

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 9 March 2017

AI

Subject:

This is a full application for the construction of a residential development scheme including infrastructure, landscape, access and all associated external works on land at Arthur Street, Bradford.

Summary statement:

The application is a full application for the construction of a residential scheme of 41 dwellings. The main point of access is through a continuation of Arthur Street. The layout is such that it comprises a mix of semi-detached dwellings (32) and terraces of 3 dwellings (9). The design of the dwellings incorporates both 2 and 2 ½ storey units. Of the 41 dwellings proposed 19 will be open market dwellings and 22 will be socially rented. The development will result in the loss of a number of trees within the site that are protected by a Tree Preservation Order but the Applicant has agreed to pay a commuted sum to allow replacement planting to take place elsewhere within the Ward.

The design and layout of the development will not impact on either residential or visual amenity, or, be detrimental to highway safety. Subject to completing the Section 106 Legal Agreement to secure the commuted sum to allow replacement planting to take place the proposal is considered acceptable.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is a full application for the construction of a residential development scheme including infrastructure, landscape, access and all associated external works on land at Arthur Street, Bradford.

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

The Committee can approve the application as per the recommendation contained within the main report, or refuse the application. If the Committee is minded to refuse the application, reasons for refusal must be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are some financial implications associated with the development through the education and recreation contributions being recommended not to be secured. However, any shortfall in the levels of contributions can be offset through monies gained through the New Homes Bonus.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

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

8. OTHER IMPLICATIONS

8.1 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.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development against the previous use as a school. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

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

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the main car park serving the development (planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

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

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

None.

8.7 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.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions set out in the report attached as appendix 1.

11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

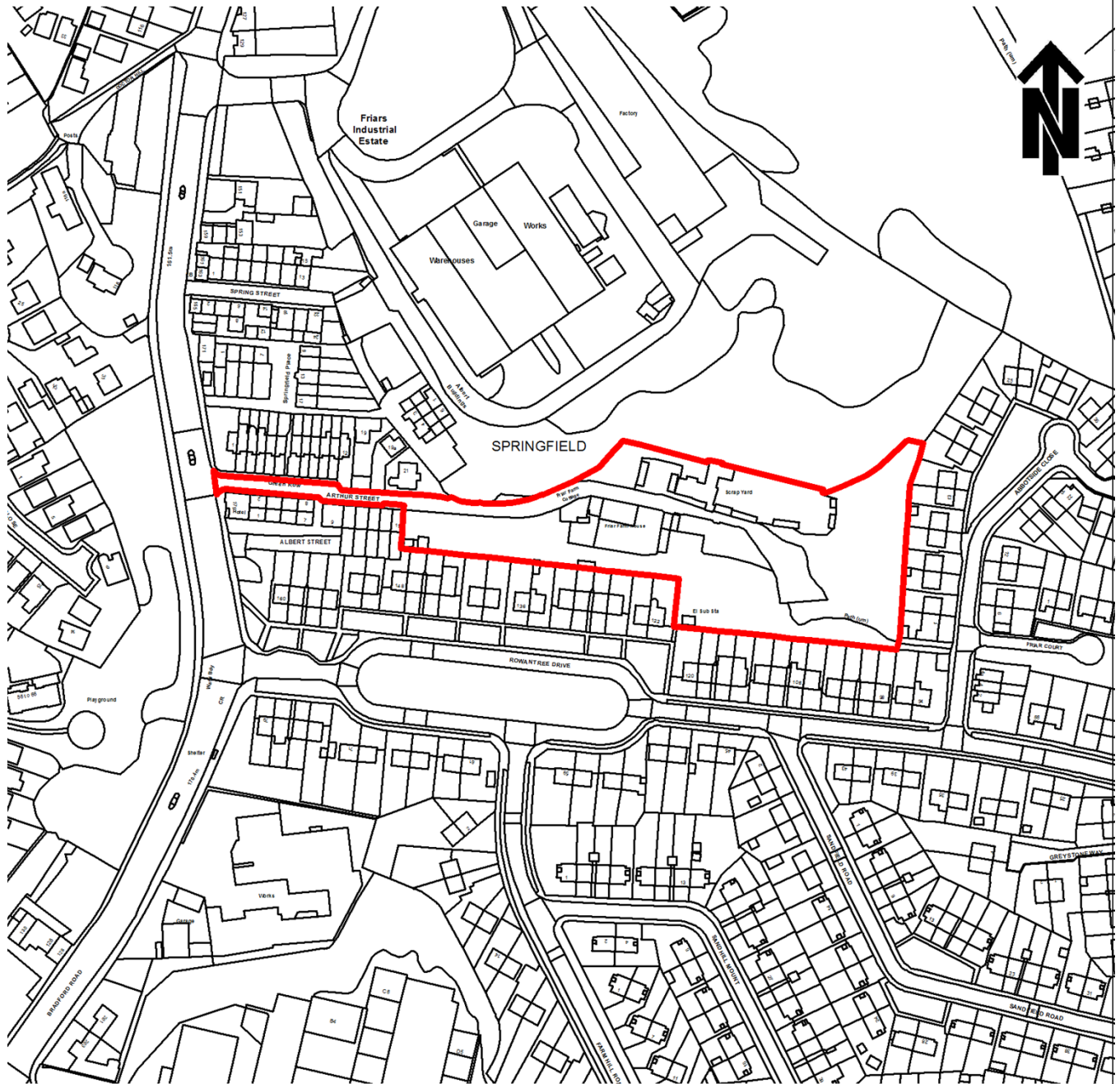
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Planning application 16/08854/MAF

