

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 27 June 2019 at 10.00 am in the Banqueting Hall - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Warburton Wainwright Amran Watson	Ali Brown	Reid

Alternates:

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

Notes:

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

From:

Parveen Akhtar
 City Solicitor
 Agenda Contact: Claire Tomenson
 Phone: 01274 432457
 E-Mail: claire.tomenson@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

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

2. DISCLOSURES OF INTEREST

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

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

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

Notes:

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

3. MINUTES

Recommended –

That the minutes of the meeting held on 11 April, 20 May, 20 May (Trustees), 30 May and 30 May 2019 (Trustees) be signed as a correct record.

(Claire Tomenson – 01274 432457)

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.

(Claire Tomenson - 01274 432457)

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.

(Claire Tomenson – 01274 432457)

6. **LAND NORTH OF 79 - 111 SAPGATE LANE, THORNTON, BRADFORD**

1 - 26

Previous Reference: Minute 88 (2018/19)

The Assistant Director - Planning, Transportation and Highways will present **Document “C”** which relates to a full planning application for the construction of 17 dwellings and an access road on Land to the North of 79-111 Sapgate Lane, Thornton, Bradford - 18/03975MAF

The Committee previously resolved to grant outline planning permission for this development on 7 March 2019 subject to conditions and a Section 106 Legal Agreement.

Recommended –

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

- (2) **That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of securing a contribution of £50,000 to be used for the provision of off-site affordable housing in Thornton and Allerton ward, or an adjacent ward.**

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

(John Eyles – 01274 434380)

7. LAND AT BOLTON ROAD, SILSDEN

27 - 42

Previous Reference: Minute 116 (2014/15)

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “D”**) in relation to a reserved matters application that requests consideration of layout, scale, appearance and landscaping of a residential development of 57 dwellings (pursuant to outline approval 14/05170/MAO granted by appeal) at Land at Bolton Road, Silsden - 18/05140/MAR.

Recommended -

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

(John Eyles – 01274 434380)



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 27 June 2019

C

Subject:

A full planning application for the construction of 17 dwellings and an access road on land to the north of 79-111 Sappgate Lane, Thornton, Bradford.

Summary statement:

The Regulatory and Appeals Committee previously resolved to grant outline planning permission for this development on 7 March 2019 subject to conditions and a Section 106 Legal Agreement.

The principle of development for this housing scheme remains the same as when previously considered by the Committee. Previously the Regulatory and Appeals Committee resolved to grant permission subject to the on-site provision of affordable housing. However, an Affordable Housing Viability report has now been submitted which demonstrates that the development is not viable with the provision of on-site affordable housing.

An Independent Valuer has assessed the Affordable Housing Viability Report on behalf of the Council. Following the submission of additional information relating to sales values and profit margin the Independent Valuer has concluded that the development cannot sustain the affordable housing provision as previously agreed. However, if the site is to be developed for 100% market housing a developer contribution to local infrastructure not covered by CIL (including off-site affordable housing) to the value of £50,000 can reasonably be justified in viability terms.

A full assessment of the application against all relevant planning policies and material planning considerations is included at Appendix 1. Through the attachment of the proposed conditions and a Section 106 Legal Agreement to secure a £50,000 affordable housing contribution the proposal is considered to be acceptable and it is recommended that Planning Permission is granted.

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, Transport & Planning

Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application reference 18/03975/MAF 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

At the meeting of the Regulatory & Appeals Committee on 7 March 2019 it was resolved to grant planning permission for the construction of 17 dwellings and an access road on land off Sappgate Lane, Thornton, Bradford.

The resolution of the committee was subject to the applicant entering into a Section 106 Agreement to deliver 20% of the units as affordable housing.

On 26 March 2019 an Affordable Housing Viability Report, carried out by Johnson Mowat Planning and Development Consultants, was submitted to the Council for consideration. The report reviews the viability of the development and concludes that because of the abnormal costs associated with developing the site the development cannot sustain affordable housing provision.

Aspinall Verdi (AV), acting on behalf of Bradford Council, have undertaken a review of the Affordable Housing Viability Report and have concluded that a commuted sum of £125,000 could be provided with a developer profit of 15.56%

Following the AV review Johnson Mowat raised concerns that the analysis undertaken overstated the viability of the development primarily by overestimating sales values and underestimating the profit margin at which the site would be likely to come forward. In relation to sales values Johnson Mowat identified that their appraisal was based on sales values provided by a local agent, whilst the sales values used by AV were for Queensbury. Johnson Mowat also identified that the CIL background report (DTZ September 2016) supports the notion of Thornton having lower values than Queensbury.

In respect of profit margin Johnson Mowat identified that while National Planning Practice Guidance (NPPG) informs a target return of between 15% and 20% the 15.56% return suggested by AV is not appropriate on this site which is a low value, high risk site with a small scale developer. In such circumstances a 20% return to the developer would be expected. However, Johnson Mowat have confirmed that with a sales value uplift of 3% and savings on abnormal costs, finance control, professional fees, sales and marketing a £50,000 contribution could be made towards off-site affordable housing provision with a 17.5% return to the developer.

Having assessed the submitted information it is considered that the 17.5% return to the developer and a contribution of £50,000 towards off-site affordable housing provision represents the appropriate balance in this instance. The off-site affordable housing contribution will be secured by a Section 106 Agreement for the provision of off-site affordable housing in Thornton and Allerton Ward, or an adjacent ward.

In conclusion, it is considered that having regard to scheme viability as set out in paragraph 57 of the Framework, policy ID2 of the Core Strategy and National Planning Practice Guidance, in this instance, the provision of a financial contribution of £50,000 for off-site affordable housing has been robustly justified and policy HO11 of the Core Strategy is satisfied

5. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

6. LEGAL APPRAISAL

The options set out 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 close proximity to certain amenities in Thornton, 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 will be secured by a planning condition at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy.

The EV charging points are to be provided in lieu of the £8,415 contribution requested by West Yorkshire Combined Authority for the provision of a residential Metrocard Scheme. It is considered that the provision of EV charging points represents a betterment of the scheme as charging points are in situ permanently rather than a MetroCard Scheme which is only for 1 year, with no guarantee that residents will renew after that period.

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 Thornton and Allerton 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

None

9. OPTIONS

Members can decide to:

- Approve this application subject to conditions and a S106 legal agreement (with a contribution of £50,000 towards off-site affordable housing provision – a revised and reduced affordable housing value); or
- Approve the application with different conditions and or different heads of terms for the suggested legal agreement; or
- Refuse the application giving reasons as to why it is unacceptable; or
- Defer the application for further consideration

10. RECOMMENDATIONS

This full application is recommended for approval, subject to the conditions included within Appendix 1.

