

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 19th July 2018.

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Subject:

The application seeks outline permission for residential development of up to 10 dwellings with access being the only matter for consideration. The proposal includes the construction of 6 new build dwellings, the conversion of a building to create three new dwellings and the conversion of another to form a single dwelling.

Details of layout, appearance, landscaping and scale are not currently for consideration and would be subject of separate application for reserved matters. However, various plans are submitted to show, indicatively, how the development might be laid out and how it would appear on the land.

Summary statement:

The application site is to the West of the Grade II* Listed Ryshworth Hall at Crossflatts and means of access would be taken from Keighley Road.

The land is unallocated on the Replacement Unitary Development Plan Proposals Map.

The application proposes up to ten dwellings and includes the construction of 6 new build dwellings, the conversion of a building to create three new dwellings and the conversion of another to form a single dwelling.

11 objections and 2 support comments have been received.

The planning merits of the proposal are examined in the Officer Report forming Appendix 1 to this report. This considers the various points of objection and outlines consultation advice received. Officers recommend that planning permission should be granted subject to the suggested conditions which are outlined in the report.

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Portfolio:

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

Regeneration and Environment

1. SUMMARY

This is an outline application for the up to 10 dwellings, including construction of 6 dwellings and the conversion of two existing buildings to provide 4 additional properties with only access for consideration. Details of layout, appearance, landscaping and scale are not currently for consideration and would be subject of an application for reserved matters.

It is recommended that planning permission be granted subject to conditions.

2. BACKGROUND

This site is unallocated as part of the Replacement Unitary Development Plan (2005).

The technical report attached as Appendix 1 explains the current planning policy context.

No planning permissions have previously been granted for development on the land. The application is submitted following pre-application enquiry.

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

There are no financial implications for the Council arising from matters associated with the report.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines "relevant protected characteristics" as including a range

of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

It is considered that the proposed development would deliver housing and meets sustainable development criteria outlined in national and local policy. Good design ensures attractive usable, durable and adaptable places and is also a key element in achieving sustainable development. This is a bespoke residential scheme designed to suit the character of the area and which takes into account the constraints of the site.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development against the previous use for commercial activity. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

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

In order to encourage alternative means of transport electric vehicle (EV) charging points can be required by condition. Full details of charging points would be submitted under the reserved matters application.

7.4 COMMUNITY SAFETY IMPLICATIONS

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

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. The representations received are summarised and analysed in the report forming appendix 1.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee could:-

- (i) Grant permission in accordance with the suggested conditions outlined in Appendix 1
- (ii) Grant permission subject to additional or amended conditions and requirements.
- (iii) Refuse planning permission for reasons that must be given by the Committee.

10. RECOMMENDATIONS

To grant outline planning permission subject to the conditions set out in the report attached at appendix 1.

