

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

AI

Subject:

Construction of 166 apartments with A1, A2, A3, D1 or D2 floorspace and parking, car park at Grammar School Street, Bradford.

Summary statement:

The proposed development would include 166 one and two-bed flats, an A1, A2, A3, D1 or D2 use at ground floor, with 21 basement parking spaces. The proposed development includes two elements – a 7-storey element fronting Hamm Strasse, with a 6-storey element fronting Grammar School Street.

As part of the consideration of the application, the proposal was the subject of an external design review, where there was general support for the proposal. Following the design review, the scheme was developed further and is now believed to provide an appropriate scheme at the site.

The application site is within a nil CIL area, but a commuted sum towards off-site affordable housing provision was requested via a Section 106 agreement. The applicant submitted a viability statement which indicated that the scheme would not be viable if affordable housing was provided. The viability case has been the subject of independent assessment which concludes that the proposed development would not be viable if a contribution was made towards affordable housing. No affordable housing is being sought.

The application is recommended for approval, subject to the conditions included within the report.

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Portfolio:

**Regeneration, Planning and Transport
Overview & Scrutiny Area:**

Regeneration and Economy

1. SUMMARY

The application is for 166 flats with 21 parking spaces, with a retail/professional services/food & drink, non-residential institution/ assembly or leisure use at ground floor.

Following lengthy discussion on the design and appearance of the proposed development, which included the application being subject to Design Review, the proposed height and massing of the proposed development has been reviewed. Along with the elevation details the proposed development is now considered to be appropriate in the context of both the City Centre Conservation Area and surrounding area.

The application site is located within a nil CIL zone. The application would normally be required to make provision for affordable housing. However, a viability statement was submitted and this concludes that if affordable housing provision was made the proposed development would not be viable. The viability statement has been independently assessed and this verifies that the scheme would be unviable if affordable housing was provided. Therefore no affordable housing is being sought.

2. BACKGROUND

The application site has been the subject of previous proposals and planning application, 07/00178/MAF was approved in 2008 for residential development. The most recent planning application, 15/00380/MAF, was not supported due to concerns on the design & appearance and impact on nearby heritage assets. This application was consequently withdrawn by the applicant.

3. OTHER CONSIDERATIONS

None

4. OPTIONS

The Committee can approve the application as per the recommendation within the technical 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 for the Council arising from matters associated with the report.

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 application site is located in the northern part of Bradford City Centre, close to major bus routes, with Forster Square train station c.400m from the application site. Along with a limited level of car parking, the proposed development is considered to be an appropriate development at a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

None.

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications, other than those raised in the technical 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 into 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

It is not considered that there are any significant implications for the Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

The application is recommended for approval subject to the conditions within the report.

