

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

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### **Subject:**

Application for the construction of 27 dwellings at Ashwell Farm, Ashwell Road, Heaton, Bradford.

### **Summary statement:**

The proposal relates to the construction of a scheme of 27 residential units on a formerly allocated phase 2 housing site. 5 of the units are to be provided on an affordable rent basis. Access to the site is taken from Ashwell Road.

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 affordable housing and ensure maintenance of the access road it is considered that the proposal is acceptable and it is recommended that Planning Permission is granted.

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### **Portfolio:**

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

**Regeneration and Economy**

## **1. SUMMARY**

This application relates to the construction of 27 dwellings on land at Ashwell Farm, Ashwell Road, Heaton, Bradford.

## **2. BACKGROUND**

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

## **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**

A number of stakeholders have made requests for the developer to make contributions towards meeting off-site infrastructure and other needs associated with the development. These contributions principally comprise of the provision of 20% of the units on an affordable rent basis and a residential Metrocard Scheme at a cost of £13,365.

In order to comply with policy HO11 of the Core Strategy the provision of up to 20% of the proposed houses as Affordable housing is required. The developer has agreed to enter into a section 106 agreement in order to meet the necessary affordable housing provision.

It is proposed to provide electric vehicle charging points to all dwellings in lieu of a contribution towards a residential metrocard scheme. 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.

## **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

None relevant to this application.

## **7. LEGAL APPRAISAL**

The options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended).

## **8. OTHER IMPLICATIONS**

All considerations material to the determination of the planning application are set out in the technical report at Appendix 1.

### **8.1 EQUALITY & DIVERSITY**

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, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Full details of the process of public consultation undertaken and a summary of the comments made are attached at Appendix 1.

### **8.2 SUSTAINABILITY IMPLICATIONS**

The site is located within the urban area of Bradford and is in a sustainable location and as such there are no implications for the Council.

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The development of new buildings and land for residential purposes will invariably result in an increase in greenhouse gas emissions associated with both construction operations and the activities of future users of the site. Consideration should also be given to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed development is such that the use of sustainable modes of travel would be best facilitated and future greenhouse gases associated with activities of the residents are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are proposed at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy. This can be ensured by a planning condition.

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

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

### **8.5 HUMAN RIGHTS ACT**

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6- the right to a fair and public hearing. The Council must ensure that it has taken 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**

The Technical Report at Appendix 1 summarises the material planning issues raised by representations and the appraisal gives full consideration to the effects of the development upon residents within Heaton Ward.

## **9. NOT FOR PUBLICATION DOCUMENTS**

None.

## **10. RECOMMENDATIONS**

To Grant Planning Permission subject to the conditions recommended at the end of the Technical Report at Appendix 1 and subject to the developer entering into section 106 agreement for the provision of affordable housing and maintenance of the highway.