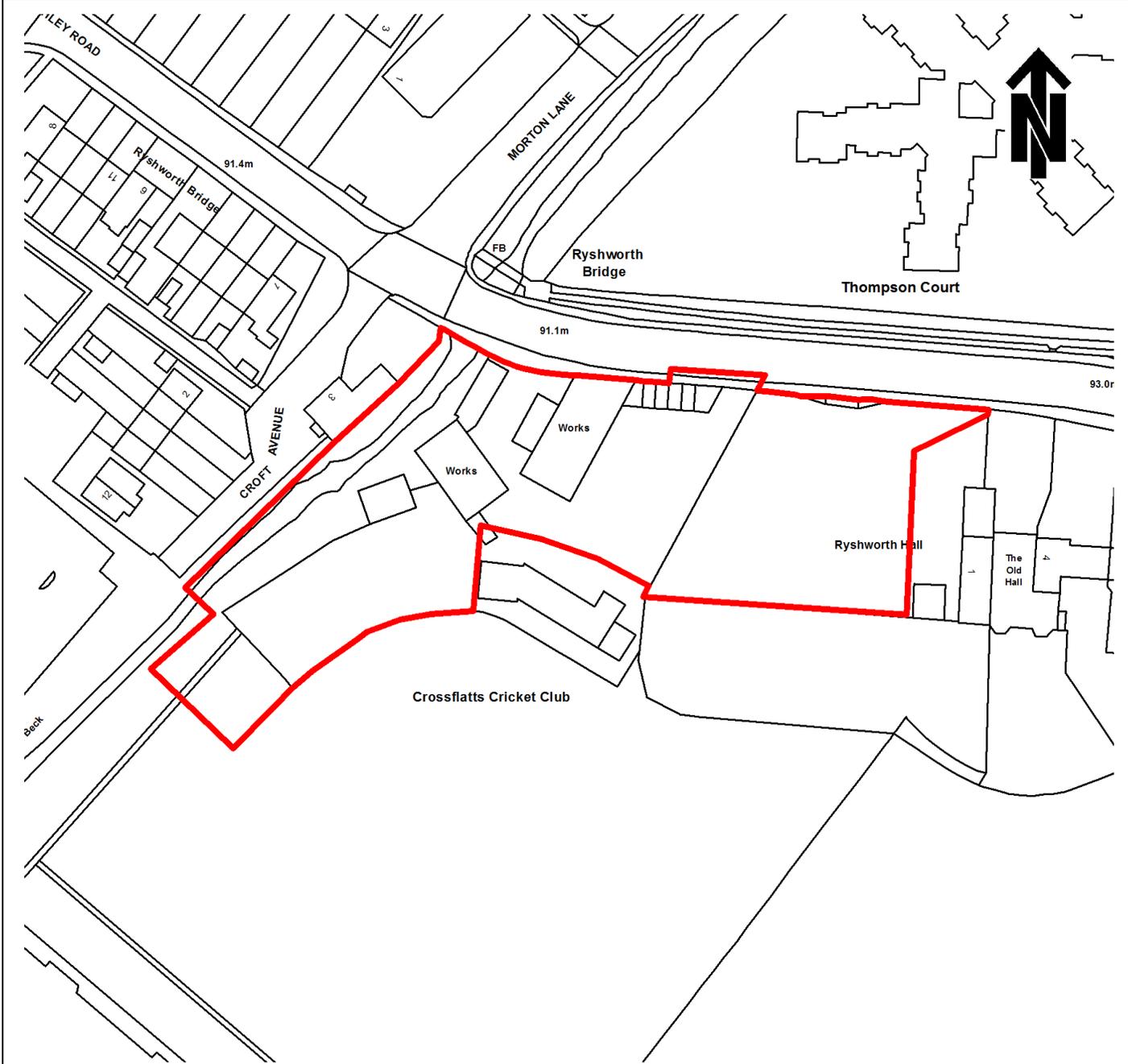
11. APPENDICES

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

12. BACKGROUND DOCUMENTS

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

16/09490/MAO



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**Land At Ryshworth Hall
Keighley Road
Bingley
BD16 2EL**

July 2018

Ward: Bingley (ward 02)

Recommendation:

To grant outline planning permission with conditions.

Application Number:

16/09490/MAO

Type of Application/Proposal and Address:

The application seeks outline permission for residential development of up to 10 dwellings at Land at Ryshworth Hall, Keighley Road, Bingley, BD16 2EL.

The application seeks consideration of access only. Details of layout, appearance, landscaping and scale are not currently for consideration and would be subject of an application for reserved matters.

The application has been subject to amendments which have been negotiated by officers and which have responded to consultation advice – including objections to the original proposals by Historic England, Yorkshire Water, Trees team and Highways Development Control (DC).

The amended proposals have been subject to re-consultation and fresh publicity. Consultation advice on the amended proposals is now generally positive.

Applicant:

UK Asset Resolution Limited (UKAR)

Agent:

DPP - Matthew Rhodes

Site Description:

The site lies to the west of Grade II* Listed Ryshworth Hall and broadly comprises three distinct parts.