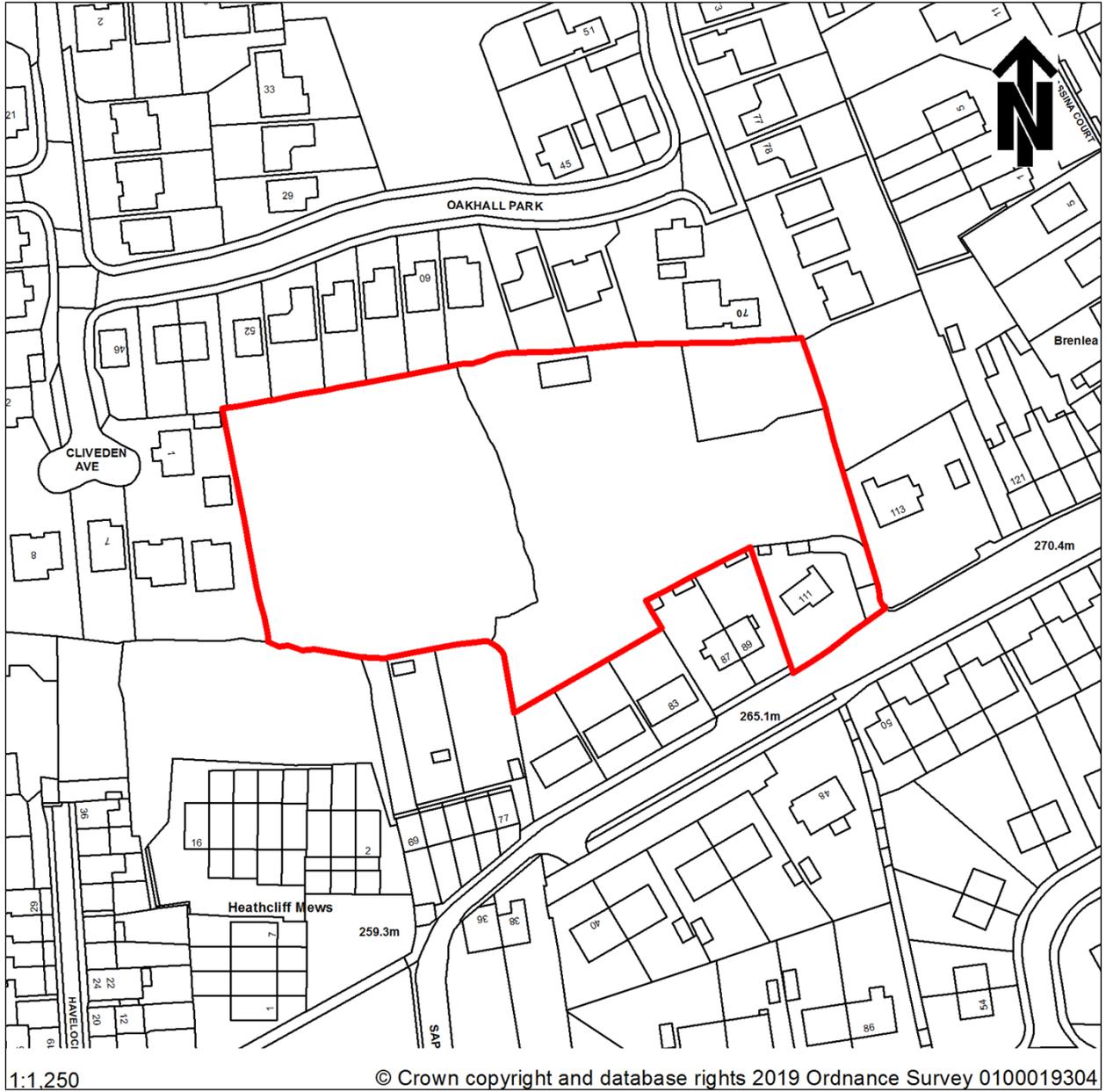
11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Replacement Unitary Development Plan
Local Plan for Bradford
Viability Appraisal submitted by the Applicants (Johnson Mowat)
Independent Viability Appraisal carried out by Aspinall Verdi

Not for Publication Documents - none



27th June 2019

Ward: Thornton and Allerton

Recommendation:

To grant planning permission subject to the conditions included within the technical report and the completion of Section 106 Agreement.

TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT.

(S106 Agreement to secure £50,000 to be used for the provision of off-site affordable housing in Thornton and Allerton ward, or an adjacent ward)

Application Number:

18/03975MAF

Type of Application/Proposal and Address:

A full planning application for the construction of 17 dwellings and an access road on land to the north of 79-111 Sapgate Lane, Thornton, Bradford.

Applicant:

Batty Developments

Agent:

Mr R Holmes

Michael Denton Associates

Site Description:

The site has an area of 0.71 hectares and appears to have been regraded at some point leaving mounded areas with some steep slopes, most notably to the southern boundary. The site is largely covered by vegetation with a number of young and semi-mature trees also evident. The site is enclosed by dry-stone walling and other domestic-type boundaries. The surrounding area is of a residential character consisting of detached and terraced dwellings. Access into the site is gained via a steep track from Sapgate Lane. Sapgate Lane is an adopted estate road with a single footway to its south side; this road becomes steep, narrow and cobbled as it leads into the centre of Thornton to the west of the site.

Relevant Site History:

00/00369/OUT-Outline layout for residential development-Refused-09.10.2001 (Lack of contamination information).

08/02485/FUL-Construction of twenty-three dwellings and access road-Refused-02.07.2008 (Residential amenity, poor design, inadequate access, no section 106 commitment, insufficient information regarding level changes, premature development of a phase 2 housing site).

09/01391/FUL-Construction of 14 dwellings and access road-Refused-15.05.2009 9
(Highway layout, lack of sections, no recreation contribution, lack of cut and fill
information, inadequate density).

10/04629/FUL-Construction of 17 dwellings and access road-Granted Subject to S106
Agreement-26.01.2012

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 site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.4)

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 Geo-diversity

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:

Not in a Parish

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 30th November 2018. 9 letters of objection were received.

Summary of Representations Received:

In objection:

- Increased pollution from vehicles
- Increased traffic congestion
- Harm to wildlife
- Inadequate health care provision
- Lack of school places
- Plot 17 will overshadow 1 Cliveden Avenue
- Plot 17 will overlook 1 Cliveden Avenue
- Undermine stone boundary wall of 1 Cliveden Avenue
- Loss of established trees
- Loss of views
- Construction noise and disturbance
- unsuitable site access
- Unsuitable drainage infrastructure
- negative visual impact
- Excessive density
- Breach of Article 1 of The Human Rights Act (person has the right to peaceful enjoyment of all their possessions)
- Breach of Article 8 of the Human Rights Act (person has the substantive right to respect for their private and family life).

Consultations:

Local Plans- Planning Policy

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 Proposals Map identifies the site as:

“BW/H2.4 SAPGATE LANE, THORNTON (0.67ha) Revised site. Greenfield site close to the edge of the conservation area. Access is poor. Traditional style properties in local materials would be most appropriate.”

Therefore, the site has been identified as a phase 2 housing site in accordance with Policy H2 of the RUDP. The Council received legal advice in November 2011 to the effect that with the lapsing of RUDP Policies H1 and H2 any unimplemented housing site is no longer allocated as part of the saved statutory development plan. This was never the intention of the approach to saving policies, as approved by Executive in April 2008 or that of the Secretary of State in their Direction issued in September 2008. To this end Executive on 21 November 2011 resolved to clarify the status of these sites, in particular the need to give significant weight to any such unimplemented sites based upon the work undertaken in their original allocation as part of the RUDP.