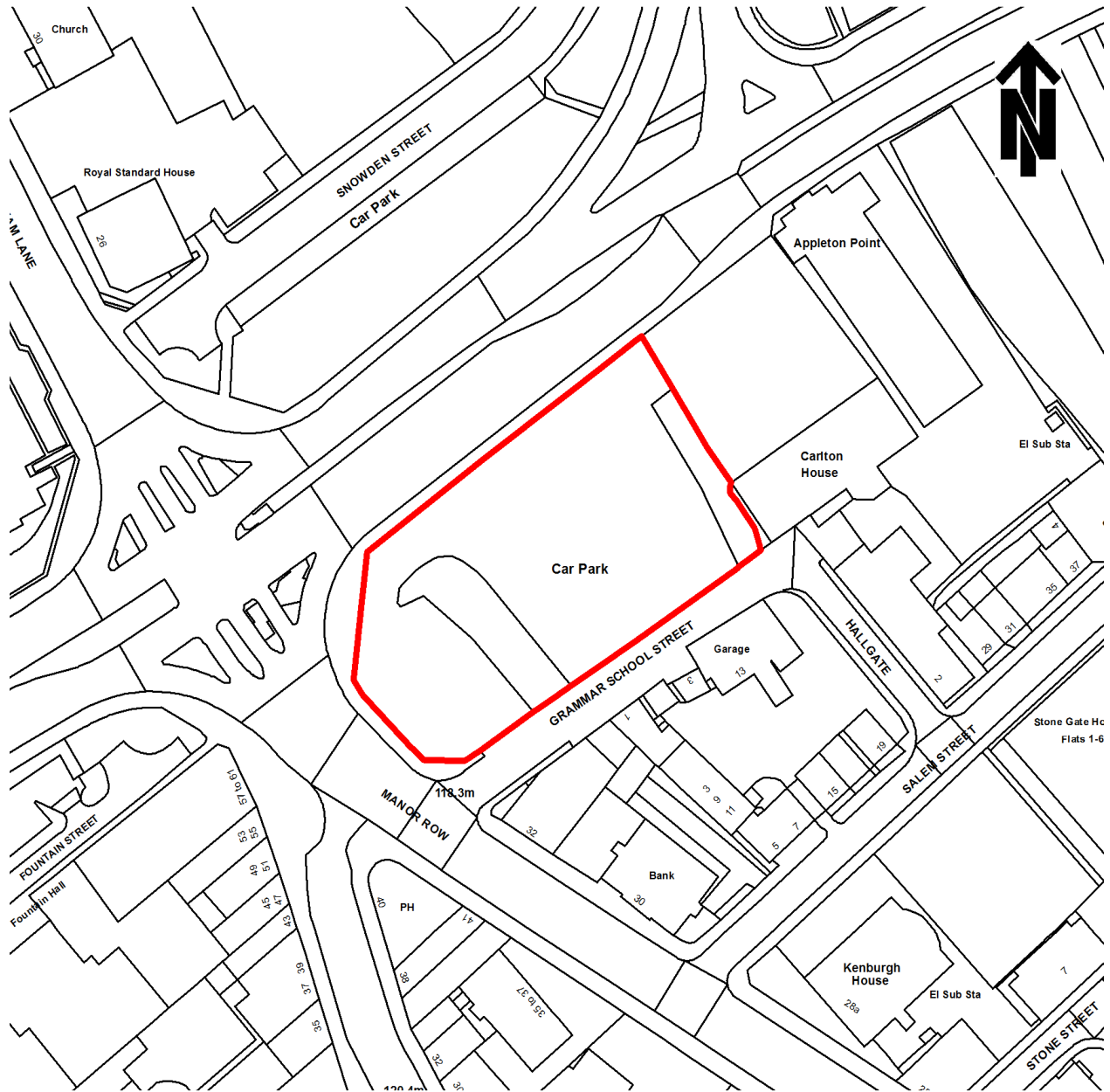
11. APPENDICES

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

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Design Review Report

16/03564/MAF



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**Car Park
Grammar School Street
Bradford**

Appendix 1

5th March 2018

Ward:

City

Recommendation:

To grant planning permission subject to conditions.

Application Number:

16/03564/MAF

Type of Application/Proposal and Address:

Construction of 166 apartments with A1, A2, A3, D1 or D2 floorspace and parking, Car Park, Grammar School Street, Bradford.

Applicant:

Manor Row Place Developments

Agent:

Halliday Clark Limited

Site Description:

The application site is located on the northern edge of Bradford City Centre, at the junction of Hamm Strasse and Manor Row and accessed from Grammar School Street.

The site is located in the City Centre Conservation Area where there are a number of traditional stone buildings of three and four-storey height. There are a number of Grade II listed buildings neighbouring the site, including the Yorkshire Penny Bank building on Manor Row. On Grammar School Street, south of the application site, there are predominantly two-storey townhouses along with those located on Salem Street.

The site slopes down from west to east on two levels and is currently used as a pay & display car park. Due to the change in levels, the site sits below Hamm Strasse, with a retaining wall constructed along this boundary.

Relevant Site History:

07/00178/FUL - Construction of residential scheme with A1/A3 uses and parking. This application was approved subject to a Section 106 Agreement.

15/00380/MAF - Residential scheme of 201 flats with commercial floor space. This application was withdrawn.

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.

