

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 13 July 2017

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Subject:

This is an outline application for the construction of 11 residential units on land to the south of Hill Top Road, Thornton. The proposal involves the creation of a new adopted access from Hill Top Road. The application reserves all matters save access for later approval.

Summary statement:

This application follows the approval of a smaller residential scheme on this allocated housing site. The number of units has been increased after a solution has been found to the highway constraints of the site without harming the openness of the Green Belt or the character and appearance of the surrounding area. The proposal would also not be harmful to the amenities of nearby residential properties. Subject to conditions the proposal is recommended for approval.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is an outline application for the construction of 11 residential units on land to the south of Hill Top Road, Thornton. The proposal involves the creation of a new adopted access from Hill Top Road. The application reserves all matters save access for later approval.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application. The proposal will fall under the terms of the Council's Community Infrastructure Levy. Outline planning permissions granted on or after 1st July 2017 will be liable to pay CIL when the development is built, but as the liability is calculated at Reserved Matters stage there is no need for the applicant to submit any CIL forms with the outline application.

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

N/A

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 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.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located on the edge of the urban area of Bradford and forms part of an allocated housing site. It is therefore considered to be in a sustainable location and as such there are no implications for the Council.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS

The Community Safety Implications of the proposed development are considered in Appendix 1.

8.5 HUMAN RIGHTS ACT

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

There are no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS

There are no 'not for publication' documents.

