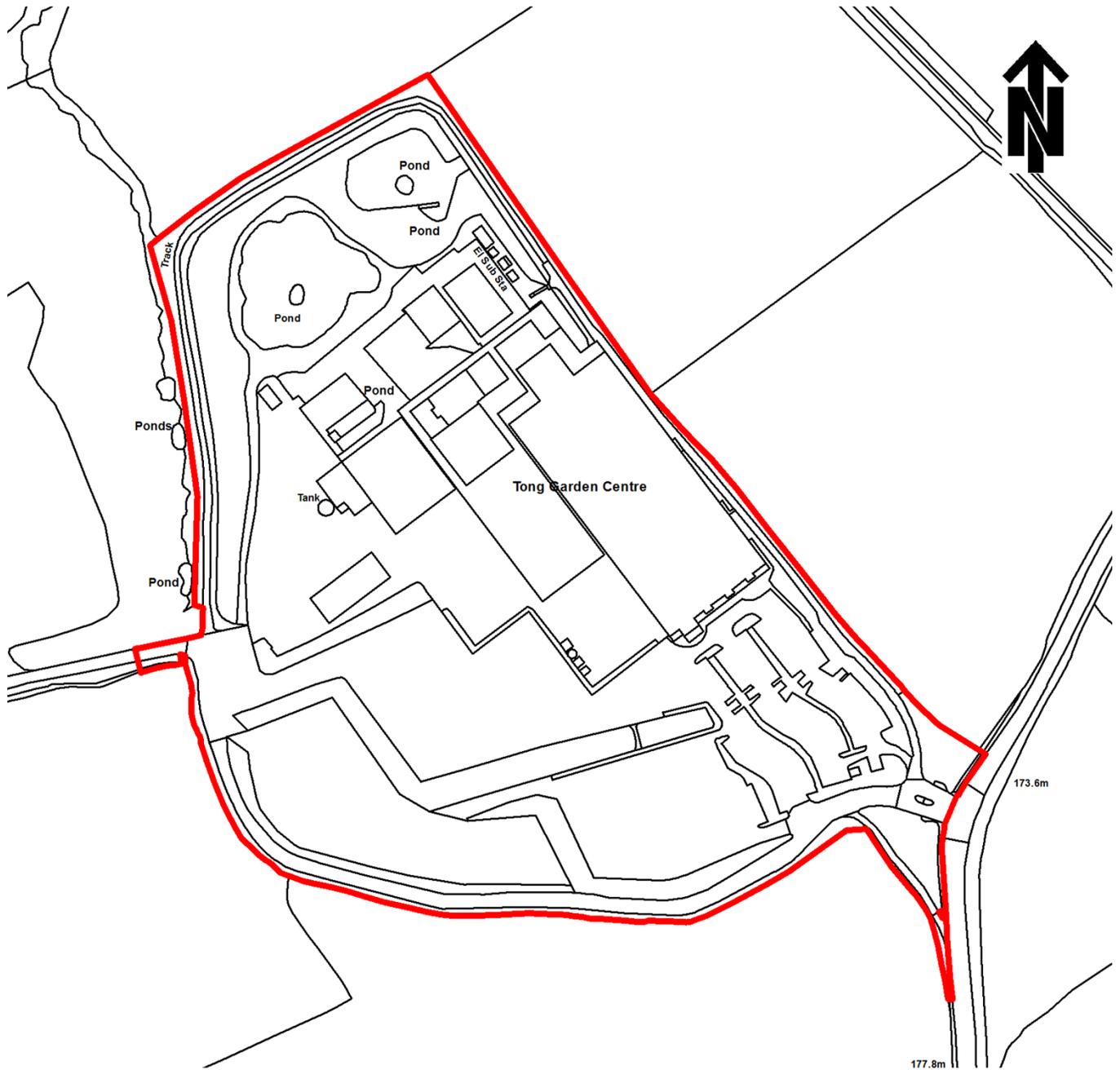
11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

- Adopted Core Strategy
- National Planning Policy Framework
- 18/02997/MAF

18/02997/MAF



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**Tong Garden Centre
Tong Lane
Bradford BD4 0RY**

Date : 15 November 2018

Appendix 1

Ward: Tong (ward 25)

Recommendation:

Grant planning permission subject to conditions

Application Number:

18/02997/MAF

Type of Application/Proposal and Address:

Demolition of existing canopies, walkways and glasshouse and erection of garden centre shop extension, replacement canopy, events space, indoor play area, store extension, lakeside cabins, lakeside pavilion and improvement of existing lake to form wildlife area.

Tong Garden Centre, Tong Lane, Tong, Bradford, West Yorkshire, BD4 0RY

Applicant:

Mr Mark Farnsworth of Tong Garden Centre

Agent:

Pleydell Smithyman Limited

Site Description:

Tong Garden Centre, is an established business which is located on Tong Lane, Bradford, approximately 5.5 km south-east of Bradford City Centre. The Garden Centre is located in the Green Belt, but is surrounded by trees reducing the impact. Tong Village is around 750m to the east/north and the Holiday Inn 600m to the east. The site is also on the edge of the Bradford urban area, where there are various industrial and commercial uses just off the A650/A6135 Bradford and Wakefield Road (including a farm shop, pub/restaurant and further restaurant), with residential areas further to the west.

The existing Tong Garden Centre occupies the central and eastern parts of the site. This comprises the main garden centre shop, which runs down the eastern edge of the site, along with canopies, walkways and other semi-enclosed and open areas to the north and west, where products are displayed. The garden centre sells a wide range of plant and horticultural related products, which are complemented by a smaller range of garden furniture and accessories, arts/crafts/gifts, pets and pet food/accessories, and garden clothing, as well as a small ancillary food hall. The building housing the main garden centre shop currently contains a restaurant towards its northern end, which offers a range of hot and cold food and beverages. There is extensive customer parking of over 500 spaces to the south, with access off Tong Lane

There is a lake and a smaller pond/lake on the northern edge of the site, set within woodland .

Relevant Planning History:

All granted

- 16/03380 - construction of extension to garden centre warehouse.
- 16/00770/FUL - installation of children's play equipment, retention of marquee over children's play area, retention of three storage containers, use of display conservatory for refreshments area in conjunction with play area (retrospective) and retention of mobile toilet unit (temporary).
- 14/05345/VOC - variation of Condition 5 on Application 00/00259/FUL
- 14/05342/FUL - construction of an extension to garden centre coffee shop.
- 13/03007/FUL - change of use of a pond and area of woodland, within the grounds of an existing garden centre, to use as a dinosaur garden visitor attraction (leisure), including the installation of dinosaur sculptures and the formation of new paths/boardwalk.
- 10/04804/FUL - extension to garden centre for redeveloped cafe.
- 00/00302/FUL - construction of store/potting shed.
- 00/00245/FUL - removal of polytunnels and construction of greenhouse.
- 00/00259/FUL - Replacement of fire damaged garden centre building.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework was revised in July 2018 and is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; 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; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and 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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC2 Climate Change and Resource Use
SC7 Green Belt
SC9 Making Great Places
BD1 City of Bradford including Shipley and Lower Baildon
EC1 Creating a successful and competitive Bradford District economy
EC2 Supporting Business and Job Creation
EC4 Sustainable Economic Growth
EC5 City, Town, District and Local Centres
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
EN2 Biodiversity and Geodiversity
EN7 Flood Risk
EN8 Environmental Protection
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban character
DS4 Streets and Movement
DS5 Safe and Inclusive Places

Saved RUDP Policies

The site is located in the Green Belt.

Parish Council:

N/A

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 17 August 2018.

As a result of the publicity exercise, 1 letter of objection from the Tong Village Community Association, 7 individual objects to the proposal and 1 individual representation supporting the proposal. Of the objections, Tong Village Community Association stated they would review their opposition if matters of concern were addressed, they also stated that:

- We applaud the improvements made already to the Garden Centre by the new owners as they have enhanced what had become a somewhat tired and moribund business.

- We also commend them for the increased employment opportunities for local people.
- We are also grateful for the provision of an outdoor play area for children(albeit at a minimal cost), something which the Council has woefully failed to do for the children of Tong Village.
- We would also like to thank the Garden Centre for their support for the local " Tong in Bloom" initiative, for which we are most grateful.

Since the objections were raised in August 2018 the owner of Tong Garden Centre has attended a Village Association meeting on 12th September 2018 to present and discuss the proposals, there have been no objects since the village association meeting, but there has been a letter of support.

Summary of Representations Received:

Objecting

- Effect of traffic through Tong Village - We in Tong Village have been severely and adversely affected by increased traffic generated by the Garden Centre at each of its development stages.
- The most pressing issue regarding this planning application to the residents of Tong Village is the one of traffic.
- We object most strongly to this speculation on the part of the Garden Centre as the mis-named Holme Wood Urban extension has yet to receive planning approval and the Green Belt in which it would reside is subject to a review. This assertion cannot go unchallenged and in no way can it inform the decision on this planning application.
- It seems that this scheme will result in the Garden centre becoming less of a Garden centre and more of a general shopping centre, predicated on the idea that the much- reviled Holme Wood Urban extension is a done deal!
- We note that the removal of the glasshouse appears to reduce the horticultural offering of the business as many plants (usually bedding and annuals) are located within it. This would be of concern to us as we would prefer the Garden centre to remain a Garden Centre rather than an out of town retail outfit.
- Permitting large scale developments which effectively turn the garden centre into a retail park rather than a garden centre
- No consultation with the community

In support:

- I think the proposed redevelopment will enhance the garden centre and improve the facilities for the local public.

Consultations:

Biodiversity Officer - No Objection

Advise no objection with three conditions.

Bats

The updated PEA (Pleydell Smithyman, November 2018) now includes clear references and locations of trees which have bat roost potential and the impact of the development (including tree pruning) to these roosts.

Only one tree, a grey alder has been described as having a low potential of a bat roost (TN1 in the PEA report, T31 in the tree report) and will be impacted by having its crown removed.

A method statement has been submitted for this tree to avoid impacts to bats. This is shown within paragraph 4.14 of the PEA.

This is mostly accepted as valid, however it must be made clear that any inspection of potential roost features must be undertaken by a licenced bat worker and not just an arboriculturalist.

We recommend a suitably worded condition is included in any positive determination of this planning application.

Invasive species

Invasive species, listed on Section 14 of the Wildlife and Countryside Act 1981 are present within the site and have been identified as *Cotoneaster microphyllus* and *Cotoneaster horizontalis*. These species are part of the current landscape planting within the car park. To avoid any chance of escape into the wild, these shrubs will be removed and disposed of in an appropriate way. It is important that the roots are treated after felling to avoid them reshooting.

We recommend a suitably worded condition is included in any positive determination of this planning application.

Biodiversity Enhancements

We recommend that biodiversity net gain is secured via an appropriately worded condition.

The Coal Authority – No Objection

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering this particular proposal; whilst there are recorded and likely unrecorded mining features within the application site, the specific part of the site where new development is proposed actually falls outside the defined Development High Risk Area. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

Whilst there are no shallow recorded mine workings within the specific area proposed for development there is the potential for historic unrecorded coal mining features within coalfield areas. Therefore, if this proposal is granted planning permission, in the interests of public safety the Coal Authority would recommend that the following wording is included as an Informative Note within the Decision Notice:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Drainage - No objection

I can confirm that we have reviewed the information submitted with the application (Flood Risk Assessment & Drainage Strategy 126866/01) and we have **no objection** to the proposals.

The Environment Agency – No Objection

We have reviewed the information submitted with the application and we have **no objection** to the proposal. Our detailed comments on foul drainage and contaminated land are as follows.

Foul Drainage

Foul waste from the application site is indicated to be processed via an existing private treatment plant with an existing discharge permit, permit reference EPREB3499ED.

Based on the information submitted there would be no obvious impacts to the tributary of Pudsey Beck that passes to the immediate west of Tong Garden Centre, or to groundwater. As such we have no objection to the proposal in this regard.

It is however advised that the applicant should satisfy themselves that there is sufficient capacity within the existing package treatment plant system to cope with any additional load from the proposed development.

There are comments re: contamination, but it is advice and suggestion to consult Environmental Health.