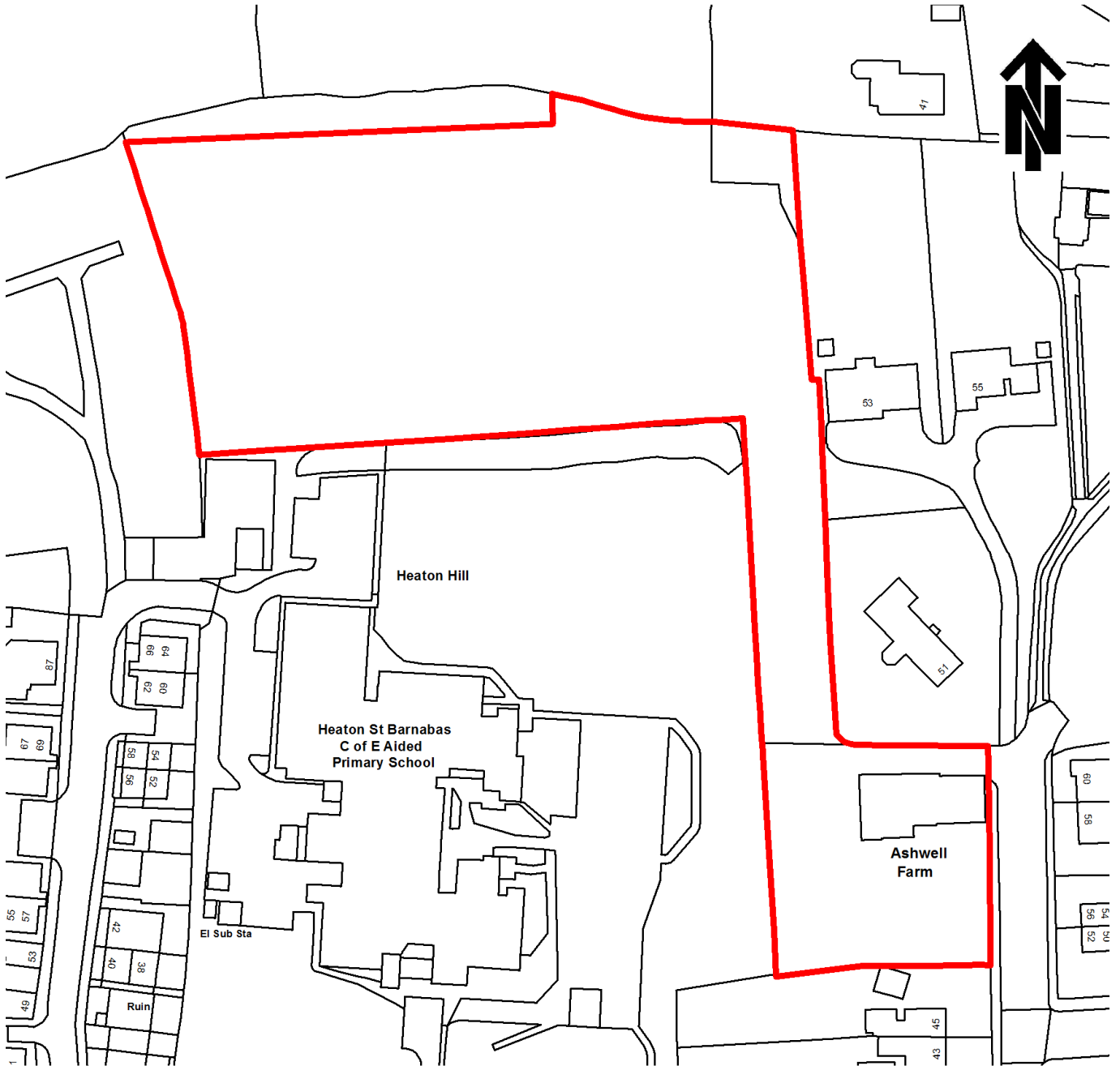
## **11. APPENDICES**

Appendix 1: Technical Report

## **12. BACKGROUND DOCUMENTS**

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

17/06647/MAF



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**Ashwell Farm**  
**47 - 49 Ashwell Road**  
**Heaton**  
**Bradford BD9 4AX**

**Appendix 1**

8 March 2018

**Ward:** Heaton (ward 12)

**Recommendation:**

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

**Application Number:**

17/06647/MAF

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

Application for the construction of 27 dwellings at Ashwell Farm, Ashwell Road, Heaton, Bradford.

**Applicant:**

Mr Mohammed Asghar Choudhury

**Agent:**

Mr Andrew Rollinson

**Site Description:**

The site is located to the north west of Ashwell Road and is accessed via an existing vehicular access that currently serves Ashwell Farm. It currently comprises a grassed field that slopes downwards from south to north. A number of trees are located along the boundaries of the site together with some dilapidated outbuildings along the southern boundary. The site is bounded by residential development (to the east), open countryside (to the north) and a school and library/village hall (to the south and west).

**Relevant Site History:**

10/01719/OUT-Construction of residential development-Granted Subject to S106-07.12.2010

12/01538/REM-Approval of reserved matters of outline approval 10/01719/OUT-Withdrawn-30.07.2012

13/05022/REM-Reserved matters dated-Granted-03.07.2014

16/06365/MAF-Alterations to the design of 10 house plots (ref 10/01719/OUT and 13/05022/REM)-Granted Subject to 106-03.02.2017

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

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of

- present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

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

***Allocation***

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.11).

***Proposals and Policies***

P1- Presumption in Favour of Sustainable Development

SC1- Overall Approach and Key Spatial Priorities

SC4- Hierarchy of Settlements

SC8- Protecting the South Pennine Moors SPA and the South Pennine Moors SAC

SC9- Making Great Places

TR1- Travel Reduction and Modal Shift

TR2- Parking Policy

TR3- Public Transport, Cycling and Walking

HO5- Density of Housing Schemes

HO8- Housing Mix

HO9- Housing Quality

HO11- Affordable Housing

EN2- Biodiversity and Geodiversity

EN3- Historic Environment

EN5- Trees and Woodland

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:**

Not in a Parish

**Publicity and Number of Representations:**

The application was publicised by press notice, site notice and neighbour notification letters. The deadline for the submission of comments was 5<sup>th</sup> January 2018. A total of 12 representations were received consisting of 8 objections and 4 general comments.

