

# 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:

This is a Reserved Matters application for the construction of 311 dwellings approved by outline permission 14/00208/MAO requesting consideration of access, appearance, landscaping, layout and scale on land at Fagley Quarry, Fagley Lane, Bradford.

## Summary statement:

The proposal relates to the details of the residential development following the granting of outline planning permission under reference 14/00208/MAO. As part of the outline permission a Section 106 Legal Agreement was included which secured the payment of £1,000,000 as social contributions.

The application relates to the western half of the site that was granted planning permission under reference 14/00208/MAO. A second Reserved matters application for the eastern part of the site is under consideration under reference 18/01127/MAR.

The proposed scheme does incorporate a mix of dwelling sizes including 61x2 bed, 236x3 bed and 14x4 bed which are all proposed to be market dwellings and these will be in the form of detached, semi-detached and terraced dwellings. The majority of dwellings are 2 and 2½ storeys in height with a small number of 3 storey units. Access to the site will be taken from Moorside Road and Fagley Lane. The site of the quarry will be partially infilled and will form a large area of public open space serving the development.

Subject to the imposition of the recommended conditions it is considered that the proposal is acceptable.

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**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Environment**

## **1. SUMMARY**

The application relates to the approval of all the Reserved Matters following the granting of outline planning permission under reference 14/00208/MAO. The site area of the application relates to the western half of the larger site of the outline permission and includes the existing quarry. The scheme does incorporate a mix of dwelling sizes including 61x2 bed, 236x3 bed and 14x4 bed. The site will be served via access roads to be taken from Moorside Road and Fagley Lane.

## **2. BACKGROUND**

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

## **3. OTHER CONSIDERATIONS**

All considerations material to the determination of this planning application are as set out in Appendix 1.

## **4. FINANCIAL & RESOURCE APPRAISAL**

The presentation of the proposal is subject to normal budgetary constraints.

## **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**

No significant issues raised. The scheme is located in an area close to existing facilities which will encourage residents to walk to the site. A condition was attached to the outline planning permission securing the provision of electric vehicle charging points to each property with a dedicated off-street parking space to further enhance the sustainability of the site.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

A condition was attached to the outline planning permission requiring the inclusion of electric vehicle charging points, in accordance with the Council's Low Emissions Strategy.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. Conditions are recommended in relation to matters such as boundary treatment to further enhance the security of the site. Building Regulations Approved Document Q relates to Secured by Design issues for the individual dwellings.

## **7.5 HUMAN RIGHTS ACT**

Article 6 - 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**

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**

None.

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None.

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

None.

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

None.

## **9. OPTIONS**

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations.

## **10. RECOMMENDATIONS**

The application is recommended for approval, subject to the conditions included with Appendix 1.

## **11. APPENDICES**

Appendix 1 Technical Report.