16/08854/MAF

City of Bradford MDC

www.bradford.gov.uk



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**Land At Arthur Street
Bradford
BD10 8SL**

Appendix 1

9 March 2017

Ward: Eccleshill

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT:

Heads of terms:

Trees – the payment of a commuted sum to allow compensatory planting of replacement trees

Application Number:

16/08854/MAF

Type of Application/Proposal and Address:

This is a full application for the construction of a residential development scheme including infrastructure, landscape, access and all associated external works on land at Arthur Street, Bradford

Applicant:

Darren Ingham (Solo Developments and Construction Ltd and Incommunities)

Agent:

Kevin Twigger (KRT Associates Limited)

Site Description:

The site is located at the eastern end of Arthur Street and is currently occupied by a number of commercial/industrial units used as auto spares and repairs together with outdoor storage areas. To the east (Abbotside Close), south (Rowantree Drive) and west (Arthur Street) is residential development whilst to the north is a large commercial/industrial unit. A large copse of trees is located along the northern boundary separating the two sites. Within the site itself are a number of trees that are protected by a Tree Preservation Order.

Relevant Site History:

There is no relevant planning history on the site

Development Plan Implications:

On 10th October 2016 the Minister of State (Housing and Planning) issued a direction under section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by Section 145(5) of the Housing and Planning Act 2016) to the City of Bradford Metropolitan District Council not to take any step in connection with the adoption of the Core Strategy. The Holding Direction was triggered at the request of Philip Davies MP and allows the Minister time to consider the issues raised by him before determining whether to formally intervene under Section 21 of the 2004 Act. The direction will remain in force until it is withdrawn by the Minister or the Minister gives a direction under section 21 of the 2004 Act in relation to the Core Strategy.

The implications of this holding direction are that Section 21A of the Act states that the “document” (the Core Strategy in the case of BMDC) has no effect. It is the Council’s position that if and when the Secretary of State withdraws the holding direction then the Core Strategy will progress (on the basis of the recommendations by the Inspector appointed) to adoption. At present however there is no clear timescale given by the Minister for a resolution concerning the holding direction. Members therefore are advised not to take account of emerging Core Strategy Policies when determining this planning application.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated in the Replacement Unitary Development Plan.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development
UDP3 Quality of Built and Natural Environment
UR3 The Local Impact of Development
UR2 Promoting Sustainable Development
UR6 Planning Obligations and Conditions
E3 Protecting Existing Employment Land and Building in Urban Areas
H7 Housing Density – Expectation
H9 Affordable Housing
TM2 Impact of traffic and its mitigation
TM12 Parking standards for residential developments
TM19 Cycle parking
TM19A Traffic management and road safety
D1 General Design Considerations
D4 Community Safety
D5 Landscaping
CF2 Education Contributions in New Residential Development
OS5 Provision of recreation Open Space and Playing Fields In New Development
NE4 Trees and Woodlands
NE5 Retention of Trees on Development Sites
NE6 Protection of Trees During Development
NE10 Protection of Natural Features and Species
NR15B Flood Risk
NR16 Surface Water Run Off and Sustainable Drainage Systems

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 30th December 2016.

As a result of the publicity exercise 12 representations have been received objecting to the proposal.