The Council currently cannot demonstrate a 5 year supply of housing land. Paragraph 11d of the NPPF indicates that in such circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Although the site is not previously developed land, it is located on the edge of the Principal Town of Thornton with services and facilities accessible by means other than the private car. In the light of this, the proposal would make a valuable contribution to housing supply and therefore, the principle of residential development is considered acceptable in principle.

Education

Based on the data available in October 2018 the above housing development may cause concerns on where children of families coming to reside in the development might attend secondary school. Parents also usually have an expectation that their children would be able to secure a school place at their local school and minimise the distance they may need to travel.

The following schools are within a reasonable distance of the proposed development:

Primary: Thornton; Keelham; Ley Top; Beckfoot Allerton; Beckfoot Dixons; The Academy at St James; Crossley Hall and St Matthews Catholic.

Secondary: Beckfoot Thornton, Dixons Allerton.

Currently the secondary schools are overcrowded or full but there are places available in the primary schools. It may therefore mean that the Council would need to work with the secondary schools to increase the number of secondary places in this area.

N.B The site is located in a nil CIL area and therefore a financial contribution cannot be sought for Education infrastructure expansion.

West Yorkshire Combined Authority

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 contribution for this development would equate to £8,415.00, which equates to bus only residential MCards.

Highways (20.11.2018)

The internal access road is designed as a Type 3B Shared Surface Street (as defined in the Leeds Street Design Guide). Due to the topography and layout, it is recommended that the applicant considers provision of a Type 3A Shared Surface Road with a 2m footway to one side and a margin on the opposite side.

The footways at site entrance should extend 2m beyond the ramp and splay into the shared surface street and should also be marked on site plan to both sides of entrance on Sapgate Lane.

Visitor parking should be parallel with highway and not perpendicular.

The margin should extend across turning head.

There should be no radius curves in the shared surface streets.

Swept paths should be submitted for a refuse vehicle.

N.B An updated plan has been provided to address the concerns raised.

Drainage

Due to the presence of made ground throughout the site to a depth of up to 5.5m, together with the potential detrimental effect of soakaway outflow on slope stability & the potential for any pollutants in the fill material to migrate within surface water outflow, the drainage scheme as submitted, proposing the use of soakaways for surface water disposal is not acceptable on this site.

The development should not begin until details of a scheme for foul & surface water drainage, including any balancing & off site works have been submitted to & approved in writing by the Local Planning Authority. This should be ensured by a planning condition.

The developer should also submit details and calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system together with details & calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings or safe egress & access.

Landscape Design

A primary concern is the design and management of the large embankment running along the southern boundary.

The final design and management of the embankment must be based on an input by an ecologist to determine the best solution for natural regeneration. On an earlier visit

to the site I found heather growing on the site and this may be an opportunity to manage the site to encourage heath development.

An indigenous hedge should be planted across the front of the proposed 1.8m boundary fence (Southern Boundary), this in time will soften this boundary which is visible from both near and far.

The proposed plan appears to show a 1.8m high fence running across the full extent of the southern boundary. The applicant should enable a form of access to manage the embankment.

N.B An updated plan has been provided indicating that the embankment is to be apportioned to provide additional garden space to the respective development plots. A landscaping scheme for the site, including a hedge to the south boundary can be secured by a planning condition.

Air Quality

The proposed development constitutes a minor development for the purpose of the West Yorkshire Low Emission Strategy (adopted December 2016) and the West Yorkshire Low Emission Planning Guidance.

Under the provisions of the LES planning guidance minor developments are required to provide Type 1 emission mitigation as follows:

Type 1 Mitigation

- Provision of electric vehicles charging facilities at the rates set out in the West Yorkshire Low Emission Planning Guidance.
- Adherence to the *London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.
-

In addition some applications are required to submit an exposure assessment where the development has the potential to increase human exposure to poor air quality.

Exposure assessment

The proposed development site is not in an area of current air quality concern. Any future occupants of the site are considered unlikely to be exposed to concentrations in excess of the air quality objectives. An exposure assessment is not required in relation to this proposal.

EV Charging

For those houses with garages it is acceptable to provide the EV charging point within the garage space. The provision of EV charging on this development should be ensured by a planning condition.

Control of Construction Emissions

Minor developments are required to adhere to Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition (as issued by IAQM) during all demolition, site preparation and construction activities. A site specific dust risk assessment should be undertaken for the site and appropriate emission mitigation control measures put in place which are proportionate to the level of identified risk (as set out in the IAQM guidance). This plan will be subject to approval by the local

authority and maintained on the site for inspection in the event of any complaints about air pollution being received.

Yorkshire Water

No objections are raised subject to planning conditions requiring that the site shall be developed with separate systems of drainage for foul and surface water on and off site. A further condition is required to ensure that no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Design and Conservation

The site is located to the northeast of Thornton Conservation Area and within the distant setting of a number of Grade II listed buildings. Regard should therefore be given to the impact of the development on the setting of these heritage assets. There will be limited visual links to the conservation area and the listed buildings to the south and therefore the impact of the proposed development on the setting of the heritage assets will consequently also be limited

That being said, the proposed dwellings will be located in an elevated position so will enjoy views across the village and valley. They will be viewed from various vantage points as part of the established residential backdrop to the older parts of the village.

The surrounding residential expansion represents a mix of housing types and building materials however the proposed development is taking its architectural language from the traditional stone dwellings in the conservation area and utilising a mostly natural palette of building materials. The properties have been designed to echo some of the traditional features of older properties located in the village and this approach is likely to result in a development that has local distinctiveness and a high quality finish.

This is unlikely to maintain the high quality finish that the development seeks to achieve. I would suggest that a natural or good quality artificial blue or grey slate would be more appropriate.

A stone boundary wall along the elevated southern boundary of the site would be more appropriate than timber fencing.

Summary of Main Issues:

Principle of development

Density

Visual Amenity

Residential Amenity

Highway and Pedestrian Safety

Land Contamination

Community Safety

Further Issues Raised by Representations

Appraisal:

Principle

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.4).

Given the resolution of the Council's Executive meeting on the 21st November 2011 (as regards the saving of RUDP policies H1 and H2) allocation BW/H2.4 is no longer allocated as part of the saved statutory development plan. This is due to the lapsing of policies H1 and H2 on the 30th September 2008. For this reason the site is now unallocated within the RUDP. At the Executive meeting it was resolved that the Executive note the extensive and robust statutory process which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented Housing Sites previously allocated under these policies should be accorded significant weight when considering their use for residential development.

Paragraph 59 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. The adopted Core Strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030. More specifically, policy HO3 of the Core Strategy identifies a need to provide 700 new homes in Thornton upto 2030.

Paragraph 73 of the NPPF states that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%.