- An overgrown former kitchen garden area, part of Ryshworth Hall.
- A group of currently vacant buildings, originally connected to Ryshworth Hall and last in use as a climbing centre, car repairs garage and tea hut that was used by the cricket club adjoining the site.
- A hard surfaced car park area

The site access is from the north Keighley Road, improvements to the access are proposed as part of the application. To the south of the site are commercial offices and associated parking and Crossflatts cricket clubhouse and cricket ground. To the west of the site is Morton Beck, beyond which are residential properties.

Relevant Site History:

15/01779/PMJ - Outline planning application for the demolition of the existing units and the construction of up to 22 dwellings (and construction of a replacement cricket pavilion (option 2 only)) – Amendments required

14/01315/FUL - Change of use from tea hut to cafe, construction of porch to front and additional windows – GRANT

11/03165/FUL - Change of use from workshop (use class B1/ B2) to indoor climbing centre (use class D2), including alterations to former boundary wall of Ryshworth Hall – GRANT

01/00729/FUL - Single storey extension to form storage for timber and materials – GRANT

97/02917/FUL - Construction of lean-to timber store and workshop – GRANT

The National Planning Policy Framework (NPPF):

The NPPF is now a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

The Local Plan for Bradford

The Core Strategy for Bradford was adopted on 18th July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until the adoption of Allocations and Area Action Plan development plan documents. The site is within the RUDP. Accordingly the following Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP.

Proposals and Policies

P1 Presumption in Favour of Sustainable Development

SC1 Overall Approach and Key Spatial Priorities

SC4 Hierarchy of Settlements

SC08 Protecting the South Pennine Moors and their Zone of Influence

SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
EN2 Biodiversity and Geodiversity
EN3 Historic Environment
EN7 Flood Risk
EN8 Environmental Protection
DS1 Achieving Good Design
DS3 Urban Character
DS5 Safe and Inclusive Places
EN5 Trees and Woodlands

Parish Council:

Bingley Town Council – Objects on the grounds contained in the Highways consultation response and the heritage issues as outlined by Historic England.

No response received to the revised scheme.

Publicity and Number of Representations:

The revised scheme was re -publicised by neighbour letters, advertisement in the local press and site notice with an overall expiry date of 13.03.2018

11 objections and 2 letters of support have been received.

Summary of Representations Received:

- Too many houses in the area already
- Parking concerns given proximity to local school
- Highway safety concerns
- Overlooking and overshadowing concerns
- Loss of trees along Marley Beck
- Impact on wildlife
- There are more appropriate sites locally that should be developed for housing
- Unacceptable loss of historic barns
- Lack of parking provision
- No wheelie bin collection area shown
- Concerns regarding blocking of access and general noise and disturbance during any construction works
- Proposal would harm the setting of adjacent Ryshworth Hall.
- Proposal would improve current barns and find a new use.

Consultations:

Drainage

The Lead Local Flood Authority (LLFA) is a statutory consultee on matters relating to surface water management on all major developments. The Drainage Department will therefore cease from providing comments on the surface water drainage proposals on major planning applications. Insofar if the following details are implemented and secured by way of a planning condition on any planning permission the Drainage Department have no objection to the proposed development.

The LLFA is a statutory consultee on matters relating to surface water management on all major developments only. The LLFA also has a role to monitor and manage flood risk from other sources of flooding. As such the LLFA has reviewed the submitted documentation of the planning application, against the requirements of the National Planning Policy Framework, Planning Practice Guidance and other relevant regulations with regards to flood risk from all sources. Insofar, if the following details are implemented and secured by way of a planning condition on any planning permission the LLFA have NO OBJECTION to the proposed development.

Environment Agency

No objections. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the email Dated: '02/05/2018 11:46' Subject: '2802 Ryshworth Hall, Bingley - RA/2017/136109/02-L01' and 'site plan, Job no. 11783, Dwg no 220, Rev J' submitted with this application are implemented and secured by way of a planning condition on any planning permission.

WYPTE – Metro suggest contributions regarding bus stop and Metro cards. (Application has been revised down to 10 units and condition is attached requiring electric vehicle (EV) charging points)

Natural England – Advise that the application is assessed on the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), particularly in relation to urban edge effects. Refer to standing advice regarding protected species.

