



# **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 19<sup>th</sup> July 2018**

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## **Subject:**

A Reserved matters application for the construction of 28 dwellings including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale.

## **Summary statement:**

Outline planning permission with all matters reserved for the construction of 28 dwellings was approved on this site by the Regulatory and Appeals Committee on 23<sup>rd</sup> June 2016. The application was approved subject to a Section 106 agreement for the provision of green space in perpetuity, 6 affordable housing units and contributions totalling £108,970.75. This reserved matters application seeks consideration of access (other than at Keighley Road), appearance, landscaping layout and scale. In addition, the applicant has submitted a Deed of Variation, to vary the requirements of the Section 106, which was completed as part of the outline application.

The principle of the residential development of the site was accepted with the approval of the previous outline application. The appearance landscaping, layout and scale of the proposed development are considered to be appropriate.

In terms of the Deed of Variation, the original obligation to provide village green space in perpetuity will remain. A Financial Viability Report has been submitted and assessed independently on behalf of the council by Cushman Wakefield. The Financial Viability Report and the independent assessment both conclude that due to the abnormal costs of developing the site it is not viable to provide affordable housing or financial contributions towards Education, Recreation and Metro provision.

The application is recommended for approval subject to the conditions included within the report and the Deed of Variation.

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## **Portfolio:**

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

**Regeneration and Environment**

## 1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application reference 18/00158/MAR made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1

## 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. FINANCIAL & RESOURCE APPRAISAL

Outline application reference 15/01039/MAO is subject to a section 106 agreement requiring the following planning obligations:

- **On site Affordable Housing provision:** The provision of 6 units at the level of discount on the open market value of the properties necessary to allow disposal of the properties to an RSL.
- **Education contribution:** The sum of £46,708 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Cullingworth Primary School.
- **Recreation contribution:** The sum of £20,419 will be paid to the Local Planning Authority for the purpose of upgrading the existing public recreation infrastructure at the St Ives Estate, Keighley Road, Harden.
- **Metro provision:** The sum of £31,893.75 will be paid to the Local Planning Authority for the purpose of supplying subsidised travel cards to the occupants of the new development or for the purpose of improving/enhancing existing Metro facilities which have been identified as: (1) 'live' bus information display bus stop number 20288; (2) 'live' bus information display bus stop number 20289; (4) Residential MetroCard for 25 Dwellings
- **Open Space Obligation**
  - o Obligation to Provide the Village Greenspace and other Public Open Spaces shown on drawing 1357DHP/MCH/IMO1 REV J, or as otherwise agreed by the Local Planning Authority, to a minimum area of 1,900m<sup>2</sup>, as open spaces [containing no buildings] in perpetuity;
  - o Full details shall be provided of the arrangements which shall be made for the management and maintenance of the Public Open Spaces shown on drawing 1357DHP/MCH/IMO1 REV J, or as otherwise agreed by the Local Planning Authority.

A Financial Viability Report has now been submitted, prepared by ING Consulting on behalf of Skipton Properties Ltd (the Applicant). The report concludes that because of the abnormal costs associated with developing the site it is not viable to provide the affordable housing units or the financial contributions required within the S106 agreement.

Cushman and Wakefield, acting on behalf of Bradford Council, have undertaken a review of the viability report.

The review analyses the methodology, assumptions and inputs of the viability report to determine if the conclusions are reasonable. The review also includes a shadow appraisal of the development to determine its viability.

The Cushman & Wakefield review concludes that the development cannot sustain any affordable housing provision or Section 106 contributions.

Consequently a Deed of Variation is required in order to omit the affordable housing units and financial contributions towards Education, Recreation and Metro provision.

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

None relevant to this application.

## **6. 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).

## **7. OTHER IMPLICATIONS**

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

### **7.1 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.

### **7.2 SUSTAINABILITY IMPLICATIONS**

The development meets the sustainability criteria outlined in relevant national and local planning policies. The site is located within the village of Harden in close proximity to certain amenities, with nearby public transport connections to access facilities and services further afield. The development would not result in either the formation of a new settlement or significant sprawl of an existing settlement. No adverse sustainability implications are therefore foreseen.

### **7.3 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.

#### **7.4 COMMUNITY SAFETY IMPLICATIONS**

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

#### **7.5 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.

#### **7.6 TRADE UNION**

None

#### **7.7 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 Bingley Rural Ward.

#### **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

None

#### **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None

#### **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT**

None

### **8. NOT FOR PUBLICATION DOCUMENTS**

Financial Viability Report (ING Consulting)

Financial Viability Report Review (Cushman & Wakefield)

