

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 22 August 2018

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## **Subject:**

An application for Outline Planning Permission with all matters reserved for the construction of 12 dwellings on, land at Highgate, Queensbury, Bradford with access taken from Woodlands Grove.

## **Summary statement:**

A full assessment of the application, relevant planning policies and material planning considerations is included in the report at Appendix 1. Through the attachment of the proposed conditions it is considered that the proposal is acceptable and it is recommended that Planning Permission is granted.

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## **Portfolio:**

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

**Regeneration and Environment**

## **1. SUMMARY**

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application reference 18/01604/MAO 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**

West Yorkshire Combined Authority has requested a financial contribution of £5,940 for the provision of a residential Metrocard Scheme.

It is proposed to provide electric vehicle charging points to all dwellings in lieu of a contribution towards a residential Metrocard scheme. It is considered that the provision of EV charging points represents a betterment of the scheme as charging points are in situ permanently rather than a MetroCard Scheme which is only for 1 year, with no guarantee that residents will renew after that period.

## **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 in close proximity to Highgate Road, which provides 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 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 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 will be secured 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 Queensbury Ward.

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

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 can approve the application as per the recommendation contained in 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**

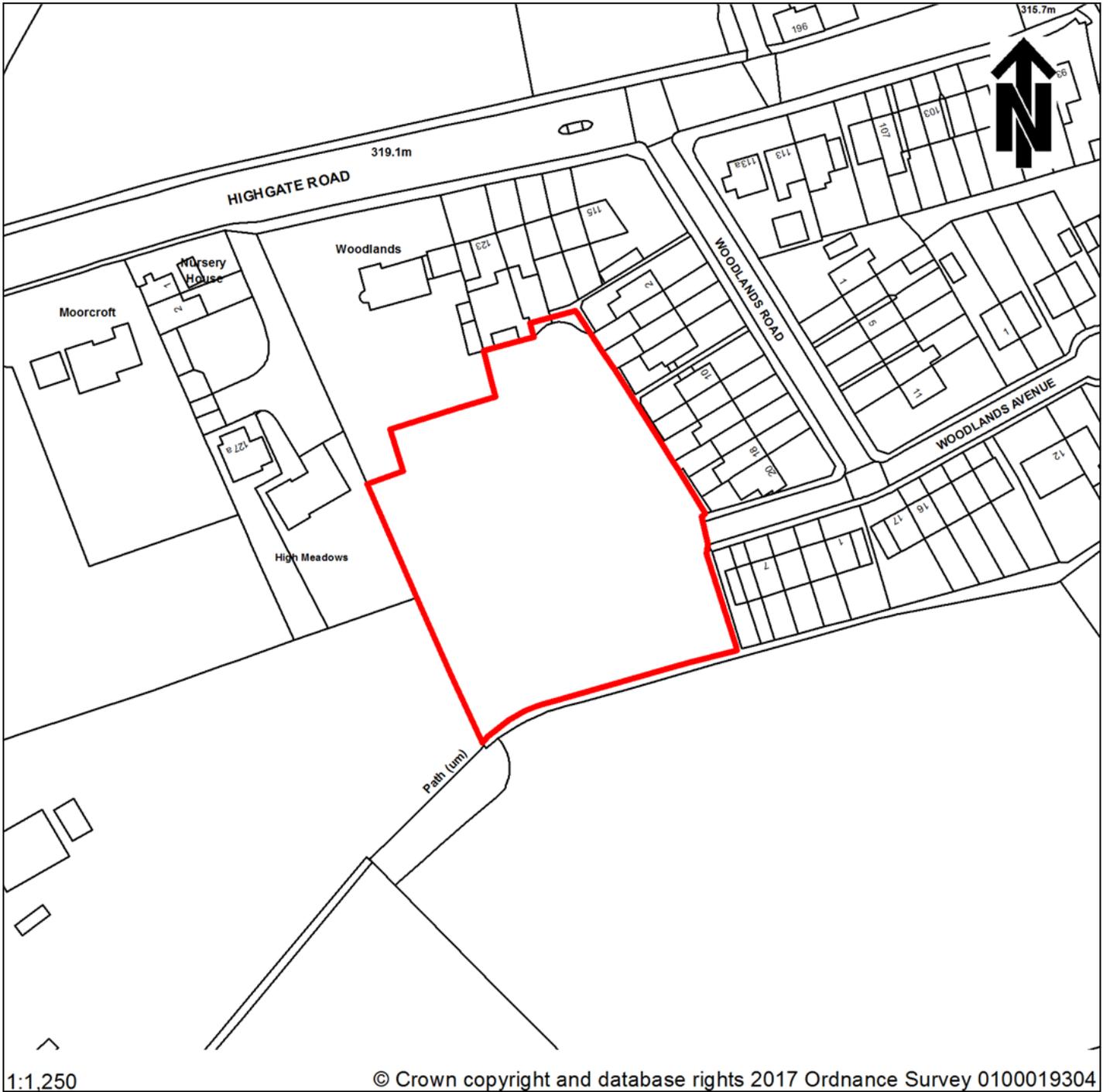
This outline application is recommended for approval, subject to the conditions included within Appendix 1.

