



## Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 26 May 2022 at 10.00 am in the Council Chamber, City Hall, Bradford

### Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
T Salam (Chair) M Alipoor (Deputy Chair) B Mullaney M Shafiq	R Brown P Sullivan	M Edwards

### Alternates:

LABOUR	CONSERVATIVE	GREEN
S Engel M Dearden Hussain Lal	K Green M Pollard	C Whitaker

### 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 Council Chamber on the day of the meeting.
- Anyone wishing to speak to any of the business items on the agenda either as a Ward Councillor, applicant/agent, in support of or objecting to an application must register to speak by emailing the Governance Officer [susan.booth2@bradford.gov.uk](mailto:susan.booth2@bradford.gov.uk) by midday on Tuesday 22 March 2022. Please provide a telephone contact number, together with the relevant application details and explaining who will be speaking. They will then be advised on how you can participate in the meeting. If you have not registered, you may not be able to speak.
- If anyone wishes to submit any accompanying photographs/plans they should not exceed four and must also be submitted in writing by midday on Tuesday 24 May 2022 to the following Governance Officer: [susan.booth2@bradford.gov.uk](mailto:susan.booth2@bradford.gov.uk)
- Please note that any representations will be allowed 5 minutes only and this will have to be shared if there is more than a single speaker.

### From:

Bryn Roberts  
City Solicitor  
Agenda Contact: Yusuf Patel  
Phone: 07970 411923  
E-Mail: [yusuf.patel@bradford.gov.uk](mailto:yusuf.patel@bradford.gov.uk)

## **A. PROCEDURAL ITEMS**

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

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

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

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

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

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

*Notes:*

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

### **3. MINUTES**

**Recommended –**

**That the minutes of the meetings held on 24 March and 21 April 2022 be signed as a correct record.**

(Yusuf Patel – 07970 411923)

#### 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.

(Yusuf Patel – 07970 411923)

#### B. BUSINESS ITEMS

#### 5. MEMBERSHIP OF SUB-COMMITTEES 2022-2023

**Recommended –**

**(1) That the Panels set out in (Document “A”) (*TO BE TABLED AT THE MEETING*) be appointed with memberships as shown and with the role and functions as contained in the Articles of the Council’s Constitution and subject to the Rules of Procedure contained in Part 3 of the Constitution.**

**(2) That the Chairs and Deputy Chairs be appointed to the Panels as indicated in (Document “A”).**

(Yusuf Patel – 07970 411923)

#### 6. LAND OFF MOSS CARR ROAD, LONG LEE, KEIGHLEY 19-04151-MAO

1 - 22

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document “B”**) which sets out an outline application for residential development of land for up to 103 dwellings requesting consideration of access, land off Moss Carr Road, Long Lee, Keighley.

**Recommended –**

**That the application be approved subject to the completion of the Section 106 and conditions set out in (Document “B”).**

(Hannah Lucitt – 07811503622)

7. **LAND SOUTH OF 63 TO 77 WESTFIELD LANE, SHIPLEY - 21-06299-MAO** 23 - 58

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document “C”**) which sets out an outline application for residential development of land (site area 0.82 ha) for 30 houses requesting consideration of access and scale on land south of 63 To 77 Westfield Lane, Shipley, Bradford

**Recommended –**

**The application is recommended for approval, subject to the conditions included with Appendix 1 set out in (Document “C”).**

(Hannah Lucitt – 07811503622)

8. **LAND TO THE SOUTH OF ROOLEY CRESCENT, STRAIGHATE LANE, BRADFORD - 21-05737-VOC** 59 - 90

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document “D”**) which sets out an outline application for the variation of conditions 2 and 5 and the removal of condition 9 of planning permission 21/01137/MAF (construction of a residential development scheme) on land to the south of Rooley Crescent, Staithgate Lane, Bradford.

**Recommended –**

**The application is recommended for approval, subject to the conditions included with Appendix 1 set out in (Document “D”).**

(Hannah Lucitt – 07811503622)

## REGULATORY AND APPEALS COMMITTEE

### Membership of Sub-Committees and appointment of Chairs and Deputies

#### Area Planning Panel (Bradford) (7)

<b>Conservative</b>	<b>Labour</b>	<b>Liberal Democrat</b>
J Glentworth	S Hussain (Ch)	B Stubbs
Z Ali	S Engel (DCh)	
	S Cunningham	
	S Khan	
<b>Alternates</b>	<b>Alternates</b>	<b>Alternates</b>
<i>K Green</i>	<i>A Thornton</i>	<i>R Ahmed</i>
<i>A Coates</i>	<i>A Hussain</i>	
	<i>S Lal</i>	
	<i>J Dodds</i>	

#### Area Planning Panel (Keighley and Shipley) (7)

<b>Conservative</b>	<b>Labour</b>	<b>Green</b>
G Barker	D Lee (Ch)	K Warnes
M Nazam	M Amran (DCh)	
	J Humphreys	
	A Hussain	
<b>Alternates</b>	<b>Alternates</b>	<b>Alternates</b>
<i>M Pollard</i>	<i>R Jamil</i>	<i>C Hickson</i>
<i>P Sullivan</i>	<i>S Akhtar</i>	
	<i>R Berry</i>	
	<i>J Lintern</i>	

#### Corporate Parenting Panel (5)

<b>Conservative</b>	<b>Labour</b>	<b>Liberal Democrat</b>
M Pollard	S Duffy (Ch)	S Knox
	C Thirkill (DCh)	
	M Alipoor	
<b>Alternates</b>	<b>Alternates</b>	<b>Alternates</b>
<i>D Smith</i>	<i>J Humphreys</i>	<i>A Naylor</i>
	<i>S Akhtar</i>	
	<i>F Shaheen</i>	

#### Bradford District Appeals Panel (12)

A Panel of three Councillors (including the Chair where possible) to be selected from the following lists:

<b>Conservative</b>	<b>Labour</b>	<b>Green</b>	<b>Ilkley Independent</b>
Z Ali	A Hussain (Ch)	M Edwards	A Hawkesworth
C Herd	M Shafiq (DCh)		
F Ahmed	A Ahmed		
	D Green		
	I Hussain		
	Z Iqbal		
	R Jamil		

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**Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 26 May 2022**

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**B****Subject:**

Outline application for residential development of land for up to 103 dwellings requesting consideration of access, land off Moss Carr Road, Long Lee, Keighley.

**Summary statement:**

This outline application was deferred at Regulatory & Appeals Committee on the 24 March 2022. The Committee resolved that the application be deferred to a future meeting, to allow for further information/clarification to be provided on the following issues:

- (i) Arrangements for the drainage/culvert.
- (ii) Access/egress and;
- (iii) provide an update on the Village Green application and assess its impact on Moss Carr Road.

The further information and clarification on the issues is included in Appendix 1, updating the position on the drainage/culvert; access/egress and the Village Green application.

The application is recommended for approval subject to the completion of Section 106 Agreement to include the funding of highway improvements at Coney Lane bridge, Keighley, and conditions included in the report, Appendix 1.

Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)

**Portfolio:**  
**Change Programme, Housing, Planning and  
Transport**

Report Contact: Hannah Lucitt  
Area Planning Manager  
Phone: 07811503622  
E-mail: hannah.lucitt@bradford.gov.uk

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

## **1. SUMMARY**

The application is recommended for approval subject to the completion of a Section 106 and conditions included within the Technical Report, Appendix 1.

## **2. BACKGROUND**

The application is reported to Committee, following 93 objections being received.

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

### **7.2 SUSTAINABILITY IMPLICATIONS**

The application site is located c.2 km from Keighley town centre, with various facilities and services provided in the town centre. It is not considered there would be any adverse implications on sustainability.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

New development invariably results in the release of greenhouse gases associated with 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. Consideration should also be given as to 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. Electric vehicle charging points would be provided to each house within the proposed development.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this



instance, subject to appropriate access control, boundary treatments, being implemented, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with Core Strategy Policy DS5.

## **7.5 HUMAN RIGHTS ACT**

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

## **7.6 TRADE UNION**

None

## **7.7 WARD IMPLICATIONS**

None

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

None

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None

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

None

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

None

## **9. OPTIONS**

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

If the Committee decides that the application should be refused, 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 completion of the Section 106 and conditions contained within the report.

## **11. APPENDICES**

Appendix 1 Technical report.

## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework 2019  
Adopted Core Strategy 2017  
RUDP 2005



## **APPENDIX 1**

### **Ward:**

Keighley East

### **Recommendation:**

That the Committee grant outline planning permission subject to conditions and a Section 106 Agreement. The Assistant Director Planning, Transportation and Highways be authorised to issue the grant of planning permission upon the completion of the S106 Agreement.

### **Application No.**

19/04151/MAO

### **Type of application:**

Outline application for residential development of land requesting consideration of access at land off Moss Carr Road, Long Lee, Keighley.

### **Applicant:**

David Hill Land LLP

### **Agent:**

David Hill LLP

### **Site Description:**

The land was last in use as agricultural land and comprises a number of fields.

The site slopes from Moss Carr Road down into the site, with the north west corner of the site rising. There are a number of drystone walls enclosing the fields. Overhead electrical lines also cross the site.

A cricket pitch used by Long Lee Cricket Club is located to the north east of the site, agricultural land is located to the north and east and there are residential properties to the west and south of the site.

The application site is accessed from Moss Carr Road, to the south of the site.

### **Background:**

The application site was formerly allocated in the RUDP, as Safeguarded Land, identified as UR5.19 Moss Carr Road. Development for housing being an appropriate use for Safeguarded Land. However, this policy was not saved as part of the Core Strategy and the allocation no longer exists.

## **Relevant Site History:**

None

## **RUDP: Allocation**

None

## **Core Strategy:**

The current Development Plan for the area is comprised of the Replacement Unitary Development Plan (RUDP) (2005) and the adopted Core Strategy (2017).

The emerging Local Plan is still at an early stage of preparation. Consultation on the Core Strategy Partial Review 'Preferred Options' was undertaken in July 2019. The council has recently consulted on The Draft Bradford District Local Plan – Preferred Options (Regulation 18) and supporting documents from 8 February to 24 March 2021. These documents continue to be afforded "very limited weight" given their stage of preparation. In this context it is considered that full weight should continue to be afforded to the policies of the adopted Core Strategy (2017) and the RUDP (2005) in accordance with the degree of conformity with current national planning policy.

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

P1- Presumption in Favour of Sustainable Development  
SC1- Overall Approach and Key Spatial Priorities  
SC4- Hierarchy of Settlements  
SC8- Protecting the South Pennine Moors and their Zone of Influence  
SC9- Making Great Places  
TR1- Travel Reduction and Modal Shift  
TR2- Parking Policy  
TR3- Public Transport, Cycling and Walking  
HO5- Density of Housing Schemes  
HO6- Maximising Use of Previously Developed Land  
HO8- Housing Mix  
HO11- Affordable Housing  
EN2- Biodiversity and Geodiversity  
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  
ID3- Developer Contributions

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

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.

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

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

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.

### **Publicity and Representations:**

The application was advertised through site notices and in the local press. There have been 93 letters of objection and a petition of 25 signatories.

A Ward Councillor has objected on the following grounds -.

- The proposed access road is heavily used by farm vehicles, residents' personal vehicles and business vehicles on Moss Carr Road. It is a single-vehicle road and to add 200 vehicles on to it would cause chaos, particularly as residents park there too.
- Permission has been requested for the crag to be made a village green and a decision on this is still pending.
- The proposed access road became like a river on Sunday during the yellow weather warning. Homes on Moss Carr Road were almost flooded and the drains/gullies throughout Long Lee could not cope with the volume of water run-off and surface water. Vehicles could not pass through, and paving over fields will only add to the problem.
- I have ongoing concerns, as senior planning officers are aware, about the capacity of the road and rail bridges and the dog-leg shape of the road at the bottom of Park Lane (which was flooded and closed on Sunday). See the planning application for the large development on Long Lee Lane and the advisory note that was added as a result of my concerns being raised.

- The Government has asked for the number of homes being built in Keighley to be revised down. Already, Long Lee is hosting its fair share of new-build properties without taking into account the revisions.
- CIL, as we know, is nil. Long Lee is becoming the location of more and more houses, without the infrastructure to back it up in terms of shops, amenities, green spaces and play areas. Green spaces would shrink further were this application to be approved. The state of the nation's mental health is declining - taking away green space is not conducive to a happy village.
- More homes are being built in Long Lee yet public transport provision is being cut (the hourly bus service has recently been reduced to half-hourly, causing misery for many residents). The people who need to use the bus cannot walk to (and especially back from) the town centre - if the new houses are aimed at families they will therefore likely be in cars, and young professionals are likely to be driving, too, as there is no employment in Long Lee due to there being few amenities. I would argue this is not the kind of village we want to create - particularly given the climate emergency and the poor route to town via Park Lane/Coney Lane mentioned previously.

### **Summary of Representations Received:**

Unsuitable access  
 Lack of pedestrian access  
 Drainage issues/flooding  
 Loss of wildlife  
 Lack of infrastructure/facilities  
 Overshadowing/overlooking  
 Loss of greenspace

### **Consultations:**

#### Keighley Town Council

Keighley Town Council recommends refusal due to overdevelopment and no infrastructure in place. Bradford MDC also stated there would be no proposed new builds in the area.

#### West Yorkshire Archaeology Advisory Service

The application site encompasses an area which may include archaeological remains related to ancient route ways, including the possible line of Roman Road 720 and a possibly later medieval route (West Yorkshire Historic Environment Record PRN 2712 and 5089). The Roman road is believed to follow the same line as an east to west foot path on the northern edge of the site and may extend in to it.

The present agricultural landscape of many small rectangular fields, designed for stock management, is illustrated on the First Edition Ordnance Survey Map of the area (Yorkshire Sheet 200, surveyed 1847-48 published 1852). This enclosure and improvement is likely to date to around 1800. However, Curren Laithe Farm, which is adjacent to the development site, dates to the 16th century with a medieval antecedent named Leach Farm dating from the 1200s also suspected in the vicinity. Any evidence of earlier agricultural settlements or practices would be of considerable interest.

Long Lee Coal Pits are recorded as lying on the western boundary of the development in the 1840s. It is currently not known if these coal workings extended east and further into the site. Early coal workings can be associated with the growth of industry in the region and are of archaeological interest. Small scale workings on the edge of the recognised coal field, such as these, may preserve evidence lost in more intensively exploited mining areas.

The WYAAS recommends that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We would further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision, until the results of the evaluation have been received and assessed by WYAAS.

However, the above works can be secured by the attachment of a suitable condition in accordance with the NPPF para. 199 and within the Department of the Environment's Circular 11/95.

### Highways

The proposals involve up to 103 dwellings on a Greenfield site, which was allocated as 'safeguarded land' in the RUDP. The site is located in Long Lee over 2km from Keighley Town Centre.

The site is accessed from Moss Carr Road which is an adopted road providing access to a number of existing dwellings and agricultural land. Moss Carr Road forms a priority junction with Long Lee Lane, Thwaites Brow Road and Carlton Road, which provides access to the highway network. Moss Carr Road is relatively wide at the junction and this can be a problem for pedestrians crossing the road which is exacerbated by vehicles 'cutting the corner' when turning right from Long Lee Lane. Approximately 140m to the east from this junction, Moss Carr Avenue forms a priority junction with Moss Carr Road and a priority junction at its other end with Thwaites Brow Road thereby providing a through route. To the east of Moss Carr Avenue, Moss Carr Road becomes a cul-de-sac and is also relatively substandard with a narrower carriageway and footway to one side only. There is also a sharp bend approximately 70m from Moss Carr Avenue with poor forward visibility which is exacerbated by on street parking. The proposed site access is located around 200m east from Moss Carr Avenue and an emergency access located around 50m to the east which will also provide pedestrian and cycling access. In support of the proposed development the applicant has submitted a Transport Assessment (TA) and a Travel Plan (TP).

The TA gives traffic generation information based on the nationally accepted TRICS database. The development proposal is predicted to generate some 59 two-way vehicle movements during the AM peak hour, and 60 during the PM peak hour. This is based on average trip rates which assumes that public transport accessibility in the local area is good. In my view public transport accessibility is poor with only one bus per hour on Long Lee Lane and therefore 85th percentile trip rates would have provided a more robust assessment. Notwithstanding this, I consider that the higher trip rates compared to the average trip rates for this scale of development would be unlikely to have a significantly increased impact on the operation of nearby junctions or lead to an increase in congestion or delay on the surrounding highway network subject to mitigation measures as discussed below.