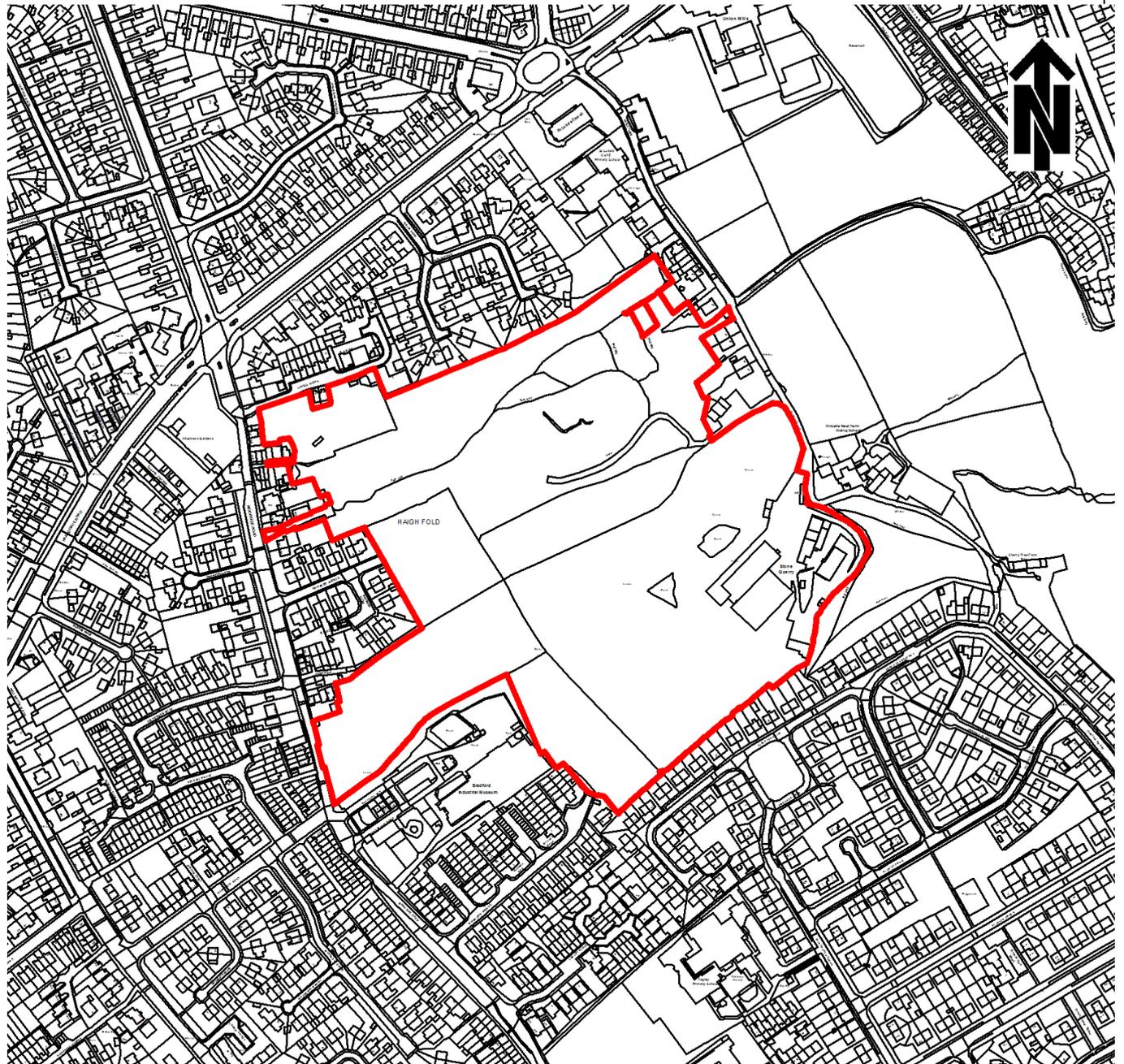
## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy  
Replacement Unitary Development Plan

18/00897/MAR



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:5,000

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**Fagley Quarry  
Fagley Lane  
Bradford**

22<sup>nd</sup> August 2018

**Ward: Eccleshill**

**Recommendation:**

**APPROVE THE RESERVED MATTERS SUBJECT TO CONDITIONS**

**Application Number:**

18/00897/MAR

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

This is a Reserved Matters application for the construction of 311 dwellings approved by outline permission 14/00208/MAO requesting consideration of access, appearance, landscaping, layout and scale on land at Fagley Quarry, Fagley Lane, Bradford.

**Applicant:**

Hard York Quarries Llp and Frank William Marshall, William Ross Marshall, James Ernest Marshall and Mark Andrew O'Brien, and, Keepmoat Homes Ltd

**Agent:**

Mr Matthew Mortonson (Pegasus Group)

**Site Description:**

The site comprises an active quarry in the south eastern section, whilst in the northern section it is mainly open scrub land and the western section is mainly grazing land. The majority of the northern, western and southern boundaries of the site are bounded by existing residential development. Also adjacent to the western boundary is the Industrial Museum located on Moorside Avenue. Some residential properties are located on Fagley Lane to the east and also abut the site. Vehicular access to the site is taken from Fagley Lane which runs from Harrogate Road to the north.

**Relevant Site History:**

There are various permissions relating to the quarrying and restoration of the site with the most relevant permission being that which was granted on the 5th April 2011 under reference 11/00473/MVC for the variation of condition 16 of planning permission 04/05097/MVC, dated 19 May 2005, to allow the continued use of the area shaded orange on drawing FAG.01 for the storage of stone blocks for a further 5 years and disposal of quarry fines for a further 9 years until 31 December 2019.

Outline planning permission was granted on the 1<sup>st</sup> April 2015 under reference 14/00208/MAO for a residential (C3) use for up to 600 dwellings including detailed means of access with ancillary local centre (Uses A1 to A5 up to 2000 square metres gross), demolition of onsite buildings, a nursery (D1 Use) and fixed surface infrastructure associated with existing uses.