The Bradford Council Five Year Housing Land Statement (2018-2023) indicates that there is a substantial shortfall in housing land relative to the aforementioned requirements with a current supply of 2.06 years. Under these circumstances paragraph 11 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date.

In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. This proposal would make a valuable contribution towards meeting that need. The site is considered to occupy a sustainable location within an established residential area, where shops and services are accessible by travel modes other than the car. Given the previous site allocation, the sustainable location of the site and the absence of a five year housing land supply it is considered that the principle of residential development on this site is acceptable.

Density

The proposed layout is for a development of 17 dwellings on a developable area of 0.72 hectare. Policy HO5 of the Core Strategy advises that developments should usually achieve a density of 30 dwellings per hectare, whilst taking account of the need to arrive at a well-designed layout which reflects the nature of the site and its

surroundings and given the type and size of housing needed in the area. In this instance is it considered that the topography of the site presents a substantive constraint to achieving a higher density of development. The proposed density is therefore considered to be acceptable and in accordance with the requirements of policy HO5 of the Core Strategy.

Visual Amenity

The proposed development is comprised of 14 semi-detached and 3 detached dwellings. The dwellings are predominantly two storeys in height but the detached units at plots 15, 16 and 17 include rooms in the roof-space served by dormer windows.

The dwellings are proposed to be constructed of coursed natural stone and surmounted by charcoal grey tile roofs. The proposed construction materials are considered to be in keeping with the surrounding area and are acceptable subject to a condition subject to secure the approval of facing and roofing materials.

The proposed development is not considered to result in any adverse visual amenity implications and it is considered to accord with policies DS1 and DS3 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.

Highway and Pedestrian Safety

Paragraph 108 of the NPPF requires that in assessing planning applications it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the NPPF makes clear 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.

At the local level the objectives of the NPPF are reflected in the Transport and Movement policies of the adopted Core Strategy. Specifically, policy TR1 sets out how development decisions will aim reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability. 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

The proposed highway layout has been amended to meet the requirements of Highways Development Control. Specifically, the estate road has been amended to provide a shared surface road (type 3A) with a 2m footway to one side and a margin on the opposite side. Swept path analysis has been provided to demonstrate that a refuse vehicle can enter and exit the site in a forward gear. It is considered that the proposed layout would ensure that safe and suitable access to the site can be achieved for all users.

The proposed development of 17 dwellings is not considered to result in a sufficient number of additional comings and goings such as would have a severe adverse impact on the highway network in respect 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. The proposed development would provide 34 car parking spaces to serve 14 units and 4 further spaces to for visitor parking. The proposed development is therefore considered to meet the required parking standards and accords with policy TR2 of the Core Strategy.

In conclusion the proposed development is considered to occupy a sustainable location with access to public transport facilities. The inclusion of EV charging points would also promote the use of more sustainable forms of transport. The site access is considered to be safe and suitable for all users and the development would not result in an unacceptable impact on highway safety. The development is not considered to have a severe impact on the highway network in respect of capacity or congestion.

Land Contamination

Policy EN8 (B) of the Core Strategy requires that proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. 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.

The Environmental Health Department have assessed the submitted information and have raised no objection to the proposed development subject to the imposition of planning conditions. Planning conditions are required to secure the submission of a detailed remediation strategy and a remediation verification report in order to confirm that the necessary measures have been carried out. Further conditions are required in order to ensure that any unexpected contamination is dealt with appropriately and that any imported materials are of a suitable quality. Subject to the aforementioned conditions the proposed development is considered to accord with policy EN8 of the Core Strategy.

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 raised the following points of detail:

- The rear boundaries of plots 16 and 17 should have a height of 1.8 metres.
- 1.8 metre fencing should be provided to restrict access to the rear of the garages serving plots 16 and 17
- The rear boundaries of plots 1 and 2 should be increased to 1.8 metres.
- All plots should include an 1800mm high gate to restrict access from the front of the property into the rear gardens
- Plots 16 and 17 show bin storage to the side of the garage. The bins should be secured behind a 1800mm high lockable fence and/or gate.

A revised plan has been provided to address the aforementioned concerns. The rear boundaries of plots 1 and 2 cannot be increased to 1800mm as this would restrict visibility at the site access. Details of secure bin storage arrangements can be reserved 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 conditions detailed above it is considered that there are no grounds to conclude that the proposed development would create an unsafe or insecure environment and the proposal is considered to accord with policy DS5 of the Core Strategy.

Further Issues Raised by Representations

Plot 17 will overlook 1 Cliveden Avenue

Plot 17 would be sufficiently separated from the rear boundary and habitable room windows of 1 Cliveden house to ensure that no adverse overlooking implications would be incurred.

Plot 17 will overshadow 1 Cliveden Avenue

Plot 17 would be sufficiently separated from 1 Cliveden Avenue to ensure that no adverse overshadowing implications would be incurred.

Loss of views

The loss of a view is not a material planning consideration.

Inadequate health care provision

The site is located within 'Residential Zone 4' and therefore a contribution towards off site infrastructure provision is not required.

Construction noise and disturbance

A condition is proposed restricting hours of construction work to 0:800-18:00 Monday to Friday, 08:00-1300 on Saturday and no working on Sundays or public/bank holidays. The proposed condition is considered to be sufficient to prevent working during unsociable hours. In the event that work occurring within the specified hours is considered to constitute a statutory noise nuisance this should be reported to the Council's Environmental Health team for investigation and enforcement if it is deemed necessary.

Harm to wildlife

The development site is not considered to contain important or priority habitats.

Lack of school places

The site is located within 'Residential Zone 4' and therefore a contribution towards off site infrastructure provision is not required.

Unsuitable site access

The proposed site access has been designed to meet the requirements of the Highways Development Control Department. It is considered that the proposed layout would ensure that safe and suitable access to the site can be achieved for all users.

Increased traffic congestion

The proposed development of 17 dwellings is not considered to result in a sufficient number of additional comings and goings such as would have a severe adverse impact on the highway network in respect of capacity or congestion

Increased pollution from vehicles

It is accepted that the proposed development would result in some additional 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 will be secured by a planning condition at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy.

Excessive density

The proposed development would provide a density of 23 dwellings per hectare, which is slightly below the 30 dwellings per hectare required by policy HO5. However, in this instance it is considered that the topography of the site presents a substantive constraint to achieving a higher density of development.

Breach of Article 1 of The Human Rights Act (person has the right to peaceful enjoyment of all their possessions)

The planning system respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider

public interest in determining whether development should be allowed to proceed.

Breach of Article 8 of the Human Rights Act (person has the substantive right to respect for their private and family life).

The planning system respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

Loss of established trees

The development site does not contain any trees protected by a tree preservation order. As such the removal of trees from the site is not considered to result in any adverse amenity implications.

Unsuitable drainage infrastructure

The Councils Drainage Department have raised no objections subject to the submission of a scheme of foul and surface water drainage infrastructure.

The development will undermine the stone boundary wall of 1 Cliveden Avenue.