Development Plan

There are a number of Core Strategy Policies which should be considered as part of the application:

- SC5 Location of Development
- TR1 Travel Reduction and Modal Shift
- TR3 Public transport, Cycling and Walking
- H05 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN4 Landscape
- EN6 Energy
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design

Proposals and Policies

City Centre Area Action Plan

Proposed site allocation M/1.2

The CCAAP states that the proposed use to be residential, which should create a strong feature at the corner of Manor Row and Hamm Strasse. New buildings should provide a strong edge and be of an appropriate scale to enclose the street. The scale and design of new development should respond sensitively to the surrounding historic context and safeguard the character and setting of the adjacent Listed Building. Active uses should be provided at ground floor, particularly along Manor Row.

The highway requirements include - making up Grammar School Street to an adoptable standard and the provision of a footway to the site frontage; a traffic management scheme to create a one-way traffic system, making Grammar School Street one-way northbound, with associated Traffic Regulation Orders.

Parish Council:

N/a

Publicity and Number of Representations:

Site notices were displayed at the application site and a notice placed in the Telegraph and Argus. Individual neighbourhood notifications were carried out, with the statutory period of publicity expiring 12th August 2016.

There has been one letter of objection.

Summary of Representations Received:

Concern that access and traffic management is not compromised. The drawings require further consideration confirming that right of access would not be impacted. This includes access for delivery vehicles, as well as access for our employees and clients.

We are extremely concerned:

- i. That the development will cause severe disruption to our business, and
- ii. As how close the development will be to our building and the impact to access to our car park.
- iii. Difficulty of access for staff and clients.

There has been a significant problem with surface water drainage on our property from the site. This has caused flooding of our car park on a number of occasions. We are concerned that the development will add to this problem.

We are concerned that the development will have a major structural impact on our building.

Consultations:

Lead Local Flood Authority

The Lead Local Flood Authority has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. If the details are implemented and secured by way of planning condition on any planning permission, the Lead Local Flood Authority has no objection to the proposed development.

Highways

The site is located on and accessed from Grammar School Street, close to the junction with Manor Row. Grammar School Street is a two-way un-adopted road with poor surfacing and a footway on the opposite side to the site. There are existing traffic problems on Grammar School Street with parking taking place on both sides, thereby obstructing two-way traffic movements which results in vehicles waiting on Manor Row.

A Transport Assessment and Travel Plan have been submitted with the application and these are acceptable in terms of traffic generation and impact.

The proposed vehicular access to the development would be via a new junction off Grammar School Street towards its north eastern end with a second access closer to the junction with Manor Row, as existing. Adequate visibility splays would be provided in accordance with design guidance.

The development would provide a pedestrian piazza at its south western corner providing pedestrian access on to Manor Row.

Adequate on-site turning would be provided to allow vehicles to enter and leave the site in forward gear, including refuse collection and deliveries to the commercial unit.

Although the proposed level of car parking provision of 21 spaces is below the previous maximum standard for the City Centre, 1 space per unit, the application site is situated in a sustainable location, close to all amenities and major public transport facilities. Parking is also well-controlled in this locality and the low level of off-street parking would be unlikely to cause on-street parking problems.

Highway improvement measures are proposed to bring Grammar School Street up to an adoptable standard. These include resurfacing, new footway across the site frontage, drainage and lighting. A Traffic Regulation Order (TRO) would be implemented to prevent parking across the site frontage.

A one-way traffic circulation system to address traffic problems on Grammar School Street is also proposed. This would make Grammar School Street one-way only from Manor Row; Hallgate would become one-way eastbound with Salem Street remaining two-way.

A S106 agreement would be required for TROs for waiting restrictions on Grammar School Street and a one-way traffic circulation system. The off-site highway works should be implemented through a S278 agreement.

The proposal is acceptable in highway terms and no objection subject to provision of the above mitigation measures.

Environmental Health (Land Contamination)

Environmental Health has considered the application and the Phase 1 Geo-Environmental Assessment, PWA Geo-Environmental Ltd, June 2016. This report identifies the site being occupied by a grammar school until 1987 when it burnt down. The site is currently used as a car park. Potential sources of contamination on site, include, but are not limited to, fuel spillages in the car park, made-ground/infill within basements associated from the school and general made-ground containing fuel residues such as ash, clinker and hydrocarbons. Further historic sources of contamination were highlighted in the surrounding area including a timber yard to the north east, which was later converted to a depot and various mills.