Environmental Health – No objection

Historic land use includes agricultural fields and landfill CBMDC ref 23SW07 Tong Garden Centre. Environmental Health has no information on file about this site. However, landfill information for landfill CBMDC Ref. SE 23sw07 Tong Garden Centre states that:

“In December 1994 retrospective planning permission (Ref 93/03220/FUL) was granted for the importation of inert waste and regarding of excavation material to form overspill car parks, lake and ponds with restoration to form a valley side landscaping. This was completed by 1997 and now forms Tong Garden Centre.”

It is understood that Tong Garden Centre has been extended a number of times in the past. The proposals are expected to involve disturbance of the ground therefore the potential for contamination to be present should be considered in relation to health and safety of groundworkers under the Construction Design and Management Regulations 2015.

If land contamination is identified at any time during the redevelopment process, works in that area must cease and a competent person (as defined in the NPPF) should be commissioned to investigate and assess the risks.

If soils and landscaping materials are to be imported to the site, Environmental Health recommends quality control systems are put in place to ensure that contaminated material is not imported to the site.

Environmental Health recommends conditions are included on the decision notice.

Health and Safety Executive – No Objection

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Bradford District (B).

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Highways – No objection

I have assessed the proposal and consider that the granting of planning permission would not have adverse implications for highway safety and therefore I raise no objections from a highways point of view.

There is no change to existing site access and there is adequate on-site parking to cater for the proposed development.

Landscape – No Objection

The site is located within the Green Belt. It is also within the Enclosed Pasture of Tong Landscape Character Area.

Landscape have asked for further details for the approved layouts, lakeside areas and wildlife area.

West Yorkshire Police - No objection

Seek boundary treatments, trimming of foliage/trees in car park and recommend high quality CCTV, access control Building Reg standards on doors and windows.

Summary of Main Issues:

- 1) Principle
- 2) Design
- 3) Ecology
- 4) Traffic Impacts
- 5) Flooding and Drainage
- 6) Land Quality

Appraisal:

The Proposal

The proposal seeks to undertake a number of changes and improvements to the current Garden centre by:

- a) Extending the current Garden indoor shop – involving a ground floor level of 1,301m² and a first floor level of 1,1148m² (which will incorporate a café) . The extension would be adjacent to the main entrance and on part of an existing hard standing which is currently used for an outdoor display.
- b) Replace an existing canopy – the existing structures with one replacement twin span canopy comprising 1,811m² . This is smaller than the existing canopy size of 3,085m² , resulting in a reduction in building area of 1274m²

- c) Events space - part removal of the existing canopies, walkways and conservatory to create an events space which will comprise 1,155m². Taking the proposed events space and replacement canopy as a whole at 2,966m² it is 119m² smaller than the buildings which are to be removed. The replacement buildings will increase the height of the existing structures.
- d) Indoor play area - An existing redundant glasshouse comprising 1128m² will be removed from this area to facilitate the development.
- e) Storage space – new store shed at 403m²
- f) Lakeside works–biodiversity improvements, a lakeside pavilion and 5 small log cabins.

There are no new highway works proposed. The proposals are intended to improve the site, appeal to a wider clientele and retain customers on site. The main use of the site will remain a Garden Centre.

There have been a number of changes and clarification points since the original application, mainly to address concerns raised by the public and some consultees.

In particular the applicant has clarified (by attendance at a meeting with the Tong Village Association) that there is no intention to increase parking provision, the purpose and expectation of the proposal is to retain the public on site longer rather than to increase the number of visitors to the site and there is no proposal to increase the number of HGV deliveries to the site.

The retail elements will remain in the existing main building as previously permitted in 2014, with a minor adjustment to garden clothing (increasing by 300m²) but with arts/crafts hobbies decreasing by 300m². The new extension building will be restricted to garden retail only.

The finishes on a number of buildings has been improved throughout the proposal, to ensure a better finish and coherence across the site, in particular the timber cladding of the new events space, indoor children's play area and storage building. The new extension building will be a mixture of Yorkshire stone and glass, with a glazed roof atrium.

The lake area will be utilised once again, with an emphasis on biodiversity enhancements, with recreational and educational uses in the small lakeside cabins.

The Principle

The NPPF directs to approve development proposals that accord with the NPPF and statutory plans without delay.

The site is allocated Green Belt in the Local Plan (RUDP). Policy SC7 of the Core Strategy relates to Green Belt and requires exceptional circumstances to release land from the Green Belt. This is clearly following the line set out in the NPPF, which has five purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. As set out in the NPPF, inappropriate development should not be approved except in very special circumstances.

However, para 145 of the NPPF references a number of exceptions to what is considered inappropriate development. Section g) of para 145 of the NPPF advises that-

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development...”

The actual footprint of the Garden Centre is not proposed to be increased and the proposed new extension to the garden shop is on part of the existing outdoor sales area, however the replacement of some of the existing structures (glasshouses/conservatory) are with higher structures, but at the rear of the site. Consideration has been given to the likely impacts on the Green Belt and the exception set out in para 145 of the NPPF; and taking the existing and proposed development as a whole, it is considered that the proposal constitutes limited infilling on previously developed land in the Green Belt within an enclosed, already existing, garden centre; and the scale, massing, finish and height of the proposed structures is such that it has little or no greater impact on the openness of the wider Green Belt. Furthermore, it is clear that the proposal does not conflict with the purposes of including land in the Green Belt, such as urban encroachment, unrestricted sprawl and merging of towns. The proposal is therefore not considered inappropriate development in the Green Belt.

The Spatial Vision set out in the Bradford Core Strategy seeks under objective 2, 5 and 14 to “...to ensure that the District’s needs for housing, business and commerce are met in full in sustainable locations that reduce the need to travel and are well served by public transport and services, whilst prioritising, the use of deliverable and developable previously developed land.” :“To promote the role of the Bradford District in the Leeds City Region economy by creating conditions for housing growth, city living and enterprise where business thrives, generating opportunity, prosperity and jobs”. “Provide accessible and varied opportunities for leisure and recreation...”

This proposal sits well with the objectives of the Spatial Vision outlined above and policies SC1, SC2, SC9, BD1, EC1, and EC4 of the Bradford Core Strategy as set out below.

Policy SC1 seeks to provide sustainable development, supporting growth of the economy and retail provision.

Policy SC2 seeks to adapt and provide development resilient to climate change and with carbon reduction, incorporating energy efficiency, and facilitating habitat creation, public transport, walking and cycling. The agent states that sustainable construction will be undertaken (e.g. by using materials that are capable of being recycled at their end of lifetime) and that there will be:

“The provision of additional and replacement toilet facilities will have associated environmental improvements through the use of low energy lighting, percussion taps, reduced low dual flush WC cisterns and controlled low urinal flushing systems, in accordance with Core Strategy policy 2 (SC2).

Rainwater harvesting will be utilised on the site from the new building roof areas for irrigation use.

Waste during the construction period will be minimised and the selected contractor will be asked to provide a Site Waste Management Plan in order to demonstrate how this will be achieved. The wider garden centre site already has a waste strategy in place which will be continued as part of the new development.

The proposed buildings have been orientated to maximise natural sunlight and heating through the use of glazing and roof lights and enable the use of solar panels.”

Additionally, 6 Electric Vehicle Charging points are proposed, along with a proposal to extend the existing staff cycle parking on the site and add 14 no. cycle spaces for customer use.

Policy SC9 seeks to create ‘Great Places’, with an *“Understanding the place and wider context, and taking opportunities to improve areas and make them as good as they can be.”* , *“Being place specific by responding to the District’s distinctive features and character, and being appropriate to the local context. “* *Creating a strong sense of place through the design of the buildings, streets and spaces.”* *“Designing places which can adapt to changing circumstances and needs, and which will function well over the long term.”* The proposal provides well designed buildings and facilities that serve/function well. The proposed Event Space is a potentially good example.

The proposal site is outside of, but in proximity of, the sub area identified as the Regional City of Bradford in the Core Strategy (identified in Policy BD1). The area of Holme Wood is also in proximity, in which, through policy BD1 seeks to achieve regeneration and sustainable mixed communities by, amongst others, economic growth and community infrastructure. The proposal provides a narrative in terms of supporting economic growth and providing community related infrastructure. The community involvement is particularly noted by the applicant by the provision of new recreational facilities via the play area, new educational facilities via the lakeside walk/cabins, biodiversity enhancements and the events space. The Tong Village Society in their representation to the application made note of all the current community work/support by the Garden Centre. It is considered that this proposal provides further opportunities and enhances this current community work/support.

Policy EC1 also seeks economic growth, a more entrepreneurial Bradford District and encourages development related to individual employers important to the Bradford District economy where they have specific property requirements. Policy EC2 seeks to deliver 1600 new jobs annually in the District to 2030, primarily through supporting City Centre, town and district centre development. The existing 150 jobs will continue to be maintained by the update and regeneration of the Garden Centre that is proposed through this application, and the proposal will also provide an additional 40/50 new jobs (mixture part and full time), which sits well with polices EC1 and EC2.

Policy EC4 F also encourages economic enterprises which develop or enhance leisure based activities. The proposal links into this policy, in that it provides an enhanced leisure based facilities through not only the garden elements, but the proposed play areas and events spaces.

Policy EC5 seeks new and an appropriate scale of retail development in Bradford. The proposal sits outside the city centre and the District Centre of Tong Street, and therefore there is the potential for the proposal to conflict with this policy. However, a retail assessment submitted with the application, which sets out any potential impacts, concluded that the additions to the Garden Centre will not impact on the vitality and viability of Bradford City Centre of Tong Street District Centre, with these centres not providing like for like goods offered at Tong Garden Centre.

It should be noted that the current retail elements will remain as permitted in 2014 in the existing main building, with a minor adjustment to garden clothing (increasing by 300m²) but with arts/crafts hobbies decreasing by 300m². The additional floorspace created by the proposal for the retail element will be limited by condition to garden products only, ensuring that the proposal site is not becoming a general retail destination outside the city centre/district areas.

The proposal is therefore considered acceptable in principle and is consistent with policies SC1, SC2, SC7, SC9, BD1, EC1, EC4 and EC5 of the Bradford Core Strategy

Design

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

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

The NPPF also stresses 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.

At the local level Bradford Core Strategy Policy DS1 states that planning decisions should contribute to achieving good design and high quality places. With policy DS2 seeking to work with the landscape; DS3 to create a strong sense of place and the development to be appropriate to their context in terms of layout, scale, density, details and materials; DS4 sets out a set of policies to ensure that development proposals take opportunities to encourage people to walk cycle and use public transport and policy DS5 sets out policies for promoting the development of safe and inclusive places.

The Urban Design and Designing Out Crime officers have commented on the proposals. In particular it was noted that there was a need to ensure that the building extension and building replacements created a coherent palette, with the design of the extension building being of a high quality, yet reflecting what already existed on site. There have been a number of iterations throughout the application process and design has now been achieved which produces a coherent palette by the use of timber cladding on a number of the buildings, with the extension to the garden centre building which fronts up the site utilising glass, natural stone, timber cladding and appropriately coloured kingspan.

With regards to the development taking opportunities to encourage people to walk, cycle and use public transport, this has been assisted by the proposal to extend the existing staff cycle parking on the site and add 14 no. cycle spaces for customer use. The applicant did consider also consider assisting in providing a bus route directly into the site, but after speaking with the Chamber of Trade (of which they are members) they were advised that given the relatively close proximity of existing bus stops (0.3 miles), the nature of the garden centre business, customers do not generally travel by bus and that a new bus stop or route would be unlikely to be attractive to the bus company. It is correct that the nature of garden centres products are such that goods are not easily transported by public transport, walking or cycling and therefore expectations should be realistic on this point.

With regards to designing out crime a number of recommendations have been put forward by the West Yorkshire Police ALO (Architectural Liaison Officer) and the applicant has provided a number of proposals. A combination of both, with some matters covered by condition is considered sufficient to cover the required elements of DS5.