### **9. 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.

## **10. RECOMMENDATIONS**

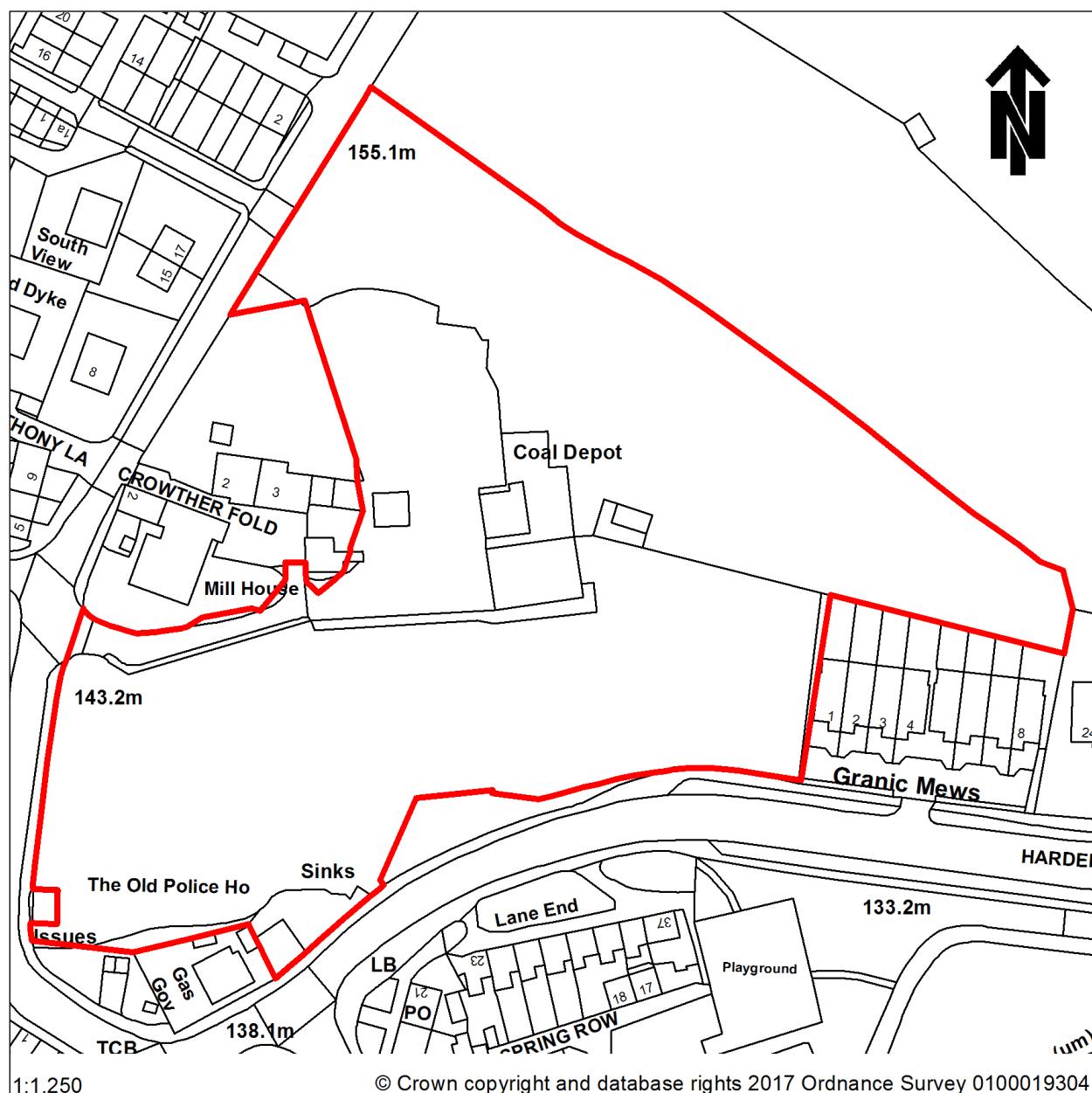
This reserved matters application is recommended for approval, subject to a Deed of Variation and the conditions included within Appendix 1.

## **11. APPENDICES**

Appendix 1: Technical Report

## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Replacement Unitary Development Plan  
Local Plan for Bradford  
Application Reference-15/01039/MAO



**Appendix 1**

19 July 2018

**Ward:** Bingley Rural (Ward 03)

**Recommendation:**

**To approve the reserved matters subject to the conditions included within the technical report and the completion of a Deed of Variation to amend the Section 106 completed with the previously granted outline planning permission.**

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

**Application Number:**

18/00158/MAR

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

A Reserved matters application for the construction of 28 dwellings including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale.

**Applicant:**

Skipton Properties Ltd

**Agent:**

Mr Jay Everett

**Site Description:**

The site is predominantly comprised of a grass field which ascends north from the centre of Harden, adjacent to the roundabout junction of Wilsden Road, Long Lane and Harden Road. The site comprises an area of open land within the existing settlement boundary with housing to the east, west and south. To the north there is an area of woodland located within the Green Belt. The western frontage of the site is onto Keighley Road, with the southern frontage onto Harden Road.

Internal site levels are higher than Keighley Road along the northern part of the western boundary and higher than Harden Road along the eastern part of the southern site boundary with retaining walls accommodating this 1.5m to 3m level difference.

The site wraps around an enclave of development, accessed off Keighley Road, comprising of four dwellings and a coal yard. Two of the dwellings within the enclave, 2 and 3 Crowther Fold, are Grade II listed buildings.

An open watercourse runs through a short section of the site at its south-western corner, entering the site through a culvert under Keighley Road and exiting the site through a culvert under Harden Road. An attractive traditionally built detached dwelling occupies the strip of land between the watercourse and Harden Road. A small cabin serving as a fish and chip shop is located to the north-east corner of the site fronting onto Keighley Road. A number of newly built houses are located immediately adjacent to the site's south-eastern corner.

### **Relevant Site History:**

15/01039/MAO-Outline application for residential development (with all matters of detail reserved for subsequent approval excepting access)-Granted Subject to S106 Agreement-23.06.2016

### **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 northern and eastern parts of the site are allocated as Safeguarded Land S/UR5.4:

#### **S/UR5.4                  BINGLEY ROAD, HARDEN                  0.97 ha**

Greenfield site previously identified for housing in the 1998 adopted UDP. Located in the historic Harden village core, any future development will need to be sympathetic in design, layout and use of materials to surroundings. Contamination survey required due to proximity to coal depot. Semi improved pastures on site may be of ecological value. Access via Harden Road. Close to village facilities, but services and facilities in Bingley town centre some distance.

The western part of the proposal site is allocated as Village Greenspace S/OS7.5:

#### **S/OS7.5                  BINGLEY ROAD, HARDEN**

Designation carried forward from the 1998 adopted Plan. The site occupies a prominent position at the heart of the village, maintaining the open aspect, which contributes to the village's character.

#### ***Proposals and Policies***

The majority of non-allocation related policies within the RUDP have now been superseded by those set out in the Core Strategy. The following adopted Core Strategy policies are considered to be relevant to the proposed development.