The applicant has agreed to provide the following mitigation measures to address the highway issues around the site:

1. Widening of Moss Carr Road across the site frontage and provision of a new footway to the south side which would extend close to the bend to the west.
2. Provision of a splitter island and dropped footway crossings on Moss Carr Road at its junction with Long Lee Lane/Thwaites Brow Road/Carlton Road.
3. Provision of dropped crossings on Long Lee Lane to provide access to/from the northern bus stop.

Whilst the above access improvements would normally be sufficient to support a residential development of this scale in highway terms, the long standing highway constraints at Coney Lane Bridge have still not been resolved. Council Members have raised concerns too regarding additional development in Long Lee without improvements at Coney Lane Bridge.

The applicant has carried out capacity assessment of the Park Lane/Longcroft/Coney Lane junction and the respective junctions at Worth Way which demonstrates that the scale of traffic that would be generated by the proposed development would not have a material impact within the vicinity of Coney Lane Bridge and that any impact would not be severe enough to warrant refusal, in accordance with paragraph 109 of the NPPF. The assessment also demonstrates that there is no significant cumulative impact in capacity terms of this proposal and the existing residential development approvals.

The main issue raised by Committee and objectors relates to the capacity of the section of Park Lane passing under the rail bridge and over the river bridge which is impacted due to the geometrical layout, width of carriageway and substandard pedestrian facilities. The road layout necessitates larger vehicles, to and from Longcroft, to use the whole carriageway which can be intimidating not only for vehicles travelling in the opposite direction but also pedestrians. The applicant suggested that large vehicles could be banned from Longcroft but the rerouted traffic could cause problems at East Parade/Coney Lane and the presence of these heavy vehicles would still be intimidating for pedestrians on Park Lane. The movement of HGVs and buses on Park Lane/Coney Lane Bridge in conjunction with substandard pedestrian facilities discourages people living in Parkwood, Long Lee and Woodhouse from walking and cycling to and from the town centre. It's considered that unless development proposals in these areas make it more attractive to walk and cycle along this route then this conflicts with advice in NPPF Paragraph 110 which says give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

The situation at Coney Lane Bridge could be likely to worsen in the future with new residential site allocations in the Local Plan. Although these sites are likely to be much smaller in scale than existing sites, the combined number of sites could double the number of dwellings. The recent approvals at Long Lee Lane and Redwood Close were accepted on balance to allow some contribution from this area towards the housing targets. But support of further development proposals in Long Lee and the surrounding area, without highway improvements at Coney Lane Bridge, would bring the Highway Authority into disrepute.

Following protracted discussions on the above issues, the applicant has agreed to fund highway improvements at Coney Lane Bridge. A total of £800,000 would be provided with a small amount (£25,000) to be paid up front to allow assessment and design of appropriate highway measures. In addition to this, the applicant will also fund the highway mitigation measures outlined above at cost through a S278 agreement.

The internal layout is subject to change as this is an outline application with all matters reserved except access. The internal highway layout should be designed in accordance with the Manual for Streets and the prevailing local guidance.

It is considered that adequate and safe access can be achieved to this site, subject to the mitigation measures, and the modest level of traffic likely to be generated by this development can be safely accommodated within the surrounding highway network. If the Council is minded to approve this planning application, then highway conditions should be included in the decision notice.



### Environmental Health (Pollution)

This is 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 / IAQM 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.

### Public Rights of Way

Proposals as submitted include provision of a footpath/cycleway to link with the existing footpath route. While I would have no objections to this provision as a footpath, any provision for cyclists would require the landowner of the existing footpath/track (to Thwaites Brow Road) to formally dedicate cycle use or to fund a cycle track conversion order. Provision of the footpath/cycleway link within the site should be provided to adoptable standards. We would though request that the site developer commits to complementing the works already carried out by the Cricket Club by carrying out further surface improvements to the existing footpath/track. Suggested improvements should include minor drainage works and surfacing with limestone to its junction with Thwaites Brow Road.

Provision of the footpath/cycleway route off Moss Carr Road is supported and again should be provided to adoptable standards.

### Lead Local Flood Authority

Further to our on-site, drainage investigations, the LLFA is satisfied that there is a culvert within the application site and that this runs towards the east of the site, continues off-site towards Curren Laithe Farm, where it discharges into a small pond. This culvert appears to be blocked at some points and this is impeding the natural drainage of the site and causing water to back-up and flood the applicants land.

The LLFA is satisfied that the applicant can expect the downstream landowners to remove any impediments to flow within the culvert, in order that the application site can be effectively drained. As such, the LLFA is satisfied that there is a viable means for the disposal of surface water drainage from the proposed development.

### Policy

No comments received.

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

Principle of development  
Housing Land Supply  
Density  
Highways  
Drainage  
Village Green

Affordable Housing  
Effect on residential amenity  
Other Issues

## **Appraisal:**

### Principle of development

The application site is part of a larger site, formerly allocated as Safeguarded Land in the RUDP, policy UR5 and identified as UR5.19, Moss Carr Road, a new greenfield site allocated for housing. Before development of the site is undertaken ecological and archaeological surveys are required. Access to the development would be dependent on highway constraints at Coney Lane Bridge being resolved.

However, Policy UR5 was not saved as part of the adoption of the Core Strategy and the site is therefore unallocated. This application, on unallocated land, is therefore assessed on its merits.

In acknowledging that the application site is green field, the NPPF states that where there are no relevant development plan policies, planning permission should be granted unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is not considered that there any clear policy reasons to refuse the application, nor would there be any adverse impacts, that would outweigh the benefits of the proposed development, when measured against the NPPF.

In terms of the previous concern regarding the constraint at Coney Lane bridge being resolved, the applicant has entered into discussion with the Council, to fund a scheme of highway improvement at Coney Lane. The affordable housing equates to c.£800,000. Instead of providing affordable housing on site the applicant/developer would facilitate highway improvements at Coney Lane, to enable safer pedestrian and vehicle movements at this location, and to accommodate traffic from the development on the local highway network.

As part of the draft Bradford District Plan Preferred Options, the application site is a proposed allocation, KY/18H, for housing. In regard of sustainability, development at this site would be unlikely to result in a significant effect, either positive or negative, on sustainability objectives. Generally, there would be a benefit of new residential development for the local economy. It is concluded that this is a sustainable site within the settlement boundary for Keighley with access to local services and facilities including a community centre and GP surgery.

In conclusion, the application site has previously been allocated for development, as Safeguarded Land. There has been no material change in circumstances since the site was allocated for housing and as such, the principle of residential development is accepted.

### Housing Land Supply

Paragraph 59 of the 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.

Policy HO3 of the Core Strategy identifies the need to accommodate 3,400 dwellings within the South Pennine Towns and Villages up to 2030.

The Bradford Council Five Year Housing Land Statement (2018-2023) indicates that the 5-year deliverable supply currently stands at 2.06 years. Under these circumstances paragraph 11d of the Framework confirms that the relevant policies for the supply of housing should not be considered up-to-date and the 'tilted balance' is engaged.

In light of the record of persistent under-delivery and the chronic housing land supply shortfall relative to the requirements of the Framework, there is an urgent need to increase the supply of housing land in the District. The contribution that this development would make towards addressing both market housing and affordable housing need is therefore a significant benefit of the proposal and one which is afforded significant weight.

### Density

Policy HO5 of the Core Strategy advises that residential development should usually achieve a minimum density of 30 dwellings per hectare. This submission has all matters reserved but it includes an indicative site layout plan which illustrates a potential arrangement of up to 103 dwellings. The site has an area of 4.4 hectares and the development of 103 dwellings would provide a density of 23 dwellings per hectare. As can be seen from the site photographs, the application site slopes down from the south and at the northern part of the site there are particular challenges with the terrain. Given the nature of the application site it is considered that a density of 23 dwellings per hectare would be appropriate.

### Highways

The application site lies c.1.5 mile from Keighley town centre. When travelling between the application site & Keighley, traffic would travel via Coney Lane, over the River Worth. The bridge is currently constrained being relatively narrow with a single footway to the eastern side of the bridge. The road beyond the bridge is also constrained by virtue of being under the Keighley & Worth Valley Railway line, where again there is a footway to only one side of the road and the bridge span limits the passage of vehicles, particularly hgv'. For these reasons, use by both pedestrians and vehicles is compromised at this location.

The applicant would through S106, fund improvements at Coney Lane bridge, with a highways scheme to be designed by the Council in agreement with the developer to address the identified constraint.

At the Regulatory & Appeals Committee in March, further information/clarification was sought on the access/egress arrangements serving the application site.

There is a single point of access/egress proposed, on Moss Carr Road. The option of accessing the site from a different location, Thwaites Brow Road, via the Dickie Bird pub was raised. This has been explored by the applicant. However, visibility from the side road and visibility for right turns into the side road is considered to be inadequate. Based on the speed limit of 30mph, sight lines of 43m are required. For the junction, this should be achieved from a set-back distance of 2.4m. For the inbound right turns, this needs to be measured from the centre of the lane for the waiting vehicle and the approaching vehicle. Based on this review, neither are considered to be achievable and consequently, access to the application site from the Dickie Bird site could not be supported by Highways.

In terms of the proposed access/egress from Moss Carr Road, this is agreed by Highways and would not unacceptably impact on highway or pedestrian safety.

### Drainage

On submission the applicant proposed to connect surface water to the public sewer. Subsequently, Yorkshire Water did not agree to this due to concerns on capacity of the public sewer. At that point, the application was effectively held in abeyance as a means of draining the site were reviewed. The applicant in late 2021, identified a culvert within the application site which would be used to drain surface water from the proposed development. The existence of the culvert was then confirmed at a site meeting in January 2022, attended by the Principal and Senior Drainage Engineers, who confirmed that the drainage proposal is acceptable. Subject to connection to Council as Lead Local Flood Authority has confirmed that the drainage proposal is acceptable. A condition will be imposed requiring connection to the culvert.

One of the reasons the application was deferred was for clarification of the arrangements for the drainage/culvert serving the proposed development.

One of the concerns raised by the Committee, was the effect on the farm pond downstream at Curren Laithe Farm. Subsequently, following discussion with Drainage/LLFA, it is proposed to include a drainage condition. This condition would require two levels of water quality treatment, addressing the downstream landowners concerns on the risk of pollution. Additionally, as part of the Section 106 Agreement, the developer, would fund a Drainage Improvement Scheme to ensure the existing culvert is fit for purpose.

On the basis of the above, it is considered that the proposed development can be controlled to ensure no adverse impact on the downstream property.

### Village Green

Following an application for registration of land on the northern side of Moss Carr Road, opposite the proposed vehicular entrance to the application site, the Committee sought clarification on the status of the application. In order to clarify the position, discussion has taken place between the Interim City Solicitor, Planning and Asset Management, as the Council owns the land subject of the Village Green application.

An application to register land as Village Green has to be considered against any trigger event that would prevent its registration under the Commons Act 2006. It has been demonstrated that a trigger event has occurred, as the Core Strategy, an adopted Development Plan Document has identified the land with potential for development.

The only way for that trigger event to terminate is either for the current version of the Local Plan to be revoked (which is unlikely), or the relevant policy to be superseded by another. Consequently, the legal position is that the Village Green application is, and will remain, legally invalid until such time as a new document is adopted.

However, there exists a right under the Act for a landowner to apply to register their own land as Village Green. The Council is considering whether to invoke this right and dedicate the land as Village Green. An update will be provided at Committee.

### Affordable housing

The proposed development would normally be the subject of the provision of affordable housing. The requirement being 15% of the total number of houses.

As referred to above, and minuted as a concern by this Committee, on previous applications at Long Lee, Coney Lane bridge constrains travel between Keighley and Long Lee & beyond. Consequently, this constraint was identified as needing to be addressed in the RUDP, 2005. At least two sites in Long Lee have been the subject of

approved residential development, Redwood Close/Long Lee Lane and Park Lane, 102 houses, with the scheme at Park Lane nearing completion. Both these schemes were approved by R&A Committee, acknowledging the fact that the constraint at Coney Lane bridge had not been addressed. That in part being a result of there been no funding to carry out works at the bridge. With further larger scale development now being proposed at Long Lee, there has been discussions around addressing the constraint of Coney Lane bridge and the applicant has agreed to fund highway improvements at Coney Lane bridge. A total of £800,000 would be provided, £25,000 to be paid up front to allow assessment and design of the appropriate highway measures.

As the applicant has agreed to fund the whole of the works required at Coney Lane bridge, where it is calculated that the S106 contributions, exceed the projected costs of the bridge works c.£800,000, any remaining balance would be payable by the developer towards other planning obligations. In this case, that is likely to be either affordable housing or biodiversity.

It should be noted that this means of dealing with the planning obligations, with the possibility of no affordable housing being provided, would however, ensure the delivery of a highway scheme, that would benefit both the local area and the District.

The Committee is advised if the monies, in their entirety, for improvements at Coney Lane bridge are not delivered as part of this application, then the opportunity to address the constraint is likely to be lost. This forms the largest housing development under consideration in this part of Keighley and the approach outlined is considered to deal with Coney Lane bridge in a comprehensive manner, avoiding the piecemeal approach that has resulted in the lack of delivery of improvements at the bridge to date.

In considering the approach outlined, it is noted that the two developments, by Yorkshire Housing and Accent Housing totalling 102 houses would comprise all affordable housing. Normally, the requirement would be 15 affordable houses between both developments. This scale of affordable housing to be provided at Long Lee has also been factored in to the approach where potentially no affordable housing would be provided at the Moss Carr Road application site. Even without the affordable housing requirement being met at that site, there would be 70 more affordable houses than is required by housing policy.

#### Effect on Residential Amenity.

Policy DS5 requires that the design of the development should ensure that amenity of existing or prospective residents is not compromised. The distance between the existing houses on Moss Carr Road/Moss Carr Avenue and the proposed development has been shown indicatively. The indicative site layout indicates that the required separation distances are achievable with the quantum of development proposed.

It would be ensured that the development meets with standards set out in the Homes and Neighbourhoods Design Guide Supplementary Planning Document through the reserved matters application.

It is not considered therefore, that the distance between existing properties and proposed properties would result in any adverse impact on privacy, or overshadowing of residents.

#### Other Issues Raised in Representations

##### Overdevelopment of the site.

The application site is 4.4 ha in area. Policy HO5 of the Core Strategy indicates a housing density of 30 dwellings per hectare being required. This would equate to c. 120 houses. At 103 houses, the development would actually fall below the density requirements. At the proposed density, the development could not be considered overdevelopment of the site.

### Impact on highway

A Transport Assessment has been submitted and considered by Highways. Traffic generated by the proposed development has been assessed and it is not believed that there would be any adverse impact on the highway network as a result of increased traffic. It is considered that the additional traffic can be accommodated within the local network.

Additionally, the proposal includes improvements on Moss Carr Road, with formalised parking, and the introduction of a footway along the southern side of Moss Carr Road. These measures along with those secured at Coney Lane bridge would in fact provide improvements on the local highway network, to the benefit of pedestrians and road users.

### Impact on wildlife

Bats have been recorded in the local area, there was however, no conclusive evidence of any protected species on the site or the surrounding areas which would be adversely affected by the proposed development, subject to the mitigation proposed. The provision of bat roosting and bird nesting features within the site would result in increased use of the site by some species. Accordingly, there would be no adverse impact on biodiversity as a result of the proposed development.

### Lack of school places/GP places

As with any planning application for residential development, there would be subsequent pressures on local services and infrastructure. In terms of NHS services eg. GP', this is a matter for the NHS, not the Council and it would be for the NHS to plan for any increased demands on its services.

### Planning Obligations

As outlined above, the application would be required to meet an obligation for highway improvements at Coney Lane bridge, by way of a contribution of c.£800,000. As a consequence of the applicant meeting the full costs of the highway improvements, this is intended to be in lieu of the affordable housing obligation.

### **Options:**

The Committee can approve the application as recommended or refuse the application. If the application is refused, reasons for refusal would have to be provided.

### **Community Safety Implications:**

None

### **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 Granting Planning Permission:**

The development of formerly allocated safeguarded land for residential development is considered appropriate, providing the opportunity for sustainable development within Long Lee. The effects of the proposal on the biodiversity of the site itself, the surrounding locality; and the adjacent neighbouring residential properties has been assessed and are considered acceptable. As such the proposal would meet policies SC9, TR1, TR2, TR3, HO1, HO3, HO5, HO9, HO11, DS2, DS3, DS4 and DS5.

