

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 8 February 2018

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Subject:

This is an application for outline planning permission, with all matters reserved, for the construction of 23 residential units on Land at Kings Drive, Bolton Hall Road, Bradford.

Summary statement:

The proposal relates to the construction of a scheme of 23 residential units consisting of 17 dwellings and 6 bungalows, of which 5 units are to be provided on an affordable rent basis. Access to the site is taken from Kings Drive.

A full assessment of the application, relevant planning policies and material planning considerations is included in the report at Appendix 1. Through the attachment of the proposed conditions and a Section 106 Legal Agreement to secure the affordable housing it is considered that the proposal is acceptable and it is recommended that Planning Permission is granted.

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Transportation & Highways)

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Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Economy

1. SUMMARY

This is an application for outline planning permission, with all matters reserved, for the construction of 23 residential units on Land at Kings Drive, Bolton Hall Road, 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 close to a relatively frequent bus route. The site is considered to occupy 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. 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 lower than would be the case for alternative, less sustainable locations. Mitigation measures are also to be incorporated within the development in the form of Electric Vehicle Charging points to encourage the uptake of sustainable modes of travel.

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

To grant outline planning permission subject to the conditions set out in the report attached at appendix 1 and subject to a Section 106 Legal Agreement to secure the provision of affordable housing units.

11. APPENDICES

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

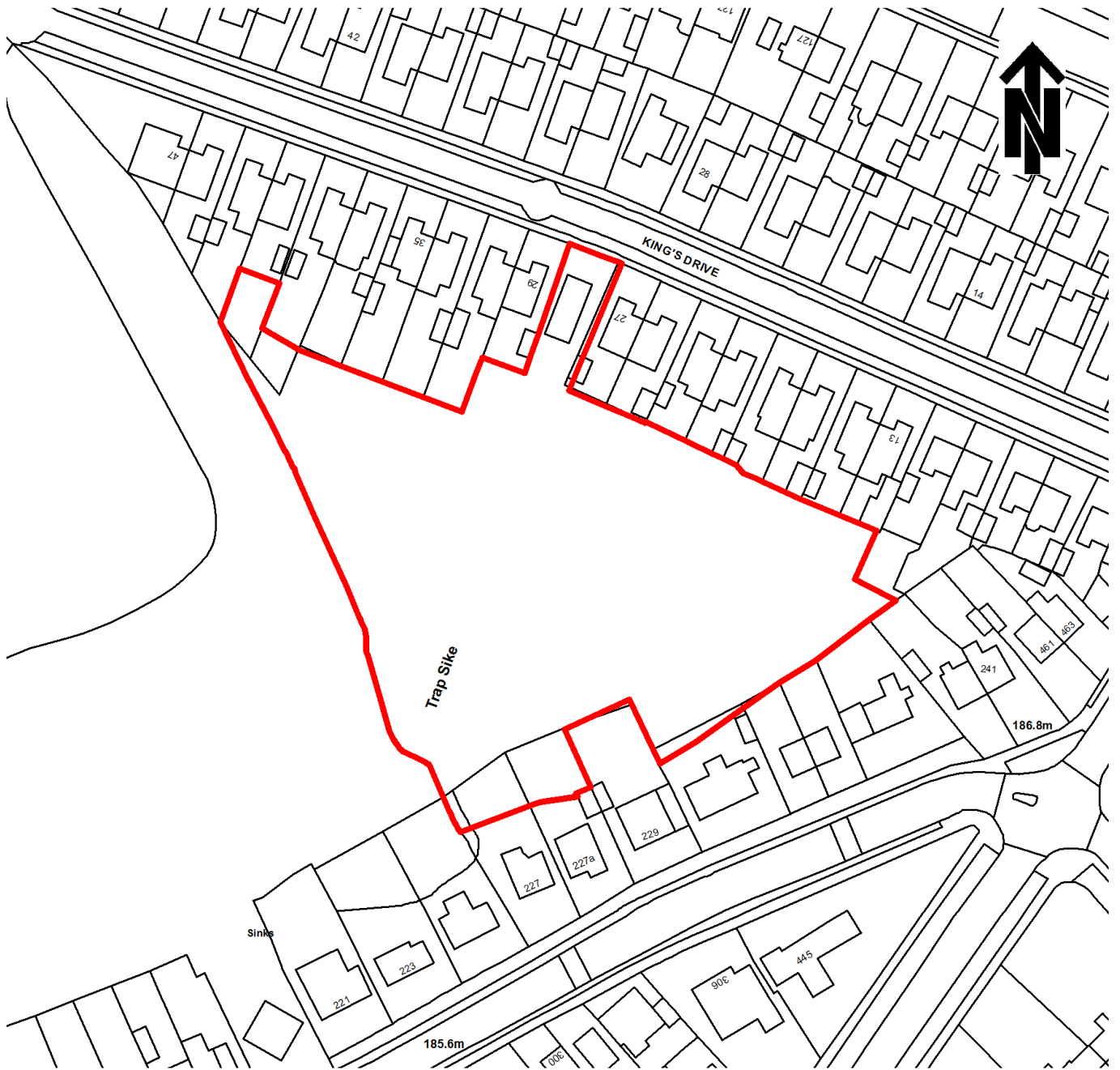
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford

17/05355/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land At Kings Drive
Bolton Hall Road
Bradford**

Appendix 1

8 February 2018

Ward: Windhill and Wrose

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT TO SECURE THE PROVISION OF THE AFFORDABLE HOUSING UNITS

Application Number:

17/05355/MAO

Type of Application/Proposal and Address:

Application for Outline Planning Permission with all matters reserved for the construction of 23 residential units consisting of 17 dwellings and 6 bungalows on Land at Kings Drive, Bolton Hall Road, Bradford.

