

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 28th September 2017

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Subject:

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

Summary statement:

The proposal relates to the construction of a residential scheme of 41 dwellings comprising 19 open market dwellings and 22 socially rented. There is a mix of house sizes proposed including 12x2 bed, 10x3 bed and 19x4+bed. Access to the site will be taken directly from Arthur Street.

The layout of the development is such that it will not have a significantly detrimental impact on the residential amenities of the occupiers of the adjacent dwellings to the east, south and west whilst the design of the dwellings is considered to be in keeping with the overall character of the area. The access to the site will be taken from Arthur Street and the Highways Authority have not raised any objection to this subject to the carrying out of some off-site highway works to improve Arthur Street. The proposal will result in the loss of a number of trees that are protected through a Tree Preservation Order. The Applicant has offered a compensatory payment of £25,000 to allow replanting to take place within the Ward. This figure has been supported by a Financial Viability Appraisal as it is below the figure requested by the Tree Officer (£48,540). The Appraisal has been assessed by the Council and the offer has been considered to be acceptable.

Through the attachment of the proposed conditions and a Section 106 Legal Agreement to secure the affordable housing and compensatory payment for the loss of the trees 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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

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

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

The Committee can approve the application as per the recommendation contained within the main report, or refuse the application. If 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 commercial. 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).

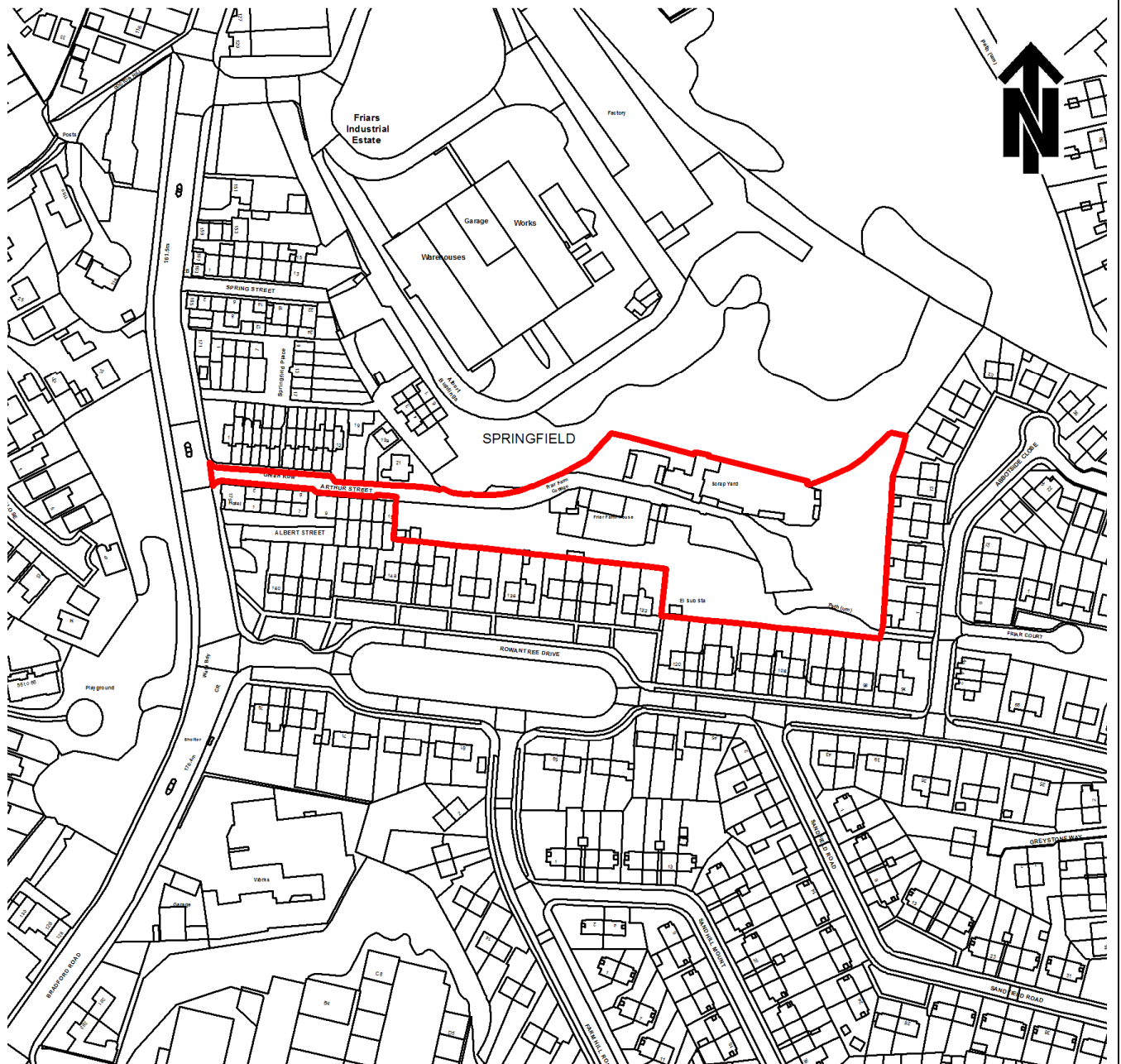
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/04224/MAF