### **Section 106:**

The applicant has agreed heads of terms and planning permission would be subject to Section 106 for a contribution of £800,000 to fund the delivery of highway improvements on the local highway, Coney Lane, in lieu of affordable housing.

### **Community Infrastructure Levy:**

Outline applications are not liable to the CIL and the application site is located within Zone 4 of the CIL map where there is no CIL liability.

### **Conditions of Approval:**

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

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

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

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

3. Before any development is begun plans showing the:

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

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

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

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

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

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

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

6. The development shall not begin until details of the following highway mitigation works are submitted to and approved by the Council and the development shall not be brought into use until the said works have been constructed in accordance with the approved details

The works are:

1. Widening of Moss Carr Road across the site frontage and provision of a new footway to the south side which would extend close to the bend to the west.
2. Provision of a splitter island and dropped footway crossings on Moss Carr Road at its junction with Long Lee Lane/Thwaites Brow Road/Carlton Road.
3. Provision of dropped crossings on Long Lee Lane to provide access to/from the northern bus stop.

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

7. A site specific dust risk assessment shall be undertaken for all construction, demolition and earthworks undertaken at the site and an appropriate dust control plan put in place for all relevant stages of work. The dust risk assessment and control measures shall be developed in accordance with the IAQM guidance on the assessment of dust from demolition and construction. Plans shall be submitted to and approved in writing by the LPA and should be maintained on site for inspection throughout the duration of the project. All works on site shall be undertaken in accordance with the approved dust management plans.

Reason: To protect the amenity and health of surrounding residents in line with the Council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

8. Before the date of first occupation every household on the development shall be provided with access to a purpose built EV charging point. The charging points shall be provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output :-

a Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) provided at every residential unit that has a dedicated parking space and/or garage.

One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

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

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



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

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

11. Prior to the occupation of the development, or prior to the occupation of such phases of the development as have been agreed in writing with the Local Planning Authority, written verification/evidence that the developer has arranged and implemented site supervision and monitoring of the approved tree protection measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the construction period, shall be submitted to the Local Planning Authority.

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

12. Development shall not commence until a feasibility study into the use of sustainable drainage systems (SuDS) has been submitted to, and approved by the council.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

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

Reason: To ensure an appropriate drainage strategy for the construction phases of the approved development, and the prevention of surface water and sediment run-off into adjacent watercourses, in line with EN7: Flood Risk and EN8: Environmental Protection of the adopted Core Strategy.

14. The development shall not begin until a Maintenance Plan for the foul and surface water drainage scheme has been submitted to and approved in writing by the Lead Local Flood Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved plan.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of the maintenance provisions for the drainage system, before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document

15. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the FRA Addendum by FRC, doc ref. BL/061219/2019-052-02, dated 06/12/2019. The maximum surface water discharge rate, off-site, shall not exceed 3.5 litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

16. The development shall not begin until details of a foul and surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The maximum surface water discharge rate, off-site, shall not exceed 3.5 (three point five) litres per second. The maximum foul water discharge rate, off-site, shall not exceed 6.0 (six) litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of effective drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

17. No groundworks, including the stripping of top-soil, shall commence until a construction phase drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved strategy.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

18. No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure archaeological assets are properly accounted for in accordance with policy EN3 of the Local Plan.

19. Prior to the commencement of development an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall subsequently be carried out in accordance with the approved Plan.

Reason: In the interests of safeguarding protected habitats in accordance with policy EN2 of the Local Plan.

No site clearance involving the removal of grassland areas, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of protected species and to accord with Policy EN2 of the Core Strategy.

20. Prior to the commencement of development, a site wide Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the consideration of the following aspects of construction:

- a) Site wide construction and phasing programme.
  - b) Principal Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for Principal Contractors and construction workers.
  - c) Construction and demolition hours, which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.
  - d) Prior notice and agreement procedures for works outside agreed limits and hours.
  - e) Delivery and collection times for construction purposes.
  - f) Outline Waste Management Plan (OWMP), providing a statement of site specific reuse and recycling objectives with appropriate targets, compliance training for sub-Principal Contractors, construction code of conduct together with regular auditing and reporting on target achievements and quantities disposed, ensuring that such materials are only consigned to authorised treatment/recovery or disposal facilities, including consideration of participation in a Materials Re-use and Recycling Forum.
  - g) Noise and Vibration (including piling) impact / prediction assessment, monitoring, recording protocols and consideration of mitigation measures in accordance with BS5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded) including the use of best practical means to minimise noise and vibration disturbance from construction works.
  - h) Confirmation on whether a concrete crusher will be used
  - i) Dust suppression management and wheel washing measures, including the deposition of all debris on the highway
  - j) Site lighting details.
  - k) Screening and hoarding details.
  - l) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
  - m) permanent and temporary realignment, diversions and road closures.
  - n) Consideration of ecological and other sensitive receptors.
- Reason: In the interests of residential amenity and to accord with policy and in accordance with policy DS5 of the Local Plan.

21. No development shall take place until details of the construction of foundations and any new retaining walls at the application site have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: In the interests of minimising the risk of land instability in accordance with advice and guidance in paras. 170 e) and 178 of the NPPF.

22. Prior to the occupation of any dwelling details of the travel arrangements to and from the site for residents of the dwellings, in the form of a Travel Plan in accordance with the mitigation measures identified in the submitted Transport Assessment shall be submitted for the approval in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable modes of transport.



## Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 26 May 2022

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### Subject:

This is an outline application for residential development of land (site area 0.82 ha) for 30 houses requesting consideration of access and scale on land south of 63 To 77 Westfield Lane, Shipley, Bradford.

### Summary statement:

The application relates only to the principle of residential development on the site and will consider details including access and scale. When applying for the scale of the development this includes information on the size of the development, including the height, width and length of each proposed building.

The scheme relates to the construction of 30 dwellings with there being a mix of 3 and 4 bed dwellings. The indicative plans show the dwellings to be 2½ storeys in height. It is considered that the number of units proposed together with the height and mass of the proposed dwellings is acceptable and will not impact on the visual character of the area. It is considered that the site is of an adequate size whereby the dwellings can be satisfactorily accommodated within the site without impacting on the residential amenities of the occupiers of the adjacent dwellings.

A Section 106 Legal Agreement is being sought which will secure the provision of 6 affordable housing units, offsite highway works which will entail a Traffic Regulation Order (TRO) on Westfield Lane to protect visibility splays, provide a 20mph Speed Limit Order (SLO) on the access road, and, a financial contribution towards the strategic mitigation of recreational effects on the South Pennine Moors. Subject to the satisfactory completion of the Section 106 Legal Agreement and with the recommended conditions it is considered that the proposal is acceptable.

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)

**Portfolio:**  
**Change Programme, Housing, Planning and  
Transport**

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





## **1. SUMMARY**

This is an outline application for residential development of land (site area 0.82 ha) for 30 houses requesting consideration of access and scale on land south of 63 To 77 Westfield Lane, Shipley, Bradford.

## **2. BACKGROUND**

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

## **3. OTHER CONSIDERATIONS**

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

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

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

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

No implications.

## **6. LEGAL APPRAISAL**

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

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

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

### **7.2 SUSTAINABILITY IMPLICATIONS**

No significant issues raised. The site is located within a sustainable location in that it is within walking distance of facilities including retail, education and recreation facilities as well as having access to a bus service along Wrose Road.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

A condition is recommended requiring the inclusion of electric vehicle charging points for each dwelling with an off-street parking space in accordance with the Council's Low Emissions Strategy.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. Building Regulations Approved Document Q relates to Secured by Design issues for the individual dwellings.

### **7.5 HUMAN RIGHTS ACT**

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

### **7.6 TRADE UNION**

None.

### **7.7 WARD IMPLICATIONS**

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

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

None.

### **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None.

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

None.



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

None.

## **9. OPTIONS**

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

If the Committee decide that planning permission should be refused, reasons for refusal will have to be given based upon development plan policies or other material planning considerations. In this regard the Committee should take account of the appeal decision in relation to the previous application. That is dealt with below under the heading Relevant Site History and at various sections of the report addressing objections to the application below.

## **10. RECOMMENDATIONS**

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

## **11. APPENDICES**

Appendix 1 Technical Report.

## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy  
Replacement Unitary Development Plan

21/06299/MAO



1:1,250

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**Land South of 63 To 77 Westfield Lane,  
Shipley,  
Bradford**



26<sup>th</sup> May 2022

**Ward: Windhill and Wrose**

**Recommendation:**

**MEMBERS TO BE MINDFUL TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT. AUTHORITY TO BE GIVEN TO THE ASSISTANT DIRECTOR PLANNING, TRANSPORTATION AND HIGHWAY TO ISSUE THE GRANT OF PLANNING PERMISSION UPON SATISFACTORY COMPLETION OF THE S106 AGREEMENT**

**Heads of Terms of the Legal Agreement are:**

- 1) Affordable housing: Provision of 20% of the number of units (6) to be offered to a Registered Provider as affordable housing**
- 2) The carrying out of offsite highway works entailing the implementation of a Traffic Regulation Order (TRO) on Westfield Lane to protect visibility splays together with a 20mph Speed Limit Order (SLO) on the access road into the site. The cost of these provisions will be in the region of £8,000 for each Order**
- 3) Biodiversity contribution: The payment of £375.61p per dwelling to be used towards the strategic mitigation of recreational effects on the South Pennine Moors**

**Application Number:**

21/06299/MAO

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

This is an outline application for residential development of land (site area 0.82 ha) for 30 houses requesting consideration of access and scale on land south of 63 To 77 Westfield Lane, Shipley, Bradford.

When applying for the scale of the development this includes information on the size of the development, including the height, width and length of each proposed building.

**Applicant:**

Mr Malik (Eco Development (Yorkshire) Ltd)

**Agent:**

Mr Josh Harling (C49 Architecture Ltd)

**Site Description:**

The site is located to the south east of Westfield Lane and currently comprises an open area of grassland. Access to the site is taken from Westfield Lane via an existing access which also serves the rears of a number of properties fronting onto Westfield Lane. The site is bounded to the north (Westfield Lane), east (single dwelling served off Westfield Lane), and, west (Kingsway) by residential development whilst to the south east is the Eccleshill United sports complex.

**Relevant Site History:**

There is no relevant planning history on the site.

However, there is some relevant planning history on land to the immediate east of the application site and this comprises the following applications:

An application for the construction of a residential development scheme comprising 7 dwellings under reference 12/03217/FUL was withdrawn on the 26<sup>th</sup> October 2012.

Planning permission was refused on the 4<sup>th</sup> March 2013 for the construction of 10 dwellings under reference 12/04798/FUL. The reason for refusal was as follows:

*The proposals are not accompanied by acceptable details aimed at the provision of an adequate and safe vehicular and pedestrian access, constructed to an adoptable standard. Accordingly, the proposals would likely give rise to conditions prejudicial to highway and pedestrian safety, and to the free flow of traffic, contrary to Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan*

The decision to refuse the application was appealed against and the appeal was dismissed on the 10<sup>th</sup> December 2013 where the Inspector concluded that “Whilst I have found that the proposal would not cause material harm in relation to the issue cited in the Council’s sole reason for refusing planning permission, the proposal fails to make necessary provision to improve school facilities in the local area. Furthermore, there is insufficient information relating to ground conditions and land stability. For these reasons, I conclude that the appeal should be dismissed”.

Planning permission was granted on the 27<sup>th</sup> January 2015 for the construction of 10 dwellings under reference 14/02208/MAF.

Planning permission was granted on the 4<sup>th</sup> March 2022 under reference 21/04989/FUL for a residential development of 6 No houses.

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

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

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

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

### **The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain

applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. However, the site was formerly allocated as a Phase 2 Housing Site (Ref: BN/H2.1 – Westfield Lane/All Alone Road). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

None

**Core Strategy Policies:**

P1 Presumption in Favour of Sustainable Development  
SC1 Overall Approach and Key Spatial Priorities  
SC4 Hierarchy of Settlements  
SC8 Protecting the South Pennine Moors and their Zone of Influence  
SC9 Making Great Places  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
HO5 Density of Housing Schemes  
HO6 Maximising the Use of Previously Developed Land  
HO8 Housing Mix  
HO9 Housing Quality  
HO11 Affordable Housing  
EN2 Biodiversity and Geodiversity  
EN5 Trees and Woodland  
EN7 Flood Risk  
EN8 Environmental Protection  
EN12 Minerals Safeguarding  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
ID2 Viability  
ID3 Developer Contributions

**Parish Council:**

No comments have been received from the Parish Council.

**Publicity and Number of Representations:**

The application was advertised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 25<sup>th</sup> February 2022.

As a result of the publicity exercises 74 representations from separate residents have been received objecting to the proposal and 2 representations in support.

Prior to submitting the application, the Applicant did not undertake consultations with the surrounding population with the reason being that “due to the on-going pandemic this has currently been suspended” and that “it is therefore not possible or correct to go knocking on neighbours doors”. However, there had been consultation “with the neighbour which the access affects, and they have confirmed they are happy with the proposal and an agreement has been put in place over the land required”. The

Applicant has stated that “it would be seen if the pandemic allows that at reserved matters stage that a further consultation with the neighbours will be undertaken”.

**Summary of Representations Received:**

**Support:**

- The land is closed off and private land and there are no dog walkers or nature goers that go walking on it
- The land is full of rodents and the only wildlife is a random fox that pops up from time to time

**Objections:**

Principle of development:

- You are yet again taking away green space from residential areas
- To agree to these builds adds damage to the area
- We are being encouraged to get out and walk in our local areas but we want green fields and views not paths through housing estates
- The green issues of losing another piece of natural grassland however small to housing and a desert of concrete speaks for itself, small pockets of land like that keep the wild life and land alive
- Surely there are derelict houses which could be either updated or the land used
- Why so many houses being built in Wrose
- The green space that the application is proposed to use is one of the last of its kind in the Wrose/Idle area
- The developers are being allowed to cherry-pick those areas of the city where the margins are greatest
- North Bradford has been almost concreted over in recent years
- There are two ongoing residential developments on Westfield Lane, surely they are enough?

Visual amenity:

- The proposed houses are three storeys high and this is a stark contrast to the bungalows adjacent

Residential amenity:

- The disruption for months will be unbearable
- Concerns over noise and dust pollution to people living near by
- The proposed dwellings will over shadow and cut out sun light
- There is inadequate separation distance between existing and proposed dwellings
- Concerns that the headlights from the properties cars leaving the site will shine directly into the properties across from the access
- Residents have been woken ridiculously early before any work even starts by workers, who arrive early and during weekends, on nearby development sites
- The development will overlook house down Kingsway

Highways:

- This site has limited very access and would be impossible to safely access by car
- The lane will not take the extra traffic
- Westfield Lane is beginning to be treated like a race track
- There will need to be some sort of traffic calming in the area
- Public transport in the area is quite poor

- More cars will add even more congestion to the main access routes
- Traffic speed, numbers and noise has increased greatly over the 15 years and now causes problems with access
- There are a lot of parked cars and vans on Westfield Lane at this point and this will impact on road safety at the proposed access point
- Concerns over access disruption to the site during the construction of the houses
- In order to gain this access point, the driveway/off-road parking for the existing property will be removed which will mean more on street parking in an already struggling area
- The access road onto Westfield Lane will cause issues adding even more traffic to a narrow lane
- The developer/land owner does not have exclusive use of the access point onto Westfield Lane
- What provision has been made to ensure the existing residents (some of whom are elderly and vulnerable) continue to have right of way at all times on to Westfield Lane as specified in their Title Deeds?
- How will the access be prioritised especially when heavy construction lorries will be using this as their only access?
- How will the access road be kept clear of site debris to ensure residents vehicles do not suffer punctures and wheel problems?
- This stretch is a popular route for pedestrians and dog walkers - how will the new highway code rules affect their rights across the access road?
- The Moorview Villas parking impact means that Westfield Lane will be double parked going up to the bad bend at All Alone
- There is a sign at the bottom of Westfield Lane saying Unsuitable for Heavy Vehicles –is it??
- Roads will become more of a rat run
- The access road you highlight on the plan is also going to disrupt a popular pedestrian path
- How can the new access road possibly work and safely? It's already a daily struggle for the 8 bungalows using it to safely get out onto Westfield Lane
- Where is the pedestrian access from the development going to be?
- What plans have Highways got to make this safe access for all? How will refuse trucks access this narrow road and allow for oncoming traffic?
- Who is responsible for engaging with the existing residents re the right of way. Is this the developer or Highways? When will this be completed to ensure that the access road is safe and that the right of way 24/7 is maintained? Will this be completed before planning is granted?
- The residents are currently responsible for the maintenance of their access road- this is shared by 8 as there are 8 houses. Who will be taking responsibility for this when heavy site traffic during construction are using it and then when development is complete?
- Visibility is restricted and the roads are narrow causing further risk to motorists
- Recently promised safety measures for restricting traffic speeds have not been implemented

#### Drainage:

- Adding more concrete roads and foundations will also have impact on the environment and flood plains after rain
- There is no drainage at the back of the bungalow so what happen to the drainage from this new property if permission is granted



- It is likely that the additional demands on drainage and sewerage provision will have a negative impact

Ground conditions:

- There are old mines under the site
- Underground workings and explorations have significantly weakened and changed the nature of subsoil and some bedrock on the site itself
- There are reports that the land has contaminated waste and this will need to be disposed of away from site
- The unstable bedrock has been identified in reports and mechanical excavation is of concern - how can this make local ground works suitable for more builds without causing harm and risk of land collapse to local properties?