**Summary of Representations Received:**

- Increased traffic
- Additional vehicle movements will conflict with existing school traffic
- Construction traffic will cause additional congestion
- The development will result in overspill parking on neighbouring streets

- Air and noise pollution from vehicles
- Loss of flora and fauna
- No benefit of providing housing
- There are existing empty properties in Heaton
- The site is the subject of a land ownership dispute
- Excessive height of dwellings
- Additional traffic would prevent emergency services accessing Ashwell Road
- The junction of Emm Lane and Ashwell Road is not suitable for additional traffic
- Loss of green space
- Additional burden on school places in the area
- Plots 2 and 27 will overlook and overshadow 51 Ashwell Road
- Insufficient drainage details
- Out of keeping with the traditional character of Heaton
- Adverse impact on Heaton Royds Lane footpath
- Harm to long distance views from Northcliffe Park
- Surface water run off implications for Heaton Woods
- Lack of affordable homes
- Excessive development density
- Site plans show conflicting boundary information
- The application states that construction workers will park in Ashwell Road
- An area of land in the North-East corner of the site is not included within the Geotechnical report.
- The omitted area of land is filled with quarry waste
- The buffer zone should be 5 metres in depth for the entirety of the north boundary
- Maintenance arrangements for the buffer zone are unclear
- The cross sections include land outside of the site boundary
- The dry stone wall at the rear of plot 27 has no foundations
- The fence on the south side of the buffer zone could be damaged by strong winds
- Plot 27 will be constructed on unstable land
- There are no construction details for the new wall to be provided at the rear of plots 26 and 27
- Plot 27 will overlook both the dwelling and garden of 41 Wilmer Drive
- The boundary fence between the development site and Heaton Woods Trust land to the north should be replaced before development commences.

### **Consultations:**

West Yorkshire Combined Authority- The developer should fund a Residential Metrocard Scheme to encourage the uptake of sustainable transport modes. The contribution appropriate for this development would be £13,365.00 and equates to Bus Only Residential metrocards.

Education- Based on the data available in December 2017 the proposed development may cause concerns on where children of families coming to reside in the development might attend school, as primary and secondary schools within walking distance are currently overcrowded or full. For this reason the development may result in a need for the Council to increase the number of school places in the area. However the development site is located within a nil CIL area. As education is listed on the Council's CIL Regulation 123 list a financial contribution cannot be sought.



**Development and Enabling:** The affordable housing quota for Heaton is 20%, which would equate to the provision of 5 affordable units in the instance. The affordable housing units should be delivered on site at affordable rent via a registered provider.

**Design and Conservation-** The application site is adjacent to Heaton Estates Conservation Area but the proposed development would have little or no impact on the character or appearance of the conservation area. As such, the proposal is in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, relevant conservation policies within the National Planning Policy Framework, and Core Strategy Policy EN3 of the Local Plan for Bradford.

**Parks and Greenspaces-** The development site is located within a nil CIL area and therefore a contribution towards the enhancement of recreation open space, playing fields or playgrounds cannot be sought. Any new areas of public open space within the development should be maintained as part of landscape maintenance and management plan.

**West Yorkshire Police-** The existing dry stone wall to the south east, and west boundaries of the site should be increased to a height of 1.8 metres or topped with fencing to this height. Rear plot dividers should be 1800mm, such as a 1500mm high close board fence with 300mm high trellis along the top or a 1500mm high close board fence with 1800mm high privacy panel adjacent to the rear doorway. Plots which have stepped access to the rear gardens should have front bin storage. There is no surveillance of the on plot parking bays from habitable rooms for plots 3-10 and 15-27.

**Yorkshire Water-** A water supply can be provided under the terms of the Water Industry Act 1991.

**Highways-**The proposal cannot be supported in its current form as the proposal does not meet adoptable standards for the following reasons:

- The centre line radius for a traditional estate road is 20m and this should be marked clearly on the bends on the site layout plan.

- A minimum of 2m wide footways should be provided and 1.5m is not acceptable.

- The carriageway width should be a consistent 5.5m wide. A variable width between 4.99m - 5.31m is not acceptable.

- Visibility splays of 2.4m x 43m at the site entrance should be shown in full and these should be measured to the kerb edge to demonstrate that they can be achieved.

**Minerals and Waste Team-** The proposal is in a Minerals Safeguarding Area for clay, sandstone and coal. However, given the relatively small size of the site are likely to inhibit any viable large scale mineral extraction. There are no other apparent minerals or waste legacy issues that would have an adverse impact on the proposed development.

**Drainage (Lead Local Flood Authority)-**The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal on 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 subject to planning conditions no objections are raised. Conditions should be imposed requiring the submission of full details and calculations of the proposed means of foul and surface water drainage. A

further condition is necessary requiring the submission of a Surface Water Drainage Maintenance and Management document.