Applicant:

Mr Simon Holdsworth

Agent:

Halliday Clark

Site Description:

The site is a broadly triangular parcel of land with an area of approximately 0.7ha. The site is predominantly comprised of overgrown and undulating land, with a moderate slope from north to south. The Trap Sike watercourse crosses the site from the site access on Kings Drive to the south-west corner, adjacent to the rear boundary of 227 Bolton Hall Road.

To the north the site adjoins bungalows on Kings Drive; to the south it adjoins two storey residential properties on Livingstone Road and to the east it adjoins a mixture of two storey dwellings and bungalows on Bolton Hall Road.

The site is allocated as recreation open space within the Replacement Unitary Development Plan (RUDP). Immediately to the west there is an allocated playing field, north of which there is a further area of allocated open space containing play equipment.

Relevant Site History:

00/01163/OUT-Detached bungalow-Granted-31.08.2001

03/02256/FUL-Detached Bungalow-Granted-21.10.2003

05/07729/OUT- Residential development and use of land for extensions to existing house gardens-Refused- 05.12.2005

06/00179/OUT- Construction of a residential development and use of land for extensions to existing house gardens-Refused- 24.02.2006. Reasons for refusal:

1. Harm to wildlife and habitat
2. Insufficient information on density with regard to the likely impact of increased traffic flows upon the junctions of King's Drive/Livingstone Road, Livingstone Road/Wrose Road and Wrose Road with Kings Road.
3. Loss of Recreation Open Space.
4. Inadequate affordable housing provision.
5. Failure to demonstrate site sustainability and a sequential approach to the development of land for housing.
6. Inadequate provision of recreation open space, playing fields or an equivalent commuted sum payment to cater for the additional demands likely from the development.

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 18th 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 the adoption of Allocations and Area Action Plan development plan documents. The site is allocated as Recreation Open Space within the RUDP. Accordingly the following saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies

OS2-Recreation Open Space

Core Strategy Policies

P1-Presumption in Favour of Sustainable Development

SC1 Overall Approach and Key Spatial Priorities

SC4 Hierarchy of Settlements

SC9 Making Great Places

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN7 Flood Risk
EN8 Environmental Protection
DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID3 Developer Contributions

Parish Council:

Wrose Parish Council has objected to the proposal on the following grounds:

- Kings Drive does not have sufficient capacity for a further 200 cars.
- This application has been refused three times previously.
- 700 houses are to be built at Bolton Woods Quarry.
- Residents have written to the applicant.
- The land contains mature trees and other habitat which would be lost if developed.

Publicity and Number of Representations:

The application was publicised by press advertisement, site notice and neighbour notification letters. The expiry date for comments in connection with the application was 1st November 2017. 44 letters of objection have been received including a letter of objection from a local ward councillor and a letter of objection from Philip Davies MP.

Summary of Representations Received:

Principle

- The development is on greenfield land which is used by many people
- The land is allocated as recreation open space.
- The development of brownfield land elsewhere would be more appropriate.
- Local housing need will be addressed with the construction of 210 dwellings nearby.
- 46% of the 4400 dwellings needed in north-east Bradford already have planning permission.

Highways

- Increased congestion on Kings Drive
- Kings drive is too narrow to cater for additional traffic
- Livingstone Road is already congested with traffic due to other developments
- The site access is too narrow for two way traffic.
- There is no footpath access into the site.
- Access to dwellings in Kings Drive will be restricted by construction traffic.
- Kings drive is already congested due to dog walkers and users of the park and football pitch.
- On street parking will prevent access for refuse collection.
- The point of access will conflict with road users on Kings Drive.

- A traffic survey of surrounding junctions is required.
- Kings Drive will be damaged by construction traffic.
- Alternative access options should be considered.
- Inadequate visibility at site access

Drainage

- The land is water logged with a stream running through it
- Previous development of the site has been abandoned due to drainage issues
- There is an existing problem with water run-off from gardens on Kings Drive into the site.
- The site acts as an important soakaway for surface water from Kings Drive.
- Increased pressure on the existing sewage network.
- No soakaway tests have been conducted on the site.
- The development will increase water saturation levels at neighbouring properties.
- The development will increase overland water flow.

Visual Amenity

- The new dwellings would not be in keeping with existing dwellings.

Residential Amenity

- The new dwellings will overlook existing properties and gardens.
- The development would result in a loss of views from existing dwellings.
- There will be unacceptable levels of overlooking within the development site.
- Loss of light to neighbouring dwellings.