Trees Team

Proposed access is acceptable re trees. The housing layout as proposed, but which is not part of the application submission, is likely to be close but the relationship to trees will be acceptable subject to provision of suitable new tree planting. Trees Team can accept some tree loss on the site which can be discussed during reserved or full matter application if approving the current application.

The developer/landowner should be aware that protected trees cannot be felled or pruned on the basis of an outline consent.

Education

13 new homes will have a very marginal effect on the primary and secondary schools in the area. (Application has been revised down to 10 units and now falls below the threshold for contributions)

Parks and Greenspace Service

For 13 dwellings, a contribution of £13,795 is required for the provision or enhancement of recreation open space and playing fields. (Application has been revised down to 10 units and now falls below the threshold for contributions)

Environmental Health (Air Quality) – No objections suggest conditions regarding provision of EV charging points and Construction Emission Management Plan.

Environmental Health (Pollution Team) - Environmental Health concurs with the findings of the Phase 1 Geo-Environmental Assessment Report and therefore recommends conditions are included on the decision notice regarding phase 2 investigations and remediation strategy.

Yorkshire Water (YW)

In its previous letter (of 1st February 2017) YW objected to the site layout because of the proximity of new buildings to a 450/750 mm diameter and a 150 mm diameter public combined sewer recorded to cross the site. It has reviewed the revised site layout submitted on drawing 11783 220 (revision H) dated 19/12/2017 prepared by Rance Booth Smith Architects and are satisfied that the required building stand-off from public sewer centre-line of five metres has been adhered to. Provided the development is constructed in full accordance with this drawing, YW withdraws its objection to the site lay-out.

Highways DC

Notwithstanding the fact that an internal site layout plan has been submitted, and previous highway comments relating to this, when considered in isolation the access arrangements shown off Keighley Road, on plan Ref: 220 Rev H, are acceptable. Therefore the details of the necessary internal access roads and layout should be conditioned for a reserved matters application.

Minerals and Waste

The site is in a Minerals Safeguarding Area for sand and gravel, that is the area has been identified as containing a potential mineral resource that should be considered for extraction prior to development in order to prevent the sterilisation of the mineral. In accordance with policy NR1 of the Replacement Unitary Development Plan, policy EN12 of the Core Strategy Publication Draft and para 144 of the NPPF, it is important to give due consideration to extraction prior to development. However, due to the size of the site, previous uses and general constraints it is acknowledged that it is highly unlikely that it would be viable to extract any minerals that maybe present.

There are no other apparent minerals or waste legacy issues relevant to the proposed development.

Design and Conservation

The proposed development as amended now demonstrates a more sympathetic relationship with the heritage asset, and has potential to satisfy policy EN3 of the core strategy. With adequate justification for development in the location proposed, it is concluded that the tests and requirements of the NPPF could be satisfied.

Historic England

The proposals have been amended to retain the historic barn and the number of dwellings proposed for the site has been reduced. We welcome these amendments which reduce the impact on the setting of the listed hall. We also welcome the submission of detailed plans and elevations for the proposed dwelling within the former walled garden (plot 10). Given the proximity of this proposed dwelling to the listed building, this level of detail is necessary in order to fully assess the impact and give 'special regard' to preservation of the building's setting as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Historic England considers the majority of the proposals would have a negligible impact on the setting of the listed building. development coming closer to the building and within the former garden to the hall.

Whilst we do not object to the proposals, in determining this application your authority

should be satisfied that the construction of this dwelling is justified in the context of the scheme as a whole, as required by paragraph 132 of the National Planning Policy Framework. The harm should then be weighed against the public benefits of the scheme in accordance with paragraph 134 of the framework.