**Summary of Main Issues:**

- 1.Principle
- 2.Visual amenity
- 3.Residential amenity
- 4.Highway and Pedestrian safety
- 5.Drainage
6. Air Quality/Sustainable Travel
- 7.Conservation issues
- 8.Trees
- 9.Community Safety Implications
- 10.Contaminated land
- 11.Further Issues Raised by Representations
- 12.Community Infrastructure Levy

**Appraisal:**

**1.Principle**

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.11).

Given the resolution of the Council's Executive meeting on the 21st November 2011 (as regards the saving of RUDP policies H1 and H2) allocation BN/H2.3 is no longer allocated as part of the saved statutory development plan. This is due to the lapsing of policies H1 and H2 on the 30th September 2008. For this reason the site is now unallocated within the RUDP. At the Executive meeting it was resolved that the Executive note the extensive and robust statutory process which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented Housing Sites previously allocated under these policies should be accorded significant weight when considering their use for residential development.

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 4500 new homes in north-west 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 Emm Lane. Given the previous site allocation, the sustainable location of the site and the absence of a five year housing land supply it is considered that the principle of residential development on this site is acceptable.

Policy HO5 of the Core Strategy advises that densities should usually achieve a minimum of 30 dwellings per hectare to ensure the efficient use of land. The developable area of the site, discounting the site access road, extends to an area of approximately 0.86 hectares. As such the provision of 27 dwellings would equate to a density of 31 dwellings per hectare which accords the requirements of policy HO5 of the Core Strategy.

## **2. Visual amenity**

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

- Will function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;
- Respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

At the local level policy DS1 of the Core Strategy seeks to ensure that development proposals achieve good design and create high quality places and policy DS3 requires that proposals create a strong sense of place and are appropriate to their context. In

respect of landscaping policy DS2 seeks to ensure that development proposals include appropriate and effective site landscaping.

There are a variety of house types in the area surrounding the site, with traditional stone built terraced dwellings to the south and more modern detached and semi-detached properties to the east. However the site is considered to be self-contained and the proposed dwellings would not be viewed directly in conjunction with surrounding properties. The site circumstances therefore present an opportunity to create a development with its own identity. In this regard there are a number of different house types proposed that help to add visual interest to the streetscene. Overall it is considered that subject to the use of appropriate construction materials the proposed dwellings would not be visually out of keeping with the character of the area.

The proposal includes a landscaping scheme which has been formulated to integrate the development into the wider landscape. Specifically, the proposals include the provision of grass verges, ornamental planting and street trees on the main access road into the development, providing an attractive approach into the development. Further trees are proposed at intermittent intervals along the south and west boundaries of the site in order to supplement existing trees and soften the appearance of the development in relation to the school to the south and the allotments to the west. A landscaped buffer zone is proposed to the northern edge of the site in order to soften the appearance of the development in relation to the area of green belt beyond the northern boundary of the site. It is considered that the landscaping proposals sufficiently demonstrate that the development will be acceptably integrated into the surrounding environment in accordance with policy DS2 of the Core Strategy.

### **3. Residential amenity**

Policy DS5 of the Core Strategy requires that development proposals do not harm the amenity of existing or prospective users and residents.

Ashwell Farm is a detached property located adjacent to the access road in the south-east corner of the site. This property would not be affected by the positioning of the proposed dwellings but it would have an increase in the level of traffic travelling past its south and west boundaries. However a hedge is proposed along the south boundary of the property, as well as tree planting to the west boundary. The proposed planting would act as a barrier which would reduce the impact of the development on the occupiers of the property to an acceptable level.

There are two further detached dwellings, 51 and 53 Ashwell Road, located to the east of the site access road. However, there are substantial boundary hedges separating these properties from the access road and therefore the amenity of the properties is considered to be unaffected by vehicle movements on the development access.

The proposed dwellings at plots 2 and 27 would be sufficiently separated from both 51 and 53 Ashwell Road, to the east, to ensure that no adverse overbearing, overshadowing, or overlooking implications would be incurred in respect of the habitable room windows of the dwelling or its private amenity space.

41 Wilmer Drive is located beyond the north-east corner of the development site and is a detached dwelling set within an extensive curtilage. The nearest proposed property, at plot 27, would be a split level dwelling with two storeys to the front elevation and

three storeys at the rear. The proposed dwelling would be sufficiently separated from the west elevation of 41 Wilmer Drive to ensure that it would not result in any adverse overbearing, overshadowing or overlooking implications. Whilst plot 27 would occupy an elevated position in relation to the garden of 41 Wilmer Drive the windows of the proposed dwelling would be sufficiently separated from the common boundary to the north to ensure that no adverse overlooking implications would be incurred.