10. RECOMMENDATIONS

It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

11. APPENDICES

Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS

The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document

16/09443/MAO

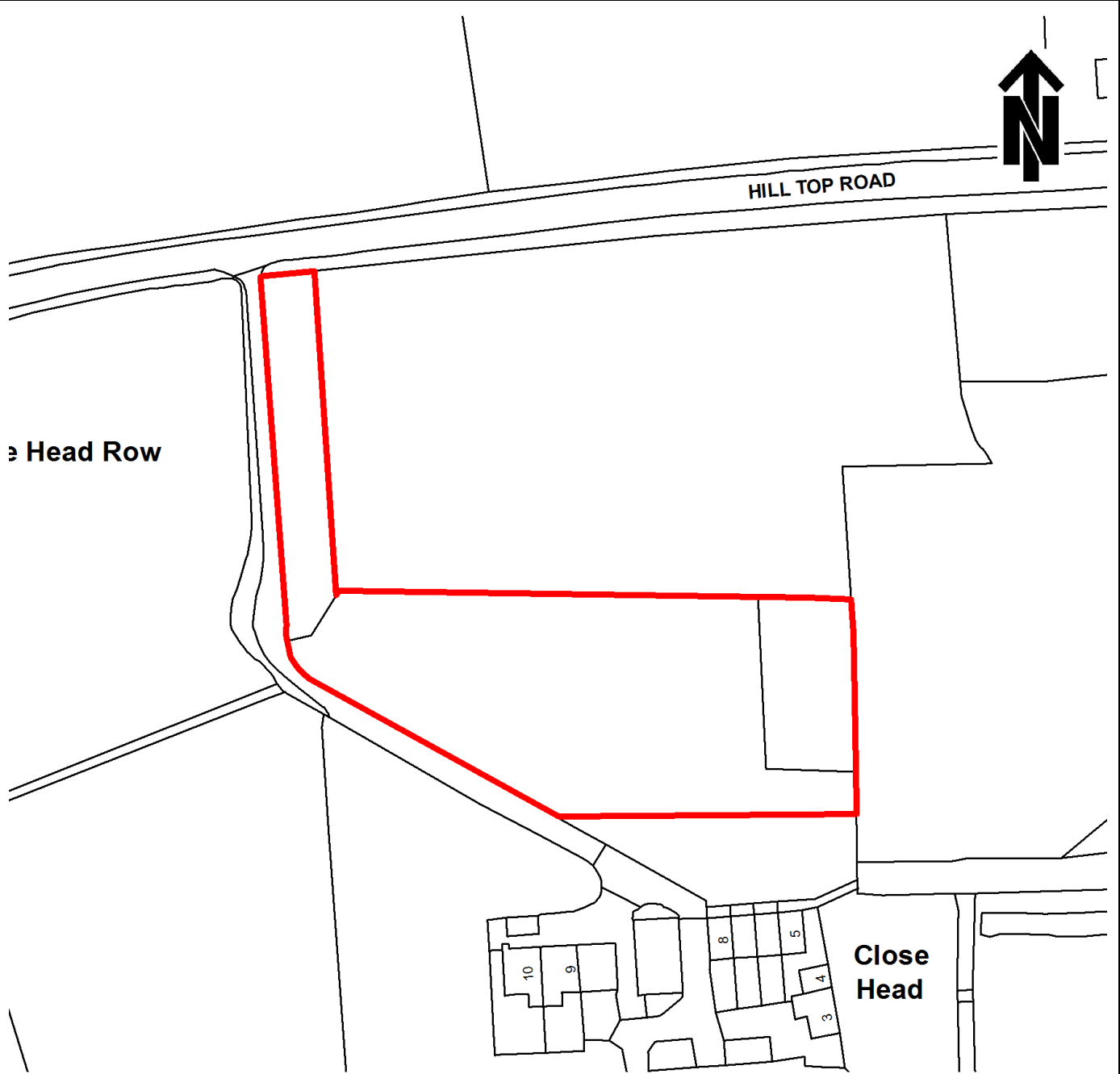


City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



HILL TOP ROAD

Head Row



**Close
Head**

1:1,250

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**Land At Hill Top Road
Thornton, Bradford**

13 July 2017

Ward: Thornton and Allerton (ward 23)

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:

16/09443/MAO

Type of Application/Proposal and Address:

This is an outline application for the construction of 11 residential units on land to the south of Hill Top Road, Thornton. The proposal involves the creation of a new adopted access from Hill Top Road. The application reserves all matters save access for later approval.

Applicant:

Bradford Metropolitan District Council

Agent:

Paul Glover, Acanthus WSM Architects

Site Description:

This is a triangular Greenfield site located to the north of a small group of residential properties at the end of the section of Close Head Lane that can be accessed by vehicles via Thornton Road. Thornton Cemetery is to the east and open Green Belt land is to the north and west. Close Head Lane is a public footpath to its northern section which runs along the southern and western boundaries of the site up to its junction with Hill Top Road to the north. The land slopes very steeply down to the south. Other than a band of protected trees on the eastern boundary the site is an open green field.

Relevant Site History:

16/00468/OUT - Construction of 5 dwellings and new road- Granted

15/00247/MAO - Erection of 16 dwellings - Withdrawn

The following applications include a larger parcel of land which extends to the south and links to Thornton Road:

12/00943/OUT - Renewal of permission 07/05813/OUT dated 24/04/2009: Outline application for residential development - Granted Subject to a Section 106 Agreement

07/05813/OUT - Outline application for residential development - Granted Subject to a Section 106 Agreement

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 main portion of the site on which the dwellings and part of the access road would be constructed is an allocated Housing Site however most of the access road linking the site to Hill Top Road falls within Green Belt on the RUDP.

Proposals and Policies

Policy GB1 - New Buildings in the Green Belt
Policy GB2 - Siting of New Buildings in the Green Belt
Policy UR3 - The Local Impact of Development
Policy D1 - General Design Considerations
Policy H1 - Phase 1 Housing Sites
Policy H7 - Housing Density - Expectations
Policy H8 - Housing Density - Efficient Use of Land
Policy TM2 - Impact of Traffic and Its Mitigation
Policy TM12 - Parking Standards for Residential Developments
Policy TM19A - Traffic Management and Road Safety
Policy NE3 & NE3A - Landscape Character Areas
Policy NE4 - Trees & Woodland
Policy NE5 & NE6 - Retention & Protection of Trees on Development Sites
Policy NR16 - Surface Water Run Off and Sustainable Drainage Systems
Policy P6 - Unstable Land

Core Strategy:

P1 Sustainable Development
SC4 Hierarchy of Settlements
SC5 Location of Development
SC7 Green Belt
SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
HO1 Housing Requirement

HO5 Density of Housing Schemes

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

Parish Council:

The site is not in a Parish.

Publicity and Number of Representations:

The application was advertised with a site notice, press advertisement and neighbour notification letters on receipt. This publicity period expired on 03 March 2017. Nine representations have been received.