Summary of Representations Received:

Highways:

- There have been 4 major housing schemes in the area over the past 4 years and the residents of the area have endured almost non-stop construction traffic, noise, inconvenience and the dust and dirt arising from construction.
- The recent development on Abbotside Close has brought anti-social problems to the area (traffic being driven at ridiculous speed, drug deals being carried out in the open street, caravans being burnt out then scrapped on the driveways of the new properties, furniture and other no longer required household items simply being dumped over fences and left to rot) and it is feared this development could do the same
- Arthur Street is too narrow to accommodate a big increase in traffic movements together with the construction traffic
- There are parking issues on Albert Street/Arthur Street due to the dwellings not having off-street car parking
- The junction of Arthur Street and Bradford Road is poor and was not designed to carry the level of traffic it currently does let alone an increase in traffic

Residential amenity:

- Concerns regarding the loss of privacy to neighbouring dwellings
- The dwellings fronting onto Arthur Street have no front curtilage so an increase in traffic could be dangerous to the residents, especially children

Environment:

- The site represents one of the few remaining open spaces in the Thorpe Edge area and supports urban fox, bats and an owl population
- The Bradford Council website acknowledges that Bradford is below the national average for wooded areas, that "Biodiversity should be recognised and valued as well as protected" and in "recent years concern about biodiversity has become paramount" and yet here you are proposing to remove such a well-established, wild environment that positively impacts the visual appearance of a street in such a built up, polluted city. How is it OK to reduce the biodiversity and ecosystem that Bradford Council appears to eager to protect?
- Loss of the existing hedgerow

- Impact on biodiversity and the wildlife on the site

Others:

- The creation of the “emergency link” with “removable bollards” will only add to the problem of unlicensed and unregistered motorcycles using the footpaths
- 2 established businesses will close as a result of the redevelopment of the site with the potential loss of much needed local employment
- The submitted plans make reference to the types of fence/walls for the northern edge of the site but makes no reference to the eastern and southern boundaries
- The recent housing developments in the area have put pressure on the local infrastructure (such as schools, medical facilities, shops, parking, traffic) and there is no infrastructure investment to support further development
- The movements of construction traffic up and down Arthur Street could cause subsidence/cracks to the existing dwellings

Consultations:

Rights Of Way – No objection in principle to the development but state that Bradford North Public Footpath 351 crosses the site and a link should be provided along the drive of plots 21-24 and the continuation of the path to its junction with Abbotside Close should also be improved as required

Highways – No objection subject to the imposition of appropriate conditions

Environmental Health Land Contamination – No objection subject to the imposition of appropriate conditions relating to the submission of a Remediation Strategy and Verification Report , and the discovery of unexpected contamination

Education (Client Team) – No objection subject to securing the payment of a commuted sum of £95,713 towards enhancing the education infrastructure in the vicinity of the site

Sport & Leisure – No objection subject to securing the payment of a commuted sum of £17,711 for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development

West Yorkshire Combined Authority – No objection to the principle of the development but seek the provision of a Residential MetroCard Scheme for the future occupiers of the development at a cost of £20,137.15

West Yorkshire Police – No objection to the principle of the development but comments on specific aspects of it including external lighting and physical security

Landscape Design Unit – No objection in principle to the development but state that there are a number of shared spaces which need to be properly managed

Yorkshire Water – No objection subject to conditions requiring the submission of details for the disposal of surface water drainage and the provision of appropriate easements zones to protect existing public sewage infrastructure

Lead Local Flood Authority – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the discharge of surface water drainage

Drainage – No objection to the principle of the development subject to the imposition of an appropriate condition relating to the disposal of foul water drainage

Trees Section – The trees within the site are protected by a Tree Preservation Order and the scheme will result in the loss of all the trees with very little space to replant within the site. Should the application be approved replanting should take place on a 1:1 basis in accordance with a scheme to be agreed with the Local Planning Authority or an appropriate commuted sum paid instead

Summary of Main Issues:

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

Appraisal:

The scheme relates to the construction of a residential development scheme comprising 41 dwellings served off a single access point from Arthur Street. The layout is such that it comprises a mix of semi-detached dwellings (32) and terraces of 3 dwellings (9). The design of the dwellings incorporates both 2 and 2 ½ storey units. Of the 41 dwellings proposed 19 will be open market dwellings and 22 will be socially rented.

1. Principle of development

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the National Planning Policy Framework requires Local Planning Authorities to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The emerging Local Plan 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.