**11. APPENDICES**

Appendix 1: Technical Report

**12. BACKGROUND DOCUMENTS**

National Planning Policy Framework (2018)  
Replacement Unitary Development Plan  
Local Plan for Bradford



**Appendix 1**

22 August 2018

**Ward:** Queensbury (Ward 20)

**Recommendation:**

**TO GRANT PLANNING PERMISSION**

**Application Number:**

18/01604/MAO

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

An application for Outline Planning Permission with all matters reserved for the construction of 12 dwellings on, land at Highgate, Queensbury, Bradford with access taken from Woodlands Grove.

**Applicant:**

Reside Commercial LTD

**Agent:**

Mr Asif Munir

**Site Description:**

The site is comprised of a broadly rectangular parcel of grazing land with an area of 0.39ha. There are a small number of trees located on the boundaries of the site at sporadic intervals. To the north the site backs onto the garden boundaries of residential properties on Highgate Road. To the east the site abuts the rear garden boundaries of terraced dwellings on Woodlands Road. To the south the site boundary is comprised of a post and rail fence. Public footpath Bradford South 228 runs parallel with the south boundary and is enclosed by a dry stone wall, beyond which there is agricultural land located within the green belt.

**Relevant Site History:**

None.

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

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

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

***Allocation***

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

**BS/H2.2**                      **WOODLAND ROAD, CLAYTON HEIGHTS**                      **0.83ha**  
Existing site carried forward from the 1998 adopted Plan. Greenfield site.

***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
- SC8- 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
- HO8- Housing Mix
- EN2- Biodiversity and Geodiversity
- 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

**Parish Council:**

Not in a parish.

**Publicity and Number of Representations:**

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the submission of comments was 8<sup>th</sup> June 2018. A total of 40 objections were received.

**Summary of Representations Received:**

Residential Amenity

Adverse noise implications as a result of vehicle movements on Woodlands Road  
Unacceptable noise and disruption for neighbouring residents  
Overlooking of neighbouring properties  
Loss of light to neighbouring properties

### Trees

Loss of existing mature trees

### Biodiversity

Loss of habitat  
Harm to protected species

### Design

The number and size of houses would be out of keeping with neighbouring properties

### Green Space

The site separates urban areas of Clayton Heights and Queensbury  
The site is Greenfield land  
The site is in the Green Belt

### Highway and Pedestrian Safety

Construction Vehicles will have difficulty accessing the site  
Turning into Woodlands Road is difficult for large vehicles  
Pedestrian safety concerns as a result of vehicles manoeuvring along Woodlands Road and Woodlands Grove.  
Insufficient visitor parking  
Emergency vehicles cannot access Woodlands Road

### General

Increased Flood Risk  
Existing schools and doctors surgeries cannot support any further intake.  
Existing utilities cannot cope with additional properties  
Loss of views of open countryside  
Proximity of new dwellings to electricity pylons  
The site description is incorrect  
Existing surface water drains in Woodlands Road cannot cope  
There is already a large amount of development occurring in Queensbury  
The development breaches the Human Rights of all residents nearby  
Inadequate neighbour consultation has taken place

### **Consultations:**

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

To encourage the use of sustainable transport as a realistic alternative to the car,

the developer needs to fund a package of sustainable travel measures. The contribution appropriate for this development would be £5,940.00. This equates to Bus Only Residential MCards.