Summary of Representations Received:

- Have significant concerns regarding the drainage. Flooding is a serious concern and one which potentially leaves many properties on Close Head Lane vulnerable.
- Consideration should be given to the use of Sustainable Urban Drainage systems in accordance with the Water Environment (Controlled Activities)(Scotland) Regulations 2005.
- Waste from the residential units has to be pumped back up to Hill Top Road or a septic tank will need to be installed and maintained.
- Concerned by comments that the flooding and drainage issues will be looked at once the build is 'underway'. Also note the use of the word 'sound' to describe these plans.
- The site is Greenfield and there are a number of brownfield sites in the locality which should be utilised first.
- Local schools are currently overcrowded and cannot meet the demand for places due to the growing population. The capability of providing satisfactory education is being compromised by increased classroom sizes.
- Local infrastructure is struggling with current capacity, increased road congestion through Thornton village.
- Local services including doctors and dentists are already operating above their capacity to provide a satisfactory service.
- There is significant potential for slope instability with relatively small changes in ground conditions.
- Concerned about the state of the wall between Close Head Lane and the fields above it where the proposed development is taking place.
- Who is responsible if there was to be a landslip because of the building work? Who would be liable and who would enforce its repair?
- Close Head Lane is used frequently by horse riders, ramblers and walkers. Hope this proposal is not the first of many that would see this area become a housing estate.
- Properties in this area should be of a cottage-like appearance.
- GPs, dentists and schools are all struggling to meet existing demand.
- The area is part of a Tree Preservation Order, so it is imperative that the trees in the area are not harmed.

- There are bats in the area.
- Sections showing the relationship with properties on Close Head Lane should be provided.
- How will proposed security and street lighting affect properties on Close Head Lane.
- Further information regarding the public open space and its aftercare. Who will maintain it? What species of trees are going to be planted within it?
- Have any monies been set aside to pay for any increased usage and damage the proposal may cost to local roads?
- I am concerned about the steepness of the new road within the development plans. The only vehicles that can navigate this road in snowy conditions are ones with four wheel drive.
- Concerned about the increase in the number of heavy goods vehicles that use this particular section of Thornton Road.

Consultations:

Highways DC - No objections in principle to the development. Initially requested further amendments but following receipt of amended drawings no objections are raised subject to conditions.

West Yorkshire Combined Authority - Recommend developer contributes £5,402.65 towards the provision of discounted Residential MetroCards.

Parks & Greenspaces - Request a contribution of £15,452 for the provision or enhancement of recreation open space and playing fields at Royd Street.

Education - Request contribution of £42,385 towards the provision or enhancement of primary and secondary education facilities in nearby schools. £15,093 of this would be towards primary education provision and £27,292 towards secondary education provision.

Structures (from previous application) - No objections subject to conditions which require an intrusive site investigation to confirm there will be no future issues regarding landslides where the land has to be re-graded or retained and which require details of the retaining structures to be approved.

Drainage - No objections subject to a condition relating to approval of foul water drainage before commencement of development. Also recommend a footnote relating to public sewers in Thornton Road and Well Heads.

Drainage (Lead Local Flood Authority) - No objections subject to conditions including conditions requiring investigation of sustainable drainage techniques for the disposal of surface water.

Yorkshire Water - No objections subject to conditions.

Environmental Health (Land Contamination) - No objections subject to a series of conditions relating to the investigation of potential contamination of the site.

Environmental Health (Air quality) - Recommend electric vehicles charging facilities are provided.

Environmental Health Nuisance (from previous application) - Recommend limits on construction hours to protect neighbour's amenities.

Rights of Way - Public Footpath Bradford Western 24, known as Close Head Lane, runs alongside the proposed access. No objections are raised to the proposal but note that integrity of the retaining walls should be maintained. The future liability of the wall will lie with the landowner adjacent to the footpath. Also note that the existing fence should be retained to plots 1-3. Attention is also required to the area of land to the south of the properties and north of the path.

Trees Section - Note there is planning permission for five units on this site. The current proposal is in outline but the indicative plan appears to show that a number of units are located closer to the trees in Thornton Cemetery. Recommend that when the final layout is designed, care should be taken to ensure that these trees are not harmed.

Biodiversity Team - No comments received.

British Horse Society - No comments received.