17/04224/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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Land at Arthur Street
Bradford
BD10 8SL

Appendix 1

28 September 2017

Ward: Eccleshill

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT TO SECURE THE PROVISION OF THE AFFORDABLE HOUSING UNITS AND THE COMMUTED SUM TO COMPENSATE FOR THE LOSS OF THE TREES ON SITE

Application Number:

17/04224/MAF

Type of Application/Proposal and Address:

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

Applicant:

Mr Darren Ingham (Solo Developments and Construction Ltd and Incommunities)

Agent:

Mr Kevin Twigger (KRT Associates Limited)

Site Description:

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

Relevant Site History:

Planning permission was refused on the 27th July 2017 under reference 16/08854/MAF for the construction of a residential development scheme including infrastructure, landscape, access and all associated external works for the following reasons:

1. The proposed development, by reason of the restricted width of the entrance to the site from Arthur Street, would give rise to serious highway safety implications being detrimental to the free flow of traffic and pedestrian safety and would therefore be contrary to policies UR3, D1 and TM19A of the Replacement Unitary Development Plan.
2. The proposed development would create increased pressure on the existing education and recreation infrastructure and no mitigation measures have been offered. The proposal is therefore contrary to policies CF2 and OS5 of the Replacement Unitary Development Plan.
3. The proposed development would lead to the loss of a significant number of protected trees without adequate compensatory provision to the detriment of visual

amenity and would therefore be contrary to policies NE4 and NE5 of the Replacement Unitary Development Plan.

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.

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

N/A

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC9 Making Great Places
EC4 Sustainable Economic Growth
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection

EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID2 Viability
ID3 Developer Contributions

Parish Council:

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 18th August 2017.

As a result of the publicity exercise 19 representations have been received objecting to the proposal.

Summary of Representations Received:

Principle:

- The site represents one of the few remaining open spaces in the Thorpe Edge area and supports urban fox, bats and an owl population
- At least two established business undertakings will have to close with the potential loss of much needed local employment

Highways:

- The application only looks at the site itself and not the surrounding area such as the existing roadway of Arthur Street or its junction with Bradford Road
- The danger of additional traffic along Arthur Street and its almost blind junction with Bradford Road have been totally ignored
- Arthur Street is a narrow roadway, with parked vehicles from the terraced houses to its south making it effectively a single track road, the prospect of having a further 41 properties with the associated cars and daily traffic movements up and down it look almost impossible, and certainly a major problem for the existing users of Arthur Street both vehicular and pedestrian
- There are some properties on Albert Street that do not benefit from off-street car parking and the increase in traffic
- Why has no one from the council noted that there is no parking on Albert Street
- My house was sold to me WITH on street parking 10 years ago
- Arthur Street cannot cope with another 60+ cars coming onto or off of the street it is a blind corner

Trees:

- Will any of the funding secured for the replacement trees be used in the area or will it disappear into the Council coffers?
- What will happen to the retained trees that are affected by the development?