It is considered that the proposal is in accordance with the relevant design policies within the Core Strategy, including policies DS1 in achieving good design and high quality places; DS2 in working the landscape; DS3 in that the development is appropriate in terms of layout, scale, density, details and materials; DS4 in that opportunities, although limited, have been taken to encourage people to walk cycle and use public transport and policy DS5 sets out policies for promoting the development of safe and inclusive places.

Ecology

Although the main proposals of the application relate to the replacement of existing buildings and the extension of the existing garden centre, the proposal does also seek to utilise the existing lakeside walks/spaces created by the dinosaur garden visitor attraction in 2013 (13/03007/FUL). There would be a need to undertake some works to the trees in this area as it has become overgrown, but there will also be biodiversity enhancements.

The works would involve felling a small number of trees, thinning and crown lifting of others, there are no objections raised to this and none of the trees are subject of a Tree Preservation Order. As indicated, as part of the development, a number of biodiversity enhancements are proposed, with wildflower planting and creation of a second lake with further appropriate planting. However a management plan, which also includes landscaping details and further details of how biodiversity enhancements will be achieved/maintained on this site, would be required by condition, this would ensure biodiversity net gains in accordance with Policy EN2 E.

This wooded area was also identified as having potential roost features for bats in August 2018, therefore the necessary surveys were required to comply with policy EN2 D of the Core Strategy, which requires that proposals that may have an adverse impact on important habitats and species outside designated sites needs to be assessed and appropriate mitigation if required proposed.

The necessary further detailed bat survey was submitted in November 2018. There is now sufficient information to determine the impact on bats and the biodiversity officer has confirmed following the further detailed survey that there is one tree that *may* have bat roost potential that is proposed to have tree works undertaken (crown lifting). However, provided a condition is attached, which requires inspection of this tree prior to the crown lifting, no objections are raised.

With the identification of bats, detailed surveys and agreed outcomes; and with biodiversity enhancements proposed and to be further agreed by condition, it is considered that the proposal is in accordance with policy EN2.

Access and Traffic Impacts

Adopted Core Strategy policy TR1 indicates that through planning decisions the Council will aim 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 through (amongst other things) ensuring that development is appropriately located to ensure that the need to travel is reduced, the use of sustainable travel is maximised, and the impact of development on the existing transport networks is minimal. Core Strategy policy TR2 sets out parking standards and sets out criteria seek 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.

Core Strategy Policy DS4 sets out design criteria for streets, indicating that development should take an approach to highway design which supports the overall character of the place and to take a design led approach to car parking.

In relation to these matters it should be noted that the proposed development does not intend to increase vehicle movements, rather the intention of the proposed development is to improve run down areas of the existing site and retain customers on site. Nevertheless the applicant has proposed 14 additional cycle spaces to encourage staff and customers to cycle and noted that a bus stop is 0.3 miles south of the site. A bus route into the site was considered, but due to the bulky nature of garden centre products a new bus stop or route would be unlikely to be attractive to a bus company. Further mitigation is to be secured by six EV (Electric Vehicle) charging points.

Highway Development Control officers raised no concerns and the parking, with over 500 spaces, is more than sufficient and meets the required standards set out in the policies above.

It is considered that the proposal is in accordance with the relevant highway policies within the Core Strategy, including policy TR1, in that it assists in reducing the demand for travel, that it is in accordance with TR2 in that it provides sufficient parking and TR3/DS4 in that it walking, cycling and public transport are relatively well accommodated for the type of proposal.

Flood Risk and Drainage Strategy

Policy EN7 of the Core Strategy states that the Council will manage flood risk by assessing proposals for development.

The site is not in an identified area vulnerable to flooding, but it is over 1ha therefore a Flood Risk Assessment is required. As part of the application the Developer has submitted a detailed Flood Risk and Drainage Strategy report.

Drainage officers have raised no objections, but a condition requiring separate foul and water drainage systems is appropriate.

Provided appropriate drainage conditions are attached, it is considered the proposal is in accordance with policy EN7 of the Core Strategy.

Land Quality and high pressure gas main

Policy EN8 of the Core Strategy states that for development of land which may be contaminated or unstable an appropriate investigation into the quality of the land should be submitted. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment.

Environmental Health have indicated that historic land use includes agricultural fields and landfill CBMDC ref 23SW07 Tong Garden Centre. The information in relation to the landfill is that material that was deposited in 1994 was inert and in connection with the creation of car parks and landscaping, however the proposals are expected to involve disturbance of the ground therefore the potential for contamination to be present should be considered in relation to health and safety of groundworkers. Environmental Health raise no objections, but recommend a number of conditions in terms of unexpected contamination and testing if any other materials are imported.

The Coal Authority note that the development is in a High Risk Area, but also note that the specific part of the site where new development is proposed falls outside the defined Development High Risk Area. Therefore they do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

However, the Coal Authority state that if permission is granted, that in the interests of public safety they recommend an informative note within the Decision Notice regarding the requirement to contact the Coal Authority if coal mining features are encountered during redevelopment.

There is a high pressure gas main that runs across part of the existing car park and due to this the Council is required to consult the Health and Safety Executive. The Council has run the required on line system and the HSE advice is they *“Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.”*

It is concluded therefore that provided appropriate land quality conditions are attached as requested by Environmental Health, it is considered the proposal is in accordance with policy EN8 of the Core Strategy.

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 an appropriately designed development which is limited infilling on previously developed land in the Green Belt; it is within an enclosed area situated on land that is part of an existing garden centre, therefore having no greater impact on the openness of the wider Green Belt. Consequently, it is considered the proposal is not inappropriate development in the Green Belt, as it falls within the exception tests set out in para 145 of the NPPF, which advises that under certain circumstances new built development in the Green Belt is acceptable.

It presents no concerns with regards to overall amenity, biodiversity, highway safety, flooding and land quality. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies P1, SC1, SC2, SC7, SC9, BD1, EC1, EC2, EC4, EC5 TR1 TR2 TR3, EN2, 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. Approved plans

The development hereby approved shall only be carried out in accordance with:

- (i) M15.155.D.047C PROPOSED ELEVATIONS A1-A1
- (ii) M15.155.D.057 PROPOSED SOUTH WEST ELEVATIONS-A1
- (iii) M15.155.D.058 PROPOSED ELEVATIONS OF STORE-A1
- (iv) M15.155.D.063.3D VIEWS-A2

- (v) M15.155.D.054B EXTERIOR COLOUR ELEVATIONS-A1
- (vi) M15.155.D.029F PROPOSED SITE PLAN (COLOUR) A1
- (vii) M15.155.D.061A PROPOSED CABINS & LAKE SIDE PAVILION-A1
- (viii) M15.155.D.062A LANDSCAPE BIODIVERSITY ENHANCEMENTS-A1
- (ix) Flood Risk Assessment & Drainage, Strategy; 126866/01; June 2018
- (x) M15.155.R 001 PEA REPORT REV C
- (xi) M15.155.R.002 TREE SURVEY REPORT OCT 2018

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. Retail uses limited

The development hereby permitted is for a garden centre selling only goods normally sold in a garden centre.

The ground floor of the proposed garden centre shop extension, as shown on drawing M15.155.D.029 Rev F, shall only be used for the sale of garden products.

The floor space permitted for each of the following categories of goods shall not exceed the maximum floor area indicated below, unless the Local Planning Authority has given prior written approval to any variation:

- (i) The existing covered and enclosed accommodation shown as Garden Centre shop on drawing M15.155.D.029 Rev F:-
 - a) Composts, peats, chemicals and other goods associated with plant/garden care, tools, watering equipment and garden machinery: Maximum floor area 5,645m²
 - b) Plants and houseplants, seeds and bulbs, dried, artificial and cut flowers and goods associated with their care and maintenance: Maximum floor area 5,645m²
 - c) Garden and conservatory furniture and furnishings, garden lighting and heating, barbecues and barbecue accessories: Maximum floor area 1,500m²
 - d) Garden clothing and footwear, outdoor and country pursuits, clothing and equipment, camping equipment and accessories: Maximum floor area 300m²
 - e) Pet foods, pet cages, fish and accessories including ponds, petcare advice and care products: Maximum floor area 1,250m²
 - f) Seasonal products: Maximum floor area 1,200m²
 - g) Arts, hobbies, and crafts: Maximum floor area 700m²
 - h) Food Hall: Maximum floor area 500m²
 - i) Coffee Shop: Maximum floor area 800m²
 - j) Ancillary children's play area: Maximum floor area 250m²
 - k) Other goods falling within Use Class A1, including an exhibition area for crafts: Maximum floor area 800m²
 - l) Garden clothing 300m²
- (ii) The proposed canopy area and the external open area as shown on drawing M15.155.D.029 Rev F:-
 - a) Trees and plants of all kinds, rockery and statuary, ponds, pools, fountains and accessories including cold water fish, compost, peat and other garden care products. Garden and conservatory furniture and furnishings, garden lighting and heating, barbecues and barbecue accessories: Maximum floor area 12,199m²
 - b) Pets, birds, fish and accessories including aviaries, cages and ponds: Maximum floor area 1,000m²

c) Garden buildings, greenhouses, conservatories, gazebos, summerhouses, garden play equipment, swimming pools, spas with all accessories, landscape and building materials, fencing and timber products: Maximum floor area 2,700m²

Notwithstanding the above, no part of the site shall be used for the sale of the following goods or services without the prior written approval of the Local Planning Authority: carpets and other floor coverings, electrical goods (other than electric garden tools and machinery, and electrical products for garden features), chemists, medical products, jewellery, watches and clocks, DVDs and videos (other than those relating to gardens and gardening), caravans, photographic goods, musical instruments, DIY goods, decorators supplies and hardware (other than products for garden construction, improvement and maintenance) and Post Office services.

4. Means of vehicular access and car park

The vehicular/pedestrian access and car park shall remain as currently set out on drawing M15.155.D.029 Rev F, and shall be kept available for use while ever the development is in use.

Reason: To ensure that a suitable form of access and car park is available to serve the development in the interests of highway safety and to accord with policies TR2, DS4 and DS5 of the Local Plan for Bradford.

5. Bats

Prior to any crown removal work, Tree T1 (Grey alder) identified within the PEA (Pleydell Smithyman, M15.155.R 001 PEA REPORT REV C November 2018) will be climbed by an arboriculturalist and supervised by a licensed bat ecologist to inspect for potential roosting features. Where no features are identified, the crown removal can take place. Where suitable roosting features are identified, these will be inspected by a licenced bat ecologist and tree climber using an endoscope. Should this tree show any evidence of roosting bats (e.g. live or dead bats, dropping, urine staining or grease marks) then this tree will be retained and no crown removal works will take place prior to an EPS licence being obtained from Natural England.

Reason: To ensure protection of bats and their roosts and to accord with policy EN2 of the Local Plan for Bradford

6. Invasive species

All *Cotoneaster microphyllus* and *C. horizontalis* will be removed under an invasive species management plan (or as part of the Landscape and Ecology Management Plan below). This shall be undertaken as soon as possible and within two weeks of commencement of development.

Reason: To ensure invasive species are removed and to accord with policy EN2 of the Local Plan for Bradford.

7. Implementation of biodiversity and landscaping

All biodiversity and landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme that shall be submitted for approval in writing to the Local planning Authority within one month of the commencement of the development.

Reason: To achieve a satisfactory standard of landscaping in the interests of visual amenity and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

8. Biodiversity and Landscape Enhancements management

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority within a month of the commencement of the development. The content of the LEMP shall include the following.

- *Description and evaluation of features to be managed.*
- *Mitigation required for bats and birds.*
- *Ecological trends and constraints on site that might influence management.*
- *Aims and objectives of management.*
- *Appropriate management options for achieving aims and objectives (see below).*
- *Prescriptions for management actions.*
- *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- *Details of the body or organization responsible for implementation of the plan.*
- *Ongoing monitoring and remedial measures.*
- *Maintenance and establishment of any planting for a period of 5 years minimum.*

The LEMP shall also include details of mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

The appropriate management options for achieving aims and objectives shall include, but are not limited to: agreed protected species mitigation and the development of the landscape/biodiversity enhancement scheme as shown in the submitted drawing M15.155.D.062 Revision A.