P1- Presumption in Favour of Sustainable Development  
SC1- Overall Approach and Key Spatial Priorities  
SC4- Hierarchy of Settlements  
SC6- Green Infrastructure  
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  
EN4- Landscape  
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  
ID2-Viability  
ID3- Developer Contributions

**Parish Council:**

Harden Parish Council:

The Parish Council objects strongly to the application as submitted and recommends that the application as it stands be refused.

The layout and house types are standardised and do not relate to local architecture.

Three storey properties are inappropriate for this site.

Four bedroom dwellings are not suitable for the local demographic.

The materials to be used in the construction are not specified but these should be natural stone with slate roofing.

It is unclear which of the proposed dwellings are to be affordable units.

Plots 26, 27 and 28 appear too close to the rear of Granic Mews.

Plots 25- 28 are too tight to the woodland edge

Solar panels would be beneficial on this south facing site.

Details of the on-going maintenance arrangements for the Village Green Space are required.

The cherry trees (G18) should be retained or replaced with Cherry trees.

The means of enclosure of the village green space is unclear. It should be a stone wall and not a 1.2 metre post and rail fence.

The Section 106 agreement provides little benefit to the population of Harden. The Education Contribution is to be used for the upgrading of existing facilities at Cullingworth Primary School and not at Harden. This is a significant development for the village of Harden and the village should receive benefit for community uses.

**Harden Parish Council- Further comments on Revised Plans and Updated Information dated 03.05.2018**

The cherry trees should be retained, or if removal can be justified then they should be replaced with similar trees in a suitable location.

A CGI image from the centre of Harden would assist in appraising the development.

It is queried which of the proposed units will be affordable.

Three storey dwellings are out of keeping with the local vernacular and would harm nearby listed buildings.

The Parish Council endorses the views of the Conservation Officer in respect of the inappropriate nature of the three storey properties and the impact of the development on the area.

**Publicity and Number of Representations:**

The application was publicised by press notice, site notice and neighbour notification letters. The initial expiry date for the submission of comments was 24<sup>th</sup> April 2018. The application has been the subject of further public consultation following receipt of amended plans and further information, with an expiry date of 24<sup>th</sup> May 2018. A total of 11 objections were received.

**Summary of Representations Received:**

Residential Amenity

Plots 26, 27 and 28 would overlook and overshadow the habitable room windows and garden areas of properties on Granic Mews.

Trees

Adverse effect on trees adjoining the north-west boundary of the site

Plots 18, 24, 25, 26, 27 and 28 are too close to large mature trees that adjoin the site.

Future pressure for felling of trees due to proximity of proposed dwellings.

Future pressure for felling of trees due to proximity resulting in inadequate daylight to proposed dwellings.

Harm to amenity as a result of the loss of trees

The separation distance of new dwellings to trees should be at least equal to the height of the trees.

Plots 18, 24, 25, 26, 27 and 28 should be omitted from the application to prevent harm to trees

The cherry trees at the entrance to Crowther's Fold should be retained.

Adverse impact on large mature trees bordering the north western boundary of the site.

#### Biodiversity

The proposed development will harm protected species

A bat survey is required

Loss of valuable habitat

#### Design

The height and vertical emphasis of the dwellings is out of keeping with the horizontal emphasis of neighbouring houses on Keighley Road and Harden Road.

The external facing materials of the houses are not specified on the submitted drawings

The design details of the dwellings should reflect local character.

Bungalows and dormer bungalows would be more appropriate for this site.

The development is out of keeping with the rural character of Harden.

#### Green Space

The village green space needs to be restored as an open grassed area and suitable provision made for its care and maintenance.

#### Highway and Pedestrian Safety

The new access road will reduce the available parking provision on Keighley Road. Access to the site should therefore be restricted during time periods before and after school hours, to avoid congestion.

The location of the access will result in accidents because of its proximity to the bend to the north.

Construction vehicles should not be permitted to wait in Keighley Road before entry/after exit from the site.

Wheel cleaning facilities for construction vehicles should always be available.

Suitable dropped kerbs should be provided across the new access road and also from the existing footpaths on both sides of Keighley Road

The visibility splays on Keighley Road are unclear.

Cars often speed adjacent to the proposed site access.

Restricting parking on Keighley Road will result in increased on-street parking elsewhere in Harden.

Double yellow lines should be introduced on the east bound carriageway of Haden Road to prevent problem parking.

Increased congestion.

Passing trade to Harden Fisheries would be adversely affected.

Parking restrictions would prevent delivery vehicles from servicing Harden Fisheries.

Contractor parking will add to congestion.

How will site deliveries be controlled?

#### General

A dedicated and publicised telephone number is required for the site office.

Increased demand for health care services in Wilsden and Cullingworth where provision is already strained.

The layout was not approved under the outline planning application.

Development work could impact ground stability.

#### **Consultations:**

##### **West Yorkshire Combined Authority**

Real time Passenger Information displays could be provided at bus stops 20288 and 20289 at a cost of £10,000 to the developer.

To encourage the use of sustainable transport as a realistic alternative to the car it is recommended that the developer funds a package of sustainable travel measures, to encourage the use of sustainable modes of transport.

##### **Environment Agency**

No objections are raised subject to satisfactory foul water drainage arrangements.

##### **West Yorkshire Police**

Rear boundary treatments should be to a height of 1.8m. Front boundary treatments should be medium to low level to assist with surveillance.

A low level wall should be provided to the side of plot 1 to prevent any desire lines through the area of public open space.

Rear Access shared footways such as those at plots 5, 6, 7 and 24, 25 should be removed.

The boundary fence of plot 19 should be continued to restrict access to the rear garden.

It is recommended that a fence is installed along the front building line of the garages to plots 26/27 to prevent access to the rear of the garage at 26.

### **Trees**

The introduction of houses will fragment the appearance and detract from the overall impact of the woodland.

The application will be detrimental to trees due to construction related root damage,

After occupation, there will be inevitable calls for tree loss or pruning as a result of residential curtilage, highway and dwellings at very close quarters to woodland edge.

The tree survey provides a fair reflection of the condition and individual value of the trees.