### **West Yorkshire Police**

West Yorkshire Police have raised the following land use planning concerns:

There is an existing public right of way to the south of the site located behind the rear gardens of plots 1-6. The rear boundaries of plots 1-6 should be secured by 1800mm close boarded timber fencing to provide security to the garden and allow some surveillance of the footpath.

All other rear boundary treatments should be to a height of 1800mm. Rear plot dividers should be to the same height and should consist of 1500mm close boarded fencing surmounted by 300mm high trellis.

Access should be restricted from the front of each plot by a 1800mm gate. Gates should be positioned near to the front building line to increase natural surveillance.

Front boundaries and plot dividers such as 900m fencing or planting are recommended to provide clear delineation of each plot.

### **Landscape Design**

The dry stone walls surrounding the site are important features and must be retained. Any proposed boundaries should ideally be constructed from similar materials and not post and rail fencing.

The proposal fails to take into account existing mature trees and hedgerows on the site therefore an arboricultural tree survey must be undertaken to BS5837:2012 standard to mitigate risk to important trees and hedgerows and identify crown spread and constraints to the site layout. A landscaping plan setting out trees and planting including proposed species/varieties etc. should be provided.

The width of proposed footpaths and also the distance of plot 1 to the adjacent existing property and trees on Woodlands Grove.

### **Drainage**

Notwithstanding the submitted information no objections are raised subject to conditions requiring the submission of full details and calculations of the proposed means of disposal of foul and surface water drainage. A further condition is also required for the submission of a Surface Water Drainage Maintenance and Management document.

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

If planning permission is granted it is recommended that planning conditions are imposed to ensure that the site is developed with separate systems of foul and surface

water drainage on and off site and that there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works.

Observations:

- 1) The submitted drawing PL-04 (revision /) dated April 2018 that has been prepared by Tractus requires clarification but if planning permission is granted, the matter can be dealt with via the recommended planning condition. The following points should be addressed:
  - a) Evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted
  - b) the submitted drawing should show foul and surface water drainage proposals both on and off site.
- 2) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical before considering disposal to public sewer.

As the proposal site is currently undeveloped no positive surface water is known to have previously discharged to the public sewer network. As such the public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

## **Highways**

No objection is raised to the principle of the proposed development. Whilst all matters are reserved a relatively detailed site plan has been submitted and therefore the following highway advice is offered regarding the indicative layout:

The new access caters for twelve dwellings and therefore should be designed as a Type 3a shared space street with footways in accordance with the Leeds Design Guide (a document the Council is currently adopting).

Driveway and garage dimensions should also be in accordance with the Leeds Design Guide.

Vehicle tracks should be submitted to demonstrate a refuse vehicle utilising the proposed turning area.

## **Parks and Green Spaces**

The development will still result in a minimal impact on the existing public open space due to 12 new residential units.

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

### **Education**

The proposed development would increase demand for school places in the area. The majority of nearby schools are full or overcrowded, which may mean that the Council would need to increase the number of school places in this area.

N.B This site is located within a nil CIL area and therefore a financial contribution towards the expansion of nearby schools is not required.

### **Rights of Way**

Public Footpath No. 228 (Bradford South) runs along the southern boundary of the site, as shown on the plan above. There is also a path linking from this route to Woodlands Avenue along the eastern edge of the site.

The footpaths are separated from the site by the existing boundaries. It is noted that the Design and Access Statement refers to boundary treatments being improved by provision of timber fencing and low level stone walls. If it is proposed to change the boundaries adjacent to the paths it would be useful to know the proposed design and height of the proposed new boundaries.