The development is subject to a planning condition requiring that *before any work begins on site an investigation into the stability of existing boundary walls shall be carried out and a report detailing the findings including full details of any proposed repair work that may be required shall be submitted to and approved in writing by the Local Planning Authority.*

Planning Obligations

Policy HO11 of the Core Strategy sets out the Councils affordable housing requirements and states that subject to viability, the Council will negotiate for up to 20% provision in towns, suburbs and villages. The proposed development is therefore subject to an affordable housing requirement of upto 20%.

However, the affordable housing requirement is subject to viability considerations and in line with policy ID2 of the Core Strategy an Affordable Housing Viability Report has been submitted for consideration. The viability report and subsequent correspondence make clear that the provision of 20% of the units as affordable housing is not viable.

In line with the approach set out in policy ID2 (6.15) an assessment of the Affordable Housing Viability Report has been undertaken by an independent valuer (Aspinall Verdi) on behalf of the council.

Following the submission of further details relating to sales values and developer profit it is agreed that the site cannot sustain the provision of 20% of the units on an affordable basis. However, if the site is to be developed for 100% market housing a planning obligation of £50,000 can reasonably be justified.

The developer has agreed to enter into a Section 106 agreement to fulfil this obligation and it is recommended that the £50,000 is used for the provision of off-site affordable housing in Thornton and Allerton ward, or an adjacent ward.

Community Infrastructure Levy

The site is located in a nil CIL zone.

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, EN2, EN3, EN4, EN5, EN7, EN8, DS1, 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.

Windows Inset

4. 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.

Pointing Details

5. The pointing to the external walls of the building shall be flush with or slightly recessed from the face of the stone. "Ribbon" or "strap" pointing shall not be used.

Reason: To ensure the use of visually appropriate pointing details to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

Bin Storage

6. 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

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

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

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

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

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

Landscape Maintenance

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

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

Construction Hours

9. Construction work shall not normally be undertaken outside the following hours:

- Monday to Friday 8.00 a.m. to 6 p.m.
- Saturday 8.00 a.m. to 1 p.m.
- Sundays, Public/Bank Holidays No working.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policy DS5 of the Core Strategy Development Plan Document.

Boundary Wall Survey

10. Before any work begins on site an investigation into the stability of existing boundary walls shall be carried out and a report detailing the findings including full details of any proposed repair work that may be required shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site can be developed without adversely affecting the stability of the land and in order to comply with Policy EN8 of the Core Strategy.

Highways

Access Before Use

11. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 17:11:7033:05 REV E and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 108 of the National Planning Policy Framework.

Parking Before Use

12. Before the use commences, the off street car parking spaces hereby approved shall be laid out, hard surfaced, sealed, marked into bays and drained within the curtilage of the site in accordance with the approved plan reference 17:11:7033:05 REV E. The car park shall be kept available for use whilst ever the use subsists.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and Paragraph 108 of the National Planning Policy Framework.

Visibility Splays

13. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 17:11:7033:05 REV E shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Paragraph 108 of the National Planning Policy Framework.

Electric Vehicle Charging

14. From the date of first occupation, every unit on site with dedicated parking shall be provided with a fully operational 3 pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas or within dedicated garage space. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the West Yorkshire Low Emission Strategy and the National Planning Policy Framework.

Retaining Structures- Access Road

15. Before any work begins on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling to the proposed access road shall be submitted to and approved

in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: To protect the stability of the highway in the interests of safety and to accord with policy EN8 of the Core Strategy.

Land Contamination

Remediation Strategy

16. Prior to commencement of the development, a detailed remediation strategy, which includes an updated ground gas risk assessment and removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented in full as approved.

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.

Remediation Verification

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

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

Unexpected Contamination

18. 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.

Material Importation

19. 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.

Drainage

Surface Water Drainage

20. Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment. The development shall thereafter only proceed in strict accordance with the approved drainage details

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Core Strategy Development Plan Document.

Surface Water Drainage Management

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

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Core Strategy Development Plan Document.

Foul Water Drainage Details

22. Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of foul water drainage, have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Core Strategy Development Plan Document.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 27 June 2019.

D

Subject: Reserved matters application requesting consideration of layout, scale, appearance and landscaping of residential development of 57 dwellings (pursuant to outline approval 14/05170/MAO granted by appeal)

Summary statement: This application follows the approval of an outline planning application for residential development at the application site. This considered solely means of access. The outline application was subject of a Section 106 Agreement with affordable housing; habitat mitigation; public transport infrastructure improvements and education obligations being agreed. These obligations would be met, if and when development proceeds.

The housing layout, internal highways arrangements and design of the proposed development are considered appropriate to the context of the area. The proposal would contribute to the housing supply in the District, including affordable housing and is recommended for approval subject to conditions.

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

1. SUMMARY

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

2. BACKGROUND

This application follows the approval of outline planning permission for up to 62 houses, granted on appeal, in December 2015.

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

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

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

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

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

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

7.2 SUSTAINABILITY IMPLICATIONS

The proposals have been fully considered in relation to sustainability issues and the site is considered to be located in a sustainable location, where there are local facilities and accessible to public transport.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with development, as well as whether the location of the proposed development is such that sustainable modes of travel would be best facilitated and future greenhouse gas emissions associated with the activities of building users minimised.

Each house would be provided with an electric vehicle charging point which would promote the use of electric vehicles and potentially reduce greenhouse gases from the proposed development.

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

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, it is considered that the development would provide a safe and secure environment without increasing opportunities for crime, in accordance with Core Strategy Policy DS5.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

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

If the Committee decides that the application should be refused, it may refuse the application, in which case the reason(s) for refusal would have to be given, based upon development plan policies or other material planning considerations.

10. RECOMMENDATION

This application is recommended for approval, subject to the conditions included within Appendix 1.

11. APPENDICES

Appendix 1 Technical report.

