

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 15 May 2017

# AO

---

**Subject:**

This is a full planning application for the construction of a residential development scheme comprising 23 x 2 and 4 bedroom dwellings on the site of the former Avenel Club, Whitburn Way, Bradford.

**Summary statement:**

The proposal relates to the construction of 23 dwellings comprising 8 x 2 bed and 15 x 4 bed. The site is served by a single point of access from Whitburn Way with the majority of dwellings served off that road. A number of properties, however, front onto Whitburn Way and are served directly from that road. The dwellings comprise a mix of semi-detached and terraces of either 3 or 4 dwellings with their heights being either 2 or 3 storeys. Appropriate materials will be used that ensure the development will not be visually detrimental to the locality.

The scheme is of a size whereby social contributions are sought in relation to education and recreation infrastructure enhancements and the provision of social housing. The Applicant has agreed to the provision of these social contributions and they will be secured via a Section 106 Legal Agreement.

Through the provision of the Section 106 Legal Agreement and the proposed conditions it is considered that the proposal is acceptable.

---

Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)  
Report Contact: John Eyles  
Major Development Manager  
Phone: (01274) 434380  
E-mail: [john.eyles@bradford.gov.uk](mailto:john.eyles@bradford.gov.uk)

**Portfolio:**  
**Regeneration, Planning and Transport**

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



## **1. SUMMARY**

This is a full planning application for the construction of a residential development scheme comprising 23 x 2 and 4 bedroom dwellings on the site of the former Avenel Club, Whitburn Way, 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 Members are minded to refuse the application then reasons for refusal need to be given.

## **5. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications associated with this proposal.

## **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 social club. 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**

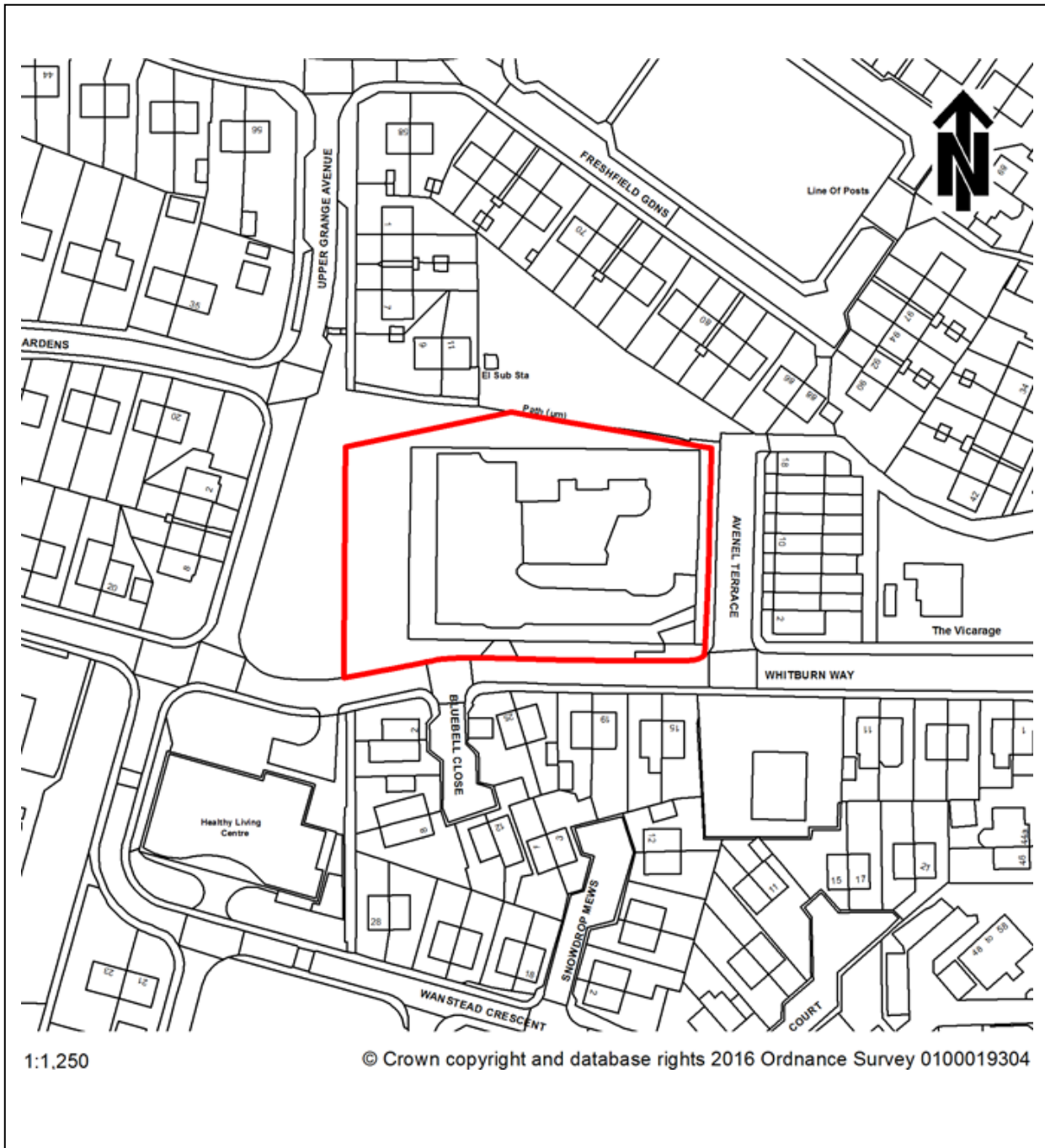
Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
The Replacement Unitary Development Plan  
Publication Draft Core Strategy  
Planning application 16/09318/MAF