Infrastructure:

- There is nothing submitted that will change the Committees decision in that the development will still cause increased pressure on the education and recreation infrastructure
- Where are the new school places, additional capacity at places such as local Doctors etc, coming from? There is no infrastructure to accommodate further development
- The recent development of 28 properties on Abbotside Close for another social housing landlord has brought with it a change to the area - traffic being driven at ridiculous speed, drug deals being carried out in the open street, caravans being burnt out then scrapped on the driveways of the new properties, furniture and other no longer required household items simply being dumped over fences and left to rot and this brings blight to the area and neighbouring properties

Residential amenity:

- Over the last 4 years there have been 4 major housing developments within 500 metres of the site and existing residents of the area have endured almost non-stop construction traffic, noise, inconvenience and the dust and dirt arising from construction
- Impact on the residential amenity of neighbouring properties through overlooking and possibly through different finished land levels

Others:

- The bat survey was not undertaken during the dusk hours when we regularly see bats flying in our garden, which is on the eastern boundary with the bats coming from the area of the development
- The creation of your "emergency link" with "removable bollards" will only add to the problem of the use of unlicensed and unregistered motorcycles by providing a short cut through to Bradford Road
- The boundary plan makes detailed reference to the internal types of wall and fences to be used and that on the northern edge of the site, but makes no reference to what is proposed for the Eastern and Southern boundaries where the site comes up against existing residential properties
- The residents feelings and considerations of Arthur Street have not been taken in to consideration and no reasonable resolution has been proposed

Consultations:

Rights Of Way – No objection in principle to the development but state that Bradford North Public Footpath 351 crosses the site and a link should be provided along the drive of plots 21-24 and the continuation of the path to its junction with Abbotside Close should also be improved as required. The alignment of the proposed estate road differs to the current line of the un-adopted road (that part of Arthur Street) and its junction with the public footpath. Therefore a diversion/closure order will need to be completed before any works can be carried out.

Highways DC (Non-transport Assessment) – No objection subject to the imposition of appropriate conditions and the Developer entering into a Section 278 Agreement to secure the off-site highway works required to make the development acceptable

West Yorkshire Combined Authority (Highways) – No objection to the principle of the development but seek the payment of a commuted sum of £9,331.85p to be used towards the provision of a Residential MetroCard Scheme

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

Minerals Section – No objection to the principle of development in relation to the impact on minerals however concern is raised in relation to the loss of the existing scrap yard use on the site in that existing waste management facilities are safeguarded through policy WDM3 of the emerging Waste Development Plan Document

West Yorkshire Police – No objection to the principle of the development but comments on specific aspects of the layout

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

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

Drainage – No objection subject to the imposition of a condition relating to the disposal of foul water drainage

Trees Section – No further comments to those raised as part of application 16/08854/MAF in that a contribution of £48,540 would be requested in lieu of the trees to be lost to enable replanting to take place

Development and Enabling – No objection to the principle of the development. There is a requirement for 2 & 3 bedroom houses in the area and this should be provided via an agreement with a housing association that has the capacity to manage the tenancies created at these properties

Education (Client Team) – The development may cause concerns as to where children of the families occupying the site might attend school in that local schools are operating at near capacity

Sport & Leisure – The proposal will result in increased pressure on the existing recreational facilities. If open spaces are to be provided on site the developer must maintain them themselves or alternatively pay a commuted sum to the Council for a period of 25 years for the Council to maintain them

Economic Development Unit – No objection in relation to the viability of the scheme and concurs with the findings of the submitted appraisal

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage

6. Trees
7. Secured by design
8. Contaminated land
9. Biodiversity issues
10. Community Infrastructure Levy
11. Other issues

Appraisal:

The proposal relates to the construction of a residential scheme of 41 dwellings comprising 19 open market dwellings and 22 socially rented. There is a mix of house sizes proposed including 12x2 bed, 10x3 bed and 19x4+bed. Access to the site will be taken directly from Arthur Street.