Reason: To ensure protection and enhancement of biodiversity, to achieve a satisfactory standard of landscaping in the interests of visual amenity and to accord with policies SC9, EN2, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

9. Separate foul and surface water drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

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

10. Designing out crime

The lakeside cabins should be durable, fire retardant and have locks installed on each cabin.

Reason: To prevent antisocial behaviours, ensure a safe and secure environment and reduce the opportunities for crime in accordance with policy DS5.

11. Designing out Crime

All existing landscaping within the car park area shall be regularly pruned to a height of 900mm and existing trees which have overhanging branches limiting surveillance will be cut back. A high standard of management and maintenance will be adopted to discourage vandalism which will include grass cutting, ground maintenance and litter removal.

Reason: To ensure a safe and secure environment and reduce the opportunities for crime. In accordance with policy DS5.

12. 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.

13. Materials importation

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

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

14. Electric Vehicle Recharging Points

Prior to the occupation/use of the new extension building, events space and indoor children's play area a minimum of 6 car parking spaces shall be marked out as dedicated EV charging spaces as shown on drawing M15.155.D.029 Rev F and equipped with fully operational fast EV charging points capable of supporting both mode 2 and mode 3 charging. All EV charging points shall be clearly marked with their purpose and information about how to use them. The location of the charging points shall be clearly signposted at the entrance to the garden centre and their existence highlighted in staff induction packs.

Purpose: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy, Policy EN8 of the Local Plan for Bradford and the National Planning Policy Framework (NPPF)

15. Construction hours

Construction work shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays, 07:30 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect residential amenity and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

16. Materials

No development above damp proof course level shall be carried out until arrangements have been 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.

Footnote:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 6th December 2018

AH

Subject:

A reserved matters application for the construction of 28 dwellings including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale.

Summary statement:

Outline planning permission for the residential development of the site (with all matters of detail reserved for subsequent approval excepting access) was granted on 23 June 2016. The application was approved subject to a Section 106 agreement for the provision of green space in perpetuity, 6 affordable housing units and contributions totalling £108,970.75.

A reserved matters application for 28 dwellings seeking consideration of access (other than at Keighley Road), appearance, landscaping layout and scale was subsequently considered by the Regulatory and Appeals Committee on 19th July 2018. The application included consideration of a Deed of Variation to the Section 106 Agreement in order to omit the affordable housing provision and financial contributions. The terms of the Deed of Variation were supported by a Financial Viability Report the findings of which were verified by an independent assessor on behalf of the council.

The application was subsequently refused by the Regulatory and Appeals Committee for the following reasons:

1. 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.
2. 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.

continued....

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
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Portfolio:
Regeneration, Planning and Transport
Overview & Scrutiny Area:
Regeneration and Economy

3. 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.

In determining the application Members of the Regulatory and Appeals Committee also raised concerns with the loss of planning obligations.

This application has been amended in order to address the previous reasons for refusal. The application is considered to fully address the previous reasons for refusal and the appearance, landscaping, layout and scale of the proposed development are considered to be acceptable.

The developer has further considered the financial viability of the development and has undertaken consultation with the local community. It is proposed that the S106 is varied to omit affordable housing provision but maintain financial contributions totalling £108,970.75 and the provision of Open Space at a stated cost of £38,000. The developer is also proposing to vary details of the S106 agreement in order to benefit Harden more directly.

The application is recommended for approval subject to the conditions included within the report and the Deed of Variation.

1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application reference 18/03868/MAR made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1

2. BACKGROUND

Attached at Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

Outline application reference 15/01039/MAO is subject to a section 106 agreement requiring the following planning obligations:

- **On site Affordable Housing provision:** The provision of 6 units at the level of discount on the open market value of the properties necessary to allow disposal of the properties to an RSL.
- **Education contribution:** The sum of £46,708 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Cullingworth Primary School.
- **Recreation contribution:** The sum of £20,419 will be paid to the Local Planning Authority for the purpose of upgrading the existing public recreation infrastructure at the St Ives Estate, Keighley Road, Harden.
- **Metro provision:** The sum of £31,893.75 will be paid to the Local Planning Authority for the purpose of supplying subsidised travel cards to the occupants of the new development or for the purpose of improving/enhancing existing Metro facilities which have been identified as: (1) 'live' bus information display bus stop number 20288; (2) 'live' bus information display bus stop number 20289; (4) Residential MetroCard for 25 Dwellings
- **Open Space Obligation:** Obligation to Provide the Village Greenspace and other Public Open Spaces shown on drawing 1357DHP/MCH/IMO1 REV J, or as otherwise agreed by the Local Planning Authority, to a minimum area of 1,900m², as open spaces [containing no buildings] in perpetuity;
 - o Full details shall be provided 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.
- **TRO:** 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.
- **Legal Fees:** £1200
- **Monitoring Fee:** £1,175

A Development Appraisal has been submitted which indicates that it is not viable to provide the 6 affordable housing units. The developer has indicated that this is because of the abnormal costs associated with developing the site.

The abnormal costs have been confirmed by Cushman and Wakefield in their Viability Appraisal Assessment which was conducted on behalf of the Council.

The independent review confirmed that the development could not sustain affordable housing provision and Section 106 Contributions.

The financial contributions put forward under the proposed Deed of Variation are derived from a reduction in developer profit from 20% to 17.2%. The return to the developer therefore falls within the accepted range of 15-20% as set out in paragraph 018 (reference10-018-20180724) of Ministry of Housing, Communities & Local Government Viability guidance.

It is considered that the provision of affordable housing units would render the development unviable. A Deed of Variation is therefore required in order to omit the affordable housing units from the Section 106 Agreement.

The developer has also proposed the following amendments to the Section 106 Agreement in order to benefit Harden more directly:

Education Contribution: £46,708,00 - Varied to enable the money to be spent on improving facilities at Cullingworth Primary School or Harden Primary School, as opposed to Cullingworth Primary School Only.

Metro Contribution: £31,893.75: It is suggested that the S106 is varied to enable the full sum of this money to be spent on improvements to facilities at Harden Village Hall (also understood to be known locally as Harden Memorial Hall).

The contribution of £20,419 towards upgrading recreation infrastructure at St Ives Estate and the open space obligation would remain unchanged from the previous agreement, as would the £7000 required to promote a TRO (Traffic Regulation Order) to protect visibility splays at the access point to the site.

It is recommended that a Deed of Variation is accepted in order to omit the affordable housing provision, to vary the terms of the Education contribution and to replace the Metro contribution with a contribution towards upgrading facilities at Harden Village Hall.

5. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

6. LEGAL APPRAISAL

The options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended).

7. OTHER IMPLICATIONS

All considerations material to the determination of the application are set out in the technical report at Appendix 1.

7.1 EQUALITY & DIVERSITY

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Full details of the process of public consultation undertaken and a summary of the comments made are attached at Appendix 1.

7.2 SUSTAINABILITY IMPLICATIONS

The development meets the sustainability criteria outlined in relevant national and local planning policies. The site is located within the village of Harden in close proximity to certain amenities, with nearby public transport connections to access facilities and services further afield. The development would not result in either the formation of a new settlement or significant sprawl of an existing settlement. No adverse sustainability implications are therefore foreseen.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings and land for residential purposes will invariably result in an increase in greenhouse gas emissions associated with both construction operations and the activities of future users of the site. Consideration should also be given to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed development is such that the use of sustainable modes of travel would be best facilitated and future greenhouse gases associated with activities of the residents are minimised.

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

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are proposed at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

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

7.5 HUMAN RIGHTS ACT

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

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

The Technical Report at Appendix 1 summarises the material planning issues raised by representations and the appraisal gives full consideration to the effects of the development upon residents within Bingley Rural Ward.

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

Financial Viability Report Review (Cushman & Wakefield)

9. OPTIONS

The Committee have the following options:

1. The Committee can grant reserved matters approval as per the recommendation contained within the main report and subject to the proposed Deed of Variation.
2. The Committee can grant reserved matters approval and agree to a Deed of Variation for the existing Section 106 agreement with revised and or alternatives priorities for Section 106 spending as they may deem appropriate (subject to compliance with CIL (Community Infrastructure Levy) Regulations).
3. Members can refuse reserved matters consent. Under such circumstances Members are reminded that reasons for refusal based on material planning grounds and based on Development Plan policies will need to be given.

10. RECOMMENDATIONS

This reserved matters application is recommended for approval, subject to a Deed of Variation and the conditions included within Appendix 1.

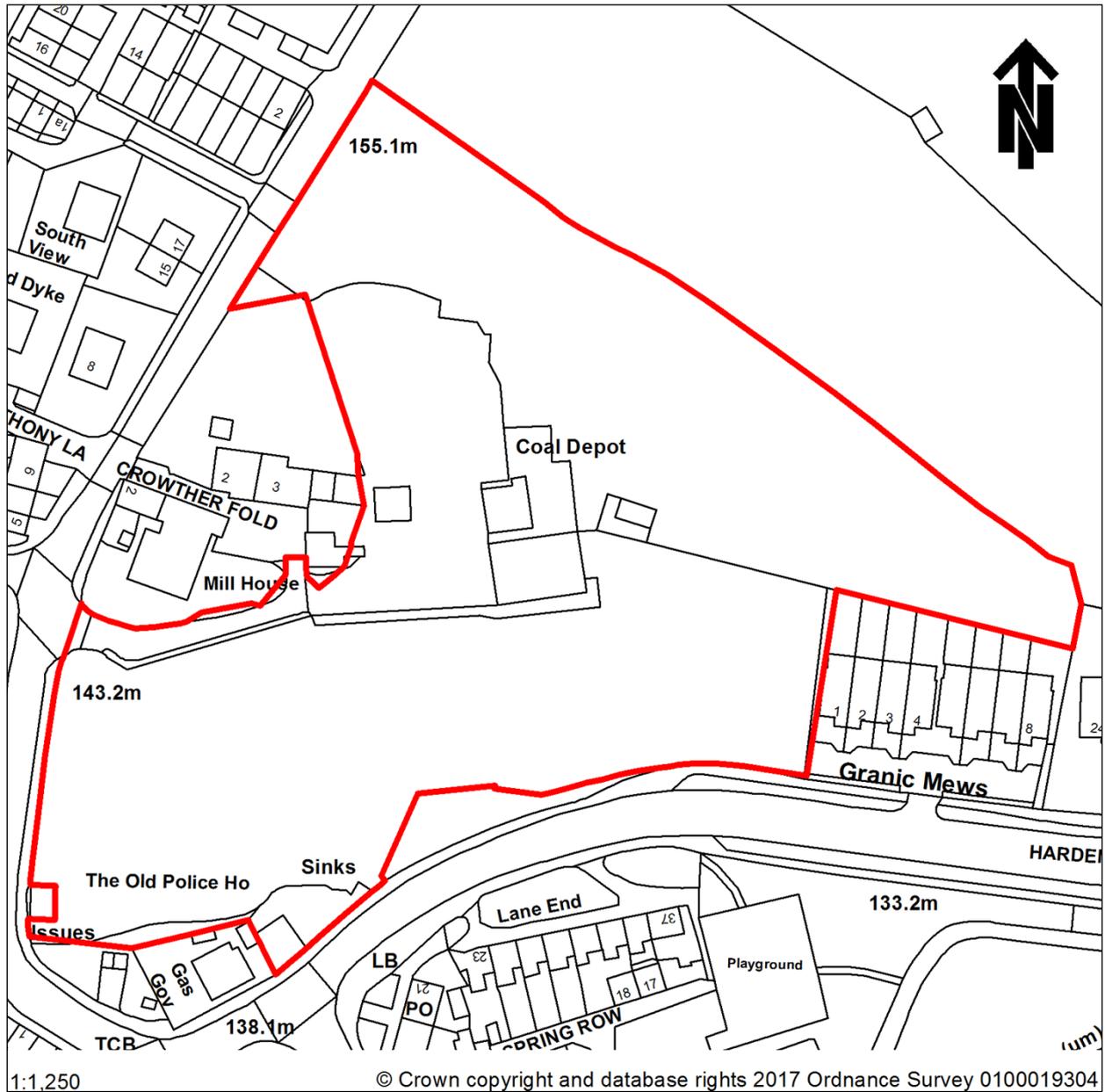
11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Replacement Unitary Development Plan
Local Plan for Bradford
Application Reference-15/01039/MAO
Application Reference-18/00158/MAR

Land at Harden Road and Keighley Road, Harden, Bingley



6th December 2018

Ward: Bingley Rural (Ward 03)

Recommendation:

To Approve the Reserved Matters, subject to the conditions included within the technical report and to authorise the completion of a Deed of Variation to amend the existing Section 106 completed with the previously granted outline planning permission.