On the basis of the site history, concur with the applicants Phase 1 Desk Study and recommend that to protect public health and the environment, a proportionate Phase 2 intrusive site investigation would be required before the development commences.

Environmental Health (Pollution)

No objections to the proposal, however, some concerns relating to noise and dust, from the development. Contractors must at all times use the best practicable means to minimise dust nuisance from the site activities.

The applicant should also provide a noise report together with details on acoustic measures to be adopted to prevent noise nuisance complaints. This should include noise, which may arise as a result of the location and also noise, which may arise between individual rooms and also from any commercial use affecting residential properties.

Conservation

As originally submitted, the application raised significant concerns in relation to the design of the building and the impact on the conservation area and nearby listed buildings. The scheme has been amended in detail following external design review and also following involvement with the Senior Conservation Officer. (Any further written comments will be reported orally).

Landscape Design

A roof garden is shown which would be an exciting aspect of the design.

The piazza area could be extended to include the Manor Row frontage where further tree planting and street furniture should be introduced to improve the street scene and to reflect the character of Manor Row/Manningham Lane and Hamm Strasse. The trees would also complement the pillars shown on the elevation drawings and build on the developments already made, to improve the character of this area.

The internal public realm has to be carefully considered due to the proposed bridge and the height of the development which could combine to create a shady and windy area. The detail design should address these potential problems not only for the users but the maintenance of any proposed planting.

Yorkshire Water

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

West Yorkshire Police (Architectural Liaison Officer)

The developer would need to demonstrate how its development proposal has addressed the following issues, in respect of designing out crime:

1. Natural surveillance of public and semi-private spaces in particular entrances to a development, paths, play spaces open spaces and car parking.
2. Defensible space and the clear definition differentiation and a robust separation of public, private and semi-private space so that all are clearly defined and adequately protected in terms of their ownership and use.
3. Lighting in the development on particular streets and footpaths.
4. The design or any layout of pedestrian cycle and vehicular routes into and within the sites including how they integrate with existing patterns.
5. Landscaping and planting, hiding places and dark secluded areas should not be created.

Further discussion to take place between the developer and West Yorkshire Police to ensure a high quality secure development.

Summary of Main Issues:

Principle of development
Effect on heritage assets
Design & appearance
Highways
Planning Obligations

Appraisal:

Principle of development

The application site was the subject of a previous planning permission for residential development, in 2007. Since that time, the City Centre Area Action Plan (AAP) has been adopted. Within the AAP, the site is identified as being suitable for residential

development, with active uses to the ground floor frontage. The principle of the proposed development is therefore supported.

Effect on heritage assets

Policy EN3 of the Core Strategy states that the Council will preserve, protect and enhance the character, appearance and historic value and significance of the District's designated and undesignated heritage assets and their settings.

Paragraph 132 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..... significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 goes on to state that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

The application proposals have been assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act (1990), the National Planning Policy Framework and Replacement Unitary Development Policies. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of the application. Insofar as material the statutory provisions provide: Section 66(1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.". In particular the proposals have been fully assessed in relation to the harm on the nearby listed building and the character of the conservation area.

With the original submission a number of concerns on the height and scale were raised on the potential impact on nearby heritage assets, in particular, the City Centre Conservation Area and the Grade II listed Penny Bank building on Manor Row.

Subsequently, at Design Review, the proposed height was not considered problematic by the Design Review panel. In this context, the Panel supported the proposed height of the block and agreed that any further reduction in the scale of development would be counter-productive in urban design terms. The Panel felt the proposed development should be unapologetic in its response to the urban design requirements of the site and should strive to complement, rather than mimic.

Consequently, this has resulted in a building, with simpler elevations, to avoid competing architecturally with the Penny Bank building. The design of the proposed development would preserve and enhance the character and appearance of the City Centre Conservation Area.

Design & Appearance

Following initial concerns on the design and appearance of the proposed development, there has been lengthy discussion on the proposed development. In particular, how its height and scale would relate to the context and nearby heritage assets. Given these concerns, the proposed development was presented to external Design Review. The conclusion of the Design Review was that the height and scale of the proposed

development would be appropriate in the context of the surrounding area, subject to the buildings being well detailed to provide a high-quality development.