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 unallocated within the Replacement Unitary Development Plan and is currently occupied by a number of single storey industrial buildings used as a garage and scrap yard. Policy EC4 of the Core Strategy seeks to support economic and employment growth and in order to do this will, amongst other things, refuse planning permission for alternative development of land and buildings currently in use for business or industrial purposes within urban area unless it can be demonstrated that

the site is no longer suitable for such a use in relation to issues such as location, accessibility, and, adjacent land uses.

The site is bounded to the east, south and west by existing residential development and whilst there are a number of trees along the joint boundaries it is not considered that the site is a suitable location for the existing use. Access is relatively poor for the types of vehicles that will visit the site and they will use Arthur Street as the sole access which does not benefit from off-street parking to serve all the dwellings. It also has the potential to cause nuisance to the neighbouring residential dwellings. As such the loss of the use on the site would not be contrary to the terms of policy EC4.

One of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City
- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

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

Policy HO6 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way the Council will give priority to the development of previously developed land and buildings. It also states that District wide there should be a minimum of 50% of total new housing development over the Local Plan period will be on previously developed land.

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

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

The proposed scheme does incorporate a mix of dwelling sizes including 12x2 bed, 10x3 bed and 19x4+bed as well as a mix of tenure including both open market dwellings and socially rented.

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

The current use of part the site is a scrap yard and policy WDM3 of the emerging Waste Development Plan Document, in relation to safeguarding existing waste management facilities, states that the Council will resist the loss of existing facilities through redevelopment or change of use for any other purposes other than waste management, unless the applicant can demonstrate any of the particular circumstances exist:

a) There is no longer any identified need for the facility or site across any form of waste arising in the District and sub-region, and such a facility could be accommodated elsewhere; or

b) the facility or site does not accord with Bradford's core waste policies or cannot contribute to the waste hierarchy's objectives; or

c) the use of the facility or site for waste management activities are proved to be obsolete or economically unviable and market testing effectively demonstrates that other waste operators would not bring the site facility or site into use there is no realistic prospect of the site being used for waste management purposes; or

d) an alternative, suitable waste facility site is identified elsewhere in the District enabling a site swap that is capable of satisfying the site location criteria for the waste management facility.

The Waste Development Plan Document does carry substantial weight in that it has been through examination in public and the Planning Inspector has submitted a report which found it to be sound subject to certain main modifications.

Only a small section of the site is used as a scrap yard with the remainder of the site used as a parking area, storage, open areas and the tree copses. Whilst the policy does carry some relevance to the site it is considered that the scrap yard is small in nature and does not play a significant role in the waste management activities within the District. Its location adjacent to residential development, access along Arthur Street and the unrestricted hours of use do make it a nuisance neighbour to the surrounding residential properties.

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

2. Visual amenity

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

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

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

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

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The site is located in an area where there are existing residential properties to the east, south, and, west. These dwellings a mix of design and materials and include 2 storey semi-detached and terraced dwellings (of brick, render and concrete tile construction) as well as a row of traditional stone built terraced dwellings running along the southern edge of Arthur Street.

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

3. Residential amenity

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

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

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

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

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

The second relationship to consider is that with the dwellings to the south on Rowantree Drive. The relationships comprise both front/rear elevation to gable end, for example, 142 Rowantree Drive to plot 2, and rear elevation to rear elevation, for example 124 Rowantree Drive to plot 10. The separation distances range between 6-14 metres (rear elevation to gable end) and 18-28 metres (rear elevation to rear elevation). These separation distances are considered acceptable and will not impact on the residential amenities of the occupiers of the existing or proposed dwellings.

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

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

Within the site the separation distances generally comply with the policy requirements. Where there is a shortfall it is where the dwellings front directly onto the road and any

future occupiers of the dwellings will be aware of the relationships prior to moving into the dwellings.

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

4. Highway safety

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

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.

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

The previous application under reference 16/08854/MAF for an identical development was refused on a number of grounds including a specific highways reason which stated the following:

The proposed development, by reason of the restricted width of the entrance to the site from Arthur Street, would give rise to serious highway safety implications being detrimental to the free flow of traffic and pedestrian safety and would therefore be contrary to policies UR3, D1 and TM19A of the Replacement Unitary Development Plan.