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development though the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate

significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

The site is unallocated within the Replacement Unitary Development Plan and is currently occupied by a number of buildings in commercial/industrial use. As such policy E3 is relevant and states that “within urban areas the development of existing employment land or buildings for other uses will not be permitted unless, amongst things, the proposal is within Bradford, is less than one hectare in size and is not within an employment zone”. The site satisfies all 3 of these criteria and therefore its loss from existing employment use would not be contrary to policy E3.

Due to the site currently being partially occupied by existing buildings it does constitute previously developed land and the re-use of such sites for residential development is encouraged. The site is located within the urban area of Bradford and is in reasonably close proximity to a number of facilities and services including shops, schools, employment and recreational spaces.

The site measures 0.98 hectares and proposes up to 41 dwellings. This equates to a density of 42 dwellings per hectare which is considered to be acceptable in terms of making the most efficient use of the site.

As such it is considered that the development of the proposal site with a residential development scheme accords with the principles of sustainable development articulated through the National Planning Policy Framework and saved policies of the RUDP and that the amount of development proposed would make an efficient use of the land without compromising design imperatives. The principle of residential development is considered acceptable subject to the detailed consideration in the following sections of this report.

2. Visual amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials.

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

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The site is located in an area where there are existing residential properties. These dwellings are in mainly in the form of 2 storey semi-detached and terraced dwellings of render and concrete tile construction. There is also a row of traditional stone built terraced dwellings running along the southern edge of Arthur Street.

The layout of the proposed development comprises a mix of semi-detached dwellings and terraces of 3 dwellings. The dwellings will be either 2 or 2½ storeys in height. It is proposed to construct the dwellings using buff brickwork or reconstituted stone on the elevations and concrete grey tiles on the roofs. It is considered that the designs of the dwellings and the use of materials will not be visually detrimental to the character and appearance of the locality.

3. Residential amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should not harm the amenity of prospective or existing users and residents.

The site is bounded to the east (Abbotside Close), south (Rowantree Drive) and west (Arthur Street) by existing residential development and it is important therefore to assess the impact the proposal will have on the residential amenities of the occupiers of this dwellings.

To the north of the site are commercial/industrial premises.

The first relationship to consider is that with the dwellings to the west that front onto Arthur Street. Two aspects that need to be considered are firstly the impact of the proposed dwellings on the residential amenities of the occupiers of the existing dwellings and secondly the increase in traffic along Arthur Street. The relationship of the existing to proposed dwellings is that of gable end (19 Arthur Street) to rear elevations (Plots 1 & 2) and has a separation distance of 16 metres which is in excess of the policy requirement and as such it is considered that the relationship is acceptable.

The impact of the traffic along Arthur Street also needs to be considered. At present there are a number of commercial/industrial buildings occupying the application site and they will generate a number of vehicular movements throughout the day. The type of traffic using Arthur Street will change from commercial/industrial to residential and will be concentrated at different times of the day. The proposed development will introduce significant vehicular movements to and from the site from those associated with the existing use and therefore it is not considered that it will impact on the residential amenities of the occupiers of the existing dwellings.

The second relationship to consider is that with the dwellings to the south on Rowantree Drive. The relationships comprise both rear elevation to gable end, for example, 142 Rowantree Drive to plot 2, and rear elevation to rear elevation, for example 124 Rowantree Drive to plot 10. The separation distances range between 6-14 metres (rear elevation to gable end) and 19-21 metres (rear elevation to rear elevation). These separation distances are considered acceptable and will not impact on the residential amenities of the occupiers of the existing or proposed dwellings.

The third and final relationship is with the dwellings to the east along Abbotside Close where the relationships are again rear elevation to gable end, for example 3 Abbotside Close to plot 24, and rear elevation to rear elevation, for example 7 & 9 Abbotside Close to plots 25-27. The separation distances are 11 metres and 20 metres respectively which comply with policy guidance and therefore will not result in the residential amenities of the occupiers of the existing dwellings being adversely affected.

With regard to the north of the site there is a commercial/industrial use which is separated from the site by a substantial tree buffer which will protect the residential amenities of the future occupiers of the site.

Within the site the separation distances generally comply with the policy requirements. Where there is a shortfall it is where the dwellings front directly onto the road and any future occupiers of the dwellings will be aware of the relationships prior to moving into the dwellings.