Environment

- Loss of mature trees
- The development will generate noise, pollution and dust
- Increased traffic movements will diminish air quality

Wildlife

- Loss of habitat for wildlife
- The site forms part of the Bradford Wildlife Habitat Network which should not be fragmented.
- The presence of protected species on the site cannot be ruled out.
- The site is home to foxes, owls, birds of prey, bats, frogs, hedgehogs, voles and snakes
- The site provides foraging habitat for bat populations.

Other

- The application contains inaccuracies.
- The site is less than 0.6 miles from a development of 210 dwellings, including 19 affordable homes, on Bolton Hall Road.
- Schools within a reasonable distance of the site are overcrowded or full.
- The development density is excessive.
- The bungalows are excessive in size.
- There may be worked coal seams below ground which could result in instability.
- Properties neighbouring the site have established lawful use rights of the land

- The development does not provide any open amenity spaces.
- The site owner has not maintained the land appropriately.
- There are the foundations of a bungalow on the site access.
- There is a covenant preventing development of this land.
- Not all neighbours have been notified.
- There is no support for this development from the surrounding community.

Consultations:

Parks and Green Spaces (on behalf of Sport and Leisure) - Parks and Green Spaces Service would have previously requested a recreation commuted sum associated with the attached planning application for the provision or enhancement of Recreation Open Space, Playground and Playing Fields due to the extra demands placed on the locality by this development. However, due to the implementation of CIL from we hereby comment that the development will result in a minimal impact on the existing public open space due to 23 new residential units.

If the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process. If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

Countryside and Rights of Way (Biodiversity) - The loss of part of the existing habitat network is regrettable. However the landscape proposals will provide an acceptable buffer along the south-west side of the site which lies adjacent to the main body of the open habitat outside the site. The landscape proposal will therefore serve to mitigate the fragmentation of the existing habitat network to an acceptable extent.

It is recommended that the native species chosen for this landscaping should reflect as far as possible, those species currently on-site - such as gorse, rowan, silver birch, oak and alder (to replicate the existing line of alder outside the site) plus various native grass species.

In addition to the proposals outlined in the proposed site plan, details of how these areas are to be maintained in the future should be submitted and agreed, with particular emphasis on securing the long-term viability of the proposed swale, and how residents will be prevented/discouraged from fly-tipping garden waste over their boundaries onto the habitat areas.

The recommendations set out in the submitted Preliminary Ecological Appraisal (PEA) are supported in terms of the needs for further survey work to be carried out to establish the presence and use of the site by birds and bats. It is also recommended that amphibian surveys are carried out on the water course to establish if there are any protected species using this feature and to inform mitigation measures. There is also a need for pre-commencement surveys for badgers, invasive species and nesting birds.

N.B The Countryside and Rights of Way Department have confirmed that the submission of survey work can be ensured by the imposition of a planning condition. In the event that the required surveys reveal the need for any specific mitigation measures

these can be incorporated into the detailed design of the development at the reserved matters stage.

Lead Local Flood Authority- The Lead Local Flood Authority (LLFA) has assessed the documentation relating to surface water disposal and flood risk from other sources for the proposed development, against the requirements of the National Planning Policy Framework, Planning Practice Guidance and local planning policies. An assessment of the submitted documentation has been undertaken and no objections are raised subject to the imposition of planning conditions. Specifically, requiring the submission of details and calculations of the proposed means of disposal of surface water drainage; full details and calculations of the proposed means of disposal of foul water drainage and the submission of a Surface Water Drainage Maintenance and Management document .

Highways- The site is accessed from King's Drive. The site access road is designed to adoptable standards and is wide enough to accommodate two way traffic movements.

The worst case traffic generation at peak travel times from this site would be 0.8 trips per dwelling which equates to 18 two way trips for 23 dwellings. The level of traffic generated is well below the 30vph threshold of traffic impact set out in the Department for Transport guidance on transport assessment and therefore it will not have a material impact on the highway network.

The application is outline with the internal layout subject to change. The following issues would need to be addressed at reserved matters stage.

1. The level of car parking provision should be 1 space for 2 bed units and 2 spaces for 3 bed units. Garages should be 6m x 3m if to be counted as a parking space.
2. Refuse vehicle tracking should be submitted.
3. Footway adjacent to No. 29 should extend 2m beyond the ramp.
4. Dead strip of land adjacent to No. 29 should be removed.
5. Footway adjacent to plot 4 should be removed.
6. Hard margin should continue across shared drive.
7. Maintain 5.5m carriageway in turning heads.
8. Visitor parking should be within the adoptable highway.
9. Extend highway limits to the boundaries to remove any dead areas.
10. Remove strips in carriageways.
11. Highway drainage details should be submitted.

Education-The following schools are within a reasonable distance of the proposed development: Primary: Swain House, Blakehill, Low Ash, Poplars Farm, Grove House and St Francis Catholic. Secondary: Hanson Academy, Oasis Academy Lister Park and St Bede's and St Joseph's Catholic. Currently the aforementioned schools are overcrowded or full. Additional development in the area may therefore mean that the Council would need to increase the number of school places in this area

N.B The funding of off-site infrastructure including primary and secondary education is facilitated by the councils adopted Community Infrastructure Levy (CIL). The development site falls within 'Residential Zone 4' of the adopted charging schedule, which is a nil charge zone. Accordingly, a contribution towards primary and secondary education cannot be justified in this location.