**Regulatory & Appeals Committee**

**16/09318/MAF**



© Crown copyright 2000. All rights reserved (SLA 100019304)

**LOCATION:**  
**Site of the former Avenel Club,**  
**Whitburn Way,**  
**Bradford**

15 May 2017

**Ward: Thornton and Allerton**

**Recommendation:**

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

**Heads of terms of the Legal Agreement:**

**Education – The payment of a commuted sum of £57,066 towards enhancing the educational infrastructure at secondary school level. The money will be spent at Parkside Secondary School.**

**Recreation – The payment of a commuted sum of £21,334 towards enhancing the recreational facilities in the vicinity of the site. The money would be used towards the provision and/or enhancement of existing recreational facilities and infrastructure work at Ley Top Lane Rec or Ladyhill Park.**

**Affordable housing – The provision of up to 20% of the number of units to be transferred to a Registered Provider as affordable housing**

**Application Number:**

16/09318/MAF

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

This is a full planning application for the construction of a residential development scheme comprising 23 x 2 and 4 bedroom dwellings on the site of the former Avenel Club, Whitburn Way, Bradford.

**Applicant:**

Mr Tony Wild (Samuel Smiths, Avenal Housing)

**Agent:**

Mr Paul Martin (DMU Designs Ltd)

**Site Description:**

The site is located to the north of Whitburn Way and west of Avenel Terrace and was formerly occupied by a building which has since been demolished. To the north of the site is a small grassed area separating the site from residential development fronting onto Freshfield Gardens. To the west of the site is a further grassed area separating the site from Upper Grange Avenue.

**Relevant Site History:**

Planning permission was granted on the 7th February 2006 under reference 05/08533/FUL for the demolition of the social club and the construction of 14 dwellings.

An application under reference 07/04645/FUL for the construction of 24 dwellings with parking was withdrawn on the 1st October 2007.

An application under reference 08/03208/FUL for the construction of 23 dwellings was finally disposed of on the 16th December 2010.