Wildlife:

- There are already plans submitted for 45 houses (not yet approved) to be built on the idle moor across the fields close this site so this is adding even more impact on the wildlife and nature in the area
- The wildlife has already been greatly affected before the ground has been fully dug up
- Bats frequent this area and have been seen living in nearby trees, the surrounding fence & rocks

Air quality:

- The additional vehicles are going to increase the traffic pollutions in the area at the time Bradford is introducing CAZ scheme in the city, is this acceptable

Other:

- The local schools cannot cope with the extra demands
- Building more houses which will add pressure onto local schools, the NHS and the local community as we will not be provided with any new schools or GP surgeries to cover the increase in population
- The development would take away the views the residents currently have and enjoy
- It unfair that neighbours weren't consulted beforehand and feel the excuse of the pandemic is a lame excuse
- The area in question would be better served as a play park and not a cash cow for local developers
- As a resident of Kingsway can we expect a rate relief for all the inconvenience

**Consultations:**

Yorkshire Water – No objection subject to the imposition of conditions relating to the disposal of foul and surface water

Lead Local Flood Authority – No objection to the proposal subject to the imposition of appropriate conditions relating to the disposal of foul and surface water

Environment Agency Planning Liaison – No objection to the principle of the development

Clean Air Programme – No objection to the principle of the development subject to the imposition of conditions relating to the provision of electric vehicle charging points for

dwellings with off-street parking and the submission of a construction dust risk assessment and management plan

Highways – No objection to the principle of the development subject to securing a Traffic Regulation Order (TRO) on Westfield Lane to protect visibility splays, provide a 20mph Speed Limit Order (SLO) on the access road and provide replacement parking for No.61 Westfield Lane. Appropriate conditions are recommended in relation to, amongst other things, the construction of the access road and the provision of visibility splays at the junction of the access with Westfield Lane

Transport Planner – No objection to the principle of the development but states that the proposal should include an electric vehicle charging point for each dwelling, the developer to fund a Residential MetroCard Scheme for the future occupiers of the development, a Travel Plan Co-ordinator should be appointed to monitor the Travel Plan, and, there should be the promotion of cycling through advocacy documents in a Travel Plan pack

West Yorkshire Combined Authority (Highways) – No objection to the principle of the development but seek developer contributions in relation to the provision of a Real Time Information display at the closest bus stop on the bus corridor ((No. 633/676) a cost to the developer of £10,000.00p and a discounted bus only Residential MetroCard Scheme for all or part of the site at a cost to the developer of £15,345.00p

Environmental Health Nuisance – No objection to the principle of the development but state there should be sufficient insulation between party walls so general conversations and living noise cannot be heard. The residential accommodation should not be occupied unless a scheme of sound attenuation works has been identified, implemented and thereafter retained.

Environmental Protection Land Contamination – No objection to the principle of the development subject to the imposition of conditions relating to the undertaking of a Phase 2 site investigation and risk assessment, the submission of a remediation strategy and subsequent remediation verification, the discovery of unexpected contamination, and, materials importation

The Coal Authority – No objection to the principle of the development

Biodiversity Team – No objection to the principle of residential development on the site but state that the proposal should provide a 10% net gain for Biodiversity and that the Preliminary Ecological Appraisal should be upgraded to an Ecological Impact Assessment incorporating a Biodiversity Net Gain Assessment using the most recent Defra Metric

West Yorkshire Police – No objection to the principle of the development but comments are made on specific aspects of the layout including access and visitor parking, boundary treatments, bin storage, surveillance of parking, green space/public open space, external lights, and, security for the dwellings

Education and Learning – No objection to the principle of the development. Current census data for these primary schools indicate that local availability is extremely limited; all schools within 1.1 miles are full in most year groups. Availability improves when looking at schools between 1.2 and 1.5 miles. Forecasts indicate that in future

years there should be sufficient Reception places to accommodate additional children who may come to live in this development. Depending on the ages of the children who come to reside in this housing development, they should be able to access a primary school within reasonable distance, but this may be further away than may be ideal for some families. Parents usually have an expectation that their children will be able to secure a school place at their local school and minimise the distance they may need to travel; this is unlikely to be possible for all families moving here. Current census data indicates that there are places available in most year groups at the local secondary schools. However, no local school currently has Year 7 vacancies. Forecasts indicate that in future years there are very few surplus places in year 7. Children coming to live here may displace children who would otherwise have qualified for a place at the local schools. However, the numbers involved are unlikely to cause significant concern. A development of this size is unlikely to attract a large number of additional children. As a result, despite the difficulties in some year groups, it should be possible for any additional children to access provision within a reasonable distance.

Sport & Leisure – No objection to the principle of the development as it is considered that the proposed development will have a minimal impact on the surrounding facilities due to 30 new residential units and a financial contribution will be sought from the CIL funds to help mitigate these impacts. If the developer is looking to provide new public open space, they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process. If the developer is looking to the Council to maintain any new areas of public open space, prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years

**Summary of Main Issues:**

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

**Appraisal:**

The proposal is in outline form with details of the access and scale submitted for consideration at this time. The application shows that there will be a mix of 3 bed (20 in number) and 4 bed (10 in number) giving a total of 30 dwellings on the site. Access to the site will be taken from an existing access, which will require improvements, and also serves the rears of a number of dwellings fronting onto Westfield Lane.

1. Principle of development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a

very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways and these include identifying and co-ordinating the provision of infrastructure (economic objective), by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (social objective), and, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (environmental objective).

Paragraph 11 of the National Planning Policy Framework states that decisions should apply a presumption in favour of sustainable development and should approve development proposals that accord with an up-to-date development plan without delay.

The National Planning Policy Framework states in paragraph 73 that "Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth 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". The Council currently has a housing land supply of around 2.1 years and is therefore significantly below the supply required under the National Planning Policy Framework. The development of unallocated sites contributes towards increasing the housing land supply. Paragraph 68 states that small and medium sized sites can make an important contribution towards meeting the housing requirement of an area and in order to promote the development of a good mix of sites Local Planning Authorities should, amongst other things, support the development of windfall sites through their policies and decisions. Paragraph 71 states that Local Planning Authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area.

The application site was formerly allocated as a Phase 2 Housing Site (Ref: BN/H2.1 – Westfield Lane/All Alone Road). Given the resolution of the Council's Executive meeting on the 21st November 2011 (as regards the saving of RUDP policies H1 and H2) allocation BN/H2.1 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 through 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.

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

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

The application is in outline form with details of the access and scale submitted for consideration at this stage.

The scheme proposes the construction of 30 dwellings with there being a mix of 3 (20 in number) and 4 (10 in number). The layout shows them all to be semi-detached dwellings which is in keeping with the surrounding area. It needs to be stressed that the layout of the development has not been submitted for consideration at this stage and the submitted layout may change as could the breakdown of the dwelling sizes and design.

The application site is 0.82 hectares in size and the scheme proposes 30 dwellings. This equates to a density of 36.59 dwellings per hectare. This density is above the minimum policy requirement of 30 dwellings per hectare as identified in policy HO5 and is therefore considered to be acceptable.

Overall therefore it is considered that the principle of residential development on the site is considered acceptable.

## 2. Visual amenity

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

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

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

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

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

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

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

An indicative layout plan has been submitted with the application which shows the development to comprise 15 pairs of semi-detached dwellings. This is in keeping with the immediate surroundings of the site where the principal style of dwelling is semi-detached. The layout and style of dwelling has not been submitted for consideration at this stage and may change at the Reserved Matters stage of the application process.

The application includes 3 different house types, these comprising both 3 and 4 bed in size and 2½ storeys in height. The application does seek details of the scale of the development and this does include information on the size of the development, including the height, width and length of each proposed building. The size of the dwellings, in terms of eaves and ridge heights, will be as per the submitted plans but the external appearance may change at Reserved Matters stage when appearance will be applied for.

An objection has been raised with regards the heights of the dwellings not being in keeping with the surrounding area. The dwellings fronting onto Westfield Lane are located at a higher level than the application site and are split level with them being single storey on the front elevation and 2, 2½, and, 3 storeys on the rear. The dwellings to the west of the site on Kingsway are 2 storeys in height. As such it is considered that

the height of the proposed dwellings is in keeping with those immediately adjacent to the site.

No details of the proposed materials have been submitted for consideration at this stage. There is a mix of materials in the immediate surrounding area including brick, stone and render. Details of the materials will be considered at Reserved Matters stage when the external appearance of the development is applied for.

Overall therefore it is considered that, at this stage, the proposed development is considered to be acceptable and will not be visually detrimental to the character and appearance of either the streetscene or the wider locality and the requirements of policies DS1 and DS2 of the Core Strategy are therefore satisfied.

### 3. Residential amenity

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

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

The application site is bounded to the north and east by existing residential development either fronting onto or served from Westfield Lane and to the west by existing dwellings fronting onto Kingsway. The application site is located at a lower level than those dwellings to the north fronting onto Kingsway.

The layout of the development has not been submitted for consideration at this stage but shows how the development could be developed for 30 dwellings. The indicative layout shows relationships of rear elevation to rear elevation (proposed dwellings to existing dwellings both on Westfield Lane and Kingsway), rear elevation to gable end (existing dwellings on Kingsway to plot 24), and, side elevation to side elevation (plots 15/16 to dwelling to east of site). It is considered that the site is of a size whereby the required separation distances can be satisfactorily achieved to ensure that the residential amenities of the occupiers of both the proposed and existing dwellings are not adversely affected.

Overall therefore it is considered that the residential amenities of the occupiers of both the proposed dwellings and those existing dwellings that abut the site will not be adversely affected by the proposal and the requirements of policy DS5 of the Core Strategy are satisfied.

### 4. Highway safety

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

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

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

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

The application is in outline form with details of the access submitted for consideration at this stage. Details of the layout, amongst other things, is reserved for consideration at a later stage. With regards to the access to the site it is proposed to utilise an existing access that currently serves the rears of a number of properties fronting onto Westfield Lane. Improvements to the access road are proposed as part of the development.

The existing access will be widened to 5.5 metres and provide a 2 metre wide footpath along the western side and this footpath will then continue into the site mainly at the same width. A pinch point will occur where the access road enters the main body of the site where the width of the road reduces to 4.8 metres and the footpath width reduces to 1.1 metres but this is only for a small length (approx. 3 metres) and is considered to be acceptable by the Highways Department.

Objections have been raised with regards to the impact the proposal will have on the ability of the residents to gain access to the rears of the dwellings located to the north of the site and fronting onto Westfield Lane. These residents have a right of way over the access and this will be retained as part of the development and will, in fact, be enhanced through the provision of an improved and adoptable standard access road for the development site.

Additional land is required to facilitate the increasing in width of the existing access and this is taken from the curtilage of 61 Westfield Lane. This will result in the loss of their driveway and parking spaces but to maintain 2 parking spaces for that property they have been located to the rear garden area. Whilst this reduces the level of rear garden



servicing the property it is considered that there is still an adequate level of outdoor space.

The Highways Department in considering the application are seeking the provision of offsite highway works entailing a Traffic Regulation Order (TRO) on Westfield Lane to protect visibility splays together with a 20mph Speed Limit Order (SLO) on the access road. The highway mitigation measures are shown on the amended site plan 2021032(0-)-103 Rev A and will be secured through a Section 106 Legal Agreement. The likely cost for the Orders will be £8,000 each (£16,000 in total) and the Applicant has agreed to fund them.

The internal layout may be subject to change as this is an outline application with all matters reserved except the access to the site. The internal layout should be designed in accordance with the prevailing local design guidance and Manual for Streets.

The West Yorkshire Combined Authority (WYCA) have not raised an objection to the principle of the development. They have stated that the site is located within the recommended 400 metres from the nearest bus route that operates on Wrose Road. Bus services which operate on Wrose Road include the 633/676 which operate between Bradford and Bingley at a 30/60 minute frequency along with the 634 which operates at weekends and Sundays. It is considered that the availability for the site is therefore acceptable. However, WYCA have suggested that the closest bus stop to the site would benefit from the installation of a Real Time Information display at a cost of £10,000 to the developer. WYCA have also stated that to encourage the use of sustainable transport as a realistic alternative to the car, they are seeking that the Developer fund a package of sustainable transport measures which could include the provision of discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. The cost of the MetroCard Scheme to the developer would be £15,345.00p.

As an alternative to the provision of Residential MetroCards the Council now seek the provision of Electric Vehicle Charging Points within the curtilage of each dwelling that has an off-street parking space and these are normally secured via a condition attached to a planning permission. It is considered that the provision of electric vehicle charging points represents a betterment of the scheme as the charging points are in situ permanently rather than, for example, the Residential MetroCard Scheme which is only for 1 year and there being no guarantee the users will renew them at the end of that period. As such it is recommended that the provision of the Residential MetroCard Scheme not be sought in this instance.

Overall therefore, it is considered that the proposal is located within a sustainable location with regards to its relationship to both local services and public transport. It is acceptable in highway terms not only in relation to the access to the site also in terms of the impact on the wider highway network. Subject to the imposition of appropriate conditions, and the satisfactory completion of the Section 106 Agreement securing the Traffic Regulation Orders, there is no objection on highway grounds and the proposal satisfies the requirements of policy TR1 of the Core Strategy, and, the relevant paragraphs of the National Planning Policy Framework.

## 5. Drainage

Paragraph 163 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that

flood risk is not increased elsewhere. Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

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

As previously stated the application is in outline form with details of the proposed layout reserved for consideration at a later stage. As such full drainage details cannot be submitted at present as the layout may be subject to change at Reserved Matters stage. A plan has been submitted to show the proposed foul and surface water drainage system on the indicative layout submitted and the Lead Local Flood Authority are happy with that plan.

Neither Yorkshire Water nor the Lead Local Flood Authority have raised an objection to the proposal subject to the imposition of appropriate conditions relating to the discharge of foul and surface water drainage.

As such, therefore, there is no objection to the proposal on drainage grounds and it is considered that the proposal, subject to the imposition of appropriate conditions, satisfies the requirements of policies EN7 and EN8 of the Core Strategy.

## 6. Trees

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

There are no trees of any significant visual amenity value either within the site or along its boundaries.

As such therefore there is no objection to the proposal with regards to the impact on the existing trees in the vicinity of the site and the proposal therefore satisfies the requirements of policy EN5 of the Core Strategy.