The internal layout of the development is such that the proposed dwellings would benefit from sufficient separation distances to ensure that no adverse residential amenity implication would be incurred as a result of overbearing, overshadowing or overlooking. The proposed dwellings would be afforded a sufficient level of private amenity space to cater for the needs of future residents. The adjacent uses to the north (open land), west (allotments), and, south (school) will not have a detrimental impact on the future occupiers of the proposed dwellings.

In conclusion the development is not considered to result in any adverse residential amenity implications in accordance with the requirements of policy DS5 of the Core Strategy.

#### **4. Highway and Pedestrian safety**

The site would take access from Ashwell Road, as per the previously approved application. The point of access would allow for two way vehicle traffic and would benefit from acceptable visibility splays to the north and south on Ashwell Road.

The proposed development would provide 27 dwellings and vehicle trips from the development would therefore fall below the 30 two-way vehicles per hour threshold which would require the submission of a transport assessment, as set out in appendix B of Department for Transport's guidance on transport assessments. For this reason the level of traffic generated from the development is not considered to have a material impact on the highway network. The proposal is therefore considered to accord with policy TR1 of the Core Strategy and paragraph 32 of the NPPF.

The development would provide sufficient off street car parking provision to meet with the requirements of policy TR2 and Appendix 4 of the Core Strategy, which require the provision of an average of 1.5 spaces per dwelling across the development.

The Highways Development Control Department have advised that the internal layout of the development does not achieve an adoptable standard for the following reasons:

- The centre line radius for a traditional estate road is 20m and this should be marked clearly on the bends on the site layout plan.
- A minimum of 2m wide footways should be provided and 1.5m is not acceptable.
- The carriageway width should be a consistent 5.5m wide. A variable width between 4.99m - 5.31m is not acceptable.

The agent has indicated that rather than construct an adoptable estate road the intention is that the road is to be privately maintained. The agent has provided a commitment to enter into a Section 106 agreement to ensure that the road is adequately maintained providing the Council with legal recourse in the event that it is not.

It is considered that whilst the highway layout does not achieve adoptable standards the deficiencies identified would not result in any significantly adverse highway or pedestrian safety implications which would warrant refusal of the proposal.

West Yorkshire Combined Authority has requested the provision of a bus only Residential MetroCard Scheme (cost of £13,365 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.Drainage**

Policy EN7 of the Core Strategy deals with Flood Risk and states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is taken into account. Development proposals will also be required to seek to minimise run-off and for Greenfield sites run off should be no greater than the existing Greenfield overall rates.

The developer has provided a drainage layout indicating that surface water is to be disposed of via soakaways and foul water is to be disposed of by connecting to the mains sewer.

The Councils Drainage Unit (acting as Lead Local Flood Authority) have advised that they have no objection to the proposed development subject to the imposition of planning conditions requiring the submission of full details and calculations relating to the proposed means of foul and surface water drainage to be submitted and approved in writing by the Local Planning Authority. The surface water drainage proposals will be required to be 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 including a peak pass forward flow of 5 litres per second have been submitted. The developer will also be required to submit a Surface Water Drainage Management document and the developer will be required to manage the drainage infrastructure serving the development in accordance with the terms and conditions of the agreement across the lifetime of the development.

Subject to the aforementioned conditions the proposed development is not considered to result in any adverse drainage implications in accordance with the requirements of paragraph 103 of the NPPF and policy EN7 of the Core Strategy.

## **6. Air Quality/ Sustainable Travel**

Paragraph 35 of the NPPF confirms that developments should be located and designed where practical to:

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;

- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

The Bradford MDC Low Emissions Strategy, published in August 2013, sets out a Development Control Air Quality Policy at Appendix 2 which identifies the criteria for the requirement of an Air Quality Assessment and specifies the level of mitigation expected to be provided for different categories of development.

This proposal is below the Department for Transport threshold criteria for a Transport Assessment and therefore no air quality assessment is required, but there is a need to consider whether the development will expose future occupiers to unacceptable levels of NO<sub>2</sub> and particulate matter.

In respect of mitigation measures the proposed residential development is required to provide Type 1 mitigation in the form of electric vehicle (EV) charging points for each dwelling. The developer has confirmed that EV charging points will be provided for each dwelling and this can be ensured by a planning condition in the event that planning permission is granted.

Subject to the aforementioned condition and adherence to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition it is considered that the development will suitably promote the adoption of sustainable patterns of travel by future residents and facilitate the accessing of local facilities and services by modes of transport other than the private car in accordance with the provisions of paragraph 35 of the NPPF and policy EN8 of the Core Strategy.

## **7. Conservation Implications**

The nearest Conservation Area is the Heaton Estates Conservation Area to the east of the site. Its western boundary runs along the eastern boundary of Ashwell Road and is separated from the site by the dwellings along Ashwell Road. As such it is not considered that the application site is directly related to the Conservation Area and as such the development is not considered to result in any adverse implications in respect of the character and appearance of the conservation area. The proposal is therefore considered to accord with policy EN3 of the Core Strategy.