Overall it is not considered that the proposed layout of the development will have a significantly detrimental impact on the residential amenities of either the existing or proposed dwellings.

4. Highway safety

Policies TM2 and TM19A of the RUDP support proposals for new development providing that, amongst other things, the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking and cycling facilities, in the vicinity of the site or the local environment. Policy TM12 requires the provision of parking in accordance with the Councils adopted standards.

The site is located off the eastern end of Arthur Street. The street currently serves a number of residential dwellings together with the existing uses on the application site. It is proposed to upgrade and extend Arthur Street and use it as the main access into the development. Within the site a single access road will serve the entire site. Off-street parking is proposed within the development to serve the proposed dwellings as well as a limited number of spaces for the occupiers of the existing dwellings on Arthur Street that do not currently benefit from off-street parking.

The Highways Department have considered the proposal in terms of the access arrangements along Arthur Street and internally within the site, and, whether the capacity of the highway network can accommodate the additional traffic likely to be generated by the proposal. The Highways Department are happy with the layout as submitted but are seeking the removal of the traffic calming plateaus shown on the submitted plans (this can be done when the Applicant applies for the Section 38 Agreement in relation to the adoption of the road). They have also stated that the

alignment of the existing unadopted highway running through the site, as well as the link to the existing footpath, are to be changed as part of this development proposal. Therefore this will require a diversion/closure order to be completed before any works can be carried out.

A number of objections have been received to the proposal on highways grounds relating mainly to the capability of Arthur Street and its junction with Bradford Road to accommodate further increases in traffic, parking problems in the area, and, the construction traffic using the roads. All these issues have been taken into consideration by the Highways department in their assessment of the scheme and they do not consider that the development would have a detrimental impact on highway safety.

As such therefore the Highways department have not objected to the proposal subject to the imposition of appropriate conditions.

The Rights of Way Officer has stated that their records indicate that Bradford North Public Footpath 351 crosses the site. They are seeking the inclusion of a footway along the drive of Plots 21-24. The continuation of the path to its junction with Abbotside Close should also be improved as required. This length of footpath should be constructed to adoptable standards and include a sealed surface (tarmac), street lighting and appropriately designed barriers/bollards. These works will be incorporated with a Section 38/278 Agreement in relation to the highway works and future adoption.

The West Yorkshire Combined Authority have not raised an objection to the principle of the development but are seeking the provision of a Residential MetroCard Scheme for the future occupiers of the development at a cost to the developer of £20,137.15p. The Applicant has submitted a Viability Appraisal with the application which concludes that the scheme cannot afford any social contributions and this conclusion has been concurred with. As such in this instance it is recommended that the MetroCard Scheme should not be pursued.

5. Drainage

Policy NR16 of the RUDP relates specifically to the provision of adequate surface water drainage systems whilst policy UR3 states that proposals should not have an adverse impact on the surrounding environment.

The Applicant proposes to connect to the mains sewer in relation to the disposal of both foul and surface water whilst it is also proposed to use a sustainable drainage system for the disposal of surface water. No objections have been raised to these proposals subject to the imposition of appropriate conditions.

6. Recreation open space

Policy OS5 of the RUDP states that new residential development will be required to make appropriate provision of or equivalent commuted payment for recreation open space and playing fields.

Parks and Greenspaces Service require a recreation contribution of £17,711 for the provision or enhancement of recreation open space and playing fields due to the extra demands placed on the locality by this development. The money would be used towards the provision and or enhancement of existing recreational facilities and

infrastructure work including but not exclusive to drainage works, footpath works and fencing at Idle Recreation Ground.

This money would normally be secured through a Section 106 Legal Agreement. However the proposal provides a development scheme that offers 54% affordable housing and the Applicant has submitted a justification seeking to have the contribution waived. The level of affordable housing within the scheme is significantly higher than would normally be secured (normal requirement would be upto 15%, i.e. 6 dwellings) and as such it is argued that the benefits gained from this outweigh those that would be gained from the normal social contribution requirements. It is therefore recommended that the recreation contribution be waived in this instance.

Whilst the recreation contribution is recommended not to be sought in this instance, monies from the development can be secured through the New Homes Bonus. The development may be provided within the next few years and if so it will benefit from the New Homes Bonus. A report was considered by the Councils Executive Committee on the 24th June 2014 where it was resolved that "in the case of education and recreation infrastructure and affordable housing provision where it is not possible to secure the relevant S106 contributions from housing schemes due to the proven lack of financial viability, then the Authority should allocate a contribution equal to the S106 funding request from the New Homes Bonus revenue to the relevant Authority Departments within 3 months from receiving the New Homes Bonus to make up the shortfall with a requirement that this money is ring fenced to infrastructure or other appropriate projects that would otherwise have been funded by S106 contributions".