Summary of Main Issues:

1. Principle of the Development
2. Density
3. Visual Impact
4. Residential Amenity
5. Highway Safety
6. Contamination
7. Flood Risk & Drainage
8. Contributions and the Community Infrastructure Levy
9. Other Issues Raised in Representations

Appraisal:

1. Principle of the Development

The main portion of the site forms the northern part of a much larger Phase 1 Allocated Housing Site on the RUDP. The principle of residential development of this part of the site is clearly established by this allocation. The main issue relates to the path of the access road which runs to the north alongside an existing footpath through land allocated as Green Belt. Paragraph 90 of the National Planning Policy Framework (NPPF) allows for engineering options to be carried out within the Green Belt where they preserve its openness and do not conflict with the purposes of including land within it.

The original intentions when allocating this site for housing purposes was that access would be taken from Thornton Road. The land is within three separate ownerships with only the land included within this application being within the Council's ownership. Planning permission was acquired for the development of the whole of the housing site in

1995 and renewed in 1998 and then again acquired in 2007 and renewed once again in 2012. The site has been extensively but unsuccessfully marketed in this time.

Following this an application for 16 dwellings was submitted and this sought to create an adoptable access. There is a very steep drop in levels from Hill Top Road to the site, which would have resulted in a significant intrusion in the Green Belt as a result of significant retaining structures. This access road followed the line of the adjacent footpath and entered the site towards its southern end. This was followed by an application for 5 units which proposed a steeper access road which more closely followed the contours of the land. This access road would not have been to adoptable standards. This application was approved by the Bradford Area Planning Panel in July 2016.

The current application proposes an adoptable access road which runs along the northern boundary of the site rather than projecting further south before turning into the area to be developed. This in effect reduces the amount of new road proposed whilst achieving a gradient which can be adopted by the Highways Authority. The approval for 5 units proposed an access road which fell at a gradient of 1 in 7.5 for its main section whilst the current application achieves a gradient of 1 in 8. The proposed access is wider than that previously approved being around 8m for its main section as opposed to the previously approved 5.6m. When this is balanced against the reduced length and revised route of the road, there is not considered to be any greater impact on the openness of the Green Belt or the purposes of including land within it than previously approved. It is therefore considered to be justified by Paragraph 89 of the RUDP and Policy GB1 of the RUDP. The impact of the access road will be further reduced by its position alongside an existing footpath and by landscaping running alongside it.

It is also well publicised that Bradford has experienced a sizeable and persistent under delivery of housing for many years and also does not have a five-year supply of deliverable sites as required by the NPPF. The approval of this application would make a contribution towards meeting this housing need on an allocated housing site. The principle of this development is therefore considered to be acceptable subject to its local impact.

2. Density

Policy H7 of the RUDP requires housing developments to achieve a housing density of at least 30 dwellings per hectare (dph) and Policy H8 requires the efficient use of land. This is also reflected by Policy HO5 of the Core Strategy. This development would achieve a housing density of around 27dph. Whilst this is slightly lower than the requirement outlined above given the steepness of the site and the proximity of mature trees to the eastern boundary it may be difficult to achieve a higher density. In any case this application is made in outline with only access being considered and the actual layout will be considered at the reserved matters stage. As a consequence of the above the proposal is considered to represent an efficient form of development.

3. Highway Safety

The application reserves all matters for later approval except for access to the site. As has been outline above there have been a series of applications on this site with the approvals either taking access from the south or proposing a steep un-adopted access road. The previous application proposed a gradient of 1 in 40 for the first 10m which then dropped

away at a 1 in 7.5 for most of length before it curved into the site of the proposed dwellings which had a gradient of 1 in 19.

Ideally the maximum desirable gradient would be 1 in 12 for the main length of the road and 1 in 15 within the site where there is direct drive access. Given the steep gradients in this area this is not achievable without significant engineering works and retaining structure which would have clashed with Green Belt policy and resulted in unsightly retaining structures. The current application proposes a gradient of 1 in 8 for the main length of the road and 1 in 12 within the site where there is direct drive access. This is considered to be a reasonable balance between the highway safety issues, the Green Belt issues and the visual impact of the proposals.

The Highways Engineer initially requested consideration of the highway drainage at this stage but since has confirmed that this can be the subject of an appropriately worded condition. This was the same approach taken on the approval for five units granted last year. Overall subject to conditions the proposal is considered to be acceptable from a highway safety perspective.

4. Residential Amenity

There are residential properties immediately to the south which face towards this site. Whilst it is noted that this application reserves the layout and scale of the development for later approval the indicative plans retain a separation distance of around 33m at its closest point between the proposed development and these properties. This is considered to be sufficient to avoid any significant overlooking between these properties and to avoid the proposed dwellings being over-dominant.