Revised Heads of Terms in a Deed of Variation for the Existing Section 106 Agreement to include:

Education Contribution: £46,708,00 - to be varied to enable the money to be spent on improving facilities at Cullingworth Primary School or at Harden Primary School, as opposed to Cullingworth Primary School Only. (note there are no “pooling” issues in relation to the CIL Regulations in relation to these infrastructure contributions).

Former Metro Contribution: £31,893.75: this to be amended to enable the full sum of £31,893.75 to be spent on improvements to facilities at Harden Village Hall (also understood to be known locally as Harden Memorial Hall).

St Ives Estate Contribution: The contribution of £20,419 towards upgrading recreation infrastructure at St Ives Estate and the open space obligation to remain unchanged from the previous agreement,

TRO Contribution: The contribution of £7000 required to promote a TRO to protect visibility splays at the access point to the site to remain unchanged from the previous agreement.

Affordable Housing: – to be deleted.

Application Number:
18/03868/MAR

Type of Application/Proposal and Address:

A Reserved Matters application for the construction of 28 dwellings including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale.

Applicant:
Skipton Properties Ltd

Agent:
Mr Jay Everett

Site Description:

The site is predominantly comprised of a grass field which ascends north from the centre of Harden, adjacent to the roundabout junction of Wilsden Road, Long Lane and Harden Road. The site comprises an area of open land within the existing settlement boundary with housing to the east, west and south. To the north there is an area of woodland located within the Green Belt. The western frontage of the site is onto Keighley Road, with the southern frontage onto Harden Road.

Internal site levels are higher than Keighley Road along the northern part of the western boundary and higher than Harden Road along the eastern part of the southern site boundary with retaining walls accommodating this 1.5m to 3m level difference.

The site wraps around an enclave of development, accessed off Keighley Road, comprising of four dwellings and a coal yard. Two of the dwellings within the enclave, 2 and 3 Crowther Fold, are Grade II listed buildings.

An open watercourse runs through a short section of the site at its south-western corner, entering the site through a culvert under Keighley Road and exiting the site through a culvert under Harden Road. An attractive traditionally built detached dwelling occupies the strip of land between the watercourse and Harden Road. A small cabin serving as a fish and chip shop is located to the south-west corner of the site fronting onto Keighley Road. A number of newly built houses are located immediately adjacent to the site's south-eastern corner.

Relevant Site History:

15/01039/MAO- Outline application for residential development (with all matters of detail reserved for subsequent approval excepting access)-Granted Subject to S106 Agreement-23.06.2016

18/00158/MAR- A Reserved matters application for the construction of 28 dwellings including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale- Refused-09.08.2018 (full details set out below).

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.

Replacement Unitary Development Plan (RUDP):

Allocation

The northern and eastern parts of the site are allocated as Safeguarded Land S/UR5.4:

S/UR5.4 BINGLEY ROAD, HARDEN 0.97 ha

Greenfield site previously identified for housing in the 1998 adopted UDP. Located in the historic Harden village core, any future development will need to be sympathetic in design, layout and use of materials to surroundings. Contamination survey required due to proximity to coal depot. Semi improved pastures on site may be of ecological value. Access via Harden Road. Close to village facilities, but services and facilities in Bingley town centre some distance.

The western part of the proposal site is allocated as Village Greenspace S/OS7.5:

S/OS7.5 BINGLEY ROAD, HARDEN

Designation carried forward from the 1998 adopted Plan. The site occupies a prominent position at the heart of the village, maintaining the open aspect, which contributes to the village's character.

Proposals and Policies

The majority of non-allocation related policies within the RUDP have now been superseded by those set out in the Core Strategy. The following adopted Core Strategy policies are considered to be relevant to the proposed development.

P1- Presumption in Favour of Sustainable Development

SC1- Overall Approach and Key Spatial Priorities

SC4- Hierarchy of Settlements

SC6- Green Infrastructure

SC9- Making Great Places

TR1- Travel Reduction and Modal Shift

TR2- Parking Policy

TR3- Public Transport, Cycling and Walking

HO5- Density of Housing Schemes

HO8- Housing Mix

HO9- Housing Quality

HO11- Affordable Housing

EN2- Biodiversity and Geodiversity

EN3- Historic Environment

EN4- Landscape

EN5- Trees and Woodland

EN7- Flood Risk

EN8- Environmental Protection

DS1- Achieving Good Design

DS3- Urban Character

DS4- Streets and Movement

DS5- Safe and Inclusive Places

ID2- Viability

ID3- Developer Contributions

Parish Council:

Harden Parish Council (13.09.2018):

The Parish Council considers that the forecasts for income provided in the Financial Report are overly conservative.

Notwithstanding the cost assumptions, some of which also seem high, adjusting the revenue figures to £300 per sq ft (2 storey) and £275 per sq ft (3 storey) would generate significant additional profit and deliver a more than affordable return. We do not consider this to be an unrealistic projection in Harden.

We do not accept a reduction in the Section 106. This is non-negotiable. Any adjustment to the viability of the development should be reflected in the amount that is paid for the site and not reduce the Section 106 commitments.

We insist the affordable provision is fully reinstated, based on 28 and not 25 properties.

We would like to see the Section 106 revised so that all monies are spent in Harden Parish.

Harden Parish Council Further Comments (15.10.2018)

The changes made by the developer satisfy reasons one and two given for refusal of the previous application.

However, the third reason does not seem to have been addressed (i.e. that 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 major concern remains the Section 106 agreement and the affordable housing provision.

The Parish Council is aware from various community surveys and engagement events, including a Parish Plan Survey, a Have Your Say Engagement exercise and a recent Neighbourhood Plan survey, that there is an unmet demand for affordable homes in Harden. This matter should be given proper consideration and not simply be dismissed on the grounds of financial viability, in accordance with HO8 and HO11 of the recently Adopted Core Strategy in relation to the provision of affordable housing.

Viability

The applicant has put forward a letter from Addison Planning Consultants dated 17th September 2018 which proposes variations to the terms of the existing Section 106 agreement, which contained financial obligations on the developer to the amount of £109,042, together with the provision of 6 affordable dwellings.

The applicant's consultants suggest that the desired profit margin of 20% cannot be achieved due to the onerous cost of these obligations and that whilst it will reduce its margin to accommodate some of those costs, it cannot afford to provide its affordable housing obligations. Every professional consultant involved in property development is aware that a Development Viability Appraisal can be manipulated in many ways to show the result required and the Royal Institution of Chartered Surveyors (RICS) states in its advice to valuers that;

The property has been valued as recommended by the RICS guidance note 17 on the residual method. However, you should be aware of the limitations of this approach due to the large number of variables included in the calculation and that the residual value is highly sensitive to assumptions made.

Small changes in certain variables especially the estimated value on completion, the required profit margin and interest charges can lead to a large difference in the residual site value. In particular, the method requires the input of construction data which is rarely absolute or precise. A small variation in each figure can materially affect the assessment of residual land value or residual profit margin. The valuation also reflects and is dependent upon a forecast of the estimated sales revenue at the date when the development is fully complete and it assumes that sales costs and prices will remain static during the development period.

The development appraisal that has been put forward by the applicant is such a document. It has been structured in a way that demonstrates a profit margin, which forms the main thrust of the argument for viability.

Whilst this is an eloquent read, it is grossly misleading and is an attempt to hoodwink the Council and all those concerned into agreeing that they should not be held responsible for the Section 106 commitments already agreed.

The developer can achieve its desired profit margin of 20% on cost and afford to pay for all its Section 106 commitments, including the provision of affordable homes, by reducing the amount that it has agreed to pay for the site. Harden Parish Council insist that the costs and obligations contained within the Section 106 agreement, including the affordable homes, be honoured in full.

Section 106 Figures

The proposed revised Section 106 costs are inflated by the applicant through the inclusion of £38,000 towards public open space and village green space. This is misleading as the expenditure involved relates to the provision of a footpath, required as part of the planning process and not part of the original Section 106. The Green Space will remain in the ownership of the Crowthers and the space within the development will be maintained by a Management Company.

Section 106 Distribution & Allocation

The Parish Council welcomes the re-distribution of the Section 106 such that all monies raised through agreement would be spent within Harden. However, the proposals do not completely resonate with local priorities.

Consideration should be given to allocating 15% of a revised Section 106 financial contribution to the Parish Council, to be ring fenced and held in reserve for future neighbourhood projects and initiatives for the people of Harden

A revised Section 106 could include Legal Fees (£1,700), Harden School (£46,780), Monitoring Fee (£1,750), Recreation contribution (£20,419), Traffic Regulation Order (£7,000), Memorial Hall (£31,893) and Harden Parish Council (£16,356). Total being £125,398. The Parish Council would welcome the opportunity to engage in further discussion about Section 106 re-negotiation.

If this application is recommended for approval all the conditions set out in the report to the Regulatory and Appeals Committee on July 19th 2018 should be included, with the addition of a condition to replace cherry trees designated G18 in the arboricultural report and recommended for removal, with similar cherry trees.

Should Bradford Council not support the suggested amendment to the Section 106 financial contribution the Parish Council would prefer to see the developers revised proposals supported rather than the terms of the original agreement (noting our absolute position with regard to the provision of affordable homes).

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the submission of comments was 19th October 2018. A total of 17 representations were received consisting of 11 objections and 6 letters of support.

Summary of Representations Received:

In objection:

Plots 26,27 and 28 will overlook the dwellings on Granic Mews and 238 Harden Road.

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.

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

The proposed three storey units would, by reason of their massing, have an adverse impact on the visual amenity of Harden Village

The development threatens the future of the large mature forest trees extending along the site's north eastern boundary.

The proposed commitment to provide financial contributions does not make this scheme acceptable in planning terms.

The woodland to the north of the site is home to a small breeding herd of deer, rare bats and owls.

The development will result in the loss of important habitat.

Building work and drainage work associated with the development will negatively impact underground rooms.

The hedge row to the rear of Harden Fisheries will prevent servicing and maintenance of the building. The buildings ground lease terms stipulate a minimum 120mm maintenance strip is required around the building.

Will the foul and surface water drainage arrangements be adequate to serve the development without harming neighbouring dwellings or premises.

Businesses should be compensated for any loss of revenue caused by drainage works.

Has adequate contamination testing been carried out.

Has sufficient stability testing taking place to ensure that the ground is stable.

How will the dust and debris from the site be controlled.

No fires should take place on site and no music should be played during the construction process.

Customers need to be able to access the local business safely without any forms of obstruction, has this been considered?

The three plots to the rear of Granic Mews should be constructed as bungalows

The entrance to the estate is on a much sharper bend than shown on the drawings, increasing the risk of an accident with either cars or pedestrians.

No affordable houses are proposed.

Ecological Surveys as well as Bat Surveys should be provided.

The proposed style of housing is not an English vernacular architectural style and therefore not in keeping with buildings in the surrounding area e.g. Crowther Fold, High Side Moor Edge, Stone Terrace, and Park View Terrace

Visibility at the proposed site access is insufficient.

Drivers often speed up Keighley Road and the introduction of the proposed access is likely to cause accidents in this location.

Paragraph 5.1 of the report of AVIE Consulting Ltd. entitled 'Phase 1 Environmental Desk Study' submitted at Outline Planning stage, identifies a fault running north west to south east across the site. No houses should be constructed over the line of the fault.

In Support:

The visual view from the centre of the village will be a big improvement on the eyesore that exists now.

This can only be good for the local businesses especially the newly opened fish shop. After reading the arboricultural report there will be no impact on the trees surrounding the border of the planned houses .

The greenbelt area at the front which was put into greenbelt by previous generations of Crowther's will remain greenbelt status and will still be owned by the Crowther family

The provision of local housing will reduce the need for car travel to the local primary school.