## 7. Secured by Design

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

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

West Yorkshire Police have no objection to the principle of the development but have made comments on specific aspects of the layout and these are referred to below:

Access and visitor parking: It is unclear from the plan where the vehicle(s) for number 61 will park? The concern is that if there is no parking for the dwelling, this can increase demand for existing on street parking provision on Westfield Lane or end up with vehicles parking on the access road – *an amended plan was submitted following this concern and replacement parking (2 spaces) has now been provided in the rear curtilage of 61 Westfield Lane*

In relation to the site plan, there doesn't appear to be any visitor parking spaces, which could result in parking on the access road or rear alleyway of dwellings 63 to 75 which impacts on residents if they use this access route. It would be prudent to have some spaces mark out/ allocated to reduce any parking issues or disputes – *the layout of the development has not been submitted for consideration at this stage and therefore the provision of visitor parking will be considered at Reserved Matters stage when the layout is submitted*

Boundary treatments: It is unclear from the site plan as to what boundary treatments are proposed? The site plan shows greenery, is this new planting or existing? It is not very clear. Whilst green borders can provide a natural boundary they can become overgrown if not maintained, if they are used at the rear, they can wither back in the cold winter months, which allows gaps in the trees/shrubs for access. It would be prudent to include 1800mm high close board timber fencing at the rear which provides better security for the residents. Where there are any mature green borders, any sparse areas should include more planting to create a full border. Rear plot dividers should be to the same height 1800mm in order to provide security and privacy for each dwelling. Access should be restricted from the front of each plot into the rear garden by installing an 1800mm high lockable gate which is located near to the front building line of the properties – *details of the boundary treatment have not been submitted for consideration at this stage and will be subject to consideration at Reserved Matters stage when the layout of the development is submitted*

Bin storage: As all bins are shown to the front of the dwellings, these should be kept in a lockable bin store so that they can be secured and are not wheeled about or used as climbing aids to scale any rear fencing – *the layout of the development has not been submitted for consideration at this stage and therefore the provision of bin storage facilities will be considered at Reserved Matters stage when the layout is submitted*

Surveillance of Parking: Where parking is shown as tandem, for example plot numbers 25, 26 (which can overlook 27), 28 (which can overlook 29), and plot 30, including a small side window in the living rooms will increase natural surveillance of the side parking bays – *the layout of the development and external appearance have not been submitted for consideration at this stage and therefore the design of the dwellings, which will be considered at Reserved Matters stage, could be done such that side windows are included which will provide the natural surveillance of the parking spaces*

Green space/Public open space: The area shown as the public open space mine shaft, should include a good management plan to ensure that this remains tidy and maintained – *the layout of the development has not been submitted for consideration at this stage and will be considered at Reserved Matters stage when the layout is submitted. At that stage, if there are any areas of public open space an appropriate condition can be attached to a permission that will require the submission of a management plan for those areas*

External lights: There should be street lighting covering the access road into the development. Each plot should also include low energy photo electric cell or dusk until dawn lights above the front and area access doors to increase visibility of these areas – *the inclusion of external lighting on dwellings is outside the control of the planning system and it is the responsibility of the developer to determine whether or not they are included within the design of the dwellings*

Security for the dwellings: Doors and windows should comply with building regulation standards. Any doors which include euro cylinder locks should look to include 3 star rated locks to standards TS007, STS 217 or Sold Secure Diamond standards which provide better resistance against lock snap attacks. Installing an intruder alarm within each dwelling, will allow the properties to be alarmed when unoccupied. Suitable standards are to BS EN 50131 or PD6662 (wired alarm system) or BS 6799 (wire free alarm system) – *the door/window standards and the inclusion of intruder alarms on dwellings is outside the control of the planning system and it is the responsibility of the developer to determine whether or not they are included within the design of the dwellings*

Overall there is no objection to the proposal will regards to the provision of a safe and secure environment for the future residents and the proposal therefore satisfies the requirements of policy DS5 of the Core Strategy.

## 8. Contaminated land

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

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

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

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented

to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

A Phase 2 Ground Investigation has been submitted in support of the application and states that “no in situ testing, monitoring or chemical/geotechnical testing undertaken as part of the overview investigation scope of works completed during the investigation”. Potential contaminant linkages and unacceptable risks were identified including “direct contact with potentially contaminated soils associated with the made ground on site, and potential soil/mine gas associated with the landfill, made ground and underground workings”. The report concluded by recommending a “contamination and geotechnical ground investigation in support of the housing development across the site, including trial pitting to allow chemical and geotechnical testing, and mining drilling to allow for gas monitoring wells to be installed.”

The Environmental Health Officer agrees with the recommendations presented in the Phase 2 Ground Investigation and has not raised an objection to the proposal subject to the imposition of appropriate conditions.

The Coal Authority have stated that the site falls within the defined Development High Risk Area and their records indicate there is one recorded mine entry (shaft) within, or within 20 metres, of the planning boundary. The Coal Authority acknowledge that the Phase 2 Ground Investigation Report has been informed by up-to-date geological and mining information and results from intrusive investigations undertaken. Whilst the Report confirms that the mine entry was not located as a result of the investigations being undertaken, the mine entry relates to the extraction of flagrock and the Coal Authority is not responsible for flagrock within the site. It is the responsibility of the landowner/developer to ensure that the site is or can be made safe and stable for the proposed development in accordance with the requirements of the planning system. As such the Coal Authority do not have any objection to the proposed development.

As such therefore, subject to the imposition of appropriate conditions, there is no objection to the proposal with regards to ground conditions and it is considered that the proposal therefore satisfies the requirements of policy EN8 of the Core Strategy.

## 9. Biodiversity

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

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

A Preliminary Ecological Appraisal Report has been submitted in support of the application. The Report concludes that the site supports low ecological value and is likely to achieve the stated net gain of 10% whether delivered through on site habitat

creation or off site offsetting. It is therefore suggested that a reserved matter/condition delivered at the planning stage would allow for landscaping and BNG elements to work towards the design which accommodates maximum habitat creation. To achieve this the following is recommended:

- In order to meet the requirements, set out by the Environmental Bill 2021 a BNG calculation using the Biodiversity Metric 3.0 should be undertaken calculating the baseline (the baseline survey is complete as detailed within this report);
- A post construction habitat unit score to establish the percentage of net gain; and
- An ecological management plan highlighting the areas for habitat retention/creation and details of future management.

The Biodiversity Officer has stated that there are concerns about the scale of the development on the site. Despite the undeveloped area over the coal mine we believe the plans may lack suitable space for the delivery of 10% Biodiversity Net Gain. Whilst biodiversity off-setting in other locations is possible the focus of development should be delivery of BNG on site. If an alternative off-setting site is required to meet 10% Net Gain then identification of a site and habitat survey and assessment of condition as well as a BNG calculation of baseline BNG units will be required.

As previously stated in the report the layout of the development has not been submitted for consideration and as such, at the Reserved Matters stage of the application process where the layout and landscaping will be considered, there is the opportunity to increase the level of net gain.

Policy SC8 of the Core Strategy relates to protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zones of influence. With regards to the latter Zone C is identified as land up to 7 kilometres from the SPA and SAC boundary. This site is within that zone and will therefore be required to contribute to the strategic mitigation of recreational effects on the South Pennine Moors.

We advise that the application site is located within Zone C of the South Pennine Moors SPA and the South Pennine Moors SAC zones of influence, 7km of the South Pennine Moors SPA/SAC, as described in Bradford MDC's Core Strategy. Where sites for residential development are located within Zone C it needs to be considered how the recreational pressure that might be caused on the SPA and SAC will be mitigated. This can be done either through onsite provision of accessible natural greenspace and/or other appropriate measures or a financial contribution to either:

1. The provision of additional natural greenspace and appropriate facilities to deflect pressure from moorland habitats and the long-term maintenance and management of that greenspace.
2. The implementation of access management measures, which may include further provision of wardens, in order to reduce the impact of visitors
3. A programme of habitat management and manipulation and subsequent monitoring and review of measures.

The Council's Supplementary Planning Document entitled South Pennine Moors SPA/SAC states that the required financial contribution for residential developments which will impact on the South Pennine Moors SPA/SAC is £375.61p per dwelling and this will be secured through a Section 106 Legal Agreement.

As such there is no objection to the proposal with regards to its ecological impact subject to the satisfactory completion of the Section 106 Legal Agreement to secure the financial contribution towards the mitigation of the impact on the South Pennine Moors, and the proposal satisfies the requirements of policy EN2 of the Core Strategy.

#### 10. Air Quality

Policy EN8 of the Core Strategy states that "in liaison with partner organisations, the Council will take a proactive approach to maintaining and improving air quality within the District in line with National Air Quality Standards, the European Union limit values and the principles of best practice. Through a range of actions, it will seek to secure a reduction in emissions from sources which contribute to poor air quality".

The Clean Air Team have stated that, based on the proposed number of units, the development constitutes a minor development for the purpose of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013) and the West Yorkshire Low Emission Planning Guidance (adopted December 2016).

Under the provisions of the Low Emission Strategy planning guidance all minor developments are required to provide Type 1 emission mitigation as follows:

##### Type 1 Mitigation:

- Provision of electric vehicle recharging facilities at the rates set out in the LES planning guidance
- Adherence to IAQM/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.

There are currently no air quality exposure concerns at the proposed location and therefore an air quality exposure assessment is not required.

With regards to electric vehicle charging points the Design and Access Statement states that 'The plots are separated with driveways and off-road parking given to each and the minimum parking standards with electric car parking shall be met'. In order to meet the minimum standard every proposed new dwelling with dedicated off road parking and/or a garage should be provided with a purpose built EV charging point. The Government has recently announced plans for mandatory EV charging points on new developments that will come into force in June 2022 but in order to secure the provision an appropriately worded condition is recommended.

Due to the fact that there are a number of sensitive receptors in close proximity of the development, the developer is required to undertake a construction dust risk assessment and submit a construction dust management plan to control emissions from construction activities. These should be prepared in line with the IAQM guidance note on assessment of dust from demolition and construction. Again an appropriately worded condition is recommended to ensure that the assessment is submitted and is satisfactory.

As such therefore, it is not considered that the proposal will significantly impact on the air quality in the locality and, subject to the imposition of conditions securing the provision of electric vehicle charging points for each dwelling with an off-street parking

space and the submission of a construction dust management plan, it satisfies the requirements of policy EN8 of the Core Strategy.

#### 11. Affordable housing

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

There is a need to provide 6 units in order to meet the policy compliant level of affordable housing. The Applicant has agreed to this provision and has not submitted a Financial Viability Appraisal to suggest that there are abnormal costs associated with the development which would impact on the ability of the scheme to comply with policy HO11. The affordable housing provision will be secured through a Section 106 Legal Agreement.

As such it is considered that the proposal, subject to the satisfactory completion of the Section 106 Legal Agreement to secure the affordable housing, is now acceptable and satisfies the requirements of policy HO11 of the Core Strategy.

#### 12. Community Infrastructure Levy (CIL)

The application site is located within CIL zone 3 which has a liability of £20 per square metre of newly developed floor spaces.

#### 13. Other issues

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

*The local schools cannot cope with the extra demands – It is acknowledged that a number of schools that are located close to the application site are full or have very limited places available. However, this is not a sufficient enough reason to refuse planning permission. Money is available to expand schools through Community Infrastructure Levy (CIL)*

*Building more houses which will add pressure onto local schools, the NHS and the local community as we will not be provided with any new schools or GP surgeries to cover the increase in population – no evidence has been produced to support this objection, but any adverse impacts on local doctors/dentists/schools arising directly from the development can be addressed via the allocation of Community Infrastructure Levy (CIL) receipts which can be used towards expanding educational and public health infrastructure*

*The development would take away the views the residents currently have and enjoy – the loss of views for existing residents in not a material planning consideration*

*It unfair that neighbours weren't consulted beforehand and feel the excuse of the pandemic is a lame excuse – the Applicant didn't carry out a public consultation exercise prior to submitting the planning application but the application has been*



*advertised in accordance with the Councils protocol and has given the local residents the opportunity to comment on the application*

The area in question would be better served as a play park and not a cash cow for local developers – *the application has to be considered in its submitted form and it cannot be refused on the grounds that it could be used as an alternative use that meet local demand*

As a resident of Kingsway can we expect a rate relief for all the inconvenience – *this is not a material planning consideration*

**Community Safety Implications:**

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

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposal provides a residential development on an unallocated site. The access arrangements and scale of the proposal are considered to be acceptable and present no concerns with regard to residential or visual amenity and highway safety. The proposal is considered acceptable and, subject to the satisfactory completion of the required Section 106 Legal Agreement and with the attached conditions, satisfies the requirements of policies P1, SC1, SC4, SC8, SC9, TR1, TR2, TR3, HO5, HO6, HO8, HO9, HO11, EN2, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, DS5, ID2, and, ID3 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

**Conditions of Approval:**

1. Time limit for approval of Reserved Matters

Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

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

2. Time limit for commencing work

The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

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

3. Reserved Matters to be approved

Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping, and
- iii) layout,

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

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

4. Approved plans

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

Drawing Number 2021032(0-) 102 showing the Outline Plan and received by the Local Planning Authority on the 20th December 2021;  
Drawing Number 40530D01 showing the Location Plan and received by the Local Planning Authority on the 20th December 2021;  
Drawing Number 2021032(0-)104 showing the House Type 1 and received by the Local Planning Authority on the 19th January 2022;  
Drawing Number 2021032(0-)105 showing the House Type 2 and received by the Local Planning Authority on the 19th January 2022;  
Drawing Number 2021032(0-)106 showing the House Type 3 and received by the Local Planning Authority on the 19th January 2022;  
Drawing Number 2772-01-D01 Rev C showing the Access Arrangements and Visibility Splays and received by the Local Planning Authority on the 15th February 2022; and,  
Drawing Number 2021032(0-)103 Rev A showing the Site Plan and received by the Local Planning Authority on the 30th February 2022.

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

5. Separate foul and surface water drainage system

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

6. No piped discharge of surface water

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

7. Scheme for foul and surface water drainage

The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The maximum surface water discharge rate, off-site, shall not exceed 3.5 (three point five) litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

8. Maintenance plan for surface water drainage

The development shall not begin until a Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Lead Local Flood Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved Plan.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

9. Means of access

Before any works towards construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with an approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

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

10. Visibility splays

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

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

11. Highway works

Prior to occupation of any of the dwellings hereby approved, full details of the highway

works associated with any Section 278 Agreement, together with a timescale for implementing the works, shall be submitted to and approved in writing by the Local Planning Authority. The details and timescale for implementation shall be carried out in accordance with the approved details.

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

#### 12. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;
- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vi) temporary warning and direction signing on the approaches to the site

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

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

#### 13. Mud on road

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

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

#### 14. Site Investigation Scheme

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

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

#### 15. Site Investigation Implementation

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

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

#### 16. Remediation strategy

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

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.

#### 17. Remediation verification

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.

#### 18. Unexpected contamination

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

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

**19. Materials importation**

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

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.

**20. Construction dust risk assessment and management plan**

Prior to commencement of the development a site specific construction dust risk assessment and management plan (to minimise emissions to air during the site preparation, construction and demolition phases) shall be submitted to the Local Planning Authority for approval. The risk assessment and dust management plan must be prepared with due regard to the guidance set out in the IAQM Guidance on the Assessment of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved dust management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect amenity and health of surrounding residents in line with the Council's Low Emission Strategy and policy EN8 of the Bradford Local Plan (core strategy).

**21. Electric Vehicle charging points**

Before the date of first occupation every dwelling on the site shall be provided with access to a purpose built fully operational EV charging point with Mode 3 type 2 capability. The charging points shall be provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (with Mode 3 type 2 capability) provided at every residential unit that has a dedicated parking space and/or garage
- One Standard Electric Vehicle Charging Point with Mode 3 type 2 capability for every 10 unallocated residential parking spaces (not including visitor spaces).
- Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and fully operational.
- Charging points installed shall be retained thereafter.
- Information about the provision of the EV charging point and how to use it should be included in the new home welcome pack.

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

**22. Construction hours**

Construction work shall only be carried out between the hours of 07:30 and 18:00 on

Mondays to Fridays, 07:30 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Core Strategy Development Plan Document.

### 23. Biodiversity recommendations

With a Reserved Matters application details should be submitted which comply with the recommendations contained within the Preliminary Ecological Appraisal Report (Ref: 004\_22(RE01) and dated 12/01/2022) prepared by bl-ecology ecological consultancy. The submitted details shall be implemented as approved.

Reason: To ensure the development secures the necessary biodiversity enhancements and to accord with Policy EN2 of the Core Strategy Development Plan Document.

#### Informatives:

##### 1) Informative: Electric Vehicle charging points:

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation and any other Health and Safety considerations
- Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational.
- Charging points shall be provided within 3m of parking spaces
- Charging points installed shall be retained thereafter.
- The presence of the charging points and how to use them shall be promoted on the site via new home information packs and a suitable management plan should be put in place to ensure the charging points are readily available to those who wish to use them and there is a process in place to pay for the electricity used.
- Provision of a fast charge 32A supply is likely to be more practical and future proof on this development
- Units that provide Mode 1 and/or Mode 2 charging only will not be acceptable.