The retaining wall to the north of the site is 4.5m and tapers in height. The proposed tree protective fencing is tight to this feature and to the proposed highway. Unfortunately, on the balance of probabilities, the proposed tree protection measures will not be installed and retained in accordance with the details submitted

Plots 25 to 28 are tight to the woodland edge and could be designed and located to relate better to trees.

No rotavation should occur along the woodland edge. The tree species in this location are too ornamental and have no particular link with the woodland. There appears to be space in the verges to Keighley Road and Harden Road for Quercus robur, Fagus and/or Tilia which would have a greater impact on future amenity.

### **Landscape Design**

The retention of the majority of the land designated as village green space is supported as is its enhancement with tree planting.

The village green space is the tip of an extensive green area that brings the surrounding landscape into the centre of Harden. Higher up the hill are heavily wooded areas which include mature trees. In views from Harden Road these trees form a complementary backdrop to the green space providing a strong rural connection.

At present views are largely unencumbered by buildings, with the exception of a modern barn which reads as relevant to the rural setting. Generally the scale of the buildings is small compared to the scale of the enveloping green pasture and mature woodland.

The development would result in significantly more built form in the middle distance between Harden Road and St. Ives Estate, severing the connection between the background woodland and foreground pasture. There will be a change in the character of the village core, a noticeable loss of connectivity with the surrounding green.

This scheme will only integrate successfully into the existing fabric of Harden if the green space is both seen and utilised as a focal point for the village and not just for this development. The level changes across the site do not make it easy to physically link the proposed village green space to surrounding built form on any side.

There will be a steep slope curving around the edge of the green space, with the grass bank around the access road creating a sheltered amphitheatre. The enclosed space might feel quite intimate, but a 1 in 3 slope for pedestrians to negotiate the space may be rather isolated.

A footpath link from Harden Road to the green space should be provided and the green space should be made accessible to all.

The detailed planting plan is appropriate. The village green space and other areas of green space should be maintained by a management plan.

### **Drainage**

The development should not begin until details of a scheme for foul & surface water drainage, including any balancing & off site works have been submitted to & approved in writing by the Local Planning Authority. The drainage scheme shall include proposals for the disposal of surface water from the development using sustainable drainage techniques or, proof that such techniques are impracticable in this instance. Only in the event of sustainable drainage techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

Development to be drained via a separate system within the site boundary.

Any proposed surface water discharge to watercourse to be limited to the rate calculated in the Flood Risk Assessment submitted by Avie Consulting, Ref P1549 Rev 01.

The developer must submit details & calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system together with details & calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings, safe egress & access or overflowing into the adjacent watercourse.

N.B- The above requirements have been fulfilled by planning conditions imposed on outline application reference 15/01039/MAO.

### **Yorkshire Water Land Use Planning**

No further drainage details are provided and so the recommendations. Therefore the comments provided from consultation on application 15/01039/MAO still apply. Specifically, that the development shall be carried out in accordance with the Flood Risk Assessment carried out by Avie Consulting.

N.B- The requirement for the development to be carried out in accordance with the approved Flood Risk Assessment was stipulated by a planning condition imposed on the outline planning application.

### **Design and Conservation 30.05.2018**

The site is not in a Conservation Area but nonetheless the development should take the opportunity to have a positive impact on the environment, its context and the settlement of Harden.

Whether the views in and out of the development, the manner in which the dwellings sit in the topography and how the resulting roofscape blends with its surroundings have been successfully achieved is indeterminate as no images are provided to illustrate these matters.

The streetscene images demonstrate that the built form proposed on plots 12-17 and 20 would be substantially taller than the nearby listed buildings, and are regarded as having an adverse effect on their setting. A reduced scale of built form is necessary to achieve a more compatible relationship.

The fenestration of the 3 storey Gatesway development facing Keighley Road is not regarded as successful or reflective of local vernacular with its haphazard window sizes and pattern. The traditional cottage type has a regular pattern of window size and application, with smaller openings being ad-hoc later insertions. These do not transfer well to multiple identical newly constructed house types.

A number of house types are now regarded as being aesthetically successful – 3 & 11, 4, 10, 18 and 19. Types 1 and 9 and 5-7 are also attractive, but would benefit from relief from otherwise bland roofscapes. Types 13-15, 21-24 and 27-28 also present plain roofs which when set into the wider development will result in a preponderance of bland and featureless roofscape.

Types 12, 17 & 17, 20, 21-24 and 25 remain dominated by garages at ground floor, and still fail to achieve a welcoming domestic appearance. 12, 13-15, 16-17, 20 and 25 also continue to display the mismatched window which does not in my opinion add character but merely appears unbalanced and incongruous.

The use of natural coursed stone for walling, natural slate for roofing, an appropriate eaves and gutter detail, and the recessing of window frames into reveals by a minimum of 100mm will be required.

Details are required for all boundary treatments.

This development which will have a profound impact, detaching the village core from its rural and green setting, and must make compelling efforts to reinforce the character of the place and strengthen local identity. As yet this remains unfulfilled. Progress has been made with many house types now being visually acceptable. In other cases the broader form, appearance and scale of the buildings requires resolution to achieve a development with an identity that responds to local distinctiveness, which has a sympathetic relationship to the listed buildings, which enhances its context and makes a positive contribution to the environment.

## **Highways**

The visibility splays to be provided at the site entrance have already been agreed on planning application 15/01039/MAO (drawing Ref: 7747-001 Rev B) and these should be reflected on the proposed site layout plan.

Having reviewed the amended site layout plan (drawing Ref: 1555SPL/KRH-PL01 REV. R) the proposed layout does not achieve adoptable standards and further advice comments from the Section 38 Engineer will be provided separately.

## **Highways-Section 38 Estate Roads**

The amended plans (119492/1001 Rev G, 119492/2001 Rev g) are acceptable and achieve adoptable standards.