Additional housing is needed in the village

The proposal in the S106 to invest in Cullingworth school will address the imbalance between families and school places in the villages of Harden and Cullingworth.

The development is an attractive design which is sympathetic to the village scene.

The development is a significant improvement on the amenity of the landscape and the existing commercial site.

The suggested £31,893 investment is a positive for the memorial hall

The retention of green space in the development will benefit the village.

Consultations:

Trees Team (11.10.2018)

The tree statement submitted with this application is welcomed.

In summary the important tree points with respects to this application are that no trees within the woodland require pruning/removal to facilitate the development, that tree protection measures previously described in JCA method statement 13634-B/AJB will be undertaken and the measures proposed will guarantee their protection (two cross sections are provided to illustrate this) and the development will not jeopardise trees in the future because it has been designed in a manner to take the woodland fully into account.

Unfortunately the 13634-B/AJB report is not on the list of documents submitted but presumably this can be rectified by its submission.

In addition to the above Trees Team has proposed TPOs (Tree Preservation Orders) on the proposed new trees which will protect long term amenity objectives. If required the TPO can be served prior to the proposed planting with the understanding that the trees are planted in the locations as shown.

If permission is granted it is recommended that conditions are imposed requiring that no development takes place until tree protection measures are in place and that the approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority.

N.B Arboricultural Method Statement reference 13634-B/AJB has now been submitted.

Trees Team (20.11.2018)

No objections are raised as the submitted information is categorical that the tree protection measures shown will be implemented and trees will not be damaged.

Design and Conservation

Subsequent to refusal of the previous application, amendments and additional visual information have been submitted as part of a new reserved matters application.

The submitted photomontages and streetscenes demonstrate how the proposed built form will relate to the topography and the backdrop tree belt, which appears to remain a distinctive feature rising above the proposed built form when viewed from the centre of the village. The photomontages also illustrate a sufficiently interesting roofscape and variety in built form.

The height of the proposed dwellings in closest proximity to the listed buildings has been modified, slightly reducing their dominance in relation to the listed cottages. The proposed development will result in the loss of openness in the setting of the listed cottages, and loss of longstanding wider pastoral setting. However there is also benefit associated with the removal of the functional metal clad sheds and other outbuildings currently standing in close proximity to the listed buildings.

The proposed development will cause harm to the setting of the listed buildings, although this is concluded to be less than substantial. It is necessary that the proposed development accords with the requirements of Section 16 of the NPPF and that harm arising from the development is weighed against public benefits deriving from the proposed development. The development must also accord with policies SC1, SC9, DS1, EN3 and DS3 of the Core Strategy. The duty required of the Local Planning Authority by Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 in respect of development affecting listed buildings must be fulfilled

Conditions will be required for sample panels of all types of walling on the development, to both buildings and boundary and retaining structures, and for roofing materials. A condition requiring confirmation of the set-back of window frames a minimum of 100mm into reveals is also required.

Highways

The proposed site layout plan (Dwg. No. 1555SPL/KRH-PL01) is generally acceptable however the small strips of verge between the footway and shared surface road adjacent to Plot 11 should be hard surface / block paved as the Council would not wish to take on the maintenance liability for these short verges.

If minded for approval conditions should be imposed to ensure that the means of access is constructed before the development is brought into use, closure of existing access, provision of visibility splays, provision of domestic parking facilities, construction site management details and the provision of a Traffic Regulation Order prohibiting on street parking in the vicinity of the site on Keighley Road.

West Yorkshire Combined Authority

Real time Passenger Information Displays could be provided at bus stops 20288 and 20289 at a cost of £10,000 to the developer.

To encourage the use of sustainable transport as a realistic alternative to the car it is recommended that the developer funds a package of sustainable travel measures, to encourage the use of sustainable modes of transport. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site.

West Yorkshire Police

Plot 12 has the bin storage directly abutting the rear boundary of plot 11 which could provide a climbing aid into the rear garden. It would be better to move the bin storage to the opposite side directly adjacent to the bin stores of plot 13 which removes the potential for climbing.

It is recommended that the rear boundary of plot 20 and the west boundary of plot 18 are amended to be 1.8 metres in height.

N.B It has been clarified that the bin storage serving plot 12 does not directly abut the rear boundary of plot 11. The bin storage area is located to the side of the garage serving plot 11 and therefore it would not provide a climbing aid into the rear garden

Airedale Drainage Commissioners (ADC)

No comments as the site falls outside of the area managed by the ADC.

Drainage

It is noted that the relevant drainage and flood risk information has been submitted and approved through submission of details applications for the outline planning permission 15/01039/MAO. No further drainage comments are necessary.

Yorkshire Water

No drainage details have been submitted. It is noted that the Outline application stated watercourse for surface water disposal. Please note further restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site. The landowners consent will be required for the construction of a new outfall structure. As surface water from the site is not proposed to discharge to the public sewer network no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change further consultation with Yorkshire Water will be required.

Environment Agency

No objections are raised subject to satisfactory foul water drainage arrangements.

Landscape Design

The retention of the majority of the land designated as village green space is supported as is its enhancement with tree planting.

The village green space is the tip of an extensive green area that brings the surrounding landscape into the centre of Harden. Higher up the hill are heavily wooded areas which include mature trees. In views from Harden Road these trees form a complementary backdrop to the green space providing a strong rural connection.

At present views are largely unencumbered by buildings, with the exception of a modern barn which reads as relevant to the rural setting. Generally the scale of the buildings is small compared to the scale of the enveloping green pasture and mature woodland.

The development would result in significantly more built form in the middle distance between Harden Road and St. Ives Estate, severing the connection between the background woodland and foreground pasture. There will be a change in the character of the village core, a noticeable loss of connectivity with the surrounding green.

This scheme will only integrate successfully into the existing fabric of Harden if the green space is both seen and utilised as a focal point for the village and not just for this development. The level changes across the site do not make it easy to physically link the proposed village green space to surrounding built form on any side.

There will be a steep slope curving around the edge of the green space, with the grass bank around the access road creating a sheltered amphitheatre. The enclosed space might feel quite intimate, but a 1 in 3 slope for pedestrians to negotiate the space may be rather isolated.

A footpath link from Harden Road to the green space should be provided and the green space should be made accessible to all.

The detailed planting plan is appropriate. The village green space and other areas of green space should be maintained by a management plan.

The Gardens Trust

This proposed site for housing, which bounds St Ives Estate, currently makes a positive contribution to the estate's significance through its rural character and is an important part of its setting, as seen from Harden Road and Keighley Road in Harden Village. It is a prominent location and any development will particularly affect the setting of the western section of St Ives Estate which W B Ferrand was still improving in 1886 and where he noted 'his plantations were very fine in 1888', the year before he died.

This new application appears to be extremely similar to the previous application (Ref:18/00158/MAR) and has not addressed our concerns about the harm the proposed development would cause to the significance of the Registered landscape of St Ives Estate.

The layout and house types appear to have been imported as standard designs without any attempt to relate them to the local architecture and their proximity to a Registered park and garden.

We note that the building materials appear unspecified, thus it is not obvious that this current proposal is for houses in the traditional regional stone with stone or slate roofs, or indeed any kind of stone.

We thus again conclude that the proposed development would have an adverse impact on the setting through its position and scale. Particularly the proposed designs of the 3 storey houses for plots 12-17, 20- 25, would result in an urbanisation of this rural site and cause severe harm to the setting of the Registered park.

We therefore consider that the proposed development would harm the significance of the Registered landscape of St Ives Estate, and strongly object to this application.

Summary of Main Issues:

Principle of development

Density

Layout

Impact of Development on Heritage Assets

Scale

Design and Appearance
Landscaping
Trees
Residential Amenity
Community Safety
Highway and Pedestrian Safety
Further Issues Raised by Representations

Appraisal:

A reserved matters application for the construction of 28 dwellings including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale was previously refused by the Regulatory and Appeals Committee on 19 July 2018 for the following reasons:

1. 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.
2. 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.
3. 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.

Following the refusal of application reference 18/00158/MAR the developer has amended the proposed development and provided additional information in order to address the previous reasons for refusal.

Principle

The south western part of the site is allocated as Village Greenspace (S/OS7.5) and the eastern and northern parts of the site are allocated as Safeguarded Land (S/UR5.4). The principle of residential development has been accepted with the approval of the outline planning permission, which was granted subject to a Section 106 Agreement requiring the provision of a Village Greenspace and other Public Open Space within the site in perpetuity.

The proposed layout remains within the parameters set out in the outline approval in respect of the developable area of the site and the areas to be retained as Village Greenspace and other Public Open Space. The principle of residential development therefore remains acceptable.

Density

The indicative layout submitted with the outline application illustrated a development of 25 dwellings. It was noted that the indicative scheme was substantially below the required density, which would ordinarily yield 48 dwellings on a site of this area.

However, it was accepted that a reduced density was required owing to the specific nature of the site in terms of topography, the need to preserve open space important to the setting of Harden, preservation of the setting of two adjacent listed buildings and the need to provide for a layout and design sympathetic to the traditional rural character of the village of Harden.

The proposed layout is for a development of 28 dwellings on a developable area of 1.6 hectare. The density of the development is therefore substantially below the 30 dwellings per hectare required by policy HO5 of the Core Strategy. However, there are site specific constraints relating to topography, preservation of open space, preservation of the setting of nearby listed buildings and the need to achieve a layout and design sympathetic to the rural character of Harden remain applicable. It is therefore considered that the proposed development density is acceptable and accords with the requirements of policy HO5, which allows for a reduced density where it is justified by site specific circumstances.

Layout

The layout of the development has been influenced by the topography of the site and the need to provide a minimum of 1900m² of open space, as secured by the Section 106 agreement attached to the outline planning permission.

The proposed layout is for a development of 28 dwellings, with the necessary quantum of open space included. The layout provides a large village green space in the south-west corner of the site, maintaining an important open aspect which makes a valuable contribution to the character of Harden Village, whilst also retaining key views of the Grade II listed buildings on Crowther Fold.

The site access is taken from Keighley Road and the estate road follows a meandering path, first arcing around the northern edge of the village green space, before running parallel with Harden Road and finally returning eastward in the form of a shared surface serving the upper portion of the site. The layout of the access road is considered to be a sensitive design solution as its meandering path is well related to the village setting and it also avoids the need to dissect the valuable area of village green space.

The layout would place the majority of the proposed units between Mill House and Crowther Fold to the west and Granic Mews to the east. When viewed from the centre of Harden the development would be visible in the middle distance, with the village green space in the foreground and the wooded backdrop of St Ives Estate beyond. It is considered that the siting of dwellings in this location would ensure that the development sits comfortably within its setting and that the visual connection between the green space at the centre of Harden and the woodland backdrop of the St Ives Estate is maintained.

The layout includes a landscaped buffer along the northern boundary where the site abuts the woodland edge of St Ives. In this location the proposed dwellings are orientated in order to prevent a substantial number of primary elevations and garden boundaries from immediately abutting the woodland edge.

A landscaped buffer is also provided within the site to the east of the Grade II listed dwellings on Crowther Fold in order to minimise the impact of the development on the heritage assets.

In terms of pedestrian connectivity a footpath is included providing direct access to the centre of Harden. A further footpath link is also proposed within the site to improve pedestrian connectivity to the upper portion of the site.

In conclusion it is considered that the development layout responds sensitively to the site and surrounding area, ensuring that dwellings, pedestrian routes and open spaces are well related to each other and that they do not significantly detract from the character of nearby heritage assets or the prevailing character of Harden Village.

Accordingly the development is considered to accord with the requirements of policies SC9, DS1, DS2, DS3 and DS4 of the Core Strategy.

Impact of Development on Heritage Assets

The site is located in the setting of two grade II listed buildings at Crowther Fold and the northern boundary of the site is formed by the St Ives Estate, which is a registered historic landscape.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a listed building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. At the local level Policy EN3 of the Core Strategy seeks to ensure the preservation of heritage assets and their setting.

The previous reserved matters application was refused, in part, because it was considered that 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.