A retaining structure of around 2m in height is proposed around 15m from the rear wall of these properties. The previous application approved a retaining structure of 1.8m in height around 8.9m from these properties. There is a band of mature trees along this boundary which tower above the houses on Close Head Lane and these would not be affected by the current proposals. There do appear to be some habitable room windows in the rear of these properties but given the presence of the existing trees, the separation distance and the relatively low height of the retaining structure there is considered to be sufficient distance to avoid any overbearing impact to these properties. The submitted drawings are considered to demonstrate that this site can be developed without causing any significant harm to neighbour's amenities.

The proposed development will necessitate significant excavations within the site. In order to retain some control over the number and frequency of Heavy Goods Vehicle (HGV) movements in the area a condition which requires the submission of a method statement relating to the preparation of the site for development should be attached to any approval of this application. This would secure details of the amount of material to be removed, the number of associated HGV movements and mitigation measures to deal with noise, dust and vibration.

An indicative plan has been provided which shows how the site could be laid out. This layout provides a reasonable degree of amenity for most of the proposed dwellings but there is a potential clash between the front of plot 10 and plot 9. Only access is being

considered in this application and this issue could be resolved at the reserved matters stage with section drawings showing the relationship between these properties.

Overall subject to conditions the proposal is not considered to be harmful to residential amenity.

5. Visual Amenity

The application reserves all matters save access for later approval but indicative plans of the layout and scale of the development have been provided.

The proposed access point would run alongside an existing footpath and the plans indicate that it is bound on both sides by dry stone retaining walls. A condition requiring the submission of landscaping scheme for the land to the sides of the road will also assist in softening the building's impact. Whilst the proposed access road will run across currently open land subject to the use of appropriate materials for the walls and a good landscaping scheme this aspect of the proposal is not considered to be harmful to visual amenity. The layout, scale, appearance and landscaping of the site are all reserved for later approval however the indicative plans showing a potential site layout and scale of development are provided. These indicate that the site could be developed in a manner which would not be harmful to visual amenity though it is noted that the proposed dwellings appear to be sited very close to mature trees within the cemetery to the east. Any final layout agreed as part of a reserved matters application will need to take the position of these trees into account.

Full consideration of these issues will be made at the reserved matters stage. At this stage subject to conditions to secure details of the materials for the dry-stone wall and a landscaping scheme the proposal is not considered to be harmful to visual amenity.

6. Land Stability

The site slopes very steeply to the south and in order to accommodate the development significant retaining works will be required. Paragraphs 120 and 121 of the NPPF note that the responsibility for securing a safe development rests with the developer and landowner. It does however require sufficient site investigation information, prepared by a competent person, to demonstrate that the site is suitable for the new development. The application includes information which indicates that the risk of landslide and instability issues is low though some issues are possible to the northern edge of the site. The Council's Structural Engineer advised on the previous application that whilst the risk is low, conditions should be attached to any approval of this application which require intrusive site investigations to establish the future risk of instability issues and secure structural details of all retaining structures. Subject to these conditions the proposal is considered to comply with the NPPF.

7. Flood Risk & Drainage

The site is on land identified as Flood Zone 1 which is at the lowest risk of flooding. The Lead Local Flood Authority has not raised any objections to the proposal subject to conditions which require the submission of drainage details including investigation of the use of sustainable urban drainage systems. Previously it was advised that this may not be possible due to the topography of the site however it is considered to be prudent to attach

a condition requiring its full investigation. A condition is also required to secured details of the foul water drainage. Subject to these conditions the proposal is considered to be acceptable.

8. Contributions and the Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) was formally approved by the Council on 21 March 2017 and took effect on 01 July 2017. CIL is a tariff system that is charged on certain types of new development within the area and it replaces part of the existing Section 106 (S106) system.

CIL is intended to provide infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of the S106 system. The Council has set out a list of those projects or types of infrastructure that it intends to fund though the CIL. This is known as the Regulation 123 List and amongst a number of other things, it includes:

- i) Education including primary and secondary provision.
- ii) Sustainable transport improvement schemes.
- iii) Community sport and recreation facilities.