Please note the government has recently consulted on new national standards for EV charging points. Government proposes specifying a minimum 7 kW charge point both for residential and non-residential buildings and retrofitting of charging points in existing car parks.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/818810/electric-vehicle-charging-in-residential-and-non-residential-buildings.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818810/electric-vehicle-charging-in-residential-and-non-residential-buildings.pdf)

##### 2) Informative: YALPAG: The applicant should have regard to:

- YALPAG (formerly YAHPAC) 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
- YALPAG 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
- YALPAG (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.

Current editions of these documents are available on the Bradford MDC website:  
<https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-application-forms/>

3) Informative: Dust Risk Assessment: A simplified 'checklist' for the undertaking of dust risk assessments and preparation of dust management plans is available from the air quality officer at Bradford MDC. It is recommended that the developer familiarises themselves with this checklist.

4) Informative: Reason for pre-commencement condition (Construction Dust Management Plan): It is necessary to secure agreement of the contractor's on-site dust management proposals before commencement of the development in the interests of protecting the amenities of the local residents and to accord with Council's Low Emission Strategy and the National Planning Policy Framework (NPPF)

5) Informative: Reason for pre-commencement condition (Remediation Strategy): It is necessary to secure the strategy for remediation of the site before commencement of the development in the interests of ensuring the site is clear of contamination and protecting the amenities of the future residents and to accord with policy EN8 of the Core Strategy Development Plan Document

6) Informative: Reason for pre-commencement condition (Phase 2 Site Investigation Report): It is necessary to determine whether or not the site is contaminated in order to allow the preparation of appropriate remediation strategies before commencement of the development in the interests of ensuring the site is clear of contamination and protecting the amenities of the future residents and to accord with policy EN8 of the Core Strategy Development Plan Document

7) Informative: Reason for pre-commencement condition (Drainage Maintenance Plan): It is necessary to secure agreement of the maintenance provisions for the drainage system, before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document

8) Informative: Reason for pre-commencement condition (Scheme for foul and surface water drainage): It is necessary to secure agreement of effective drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document

9) Informative: Reason for pre-commencement condition (Wheel wash facilities) - It is necessary to secure agreement of contractor's wheel cleaning facilities before commencement of the development in the interests of the highway safety and to accord with Policies DS4, and, DS5 of the Core Strategy Development Plan Document

10) Informative: Reason for pre-commencement condition (Construction Plan) - It is necessary to secure agreement of contractor's on-site facilities before commencement of the development in the interests of the highway safety and to accord with Policies TR1, TR3, DS4, and, DS5 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 26 May 2022

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### Subject:

This is a full application for the variation of conditions 2 and 5 and the removal of condition 9 of planning permission 21/01137/MAF (construction of a residential development scheme) on land to the south of Rooley Crescent, Staithgate Lane, Bradford.

### Summary statement:

The Applicant is seeking to reduce the number of units on the site from 146 units to 133 through the removal of the blocks of 1-bed and replacing them with 2-and 3-bed dwellings. The Applicant has stated that the 1-bed dwellings have been removed from the scheme principally due to rising construction materials/build costs in the current climate. The changes to the layout will not impact on either visual amenity or residential amenity in relation to the impact on the adjacent residential properties.

Condition 5 is being varied following discussions with the Lead Local Flood Authority. The condition will now take into account the flows of surface water within the watercourse itself and this has been assessed at 68.1 litres per second. The combined flow should, therefore, equate to 105.1 litres per second, i.e. 37.0 L/s development plus 68.1 L/s watercourse.

Condition 9 was attached to planning permission 21/01137/MAF in error as it is acknowledged that Bradford Beck does not run through the site. The condition has been discharged through a subsequent discharge of conditions application under reference 21/01137/SUB01. However, the Applicant has applied to remove the condition so there are no future misunderstandings and no objection is raised to this.

Overall it is considered that the proposed amendments to the previously approved scheme are acceptable

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)

**Portfolio:**  
**Change Programme, Housing, Planning and  
Transport**

Report Contact: Hannah Lucitt  
Phone: (01274) 434605  
E-mail: hannah.lucitt@bradford.gov.uk

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





## **1. SUMMARY**

This is a full application for the variation of conditions 2 and 5 and the removal of condition 9 of planning permission 21/01137/MAF (construction of a residential development scheme) on land to the south of Rooley Crescent, Staithgate Lane, Bradford.

## **2. BACKGROUND**

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

## **3. OTHER CONSIDERATIONS**

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

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

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

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

No implications.

## **6. LEGAL APPRAISAL**

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

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

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

## **7.2 SUSTAINABILITY IMPLICATIONS**

No significant issues raised. The site is located within a sustainable location in that it is within walking distance of facilities including retail, employment and recreation facilities as well as having access to a bus service along Rooley Avenue.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

A condition has previously been incorporated within the planning permission requiring the inclusion of electric vehicle charging points, in accordance with the Council's Low Emissions Strategy.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. Building Regulations Approved Document Q relates to Secured by Design issues for the individual dwellings.

## **7.5 HUMAN RIGHTS ACT**

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

## **7.6 TRADE UNION**

None.

## **7.7 WARD IMPLICATIONS**

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

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

None.

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None.

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

None.

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

None.

## **9. OPTIONS**

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

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material planning considerations. In this regard the Committee should take account of the appeal decision in relation to the previous application. That is dealt with below under the heading Relevant Site History and at various sections of the report addressing objections to the application below.

## **10. RECOMMENDATIONS**

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

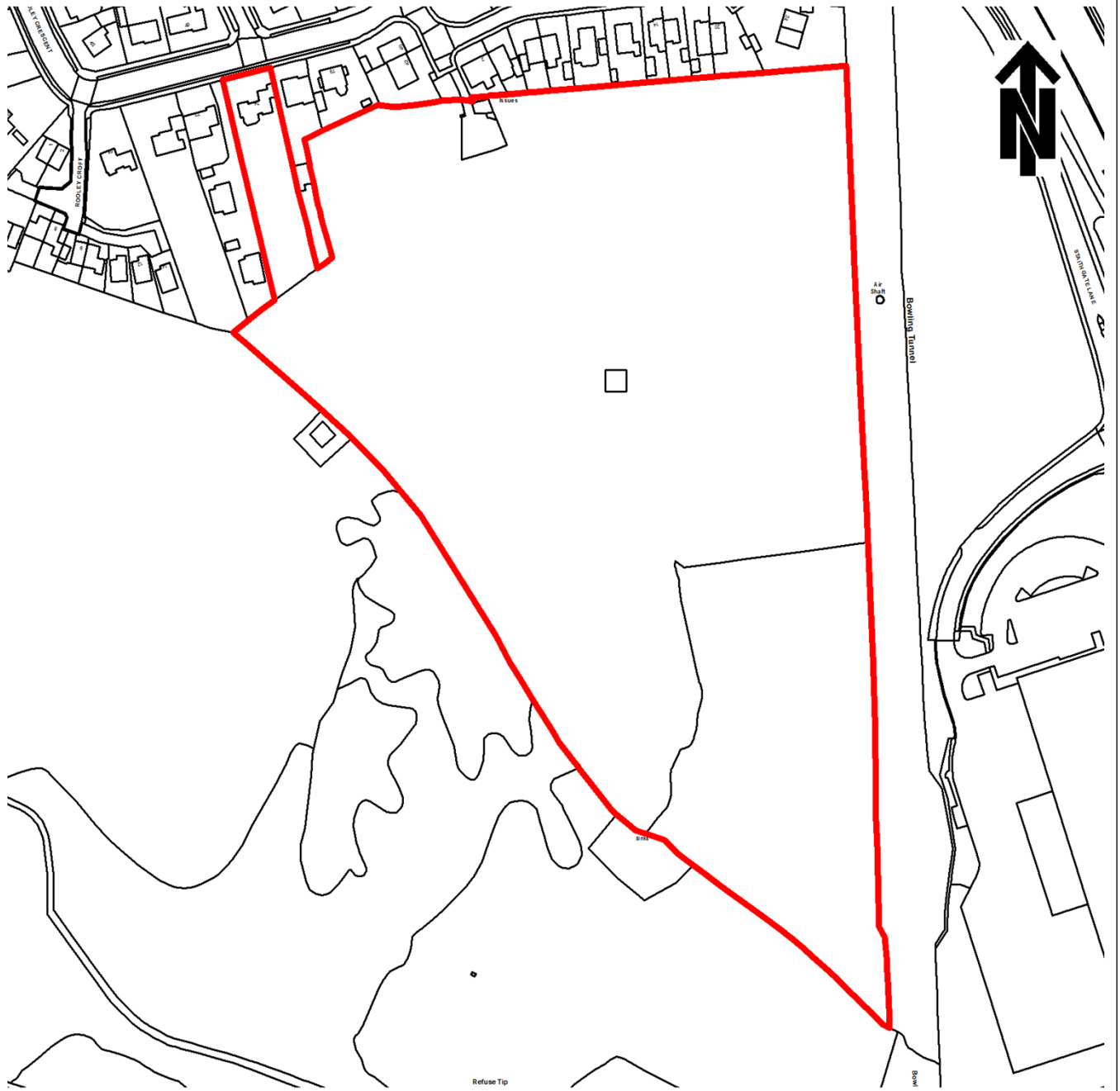
## **11. APPENDICES**

Appendix 1 Technical Report.

## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy  
Replacement Unitary Development Plan

21/05737/VOC



1:2,500

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**Land to South of Rooley Crescent  
Staithgate Lane,  
Bradford**



26<sup>th</sup> May 2022

**Ward: Wyke**

**Recommendation:**

**MEMBERS TO BE MINDFUL TO GRANT PLANNING PERMISSION SUBJECT TO A DEED OF VARIATION TO THE PREVIOUSLY SECURED SECTION 106 LEGAL AGREEMENT. AUTHORITY TO BE GIVEN TO THE ASSISTANT DIRECTOR PLANNING, TRANSPORTATION AND HIGHWAY TO ISSUE THE GRANT OF PLANNING PERMISSION UPON SATISFACTORY COMPLETION OF THE DEED OF VARIATION**

**Heads of Terms of the previously agreed Legal Agreement are:**

- 1) Affordable housing: Provision of 5% of the number of units (7) for discounted rent.**
- 2) Introduction of a traffic calming scheme to reduce the speed limit on Rooley Crescent/Radfield Drive/Dean Beck Avenue from 30 mph to 20 mph.**
- 3) Dilapidation survey of Rooley Crescent and Dean Beck Avenue within 7 days of start of any operation on site save for establishment of compound and again on completion of development with any damage to highway made good at developer's cost.**
- 4) The closing and extinguishment of the highway link between Rooley Crescent and the main arterial road including retention of a footway/cycleway access only, once the park and ride link onto Staithgate Lane is opened.**

**Application Number:**

21/05737VOC

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

This is a full application for the variation of conditions 2 and 5 and the removal of condition 9 of planning permission 21/01137/MAF (construction of a residential development scheme) on land to the south of Rooley Crescent, Staithgate Lane, Bradford.

**Applicant:**

Caddick Land Limited

**Agent:**

Mr Mark Eagland (Peacock & Smith)

**Site Description:**

The site is located to the south of Rooley Crescent and Newhall Drive and comprises open fields separated by landscaped boundaries. To the east of the site are industrial buildings located off Staithgate Lane, and, to the south and south west is a copse of trees that extends further to the south and runs either side of the railway line. To the west are open fields under which is located the "Odsal Tip", a landfill site. Running underneath the eastern boundary of the site is a railway tunnel whilst to the further east of the site, beyond Staithgate Lane, is the M606.

**Relevant Site History:**



Planning permission was refused on the 16th October 1972 under reference 72/039338/FUL for the construction of a residential development scheme.

Planning permission was refused on the 6<sup>th</sup> March under reference 19/02602/MAF for the demolition of dwelling and construction of 150 dwellings with associated engineering, landscaping and access works. The application was refused for the following reasons:

1. The proposed development would involve the intensification of use of Rooley Crescent and Deanbeck Avenue which would be detrimental to highway safety by reason of the general arrangement of the roads through width and geometric layout. The proposal is therefore contrary to policies DS1 and DS4 of the Local Plan for Bradford and paragraphs 102, 109 and 110 of the National Planning Policy Framework.
2. The site is served by only infrequent public transport and is beyond the 400 metre walking distance to a bus stop as recommended in national guidelines. As such it is not considered that the proposal constitutes a sustainable location serving local services including medical health provision and education. The proposal is therefore considered to be contrary to policy TR3 of the Local Plan for Bradford and paragraphs 102, 109 and 110 of the National Planning Policy Framework.
3. The application site is located immediately adjacent to an acknowledged source of contamination (Odsal Tip, site reference 12ne02). The Applicant has failed to demonstrate that in the long term the development proposal will not be unacceptably exposed to future contamination emanating from the adjacent site. The proposal is therefore considered to be contrary to policy EN8 of Local Plan for Bradford and paragraphs 178 and 179 of the National Planning Policy Framework.

An appeal against this refusal was submitted and subsequently dismissed by the Planning Inspectorate of the 25<sup>th</sup> March 2021. However, the dismissal of the appeal was not founded on any of the above reasons which the inspector rejected as grounds for refusal of planning permission. The appeal was dismissed on a rather technical ground concerning the nature of the s106 agreement executed by the appellants. As part of the appeal decision a partial award of costs was granted against both the Appellant and the Council.

In relation to the award of costs to the Appellant the Inspector stated in paragraphs 17 and 18 of the decision letter dated the 13<sup>th</sup> April 2021 that “the Council’s reasons for refusal consist of distinct elements. With regard to the reasons that concern highway safety (reason for refusal 1) and land contamination (reason for refusal 3), I have found that the Council has behaved unreasonably in reaching these conclusions” and “I conclude that a partial award of costs to cover the expense incurred by the applicant in contesting these reasons for refusal is justified”.

In relation to the award of costs against the Appellant the Inspector stated in paragraphs 19 and 20 that “the appellant has acted unreasonably with regard to the change in position during the appeal to the planning obligation concerning the access strips” (for the Park and Ride Scheme) and “I conclude that a partial award of costs to cover the expense incurred by the applicant in responding to this changed position is justified”.

Planning permission was granted on the 14th October 2021 under reference 21/01137/MAF for the demolition of dwelling followed by construction of residential scheme (146 units) with associated engineering, landscaping and access works.

**The National Planning Policy Framework (NPPF):**

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

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

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

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP but is located within an area identified under policy OS1 as Urban Greenspace (Ref: BS/OS1.4 – South Bradford Golf Course, Odsal). Within the northern section of the site there is an allocation under policy TM20 – Highway Improvements (Ref: BS/TM20.2 – M606/Rooley Lane, Staygate Roundabout) which will serve the allocated Park and Ride Allocation to the west under policy TM7 (Ref: BS/TM7.2 – Odsal). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

OS1 Urban Greenspace  
TM7 Park and Ride Sites  
TM20 Cycleway Improvements

**Core Strategy Policies:**

P1 Presumption in Favour of Sustainable Development  
SC1 Overall Approach and Key Spatial Priorities  
SC4 Hierarchy of Settlements  
SC9 Making Great Places  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
HO5 Density of Housing Schemes  
HO6 Maximising the Use of Previously Developed Land

HO8 Housing Mix  
HO9 Housing Quality  
HO11 Affordable Housing  
EN2 Biodiversity and Geodiversity  
EN5 Trees and Woodland  
EN7 Flood Risk  
EN8 Environmental Protection  
EN12 Minerals Safeguarding  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
ID2 Viability  
ID3 Developer Contributions

**Parish Council:**

There is no Parish Council in the Wyke Ward.

**Publicity and Number of Representations:**

When the application was initially submitted it related simply to the alteration of condition 2 (list of approved plans) to allow a reduction in the number of units. The description of the application was subsequently altered to include the amendment to condition 5 and removal of condition 9.

The application was first advertised by press notice, site notice and neighbour notification letters. When the amended description was submitted the application was further advertised by neighbour notification letters. The expiry date for the second publicity exercise was the 17<sup>th</sup> February 2022.

As a result of the publicity exercises 101 representations have been received objecting to the proposal. A number of objectors have objected following the receipt of both letters and the total number of individual objectors is 76.

**Summary of Representations Received:**

Principle of development:

- This amended plan is reducing the number of social housing
- There are areas in BD5 and BD7 where mills have been demolished and these are now derelict areas. Could these not be used for building of houses?
- This is the only greenspace left in the area
- Within the inner city are many opportunities for the developers to construct high rise accommodation or convert existing dilapidated structures so why are these developers not pointed in this direction
- This land is a valuable green space for young people in the area
- Why are the council not making developers use sites where demolition has taken place there are plenty of these around the city?
- At present land to the south of the site is allocated for an Enterprise Zone. The development will seriously hamper the expansion and connectivity of the zone to the city
- The national target was set by the Government for 60% of all new housing to be built on brownfield sites. Given that Bradford has an abundance of disused mills,

how does the council intend to meet its obligations by continually building on greenfield sites?