Development and Enabling- This site falls within the Windhill and Wrose Council Ward and the number of units proposed are over the 15 units threshold so Affordable Housing provision on site would be required. The quota for this ward is 20% Affordable housing provision and this equates to 5 units. Therefore a minimum of 5 Affordable Housing units should be developed on site and delivered at affordable rent via a Registered Provider.

West Yorkshire Police- There are no details of the type and height of proposed boundary treatments. Boundary treatments should be to a height of 1800mm and be of materials such as masonry or closed boarded timber fencing which provides security to the rear of the properties. Rear plot dividers should be to a minimum height of 1500mm and include an 1800mm high privacy panel adjacent to the rear doorway. Alternatively plot dividers can be to a height of 1500mm and include a 300mm trellis along the top which still allows for surveillance into the neighbouring gardens.

Access should be restricted from the front of each property into rear gardens by installing a 1.8m high gate which incorporates some form of locking mechanism such as hasp and staple lock and pad bolt. Gates should be positioned near to the front building line to increase natural surveillance.

N.B This is an outline planning application with all matters reserved . As such the current application is concerned with the principle of residential development only. All matters relating to access, appearance, landscaping, layout and scale will be subject to consideration under reserved matters application(s). Accordingly it is appropriate for the suggestions made by the Police Architectural Liaison Officer to be incorporated into the development as part of the reserved matters applications.

Yorkshire Water Land Use Planning- The development shall be carried out in accordance with the details shown within the submitted Flood Risk Assessment (prepared by Met Engineers - Report dated September 2017), unless otherwise agreed in writing with the Local Planning Authority.

West Yorkshire Combined Authority- A bus shelter could be provided at bus stop 1667 at a cost of £10,000 to the developer, in order to improve the public transport offer in proximity to the site. A contribution of £11,296 could be provided in order to fund a Residential Metrocard scheme for residents of the new development in order to increase the uptake of public transport.

Environmental Health Air Quality- The proposed development constitutes a minor development for the purpose of the West Yorkshire Low Emission Strategy. Type 1 air quality mitigation measures should be provided in the form of Electric Vehicle (EV) charging points. The provision of EV charging points should be required by planning condition as should the provision of a Construction Emission Management Plan (CEMP) to control emissions from demolition and construction activities.

Planning and Highways Access Forum – Shared surfaces present safety issues for disabled users.

Environmental Health Land Contamination- No objections raised subject to planning conditions requiring the submission of a Phase 2 site investigation scheme, risk assessment and a detailed remediation strategy. Further conditions should be imposed

to control how unexpected contamination is dealt with and to control the quality of any materials imported onto the site

Environmental Health Nuisance- The site is located in an area where there are existing residential properties. Noise generated from construction works is likely to generate complaints to the Councils Environmental Health Department. It is therefore recommended that hours of operation are restricted to the following:

- Monday to Friday 8.00 a.m. to 6 p.m.
- Saturday 8.00 a.m. to 1 p.m.
- Sundays, Public/Bank Holidays No working.

During the construction phase there will be noise and dust generated on the site and therefore control measures will be required.

Landscape Design Unit - A landscape scheme has not been provided for the site and therefore full landscape scheme details will need to be submitted for all of the hard and soft landscaping elements of the proposed development, to include the proposed tree and shrub planting, hedging, grassed areas, surfacing, boundary treatments, retaining walls, street furniture etc. The applicant should refer to the CBMDC Supplementary Planning Document: Landscape Character, Design Guidance (Appendix 4, page 85) for information regarding what will need to be included in the detailed proposals. A planting plan with numbers, sizes and locations of all the tree/shrub/hedge planting, along with a softworks specification will need to be submitted.

A detailed schedule of Landscape Management/Maintenance will also need to be provided for the site to ensure that all of the landscaped areas are maintained to a high standard. For further information the applicant should refer to the above mentioned Supplementary Planning Document.

Generally, a strong landscaping scheme should be provided for the site, with tree and shrub planting generally throughout the site to include along the proposed streets and garden frontage areas, within the front/rear/side gardens and around the site boundaries, in order to soften and enhance the development, help to mitigate the overall visual impact, provide screening/filtering of views from adjacent properties and to help integrate the development into the surrounding environment. The proposed landscaping scheme should be robust in order to aim to help counteract the loss of open space to the area that this proposed development would create.

N.B. This is an outline application with all matters reserved including landscaping. Specific details in relation to the landscaping of the development will be subject to future consideration at reserved matters stage.