No technical objection was raised to the previous scheme by the Highways Department in that it was considered that Arthur Street could accommodate the additional traffic generated by the proposed development although it would result in a change on movement and vehicle patterns from the existing use. It was also considered that the

junction of Arthur Street and Bradford Road is of an adequate design to accommodate the additional traffic generated by the proposed development.

With regard to the current proposal the Highways Department did request changes to the layout in relation to the minimum centre line radius (20 metres) for a bend within this type of residential road and the removal of the previously proposed traffic calming measures. The Highways Department have stated that the current proposal will require the developer to carry out works on Arthur Street to support the proposed development i.e. upgrade of the existing highway to a specification agreed with the Highways Department. In order to carry out the works within the highway the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council and this is conditioned accordingly.

The Rights Of Way Officer has stated that Bradford North Public Footpath 351 crosses the site and no objection is raised to the proposal subject to there being a link to the footpath at its junction with Abbotside Close. This is provided down the private drive serving plots 21-24. They have also pointed out that the alignment of the proposed estate road differs to the current line of the un-adopted road (that part of Arthur Street) and its junction with the public footpath and therefore a diversion/closure order will need to be completed before any works can be carried out. An appropriate note is recommended to be attached to a planning permission.

The West Yorkshire Combined Authority have not raised an objection to the principle of the development but in order to improve the sustainability of the site and encourage the use of public transport they are seeking the payment of a commuted sum of £9,331.85p to be used towards the provision of a Residential MetroCard Scheme. A Financial Viability Appraisal has been submitted by the Applicant, and subsequently assessed by the Councils Economic Development Unit, which shows the profit levels associated with the development to be significantly lower than the 20% which is the accepted norm within the development industry. As such there is no capacity within the scheme to offer this contribution and it is therefore recommended that in this instance it is waived.

5. Drainage

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

With regards to the drainage of the site it is proposed to connect to the main sewer in relation to the disposal of both foul sewage and surface water whilst a sustainable drainage system will also be used for the disposal of surface water. No objections have been raised to the proposed methods of drainage subject to the imposition of appropriate conditions.

6. Trees

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

There is a small copse of trees located in the south western section of the site and scattered along the southern boundary. These trees are protected by a Tree Preservation Order. The layout of the proposed development will result in the loss of all these trees. Whilst the Tree Officer would prefer to see the retention of the trees, and has objected to the proposal on the basis of the loss of the trees, they would be prepared to accept the loss of the trees subject to replanting on a 1:1 basis being undertaken elsewhere by the Applicant or a commuted sum paid to allow the Council to undertake replacement planting. The Applicant has accepted the need to compensate for the loss of the trees and has agreed to pay a commuted sum to allow replacement planting elsewhere within the vicinity of the site. This commuted sum has been calculated using the cavat process (Capital Asset Value for Amenity Trees) and equates to £48,540. This money will be secured through a Section 106 Legal Agreement.

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

As part of the previous application under reference 16/08854/MAF the Applicant offered £5,000 as compensatory payment for the loss of the trees. This figure was based on the viability of the site. This amount was considered to be inadequate and subsequently formed part of the refusal reasons for that application.

The Applicant has now offered £25,000 as a compensatory payment for the loss of the trees. It is still significantly lower than the sum requested by the Trees Officer but the offer has been supported by the submission of a Financial Viability Appraisal has been submitted by the Applicant, and subsequently assessed by the Council's Economic Development Unit, which shows the profit levels associated with the development to be significantly lower than the 20% which is the accepted norm within the development industry. As such there is no capacity within the scheme to offer the full contribution and therefore, in this instance, it is recommended that the offer of £25,000 be accepted. This money will be secured through a Section 106 Legal Agreement.