N.B This is an outline application with all matters reserved. The specific details of the boundary treatments can be secured at the reserved matters stage or required by imposing a planning condition.

### **Environmental Health**

Land Contamination: Environmental Health agrees with the findings of the Phase I (Desk Study) Investigation Report by Mugen Geo Ltd. In the event that planning permission is granted it is recommended that conditions are imposed in order to deal with any unexpected contamination and for the quality control of any materials imported onto the site.

Nuisance: It is recommend that the following measures are adhered to in order to minimise disturbance to the occupiers of nearby residential properties.

Noisy work should not normally be undertaken outside the following hours:

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

#### Air Quality:

The proposed development constitutes a minor development for the purpose of the West Yorkshire Low Emission Strategy (LES) (adopted December 2016) and the West Yorkshire Low Emission Planning Guidance.

Under the provisions of the LES planning guidance minor developments are required to provide Type 1 emission mitigation consisting of the provision of Electric Vehicle (EV) at a rate of 1 charging point per unit (house with dedicated parking) and 1 charging point per 10 spaces of unallocated parking.

A Construction Emission Management Plan (CEMP) to control emissions from demolition and construction activities is required. This should be prepared in line with the IAQM guidance note on assessment of dust from demolition and construction

#### **Summary of Main Issues:**

Principle of development

Density

Visual Amenity

Highway and Pedestrian Safety

Trees

Biodiversity

Drainage

Residential Amenity

Community Safety

Further Issues Raised by Representations

#### **Appraisal:**

##### **Principle**

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

Given the resolution of the Council's Executive meeting on the 21st November 2011 (as regards the saving of RUDP policies H1 and H2) allocation BS/H2.2 is no longer allocated as part of the saved statutory development plan. This is due to the lapsing of policies H1 and H2 on the 30th September 2008. For this reason the site is now unallocated within the RUDP. At the Executive meeting it was resolved that the Executive note the extensive and robust statutory process which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented Housing Sites previously allocated under these policies should be accorded significant weight when considering their use for residential development.

Paragraph 59 of the National Planning Policy Framework (NPPF) 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.

Paragraph 73 of the NPPF states that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. 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, with supply amounting to approximately 2.3 years. It is therefore considered that despite the predicted downturn in demand it will remain the case that Council cannot demonstrate a five year housing land supply.

Under these circumstances paragraph 11 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date because as a minimum policies should provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.

In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. This proposal would make a valuable contribution towards meeting that need. The site is considered to occupy a sustainable location within an established residential area, where shops and services are accessible by travel modes other than the car. Specifically, there are bus services available on Highgate Road, in close proximity to Woodlands Grove. Given the previous site allocation, the sustainable location of the site and the absence of a five year housing land supply it is considered that the principle of residential development on this site is acceptable.

### **Density**

Policy HO5 of the Core Strategy advises that residential development 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 12 dwellings. Approval is not sought for this layout, as all matters are reserved, but it is considered that the indicative layout demonstrates that 12 residential units could be accommodated on the site.

The site has an area of 0.4ha and the development of 12 dwellings would provide a density of 30 dwellings per hectare. The proposal is therefore considered to accord with the density requirements of policy HO5 of the Core Strategy.

### **Visual Amenity**

The indicative site layout plan illustrates the provision of 12 semi-detached dwellings. The design, layout and appearance of the properties are subject to detailed approval at the reserved matters application stage. However it is considered that 12 dwellings could be accommodated on site without resulting in any adverse

visual amenity implications in accordance with the requirements of policies DS1 and DS3 of the Core Strategy.

### **Highway and Pedestrian Safety**

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability, whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes meet the needs of disabled and other groups whilst improving quality of place.

As this is an outline application with all matters reserved, at this stage, it is only necessary to consider if access into the site is achievable.

The submitted layout plan indicates that an adoptable access sufficient for two way traffic movements can be provided from Woodlands Grove. The Highways Department have confirmed that an adoptable access can be provided to serve the development. The specific design details of the access and internal layout of the site will be confirmed at the reserved matters application stage.