Planning permission was refused on the 17th July 2014 under reference 13/01345/MAF for the demolition of existing Social Club and proposed development of 23 two & four bedroom dwellings for the following reasons:

1. It is considered that the proposed access arrangements fail to meet recognised criteria associated with good design practise as advised in Manual for Streets in terms of the necessary arrangements for access, visibility, layout, and, parking for future residents leading to conditions prejudicial to highway safety. Consequently the development is considered to be contrary to policies UR3, TM2, TM10, TM12 and TM19A of the adopted replacement Unitary Development Plan.
2. The proposed development will result in the loss of the on-street parking facility for the properties fronting onto Avenel Terrace. These properties do not benefit from having any off-street parking and therefore rely on on-street parking on Avenel Terrace. The loss of the existing on-street parking facility is likely to result in the parking being displaced on Whitburn Way and other local roads to the detriment of highway safety. As such the proposal is considered to be contrary to policies UR3, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.
3. The proposal is of a type and scale that would normally require social contributions to be made due to the additional pressures placed on local infrastructure in relation to provision of education. The developer has neither offered the full contribution nor given an acceptable justification as to why it should not be made. For this reason, the proposal fails to comply with Policy CF2 of the Council's adopted Replacement Unitary Development Plan.
4. The proposal is of a type and scale that would normally require social contributions to be made due to the additional pressures placed on local infrastructure in relation to provision of recreation. The developer has neither offered the full contribution nor given an acceptable justification as to why it should not be made. For this reason, the proposal fails to comply with Policy OS5 of the Council's adopted Replacement Unitary Development Plan.
5. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information with regard to potential contamination of the site. Neither a Site Investigation Report nor Remediation Strategy has been submitted to identify potential contamination of the site and solutions to resolve it. As such the proposal is contrary to paragraphs 120 and 121 of the National Planning Policy Framework

A planning application under reference 16/01618/MAF for the construction of 23, two and four bedroom properties was withdrawn on the 6th July 2016.

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

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

### **Replacement Unitary Development Plan (RUDP):**

#### ***Allocation***

The site is unallocated within the Replacement Unitary Development Plan.

#### ***Proposals and Policies***

UDP1 Promoting Sustainable Patterns of Development  
UDP3 Quality of Built and Natural Environment  
UR2 Promoting Sustainable Development  
UR3 The Local Impact of Development  
UR6 Planning Obligations and Conditions  
H7 Housing Density – Expectation  
H8 Housing Density – Efficient Use of Land  
H9 Affordable Housing  
TM2 Impact of traffic and its mitigation  
TM12 Parking standards for residential developments  
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  
NR15B Flood Risk  
NR16 Surface Water Run Off and Sustainable Drainage Systems  
NR17 Groundwater Protection

#### **Core Strategy:**

SC5 Location of Development  
SC9 Making Great Places  
BD1 City of Bradford including Shipley and Lower Baildon  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
H01 Scale of Housing Required  
H03 Distribution of Housing Development  
H05 Density of Housing Schemes  
H06 Maximising the Use of Previously Developed Land  
H08 Housing Mix  
H09 Housing Quality  
H011 Affordable Housing

EN1 Protection and Improvements in Provision of Open Space and Recreation Facilities

EN7 Flood Risk

EN8 Environmental Protection

DS1 Achieving Good Design

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

ID2 Viability

ID3 Developer Contributions

**Parish Council:**

Not 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 13th January 2017.

As a result of the publicity exercise 9 representations have been received objecting to the proposal.

**Summary of Representations Received:**

Highways:

- This site has insufficient parking spaces for its size and there is no room for additional on-street parking on Whitburn Way and Avenel Terrace as existing residents park there
- The road infrastructure needs drastic improvement before any further houses are built in the area
- The highway network is heavily congested particularly at school pick-up and drop-off times

Residential amenity:

- The dwellings will impact on the privacy of existing dwellings adjacent to the site
- The proposed dwellings will overshadow the existing dwellings on Avenel Terrace due to their height

Others:

- Local infrastructure such as doctors and dentists are full to capacity
- Allerton does not need more private housing, it needs affordable housing for families on benefits
- There are too many private houses for sale already
- Instead of building more houses Allerton could do with a sports centre or swimming pool