Summary of Main Issues:

1. Principle
2. Heritage considerations
3. Highway safety
4. Impact on local and residential amenity
5. Trees
6. Flood Risk
5. Drainage
6. Biodiversity, South Pennine Moors SPA SAC
7. Contaminated land
8. Other issues

Appraisal:

1. Background and Principle

The application seeks outline planning permission for a residential scheme of up to 10 dwellings, only considering means of access

The site comprises three main areas and which have been identified in masterplan drawing submitted with the application reference 225 B.

To the east of the site and closest to the grade II* listed Ryshworth Hall is the former walled garden area. Whilst the site plans are indicative only they show a single unit in this area to protect the setting of Ryshworth Hall.

Immediately west of the access is the 'conversion area' which currently comprises a group of disused commercial buildings. There are three buildings in total, a large former barn previously connected to Ryshworth Hall and last used as a climbing centre, a disused building formerly used by the cricket club as pavilion/tea hut and a more recent building formerly used as glassworks and car repairs.

The two historic buildings are to be retained and converted under the proposal, removing some unsympathetic additions and converting to a total of 4 units, three to the barn and 1 in the former tea hut building. The more recent former car repairs garage would be demolished under the indicative layout.

The proposed indicative layout also includes 6 new build units to the south west of the cricket clubhouse.

The indicative plans have been submitted in attempt to demonstrate that the site is capable of accommodating up to 10 units given the on-site constraints. Detail of Layout, Scale, Appearance and Landscaping would be considered under a later reserved matters application.

The application has been amended during its consideration. Initially the scheme was for up to 13 units and included four properties to the former walled garden area adjacent to Grade

II* listed Ryshworth Hall. Also it proposed demolition of a historic building, last used as tea hut by the cricket club. Objections regarding this were raised by Historic England and the Council's Conservation officers.

In response, amended proposals have been made which reduce the number of units being sought to ten, additionally the building last used as tea hut is shown to be converted and retained. Suggested design has also been submitted for a single proposed unit in the former walled garden area in order to demonstrate that a unit could be accommodated without impacting harmfully on the setting of the adjacent Ryshworth Hall. The application has been re advertised accordingly.

The site is unallocated on the RUDP Paragraph 47 the NPPF stresses the need for planning authorities to significantly boost the supply of new housing. In order to achieve this goal the 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 SHLAA (Strategic Housing Land Availability Assessment) Update Report 2013 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 that relevant policies for the supply of housing should not be considered up-to-date and that there should be a presumption in favour of sustainable development.

The emerging Local Plan reiterates this strong planning policy support for the delivery of new housing. It emphasises that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The provision of up to 10 dwellings on the site would therefore be supported in broad terms by national and local planning policy in respect of the delivery of housing within the area. However the NPPF does not change the statutory status of the development plan as the starting point for decision making and site specific policy constraints must be considered. In this regard the site is unallocated on the RUDP.

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

As such the principle of residential development on this unallocated site is considered acceptable, and the site is located within a relatively sustainable location. Furthermore, given the lack of a 5 year housing land supply in the Bradford district, the National Planning Policy Framework (NPPF) requires that Local Authorities must consider applications for residential development favourably unless there are clear material reasons otherwise. It is therefore considered that an application for residential development remains acceptable, notwithstanding the recent adoption of the Local Plan for Bradford.

The application remains subject to an assessment of the local impact of the development, and the main issues will now be considered:

2. Heritage Considerations

The application seeks only approval of the principle of residential development of the site and the access to the site. The site comprises former walled kitchen garden and 2 notable historic buildings formerly part of the grade II* listed Ryshworth Hall which lies to the east.

Initially the proposal put forward up to 4 units within the sensitive former walled garden area, in addition it proposed the demolition of a historic building to the south west of the retained barn.

Significant concerns were raised on the likely impact such a development might have upon the setting of Ryshworth Hall and the loss of a historic building. As such and whilst the application only seeks approval of access, the submission did not demonstrate that 13 dwellings could be accommodated on the site without resulting in harm with respect to Ryshworth Hall. This was a view shared by both the Council's Conservation officer and Historic England.