A Reserved Matters application under reference 18/01127/MAR for the construction of 278 dwellings (Site B) approved by outline permission 14/00208/MAO requesting consideration of access, appearance, landscaping, layout and scale (eastern section of the application site for 14/00208/MAO) is currently under consideration.

**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.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 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 adoption of Allocations and Area Action Plan development plan documents. The site is located within a defined Mixed-Use Area (Ref: BN/UR7.2 – Fagley) and whilst the majority of the site is unallocated in the RUDP part of the eastern corner of the site is allocated as an Existing Mineral Extraction Site (Ref: BN/NR1.2 – Fagley Quarry). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

UR7A Mixed-Use Areas

**Core Strategy Policies:**

SC9 Making Great Places  
EC4 Sustainable Economic Growth  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
TR4 Transport and Tourism  
EN3 Historic Environment  
EN5 Trees and Woodland  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places

**Parish Council:**

Not applicable in this instance.

### **Publicity and Number of Representations:**

The application was publicised by neighbour notification letters. The expiry date for the publicity exercise was the 13<sup>th</sup> April 2018.

As a result of the publicity exercise 12 representations have been received objecting to the proposal.

### **Summary of Representations Received:**

#### Principle of development:

- The green spaces in this area need to be preserved not built on

#### Highways:

- Has there been a survey on the increased road/other infrastructure usage?
- Moorside road is a poor access road now. It needs widening now and the junction with Harrogate Road is always busy at peak times now
- Will the new access roads be built before work on site commences to avoid construction traffic using the road past the school?
- All roads leading to the roundabout outside St Lukes Church are heavily congested at peak times. Are there any plans to improve the road layout?
- There is already significant traffic on the roads and this situation will be made worse by this and other nearby new developments
- Public footpath 219. Is the public right of way at the rear of properties 9-15 Whitaker Close within the new development? This currently runs between Moorside Road & Fagley Lane. If not, who will be responsible for maintaining it?
- The new road from Moorside Road through the development to the Harrogate Road/Fagley Lane junction will become a rat run despite the promised traffic calming measures
- Bradford has problems with regards to car fumes and pollution and the increase in the number of cars as a result of this development will make the matter worse
- Concerns regarding the new pathway between 22 Fagley Lane and 24 Fagley Lane
- Concerns regarding the Right of Way behind the houses on Whitaker Close. At the moment the council are responsible for its maintenance. If legal approval is gained to close the Right of Way, who will be responsible for this piece of land or will the developer be happy to let it overgrow into the gardens of the residents on Whitaker Close?

#### Residential amenity:

- The green spaces are essential for the environment for people and wildlife and this does not seem to have been considered
- Question the need for such a large development, as it is there are no less than 4 new developments currently ongoing around Apperley Bridge
- Most of the objections made to the application in 2014 remain valid and should be taken into account

#### Drainage:

- Concerns regarding the standing water within the fields that happens most winters – the application states it is a no flood area but it does flood

#### Infrastructure:

- The surrounding infrastructure needs improving to support this no. of new residents
- What will be the added pressure on GP surgeries and schools and can they take it?

- What new facilities are on offer in the new development to stop residents jumping in a car to go on short trips?
- Which school will all the children on this new development attend?

Other issues:

- Impact on the local wildlife and affect our natural environment which currently we access along with our children on a regular basis
- There are unoccupied properties in BD2 which ought to be supported to be renovated and occupied before the building of additional housing
- How disruptive will the use of Whitaker Avenue be during the building construction and what will the state of the road be like at that time?

**Consultations:**

Rights Of Way – No objection to the principle of the development. A legal order will be required to close/divert sections if not all of footpath 219 which crosses the site. A section of the path running off Fagley Lane will need to be closed and the provision via estate footways will be provided as an alternative. Other routes are located within the site with the link to the north of Whitaker Avenue and off Moorside Road being supported, various routes are proposed through the public open space and these are also supported, and, the proposed link to the east of plot K118 to Fagley Lane is supported but should be provided to adoptable standards.

Highways – No objection subject to the imposition of appropriate conditions

Minerals Section – No objection to the principle of the development but state that condition 11 attached to the outline permission (14/00208/MAO) required the land levels to comply with the restoration scheme associated with the original quarry permission under reference 11/00473/MVC (or any relevant subsequent planning permission for the working and restoration of the Radfield and Fagley Quarry areas). If the proposed housing site levels differ significantly from those levels already approved under the quarrying permissions (as shown on drawings FAG.02 and FAG.03) the developer will need to apply to vary the quarrying permission to substitute revised plans showing alternative restoration levels.