7. Secured by design

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

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

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it, these being as follows:

Boundary treatments – The layout and proposed boundary treatments are considered to be acceptable – *An appropriate condition is recommended to ensure that the boundary treatment is installed in accordance with the details submitted.*

Lighting – It is recommended that external lighting is installed to the front and rear doorways and should be in the form of Photo cell or dusk until dawn lighting which are energy efficient and cost effective to use – *the provision of external lighting is outside the control of the planning system and does not require planning permission to install. If the Developer is not prepared to install such lighting the residents can do so without the need to submit a formal planning application.*

Comments are also made about the installation of appropriate doors and windows and intruder alarms/spur points. These are not covered by the planning system and are incorporated within Building Regulations Approved Document Q.

8. Contaminated land

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

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.

A Geoenvironmental Appraisal Report has been submitted with the application and states the site currently comprises an active scrap yard and garage services within the central northern portion, and a residential property with associated private garden within the central southern portion. The majority of the other parts of the site are covered by dense vegetation, comprising semi mature/mature trees, low-lying shrubs and rough grassland. Previous uses of the site include agricultural land, private garages and an electrical sub-station.

Within close proximity of the site there are a number of significant historical potentially contaminative land uses and these include garage services, old shafts, sandstone

quarries (some backfilled), brick and tile works, mill/mill ponds, railway land, works and refuse tips. There are also a number of historical landfill sites within 1 km of the site.

The report incorporates results of the testing of the land and as a result goes on to make a number of outline remediation options and concludes by recommending that “A remediation strategy report should be produced and agreed with the regulatory authorities prior to commencement of remediation/ground preparatory works.”

Gas monitoring results were submitted in an addendum report. The report advises “Based on the results received, we would recommend that a hydrocarbon resistant membrane is installed specifically within those plots located within the scrap yard. Alternatively and based on the chemical analyses from the earlier GAR, soils exhibiting significant hydrocarbon contamination are removed as part of the enabling works, thereby effectively removing any source.”

The Environmental Protection Team concur with findings of the Geoenvironmental Appraisal report which concludes by recommending that “A remediation strategy report should be produced and agreed with the regulatory authorities prior to commencement of remediation/ground preparatory works.” Appropriate conditions are therefore recommended.

The Minerals Officer has stated that the site is located within a Minerals Safeguarding Area for clay, sandstone and coal, that is the area has been identified as containing a potential mineral resource that should be considered for extraction prior to development in order to prevent the sterilisation of the mineral. In accordance with policy EN12 of the Core Strategy, it is a requirement for such developments to give due consideration to extraction prior to development. However, it is highly unlikely that it would be viable to extract any minerals that maybe present.

9. Biodiversity issues

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

An Ecological Report has been submitted with the application which identifies that the two buildings on the site have either moderate value or negligible likelihood of supporting roosting bats and also states that the removal of the trees and scrub and the installation of lighting could impact on foraging areas and flight lines/commuting roots of the bats. The Report recommends that a Preliminary Roost Assessment for all buildings on the site together with one or more emergence surveys are likely to be required. Should bats be found the demolition of the buildings will have to be carried out under licence and appropriate mitigation required. It should be pointed out that bats are afforded protection under the Wildlife and Countryside Act 1981 and not under planning legislation. Appropriate conditions relating to the submission of these surveys are recommended.

The Ecological Report also recommends a number of mitigation measures to maximise the biodiversity value of the site post-development and these include the installation of a number of bird and bat boxes on both the dwellings and retained trees, the inclusion

of plant species of known value to wildlife in any landscape design proposals, and, ecological input to landscape plans and the production of a constraints and opportunities plan and strategy. Again an appropriate condition is recommended to secure the implementation of these mitigation measures.

10. Affordable housing

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

The site is located in an area where the affordable housing requirement is upto 15% of the number of units to be provided to a Registered Provider. Housing Services have stated that the need in the area equates to 2 & 3 bedroom houses. The development incorporates 22 socially rented dwellings which equate to 54% of the number of units. This is significantly above the normal requirement for this area and as such the scheme is supported. However, it is expected that the social housing will be provided via agreement with a housing association (Registered Provider) that has the capacity to manage the tenancies created at these properties.