Highways:

- This will also create a potential for 36+ more cars on top of the other 100s already in the plan
- Will parking be taking into account, will electric points for all these vehicles be included in the new plans
- Will a new traffic census need to be done?
- Not enough local bus routes
- Extra cars causing more pollution and congested traffic
- Increased amount of traffic generated especially on Dean Beck Avenue, where its narrow width will lead to congestion and delay for all residents using it
- Rooley Crescent will change from a quiet residential street to a much noisier and more polluted one
- Although the number of housing units is reduced on the latest proposal, the number of bedrooms increases so the number of car journeys is likely to remain the same
- Concerns regarding the amount of traffic the development will bring to the area
- The application says that site traffic will be asked to use Rooley Crescent/Rooley Avenue to access the site – how will this be enforced
- The travel plan works on an acceptable walking distance of 2Km – not all the site is within that distance from schools, supermarkets, a GP, a pharmacy and a Post Office
- The Transport Assessment seems to duplicate much of the Travel Plan but also provides information to prove that the junctions at Dean Beck Avenue/Staithgate Lane and Rooley Crescent/Rooley Avenue have enough capacity to handle the expected increase in traffic levels
- How will wheel washing be policed or enforced
- The developers have played down the expected increase in traffic flow during peak periods and yet they envisage traffic calming measures such as a 20 mph speed limit and speed humps. If the increase in traffic is so small then why are these necessary?
- The traffic survey was done during lockdown
- It will make the area unsafe for children with increased traffic
- As the facilities available locally are minimal it will increase car usage

Ground conditions:

- Why when this application has been rejected twice for methane and arsenic contamination has it now been approved
- Since the previous application for this development was passed grave new incidents and findings for land used for landfill and adjacent land have come to light
- They plan to bulldoze live methane gas outlets in the back garden of No 74 and just build over them, where do they think the methane gas is going to go
- How can I be sure that the proposed development will not disturb any underground gases or substances which will affect me and my family?
- Has a proper geophysical survey been done other than one by Caddick Land
- Building on contaminated land and knowingly encouraging families with young children to live there is abhorrent to anyone with a moral compass

Air quality:

- Air quality is on the borderline here, especially if the wind is from the east

- One of Bradford's expectations are that air quality should be improved. With the building of all these houses and the use of cars, air quality would be compromised.
- There has been news this week about the number of people in Bradford who die each year as a direct result of poor air quality. This development is going to increase the occurrence in one of the worst areas for poor air quality
- Building in an area which has such poor air quality, on contaminated land, for families with children is abhorrent to anyone with a moral compass

Health and safety:

- There is a protective trench built by the council to stop leachates and gases filtrating to the adjacent land on Rooley Crescent which was breeched by the developer on the adjacent site causing the problems on that development
- The geological make up of the land and the sharing of the same water table and as the tip engraves even further it should be obvious it will return to the land and worse still to the beck which Caddick plan to leave open access to

Conservation:

- WYAAS recommended that the planning application should be deferred unless a full archaeological assessment has been done. No assessment has been submitted by Caddick Land. How has the planning application been approved?
- The archaeological constraints placed on this development are far from clear and demand closer scrutiny
- When will the archaeological report be made available now the survey has been completed?

Other:

- Yet another back door sneak in by Caddick
- Will this still have the minimum social housing on the estate?
- More residents with strain on schools, health facilities
- How many times has Caddick developers changed their applications?
- All the 1 bedroomed dwellings have been withdrawn from the plans
- Bradford planning should not be hearing this planning application as they have a vested interest in this development
- If Caddick land pursue the council to pay their price for the strip of land the road is built on then he would have to divorce the 2 plans?
- No environmental impact assessment was carried out
- These residents have been putting up with these ridiculous applications which have been turned down again and again but have somehow managed to sneak through
- The ministry of state turned it down so how did it go through?
- The relationship of Caddick land developers and Planning Department is merely a relationship of Power and Greed
- This whole application is maladministration by Bradford Council and its planning officers
- It was agreed in the initial stages that until the Park and Ride will not be finalised this application would be pending
- There appears to be a lack of social housing
- The reduction in the number of houses is for economic reasons
- The Planning Statement goes into detail about community involvement and Member and Public Consultation. No meaningful discussions have taken place

- As most of the children will be under the age of 11 then recreational space needs to be more than grass and wildlife corridors
- If there is a need for more rental homes the developers have not provided any evidence that this is true
- In the previous application they were reducing the number of affordable homes to pay for an upgrade of one of the roads. Are they no longer building this road to standards required if the Park and Ride scheme is to go ahead?
- In their UU they have said that they will give an arbitrary figure of £50,000 to the council to mitigate any future problems with flooding. Are they allowed to set the rules?
- The application states that the Park and Ride will be constructed in 2 to 3 years. Surely it is better to wait for this, especially as there is some debate as to the route from Staithgate Lane to the Park and Ride, before deciding on any housing development
- No reliable bus route
- Could not use our submissions against 19/02602/MAF to oppose 21/01137/MAF. However, when 21/01137/MAF came before the Regulatory and Appeals Committee (RAC) in June 2021, much of the case for its acceptance rested with the Planning Inspector's comments
- In the RAC meeting of June, 2021, it came as a shock to learn from the Caddick representative that there had been a meeting with the Planning Inspector in February, 2021
- The outdoor play provision as part of the plan was a token effort
- Are these buildings for rent only because the developers know there is no lender in the UK that would issue mortgages for buildings on contaminated land?
- Caddick's have commenced operations at the site and already they are ignoring the requirements imposed upon them
- Do Caddick's/ Bradford Council aim to alter the number of houses in the development area in the Plan if the change is approved?

**Consultations:**

Network Rail – No objection to the proposal

West Yorkshire Police – No objection to the principle of the development but comments are made on specific aspects of the development including access, garden boundaries/location of gates, shared gates along the front building line, shared pathways, rear gates and rear parking bays, good management plan of public open space, street lighting, and, security per dwellings

Biodiversity Team – No objection to the proposal as the changes to the proposed layout do not restrict the ability to deliver the agreed enhancements for biodiversity along Dean Beck and the wider site

The Coal Authority – No objection to the proposal

Lead Local Flood Authority – No objection to the variation of condition 2, suggest the deletion of condition 9 as it is not applicable to the site, and, suggest condition 5 is amended to take into account the total allowable surface water flow be limited to 105.1 L/s as the previous worded condition was based on the assumption that the surface water from the development would be attenuated and have a separate outfall to the

watercourse. However, the developer is proposing to attenuate the surface water on-line, i.e. within the watercourse

Yorkshire Water Land Use Planning – No objection to the variation of condition 2

Clean Air Programme – No objection to the principle of the development subject to all the new homes being provided with access to a purpose built EV charging point

Local Development Framework – No comments to make

Education and Learning – No objection to the principle of the development in that the variation to the previous application is unlikely to cause any significant additional impact to the sufficiency of school places

Health and Safety Executive – Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission

**Summary of Main Issues:**

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

**Appraisal:**

The scheme relates to a revision to the previous planning permission under reference 21/01137/MAF to reduce the number of residential properties on the site from 146 units to 133. The approved 1-bed units are to be removed from the development and replaced with 2- and 3- bed units. The scheme also relates to the variation of condition 5 and the removal of condition 9 of planning permission 21/01137/MAF.

1. Principle of development

The principle of residential development on the site has already been accepted through the granting of planning permission under reference 21/01137/MAF. This application relates to a reduction in the number of dwellings and doesn't introduce anything new that would impact on whether the principle of residential development would be acceptable.

2. Visual amenity

The National Planning Policy Framework states in paragraph 124 that the creation of high quality buildings and places is fundamental to what the planning and development

process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments:

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

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

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

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

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



The site is located on the southern edge of the urban area with residential development located to the north and north west (including Rooley Crescent/Newhall Drive/Deanbeck Avenue/Radfield Drive) whilst to the east are industrial premises located on Staithgate Lane. The dwellings comprise a mix of detached and semi-detached dwellings and include both single (bungalows) and two storeys in height. There is a mix of materials including stone, brick and render.

The proposed layout includes detached, semi-detached and terraced (of up to four dwellings) dwellings. The dwellings will all be two storeys in height and will be constructed using stone on the elevations and concrete tiles on the roofs. There are tracts of open space running through the development that help break up the overall mass of the development and help reduce the visual impact on the wider area.

The proposed revisions to the layout of the scheme remove the previously approved 1-bed units and replace them with 2-bed and 3-bed dwelling types that have previously been approved on the site.

The changes to both the layout and dwelling types are considered to be acceptable and will not be visually detrimental to the character and appearance of either the streetscene or the wider locality. As such it is considered that the proposal satisfies the requirements of policies DS1 and DS2 of the Core Strategy.

### 3. Residential amenity

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

As part of the proposal there is a reduction in the number of residential units with the previously approved blocks of 4 x 1-bed units being replaced by 2- and 3-bed units. The layout of the development to the north of the access road and closest to the existing dwellings on Rooley Crescent and Newhall Drive is slightly amended but it has not resulted in the siting of the dwellings moving any closer to the existing dwellings. As such it is not considered that the proposal will have a significant impact on the residential amenities of the occupiers of the existing dwellings on Rooley Crescent and Newhall Drive.

The dwellings located on the eastern boundary of the site, closest to the industrial units, remain unchanged and the relationship is considered acceptable.

Overall therefore it is considered that the layout of the development is such that the residential amenities of the occupiers of both the proposed dwellings and those existing dwellings that abut the site will not be adversely affected by the proposal and the requirements of policy DS5 of the Core Strategy are satisfied.

### 4. Highway safety

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

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

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

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

The layout of the development in terms of the access roads both into/out of the site and internally within the site will remain relatively unchanged as a result of the reduction in the number of units. The main access road that will also serve the proposed Park and Ride Scheme is to be retained as previously approved.

Whilst a number of objections have been received in relation to the impact of the development on the surrounding highway network these objections have previously been fully assessed and addressed when considering planning application 21/01137/MAF where it was concluded that the surrounding highway network could satisfactorily accommodate the additional traffic likely to be generated by the proposed development. The reduction in the number of units as a result of this application will slightly reduce the amount of traffic generated by the residential development.

Overall therefore, there is no objection on highway grounds and the proposal satisfies the requirements of policies TM7 and TM20 of the Replacement Unitary Development Plan policy TR1 of the Core Strategy, and, the relevant paragraphs of the National Planning Policy Framework.

## 5. Drainage

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

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

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

In assessing planning application 21/01137/MAF the Lead Local Flood Authority considered the Flood Risk Assessment and Outline Drainage Strategy that was submitted in support of the application. That document identified that the maximum surface water discharge rate, off-site, shall not exceed 37 (thirty seven) litres per second. This was accepted by the Lead Local Flood Authority and was subsequently included in the wording of condition 5 which stated that:

*“The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the Flood Risk Assessment & Outline Drainage Strategy, Doc Ref: WJ/18463/FRA, dated April 2021. The maximum surface water discharge rate, off-site, shall not exceed 37 (thirty seven) litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.”*

Following that decision an amendment is sought to the condition that will take into account the flows of surface water within the watercourse itself and this has been assessed at 68.1 litres per second. The combined flow should, therefore, equate to 105.1 litres per second, i.e. 37.0 L/s development plus 68.1 L/s watercourse. The Lead Local Flood Authority have not raised an amendment to the proposed rewording of the condition. The amended condition will now read:

*“The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the Flood Risk Assessment & Outline Drainage Strategy, Doc Ref: WJ/18463/FRA, dated April 2021. The total maximum surface water discharge rate, off-site, shall not exceed 105.1 L/s (i.e. 37.0L/s development + 68.1 L/s watercourse). The scheme so approved shall thereafter be implemented in accordance with the approved details.”*

The application also seeks the removal of condition 9 which was attached to planning permission 21/01137/MAF. The condition stated that:

*“The development shall not begin until construction details for any new building(s) located with 5 (five) metres of Bradford Beck have been submitted to and approved in writing by the Local Planning Authority. The construction details shall illustrate how no additional load will be imposed on the existing Bradford Beck Structure and include a Construction Method Statement. The buildings shall, thereafter, be constructed in accordance with the approved details.”*

This condition was attached to planning permission 21/01137/MAF in error as it is acknowledged that Bradford Beck does not run through the site. The condition has been discharged through a subsequent discharge of conditions application under reference 21/01137/SUB01. However, the Applicant has applied to remove the condition so there are no future misunderstandings and no objection is raised to this.

As such, therefore, there is no objection to the amendment of condition 5 and the removal of condition 9. With these amendments it is still considered that the proposal satisfies the requirements of policies EN7 and EN8 of the Core Strategy.

## 6. Trees

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

There are a number of trees located within the site that are spread along the internal boundaries. However, the majority of the trees are located adjacent to the southern and south western boundaries. These trees form part of a much larger copse of trees that extends further south away from the site and located either side of the railway line.

The revised layout of the site will not result in the loss of any further trees than those previously accepted under planning permission reference 21/01137/MAF.

As such therefore there is no objection to the proposal with regards to the impact on the existing trees in the vicinity of the site and the proposal therefore satisfies the requirements of policy EN5 of the Core Strategy.

## 7. Secured by Design

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

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

West Yorkshire Police have no objection to the principle of the development but have made comments on specific aspects of the layout and these are referred to below:

Access: Removing the one-bedroom house type reduces the number of dwellings on site, however 2 and 3 bed family dwellings will have more vehicles per household which increase the vehicle numbers on site and vehicle movements. Vehicle access into the site is via the one vehicle entry and egress route located off Rooley Crescent. Adjacent to the access road shows a footpath/cycle route which mentions this will be 3.7 metre wide with the intention that emergency vehicles can use this route as a means of entry.

The concern is that it can be used by off road bikes for weaving in and out of the access road onto the cycle land and for stolen/non-emergency vehicles. It would be prudent to include a retractable vehicle bollards placed at the top of the cycle route which can be lifted if needed and replaced, however this doesn't prevent any vehicles from driving onto this area if the levels are the same of if there is no separation or barrier between the two areas – *the vehicular/pedestrian access arrangements remain mainly unchanged from the previously approved scheme when they were considered to be acceptable. Through the proposed changes to the layout through the reduction in the number of units it is not felt that there is any justification to alter the previously agreed access arrangements*

Rear gates and rear parking bays: Plots 112 to 119 all have rear parking bays which lack any natural surveillance by the owners, there is also rear gated access which are two features which are not supported by the Police/SBD – *the principle of the form of layout has already been approved as part of planning permission 21/01137/MAF and as such was considered to be acceptable in principle. It is not considered that there is any new justification as to why it should now not be considered acceptable.*

The footpath to the side of plot 112, this should be incorporated into plot 112's garden and include a front 1800mm high lockable gate positioned along the rear building line of plot 108. The gates on the front can include a normal pad bolts with hasp and staple to secure access from the front of the property. This same can be applied to plot number 117, so that gate is located along the front boundary line of plot 118 – *the footpaths do allow a pedestrian route from the parking spaces to the front elevations of the dwellings. This will allow visitors to those dwellings to park in the allocated parking spaces for those dwellings rather than park on the main access road into the site. With gates on the footpaths or them being incorporated into the garden areas this would not allow this to happen and could encourage visitor parking on the main access road*

In relation to the shared footpath between plots 114/115, including a shared lockable gate on the front building line with the same locking features as 112 and 117 will suffice. Removing the shared link in the middle and have the boundary fence abutting and including an 1800mm high key operated lockable gates for each resident allows separate access into the gardens and to the parking bays. The close board timber fence for these plots should include a 10mm to 15mm spacing between the panels to allow some level of natural surveillance onto the parking bays, due to the location of the parking bays – *The same comments apply to this as outlined above in relation to plots 112, 117 and 118*

Good management plan of public open space: There should be a good management plan for the areas of public open space/green areas to ensure that these are maintained and kept tidy – *a condition (No. 24) was incorporated on the previous planning permission (21/01137/MAF) requiring a management plan of all open areas outside the domestic curtilages to be submitted. This condition must still be adhered to*

Street lighting: Street lighting should cover all access roads, any pathways and provide coverage where there are rear and front parking courts to increase visibility. Suitable types of lights are to BS 5490-1:2020 – *the issue of street lighting will be dealt with by the Highways Department through the adoption of the highway network within the site*

Security per dwellings: Doors and windows will comply with one of building regulation standards. Any doors which are to include euro cylinders should be 3 star rated locks to

standards TS007, STS 217 or Sold Secure Diamond which provide better resistance against lock snapping attacks. Installing an intruder alarm within each dwelling will increase security and also provides a good selling feature for any prospective new buyers. Suitable standards are to BS EN 50131 or PD6662 (wired alarm system) or BS 6799 (wire free alarm system). Each plot should include low energy lights above all access doors such as photo electric cell or dusk until dawn lights with warm white led bulbs. Fittings and wiring should be vandal resistant – *the standards of doors/windows incorporated within the dwelling and the inclusion of intruder alarms/external lighting is outside the control of the planning system and will be the responsibility of the developer as to what is included*

Overall there is no objection to the proposal will regards to the provision of a safe and secure environment for the future residents and the proposal therefore satisfies the requirements of policy DS5 of the Core Strategy.