Lead Local Flood Authority – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the disposal of surface water

Yorkshire Water Land Use Planning – The drainage calculations submitted as part of the application are acceptable. No objection is raised to the proposal.

West Yorkshire Police – No objection to the principle of the development subject to comments on specific aspects of the development including footpath links, public open space, boundary treatments, frontage bin stores, surveillance of parking bays, external lighting, doors and windows, and, intruder alarms

Environmental Health Land Contamination – No objection to the proposal as the land quality issues were fully addressed through conditions attached to the outline planning permission under reference 14/00208/MAO

Environmental Health Nuisance – The site is located in an area where the noise, vibration, dust, odours, fumes and/or lighting generated from construction works may result in complaints to this department. Therefore the applicant must follow the

guidance in BS 5228 to mitigate noise and dust impacts and submit evidence to demonstrate how they will control other potential environmental nuisance issues.

Education (Client Team) – No further comments to make on the application as the comments made on application 14/00208/MAO were taken into consideration in the Section 106 Legal Agreement

Sport & Leisure – A recreation commuted sum would normally be sought for the provision or enhancement of Recreation Open Space, Playground and Playing Fields due to the extra demands placed on the locality by this development. 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.

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Secured by design
8. Contaminated land
9. Biodiversity issues
10. Affordable housing
11. Community Infrastructure Levy
12. Other issues

**Appraisal:**

This is a Reserved Matters application for the construction of 311 dwellings approved by outline permission 14/00208/MAO requesting consideration of access, appearance, landscaping, layout and scale. The scheme incorporates a mix of dwelling sizes including 61x2 bed, 236x3 bed and 14x4 bed. The site will be served via access roads to be taken from Moorside Road and Fagley Lane.

**1. Principle of development**

The principle of residential development on the site has previously been accepted through the granting of outline planning permission under reference 14/00208/MAO. However the proposed density of the development and housing mix need to be assessed in relation to the principle of the development.

Policy HO5 of the Core Strategy states that states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way developers will be expected to make the best and most efficient use of land. Densities should normally achieve at least a minimum density of 30 dwellings per hectare although higher densities would be possible in areas well served by public transport.

Policy HO8 of the Core Strategy states that the Council will ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures and the mix should be based on both market demand and evidence of local need within the District's SHMA (Strategic Housing Management Assessment).

The proposed scheme does incorporate a mix of dwelling sizes including 61x2 bed, 236x3 bed and 14x4 bed which are all proposed to be market dwellings. During the consideration of the outline planning application no affordable units were secured due to viability reasons. The Section 106 Legal Agreement secured a payment of £1,000,000 that will be used towards enhancing the education infrastructure within the vicinity of the site.

The site area of the outline planning permission measures 23.4 hectares in size and the 2 Reserved Matters applications under consideration propose a total of 588 dwellings. The site has to be looked at as a whole as the original outline planning permission related to the larger site. This equates to a density of 25 dwellings per hectare. Whilst this is below the 30 dwellings per hectare threshold sought under policy HO5 it has to be borne in mind that large areas of the site are currently occupied by a quarry and they are to be retained as open features as part of the final layout (approximately 3.4 hectares). The outline approval was for "up to 600 dwellings" and the total proposed through the 2 Reserved Matters applications is just short of that figure. As such, in this instance, the density is considered to be acceptable.

Overall it is considered that the development of the application site with a residential development scheme accords with the principles of sustainable development articulated through the National Planning Policy Framework and the policies contained within the Core Strategy and that the amount of development proposed would make an efficient use of the land without compromising design imperatives. The principle of residential development is considered acceptable subject to the detailed consideration in the following sections of this report.

## 2. Visual amenity

The National Planning Policy Framework states in paragraph 124 that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes.

The site is bounded on all sides by existing residential development comprising a mix of older terraced dwellings and more modern semi-detached dwellings. To the east of the site are some older cottages and some Listed Buildings.

The layout of the development is such that it comprises a mix of detached, semi-detached and terraced (up to 3 units) dwellings and within that there is a mix of 2 storey (178 in number), 2½ storey (119 in number) and 3 storey (14 in number) dwellings. The layout is fairly traditional with a single main access road serving the site with smaller roads and private drives served from it. There is a vehicular link to the adjoining site to the east (remainder of the site area to the outline permission). With regards to materials it is intended to use materials that will ensure that the development blends in with the existing dwellings surrounding the site. A condition attached to the outline permission will ensure that the materials are agreed by the Local Planning Authority prior to their use.