The proposed development has been amended in order to address this issue. The heights of units 17 and 20, which are nearest the listed buildings, have been reduced from 3 storeys to 2.5 storeys. Additional information has also been submitted in the form of photomontages and streetscenes in order to demonstrate that the relationship of the development with the setting of the listed buildings on Crowther Fold and the woodland backdrop of the St Ives Estate is acceptable.

The reduction in height of plots 17 and 20 has lessened the impact of the development on the nearby listed cottages. It is considered that the reduction in the height of the units, as well as their separation from the cottages and the provision of a landscaped buffer zone is sufficient to ensure that the units achieve an acceptable relationship with the listed cottages.

The development would result in some loss of openness to the setting of the listed buildings. However, the key vista, from the centre of Harden would be retained. In this regard the impact of the development on the setting of the listed buildings would be less than substantial. It should also be noted that the proposed development would facilitate the removal of a number of metal clad buildings associated with the coal yard, which are currently having a harmful impact on the setting of the listed cottages.

In relation to the impact of the development on the St Ives Estate it is considered that the submitted photomontage (View Across Village Greenspace) and site sections (Plots 18 and 19 Landscape Sections) successfully demonstrate that the tree belt would remain a distinctive feature in views from the centre of Harden. The tree belt would provide a wooded backdrop to the development and the connection with the green space at the centre of Harden would be maintained.

In conclusion it is considered that the submitted information adequately demonstrates that the harm incurred to Heritage Assets would be less than substantial and the public benefits of the development in terms of the delivery of new housing and S106 planning obligations would outweigh the harm, in compliance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 193 of the NPPF and policy EN3 of the Core Strategy.

Scale

The previous reserved matters application was refused, in part, because it was considered that the proposed three storey units would, by reason of their massing, have an adverse impact on the visual amenity of Harden Village.

The submitted information includes a Heights Plan (Reference 1555SPL/KRH-ST01) which identifies the heights of the proposed units in relation to the heights of the existing built form in the surrounding area. It is evident that the three storey aspects of the development, at plots 12-16 and 21-24, would be located at the centre of the site and that these units would only form a small proportion of the overall development. The plan also makes clear that there are numerous examples of existing three storey and split level buildings in the immediate area including dwellings on Granic Mews, Gatesway and Moor Edge High Side. The proposed three storey split level design is therefore not considered to be uncharacteristic of the area.

The submitted site section (Reference 1555SPL/KRH/SE03) demonstrates that the proposed dwellings would be of an appropriate scale achieving a graduated appearance on the hillside, with no singular aspect of the development appearing overly visible or dominant in views from Harden Road, or any other vantage point.

This is re-affirmed by the submitted Street Scene drawing (Streetscene 04), which identifies that the three storey units at plots 21-24 would be set below the wooded backdrop of the St Ives Estate to the north and substantially below existing dwellings immediately to the west of the site.

In conclusion it is considered that the proposed three storey split level units are not uncharacteristic of the area and the submitted information successfully demonstrates that the massing of the units would not appear unduly prominent either within the site or from any surrounding public vantage point. The three storey units would therefore not have an adverse impact on the visual amenity of Harden Village and they are considered to accord with the requirements of policies DS1 and DS3 of the Core Strategy.

The remaining aspects of the development comprising of plots 1-11, 26-28, 18 and 19 are considered to be of an appropriate scale in relation to the surrounding built form.

Plots 1-11 would be two storeys in height and would descend moderately from unit 1-8 before increasing in height in similarly moderate increments to plot 11. The scale of the properties is considered to be acceptable.

Plots 26-28 would be two storeys in height and located at the rear of the existing three storey dwellings on Granic Mews. The properties at Granic Mews are level with Harden Road and the development site is retained at a higher level to the north and west of the dwellings. The submitted site section indicates that plots 26-28 are of an appropriate scale to ensure that whilst they are visible above Granic Mews from Harden Road they would not appear overly dominant.

Plots 18 and 19 would be located at the highest point within the site and would be two storeys in height.

In views from Keighley Road plots 18 and 19 would be set down from the road level but would maintain an appropriate presence in order to sit comfortably with the existing dwellings on the adjacent side of Keighley Road.

Design and Appearance

The development would consist of 28 units with a variety of house types including detached, semi-detached and terraced properties. The significant variety is considered to be a positive element of the design as it is reflective of the local surroundings, where a variety of house types are also evident.

The proposed dwellings would be constructed of natural stone and surmounted by natural slate roofs. Subject to the approval of appropriate samples the materials are considered to be acceptable and would be in keeping with the surrounding area.

The submission includes a Local Vernacular Design Palette which identifies key design features of existing buildings in the surrounding area. The identified features have then been used to inform the plot designs across the development. Specifically, the inclusion of chimney stacks, corbels and stone heads, cills and door surrounds within the development are welcomed features which reflect positive elements of the local character.

Planning conditions are required in order to secure suitable walling and roofing materials, as well as appropriate materials for boundary treatments and retaining structures. Further conditions are required to ensure that the windows of the units are set 100mm within the reveals and that the eaves and gutter treatments of the dwellings are appropriate. Subject to the aforementioned conditions the proposed development is considered to accord with the requirements of policies DS1 and DS3 of the Core Strategy.

Landscaping

Policy DS2 of the Core Strategy requires that development proposals should take advantage of existing features, integrate development into the wider landscape and create new quality spaces.

The key existing landscape feature of this site is the historic St Ives Woodland beyond the northern boundary. The submitted photomontage illustrates that the development would be set down in relation to the wooded backdrop with open green space retained in the foreground. The development is therefore considered to successfully integrate into the wider landscape.

A tree survey has been undertaken which identifies that the group of trees in the south-west corner of the site (T11, 13, 14, 15, 16) are of suitable quality to be retained. The remaining trees within the site are identified within the lower retention categories and are to be removed to facilitate development. The Trees Officer has not raised any concerns with the categorisation of the trees and does not contest this approach.

The proposed development would include a comprehensive landscaping scheme to supplement the retained trees and assist with ensuring that the development integrates successfully within its context.

It is considered that the proposed landscaping scheme is acceptable in respect of the planting schedule and that landscaping is utilised successfully throughout the site to create new quality spaces. The proposal is therefore considered to accord with policy DS2 of the Core Strategy.

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. In relation to decision making trees and areas of woodland that contribute towards the character of a settlement or its setting, the amenity of the built-up area valued landscapes, or wildlife habitats, will be protected.

The northern boundary of the site is formed by a woodland copse which is part of the St Ives registered historic landscape, a Grade II listed heritage asset. The woodland is therefore a significant public amenity. In this regard the relationship of the development in terms of levels and the separation and orientation of housing to the woodland edge are considered to be key issues for consideration.

The previous reserved matters application was refused, in part, because it was considered that the proximity of the proposed development to the woodland edge adjacent to the northern boundary would be likely to result in future pressure for pruning and/or felling of trees to the detriment of visual amenity.

Additional information has been provided (JCA Arboricultural Planning Statement Reference 13634-D/JC) in order to demonstrate that the proposed development will not affect the existing woodland trees adjacent to the northern boundary.

In summary the submitted information raises the following key points:

- The development is consistent with the recommendations as set out in BS5837: 2012 -Trees in relation to design, demolition and construction;
- The scheme has been designed in order that issues of future tree encroachment are minimal as the buildings which are in closer proximity to the off-site woodlands to the north are set back away from the tree canopy line;
- The woodland is mature and will not increase in size significantly following the occupation of the houses;
- No tree pruning works are required to facilitate the proposed scheme.

- All higher value trees are to be retained and enclosed with fencing and ground protection in accordance with BS 5837:2012 throughout the construction phase in order to ensure they survive post development.

The Council's Trees Officer has assessed the submitted information and has confirmed that no trees within the woodland require pruning or removing to facilitate the development; the tree protection measures proposed are suitable to ensure protection during construction and that the development will not jeopardise trees in future because it has been designed in a manner that takes the woodland into account. The Trees Officer has therefore raised no objection to the proposed development, subject to the imposition of planning conditions requiring that tree protection measures are provided and retained throughout the course of the development.

Subject to the aforementioned conditions the proposed development is considered to accord with policy EN5 of the Core Strategy.

Residential Amenity

Policy DS5 of the Core Strategy requires that development proposals should not harm the amenity of prospective users and residents.

The proposed layout ensures that the development would not include any dwellings with an unrestricted view within 7 metres of the rear garden boundary, or within 17 metres of the habitable room windows of any other dwelling. As such no adverse overlooking implications are foreseen.

The proposed dwellings achieve sufficient separation distances to ensure that no adverse overbearing or overshadowing implications are incurred either within the development site or on existing neighbouring residential properties.

The nearest existing dwellings to the site are located on Granic Mews. Proposed plots 26-28 would be located to the north of the dwellings on Granic Mews and at a higher level. The submitted information provides a section through this aspect of the site which illustrates that plots 27 and 28 would not benefit from unrestricted views of the rear garden areas and habitable room windows of Granic Mews, owing to the separation distance and change in land levels. The plan illustrates that the first floor windows in the rear elevations of plots 27 and 28 would be separated by a distance of 27 metres from the rooflights in the northern roofscape of dwellings in Granic Mews. The separation distances achieved are considered to be sufficient to ensure that the proposed dwellings would not result in any adverse overlooking implications.

In relation to plot 26 it is noted that that the dwelling does not include any first floor habitable room windows in the south facing elevation. The ground floor kitchen window would not benefit from unrestricted views owing to the rear boundary treatment. As such no adverse overlooking implications are foreseen.

Plot 26 would be sited to the north of Granic Mews and is separated from the rear elevations of the properties by a distance of approximately 12.5 metres. The level of separation is considered to be sufficient to ensure that no adverse overbearing implications would be incurred in respect of neighbouring habitable room windows.

The side elevation of plot 26 would be separated from the common boundary of Granic Mews by a distance of approximately 4.3 metres. This is considered to be sufficient to prevent any overbearing or overshadowing of the private amenity areas of properties on Granic Mews.

The location of plots 26, 27 and 28 to the north of Granic Mews and the separation distance achieved are considered to be sufficient to ensure that no adverse overshadowing implications would be incurred in respect of the habitable room windows or rear garden areas of the properties.

Community Safety

Policy DS5 requires that development proposals are designed to ensure a safe and secure environment and reduce opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and, whilst not objecting in principle to the proposed development, has requested that the rear boundary treatments of the proposed dwellings achieve a height of 1.8 metres.

In relation to the provision of rear boundary treatments the submitted drawing illustrates that both screen fencing and plot divisional fencing will be provided in order to ensure that the curtilages of the units are sufficiently secure. The specific design details of the fencing can be secured by a planning condition.

It is considered that the development has generally been designed to reflect the principles of secure by design and that the spaces which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour.

Subject to the submission of details in relation to boundary treatments and bin store details it is considered that there are no grounds to conclude that the proposed development would create an unsafe or unsecure environment and the proposal is considered to accord with policy DS5 of the Core Strategy.

Highway and Pedestrian Safety

The closing off of the existing coal yard access and the formation of a new access onto Keighley Road were approved as part of the outline planning application. A Transport Assessment was carried out in support of the outline application which was based on an indicative residential development of 25 dwellings. Whilst the current proposal is for 28 dwellings it is considered that the minor uplift in the number of units would not have any significant implications. The proposed access remains appropriate in terms of its design and the minor increase in vehicle movements would not have an adverse impact on the local highway network in terms of capacity or congestion.

Policy TR2 and Appendix 4 of the Core Strategy require the provision of an average of 1.5 off street car parking spaces per unit for residential development. However, for larger properties a greater level of off street car parking is desirable. In this instance all 2 bed dwellings would benefit from two off street car parking spaces and three bedroom dwellings would benefit from three spaces. As such the level of car parking provision is considered to be appropriate for the proposed development in accordance with the requirements of policy TR2 of the Core Strategy.

Policy TR3 of the Core Strategy requires that through planning decisions the Council will improve public transport, walking and cycling infrastructure. This is to be achieved by requiring the layout of new development to encourage walking and cycling by taking opportunities to connect to the existing street and path network, local facilities and public transport in obvious and direct ways and requiring that new development creates attractive places that encourage walking and cycling by providing a permeable network of routes that are well overlooked, and which balance the needs of all users by treating highways as streets rather than as roads.