It is no longer possible to charge for infrastructure items on this list through both S106 agreements and the CIL. A S106 agreement or a S278 agreement cannot then be made towards an infrastructure item already on the List.

This site sits within a 'Residential - Zone 4' within the CIL in which there is no charge placed on development. This figure was imposed by the Planning Inspector on examination of the CIL due to viability issues with developments in parts of the District. In light of the above, it is no longer possible seek the funds sought by the Education team, Parks & Greenspaces or the West Yorkshire Combined Authority. It is noted that CIL calculations are finalised at the reserved matters stage and so if the CIL charges change before this is submitted there may be a charge at that time.

9. Other Issues Raised in Representations

- Concerned by comments that the flooding and drainage issues will be looked at once the build is 'underway'. Also note the use of the word 'sound' to describe these plans.

Response - It is unclear where the comments referred to have come from. If approved this application will carry conditions which require submission of drainage details (including investigation of SUDS) before any works commence on site.

- Local infrastructure is struggling with current capacity, increased road congestion through Thornton village.

Response - The Highways Officers have not raised any objections to this aspect of the development. The proposal is relatively small scale and is unlikely to significantly increase congestion in the area.

- Local services including doctors and dentists are already operating above their capacity to provide a satisfactory service.

Response - The proposed development is relatively small in scale and so it is unlikely to place significant additional pressure for such services in this area. Also it would not be possible to refuse a planning application solely on these grounds.

- There is significant potential for slope instability with relatively small changes in ground conditions.

- Concerned about the state of the wall between Close Head Lane and the fields above it where the proposed development is taking place.

- Who is responsible if there was to be a landslip because of the building work? Who would be liable and who would enforce its repair?

Response - The Council's Structural Engineer advises that the risk of landslides is low however any approval of this application will carry conditions which secure structural details of the retaining structures within the site and a site survey to establish the likelihood of landslides. The responsibility for repairs if there is a landslide would depend on the circumstances however it is not an issue on which a planning application could be refused as this would be a private matter.

- Close Head Lane is used frequently by horse riders, ramblers and walkers. Hope this proposal is not the first of many that would see this area become a housing estate.

Response - The site is part of a larger area of land allocated for housing on the RUDP and so it is possible that the remainder of this site may be developed in the future. The land to the north and west is currently allocated as Green Belt.

- Properties in this area should be of a cottage-like appearance.

Response - The appearance of the properties is a reserved matter and will be the subject of a further application in the future. The details shown on the proposed plans are indicative only.

- The area is part of a Tree Preservation Order, so it is imperative that the trees in the area are not harmed.

Response - The indicative site plan positions properties some distance away from the trees on the eastern boundary. An application for reserved matters would finalise the siting of the properties and their relationship with these trees.

- There are bats in the area.

Response - A footnote will be placed on any approval of this application which advises of the protected status of bats.

- Sections showing the relationship with properties on Close Head Lane should be provided.

Response - The submitted plans include sections showing the relationship of the proposed dwellings with those on Close Head Lane. It is noted that these are indicative only at this stage.

- How will proposed security and street lighting affect properties on Close Head Lane.

Response - The application is made in outline and the submitted site layout is indicative only. The layout shown on the submitted drawings however show the proposed dwellings

sitting between the proposed access road and the dwellings on Close Head Lane. This should prevent significant glare from any lighting within the site.

- Further information regarding the public open space and its aftercare. Who will maintain it? What species of trees are going to be planted within it?

Response - The proposal does not propose any public open space. Part of the land to the south of the proposed dwellings will form their gardens whilst the land closest to Close Head Lane does not form part of the site.

- Have any monies been set aside to pay for any increased usage and damage the proposal may cost to local roads?

Response - The proposed development is relatively small which are unlikely to result in significant harm to local roads. It would not be reasonable to request a monetary contribution for this purpose in this case due to the small scale of the development.

Community Safety Implications:

The proposal does not present any community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed development is an appropriate use for this site and would not be harmful to the openness of the Green Belt. The application demonstrates that the site can be developed without causing any significant harm to highway safety, residential amenity or visual amenity. It is therefore considered to comply with Policies GB1, GB2, UR3, H1, H7, H8, TM2, TM12, TM19A, NE3, NE3A, NE4, NE5, NE6, NR16 and P6 of the RUDP and the NPPF.