Summary of Main Issues:

1. Principle of Development
2. Biodiversity
3. Drainage
4. Highway and Pedestrian Safety
5. Land Contamination
6. Visual Amenity
7. Residential Amenity
8. Community Infrastructure Levy

- 9. Section 106 Planning Obligations
- 10. Other Issues

Appraisal:

1. Principle of Development

The site is allocated as recreation and open space and therefore saved policy OS2 of the Replacement Unitary Development Plan is an applicable consideration. Policy OS2 sets out a presumption against the development of recreation open space unless specific criteria are fulfilled. Specifically, development will not be permitted unless the loss of recreation open space does not lead to or exacerbate a local deficiency in the availability of open space and the site could not be used to help meet any deficiency in another type of open space, or the development proposal provides for equivalent alternative provision in terms of size and quality which is close to existing users. In either case the development should not result in a significant loss of amenity.

The development site is substantially overgrown and there are undulations to the land levels. A dilapidated fence along the west boundary suggests that the site has been previously enclosed and physically separated from the playing pitch and recreation open space to the west.

There is no physical evidence to suggest that the site has ever been utilised for recreational purposes. The Council's Parks and Green Spaces Department have confirmed that development of the site would have a minimal impact on public open space provision in the area. Accordingly the residential development of this site is not considered to lead to or exacerbate a local deficiency in the availability of open space and the proposal is considered to accord with policy OS2 of the RUDP.

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. The adopted Core Strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030. More specifically, policy HO3 of the Core Strategy identifies a need to provide 4400 new homes in north-east Bradford up to 2030.

In the above context there is an urgent need for the Council to provide appropriate housing land. In relation to housing land supply, the National Planning Policy Framework (NPPF) indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment Update Report 2015 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required by the NPPF. Under these circumstances paragraph 14 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date. Paragraph 49 of the NPPF confirms that where a five-year supply of housing land cannot be demonstrated housing applications should be considered with a presumption in favour of sustainable development.

In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. This proposal would make a valuable contribution towards meeting that need. The site is considered to occupy a sustainable location within an established residential area, where shops and services are accessible by travel modes other than the car. Specifically, there are bus services and local shopping facilities located nearby on Wrose Road. The principle of residential development is therefore considered to be acceptable.

The application site is classed as greenfield land, as it is not previously developed. Policy HO6 of the Core Strategy aims to prioritise the use of previously developed land for housing and sets a target of 50% of new housing development to be built on previously developed land over the plan period. However, in the absence of a five-year housing land supply the use of previously developed land cannot be insisted upon and where a site is considered to occupy a sustainable location there must be a presumption in favour of development in line with paragraph 49 of the NPPF.

Policy HO5 of the Core Strategy advises that densities should usually achieve a minimum of 30 dwellings per hectare. This submission has all matters reserved but it includes an indicative site layout plan which illustrates a potential arrangement of 23 residential units. The indicative layout is comprised of 8 pairs of semi-detached dwellings, a single detached dwelling and 3 pairs of semi-detached bungalows, with a single point of access taken from Kings Drive. Approval is not sought for this layout (as all matters are reserved) however it is considered that the indicative plan adequately demonstrates that 23 residential units could be accommodated on the site. The development of 23 houses on the site would equate to a density of 32 dwellings per hectare, which would exceed the density requirements of policy HO5 of the Core Strategy.

2. Biodiversity

The site is not a designated wildlife area, but it does form part of a local grassland habitat network and it contains the Trap Syke Watercourse. It is therefore necessary to establish that development can take place without having an adverse impact on the biodiversity value of the site. Policy EN2 of the Core Strategy seeks to protect and enhance ecological connectivity and green spaces which form networks of habitat or open space.

In particular policy EN2 states that the Council will seek to promote the creation, expansion and improved management of important habitats within the district and more ecologically connected patchworks of grasslands, woodlands and wetlands. Opportunities for specific habitat creation within development proposals will be sought, including provision for future management.

A Preliminary Ecological Appraisal has been submitted which was undertaken in August 2017. The assessment used a 2km area of search around the site for records of protected and notable species and locally or nationally designated wildlife sites.

The appraisal recommends that the development should include a well-conceived landscaping plan, featuring linear native planting and provision for wildlife in the form of retaining or re-creating, some wetland features and providing faunal habitats."

The revised layout plan indicates that the Trap Syke watercourse would be partially culverted, with a section of approximately 25m to be left open adjacent to the main access road into the site, and then diverted (by pipe) to the western boundary of the site where it is proposed to create an open swale running the length of the boundary to the southern corner.

In addition to the provision of the open swale it is proposed to provide a linear wetland habitat along the west boundary adjacent to the swale. This area will be planted with native species, as will smaller pockets of habitat between the garden boundaries and the site boundary (on the southern edge of the site) and alongside the main access road through the centre of the site.

The Council's Countryside and Rights of Way Service have confirmed that the proposed measures will mitigate the fragmentation of the existing habitat network to an acceptable extent.

The Preliminary Ecological Appraisal was undertaken in August 2017 meaning that some areas of the site were inaccessible due to overgrown vegetation. Whilst the findings of the preliminary appraisal do not suggest the presence of any protected species this cannot be unequivocally ruled out. It is therefore suggested that further survey work is undertaken at the appropriate time during the year. The requirement for further survey work can be ensured by a planning condition. In the event that any of the surveys reveal the need for mitigation measures, such measures can be incorporated into the detailed design of the development. The Council's Countryside and Rights of Way Service have confirmed that the conditional requirement for further survey work is acceptable.