## **8. Trees**

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

There are a number of protected trees located adjacent to the boundaries of the development site on third party land. Specifically, there are trees located within the school site to the west of the proposed access and there are further trees located on the northern boundary of the school site, which would be at the rear of the proposed dwellings at plots 2-6. As the aforementioned trees are protected by Tree Preservation Orders it is important that these trees are adequately protected during the construction

phase of development. A tree protection plan has been submitted how trees will be protected during construction. Subject to a condition requiring the provision of the tree protective fencing in accordance with submitted information to be retained throughout the course of development the proposal is not considered to result in any adverse implications in respect of protected trees.

## **9. Biodiversity**

The application site is not a locally designated site of nature conservation value (Bradford Wildlife Areas). The development is not considered to have an adverse impact on important/priority habitats or on species of international, national and local importance. The development would also introduce a degree of biodiversity enhancement as a result of the proposed landscaping scheme. As such the proposal is considered to accord with the requirements of policy EN2 of the Core Strategy

The site is located within 'Zone C' of the South Pennine Moors SPA (Special Protection Area) and the South Pennine Moors SAC (Special Area of Conservation), as the site is between 2.5km and 7km from the protected areas. The proposed development will result in a net increase in the number of dwellings within this zone of influence. However, given the separation distance of the site from the protected areas the proposal is not considered to result in a significant level of additional recreational pressure on the SPA or SAC. The proposal is therefore considered to be acceptable and accords with policy SC8 of the Core Strategy.

## **10. Community Safety Implications**

Policy DS5 requires that development proposals are design to ensure a safe and secure environment and reduce opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and, whilst not objecting in principle to the proposed development, has raised certain concerns and points of detail in relation to matters including:

- The existing dry stone walls to the south east, and west boundaries of the site should in increased to a height of 1.8 metres or topped with fencing to this height.
- Rear plot dividers should be 1800mm, such as a 1500mm high close board fence with 300mm high trellis along the top or a 1500mm high close board fence with 1800mm high privacy panel adjacent to the rear doorway.
- Plots which have stepped access to the rear gardens should have front bin storage.
- There is no surveillance of the on plot parking bays from habitable rooms for plots 3-10 and 15-27.

Whilst being mindful of the need to provide a suitably crime resistant environment with well-defined and secure public and private spaces the Council must also balance other planning considerations including facilitating connectivity to the surrounding built and natural environment .

The dry stone wall boundary to the south of the site is surmounted by a paladin fence and exceeds 1.8 metres in height. The remaining dry stone wall boundaries are considered to be of a sufficient height to provide defensible space whilst contributing towards the provision of a visually attractive environment.



In respect of the provision of rear plot dividers and bin storage arrangements for properties with stepped access to the rear it is considered that these matters can be appropriately dealt with by imposing suitable worded planning conditions.

In terms of the surveillance of on plot parking for plots 3-10 and 15-27 it is considered that whilst the parking bays are not overlooked by ground floor active room windows (i.e kitchen or living room), the presence of first floor habitable room windows throughout the site would provide some natural surveillance and act as a sufficient deterrent to criminal activity.

It is not considered to be appropriate for the planning system to regulate all of the aspects of the development referred to by the Police Architectural Liaison Officer, such as the specifications of external lighting, doors and windows and intruder alarms as these matters are not generally considered to be land use planning concerns.

It is considered that the development has generally been designed to reflect the principles of secure by design and that the spaces which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour.

Subject to the reservation of details of rear plot dividers and bin storage arrangements by planning conditions it is considered that there are no grounds to conclude that the proposed development would create an unsafe or insecure environment and the proposal is considered to accord with policy DS5 of the Core Strategy.

## **11. Land Contamination**

Policy EN8 of the Core Strategy requires that Proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment. Investigation of land quality must be carried out in accordance with the principles of best practice.

The Council's Environmental Health Department have assessed the submitted Phase 1 and Phase 2 Reports and concur with the recommendations made. Specifically, that the single elevated concentration of benzo(a)pyrene, associated with fly tipping, is dealt with by removing any fly tipped material from areas where soft landscaping or amenity areas are to be located.

The ground gas risk assessment concludes that no gas protection will be required and the Council's Environmental Health Department agrees with this conclusion.

In order to ensure that the identified remediation actions are carried out it is recommended that a planning condition is imposed requiring the submission of a remediation verification report, produced by a competent person, to be submitted once the construction works and landscaping have been undertaken. Further conditions are also required detailing how any unexpected contamination will be dealt with and requiring the submission of a methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils. Subject to the

above-mentioned conditions the proposed development is considered to accord with policy EN8 of the Core Strategy.