One of the main features of the layout is the part of the quarry that is still in operation. This will be filled to some extent but will eventually form a large open area within the heart of the development. This will help break up the built mass of the development and provide a good open aspect for the future residents to enjoy.

### 3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The site is bounded to the north (Lavell Mews and Farlea Drive), south (Farleton Drive and Fencote Crescent) and west (Moorside Road, Moorside Avenue, Haigh Fold and Whitaker Avenue) by existing residential dwellings whilst to the east is the other half of the site area pertaining to the outline planning permission and on which a Reserved Matters application is under consideration.

To the north of the site are dwellings located on Lavell Mews and Farlea Drive which are sited such that their main elevations (front and rear). The relationships of the proposed dwellings to the existing dwellings include both main elevation to main elevation and main elevation to gable end. The minimum separation distances are 19 metres and 14 metres respectively and meet the relevant policy requirements.

To the west of the site are dwellings located on Moorside Road, Moorside Avenue, Haigh Fold and Whitaker Avenue. The relationships of the proposed dwellings to the existing dwellings include both main elevation to main elevation and main elevation to gable end. The minimum separation distances are 20 metres and 11 metres respectively and meet the relevant policy requirements.

To the south of the site are dwellings located on Farleton Drive and Fencote Crescent. The relationships of the proposed dwellings to the existing dwellings include both main elevation to main elevation and main elevation to gable end. The minimum separation distances are 27 metres and 20 metres respectively and meet the relevant policy requirements.

To the west of the site are dwellings located on Fagley Lane and proposed dwellings under application 18/01127/MAR. The relationships of the proposed dwellings to the existing dwellings include both main elevation to main elevation and main elevation to gable end. The minimum separation distances are 20 metres and 15 metres respectively and meet the relevant policy requirements.

Within the site the separation distances are generally acceptable and where shortfalls do exist it is a case of buyer beware and that future occupiers of the dwellings are fully aware of the relationships prior to occupation of the dwellings.

Overall therefore it is considered that the layout of the proposed development is acceptable and will not have a significantly detrimental impact on the residential amenities of the occupiers of either the existing or proposed dwellings.

#### 4. Highway safety

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It goes on to state in paragraph 110 that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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.

The number of units proposed on the larger site (up to 600) was accepted at the outline planning application stage. The application was supported by a Transport Assessment that accepted that the surrounding highway network could satisfactorily accommodate the additional traffic likely to be generated by the development subject to a number of off-site highway works, these included including upgrading the junction of Moorside Road/Harrogate Road to a traffic lighted junction and improvements at the junction of Fagley Lane/Harrogate Road.

The application site will benefit from 3 points of access – Whitaker Avenue, Moorside Road and Fagley Lane albeit Whitaker Avenue will only serve 10 new dwellings in addition to those existing dwellings it already serves. The design of the internal access roads is considered to be acceptable by the Highways Department as is the level of parking provision to serve both the proposed dwellings and any visitors.

The Rights of Way Officer has not raised an objection to the principle of the development but has stated that a legal order will be required to close/divert sections, if not all, of footpath 219 which crosses the site. This will need to be done under separate legislation and is outside the control of the planning system. It is also suggested that a section of the path running off Fagley Lane will need to be closed and the provision via estate footways will be provided as an alternative. Other routes are located within the site with the link to the north of Whitaker Avenue and off Moorside Road being supported, various routes are proposed through the public open space and these are also supported, and, the proposed link to the east of plot K118 to Fagley Lane is supported but should be provided to adoptable standards. A condition is recommended in relation to surface treatment required to bring the footpaths up to adoptable standard.

In highway terms therefore it is considered that the proposal is acceptable and will not be detrimental to highway safety.

## 5. Drainage

Paragraph 163 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

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

The drainage of the site was fully considered at outline stage where a number of conditions were attached to the planning permission. Whilst an objection has been raised with regards to the fields currently flooding this will be alleviated when a drainage system is put in place where the discharge of surface water can be controlled such that it is at a lesser rate than the current situation.

As such therefore there is no objection to the proposal on drainage grounds.