The future maintenance and management of landscaped areas including the wetland habitat can be ensured by imposing a suitably worded planning condition.

Subject to the aforementioned conditions the proposal is considered to accord with policy EN2 of the Core Strategy and paragraph 74 of the NPPF.

3. Drainage

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

Watercourse: The site includes the Trap Syke Watercourse. The submitted indicative layout plan indicates that the watercourse would be partially culverted but would be predominantly retained as an open water feature through the site. Further ecological enhancements are to be provided in the form of swales and wetland habitat areas.

The proposed partial culverting would not compromise the ability to maintain the watercourse, nor would it result in increased flood risk in the area. Whilst a small section of the watercourse is to be culverted the retention of the majority of the watercourse as an open feature and the inclusion of ecological enhancements is considered to be sufficient to ensure that the ecological value of the watercourse would

be maintained. This aspect of the proposal is therefore considered to accord with policies EN7 and EN8 of the Core Strategy.

Surface Water: A Flood Risk Assessment prepared by Met Engineers (Reference 10934-5007) has been submitted in support of the proposal. The document indicates that the preferred option for dealing with surface water from the site is disposal through soak away. If following testing this proves to be inadequate then disposal to a watercourse will be necessary and this will be restricted to a maximum outlet rate of 3.5 litres per second.

The information has been fully considered by the appropriate consultees (Yorkshire Water, Lead Local Flood Authority) and no objections are raised subject to imposing a planning condition requiring the submission of full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure. The maximum pass forward flow of surface water from the development shall be restricted to five litres per second and cater for all storms up to and including the 1% annual exceedance probability plus an allowance for climate change.

A further condition is necessary requiring the submission of a Surface Water Drainage Maintenance and Management document to ensure that the surface water drainage infrastructure is managed appropriately throughout the lifetime of the development.

Subject to the aforementioned conditions no adverse surface water implications are foreseen in accordance with policy EN7 of the Core Strategy.

Foul Water:

The submitted Flood Risk Assessment indicates that foul water should be directed to the existing combined sewer network on Bolton Hall Road. As the site rises upwards from Bolton Hall Road, connection to the main sewer by gravity should be achievable. The agreement of third party owners would be required to achieve this connection but the developer can requisition such an outfall from Yorkshire Water. Alternatively, foul water could be pumped back up the site and into the combined sewer network on Kings Drive. This would require a pump station within the site and would likely require the loss of one residential unit.

The Lead Local Flood Authority are satisfied that foul water from the development can be appropriately dealt with and they have recommended that a planning condition is imposed requiring the submission of full detailed designs and calculations of the final proposed foul water drainage system to be approved in writing, prior to the commencement of any drainage works on site. Subject to the aforementioned condition the proposal is considered to accord with policy EN7 of the Core Strategy.

4. Highway and Pedestrian 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.

As this is an outline application with all matters reserved, at this stage, it is only necessary to consider if access into the site is achievable. The submitted layout plan indicates that an adoptable access sufficient for two way traffic movements can be provided from Kings Drive. The Highways Department have confirmed that an adoptable access can be provided to serve the development. The specific design details of the access will be confirmed with the submission of a reserved matters application.

A number of objections have raised concerns in respect of the amount of traffic generated from the development. The provision of 23 dwellings would generate 18 two way vehicle trips per hour at peak periods. The level of traffic is significantly below the 30 vehicle trips per hour threshold of traffic impact set out in the Department for Transport Guidance on transport assessment and therefore the development of 23 dwellings is not considered to have a material impact on the surrounding highway network.

The internal layout of the site is indicative only and therefore its finalised design will be secured at the reserved matters application stage to the requirements of Highways Development Control.

West Yorkshire Combined Authority has requested the provision of a bus shelter at a nearby bus stop (cost of £10,000 to the developer) and a bus only Residential MetroCard Scheme (cost of £11,296 to the developer). It is considered that the site occupies a sustainable location within easy walking distance of public transport and shopping facilities. The developer has agreed to the provision of EV charging points within the scheme for each dwelling and this can be ensured by planning condition. It is considered that the provision of EV charging points represents a betterment of the scheme as charging points are in situ permanently, rather than, for example a MetroCard Scheme which is only for 1 year, with no guarantee that residents will renew after that period.

5. Land Contamination

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

A Phase 1 Desk study has been submitted in support of the application. The report indicates that “The site has been undeveloped since it was labelled agricultural land.” and it notes that “The remains of a small building were encountered in the northern entrance of the site during the site walkover. However it is not labelled on any historic maps, therefore the development and subsequent demolition date is unknown.”

With regards to the surrounding area the report states that it was “originally agricultural land with a shaft 200m west and a quarry over 250m south west. The surrounding area was slowly developed into residential properties with the sand stone quarry being in filled between 1978 and 1984”

The report concludes that a number of potential pollution linkages could exist within the site. An intrusive site investigation is recommended to confirm this potential. The report recommends that the site investigation should cover the whole site and in particular the northern area in location of the former farm building.