## **The Gardens Trust**

The site currently makes a positive contribution to the significance of the St Ives Estate through its rural character and is an important part of its setting as seen from Harden Road and Keighley Road in Harden village. It is a prominent location and any development will particularly affect the setting of the western section of St Ives Estate.

The layout and house types are standardised and do not relate to local architecture or the woodland setting.

The development would have an adverse impact on the setting of St Ives Estate through its position and scale, particularly the proposed 3 storey dwellings on plots 12-17 and 20-25, which are dominated by garage doors.

The development would harm the significance of the Registered landscape of St Ives Estate due to the proposed urbanisation of its rural setting, and object to this application.

## **Summary of Main Issues:**

Principle of development

Density

Layout

Impact of Development on Heritage Assets

Scale

Design and Appearance

Landscaping

Trees

Residential Amenity

Community Safety

Highway and Pedestrian Safety

## **Appraisal:**

### **Principle**

The south western part of the site is allocated as Village Greenspace (S/OS7.5) and the eastern and northern parts of the site are allocated as Safeguarded Land (S/UR5.4). The principle of residential development has been accepted with the approval of the outline planning permission, which was granted subject to a Section 106 Agreement requiring the provision of a Village Greenspace and other Public Open Space within the site in perpetuity.

The proposed layout remains within the parameters which were set out in the outline approval in respect of the developable area of the site and the areas to be retained as Village Greenspace and other Public Open Space. The principle of residential development therefore remains acceptable.

It is also noted that 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.

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.

### **Density**

The indicative layout submitted with the outline application illustrated a development of 25 dwellings. It was noted that the indicative scheme was substantially below the required density, which would ordinarily yield 48 dwellings on a site of this area. However, it was accepted that a reduced density was required owing to the specific nature of the site in terms of topography, the need to preserve open space important to the setting of Harden, preservation of the setting of two adjacent listed buildings and the need to provide for a layout and design sympathetic to the traditional rural character of the village of Harden.

The proposed layout is for a development of 28 dwellings on a developable area of 1.6 hectare. The density of the development is therefore substantially below the 30 dwellings per hectare required by policy HO5 of the Core Strategy. However, the site specific constraints relating to topography, preservation of open space, preservation of the setting of nearby listed buildings and the need to achieve a layout and design sympathetic to the rural character of Harden remain applicable. It is therefore considered that the proposed development density is acceptable and accords with the requirements of policy HO5, which allows for a reduced density where it is justified by site specific circumstances.

## **Layout**

The layout of the development has been influenced by the topography of the site and the need to provide a minimum of 1900m<sup>2</sup> of open space, as secured by the Section 106 agreement attached to the outline planning permission.

The proposed layout is for a development of 28 dwellings, with the necessary quantum of open space included. The layout provides a large village green space in the south-west corner of the site, maintaining an important open aspect which makes a valuable contribution to the character of Harden Village, whilst also retaining key views of the Grade II listed buildings on Crowther Fold.

The site access is taken from Keighley Road and the estate road follows a meandering path, first arcing around the northern edge of the village green space, before running parallel with Harden Road and finally returning eastward in the form of a shared surface serving the upper portion of the site. The layout of the access road is considered to be a sensitive design solution as its meandering path is well related to the village setting and it also avoids the need to dissect the valuable area of village green space.

The layout would place the majority of the proposed units between Mill House and Crowther Fold to the west and Granic Mews to the east. When viewed from the centre of Harden the development would be visible in the middle distance, with the village green space in the foreground and the wooded backdrop of St Ives Estate beyond. It is considered that the siting of dwellings in this location would ensure that the development sits comfortably within its setting and that the visual connection between the green space at the centre of Harden and the woodland backdrop of the St Ives Estate is maintained.

The layout includes a landscaped buffer along the northern boundary where the site abuts the woodland edge of St Ives. In this location the proposed dwellings are orientated in order to prevent a substantial number of primary elevations and garden boundaries from immediately abutting the woodland edge.

A landscaped buffer is also provided within the site to the east of the Grade II listed dwellings on Crowther Fold in order to minimise the impact of the development on the heritage assets.

In terms of pedestrian connectivity a footpath is included providing direct access to the centre of Harden. A further footpath link is also proposed within the site to improve pedestrian connectivity to the upper portion of the site.

In conclusion it is considered that the development layout responds sensitively to the site and surrounding area, ensuring that dwellings, pedestrian routes and open spaces are well related to each other and that they do not significantly detract from the character of nearby heritage assets or the prevailing character of Harden Village.

Accordingly the development is considered to accord with the requirements of policies SC9, DS1, DS2, DS3 and DS4 of the Core Strategy.

### **Impact of Development on Heritage Assets**

The site is located in the setting of two grade II listed buildings at Crowther Fold and the northern boundary of the site is formed by the St Ives Estate, which is a registered historic landscape. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a listed building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Policy EN3 of the Core Strategy confirms that proposals for development will not be permitted if they would harm the setting of a listed building.

The application has been carefully and fully assessed in relation to the positive requirements to protect the setting of nearby listed buildings in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 132 of the NPPF. In the case of Barnwell Manor the Court of Appeal held that in enacting section 66(1) of the Listed Buildings Act 1990 Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise.

The proposed layout provides for the development of 28 dwellings with a substantial amount of open space retained in the south-west corner of the site, which is a key feature in views from Harden Road and is of prime importance to the setting of the grade II listed dwellings at Crowther Fold.

The layout also includes a landscaped buffer zone around the listed buildings in order to retain a more natural setting and avoid siting new dwellings up to the listed building boundaries.

The Design and Conservation Officer has raised concerns that the three storey built form proposed on plots 12-17 and plot 20 would be substantially taller than the listed buildings resulting in an adverse impact on their setting.

It is considered that the identified plots would be sufficiently separated from the listed buildings to ensure that their scale would not result in significant harm to the setting. In this regard the harm incurred to the setting of the listed buildings is considered to be less than substantial.

The Design and Conservation Officer has concurred with this assessment and suggested that additional screen planting in the landscaped buffer would assist in diminishing the harm incurred.