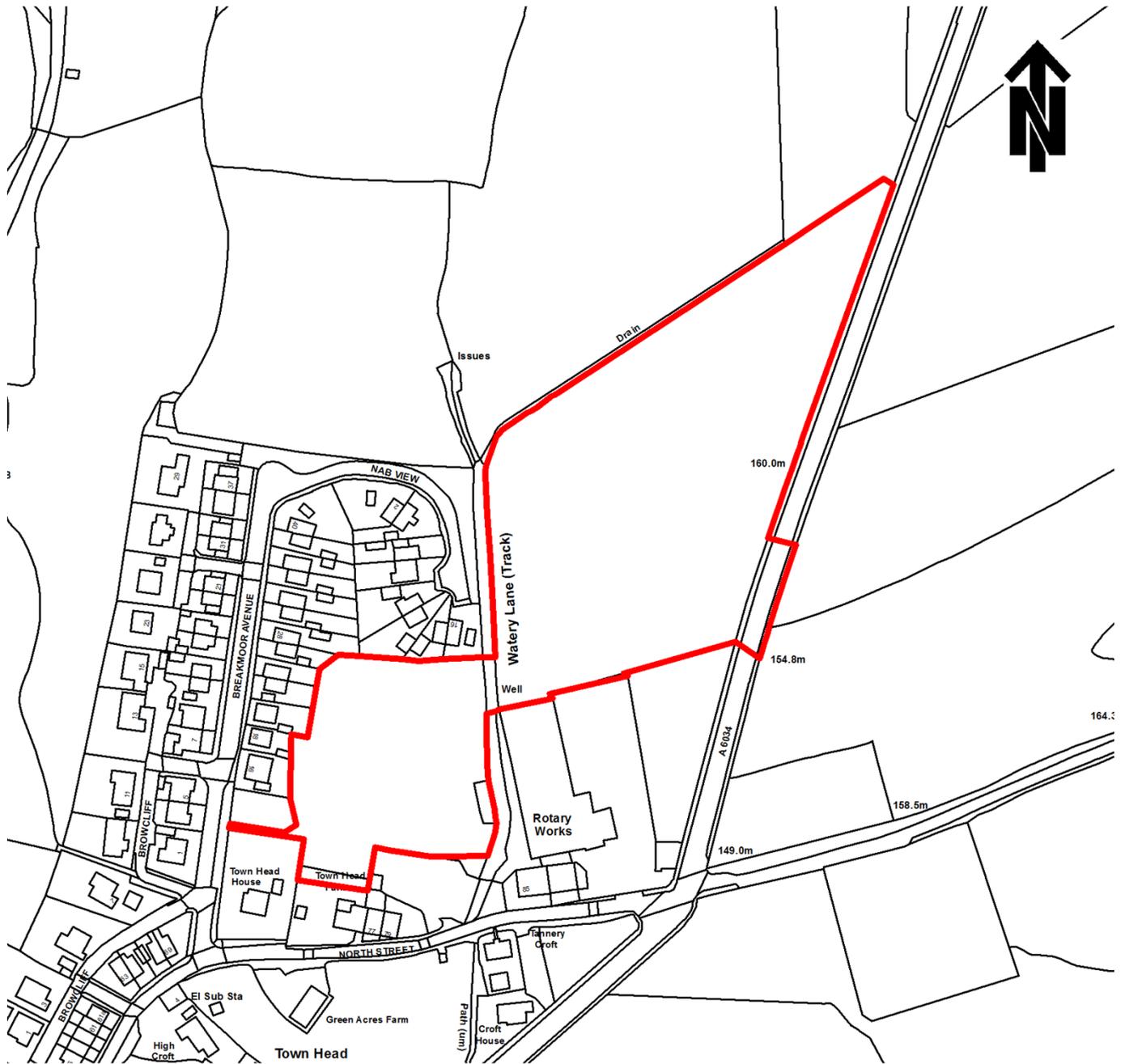
12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2019
Adopted Core Strategy

**Land At Bolton Road
Silsden
West Yorkshire**



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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18/05140/MAR



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL

APPENDIX 1

Ward

Craven

Recommendation

The application is recommended for approval subject to conditions.

Application No.

18/05140/MAR

Type of application

Reserved matters application for consideration of layout, scale, appearance and landscaping of residential development for 57 dwellings.

Applicant

Skipton Properties Ltd

Agent

Addison Planning Consultants Ltd

Site Description

The application site comprises two areas of land - a 2.3 hectare field bounded by Bolton Road to the east, Watery Lane to the west, industrial properties to the south and fields to the north. This part of the application site is allocated as Safeguarded Land in the RUDP. The second part of the application site is a parcel of land located between Breakmoor Avenue/Nab View and Townhead Farm.

The first part of the site slopes steeply down from the east, towards residential properties on Nab View. This site is enclosed by a number of dry stone walls, with a number of trees protected by Tree Preservation Orders, immediately north of the application site. The second area of the application site is bounded by residential development to the west, south and north.

Townhead Farm and an associated barn are Grade II listed buildings.

The application site lies at the northern edge of Silsden.

Background

The land to the eastern part of the application site is within allocation, K/UR5.39, Safeguarded Land, in the Keighley Constituency Volume of the RUDP. (The substantive part of this Safeguarded Land allocation is to the east of Bolton Road). In the RUDP, the allocation describes the application site as “a Greenfield site on the edge of settlement. Developer contributions towards improved public transport links and recreation open space provision to redress local deficiencies would be required”.

An outline planning application for residential development with means of access for consideration was submitted in 2014 and subsequently refused at Committee. Following an appeal, planning permission was granted for up to 62 houses, subject to conditions and a Section 106.

Relevant Site History

14/05170/MAO Outline application for residential development for up to 62 dwellings, refused.

This decision was appealed and the Inspector found that the scheme would meet the sustainability criteria outlined in national and local policy and that the access arrangements would be satisfactory and not compromise highway safety. It was further stated that importantly, the proposed dwellings would contribute to meeting the identified needs for market and affordable housing and any adverse impacts identified would not be sufficient to significantly and demonstrably outweigh the benefits of the scheme. The appeal was upheld and planning permission granted.

14/05170/SUB01 Approval of conditions.

14/05170/SUB02 Approval of conditions.

Core Strategy

There are a number of Core Strategy Policies to be considered in the determination of the application:

P1 Presumption in Favour of Sustainable Development

DS1 Achieving Good Design

Planning decisions should contribute to achieving good design and high quality places

DS2 Working with the Landscape

Development proposals should take advantage of existing features, integrate development into the wider landscape and create new quality spaces.

DS3 Urban Character

Plans and development proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials.

DS4 Streets and Movement

Plans and development proposals should take the opportunities to encourage people to walk, cycle and use public transport

DS5 Safe and Inclusive Places

Plans and development proposals should make a positive contribution to people's lives through high quality, inclusive design.

EN5 Trees and Woodland

ID7 Community Involvement

The Council will seek to ensure that local community, stakeholders and other interested parties are engaged in an early, meaningful and collaborative way.

The National Planning Policy Framework (NPPF).

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

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

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

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how

these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

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

Parish Council

Silsden Town Council has objected to the application as follows –

There has been no correlation in improvements to local infrastructure to support this new development, serious concerns over access see police report, there is no room for emergency vehicles in some of the streets, there is no alternative escape route should the sole access from the main road become blocked, there are no additional restrictions on North Street which will see an increased traffic flow, entry site onto Bolton Road in dangerous as this is too narrow and in addition there is now in the planning system an application for a relief road directly opposite this site and this needs to be taken into account and for safety a holistic view must be considered.

Appeal conditions relating to the public footpath and overhead cables are not being adhered to. A number of areas appear to be unadopted this is not acceptable in a new build all should be brought up to standard and adopted. The speed camera previously agreed has disappeared off the new drawings and needs to be reinstated. STC strongly request that a condition be the s106 agreements are rigidly adhered to and no reductions should be allowed. They also strongly request input into the agreed European habitat s106 as this should wholly be spent in Silsden and not Ilkley as suggested.

Publicity and Representations

The application was advertised through site notices and in the local press. The publicity period ended on the 13 February 2019. There have been six letters of objection.