The Council's Environmental Health Department have confirmed that they concur with the recommendations provided in the submitted Phase 1 Desk Study. The development is considered to accord with policy EN8 of the Core Strategy subject to planning conditions requiring the submission of a Phase 2 site investigation scheme, risk assessment and a detailed remediation strategy.

6. Visual Amenity

The indicative site layout plan illustrates the provision of 23 dwellings, consisting of 16 semi-detached dwellings, 1 detached dwelling and 6 bungalows. The design, layout and appearance of the properties are subject to detailed approval at the reserved matters application stage. However it is considered that the proposed property types could be accommodated on site without resulting in any adverse visual amenity implications in accordance with the requirements of policies DS1 and DS3 of the Core Strategy.

It is noted that concerns have been raised regarding the relationship of the two storey semi-detached dwellings with the existing bungalows on the south side of Kings Drive. It is considered that the proposed two storey dwellings would be adequately separated from the existing bungalows in order to ensure that the appearance of the Kings Drive street scene would not be compromised. It is also notable that the proposed relationship would be similar to the existing relationship on the northern side of Kings Drive, where bungalows back onto the two storey semi-detached dwellings on Wrose Road.

7. Residential Amenity

The application is in outline form with all matters reserved. However, an indicative site layout plan has been provided which indicates that the site is capable of accommodating 23 residential units, whilst maintaining sufficient separation distances to ensure that no adverse implications would be incurred on existing residents neighbouring the site, or on the future occupants of the proposed houses. The proposal is therefore considered to accord with policy DS5 of the Core Strategy which requires that development does not harm the amenity of existing or prospective users and residents.

8. Community Infrastructure Levy

The site is located within 'Residential Zone 4' which is a nil CIL area. The development is therefore not required to provide a financial contribution towards the provision of off-site infrastructure provision.

9. Section 106 Planning Obligations

The developer has agreed to enter into a Section 106 Agreement to provide 5 affordable housing units. The proposed provision meets with the requirements of policy HO11 which requires that 20% of the dwellings are provided as affordable units in this area.

10. 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:

Principle

-Local housing need will be addressed with the construction of 210 dwellings nearby. *The construction of 210 is not sufficient to meet the need to provide 4400 new homes in north-east Bradford up to 2030.*

-46% of the 4400 dwellings needed in north-east Bradford already have planning permission. *The Core Strategy sets a target of 4400 new homes to be provided up to 2030. There is no evidence to suggest that 46% of the required 4400 properties already have planning permission. In any case the amount of consented development in relation to the Core Strategy housing requirements will be taken into account in formulating the forthcoming Housing Land Allocations Development Plan Document.*

Highways

The site access is too narrow for two way traffic. *The Highways Development Control Department have confirmed that the site access is suitable to allow for two way traffic. Specific details of the access arrangement are required for approval at reserved matters application stage.*

There is no footpath access into the site. *The indicative site access layout includes the provision of a footpath.*

Access to dwellings in Kings Drive will be restricted by construction traffic. *A condition is to be imposed requiring details of the areas for the loading, unloading and turning of construction vehicles within the site. Subject to the approval of acceptable details construction traffic is not considered to adversely impact upon access to dwellings on Kings Drive.*

A traffic survey of surrounding junctions is required. *The proposed development is not of a scale which requires a Transport Assessment.*

Inadequate visibility at site access. *The indicative access layout indicates that sufficient visibility splays can be achieved at the site access.*

Residential Amenity

-The development would result in a loss of views from existing dwellings. *The loss of a view is not a material planning consideration.*

-The development will result in a loss of light to neighbouring dwellings. *The indicative layout indicates that sufficient separation distances can be achieved both with the site and to existing dwellings, to ensure that the development would not result in a loss of light to habitable room windows or amenity areas.*

Environment

-The development will result in a loss of mature trees. *The site does not contain any trees protected by preservation orders and therefore existing trees could be removed from the site at any time without the need for permission.*

Wildlife

-Loss of habitat for wildlife. *The indicative site layout plan indicates that suitable habitat mitigation measures can be accommodated within the site.*

-The site forms part of the Bradford Wildlife Habitat Network which should not be fragmented. *The Council's Countryside and Rights of Way Service have confirmed that sufficient measures can be accommodated on site to mitigate the fragmentation of the existing habitat network to an acceptable extent.*

-The presence of protected species on the site cannot be ruled out. *The presence of protected species on site will be subject to further assessment by imposing a planning condition requiring that prior to commencement of site clearance the site shall be surveyed by a suitably qualified ecologist for the presence of Badgers, breeding birds or other protected species as detailed in the Preliminary Ecological Appraisal (Report reference: R-2997-01). The details of the surveys undertaken and any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of site clearance. The mitigation measures shall then be implemented in accordance with the approved details.*

Community Safety Implications:

No adverse community safety implications are foreseen and the proposal is considered to accord with policy DS5 of the Core Strategy. All matters relating to access, appearance, landscaping, layout and scale will be subject to consideration under reserved matters application(s). Accordingly it is appropriate for the suggestions made by the Police Architectural Liaison Officer to be incorporated into the development as part of the reserved matters applications, ensuring that the development meets suitable secured by design standards

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 proposal is considered to represent a sustainable form of development and is acceptable in principle. The indicative layout demonstrates that the site can accommodate 23 dwellings and a suitable point of access, without resulting in any adverse implications in respect of biodiversity, drainage, highway and pedestrian safety, land contamination or residential amenity. Subject to conditions the proposal satisfies the requirements of policies P1, SC1, SC4, SC9, TR1 TR2, TR3, HO5, HO6, HO11, EN2, EN5, EN7, EN8, DS1, DS3, DS4, DS5, ID3 of the Local Plan for Bradford and the relevant paragraphs of the National Planning Policy Framework.