In relation to the impact of the development on the St Ives Estate it is considered that whilst the woodland would be visible to a lesser extent than is currently the case, the submitted photomontage demonstrates that it would remain visible from the centre of Harden and provide a wooded backdrop to the development, with the connection to the green space at the centre of Harden maintained. The harm incurred to the setting of the woodland is therefore considered to be less than substantial.

It is accepted that the development will cause some harm to the designated Heritage Assets by the virtue of the fact that it will result in additional development within their settings. It is also acknowledged that the Council must place considerable importance and weight on the imperative of preserving the setting of Heritage Assets.

However, it is considered that the submitted information adequately demonstrates that the harm incurred to Heritage Assets would be less than substantial and the benefits of the development in terms of the delivery of much needed new housing would outweigh the harm, in compliance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 132 of the NPPF and policy EN3 of the Core Strategy.

### **Scale**

The site ascends northwards from the centre of Harden to the wooded edge of the St Ives estate. Given the topography it is imperative to ensure that the proposed dwellings are of an appropriate scale in order to prevent the development from having an overly dominant appearance on the hillside.

The development includes a mixture of two and three storey units .The most readily visible dwellings would be plots 1-10, which are sited at the lower level and run broadly parallel with Harden Road. These units would all be two storeys in height and would descend moderately in line with the slope of the site from unit 1-8, before increasing in height at similarly moderate increments up to plot 11.

The plots forming the shared surface street would consist of split level units. Plots 12-17 would have two storey front elevations and three storey rear elevations. Conversely, plots 20-25 would have three storey front elevations and two storey rear elevations. Plots 18 and 19 would be located at the highest point within the site and would be two storeys in height.

The submitted site section demonstrates that the proposed dwellings would be of an appropriate scale achieving a graduated appearance up the hillside, with no singular aspect of the development appearing overly visible or dominant in views from Harden Road, or any other vantage point. The scale of the dwellings would also ensure that the woodland backdrop of the St Ives Estate is maintained as is demonstrated by the submitted photomontage.

In views from Keighley Road plot 18 would be set down from the road level but would maintain an appropriate presence in order to sit comfortably with the existing dwellings on the adjacent side of Keighley Road. The proposed dwellings would then diminish in height in line with the descending land level towards Harden Road.

Plots 26-28 would be two storeys in height and located at the rear of the existing three storey dwellings on Granic Mews. The properties at Granic Mews are level with Harden Road and the development site is retained at a higher level to the north and west of the dwellings. The submitted site section indicates that plots 26-28 are of an appropriate scale to ensure that whilst they are visible above Granic Mews from Harden Road they would not appear overly dominant.

### **Design and Appearance**

The development would consist of 28 units comprised of 13 different house types, including detached, semi-detached and terraced properties. The significant variety is considered to be a positive element of the design as it is reflective of the local surroundings, where a variety of house types are also evident. Following the submission of a photomontage the Design and Conservation Officer has confirmed that the development would have an acceptable impact in terms of the overall relationship of the development with Harden Village.

The proposed dwellings would be constructed of natural stone and surmounted by natural slate roofs. Subject to the approval of appropriate samples the materials are considered to be acceptable and would be in keeping with the surrounding area.

The submission includes a Local Vernacular Design Palette which identifies key features from the historic context of the site. The identified features have then been used to inform the plot designs across the development. Specifically, the inclusion of chimney stacks, corbels and stone heads, cills and door surrounds within the development are welcomed features which reflect positive elements of the local character.

The Design and Conservation Officer has raised concern that plots 12-17 and 20-25 are dominated by garages at ground floor level. Amended plans have been received which include glazed areas to the door openings on plots 20-25, reducing the presence of the garages and providing a more domestic appearance. Whilst garage doors remain prevalent at plots 12-17 they would only be visible from within the development site and they are not considered to have a significantly negative visual impact.

The Design and Conservation Officer has also raised concern that the singular smaller window detail to the upper storey of plots 12, 13-15, 16-17, 20 and 25 appears unbalanced and incongruous. Similar such window details can be observed in the area surrounding the site and the inclusion of this detail within the development is not considered to have a significantly negative impact on visual amenity.

In order to ensure an acceptable appearance is achieved it is considered necessary to impose planning conditions requiring that the windows are set 100mm within the reveals. Further planning conditions are also necessary in order to secure details of appropriate eaves and gutter treatments.

### **Landscaping**

Policy DS2 of the Core Strategy requires that development proposals should take advantage of existing features, integrate development into the wider landscape and create new quality spaces.

The key existing landscape feature of this site is the historic St Ives Woodland beyond the northern boundary. The submitted photomontage illustrates that the development would be set down in relation to the wooded backdrop with open green space retained in the foreground. The development is therefore considered to successfully integrate into the wider landscape.

A tree survey has been undertaken which identifies that the group of trees in the south-west corner of the site (T11, 13, 14, 15, 16) are of suitable quality to be retained. The remaining trees within the site are identified within the lower retention categories and are to be removed to facilitate development. The Trees Officer has not raised any concerns with the categorisation of the trees and does not contest this approach.

The proposed development would include a comprehensive landscaping scheme to supplement the retained trees and assist with ensuring that the development integrates successfully within its context.

It is considered that the proposed landscaping scheme is acceptable in respect of the planting schedule and that landscaping is utilised successfully throughout the site to create new quality spaces.

## 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. In relation to decision making trees and areas of woodland that contribute towards the character of a settlement or its setting, the amenity of the built-up area valued landscapes, or wildlife habitats, will be protected.

The northern boundary of the site is formed by a woodland copse which is part of the St Ives registered historic landscape, a Grade II listed heritage asset. The woodland is therefore a significant public amenity. In this regard the relationship of the development in terms of levels and the separation and orientation of housing to the woodland edge are considered to be key issues for consideration.