As such it is recommended that the recreation contribution be waived in this instance due to the other benefits that are being gained through the provision of a significantly higher affordable housing element and that the contribution can be recuperated through the New Homes Bonus.

7. Trees

Policy NE4 of the RUDP seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

There is a small copse of trees located in the south western section of the site and scattered along the southern boundary. These trees are protected by a Tree Preservation Order. The layout of the proposed development will result in the loss of all these trees. Whilst the Tree Officer would prefer to see the retention of the trees, and has objected to the proposal on the basis of the loss of the trees, they would be prepared to accept the loss of the trees subject to replanting on a 1:1 basis being undertaken elsewhere by the Applicant or a commuted sum paid to allow the Council to undertake replacement planting. The Applicant has accepted the need to compensate for the loss of the trees and has agreed to pay a commuted sum to allow replacement planting elsewhere within the vicinity of the site. This commuted sum will be calculated using the cavat process (Capital Asset Value for Amenity Trees). This money will be secured through a Section 106 Legal Agreement.

Whilst the loss of the trees is regrettable it will not result in the loss of all tree cover in the area. As stated previously within this report there is a good sized copse of mature trees located to the immediate north of the site which wraps around the southern and western boundaries of the industrial site to the north. These trees will remain untouched as part of the proposal.

8. Affordable housing

Policy H9 of the RUDP states that the Council will negotiate for a proportion of affordable housing based on, amongst other things, the extent and type of need, and, the economics of provision.

The proposed development comprises a mixed-scheme of 19 private market dwellings and 22 socially rented dwellings. The socially dwellings contain a mix of 12x2 bed dwellings and 10x3 bed dwellings.

The site is located in an area where the normal requirement for affordable housing would be 15% of the number of units to be provided to a Registered Provider. In this instance it would equate to 6 dwellings. As such the proposal will secure a significantly higher number of affordable dwellings and is therefore supported by Housing Services.

9. Education

Policy CF2 of the RUDP states that where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges, the Council will seek to enter into a planning obligation in order to secure the provision of, or contribution towards, new or extended facilities.

The primary schools which are readily accessible from the development include Blakehill, Cavendish, Our Lady & St Brendan's, Parkland, Holybrook, Swain House and Thorpe. Based on data available as at November 2016 current capacity in the primary schools is being exceeded in some year groups and allowing for the desire to operate at 95% occupancy to allow for population changes this is being exceeded in nearly all year groups. Overall these schools are overcrowded now and future forecasts show an increasing pupil population. As such a commuted sum of £78,759 is sought in relation to enhancing the educational infrastructure in the vicinity of the site.

The secondary schools which are reasonably accessible from the development are 11-18 schools are Hanson and Immanuel College. Based on data available as at November 2016 and the current capacity in there are no places in any of the year groups particularly when allowing for the desire to operate at 95% occupancy to allow for population changes. As such a commuted sum of £16,954 is sought in relation to enhancing the educational infrastructure in the vicinity of the site.

The total education requirement therefore is £95,713 and would normally be secured through a Section 106 Legal Agreement. However, in this instance, the proposal provides a development scheme that offers 54% affordable housing and the Applicant has submitted a justification seeking to have the contribution waived. The level of affordable housing within the scheme is significantly higher than would normally be secured (normal requirement would be upto 15%, i.e. 6 dwellings) and as such it is argued that the benefits gained from this outweigh those that would be gained from the

normal social contribution requirements. It is therefore recommended that the education contribution be waived in this instance.

Whilst the education contribution is recommended not to be sought in this instance, monies from the development can be secured through the New Homes Bonus. The development may be provided within the next few years and if so it will benefit from the New Homes Bonus. A report was considered by the Councils Executive Committee on the 24th June 2014 where it was resolved that "in the case of education and recreation infrastructure and affordable housing provision where it is not possible to secure the relevant S106 contributions from housing schemes due to the proven lack of financial viability, then the Authority should allocate a contribution equal to the S106 funding request from the New Homes Bonus revenue to the relevant Authority Departments within 3 months from receiving the New Homes Bonus to make up the shortfall with a requirement that this money is ring fenced to infrastructure or other appropriate projects that would otherwise have been funded by S106 contributions".