**Consultations:**

Yorkshire Water – No objection subject to appropriate conditions relating to the disposal of surface water and the provision of an 8 metre easement zone around the existing sewer that crosses the site

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



Drainage – No objection subject to the imposition of appropriate conditions relating to the disposal of foul water

Highways DC – No objection subject to the imposition of appropriate conditions

Rights Of Way – No objection in principle but would like to see the adjacent public footpath (Bradford West 255) which abuts the site improved if any off-site improvements can be secured

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 to the developer of £11,296.45p

Landscape Design Unit – No objection subject to a condition requiring the submission of a detailed landscaping scheme including boundary treatments, bin stores, and, planting

Sport & Leisure – No objection subject to the payment of a commuted sum of £21,334 in lieu of on-site recreation provision that will be used towards enhancing the recreation infrastructure in the vicinity of the site

Education (Client Team) – No objection subject to the payment of a commuted sum of £57,066 that will be used towards enhancing the educational infrastructure at secondary sector level within the vicinity of the site. The money will be spent at Parkside Secondary School

West Yorkshire Police – No objection in principle but comments on specific aspects of the layout include boundary treatments, public right of way, parking bays, bin storage, external lighting, and, physical security

Environmental Health Air Quality – No objection subject to the imposition of appropriate conditions relating to the submission of a CEMP (Construction Emission Management Plan) and the inclusion of electric vehicle charging points within the development

Environmental Health Land Contamination – No objection subject to the imposition of appropriate conditions relating to the discovery of unexpected contamination and the importation of materials

Airedale Partnership – No comments the development is not in Airedale

### **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. Other issues

### **Appraisal:**

The proposal relates to the construction of 23 dwellings comprising 8 x 2 bed and 15 x 4 bed. The site is served by a single point of access from Whitburn Way with the majority of dwellings served off that road. A number of properties, however, front onto Whitburn Way and are served directly from that road.

## 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 through 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 Framework also states in paragraph 111 that the planning system should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. It goes on to state that Local Planning Authorities may make allowance for windfall sites in the five-year supply if there is evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

The site is a previously developed site and is within a sustainable urban location and meets the criteria for residential use on it. The principle of residential development on the site has been established through the granting of planning permission under reference 05/08533/FUL.

Policy H7 of the Replacement Unitary Development Plan states that on applications for residential development planning permission will only be granted if a density of 30 to 50 dwellings per hectare net at least is proposed, except within the city and town centres and in good quality public transport corridors where planning permission will only be granted if a minimum density of 50 dwellings per hectare net is proposed. The site measures 0.407 hectares in size and proposes 23 dwellings. This equates to a density of 56 dwellings per hectare which is considered acceptable in relation to the policy requirement and makes efficient use of the site.

Overall it is considered that the principle of the proposed development is acceptable subject to 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 within a residential area and is bounded on all sides by existing residential development. There is a mix of house types in the area including old traditional stone built terraced dwellings and more modern brick built semi-detached dwellings. The dwellings are principally 2 storeys in height.

The layout of the proposed development is such that the site is accessed off Whitburn Way with dwellings fronting onto Whitburn Way along the southern boundary, backing onto Whitburn Way along the eastern boundary, and, backing onto the northern boundary. The mix of dwellings comprises both semi-detached dwellings and terraces of either 3 or 4 dwellings. The dwellings will be a mix of 2 and 3 storeys in height. It is proposed to construct them using buff brickwork on the elevations and blue slate on the roof.

It is considered that the layout of the development together with the design of the dwellings and use of materials will not be visually detrimental to the visual 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 on all sides by residential development. To the east are properties fronting onto Avenel Terrace, to the south Whitburn Way, to the west Upper Grange Avenue, and, to the north Freshfield Gardens and Upper Grange Road. The

relationships of the proposed dwellings to the adjacent dwellings on these roads therefore needs to be considered.