Heads of Terms of Section 106 Obligation

1. Provision of 5 affordable housing units.

Conditions of Approval

1. Timescale

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. Timescale

The development to which this notice relates must be begun no later than the expiration of 2 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. Reserved Matters

Before any development is begun plans showing the:

- i) access,
- ii) appearance
- iii) Landscaping
- iv) layout,
- v) and scale

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

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

4. Bat and Breeding Bird Surveys

Prior to commencement of development the site shall be surveyed by a suitably qualified ecologist for bat and breeding bird activity. The details of the surveys undertaken and of any required mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The mitigation measures shall be implemented and retained in accordance with the approved details.

Reason: To safeguard protected species that may exist on the site and to accord with Policy EN2 of the Core Strategy.

5. Badgers, Nesting Birds and Invasive Species Surveys

Prior to the commencement of site clearance the site shall be checked by a suitably qualified ecologist for badgers, nesting birds and invasive plant species and the details of the surveys undertaken shall be submitted to and approved in writing by the Local Planning Authority..

Reason: To safeguard protected species that may exist on the site and to accord with Policy EN2 of the Core Strategy.

6. Landscaping and Wetland Habitat Plan

Development shall not begin until a landscaping scheme including the proposed areas of wetland habitat has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN2, EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

7. Landscaping Maintenance and Management

Before any part of the development is brought into use, the developer or successor in title, shall enter into a legal agreement to maintain the internal planting and wetland habitat areas within the site in perpetuity by way of a Management Company.

Reason: To ensure that the areas are adequately maintained for the lifetime of the site in perpetuity

8. Surface Water Drainage

Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter only proceed in strict accordance with the approved drainage details.

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

9. Surface Water Management Plan

The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.

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

10. Foul Water Drainage Details

Notwithstanding the details contained in the supporting information, the drainage works shall not commence 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. The development shall thereafter only proceed in strict accordance with the approved drainage details.

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

11. Domestic Electric Vehicle Recharging Points

Unless otherwise agreed in writing with the Local Planning Authority, from the date of first occupation, every property on the site with dedicated parking shall be provided with access to a fully operation 3 pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas or within dedicated garage space. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice.

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

12. 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 site preparation, construction and demolition phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the IAQM Guidance on the Control of Dust and Emissions from Construction and Demolition and include a site specific dust risk assessment and mitigation plan. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

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

13. Site Investigation Scheme

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

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

14. Site Investigation Implementation

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

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

15. Remediation Strategy

Unless otherwise agreed in writing with the Local Planning Authority, Prior to construction of the development hereby approved beginning 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 EN8 of the Local Plan for Bradford.

16. 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 EN8 of the Local Plan for Bradford.

17. Unexpected Contamination

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

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

18. 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 EN8 of the Local Plan for Bradford.

19. Construction Plan

Notwithstanding the provisions 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 contractors means of access to the site including measures to deal with surface water drainage;
- ii) Hours of construction work, including any demolition works;
- iii) Hours of delivery of materials;
- iv) Location of site management offices and/or sales offices;
- v) Location of materials storage compounds, loading and unloading areas and areas for construction vehicles to turn within the site;
- vi) Car parking areas for construction workers, sales staff and customers;
- vii) The extent of and surface treatment of any all temporary road accesses leading to compound/storage areas and the construction depths of these accesses their levels and gradients.
- viii) Temporary warning and direction signing on the approaches to the site.

The construction plan details so approved before development is begun and shall be kept in place, operated and adhered to at all times until the development is completed.

Reason: To ensure the provision of proper site construction facilities in the interests of highway safety and the amenity of the surrounding environment and its occupants and to accord with policies TR1, TR3, DS4 and DS5 of the Local Plan for Bradford.

Footnote: It is noted unnamed watercourses are present within the site. The responsibility for granting consent for works in an ordinary watercourse lies with the Lead Local Flood Authority (LLFA) for the area, in this case Bradford Council. Should the developer seek to alter the profile of an ordinary watercourse they must therefore apply to Bradford Council for consent to undertake works to alter a watercourse. The developer must provide full & comprehensive details of their proposals for consent prior to any works commencing on the watercourse. This process is separate from the planning application process and therefore early discussions are recommended with the LLFA. For advice regarding works to the watercourse please contact Edward Norfolk on 01274 433905 or via e-mail at edward.norfolk@bradford.gov.uk.

Footnote: All contractors on site shall be briefed about their legal obligations in respect of protected species and any works should be undertaken under caution that protected species could be present. In the event that protected species are found work shall stop immediately and Natural England shall be contacted immediately.