## **12. Further Issues Raised by Representations**

*Construction traffic will cause additional congestion and conflict with school traffic-* A condition is to be imposed requiring full details of the contractors means of access to the site, details of the areas of car parking for construction workers, sales staff and customers, as well as details of the hours of deliveries. Subject to the approval of acceptable details construction traffic is not considered to adversely impact upon highway or pedestrian safety.

*Increased air pollution from vehicles-* It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations. The development would also provide Type 1 Mitigation in the form of Electric Vehicle Charging points as required by the Bradford Low Emission Strategy.

*Loss of Flora and Forna-* The proposed development would not result in the loss of any protected trees and would provide adequate means of protection for protected trees on third party land during construction. The development also includes a landscaping scheme and whilst specific details are reserved for approval by condition this is likely to include native species which would contribute towards biodiversity value.

*No benefit of providing new housing-* The Core Strategy sets out a need to provide 4500 new homes in north-west Bradford upto 2030. This figure is evidence based and was found to be sound after a public examination of the Core Strategy by an appointed Inspector.

*There are existing empty properties in Heaton-* This existence of empty properties is not a material planning consideration.

*The site is the subject of a land ownership dispute-* Land ownership is not a material planning consideration. The applicant has completed Certificate A of the application form indicating ownership of the land within the submitted red line location plan. Title deeds information has been submitted confirming that the red line location plan is accurate.

*The dwellings are excessive in height-* The development site is self-contained and the height of the dwellings is not considered to be out of keeping with the surrounding context.

*Additional traffic would prevent emergency services accessing Ashwell Road-* The development provides for adequate off street car parking to ensure that Ashwell Road is unaffected by additional parked cars. In any case if vehicles are parked in locations which block access this matter should be reported to the police.

*The junction of Emm Lane and Ashwell Road is not suitable for additional traffic-* The development is not considered to result in a significant number of additional vehicle trips such as would result in adverse highway and pedestrian safety implications at the junction of Emm Lane and Ashwell Road.

*Loss of green space-* Whilst the site is predominantly comprised of greenfield land, it is not subject to any restrictive planning policy protection as an area greenspace, rather it was formerly allocated as a phase 2 housing site and therefore the principle of residential development is considered to be acceptable.

*Additional burden on school places in the area-* The site is located within 'Residential Zone 4' which is a nil CIL zone. For this reason an Education contribution is not required.

*Adverse impact on Heaton Royds Lane footpath-* The development site is sufficiently separated from the public footpath on Heaton Royds Lane (Footpath Shipley 32) to ensure that no adverse implications would be incurred. The visual impact of the development is considered to be acceptably mitigated by the proposed landscape scheme.

*Harm to long distance views from Northcliffe Park-* The design of the development is considered to be acceptable and it is not considered to form a strident feature in long distance views from the north, particularly as the size and siting of the dwellings are designed to work with topography of the site.

*Surface water run off implications for Heaton Woods-* Full details and calculations of the means of surface water run-off are required by the imposition of a planning condition. The condition will only be discharged providing that the submitted drainage details meet with the requirements of the Lead Local Flood Authority. Consequently it is considered that subject to the approval of details the development would not result in any adverse surface water run off implications for Heaton Woods.

*Lack of affordable homes-* The development is subject to a requirement to provide 5 affordable homes, which meets with policy HO11 of the Core Strategy. The provision of the affordable housing will be ensured by a section 106 legal agreement.

*An area of land in the North-East corner of the site is not included within the Geotechnical report-* It is noted that an area of land within the site boundary is not included within the submitted Geotechnical report. However, the records held by the Councils Environmental Health Land Contamination Team and Minerals and Waste Team, do not raise any significant concerns in respect of the omitted area of land. Furthermore the development is subject to a planning condition ensuring that any unexpected contamination encountered is dealt with appropriately.

*The buffer zone should be 5 metres in depth for the entirety of the north boundary-* The proposed buffer zone is considered to be sufficient to ensure that the development achieves an appropriate appearance in relation to the surrounding landscape.

*Maintenance arrangements for the buffer zone are unclear-* The buffer zone and all other communal landscaped areas within the development will be managed and maintained in accordance with the approval of a Landscape Maintenance and Management Plan.

*The cross sections include land outside of the site boundary-* Any land included outside of the site boundary on the cross section drawings is for illustrative purposes only.

*The dry stone wall at the rear of plot 27 has no foundations and may be undermined by development.* The proposed development is subject to building regulations, with the foundations of all new build properties subject to approval. The proposed development is therefore not considered to result in any additional load bearing on inadequate supporting structures.

*The fence on the south side of the buffer zone could be damaged by strong winds-* It is considered that an appropriate boundary fence can be provided to withstand inclement weather conditions.