To the north of the site the closest dwellings to the site are 9-11 Upper Grange Road and 9-25 metres 84 Freshfield Gardens with the relationship of proposed to existing dwellings being main elevation to main elevation and gable end to main elevation respectively. The separation distances are both 25 metres which is in excess of the policy requirement.

To the east of the site are dwellings that front onto Avenel Terrace with the relationship being main elevation to main elevation. The separation distance is 18½ metres which is again in excess of the policy requirement.

To the south of the site are dwellings fronting onto Whitburn Way. The relationships of the proposed to existing dwellings include main elevation to main elevation and gable end to main elevation. The separation distances are 17½ metres and 19 metres respectively which are again compliant with policy guidance.

To the west of the site are dwellings fronting onto Upper Grange Road and the relationship of proposed to existing dwellings is in excess of 35 metres which is significantly higher than the policy requirement.

Overall therefore it is considered that the residential amenities of the occupiers of the existing dwellings will not be significantly impacted upon by the proposed development.

Internally within the site the relationships of the proposed dwellings are main elevation to main elevation and main elevation to gable end. The minimum respective separation distances are 15 metres in both instances. Whilst this is slightly below the policy requirement for main elevation to main elevation it is a case of buyer beware in that the future occupiers are fully aware of the relationships prior to occupying the dwellings. As such the relationships are considered to be acceptable.

#### 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 Council's adopted standards.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be

prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

It is proposed to access the site directly from Whitburn Way with a single point of access. The access road runs perpendicular to Whitburn Way and then runs in a westerly direction along the northern boundary. A number of properties front directly onto Whitburn Way and will be served via individual driveways.

The Highways Department have assessed the proposal and have not raised an objection to the layout. The parking provision throughout the development complies with policy guidance and as such will not significantly add to the level of on-street parking currently experienced in the area.

Two objections that have been raised relate to the need to improve the existing road infrastructure to accommodate the additional traffic and that the highway network is heavily congested particularly at school pick-up and drop-off times. There is a school located to the west of the site along Whitburn Way and as with the majority of schools there is a significant increase in traffic on the highway network at school dropping off and picking up times but this is only for a short period of time in the morning and afternoon. It is considered that the proposed development will not impact on highway safety and that the highway network is capable of satisfactorily accommodating the level of traffic likely to be generated by the proposal.

The Rights of Way Officer has stated that public footpath Bradford West 255 abuts the application site boundary. The footpath is in a poor state of repair in terms of its surface condition. It is suggested that it would benefit pedestrian amenity if, through any off-site improvements, the route was resurfaced with blacktop from where the concrete flags end (at the eastern edge of the boundary with 11 Upper Grange Avenue) to Avenel Terrace. In addition the 900mm steel rail is an ideal boundary treatment to the public footpath. The footpath links Upper Grange Avenue (to the west of the site) to Avenel Terrace (to the east of the site) but does not provide a direct link, or quicker route, to any particular facilities for the existing residents. There is no direct link from the development to this footpath as this would be against policy D4 of the Replacement Unitary Development Plan in relation to providing a safe and secure environment for the residents. It is not therefore considered that by improving the footpath it will have wider benefits for the development and therefore it is not recommended that the improvements be secured as part of the development.

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 £11,296.45. It is considered that the site is located within a very sustainable in that it is within a short walking distance of community facilities such as school and shops. In this instance therefore it is recommended that the Residential MetroCard scheme is not secured as part of the permission.

## 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.

In relation to the disposal of both foul and surface water it is intended to connect to the mains sewer. 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.

The scheme does not incorporate any informal recreation open space and as such there will be a requirement for the payment of a commuted sum towards enhancing the existing recreational infrastructure due to the increased pressure that the development will place on it. The commuted sum that is being sought by Parks and Greenspaces Service equates to £21,334. 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 Ley Top lane Rec or Ladyhill Park. The Applicant has agreed to pay this contribution and it will be secured through a Section 106 Legal Agreement.