## 6. Trees

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

There are a number of trees located throughout the site, many of which do not have any visual amenity benefit. There are a number of trees located along the boundaries of the site and these are, where possible, to be retained. As part of the landscaping scheme it is proposed to incorporate some additional tree planting within the areas of public open space. The inclusion of these trees will help to enhance the visual character of the site and immediate surrounding area.

As such therefore through the inclusion of additional planting throughout the development there is no objection to the proposal.

## 7. Secured by design

Paragraph 91 of the National Planning Policy Framework states that Planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian

routes, and high quality public space, which encourage the active and continual use of public areas.

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it, these being as follows:

Footpath links: The site is quite permeable with the number of proposed footpath routes. The footpaths which will be created along the side of the new access roads are fine as these routes all have good natural surveillance from the fronts of the properties. There are some footpaths that could be removed and these include Haigh Fold, the route to the rear of plots K172/K176 which continues along to plot K205, and, the footpath link between plots K118 and K121 – *the site is large in size and because of this it needs to be designed in a sustainable and permeable way to try and reduce the reliance on the car and encourage the future residents to walk to the surrounding facilities rather than drive. Two of the footpath links proposed but sought to be removed by the WYPALO do link into the surrounding road network and provide shortcuts for the residents without the need to walk through the proposed development. As such they are considered to be acceptable. The other route that is sought to be removed is that which runs along the southern boundary (to the rear of plots K172/K176 which continues along to plot K205). This is not a defined footpath within the development with the area between the existing and proposed dwellings forming a landscaped banked piece of land and not a footpath link. Overall it is considered that the proposed footpaths within the development are acceptable and improve the sustainability and permeability of the site.*

POS (public open space): In relation to the areas of public open space; will there to be a management in place so that the areas are maintained and kept tidy over the coming years – *a condition is proposed in relation to the Developer providing a Maintenance Agreement for the areas of open space provided within the development.*

Boundary treatments: The proposed boundary treatments are fine, however I would recommend that the rear plot dividers are increased in height from 1500mm to 1800mm high, so that fencing is to 1500mm with a 300mm trellis on the top which will provide more security for each plot – *the use of 1500mm high boundary treatment as plot dividers is considered acceptable as it does provide natural surveillance of the domestic gardens whilst also providing boundary treatment at a height that prevents fence hopping between the rear gardens by potential offenders. A condition is recommended that will secure "closed boarded" timber fencing. Whilst providing a higher fence incorporating the trellising would increase the level of security within the domestic gardens it is considered that the level of fencing proposed is acceptable and will comply with policy D5.*

Front bin storage: Plots 106, 131, 162, 189, 192, and, 230 are middle properties that will require front bin storage so that bins can be kept within a lockable bin store – *a condition is proposed regarding the submission of details relating to the proposed method of bin storage for these plots.*

Surveillance of parking bays: It is suggested that a number of properties have their car parking spaces located at the sides or rears of the dwellings and they do not benefit from good natural surveillance from the properties they serve. It is recommended that small side windows be incorporated within the dwellings to provide that surveillance – *an extra side window would not, therefore, be much of a deterrent to potential criminals. Again with side windows in lounges they would not be sited such that the residents would be looking out of them and the likelihood is that at evening/night time when car crime is likely to take place the windows would have a curtain pulled over them for privacy reasons thus removing all natural surveillance. Natural surveillance from the street and front elevations of other properties is much more appropriate and more likely to put off criminals.*

External lighting: It is recommended that external lighting above the front and rear entrances to each plot – *this cannot be controlled by the planning system and it is up to the developer or future occupier as to whether external lighting is installed*

Other issues have been raised relating to garages, doors and windows, and, intruder alarms – *these are outside the control of the planning system and are covered by Building Regulations Approved Document Q.*

Overall it is considered that subject to the imposition of appropriate conditions the proposed layout is acceptable in terms of providing a safe and secure environment for the future occupiers.

## 8. Contaminated land

Paragraph 178 of the National Planning Policy Framework states that decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 179 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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.

The issue of land contamination was full addressed during the consideration of application 14/00208/MAO and appropriate conditions were attached to that permission

to ensure that the site was remediated to the satisfaction of the Local Planning Authority.

Within the site is a quarry that is currently still operating. As part of the outline permission a condition was attached to that permission stating that no works shall commence in the areas of the quarry covered by application 11/00473/MVC until confirmation has been received by the Local Planning Authority that the restoration has been satisfactorily carried out. The plans submitted as part of this application show the proposed finished land levels and these are considered satisfactory in terms of the finished scheme but the condition relating to the restoration of the quarry is still relevant particularly in terms of how the quarry is restored and what material is used.