Conditions of Approval/Reasons for Refusal:

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

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

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

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

3) Before any development is begun plans showing the:-

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

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

Reason: To accord with the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

4) The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

5) 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 in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

6) Before any works towards the site preparation and construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with the approved plan numbered 1549.59.50B 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 Replacement Unitary Development Plan.

7) The development shall not begin until details of a scheme for surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme would also be required to demonstrate that there is no resultant unacceptable risk to controlled waters and should include details of the maximum pass forward flow of surface water from the development.

The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

8) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the water main which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work and to comply with Policy UR3 of the Replacement Unitary Development Plan.

9) The development shall not commence until 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 then be managed in strict accordance to this document over the lifetime of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

10) Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 1549.59.50B 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.

11) Before any part of the development is brought into use, the adoptable visibility splays shall be laid out, hard surfaced, sealed and drained within the highway in accordance with the approved plan numbered 1549.59.50B.

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

12) Before any work begins on site, full structural details, including all necessary calculations of all temporary and permanent retaining structures shall be submitted to and approved in writing by the Local Planning Authority. This should include an investigation of the integrity of the existing retaining wall adjacent to Close Head Lane. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: To ensure the site is adequately retained and to comply with Policy P6 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

13) Before any work begins on site, a report detailing the findings of an intrusive site investigation to establish the likelihood future issues regarding landslides where the land is to be regarded and retained shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the recommendations of this report.

Reason: To ensure the site is adequately retained and to comply with Policy P6 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

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

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

15) The development shall not begin until a scheme of hard and soft landscaping for the land adjacent to the proposed access road has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:-
i) Numbers of trees and shrubs in each position with size of stock, species and variety.
ii) Proposed topsoil depths for grass and shrub areas.
iii) Types of enclosure (fences, railings, walls).
iv) Regraded contours and details of changes in level.
The landscaping shall then be provided in accordance with the approved details before the first occupation of any of the dwellings approved on this site.

Reason: In the interests of visual amenity and to accord with Policy D5 of the Replacement Unitary Development Plan.

16) Prior to the commencement of the development hereby permitted full details of the proposed stone walls adjacent to the access road shall be submitted to and approved in writing by the Local Planning Authority. This should include the submission of a sample of stone to be used in the construction of the walls. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to comply with policies UR3 and D1 of the Replacement Unitary Development Plan.

17) Before any work begins on site a method statement relating to the preparation of the site for development shall be submitted to and approved in writing by the Local Planning Authority. This statement should include details of the volume of material to be removed, the number of associated heavy goods vehicle movements, the hours in which these movements would take place and mitigation measures to deal with noise, dust and vibration. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of amenities of nearby residential properties and highway safety and to comply with Policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

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

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

20) 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.

21) 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.

22) 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.

23) 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.

24) Prior to work commencing on the construction of the proposed any dwellings on this site a scheme for the provision of electric vehicle charging points for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall then be provided before the first occupation of any of the approved dwellings hereby permitted and shall thereafter be kept available for use.

Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the District in accordance with policies UDP3 and UR2 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

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

Reason: To accord with Policy UR3 of the Replacement Unitary Development Plan.

Footnotes:

Footnote: The closest public sewers to this site are situated in Thornton Road & Well Heads, connection to either of these sewers will require extensive off-site works. If it is proposed to discharge flows from the development to an outlet other than the public sewerage system then that outlet must be proved both hydraulically and structurally adequate.

Footnote: Yorkshire Water advises that records indicate a 6" diameter live water main crosses part of the red line site boundary i.e. in the existing/proposed track. The developer is advised to liaise with Yorkshire Water to establish the exact line of the water main. Please contact Yorkshire Water, Distribution Engineering West, Distribution Area Management Office, ROCC, Western Way, Halifax Road, Bradford, BD6 2LZ.

Footnote: All species of bat in Britain are protected by the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats & etc) Regulations 1994 and the

Countryside and Rights of Way Act 2000. This means it is an offence to intentionally or recklessly:

- Kill, injure or handle a bat
- Disturb bats when they are roosting
- Obstruct, damage or destroy the places where bats live
- Sell, hire, barter or exchange a bat whether alive or dead
- Keep bats in captivity.

If bats are uncovered during the development, works must stop immediately and English Nature consulted for further advice. Whether bats are found or not, the developer is also encouraged to consider the inclusion of bat boxes/bricks within the development.