Following concerns raised by the Council's Trees Officer regarding the proximity of plots to the woodland and the proximity of retaining structures an updated site layout plan has been provided along with an updated Arboricultural Impact Assessment and Arboricultural Method Statement.

The development layout includes a landscaped buffer strip along the northern boundary to provide separation from the woodland edge. The Arboricultural Implications Plan demonstrates that the buffer strip is sufficient to ensure that none of the proposed dwellings or areas of hard surfacing would be located within the root protection areas of any of the woodland trees.

In relation to retaining structures it is noted that all of the proposed retaining structures would be located outside of the root protection zones of the woodland trees. The most substantial retaining structures would be at the northern tip of the site, to the rear of plots 18 and 19. In this location the retaining structures are tiered with three levels, totalling 5 metres at the rear of plot 19 and 3 metres to the rear of plot 18. As precautionary measure the retaining walls have a radial form to avoid a shear in the land level.

In light of the fact that all construction works would occur outside of the root protection areas of the woodland trees and that appropriate tree protection measures can be provided throughout the construction period it is considered that it cannot reasonably be concluded that the development would result in construction related root damage to trees. Having assessed the updated information the Council's Tree Officer is satisfied that the initial concerns raised can be addressed by imposing planning conditions.

Conditions are required to ensure that the tree protection arrangements are implemented and retained throughout the course of the development.

Subject to the aforementioned conditions the proposed development is considered to accord with policy EN5 of the Core Strategy.

### **Residential Amenity**

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

The submitted development layout ensures that the development does not include any habitable room windows with a unrestricted view within 7 metres of rear garden boundaries, or within 17 metres of other habitable room windows.

A representation has raised specific concern that the plots 26-28 would have an adverse impact on the rear habitable room windows and the rear private amenity space of properties on Granic Mews. The submitted information provides a section through this aspect of the site which illustrates that plots 27 and 28 would not benefit from unrestricted views of the rear garden areas and habitable room windows of Granic Mews, owing to the separation distance and change in land levels. The plan illustrates that the first floor windows in the rear elevations of plots 27 and 28 would be separated by a distance of 27 metres from the rooflights in the northern roofscape of dwellings in Granic Mews. The separation distances achieved are considered to be sufficient to ensure that the proposed dwellings would not result in any adverse overlooking implications.

In relation to plot 26 it is noted that the dwelling does not include any first floor habitable room windows in the south facing elevation. The ground floor kitchen window would not benefit from unrestricted views owing to the rear boundary treatment. As such no adverse overlooking implications are foreseen.

Plot 26 would be sited to the north of Granic Mews and is separated from the rear elevations of the properties by a distance of approximately 12.5 metres. The level of separation is considered to be sufficient to ensure that no adverse overbearing implications would be incurred in respect of neighbouring habitable room windows.

The side elevation of plot 26 would be separated from the common boundary of Granic Mews by a distance of approximately 4.3 metres. This is considered to be sufficient to prevent any overbearing or overshadowing of the private amenity areas of properties on Granic Mews.

The location of plots 26, 27 and 28 to the north of Granic Mews and the separation distance achieved are considered to be sufficient to ensure that no adverse

overshadowing implications would be incurred in respect of the habitable room windows or rear garden areas of the properties.

## **Community Safety**

Policy DS5 requires that development proposals are designed 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:

- Rear boundary treatments should be to a height of 1.8 metres;
- A low level wall should be provided along the boundary of the public footpath adjacent to plot 1.
- Rear access shared footways are not supported, such as those at plots 5, 6, 7 and 24, 25
- Access to the rear of the garage at plot 26 should be prevented.

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 the imperative of facilitating connectivity to the surrounding built and natural environment and providing the recreational spaces necessary to promote healthy lifestyles and attractive, vibrant, socially interconnected developments.

In relation to the provision of rear boundary treatments the submitted drawing illustrates that both screen fencing and plot divisional fencing will be provided in order to ensure that the curtilages of the units are sufficiently secure. The specific design details of the fencing can be secured by a planning condition.

An updated plan has been provided including a low level stone wall along the boundary of plot 1. This is considered to provide plot 1 with a suitable area of defensible space and prevent a desire line from forming across the public open space adjacent to the footpath link.

In respect of the use of shared rear access footways it is considered that this is the most practical option available to provide access to the rear curtilages of plots 5-7 and 24-25. In relation to plots 5-7 it is noted that a gate is included in between plots 7 and 8 which would suitably secure the building line. Further gates are then provided to the individual curtilages of plots 5, 6 and 7. In respect of plots 24 and 25 a lockable gate is provided to the front building line in between the properties. Individual gates are then provided to the respective curtilages. Given the level changes in this location this is considered to form the most appropriate security solution. The Police Architectural Liaison Officer has agreed that a rear access footway can be accepted in this instance.

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 submission of details in relation to boundary treatments and bin storage arrangements 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.

## **Highway and Pedestrian Safety**

The closing off of the existing coal yard access and the formation of a new access onto Keighley Road were approved as part of the outline planning application. A Transport Assessment was carried out in support of the outline application which was based on an indicative residential development of 25 dwellings. Whilst the current proposal is for 28 dwellings it is considered that the minor uplift in the number of units would not have any significant implications. The proposed access remains appropriate in terms of its design and the minor increase in vehicle movements would not had an adverse impact on the local highway network.

Policy TR2 and appendix 4 of the Core Strategy require the provision of an average of 1.5 off street car parking spaces per unit for residential development. However, for larger properties a greater level of off street car parking is desirable. In this instance all 2 bed dwellings would benefit from two off street car parking spaces and three bedroom dwellings would benefit from three spaces. As such the level of car parking provision is considered to be appropriate for the proposed development and would accord with the requirements of policy TR2 of the Core Strategy.

Policy TR3 of the Core Strategy requires that through planning decisions the Council will improve public transport, walking and cycling infrastructure. This is to be achieved by requiring the layout of new development to encourage walking and cycling by taking opportunities to connect to the existing street and path network, local facilities and public transport in obvious and direct ways and requiring that new development creates attractive places that encourage walking and cycling by providing a permeable network of routes that are well overlooked, and which balance the needs of all users by treating highways as streets rather than as roads.