A number of representations have raised concerns that Woodlands Grove and Woodlands Road are not suitable to cater for the additional vehicle trips generated by the development.

Woodlands Grove is of a sufficient width to enable two-way vehicle trips and there are footpaths on either side of the carriageway. The majority of properties on Woodlands Grove benefit from off-street car parking reducing the likelihood of parked vehicles prohibiting two way movement. In any case parked vehicles on Woodlands Grove would not represent a significant highway safety concern given the slow vehicle speeds that would be anticipated in this area.

Woodlands Road is comprised of terraced properties, some of which do not benefit from off-street car parking. Whilst there are likely to be vehicles parked on street this would not prohibit the ability of vehicles to pass and repass. The additional vehicle movements along Woodlands Road generated by the development of 12 dwellings would not be sufficient to result in any adverse highway or pedestrian safety implications. The proposal is therefore considered to accord with paragraph 109 of the NPPF.

### **Trees**

The development site contains a number of trees none of which are protected by Tree Preservation Order. An Arboricultural Method Statement has been submitted which indicates that four trees are to be removed in order to facilitate the proposed development, three of which are within retention category B2, with the remaining tree in retention category C2.

Trees within retention category B2 are considered to be of moderate quality and are usually present in numbers, growing as groups, such that they have a higher collective rating than they might as individuals. In this instance T1 and T2 are located to the south of the site access and T8 and T9 are located on the northern boundary of the site. As

the trees are separated across the site their collective value is considered to be limited and their individual value is not sufficient to warrant protection by a tree preservation order.

Consequently the trees are considered to make a limited contribution towards public amenity and for this reason their loss is not considered to conflict with the requirements of policy EN5 of the Core Strategy.

In addition the indicative site layout plan illustrates areas of landscaping to the rear boundaries of properties and adjacent to the new access road. Whilst the plans are indicative only it is considered that a suitable landscaping scheme can be secured at the reserved matters stage, which would make a positive contribution towards landscape quality in accordance with policy EN4 of the Core Strategy.

### **Biodiversity**

The site is not specifically designated for its biodiversity value. Nonetheless policy EN2(d) requires consideration of any adverse impact that a development may have on important habitats and species.

In respect of habitats a scoping survey (Oatlands Ecological-April 2018) has been carried out which indicates no evidence of breeding birds or disused nests and negligible bat roost potential. Paragraph 170 of the NPPF advocates providing net gains for biodiversity and the submitted survey recommends the use of integrated bat roosts to be incorporated within one or more of the dwellings. The inclusion of such detailed design features can be ensured at the reserved matters application stage.

The site is located within the South Pennine Moors Special Protection Area (SPA)/Special Area of Conservation (SAC) (European Site), which is also a Site of Special Scientific Interest (SSSI) and includes Ilkley Moor. Potential detrimental impacts of additional housing have been highlighted in the Habitat Regulations Assessment of the Core Strategy for the Bradford District and the Core Strategy includes policy SC8 which considers the impact of proposed housing developments on the European Site. The development site falls within 'Zone C' of policy SC8.

There are 3 ways in which additional residential development close to the SPA/SAC could impact on its nature conservation interest: Loss of supporting habitat; urban edge effects (risk of fire, predation of birds by pets, loss of air quality etc); and additional recreational pressure.

In this case, the site is primarily grassed 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 significantly physically separated from the SPA/SAC moors by intervening development. The potential impact of 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 within the site itself are such that the proposed development 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. The proposal is therefore considered to accord with policy SC8 of the Core Strategy.

### **Drainage**

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

The Council's Drainage Unit (acting as Lead Local Flood Authority (LLFA)) have advised that they have no objection to the proposed development subject to the imposition of planning conditions requiring the submission of full details and calculations relating to the proposed means of foul and surface water drainage to be submitted and approved in writing by the Local Planning Authority. The surface water drainage proposals will be required to be based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS (Sustainable Drainage Systems) and green infrastructure to reduce its effect on the water environment. The developer will also be required to submit a Surface Water Drainage Management document and the developer will be required to manage the drainage infrastructure serving the development in accordance with the terms and conditions of the agreement across the lifetime of the development.