As such it is recommended that the education contribution be waived in this instance due to the other benefits that are being gained through the provision of a significantly higher affordable housing element and that the contribution can be recuperated through the New Homes Bonus.

10. Secured by Design

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised some concerns in relation to specific aspects of the development. These relates to both external lighting and physical security.

With regard to external lighting this is outside the control of the planning system and it is upto the developer/occupier of the dwellings as to whether security lights are fitted to the dwellings.

With regard to physical security of the dwellings, i.e. doors, windows and burglar alarms, this is now covered by Approved Document Q of the Building Regulations and is also, therefore, outside the control of the planning system.

11. Contaminated land

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities

such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

A Geoenvironmental Appraisal Report has been submitted with the application and has been assessed by the Environmental Protection Officer. The report identifies that the significant historical potentially contaminative land uses within the proximity of the site include garage services, old shafts, sandstone quarries (some backfilled), brick and tile works, mill/mill ponds, railway land, works and refuse tips. It also identifies that there are six historic landfill sites within 1km of the property. The closest recorded landfill is shown 56 metres to the north east of the property and is referred to as 'railway cutting at Thorpe Edge'. Waste materials deposited included commercial waste and liquid sludge. A further three historical landfill sites are recorded between 123 metres and 671 metres to the west of the property, which all deposited inert waste. Two further records are shown 212 metres to the south west and 709 metres to the north west of the property, which deposited waste including inert, industrial, household waste and sludge.

In addition, historical OS mapping indicates the presence of a number of areas of infilled land off site these are generally associated with the old railway line (to the north), old sandstone quarries (to the south/south west), former mill ponds (to the north/north west) and a former pond (to the north/north west). All of which could present a potential gas source/risk to the site.

Testing of the site has been undertaken for a number of organic and inorganic determinands as well as asbestos. Samples of groundwater have also been chemically analysed. As a result of this testing the report makes a number of outline remediation options and concludes by recommending that "A remediation strategy report should be produced and agreed with the regulatory authorities prior to commencement of remediation/ground preparatory works."

Gas monitoring results were submitted in an addendum report. Gas monitoring visits were undertaken on six occasions between 4th September and 18th November 2014. As a result of this testing the report advises "Based on the results received, we would recommend that a hydrocarbon resistant membrane is installed specifically within those plots located within the scrap yard. Alternatively and based on the chemical analyses from the earlier GAR, soils exhibiting significant hydrocarbon contamination are removed as part of the enabling works, thereby effectively removing any source". The report concludes that radon protection measures are not required for the proposed development on this site.

The Environmental Protection Officer has not raised an objection to the proposal subject to the imposition of number of conditions including the requirement to submit a remediation strategy and appropriate verification report.

12. Biodiversity issues

Policy NE10 of the RUDP states that planning permission will not be granted for development which would have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, as amended, or European birds and habitat Directives.

An Ecological Assessment has been submitted with the application which has considered the ecological value of the site. The 3 main areas which were considered included the potential for bats and nesting birds both within the buildings on site and the trees, and, the value of the existing trees within the site.

In relation to bats it is recommended that prior to the demolition of the existing buildings on the site a preliminary roost assessment (PRA) is undertaken for all buildings and subsequently, one or more emergence surveys are likely to be required. Should bats be found, the demolition will be carried out under licence and appropriate mitigation will be required. This will include the provision of alternative roosting sites and supervised soft stripping of buildings. There will also be seasonal constraints to the works i.e. avoidance of the peak hibernation period November - February.

With regard to breeding birds the Assessment states that breeding bird surveys will be required if vegetation is removed during the breeding season, and further surveys of the northern boundary are required if lighting impacts are expected to arise.

The Assessment goes onto make a number of recommendations to maximise the biodiversity value of the site post-development, these being as follows:

1. Bird and bat boxes could be installed on the retained trees and new buildings.
2. Inclusion of plant species of known value to wildlife in any landscape design proposals.
3. Recommended ecological input to landscape plans and the production of a constraints and opportunities plan and strategy.

Overall therefore it is not considered that, subject to an appropriate condition requiring the incorporation of the biodiversity enhancements identified in the Ecological Assessment, the proposal will not have a significantly detrimental impact on the biodiversity value of the area.