Summary of Representations Received

Despite the fact that access is via Bolton Rd, it is inevitable that residents will use North St as a way of avoiding traffic through Silsden. Traffic jams in and out of Silsden occur every single day and North St is already a rat run. These additional houses will only make matters worse unless the issue of North Street is addressed.

The traffic flow in the lower part of North Street (below Pickard Lane) should be altered to one-way downhill. A solution is needed as this problem will only get worse as more homes are built.

We are concerned about the construction of the garages directly to the rear of Town

Head Farm on North Street. These appear to be constructed immediately on the boundary fence. Our concern is two-fold:

1. The construction of the garages so close to the fence would be extremely difficult to achieve without damaging/undermining the fence.
2. The garages, once constructed could potentially block out light to the north facing windows of our property, depending on the height. They appear to be 5m from the windows.

It is difficult to see on the plans whether there are any windows in buildings 9 and 10 that overlook our property/garden. If there are, it could potentially result in a breach of privacy.

Concerned about the safety of the road junction on Bolton Road, as traffic comes down at high speed. Consideration needs to be given to the safety of cars entering and exiting from the development.

Finally, concerned about further development within this area of Silsden, without additional traffic management away from the town centre. At one point, the local plan stated there should be no development within this area of Silsden without addressing the problem (e.g. through a bypass).

Privacy and Overlooking

Primary concerns at this stage are with overlooking and overshadowing. Our living room is at the rear of our house, so the rear windows of the proposed buildings will directly overlook our garden and our kitchen, living room and bathroom.

Overshadowing of greater concern is that these houses sit from east and south-south-east and for a large proportion of the year will block out the light.

Design

Noted that there are no bungalows in the development. Bungalows are well sought after in Silsden. As the population gets older, many want to downsize and move into something smaller, without stairs so that they can retain their independence. It would make sense to reduce the impact on the surrounding countryside if those dwellings were single storey and the two storey houses were down the slope. For existing houses on Breakmoor Avenue, having bungalows backing onto them would be a big improvement and would reduce the negative impact (overlooking and overshadowing) on existing residents. For the whole estate it would improve the skyline appearance of the development and also help to manage the effects of the very strong south westerly winds that catch this part of Silsden.

Path

There is a path south of 16 Breakmoor Avenue. This links the new dwellings to the unmade and unadopted Breakmoor Avenue. It would lead out onto the narrowest part of the road which is steep, dangerous in winter, is too narrow for two cars to pass and has no footpath. In everyday use, Breakmoor Avenue is busy - especially with delivery and service vehicles. Any pedestrian emerging from the path would emerge straight onto the road – a particular danger for young children. The path provides the sort of 'runaway' escape route used in criminal activity, and police strongly recommend not allowing such routes to be included in new developments.

Layout

The latest layout does not appear to have addressed and been adjusted to respect the existing site drainage previously pointed out.

Scale

Mix is skewed toward larger properties, local demand for smaller properties and bungalows is not being met

My main concern is that the land where the proposed development will be built is at a higher level to our property and I am concerned about run-off water from the new properties and potential flooding. Both our property and a neighbouring property have had flooding problems in the past.

The drains on North Street are not fit for purpose and cannot cope with high volumes of water. Currently the field behind us soaks up a lot of water but if these are paved/tarmac, the water has to go somewhere and we are downhill of them.

I also note that trees were included to shield our listed building from the new development, these have now been removed, providing no visual buffer.

Consultations

Lead Local Flood Authority

The LLFA has no objection to the proposed development, provided that submitted details are secured by condition and implemented.

West Yorkshire Police

There are two public rights of way which lead into the site from Breakmoor Avenue and Watery Lane. The footpath from Breakmoor Avenue does appear to have good natural surveillance from plot windows based in the active rooms (i.e. kitchen and lounge) which overlook the route.

Footpaths should ideally be to a width of 3m to allow pedestrians to pass each other without encroaching into any personal space. There should also be good lighting of the existing route. It would be prudent to include some form of vehicle restriction measure such as bollards which are placed at 1.2m apart and will restrict any vehicles from entering the footpath from this location.

The areas of public space should include a good management and maintenance plan to ensure that they remain tidy over the coming years. The area of land adjacent to plots 17 and 23, should include more trees, planting, or knee rail along the edge and along the perimeter line of the county lane, this will deter any vehicles from accessing or parking along the grassed area.

Transportation & Highways

Following a revised site layout plan, the proposal is now acceptable (Ref: 1622SPL/THFS-PL01 Rev Gv2, dated 19.03.19).

Lead Local Flood Authority

The LLFA has reviewed the submitted documentation, against the requirements of the National Planning Policy Framework, Local Planning Policy, Planning Practice Guidance and other relevant regulations with regards to flood risk from all sources, and if the following details are implemented and secured by way of a planning condition on any planning permission the LLFA has no objection to the proposed development.

Landscape

Any comments to be reported verbally.

Trees

The agent has stated they can comply with the proposed tree protection which may not be the case. To determine whether they can further details will be required through conditions.

Summary of Main Issues

Principle of development

Trees on adjacent land

Impact on heritage asset

Design

Issues raised by representations

Drainage

Other matters

Appraisal

Principle of development

This is a green field site which was allocated as Safeguarded Land in the Replacement Unitary Development Plan (RUDP). The principle of housing development of this site is considered acceptable and outline planning permission was granted at appeal. The outline permission established the principle of development as a housing site for this scale of development as well as the principle of a point of access to the site from Bolton Road.

Trees on adjacent land

There are a number of trees, subject of preservation orders, along the northern boundary, outside of the application site. A number of these trees have canopies that extend over the application site. However, the trees lie on land outside the control of the applicant. Consequently, any occupier of the new development would need both the landowners consent for a TPO application, and if granted, the Council would consider the TPO application against the usual criteria when considering works on protected trees.

Impact on Heritage Asset

The layout and highways design have been the subject of discussion with the applicant and a number of revisions made. As part of those discussions, the highways and access and internal design have been the subject of detailed consideration. The proposed layout is now considered to relate appropriately to the surrounding housing, topography of the site and provide acceptable highway arrangements.

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 proposal has been fully assessed 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. The scheme has been re-planned to ensure the character and setting of the listed buildings to the southern boundary of the application site are not adversely affected.

Design

As part of the application, the relationship between the listed buildings at Townhead Farm has been considered. Subject to appropriate boundary treatment and use of natural stone, it is considered that the character and setting of the listed buildings would not be adversely affected.

As with other residential developments, the option of bungalows being included in the scheme has been considered. This is not a house type that the applicant is promoting at this site. As such, the applicant cannot be compelled to construct a specific house type.

In providing a more convenient connection between the application site and Silsden town centre, the proposed footway to the western side of the application site is supported. This would provide an alternative to essentially walking in the opposite direction from Silsden via Bolton Road, to then walk back towards Silsden town centre. Where the footway connects with Breakmoor Avenue, the highway currently has no footway, but a verge. As an unadopted highway, it would be unreasonable to expect the applicant to bring part of Breakmoor Avenue up to adoptable standard.