*There are no construction details for the new wall to be provided at the rear of plots 26 and 27-*Details of all boundary treatments can be reserved for approval by the imposition of a planning condition, to ensure that they are of an appropriate design.

*The boundary fence between the development site and Heaton Woods Trust land to the north should be replaced before development commences.* It is considered that requiring the provision of a boundary fence along the northern boundary of the site before development commences cannot be justified and such a condition is likely to fail the requirements of circular 11/95 as it is not necessary or reasonable.

### **13. 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.

#### **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, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics.

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

The proposed development is considered to be acceptable in principle and is not considered to result in any adverse implications in respect of visual amenity, residential amenity, highway and pedestrian safety, drainage, land contamination, ecological impacts or air quality. The proposal is considered to accord with the relevant national planning policies set out in the NPPF and policies P1, SC1, SC4, SC8, SC9, TR1, TR2, TR3, HO5, HO8, HO9, HO11, EN3, EN5, EN7, EN8, DS1, DS3, DS5 and ID3 of the Local Plan.

### **Conditions of Approval**

## **General**

### **Three Year Time Limit**

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).

### **PD Rights Removed A-E**

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

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

### **Material Samples**

3. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

### **Boundary Treatments**

4. Notwithstanding the details provided on the submitted plans details of the design, height and materials of boundary treatments to the plot curtilages and any retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary details so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained as long as the development subsists.

Reason: In the interests of amenity and privacy and to accord with Policies DS2, DS3, DS5 and EN3 of the Local Plan Core Strategy.

### **Landscaping Scheme**

5. In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, the landscaping proposals and new tree planting shall be implemented at the site in accordance with details shown on the approved Landscape Proposals drawing references PWP 111-001 01 and PWP 111-002 01 received by the Council on 1st December 2017.

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 EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

#### Landscape Maintenance

6. 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 said 'internal verges and planting areas within the site in perpetuity' by way of a Management Company. The developer or successor in title shall lay out all those areas within the site in accordance with the approved drawing, and to a constructional specification by the Local Planning Authority, as part of those maintenance arrangements to be set out in a Management Maintenance Perpetuity Plan. As and when a phase or the whole development is completed the final verges and planting areas relating to that phase or the whole of the development, whichever shall apply, shall be laid out according to the approved plan.

Reason: To ensure that the areas are adequately maintained for the lifetime of the site in perpetuity, and therefore, will not require the Council to publicly maintain them at any time in the future.

#### Tree Protection Plan

7. The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Tree Protection Plan reference "Appendix 6: CCL Arboricultural Report 08359/A".

No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

#### Tree Protection Retention

8. The agreed tree protection measures, shall remain in place, and shall not be moved, removed or altered for the duration of the development without the prior written consent of the Local Planning Authority. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them without the prior written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected for the duration of development activity on the site, in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

## **Highways**

### **Parking Provision**

9. Before any of the dwellings to be constructed are brought into use the proposed car parking spaces to be approved shall be laid out, hard surfaced, sealed, marked out into bays and drained within the site as shown on the approved drawing and completed to a specification approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety, and in accordance with Policies TR2, DS4 and EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

### **Provision of Access**

10. Before commencement of development full details of the proposed means of vehicular and pedestrian access hereby approved, including a construction specification and street lighting and drainage details shall be submitted to and approved in writing by the Local Planning Authority. The proposed means of vehicular and pedestrian access shall then be provided in accordance with the details so approved before first occupation of the approved dwellings.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

### **Provision of Turning Area**

11. Before any of the proposed dwellings to be constructed as part of the development are brought into use the vehicle turning areas hereby approved shall be laid out, hard surfaced, sealed and drained within the site, as shown on the approved plan and retained whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with policy TR2 of the Core Strategy.

### **Section 278 works**

12. Unless otherwise agreed in writing with the Local Planning Authority, before any development works start on site, full details for the works associated with any Section 278 Agreement shall be submitted to and approved in writing by the Local Planning Authority. The plans so approved as well as appropriate timescales for the delivery of these highway improvements shall be implemented in accordance with the specifications of the Local Highways Authority.

Reason: In the interests of highway safety and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

### **No gates open over highway**

13. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with policy TR2 of the Core Strategy.

### **Contamination**

#### **Remediation Verification**

14. 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.

#### **Unexpected Contamination**

15. 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.

#### **Material Importation**

16. 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.

### **Drainage**

#### **Surface Water Drainage**

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



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

#### Surface Water Management Plan

18. 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.

#### Foul Water Drainage Details

19. 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.

### **Air Quality**

#### Domestic Electric Vehicle Recharging Points

20. 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).

#### Construction Environmental Management Plan

21. 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.

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