13. Other issues

A number of other issues have been raised during the publicity period that have not been considered in the above sections of this report. These are as follows:

The creation of the "emergency link" with "removable bollards" will only add to the problem of unlicensed and unregistered motorcycles using the footpaths – as part of the link it is proposed to install appropriate bollards which prevent unauthorised use of the footpath by motorcycles

2 established businesses will close as a result of the redevelopment of the site with the potential loss of much needed local employment – whilst it is unfortunate that the proposal will result in the closure of the businesses that currently occupy the site this is not a material planning consideration

The submitted plans make reference to the types of fence/walls for the northern edge of the site but makes no reference to the eastern and southern boundaries – the types of boundary treatment will be controlled via a planning condition which will ensure that appropriate boundary treatments are installed that provide both privacy and security to the occupiers of both the existing and proposed dwellings

The movements of construction traffic up and down Arthur Street could cause subsidence/cracks to the existing dwellings – this is not a material planning consideration and should damage be caused to the existing properties as a result of vehicular movements along Arthur Street it would be a private matter between the developer and home owners.

Community Safety Implications:

There are no community safety implications other than those raised in the main body of this 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 prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The scheme provides a residential scheme on an unallocated previously-developed site. The density, scale, form, layout and design of the proposal are acceptable and present no concerns with regard to residential amenity and highway safety. The proposal is considered acceptable and, with the attached conditions and legal agreement to secure a contribution towards replacement tree planting, satisfies the requirements of policies UDP1, UDP3, UR3, UR2, UR6, E3, H7, H9, TM2, TM12, TM19, TM19A, D1, D4, D5, CF2, OS5, NE4, NE5, NE6, NE10, NR15B, and, NR16 of the adopted Replacement Unitary Development Plan and the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time limit

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

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

2. 3.0 metre easement

No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the sewers i.e. a protected strip width of 3.0 (three) metres, that traverse the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with policy UR3 of the Replacement Unitary Development Plan.

3. Means of disposal of surface water drainage

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. Disposal of foul water drainage

No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan and to accord with policy UR3 of the Replacement Unitary Development Plan.

5. Disposal of surface water drainage

The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles, have been submitted to and approved by the local planning authority.

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

6. Use of SUDS

No development shall take place until the site is investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to the existing 1:2 year peak flow rate with a reduction of 30%.

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

7. Temporary drainage strategy

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

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

8. Remediation strategy

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

9. Remediation verification

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

10. 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 UR3 of the Replacement Unitary Development Plan.

11. Materials importation

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

12. Vehicular and pedestrian access

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan 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 Policy TM19A of the Replacement Unitary Development Plan.

13. Off street car parking

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

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

14. Gates

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

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

15. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers; bringing mud, debris or dirt onto a highway adjoining the development site;
- vii) 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;
- viii) 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 TM2 and TM19A of the Replacement Unitary Development Plan.

16. Preventive measures: mud on highway

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 Policy TM19A of the Replacement Unitary Development Plan.

17. Electric Vehicle Charging Points

Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conforming to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All electric vehicle charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

18. Construction Environmental Management Plan

Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP 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 National Planning Policy Framework (NPPF).

19. Materials

Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

20. Root protection plan

The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

21. Finished floor levels

Prior to the development hereby permitted commencing on site, plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages and parking areas and the height of any retaining walls within the development site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be so retained thereafter.

Reason: To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and to accord with Policies UR3 and D1 of the adopted Replacement Unitary Development Plan.

22. Biodiversity enhancements

The development shall be carried out in accordance with the biodiversity enhancement recommendations contained with the Arbtech Ecological Assessment dated 15th August 2016. A timetable for the implementation of the recommendations shall first be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences on site.

Reason: To enhance the biological value of the site and to accord with policy NE10 of the Replacement Unitary Development Plan.

Informatives

The developer's attention is drawn to the fact that an acceptable Public Path Order must be obtained as necessary and the most appropriate route selected for the new adopted path, before any development takes place. Details of the procedures may be discussed with Stephen Jenkinson - 01535 618316 of the Transportation and Planning Service. It cannot be assumed that development can automatically

take place where a highway/right of way is affected by it, because the general public may successfully object to its closure or diversion. If such objections are not withdrawn then development may not commence unless the Order is confirmed by the Secretary of State. If no objections are received the Order must first be approved by the Council as Highway Authority. In any event, the process will generally take at least 12 months, and thus applicants are advised to discuss their requirements as soon as possible.