#### 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 are no trees of any significant visual benefit on the site that will be affected by the proposal and therefore no objection is raised.

#### 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 site is located within an area where the affordable housing requirement is the provision of up to 20% of the number of units to a Registered Provider. In this instance it equates to up to 5 dwellings. The Applicant has accepted this requirement and the affordable housing provision will be secured through a Section 106 Legal Agreement.

#### 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 Beckfoot Allerton, Crossley Hall, Ley Top, St James' Church, St Matthew's Catholic and

all through schools Bradford Girls' Grammar and Dixons Allerton Academy. Based on data available as at December 2016, due to recent expansion there is now some spare capacity in these primary schools even allowing for the desire to operate at 95% occupancy to allow for population changes. As such no contribution is being sought.

The 11-18 secondary school which is reasonably accessible from the development is Beckfoot Thornton and the all through schools Bradford Girls' Grammar and Dixons Allerton Academy. Based on data available as at December 2016 and the current capacity there are no places in any of the year groups other than year 11 who will leave school in July 2017, and particularly when allowing for the desire to operate at 95% occupancy to allow for population changes. As such a financial contribution of £57,066 is being sought to enhance the educational infrastructure at this level. The only secondary school that is currently in the expansion programme and is also within a reasonable distance from the site is Parkside Secondary School and as such the money will be spent at this location.

The Applicant has accepted the need to pay the commuted sum of £57,066 towards enhancing the secondary sector infrastructure and this will be secured through a Section 106 Legal Agreement.

#### 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 made a number of comments specifically about the layout and these are as follows.

Boundary treatments – the proposed boundary treatments are generally considered to be acceptable subject to them being to a satisfactory height. The only addition that is recommended is the incorporation of plot dividers at the front of the dwellings. An appropriate condition is recommended in relation to the submission of details to comply with these recommendations.

Public right of way – the proposal to install 900mm high fencing along the boundary and footpath route is acceptable. However it is not recommended that the footpath be opened up to the estate as parking is located near to the boundary line so opening up an access route from this location allows any potential offender/stranger direct access where they can commit crime and leave via this route. If pedestrian access is via the main entry and exit route there is more chance of any stranger or potential offender being seen.

Parking bays – It is positive to see that the majority of parking is on plot. However it is noted that plot 16 has parking located to the rear of the garden which has no natural surveillance by the householder and as such it is recommended that the parking be moved to the side of plot 16 and a window incorporated within the gable end. In response it is stated that there is insufficient room at the side of plot 16 to accommodate a car and allow manoeuvres into and out of the space without being detrimental to highway safety. The parking space is overlooked by windows serving main habitable rooms in the front elevations of plots 19 and 20 and this will provide a good degree of natural surveillance.

Other comments have been raised with regard to issues such as physical security, external lighting, and, intruder alarms but these issues do not come within the remit of the planning system but are covered by Part Q of the Building Regulations.

#### 11. Contaminated land

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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.

The Applicant has submitted a Contaminated Land Risk Assessment Phase 1 Desk Top Study with the application. The Study identifies a number of potentially contaminative land uses are recorded on historic maps in the surrounding area, these include, but are not limited to, two quarries one 183 metres south of the site infilled by 1893 and the other 118 metres south west of the site infilled by 1908, two mills one containing a mill pond, allotment gardens and an electricity substation. The report concludes that no significant plausible pollutant linkages or significant uncertainties are considered to exist.

A Phase 2 Intrusive investigation has been carried out on the site. The investigation consisted of a total of 8 No. trial pits excavated to depths of between 1.0 metre and 2.8 metres below ground levels. Varying depths of made ground was encountered under the existing footprint of the former club together with fill under the areas of car parking. Based on the areas of fill noted, contamination testing was undertaken to determine any possible linkages. A total of 7 samples were taken and submitted for chemical analysis. From the test results elevated concentrations of lead were found in the upper layers in TH1 and within the fill in TH2. No other potentially harmful levels of contaminants were recorded. The report concludes that the lead contamination is confined to the upper layer of the trial holes and will be removed from site during site strip operations.