Subject to the aforementioned conditions the proposed development is not considered to result in any adverse drainage implications in accordance with the requirements of paragraph 163 of the NPPF and policy EN7 of the Core Strategy.

### **Residential Amenity**

The application is in outline form with all matters reserved. However, an indicative site layout plan has been provided which indicates that the site is capable of accommodating 12 dwellings, whilst maintaining sufficient separation distances to ensure that no adverse implications would be incurred on neighbouring residents, or on the future occupants of the proposed houses.

The proposal is therefore considered to accord with policy DS5 of the Core Strategy which requires that development does not harm the amenity of existing or prospective users and residents.

### **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 the following points of detail:

-There is an existing public right of way to the south of the site located behind the rear gardens of plots 1-6. The rear boundaries of plots 1-6 should be secured by 1800mm

close boarded timber fencing to provide security to the garden and allow some surveillance of the footpath.

-All other rear boundary treatments should be to a height of 1800mm. Rear plot dividers should be to the same height and should consist of 1500mm close boarded fencing surmounted by 300mm high trellis.

-Access should be restricted from the front of each plot by a 1800mm gate. Gates should be positioned near to the front building line to increase natural surveillance.

-Front boundaries and plot dividers such as 900m fencing or planting are recommended to provide clear delineation of each plot.

The above matters relate to the heights of the property boundaries and access gates. These details are not under consideration as part of this outline application and can be appropriately secured at the reserved matters application stage.

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

The number and size of houses would be out of keeping with neighbouring properties

*The number of properties is considered to achieve an appropriate density which would accord with the requirements of policy HO5 of the Core Strategy. The size of the houses is reserved for future consideration as part of a reserved matters application.*

Adverse noise implications as a result of vehicle movements on Woodlands Road

*Additional vehicle movements along Woodlands Road as a result of the proposed development would not result a level of noise which would constitute a statutory noise nuisance.*

Construction Vehicles will have difficulty accessing the site

*The ability of construction vehicles to access the site is not a material planning consideration which would justify refusal of planning permission.*

Increased flood risk

*The site is located within Flood Zone 1, which is the classification of land which is least at risk of flooding. The Council's records do not identify any watercourses within or near to the site. The proposed development is not considered to result in any increased flood risk, subject to the drainage conditions set out in this report.*

Unacceptable noise and disruption for neighbouring residents

*A condition is proposed restricting hours of construction work to 0:800-18:00 Monday to Friday, 08:00-1300 on Saturday and no working on Sundays or public/bank holidays. The proposed condition is considered to be sufficient to prevent working during unsociable hours.*

*In the event that work occurring within the specified hours is considered to constitute a statutory noise nuisance this should be reported to the Council's Environmental Health team for investigation and enforcement if it is deemed necessary.*

#### Overlooking of neighbouring properties

*The indicative layout indicates that a development of 12 dwellings could be provided on site, whilst maintaining adequate separation distances from neighbouring properties. Specifically, the need to retain a minimum separation distance of 7 metres from habitable room windows to garden boundaries and a distance of 17 metres between habitable room windows.*

#### Loss of light to neighbouring properties

*The indicative layout demonstrates that a development of 12 dwellings could be provided on site which would retain sufficient separation from neighbouring properties to ensure that there would be no detrimental loss of light to habitable room windows or private amenity areas.*

Existing schools and doctors surgeries cannot support any further intake.

*The site is located within 'Residential Zone 4' which is a nil CIL zone and therefore a contribution towards off site infrastructure provision is not required.*

#### Turning into Woodlands Road is difficult for large vehicles

*Woodlands Road is considered to be of sufficient width to allow for vehicular access.*

#### Existing utilities cannot cope with additional properties

*Any utility upgrades required to facilitate the development will need to be resolved between the developer and the relevant provider.*

#### Loss of views of open countryside

*The loss of a view is not a material planning consideration.*

Pedestrian safety concerns as a result of vehicles manoeuvring along Woodlands Road and Woodlands Grove.