In terms of scale and mix of house sizes - 2, 3 and 4-bed, is considered appropriate to this location. Similarly, the design and appearance of the proposed houses, with the inclusion of chimneys and being constructed in stone are believed to reflect the context of the surrounding area.

Issues raised by representations

Silsden Town Council has requested that a condition should ensure that the S106 agreements are rigidly adhered to and no allowance for reductions. The Committee is advised that the S106 Agreement and the clauses contained in it are legally binding on any developer who may implement the outline permission.

Silsden Town Council also requested input into and agreement where the monies on mitigation would be spent i.e. wholly spent in Silsden and not Ilkley. The Committee is advised that the S106 clause is specifically designed to protect the habitats of the Special Protection Area, in accordance with European Law, and monies to be provided through the 106 would be directed to the areas where deemed necessary. This may not be Silsden.

Traffic

The proposed development would result in limited additional traffic on the local network. The scale of proposed development and associated traffic would not adversely affect road safety. It is considered that the proposed highway works to the junction of North Street/Bolton Road would in fact improve highway safety and use of this junction.

An outline planning permission was granted on appeal, with means of access included. The proposed development has been the subject of detailed discussion with Highways and a number of revisions made to the scheme.

The application site forms a relatively small part of the Safeguarded Land allocation. The principal area of the Safeguarded Land, east of Bolton Road was subject to a planning application for a new road. Whilst this application was refused, the requirements for appropriate highway infrastructure to serve Silsden and emerging development would form part of discussion on future development proposals.

All roads within the proposed development would be to adoptable standards.

The previous application did not include the provision of a speed camera. As outlined in the report there are other measures included to address road safety issues.

Overlooking/loss of privacy

The distances between existing properties and proposed dwellings would meet the guidelines on space used by the Council. Where there are changes in levels, appropriate distances would be maintained between existing and proposed properties to ensure there

would not be any overshadowing or overlooking of properties, detrimental to residential amenity.

The proposal includes a single garage adjacent to the boundary with Townhead Farm. The garage would be some distance from any habitable rooms and is not considered to adversely affect the residential amenity of the occupiers of Townhead Farm.

The application has been fully assessed and it is not considered that the proposal would have an adverse impact on residential amenity by reason of overlooking or overshadowing. A matter has been raised about potential for damage to a neighbour's land/property at the boundary to the site but this is a private matter between the homeowner and the developer.

Drainage

The Lead Local Flood Authority (LLFA) is the statutory consultee on matters relating to surface water management. In considering the proposed scheme, subject to conditions to cover surface water storage & management, no objections on drainage or flood risk to nearby properties have been raised by the LLFA.

Other matters

Appeal conditions relating to the public footpath and overhead cables are not being adhered to. The Inspector did not impose any conditions relating to a public, nor overhead cables when granting outline planning permission.

Community Safety Implications

The West Yorkshire Police Architectural Liaison Officer has commented that provided the proposed footway is an appropriate width, with good surveillance, lighting and is relatively straight in length, this should help reduce any potential risk of crime or anti-social behaviour problems and restrictors/bollards would prevent vehicles/off road bikes from using the route.

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.

Not for publication documents

None

Reason for Approval

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of statutory and other consultees and public representations about the application.

Approval is recommended, subject to the conditions below.

Section 106

For information

A number of planning obligations were agreed as part of the outline planning permission, through a S106. The applicant would still be liable to meet these obligations in full when the development proceeds.

- 20% affordable housing (2 and 3 bedroom units) on-site;
- education contribution of £66,191 towards primary facilities in Craven ward or the adjacent wards;

- a contribution of £115,589 to mitigate impacts on habitats by improvements on routes leading to and at the South Pennine Moors.;
- a contribution of £90,000, £39,496 for the provision of a bus shelter and Metro Cards; the remaining monies £50,503 to provide a raised kerb at the bus stop and relocation of the 'gateway' feature on Bolton Road.

Conditions of Approval

The development hereby approved shall only be carried out in accordance with the following drawings and documents:-

1622SPL-THFS-PL01H Site Layout

Sections B

GL0969 01A

GL0969 02A

1622SPL/THFS/HT/AS01

1622SPL/THFS/HT/AS02

1622SPL/THFS/HT/AS03

1622SPL/THFS/HT/CR01

1622SPL/THFS/HT/E01

1622SPL/THFS/HT/EA01

1622SPL/THFS/HT/ER01

1622SPL/THFS/HT/FS01

1622SPL/THFS/HT/HF02

1622SPL/THFS/HT/HF03

1622SPL/THFS/HT/LX01

1622PL/THFS/HT/PT01

1622SPL/THFS/HT/PT02

1622SPL/THFS/HT/RE01

1622SPL/THFS/HT/RS01

1622SPL/THFS/HT/RS02

1622SPL/THFS/HT/RS03

1622SPL/THFS/HT/SP01

1622SPL/THFS/HT/SI01

1622SPL/THFS/HT/SI02

1622SPL/THFS/HT/WF01

1622SPL/THFS/HT/WT01

Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

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

Before any part or phase of the development is brought into use, the proposed means of access serving that part or phase of the site shall be laid out and constructed to binder course level in accordance with the approved plan numbered or completed to such other construction specification as has first been approved in writing by the Local Planning Authority. As and when a phase or the whole development is completed, the final road surfacing and the street lighting and drainage infrastructure relating to that phase of the development shall be laid out and the highway drainage and street lighting relevant to that phase shall be installed.

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 Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National

Planning Policy Framework.

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

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Policy Framework.

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

Reason: To support the effective regulation of car parking provision serving the development, in the interests of amenity and highway safety, and in accordance with Policy TR2 and Appendix 4 of the Core Strategy Development Plan Document.

Prior to the occupation of the approved development details of lighting, and methods to restrict vehicle access to the footway connecting to Breakmoor Avenue shall be submitted to and approved in writing by the LPA. The development to be carried out in accordance with the approved details and retained as such thereafter.

Reason: To reduce the risk of crime and anti-social behaviour in accordance with policy DS5 of the Core Strategy.

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

Reason: To ensure appropriate surface water drainage maintenance.

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 Arboricultural Impact Assessment and associated drawings JCA Ltd ref 14203-A/AJB dated 25 September 2018.

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.

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.

The development shall not begin until tree protection fencing and other tree protection measures have been installed around trees to be retained on or adjoining the site. These measures shall be in strict accordance with an Arboricultural Method Statement or Tree Protection Plan prepared in accordance with recommendations in BS5837:2012, details of which shall be submitted to and approved in writing by the Local Planning Authority before any demolition, site preparation or ground works are begun, and before any materials or machinery are brought on to the site.

The Local Planning Authority shall be informed when the tree protection fencing and other tree protection measures have been installed at the site and shall have given its written confirmation that the measures are acceptable before development proceeds.

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.

The development shall not begin until a plan showing the positions, design, height and materials of boundary treatments to the plot curtilages has been submitted to and approved in writing by the Local Planning Authority. The boundary 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 is in use.

Reason: In the interests of amenity and privacy and to accord with Policies DS2, DS3 and DS5 of the Core Strategy Development Plan Document.

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