The development layout includes a number of positive elements which contribute towards achieving the above objectives.

A footpath is proposed on the south boundary of the site linking the development directly with Harden Road. The footpath link is considered to facilitate pedestrian connectivity to the centre of the settlement and improve accessibility to the nearby bus stop on the north side of Harden Road.

The site access road includes a footpath on the south side. The majority of pedestrians exiting the site are anticipated to be travelling south towards the centre of Harden. The location of the footpath is therefore considered to ensure good pedestrian connectivity with the centre of the settlement.

A crossing plateau is proposed within the site providing a delineated point for pedestrians to cross the access road. The crossing plateau adjoins a footpath which extends up into the site before forming part of a shared surface. A direct footpath link is also provided from the crossing plateau to the upper portion of the site.

It is considered that the proposed layout is successful in connecting with the existing street and path network, local facilities and public transport links. The layout is also considered to provide an attractive environment which encourages walking and cycling

with a permeable network of routes, in accordance with policies TR3 and DS4 of the Core Strategy.

### **Further Issues Raised by Representations**

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

The development will harm protected species. *This matter was dealt with at the outline application stage by the imposition of a planning condition requiring that the ecological mitigation/ recommendations set out in section 6 of the report entitled 'Ecological Appraisal Land off Keighley Road Harden', Report reference: 2403 Version 2, dated 17 March 2015, shall be implemented in full and shall be incorporated within any application for the approval of reserved matters relating to layout and landscaping.*

A bat survey is required. *Two bat activity surveys were carried out as part of the outline application submission. The habitat across the majority of the development site is poor for bat species being open and exposed. No roosts were recorded on the site during the activity surveys in either the buildings or trees.*

The development will result in the loss of valuable habitat. *It is considered that the Ecological Appraisal conducted as part of the outline application successfully demonstrates that the site does not contain any valuable habitat. The poor semi-improved grassland which dominates the development site is noted as species poor and not considered exceptional.*

The new access road will reduce the available parking provision on Keighley Road. *This matter was appraised at the outline application stage, where access into the site was considered to be acceptable in the location proposed.*

The location of the access will result in accidents because of its proximity to the bend to the north. *This matter was appraised at the outline application stage, where the location of the access into the site was considered to be acceptable*

Wheel cleaning facilities for construction vehicles should always be available. *A condition was imposed on the outline planning permission requiring details of wheel washing facilities to be submitted and approved in writing.*

Suitable dropped kerbs should be provided across the new access road and also from the existing footpaths on both sides of Keighley Road. *The development access is required to meet the necessary highways standards under Section 278 of the Highways Act.*

The visibility splays on Keighley Road are unclear. *Adequate visibility splays were approved when the site access was considered at the outline application stage. The approved splays are 2.4m x 47m to the north and 2.4m x 37.5 m to the south.*

Cars often speed adjacent to the proposed site access. *The site access is not under consideration as part of this application. In any case instances of speeding should be reported to the police.*

A dedicated and publicised telephone number is required for the site office. *It is considered that this is not something that can be reasonably be required under planning legislation. However, a condition requiring a construction management plan was imposed on the outline planning permission.*

Increased demand for health care services in Wilsden and Cullingworth where provision is already strained. *This development is not CIL liable because the outline application was approved prior to the adoption of the CIL charging schedule. As such a contribution towards off site infrastructure provision is not required.*

Development work could impact ground stability. *The proposed development provides for retaining walls across the site which will be subject to building regulations assessment and approval.*

Construction vehicles should not be permitted to wait in Keighley Road before entry/after exit from the site. *A condition requiring the submission of a construction management plan was imposed on the outline planning permission.*

Restricting parking on Keighley Road will result in increased on-street parking elsewhere in Harden. *Traffic regulation matters relating to the site access were considered at the outline application stage. All Traffic Regulation Orders are subject to further consideration under the Road Traffic Regulation Act. Approval of such measures will be subject to public consultation under the relevant legislation.*

Passing trade to Harden Fisheries would be adversely affected. *Passing trade to Harden Fisheries would not be affected by the proposed development. In relation to any on street parking on Keighley Road which may be removed as a result of a TRO it is considered that this matter will be subject to public consultation under the relevant legislation.*

### **Community Infrastructure Levy (CIL)**

The development is not CIL liable because outline planning permission was granted for the development prior to the adoption of the CIL Charging Schedule.

### **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 would meet the requirements of Core Strategy policies P1, SC1, SC4, SC6, SC9, TR1, TR2, TR3, HO5, HO8, HO9, HO11, EN1, EN2, EN3, EN4, EN5, EN6, EN7, EN8, DS1, DS2, DS3, DS4, DS5, ID2 and ID3 and the application is recommended for approval.

**Conditions:**

**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.

**Rainwater Goods**

4. Prior to their installation, details of the materials, sectional profile and colour of all new gutters, rainwater downpipes and any other external plumbing shall be submitted to, and approved in writing by the Local Planning Authority. These items shall then only be installed in accordance with the approved details and these shall be retained thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

Windows Inset

5. The frames to all new windows hereby permitted shall be recessed into the reveals by approximately 100-125mm, and shall be retained in this form thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

Boundary Treatments

6. 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 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.

Bin Storage

7. Before any part of the development is brought into use details of the proposed bin storage arrangements shall be submitted to and approved in writing by the local planning authority and shall be made available for use in accordance with the approved plan and thereafter retained.

Reason : To ensure appropriate design arrangements for waste handling and to accord with Policies DS1 and DS5 of the Core Strategy.

Landscape Scheme

8. 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.

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

9. 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 approved 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

10. 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 4: JCA Arboricultural Method Statement 13634-B/AJB dated 1<sup>st</sup> May 2018.

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

11. 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

12. 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 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

13. 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

14. 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

15. 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

16. 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.

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