*Woodlands Road and Woodlands Grove benefit from existing footpaths which would be altered by the proposed development. Vehicle speeds are also anticipated to be limited in this residential area.*

The site separates urban areas of Clayton Heights and Queensbury

*The site is currently unallocated, but was formerly allocated as a phase II housing site. The site is not of strategic importance to prevent the coalescence of Clayton Heights and Queensbury.*

#### Insufficient visitor parking

*The current layout is indicative only and the detailed internal layout of the site will be considered when the reserved matter relating to access is considered. At this time the parking provision for the development will be required to accord with policy TR2 and Appendix 4 of the Core Strategy.*

Proximity of new dwellings to electricity pylons

*The proposed development would not alter the path of existing electricity pylons in the vicinity. The nearest pylons are located to the west of the site and are separated from the site by a substantial distance. There are EMF (electric and magnetic field) limits in force in the UK. All of the electricity system, including all overhead lines, complies with these limits. The limits are set to prevent all established effects of EMFs on people.*

Emergency vehicles cannot access Woodlands Road

*The carriageway width of Woodlands Road is sufficient to allow access for emergency vehicles.*

The site is Greenfield land

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

The site is in the Green Belt

*The site is not within the Green Belt as set out on the Replacement Unitary Development Proposals Map (2005).*

The development is on land at Woodlands Grove and not Highgate Road

*The site description has been updated to clarify its location.*

It is unlikely that foul water can be disposed of by connecting to the existing sewer as it does not have sufficient capacity.

*The LLFA has undertaken an assessment of the submitted information and have recommended that notwithstanding the submitted details 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.*

Existing surface water drains in Woodlands Road cannot cope

*The proposed development would not alter the existing surface water drainage system in Woodlands Road. The LLFA has undertaken an assessment of the submitted*

*information and have recommended that notwithstanding the submitted details 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.*

There is already a large amount of development occurring in Queensbury

*The NPPF 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 a significant number of new homes.*

*The Core Strategy identifies the need to provide 1000 new homes in Queensbury up to 2030. Whilst this may be subject to a modest reduction following the adoption of the revised NPPF, which introduces a standard methodology for calculating housing need, it is anticipated that there will remain a chronic undersupply of housing land across the district in relation to the required 5 year housing land supply target. In such instances there is a presumption in favour of sustainable development. Accordingly whilst there may be development occurring in Queensbury further development is required to meet the identified housing need.*

The development breaches the Human Rights of all residents nearby

*The planning system respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.*

Inadequate neighbour consultation has taken place

*Adequate neighbour consultation has been undertaken in line with the requirements of the Development Management Procedure Order 2015.*

### **Community Infrastructure Levy**

The site is located in a nil CIL zone.

### **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 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 proposal is considered to represent a sustainable form of development and is acceptable in principle. The indicative layout demonstrates that the site can accommodate 12 dwellings and a suitable point of access, without resulting in any adverse implications in respect of highway and pedestrian safety, biodiversity, drainage, land contamination or residential amenity. Subject to conditions the proposal satisfies the requirements of policies P1, SC1, SC4, SC8, SC9, TR1 TR2, TR3, HO5, HO8, EN2, EN4, EN5, EN7, EN8, DS1, DS3, DS4, DS5 of the Local Plan for Bradford and the National Planning Policy Framework.

### **Conditions:**

#### 1. Timescale

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

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

#### 2. Timescale

The development to which this notice relates must be begun no later than the expiration of 2 years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

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

#### 3. Reserved Matters

Before any development is begun plans showing the:

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

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

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

#### 4. 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.

#### 5. 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 Core Strategy Development Plan Document.

#### 6. Foul Water Drainage Details

Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of foul water drainage, have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Core Strategy Development Plan Document.

#### 7. 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.

#### 8. Unexpected Contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as

reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Core Strategy Development Plan Document.

#### 9. Material 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 Core Strategy Development Plan Document.

#### 10. Construction Hours

Construction work shall not normally be undertaken outside the following hours:

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

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policy DS5 of the Core Strategy Development Plan Document.

#### 11. Permitted Development Rights Removed A-E

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.

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