In response, the application has been amended to reduce the overall number of proposed dwellings to 10. The number of units proposed in the former walled garden area which is closest part of the site to Ryshworth Hall has been reduced from 4 to one on the revised indicative layout. Suggested indicative elevations have also been submitted to allow assessment of whether the walled garden is capable of accommodating development without harm to the adjacent listed Ryshworth Hall. Further amendment includes the retention of the building to south west of the former barn and its conversion to create a single dwelling.

Historic England and the Council's Conservation officers have commented on the revised plans and indicate that the indicative plans now show that the reduced quantum of development and indicative layout is much improved, removing their objections.

Any harm it is advised could be offset through the benefits of restoring the perimeter wall, affording new uses to the former retained buildings, removing unsympathetic additions and which have an association with the Hall.

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.

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 the setting. 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 and changes made to the scheme 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.

The proposed development now demonstrates a more sympathetic relationship with the heritage asset is achievable, and has potential to satisfy policy EN3 of the core strategy subject to appropriate layout and design.

Full and further assessment would be made under reserved matters application that includes detail of layout, scale, appearance and landscaping but the indicative drawings submitted give confidence that ten units on the site is achievable.

3. Highway safety

As this is an outline application with all matters except access reserved, at this stage, it is only necessary to consider if access into the site is achievable. The submitted layout plan indicates that access is sufficient for two way traffic movements from Keighley Road.

As amended, the proposal would utilise only the existing access off Keighley Road and which is well established for all of the dwellings. The proposal would involve some improvements to the existing junction with 3m and 4m kerb radii at the junction and 2.4 x 43 metres visibility splays onto Keighley Road in both directions.

The access is presently shared by the cricket club and has also been used by the various commercial activities within the buildings on the site which most recently include a climbing centre within the barn, a small computer business, car repairs and former glass works. The applicant has submitted transport statement and which has been reviewed by the Council's Highways section and which advises that trip generation from residential use would be low at less than 7 trips at peak hours.

Parking spaces for the cricket club are shown to the clubhouse frontage (9 spaces) and to the southwest in car park for a further 35 spaces. In terms of access for the cricket club the intention is that the land which contains the 'overflow car parking' will be sold to Crossflatts Cricket Club as part of their purchase of freehold land. However, UKAR/Computershare will retain a licence to use the parking facility during business hours. To this end, business traffic will continue to access the parking from the existing UKAR car park access on Croft Road and Cricket Club traffic will access the car park via Keighley Road.

Pedestrian access would be retained through from the UKAR office site to Keighley Road and the local public transport links such as bus stops and Crossflatts Rail Station.

Public comment has been received regarding the impact of an additional 10 properties on existing highway conditions, including an increase in both on-street parking and of vehicular movements in the area. The Council's Highways Engineer has assessed the application and has not raised objection and the detailed design and internal layout would be considered at reserved matters stage to ensure satisfactory impact with regards the local highway network.

The proposal only seeks approval of the access and internal layout within the site is indicative only at this stage. The proposed access for 10 domestic properties would not be likely to generate traffic levels significantly greater than previous commercial uses might generate and sufficient internal service road could be accommodated along with required off street parking provision.

Following receipt of the amended plans the Highway Officer advises that they have no objections to the proposal. The development is of a scale that would not generate a level of traffic that would overwhelm the local highway network. The layout and detailed design of the facilities would be considered under a reserved matters application. Overall therefore it is not considered that the proposal will be detrimental to highway safety.

4. Impact on local and residential amenity

Concern has been raised by neighbours regarding the impact on neighbouring property and the residential amenities of the occupants. Particularly with regard to overlooking and overshadowing. However, the application is outline and only seeks consideration of the access with all other matters for consideration at a later stage in the planning process. The submitted indicative only layout show a development can be laid out on the site which achieves Council's required separation distances. The proposal has also been reduced down by three units and the revised indicative layout would allow the proposed dwellings to be placed further away from neighbouring property than originally shown.