#### 8. Contaminated land

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

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

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

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

The issue of ground conditions on the site and the location adjacent to Odsal Tip have been fully addressed through the considered of the previous planning application reference 21/01137/MAF where appropriate conditions were attached to the planning permission to ensure that the site would be made safe from any potential contamination in line with both local and national policy guidance. Condition 10 of planning permission 21/01137/MAF requires the developer to submit a “remediation verification report providing evidence that risks from contamination have been effectively remediated in accordance with the approved Remediation Strategy, including validation of the installation of gas protection and evidence of quality control of imported and site-won soil materials and clean cover systems” prior to the occupation of the development. This will provide the necessary information to show that the site has been properly remediated and is safe for the future occupiers of the development.

As such therefore, there is no objection to the proposal with regards to ground conditions. The proposal therefore satisfies the requirements of policy EN8 of the Core Strategy.

#### 9. Biodiversity

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

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

The issue of biodiversity has been fully addressed through the considered of the previous planning application reference 21/01137/MAF where a condition was attached to the planning permission stating that the development should be carried out in accordance with the Ecological Management Plan (R-3681-02.5) and the Construction Environment (Ecology) Management Plan (R-3681-03.2). The amendments proposed to the layout will not have an impact on the ability of the development to accord with the requirements of this condition.

As such there is no objection to the proposal with regards to ecological impact and the proposal satisfies the requirements of policy EN2 of the Core Strategy.

#### 10. Air Quality

Policy EN8 of the Core Strategy states that "in liaison with partner organisations, the Council will take a proactive approach to maintaining and improving air quality within the District in line with National Air Quality Standards, the European Union limit values and the principles of best practice. Through a range of actions, it will seek to secure a reduction in emissions from sources which contribute to poor air quality".

An initial Air Quality Assessment was submitted with the previous application (Ref: 21/01137/MAF) which was considered by the Councils Clean Air Team who were satisfied that the proposal would not have a detrimental impact on the air quality in the vicinity of the site. A condition was imposed on the planning permission requiring that every dwelling on the site with a dedicated off-street car parking space shall be provided with access to a purpose built fully operational electric vehicle charging point. The amendments proposed to the layout will not have an impact on the ability of the development to accord with the requirements of this condition.

As such therefore, it is not considered that the proposal will significantly impact on the air quality in the locality and it satisfies the requirements of policy EN8 of the Core Strategy.

### 11. Affordable housing

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

The provision of 7 affordable housing units was secured through a Section 106 Legal Agreement attached to the previous planning permission (21/01137/MAF). This provision will not be affected by the amendments to the proposed development and will again be secured through the Deed of Variation to the approved Section 106 Agreement that will need to be provided as part of this application.

As such it is considered that the proposal is now acceptable and satisfies the requirements of policy HO11 of the Core Strategy.

### 12. Health and Safety issues

The site is located in the outer zone of the BASF plc. hazardous installation and as such there is a requirement to consult with the Health and Safety Executive. This is done through the computerised PADHI+ system. Having done the computerised consultation, the advice received is that they do not advise, on safety grounds, against the granting of planning permission.

As such therefore there is no objection to the proposal on health and safety grounds associated with the nearby hazardous installations.

### 13. Community Infrastructure Levy (CIL)

The application site is located within CIL zone 4 which has a liability of £0 per square metre of newly developed floor spaces.

### 14. Other issues

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

*Yet another back door sneak in by Caddick – The Applicant is entitled to submit an application to vary a previous approval*

*Will this still have the minimum social housing on the estate? – the level of affordable housing on the site will not change through this application and will be the same as secured through planning permission 21/01137/MAF*

*More residents with strain on schools, health facilities – no evidence has been produced to support this objection, but any adverse impacts on local doctors/dentists/schools arising directly from the development can be addressed via the allocation of Community Infrastructure Levy (CIL) receipts which can be used towards expanding educational and public health infrastructure*



How many times has Caddick developers changed their applications? – *The Applicant is entitled to submit an application to vary a previous approval and there is nothing untoward with regards to what is happening*

All the 1 bedroomed dwellings have been withdrawn from the plans – *The Applicant has stated that the 1-bed dwellings have been removed from the scheme principally due to rising construction materials/build costs in the current climate*

Bradford planning should not be hearing this planning application as they have a vested interest in this development – *The Council do not have a vested interest in the site. Whilst the main access road will also serve the Park and Ride Scheme it will be the main access serving the residential development once the Park and Ride Scheme becomes operational*

If Caddick land pursue the council to pay their price for the strip of land the road is built on then he would have to divorce the 2 plans? – *there are no ransom strips between the 2 developments (residential development and Park and Ride Scheme) and there is no bias towards the Applicant*

No environmental impact assessment was carried out – *a Screening Opinion was carried out and it was determined that there was no requirement for an Environmental Impact Assessment to be submitted*

These residents have been putting up with these ridiculous applications which have been turned down again and again but have somehow managed to sneak through??? – *there is no limit over the number of applications that can be submitted on a site*

The ministry of state turned it down so how did it go through? – *a previous application was refused on appeal and the Applicant subsequently submitted an application which overcame the reasons for the appeal being dismissed. As stated above, there is no limit over the number of applications that can be submitted on a site*

The relationship of Caddick land developers and Planning Department is merely a relationship of Power and Greed – *the application has been dealt with in accordance with local and national policy guidance*

This whole application is maladministration by Bradford Council and its planning officers – *the application is being presented to the Regulatory and Appeals Committee for determination*

It was agreed in the initial stages that until the Park and Ride will not be finalised this application would be pending – *there has been no such agreement. Negotiations have taken place with the Applicant with regards to the access road that will serve both the residential development and the Park and Ride Scheme*

There appears to be a lack of social housing – *the level of affordable housing has not changed from the previous approval*

The reduction in the number of houses is for economic reasons – *the development will have to comply with Building Control Regulations and there will be no shortcuts made*

The Planning Statement goes into detail about community involvement and Member and Public Consultation. No meaningful discussions have taken place – *Community involvement was undertaken with regards to the previous applications but there is no requirement for extensive consultations to take place on this application due to the nature of it, i.e. small amendments to the layout and conditions*

As most of the children will be under the age of 11 then recreational space needs to be more than grass and wildlife corridors – *a play area is being proposed and this was secured through a condition attached to planning permission 21/01137/MAF*

If there is a need for more rental homes the developers have not provided any evidence that this is true – *there is no requirement for the developer to provide evidence to justify the tenure of the dwellings they are to build*

In the previous application they were reducing the number of affordable homes to pay for an upgrade of one of the roads. Are they no longer building this road to standards required if the Park and Ride scheme is to go ahead? – *the specifications for the access road haven't changed from the previous permission and will be built to one that will allow its use for the Park and Ride Scheme*

In their UU they have said that they will give an arbitrary figure of £50,000 to the council to mitigate any future problems with flooding. Are they allowed to set the rules? – *the Applicant was not setting the rules, the figure offered was arrived at as a result of discussions with the Lead Local Flood Authority*

The application states that the Park and Ride will be constructed in 2 to 3 years. Surely it is better to wait for this, especially as there is some debate as to the route from Staithgate Lane to the Park and Ride, before deciding on any housing development – *the 2 proposals are independent of each other and there is no requirement to wait for the Park and Ride Scheme to be constructed before determining this application*

No reliable bus route – *there is a bus route on Rooley Lane which is considered reliable*

Could not use our submissions against 19/02602/MAF to oppose 21/01137/MAF. However, when 21/01137/MAF came before the Regulatory and Appeals Committee (RAC) in June 2021, much of the case for its acceptance rested with the Planning Inspector's comments – *representations cannot be transferred from one planning application to another. Comments from a Planning Inspector are relevant to the planning history of the site*

In the RAC meeting of June, 2021, it came as a shock to learn from the Caddick representative that there had been a meeting with the Planning Inspector in February, 2021 – *this is not material to the consideration of this current planning application*

The outdoor play provision as part of the plan was a token effort – *the condition attached to the previous planning permission secured a play area in accordance with the Councils Supplementary Planning Document entitled 'Homes and Neighbourhoods – A guide to designing in Bradford'. Through meeting the guidelines contained in this document it is considered that the play area is acceptable to meet the needs of the development*

Are these buildings for rent only because the developers know there is no lender in the UK that would issue mortgages for buildings on contaminated land? – *the land will be remediated where necessary to remove any contamination and will be safe for the end use as required by the National Planning Policy Framework*

Caddick's have commenced operations at the site and already they are ignoring the requirements imposed upon them – *the Applicant will need to comply with the conditions attached to the planning permission (21/01137/MAF) and applications have been submitted with details for this*

Do Caddick's/Bradford Council aim to alter the number of houses in the development area in the Plan if the change is approved? – *if the Applicant wants to submit future applications to vary the number of units they are entitled to do so*

**Community Safety Implications:**

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

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposal provides for a residential development which has already been granted planning permission by the Council under permission reference 21/01137/MAF and accordingly the principle of residential development is firmly established. This application only relates to the amendment of conditions 2, 5 and 9 which do not entail any significant change to the development. Most of the objections relate to the principle of residential development which cannot justifiably be raised now. The development is considered to be acceptable and presents no concerns with regard to residential or visual amenity and highway safety. The proposal is considered acceptable and, subject to the satisfactory completion of the required Section 106 Legal Agreement and with the attached conditions, satisfies the requirements of policies TM6 and TM10 of the Replacement Unitary Development Plan and policies P1, SC1, SC4, SC9, EC4, TR1, TR2, TR3, EN3, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

**Conditions of Approval:**

1. Time limit

The development to which this notice relates must be begun not later than the expiration of two years and 5 months beginning with the date of this notice.

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

## 2. Approved plans

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

Drawing Number 1874.02 showing the Local Plan and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number 1874.1012.02 Rev A showing the 1012 Stone Option and received by the Local Planning Authority on the 2nd July 2021;  
Drawing Number 1874.660.02 Rev A showing the 660 Stone Option and received by the Local Planning Authority on the 2nd July 2021;  
Drawing Number 1874.760.02 Rev A showing the 760 Stone Option and received by the Local Planning Authority on the 2nd July 2021;  
Drawing Number 1874.820.02 Rev A showing the 820 Stone Option and received by the Local Planning Authority on the 2nd July 2021;  
Drawing Number 1874.881.02 Rev A showing the 881 Stone Option and received by the Local Planning Authority on the 2nd July 2021;  
Drawing Number DR-3681-01-A (NORTH) showing the Tree Constraints Plan and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number DR-3681-01-A (SOUTH) showing the Tree Constraints Plan and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number 1874.B.01 showing the Boundary Treatments and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number 1874.03 Rev E showing the Materials Layout and received by the Local Planning Authority on the 12th November 2021;  
Drawing Number 1874.04 Rev F showing the Street Scenes and received by the Local Planning Authority on the 12th November 2021;  
Drawing Number DR-LLP-3681-04.01 Rev C showing the Soft Landscape Specification: Green Corridor and received by the Local Planning Authority on the 3rd February 2022;  
Drawing Number DR-LLP-3681-04.02 Rev C showing the Soft Landscape Specification: Housing Area A and received by the Local Planning Authority on the 3rd February 2022;  
Drawing Number DR-LLP-3681-04.03 Rev C showing the Soft Landscape Specification: Housing Area B and received by the Local Planning Authority on the 3rd February 2022;  
Unnumbered Drawing showing the Planning Layout and received by the Local Planning Authority on the 23rd April 2021;  
Drawing Number 1874.01 Rev P showing the Proposed Site Plan (New Building) and received by the Local Planning Authority on the 28th April 2022; and,  
Drawing Number 1874.03 Rev E showing the Proposed Site Plan (New Building) and received by the Local Planning Authority on the 23rd April 2021.

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

## 3. Separate foul and surface water drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The pumped foul discharge rate shall not exceed 6.9 (six point nine) litres per second, to the public sewerage network unless otherwise agreed through consultation with Yorkshire Water.

Reason: In the interest of satisfactory and sustainable drainage and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

#### 4. Scheme for foul and surface water

Within 6 months of the development hereby permitted commencing on site, details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the Flood Risk Assessment & Outline Drainage Strategy, Doc Ref: WJ/18463/FRA, dated April 2021. The total maximum surface water discharge rate, off-site, shall not exceed 105.1 L/s (i.e. 37.0L/s development + 68.1 L/s watercourse). The scheme so approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

#### 5. Flood Risk Assessment

The development shall be carried out in accordance with the Flood Risk Assessment & Outline Drainage Strategy, Doc Ref: WJ/18463/FRA, dated April 2021.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

#### 6. Remediation verification

Prior to the occupation of the development, a remediation verification report providing evidence that risks from contamination have been effectively remediated in accordance with the approved Remediation Strategy, including validation of the installation of gas protection and evidence of quality control of imported and site-won soil materials and clean cover systems, shall be submitted to and approved in writing by the Local Planning Authority.

In circumstances where the development is carried out in phases, such verification shall be relevant to the phases of the development identified and agreed under the Remediation Strategy.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

#### 7. Unexpected contamination

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

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Core Strategy Development Plan Document.

8. Off-street parking provision

Before the occupation of each dwelling, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15.

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

9. Implementation of landscaping scheme

In the first planting season following the completion of the development, or in accordance with an alternative timetable for implementation that has been agreed in writing by the Local Planning Authority, the landscaping proposals forming part of the approved plans schedule shall be implemented in accordance with the submitted specifications and 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.

10. Acoustic noise report recommendations implemented

The development shall be carried out in accordance with the noise attenuation recommendations contained within the Noise Impact Assessment prepared by Hepworth Acoustics (Ref P18-505-R01-V2) dated May 2019.

Reason: To safeguard the amenity of occupants of adjoining properties and to accord with Policies DS5 and EN8 of the Core Strategy Development Plan Document.

11. Removal of PD Rights for extensions/outbuildings

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 health and safety of the occupiers of the dwellings due to potential contamination and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

12. PD rights removed: Garages to remain

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 and section 55(2)(a) of the Town and Country

Planning Act 1990 (or any subsequent equivalent legislation) the integral garages within the dwelling(s) hereby permitted shall remain available for the purposes of garaging and no subsequent alterations to convert these garages to primary residential accommodation addition shall be carried out without the express written permission of the Local Planning Authority.

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

Informatives:

1) Electric Vehicle charging informative:

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation and any other Health and Safety considerations
- Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational.
- Charging points shall be provided within 3m of parking spaces
- Charging points installed shall be retained thereafter.
- The presence of the charging points and how to use them shall be promoted on the site via workplace inductions and in customer / partner information sources.
- Provision of a 32A supply is likely to be more future proof

Please note the government has recently consulted on new national standards for EV charging points. Government proposes specifying a minimum 7 kW charge point both for residential and non-residential buildings and retrofitting of charging points in existing car parks.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/818810/electric-vehicle-charging-in-residential-and-non-residential-buildings.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818810/electric-vehicle-charging-in-residential-and-non-residential-buildings.pdf)

2) YALPAG

The applicant should have regard to:

- YALPAG (formerly YAHPAC) 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
- YALPAG 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
- YALPAG (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.

Current editions of these documents are available on the Bradford MDC website:

<https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-application-forms/>

3) Excavations/Earthworks

All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent

to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

You are advised to contact Network Rails Asset Protection Eastern with regards to the construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) at [assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)