Overall however, there is no objection to the proposal in terms of land quality issues.

#### 9. Biodiversity issues

Paragraph 175 of the National Planning Policy Framework states that when determining planning applications, Local Planning Authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

An Ecological Survey was submitted with the application which identified that there was no significant level of biodiversity activity on the site. It did recommend that prior to the development commencing on site that a further Ecological Survey be undertaken to determine the current level of nesting birds and to ensure that any nesting birds are not disturbed during the site clearance. Nesting birds and their eggs are protected under the terms of the Wildlife and Countryside Act 1991 and it is an offence to intentionally kill, injure or take any wild bird. As such they are therefore afforded legal protection outside of the planning system.

No objection is therefore raised to the proposal on biodiversity grounds.

#### 10. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 20% in towns, suburbs and villages.

The issue of affordable housing and other social contributions was fully considered when assessing application 14/00208/MAO. The Section 106 Legal Agreement did not secure the provision of any affordable housing due to viability issues and only secured the payment of a commuted sum of £1,000,000 that was to be used either towards the Greengates junction improvements or enhancing the educational infrastructure in the vicinity of the site. As the monies for the improvements to the Greengates junction have

been secured through another permission the money will now be spent on educational infrastructure improvements.

#### 11. Community Infrastructure Levy (CIL)

This is a Reserved Matters application and the outline application was determined before the Council adopted CIL (July 2017). Therefore this scheme is not liable to CIL payments.

#### 12. Other issues

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

There are unoccupied properties in BD2 which ought to be supported to be renovated and occupied before the building of additional housing – *whilst there may be other unoccupied properties within the BD2 area the site does have the benefit of outline planning permission which has accepted the principle of residential development on the site*

How disruptive will the use of Whitaker Avenue be during the building construction and what will the state of the road be like at that time? – *There will inevitably be some disruption to the local residents on Whitaker Avenue during the construction phase of the development. Conditions were attached to the outline planning permission including the restriction on construction hours together with the submission of a construction plan and Construction Environmental Management Plan which should help reduce the impact on the residents and highway network*

#### **Community Safety Implications:**

There are no other community safety implications other than those referred to in the main body of the 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 scheme provides a residential scheme on a site that benefits from outline planning permission. The scale, form, layout and design of the proposal are considered to be acceptable and present no concerns with regard to residential or visual amenity and highway safety. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies SC9, EC4, TR1, TR2, TR3, TR4, EN3, EN5, DS1, DS2, 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 limit

The Development to which this notice relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

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

2. Gates over the highway

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

Reason: In the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

3. Open space agreement

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site, a Management and Maintenance Agreement shall be submitted in relation to the future maintenance of the areas of open space that are located outside the residential curtilages. The Agreement shall be approved in writing by the Local Planning Authority and the development carried out in full accordance with the approved details.

Reason: To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and to accord with Policies DS2 and DS3 of the Core Strategy Development Plan Document.

4. Landscaping implementation

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policy DS1 of the Local Plan for Bradford.

5. Landscape maintenance

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.

Reason: To ensure proper maintenance of the landscaped areas in the interests of amenity and to accord with Policy DS1 of the Local Plan for Bradford.

6. Boundary treatment

Notwithstanding the details submitted the timber fencing proposed as part of the development shall be of the "closed boarded" timber type. The boundary treatment shall be provided in full prior to the first occupation of the dwelling it serves and shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with Policy DS1 of the Local Plan for Bradford.

7. Footpath surface improvements

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site, details of the proposed surface treatment improvements to the footpaths within the site boundary, together with the installation of anti-vehicle bollards at the entrances to the footpaths where appropriate and a timetable for the implementation of the works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

Reason: In the interests of amenity and to accord with Policy TR3 of the Local Plan for Bradford.

8. Details of bin stores

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site, details of the proposed means of storage the bins for plots 106, 131, 162, 189, 192, and, 230 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the occupation of the dwellings which they serve.

Reason: In the interests of amenity and to accord with Policy DS1 of the Local Plan for Bradford.

9. Finished floor levels

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site, plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages and parking areas and the height of any retaining walls within the development site be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be so retained thereafter.

Reason: To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and to accord with Policies DS2 and DS3 of the Core Strategy Development Plan Document.