11. Community Infrastructure Levy (CIL)

The site is located within a nil CIL area and therefore will not generate any monies towards infrastructure provision under the CIL legislation.

12. Other issues

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

The boundary plan makes detailed reference to the internal types of wall and fences to be used and that on the northern edge of the site, but makes no reference to what is proposed for the Eastern and Southern boundaries where the site comes up against existing residential properties – *the plan submitted showing the proposed boundary treatments incorporates a 1.8 metre high closed boarded timber fence along the boundaries of the site.*

The residents feelings and considerations of Arthur Street have not been taken in to consideration and no reasonable resolution has been proposed – *all the comments raised during the publicity exercise are considered and assessed but in this instance it is considered that the proposal is acceptable for the reasons outlined in the earlier sections of this report.*

Community Safety Implications:

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

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this is prohibited by the Act, advancing equality of opportunity between people who share a protected

characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The scheme provides a residential development on a previously-developed land. The layout of the proposal is acceptable and presents no concerns with regard to residential amenity and highway safety. The proposal is considered acceptable and, with the proposed Section 106 Legal Agreement securing the affordable housing and compensatory payment for the loss of the trees, and the attached conditions, satisfies the requirements of policies P1, SC1, SC4, SC9, EC4, TR1, TR2, TR3, HO5, HO6, HO8, HO9, HO11, EN2, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, DS5, ID2, and, ID3 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time limit

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. Sewer easement

No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the 375 mm diameter public sewer, i.e. a protected strip width of 6 metres, that crosses 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 and that prior to construction in the affected area, the approved works have been undertaken

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with policy EN7 of the Local Plan for Bradford.

3. Separate foul/surface water drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 6 (six) litres per second.

Reason: In the interest of satisfactory and sustainable drainage and to accord with policy EN7 of the Local Plan for Bradford.

4. Surface water disposal

No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to:-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority .

Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and to accord with policy EN7 of the Local Plan for Bradford.

5. 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 restricted to Greenfield runoff rate.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

6. 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 EN7 of the Local Plan for Bradford.

7. 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 EN7 of the Local Plan for Bradford.

8. Remediation strategy

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

shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN7 of the Local Plan for Bradford.

9. Remediation verification

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN7 of the Local Plan for Bradford.

10. Unexpected contamination

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN7 of the Local Plan for Bradford.

11. Materials importation

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN7 of the Local Plan for Bradford.

12. Highway Improvement before Use

Before any works towards the development starts on site full details and specifications of the works associated with Arthur Street, i.e. upgrade of the existing highway shown hatched on the proposed site Plan Ref: 1157-03 Rev Q (dated 25.08.17), shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 and Appendix 4 of the Core Strategy.

13. Means of 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 policies DS4 and DS5 of the Local Plan for Bradford.

14. 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 policies DS4 and DS5 of the Local Plan for Bradford.

15. 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 policies DS4 and DS5 of the Local Plan for Bradford.

16. Construction Plan

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

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- 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 TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

17. Wheel wash facility

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

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

18. Electric Vehicle Charging Points

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

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

19. Construction Environmental Management Plan

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

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

20. 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 policy DS1 of the Local Plan for Bradford.

21. Root protection plan

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

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

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with policy EN5 of the Local Plan for Bradford.

22. 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 policy DS1 of the Local Plan for Bradford.

23. Biodiversity enhancements

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

Reason: To enhance the biological value of the site and to accord with policy EN2 of the Local Plan for Bradford.

Informative:

The developer's attention is drawn to the fact that an acceptable Public Path Order must be obtained as necessary and the most appropriate route selected for the new adopted path, before any development takes place. Details of the procedures may be discussed with Stephen Jenkinson - 01535 618316 of the Transportation and Planning Service. It cannot be assumed that development can automatically take place where a highway/right of way is affected by it, because the general public may successfully object to its closure or diversion. If such objections are not withdrawn then development may not commence unless the Order is confirmed by the Secretary of State. If no objections are received the Order must first be approved by the Council as Highway Authority. In any event, the process will generally take at least 12 months, and thus applicants are advised to discuss their requirements as soon as possible.