As the indicative layout suggests required separation distances can be achieved to ensure that no adverse implications would be incurred on existing residents bordering the site, or on the future occupants of the proposed houses, the proposal is considered to accord with policy DS5 of the Core Strategy which requires that new development does not harm the amenity of existing or prospective users and residents

5. Impact on Trees

There are several TPO (Tree Preservation Order) trees within the eastern portion of the site, and adjacent to the walled garden area. The Council's Tree officer advises that the revised scheme and the proposed access is acceptable regarding impact on trees. The indicative layout submitted would allow important and protected trees to be retained. The tree officer states that some tree loss on the site could be accepted which would be discussed during reserved matters application to ensure accordance with PolicyEN5.

Given the application is at outline stage only considering layout, and following discussion with the Trees Officer, it is advised that an appropriate condition could be attached to require a tree protection plan with methodology and tree shading diagram at reserved matters stage. Any shaded areas close to proposed dwellings could then be designed to avoid future daylight issues with consideration of window placements etc.

6. Flood Risk

The site is located within flood zones 1 and 2 with Morton Beck located to the western boundary.

A flood risk assessment (FRA) has been submitted with the application. It is noted that much of the site is previously developed though noted that residential development is a more vulnerable use. The Environment Agency (EA) has been consulted and have assessed the submitted drawings and FRA. Following receipt of amended detail on the site plan and attachment of condition to confirm minimum floor levels the EA advise that the proposal is acceptable with regards flood risk.

Further consideration would take place under reserved matters but the indicative plan gives comfort that the site can accommodate up to 10 dwellings.

Whilst the Environment Agency the proposal is acceptable with respect to flood risk subject to condition regarding the floor levels for the indicative plots, the siting is not currently for consideration. The site plan and floor levels submitted give demonstrate that the quantum of development on the site is possible. However as the application only seeks permission for the access the layout etc is subject to change and condition would not be necessary at this stage. The floor heights would be considered to ensure suitability under a later application for reserved matters.

5. Drainage

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

Watercourse: The site includes Morton Beck. The submitted indicative layout plan indicates that the watercourse would be retained as existing. Further ecological enhancements would be provided in the form of additional landscaping and planting under a reserved matters application.

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

With respect to Surface Water: A Flood Risk Assessment has been submitted in support of the proposal. The information has been fully considered by the appropriate consultees (Lead Local Flood Authority) and no objections are raised subject to imposing a planning condition requiring the submission of full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure

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

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

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

6. Biodiversity, South Pennine Moors SPA SAC

The land carries no protective nature conservation designations. An extended habitat survey report is submitted and identifies the land as being of limited value for wildlife and protected species. Records do suggest use of one of the retained buildings being used by bats. Detailed proposals regarding the conversion and impact on protected species would be considered in detail under a revised matters application and necessary methodology and any required mitigation would be considered at that point.

The site is within 2000 metres of the edge of the South Pennine Moors SPA/SAC (European Site), which is also a Site of Special Scientific Interest (SSSI). Potential detrimental impacts of additional housing have been highlighted in the Habitat Regulations Assessment of the emerging Core Strategy for the Bradford District and the Core Strategy includes a policy SC8 to consider the impact of proposed housing developments on the European Site. SC8 : "Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence".

This policy, based on evidence included in the Habitats Regulations Assessment (HRA) undertaken in support of the Core Strategy DPD, identifies 3 zones around the SPA/SAC within which likely significant impacts will arise from residential development.

In terms of the application, the application site is not within Zone A, but it is within Zones B and C. Zone B extends 2.5kms from the SPA/SAC boundary and Zone C extends 7 kms from the SPA/SAC boundary. The proposed development site lies some approximately 2 kms from the boundary. Zone B includes sites which may provide foraging areas for SPA bird species - otherwise known as "supporting habitat".

However, in this case, the site is previously developed land and is not supporting habitat to the SPA/SAC as it is not a habitat for nesting birds. The site is also well beyond the 400m zone of influence in respect of damaging urban edge impacts (e.g. fire-spread, fly-tipping, cat predation) and is physically separated from the SPA/SAC moors by intervening development, a significant road Leeds Liverpool Canal and grazed agricultural land. Possible impact from urban edge effects will be negligible.