The development layout includes a number of positive elements which contribute towards achieving the above objectives.

A footpath is proposed on the south boundary of the site linking the development directly with Harden Road. The footpath link is considered to facilitate pedestrian connectivity to the centre of the settlement and improve accessibility to the nearby bus stop on the north side of Harden Road.

The site access road includes a footpath on the south side. The majority of pedestrians exiting the site are anticipated to be travelling south towards the centre of Harden. The location of the footpath is therefore considered to ensure good pedestrian connectivity with the centre of the settlement.

A crossing plateau is proposed within the site providing a delineated point for pedestrians to cross the access road. The crossing plateau adjoins a footpath which extends up into the site before forming part of a shared surface. A direct footpath link is also provided from the crossing plateau to the upper portion of the site.

It is considered that the proposed layout is successful in connecting with the existing street and path network, local facilities and public transport links. The layout is also considered to provide an attractive environment which encourages walking and cycling with a permeable network of routes, in accordance with policies TR3 and DS4 of the Core Strategy.

Further Issues Raised by Representations

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

The proposed commitment to provide financial contributions does not make this scheme acceptable in planning terms.

A planning obligation (Section 106 Agreement) can be utilised to make an application acceptable in planning terms. The development has been assessed against all relevant material considerations and is considered to be acceptable.

The woodland to the north of the site is home to a small breeding herd of deer, rare bats and owls.

An Ecological Appraisal (Reference: 2403 Version 2) was submitted in support of the outline planning application. The appraisal advised that there was no conclusive evidence of protected species commonly occurring on the site or the surrounding area.

The development will result in the loss of important habitat.

The Ecological Appraisal (Reference: 2403 Version 2) approved at the outline application stage confirmed that the vegetation to be cleared from the site has low ecological value.

Building work and drainage work associated with the development will negatively impact underground rooms of properties on Granic Mews.

Ground conditions and drainage infrastructure were considered at the outline planning application stage and no adverse implications were identified.

The hedgerow to the rear of Harden Fisheries will prevent servicing and maintenance of the building. The building's ground lease terms stipulate a minimum 120mm maintenance strip is required around the building.

The proposed hedgerow would be located on land within the ownership of the application. The terms of a ground lease are not a material planning consideration.

Will the foul and surface water drainage arrangements be adequate to serve the development without harming neighbouring dwellings or premises.

Drainage details and calculations are required by planning conditions imposed on planning application reference 15/01039/MAO. The details are currently under consideration as part of application reference 15/01039/SUB01. The Drainage Officer has confirmed that the submitted details are acceptable.

Businesses should be compensated for any loss of revenue caused by drainage works.

The Drainage Officer has confirmed that the drainage details submitted under application reference 15/01039/SUB01 are acceptable. Any compensation claim is a private matter to be resolved between the relevant parties.

Has adequate contamination testing been carried out.

Land contamination was considered in the assessment of outline planning application reference 15/01039/MAO.

The application was considered to be acceptable subject to the approval of a Phase 2 Site Investigation Report prior to development commencing and the approval of a remediation validation report prior to the occupation of the development

Has sufficient stability testing taking place to ensure that the ground is stable.

Ground conditions were considered at the outline planning application stage and no adverse implications were identified.

How will the dust and debris from the site be controlled.

The developer will be made aware of the need to adhere to Best Practice Guidance for the control of dust and emissions from construction and demolition. Failure to adhere to the necessary requirements should be reported to Bradford Council Environmental Health Department for investigation.

No fires should take place on site and no music should be played during the construction process.

The above matters cannot be reasonably controlled by the planning process. Any activity which is considered to constitute a statutory nuisance should be reported to Bradford Council Environmental Health Department for investigation.

Customers need to be able to access the local business safely without any forms of obstruction, has this been considered?

The proposed development does not obstruct access to any neighbouring business premises.

The three plots to the rear of Granic Mews should be constructed as bungalows.

The proposed dwellings on plots 26, 27 and 28 are considered to be acceptable. There is no justification to require the aforementioned plots to be constructed as bungalows.

The entrance to the estate is on a much sharper bend than shown on the drawings, increasing the risk of an accident with either cars or pedestrians.

The proposed access was considered and approved under application reference 15/01039/MAO. This matter cannot be revisited as part of the current application.

No affordable houses are proposed.

A viability appraisal document has been submitted to support the proposed deed of variation to the original S106 agreement.

Ecological Surveys as well as Bat Surveys should be provided.

An Ecological Appraisal was submitted and considered under application reference 15/01039/MAO. The Ecological Appraisal conducted as part of the outline application successfully demonstrates that the site does not contain any valuable habitat. The poor semi-improved grassland which dominates the development site is noted as species poor and not considered exceptional. Two bat activity surveys were carried out as part of the outline application submission. The habitat across the majority of the development site is poor for bat species being open and exposed. No roosts were recorded on the site during the activity surveys in either the buildings or trees.

Visibility at the proposed site access is insufficient.

Adequate visibility splays were approved when the site access was considered at the outline application stage. The approved splays are 2.4m x 47m to the north and 2.4m x 37.5 m to the south.

Drivers often speed up Keighley Road and the introduction of the proposed access is likely to cause accidents in this location.

The site access is not under consideration as part of this application. In any case instances of speeding should be reported to the police.

Paragraph 5.1 of the report of AVIE Consulting Ltd. entitled 'Phase 1 Environmental Desk Study' submitted at Outline Planning stage, identifies a fault running north west to south east across the site. No houses should be constructed over the line of the fault.

An assessment of ground stability was undertaken as part of application reference 15/01039/MAO. The proposed development was considered to be acceptable subject to the submission of Phase 2 Site Investigation Report.

There is unmet demand for affordable housing in Harden. This matter should not be dismissed on grounds of viability.

Policy HO11(E) of the Core Strategy requires that the exact amount of affordable housing, or financial contribution to be delivered, will be determined by economic viability having regard to individual site and market conditions.

A Development Viability Appraisal can be manipulated in many ways to show the result required. The residual value method used for calculating viability is subject to a number of variables and is highly sensitive to the assumptions made. Small changes in certain variables especially the estimated value on completion, the required profit margin and interest charges can lead to a large difference in the residual site value. In particular, the method requires the input of construction data which is rarely absolute or precise. A small variation in each figure can materially affect the assessment of residual land value or residual profit margin. The valuation also reflects and is dependent upon a forecast of the estimated sales revenue at the date when the development is fully complete and it assumes that sales costs and prices will remain static during the development period.

An independent assessment of the appraisal inputs was carried out by Cushman and Wakefield on behalf of the council which confirmed the revenue assumptions and base cost estimates included within the applicant's appraisal to be reasonable.

The Cushman and Wakefield Assessment includes a shadow viability appraisal which identifies a benchmark land value based on the existing use value of the site, plus a premium for the landowner. The assessment concludes that based on the appraisal inputs included in the shadow appraisal, the proposed residential development of Land off Harden Road and Keighley Road is unable to withstand any affordable housing or other S106 contributions without adversely impacting on the viability of the development.

The developer can achieve its desired profit margin of 20% on cost and afford to pay for all its Section 106 commitments, including the provision of affordable homes, by reducing the amount that it has agreed to pay for the site

The shadow appraisal conducted by Cushman & Wakefield is based on a residualised site value. This assessment concludes that the development is unable to withstand any affordable housing or other S106 contributions without adversely impacting on the viability of the development.

Consideration should be given to allocating 15% of a revised Section 106 financial contribution to the Parish Council, to be ring fenced and held in reserve for future neighbourhood projects and initiatives for the people of Harden.

Paragraph 56 of the National Planning Policy Framework sets out that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

There is no evidence presented to indicate that a payment of 15% of the S106 contributions to the Parish Council would meet the above tests.

A condition should be imposed requiring that the cherry trees (G18) to be removed are replaced with similar cherry trees.

Cherry trees are identified as T3 and T4 within the Tree Survey submitted at the outline planning application stage. The trees fall within retention category C2. That is the categorisation of trees which are considered to be of low quality. As such the removal of the trees is considered to be acceptable and the provision of replacement cherry trees cannot be justified. It should also be noted that the proposed development includes a comprehensive landscaping scheme.

Community Infrastructure Levy

The development is not CIL liable because outline planning permission was granted for the development prior to the adoption of the CIL Charging Schedule.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics.

Reason for Granting Planning Permission:

The proposed development would meet the requirements of Core Strategy policies P1, SC1, SC4, SC6, SC9, TR1, TR2, TR3, HO5, HO8, HO9, HO11, EN1, EN2, EN3, EN4, EN5, EN6, EN7, EN8, DS1, DS2, DS3, DS4, DS5, ID2 and ID3 and the application is recommended for approval.

Conditions:

General

Three Year Time Limit

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

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

PD Rights Removed A-E

2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

Material Samples

3. 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 DS1 and DS3 of the Core Strategy Development Plan Document.

Rainwater Goods

4. Prior to their installation, details of the materials, sectional profile and colour of all new gutters, rainwater downpipes and any other external plumbing shall be submitted to, and approved in writing by the Local Planning Authority. These items shall then only be installed in accordance with the approved details and these shall be retained thereafter.

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

Windows Inset

5. The frames to all new windows hereby permitted shall be recessed into the reveals by approximately 100-125mm, 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.

Boundary Treatments

6. 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 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.

Bin Storage

7. Before any part of the development is brought into use details of the proposed bin storage arrangements shall be submitted to and approved in writing by the local planning authority and shall be made available for use in accordance with the approved plan and thereafter retained.

Reason : To ensure appropriate design arrangements for waste handling and to accord with Policies DS1 and DS5 of the Core Strategy.

Landscaping Scheme

8. 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 approved Landscape Proposals drawing.

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.

Landscape Maintenance

9. Before any part of the development is brought into use, the developer or successor in title, shall enter into a legal agreement to maintain the said 'internal verges and planting areas within the site in perpetuity' by way of a Management Company. The developer or successor in title shall lay out all those areas within the site in accordance with the approved drawing, and to a constructional specification approved by the Local Planning Authority, as part of those maintenance arrangements to be set out in a Management Maintenance Perpetuity Plan. As and when a phase or the whole development is completed the final verges and planting areas relating to that phase or the whole of the development, whichever shall apply, shall be laid out according to the approved plan.

Reason: To ensure that the areas are adequately maintained for the lifetime of the site in perpetuity, and therefore, will not require the Council to publicly maintain them at any time in the future.

Tree Protection Plan

10. The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Tree Protection Plan reference Appendix 4: JCA Arboricultural Method Statement 13634-B/AJB.

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

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

Tree Protection Retention

11. The agreed tree protection measures, shall remain in place, and shall not be moved, removed or altered for the duration of the development without the prior written consent of the Local Planning Authority. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them without the prior written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected for the duration of development activity on the site, in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

Highways

Parking Provision

12. Before any of the dwellings to be constructed are brought into use the proposed car parking spaces to be approved shall be laid out, hard surfaced, sealed and drained within the site as shown on the approved drawing and completed to a specification approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety, and in accordance with Policies TR2, DS4 and EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Provision of Access

13. Before commencement of development full details of the proposed means of vehicular and pedestrian access hereby approved, including a construction specification and street lighting and drainage details shall be submitted to and approved in writing by the Local Planning Authority. The proposed means of vehicular and pedestrian access shall then be provided in accordance with the details so approved before first occupation of the approved dwellings.

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 and the National Planning Policy Framework.

Provision of Turning Area

14. Before any of the proposed dwellings to be constructed as part of the development are brought into use the vehicle turning areas hereby approved shall be laid out, hard surfaced, sealed and drained within the site, as shown on the approved plan and retained whilst ever the development is in use.

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

Section 278 works

15. Unless otherwise agreed in writing with the Local Planning Authority, before any development works start on site, full details for the works associated with any Section 278 Agreement shall be submitted to and approved in writing by the Local Planning Authority. The plans so approved as well as appropriate timescales for the delivery of these highway improvements shall be implemented in accordance with the specifications of the Local Highways Authority.

Reason: In the interests of highway safety and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

No gates open over highway

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

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

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