There was concern that the building would appear monolithic. It is important that the design provides buildings that are well proportioned and of a scale relative to its context. In order to achieve this, the elevations have now been revised to provide a less complicated arrangement of windows and balconies. Whilst relatively simple, these are detailed to provide interest, with recessed bay details and reveals to the windows. It is proposed to condition the requirement for larger scale drawings to ensure the elevations provide the interest and quality of detail required at this site.

The buildings highest point is on Manor Row, at 7-storeys, with the roofline descending along Hamm Strasse, which reflects the topography of the area. The scale and massing, along with the architectural treatment, is not considered to adversely affect the heritage assets. It would provide a contemporary addition to this part of the City Centre.

At ground floor to Manor Row, there would be a retail/commercial use, which would provide activity along this frontage.

It is concluded that the design and appearance of the proposed development provides a scheme that would be of a quality reflecting the sites prominent location and its relationship with both the City Centre Conservation Area and City Centre.

Highways

Whilst the proposed level of car parking of 21 spaces is below the parking guidelines for residential use in the City Centre, the site is in a sustainable location, close to amenities and public transport connections. Parking is controlled in this locality and the level of off-street parking would be unlikely to cause on-street parking problems.

Highway improvement measures are proposed to bring Grammar School Street up to adoptable standard. These include resurfacing, new footway across the site frontage, drainage and lighting. A Traffic Regulation Order (TRO) would be implemented to prevent parking across the site frontage.

A one-way traffic circulation system to address existing traffic problems on Grammar School Street is also proposed. This would make Grammar School Street one-way only from Manor Row; Hallgate would become one-way eastbound, with Salem Street remaining two-way.

There is a requirement for Traffic Regulation Orders for waiting restrictions on Grammar School Street and the proposed one-way traffic circulation system (Planning Condition).

On the basis of the above the surrounding highway network would not be compromised and there would be no detriment to existing users.

Planning Obligations

The application site is located within Zone 4, where there is a nil CIL rate. Consequently, there would be no contribution towards education, recreation open space/playing fields or public transport infrastructure. However, the applicant would

ordinarily be required to provide a commuted sum towards off-site affordable housing provision.

A viability statement was submitted by the applicant, which contends that with the affordable housing contribution, the scheme would not be viable. In line with policy ID2 of the Core Strategy, the applicant's viability statement has been independently assessed. The assessment raises serious concerns on the viability of the proposal. Therefore any requirement to provide a contribution towards affordable housing would render the application unviable. Consequently, a contribution towards affordable housing is not being sought.

Other matters

The highway arrangements and amendment to the Traffic Regulation Order will ensure that access arrangements and the operation of neighbouring businesses would not be adversely impacted upon.

Both the Lead Local Flood Authority and Yorkshire Water have commented on the application and no objections have been raised. Both consultees have requested a number of conditions regarding surface water drainage.

There is no reason to suggest that the proposed development would have any structural impact upon the neighbouring building.

Community Safety Implications:

There are no community safety implications, other than those raised in the technical report.

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 not resulting in any adverse implications in respect of heritage assets, drainage, highway and pedestrian safety or land contamination. Subject to conditions the proposal meets 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.

Conditions of Approval/Reasons for Refusal:

1. 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. Before any development commences on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling to Hamm Strasse shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety.

3. The accommodation shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
 - a) be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
 - b) be capable of achieving the following noise levels:
Bedrooms: LAeq 15 minutes - 30dB (2300 to 0700 hours)
Living Rooms: LAeq 15 minutes - 45dB (0700 to 2300 hours)
 - c) include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound attenuation works is installed full details shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Core Strategy policy DS5.

4. 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 in accordance with Core Strategy policy DS3.

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

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

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

Reason: To ensure that the site is remediated appropriately for its intended use.

7. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report 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.

8. 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.

9. 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.

10. 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. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site.

11. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on the submitted drainage strategy, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the site is adequately drained.

12. Unless otherwise agreed in writing, no part of the development shall be occupied until a Traffic Regulation Order (TRO) for waiting restrictions on Grammar School Street and the proposed one-way traffic circulation system has been implemented in full.

Reason: In the interests of highways safety and to accord with Core Strategy policy TR1.