It is acknowledged that a net increase of residential dwellings can, in principle, add increased recreational pressure on the SPA/SAC. However, the relatively small size of the proposal and availability of amenity space and more local recreation provision are such that the proposal is unlikely to add significantly to recreational pressure on the moors compared with that from the general population already within the 7km zone and that arising from visitors to the moors.

Furthermore, any CIL payments expected from the development could also be used for mitigation; although as yet the Council does not have an adopted supplementary planning document outlining preferred means of mitigating recreational pressure on the SPA/SAC.

7. Contaminated land

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

A Phase 1 Desk study has been submitted in support of the application. The report concludes that “ground investigation works should be undertaken to confirm foundation design and determination of any contamination constraints.”

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

9. Other issues

Financial Contributions

Initially the proposal was for up to 13 units and as such a number of financial contributions were suggested. However the application has been revised down in numbers of units to ten and as such now falls below the threshold required for contributions. Also, during the protracted application process the CIL charge has been introduced and would replace previous requirements for financial contributions via S.106 agreements.

For purposes of CIL the site is in Zone 3 whereby the levy is charged at £20 per sq metre. However, the application is only at outline stage considering only access and the amount of CIL levy could not be determined until the reserved matters stage.

Sustainability and Density

Policy HO5 of the Core Strategy advises that densities should usually achieve a minimum of 30 dwellings per hectare. This submission has all matters reserved but it includes an indicative site layout plan which illustrates a potential arrangement of 10 residential units.

Approval is not sought for this layout (as all matters are reserved apart from access) however it is considered that the indicative plan adequately demonstrates that 10 residential units could be accommodated on the site. The development of 10 houses on the site would equate to a density of 15 dwellings per hectare, which would fall well below the density requirements of policy HO5 of the Core Strategy, however the site has significant constraints in as detailed in the report and as such the density in this case is appropriate.

Community Safety Implications:

There are no other community safety implications other than those referred to in this report.

Equality Act 2010, Section 149:

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

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

Reason for Granting Planning Permission:

The proposal is considered to represent a sustainable form of development and is acceptable in principle. The indicative layout demonstrates that the site can accommodate 10 dwellings and a suitable point of access, without resulting in any adverse implications in respect of heritage implications, flood risk, trees, biodiversity, drainage, highway and pedestrian safety, land contamination or residential amenity. Subject to conditions the proposal satisfies the requirements of policies P1, SC1, SC4, SC8, SC9, TR1 TR2, TR3, HO5, HO6, EN2, EN3, EN5, EN7, EN8, DS1, DS3, DS4 and DS5 of the Local Plan for Bradford and the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time scale

Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. Time scale

The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Reserved Matters

Before any development is begun plans showing the:

- i) appearance
- ii) landscaping, and,
- iii) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4) must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. Highway Improvements

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 220 Rev J and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with the NPPF.

5. Site Investigation Scheme

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

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

6. Site Investigation Implementation

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

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

7. Remediation Strategy

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

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

8. Remediation Verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved

remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

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

9. Unexpected Contamination

If, during the course of development, contamination not 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

10. Materials Importation

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

11. Bat and Breeding Bird Surveys

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

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

12. Surface Water Drainage

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

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

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

13. Surface Water Management Plan

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

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

14. Foul water drainage

Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of 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.

15. Domestic Electric Vehicle Recharging Points

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

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

16. Construction Environmental Management Plan

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

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

17. Tree Methodology

The development shall not begin, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site, nor shall there be any work to any trees to be retained until tree protection measures are installed in accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

Reason: To ensure that trees are adequately protected prior to development activity on the site which would otherwise unacceptably harm trees to the detriment of public visual amenity and to accord with NE5 and NE6 of the Replacement Unitary Development Plan.

18. Tree Protective Fencing

The approved tree protection measures shall remain in place, shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during the construction period in the interests of visual amenity and to accord with NE5 and NE6 of the Replacement Unitary Development Plan.