No objections are therefore raised to the proposal subject to the imposition of appropriate conditions relating to the discovery of unexpected contamination and the importation of materials.

## 12. Other issues

A number of other issues have been raised during the publicity, these include the following:

*There are too many private houses for sale already* – This is not a material planning consideration and does not constitute a reason to refuse the planning application

*Instead of building more houses Allerton could do with a sports centre or swimming pool* – Whilst local residents may consider an alternative use for the site would be more appropriate the scheme that has been submitted, and therefore has to be considered, is that of a residential development scheme.

*Local infrastructure such as doctors and dentists are full to capacity* – A financial contribution has been secured towards enhancing the education infrastructure due to the additional pressures that would be placed on it. Improvements to local services such as doctors and dentists cannot be secured through the planning system and respond to demand. If there is high demand for the services then they will expand to accommodate it.

### **Community Safety Implications:**

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

### **Equality Act 2010, Section 149:**

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

### **Reason for Granting Planning Permission:**

The scheme provides a residential scheme on a previously developed site. The density and layout of the proposal are acceptable and present no concerns with regard to visual or residential amenity and highway safety. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies UDP1, UDP3, UR2, UR3, UR6, H7, H8, H9, TM2, TM12, TM19A, D1, D4, D5, CF2, OS5, NE4, NE5, NE6, NR15B, NR16, and, NR17 of the Replacement Unitary Development Plan, policies SC5, SC9, BD1, TR1, TR2, H01, H03, H05, H06, H08, H09, H011, EN1, EN7, EN8, DS1, DS3, DS4, DS5, ID2, and, ID3 of the Bradford Core Strategy, and, the relevant paragraphs contained within 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. 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.

3. 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.

4. 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.

5. 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 delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;

- vi) 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;
- vii) 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.

#### 6. 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.

#### 7. Domestic Electric Vehicle Recharging Points (dedicated parking spaces)

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

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

#### 8. Construction Environmental Management Plan

Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation, construction and demolition 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 the National Planning Policy Framework (NPPF)

9. Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Planning Service. No further works shall be undertaken in the affected area until the contamination is dealt with. An investigation and risk assessment must be undertaken by a competent person in accordance with accepted good practice, and where remediation is necessary a remediation scheme must be prepared and submitted for approval in writing by the Planning Service.

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. Imported material

Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising, shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by the Planning Service prior to these materials being imported to site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed, as determined by risk assessment. Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information shall be submitted to and approved in writing by, the Planning Service prior to these materials being imported 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.

11. 8 metre easement zone

No building or other obstruction including landscape features shall be located over or within 4.0 (four) metres either side of the centre line of the 375/450mm diameter sewer i.e. a protected strip width of (8) metres, that traverses 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

12. Means of 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.

13. Surface Water Drainage Maintenance and Management

Prior to the commencement of the development hereby permitted, a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict

accordance with the terms and agreements set out in the approved Surface Water Drainage Maintenance and Management Document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

#### 14. 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 a rate agreed with the LLFA.

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

#### 15. 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.

#### 16. 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.

#### 17. 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.

#### 18. 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.

19. Boundary treatment

Notwithstanding the details submitted, before the development hereby permitted commences on site, details of the proposed boundary treatments, including plot dividers, shall be submitted to and approved in writing by the Local Planning Authority. The approved details for each dwelling shall be implemented in full prior to the occupation the dwelling.

Reason: In the interests of visual and residential amenity and to accord with policies UR3 and D1 of the adopted Replacement Unitary Development Plan.

20. Management plan for open areas

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

21. Construction hours

No construction work of any kind shall take place outside the hours of 07.30 to 18.00 Mondays to Fridays and from 08.00 to 13.30 on Saturdays and not at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.