

# 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 278 dwellings (Site B) 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 eastern 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 18/00897/MAR.

The scheme does incorporate a mix of dwelling sizes including 28x2 bed, 141x3 bed and 109x4 bed which are all proposed to be market dwellings and they will be in the form of detached, semi-detached and terraced dwellings. They will all be 2 storeys in height. The site will be served via an access road leading from Harrogate Road down along Fagley Lane.

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

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)  
Report Contact: John Eyles  
Major Development Manager  
Phone: (01274) 434380  
E-mail: [john.eyles@bradford.gov.uk](mailto:john.eyles@bradford.gov.uk)

**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 eastern half of the larger site of the outline permission and comprises mainly open fields. The scheme does incorporate a mix of dwelling sizes including 28x2 bed, 141x3 bed and 109x4 bed. The site will be served via an access road leading from Harrogate Road down along Fagley Lane. As part of the original outline application major new highway works are proposed on Harrogate Road.

## **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.

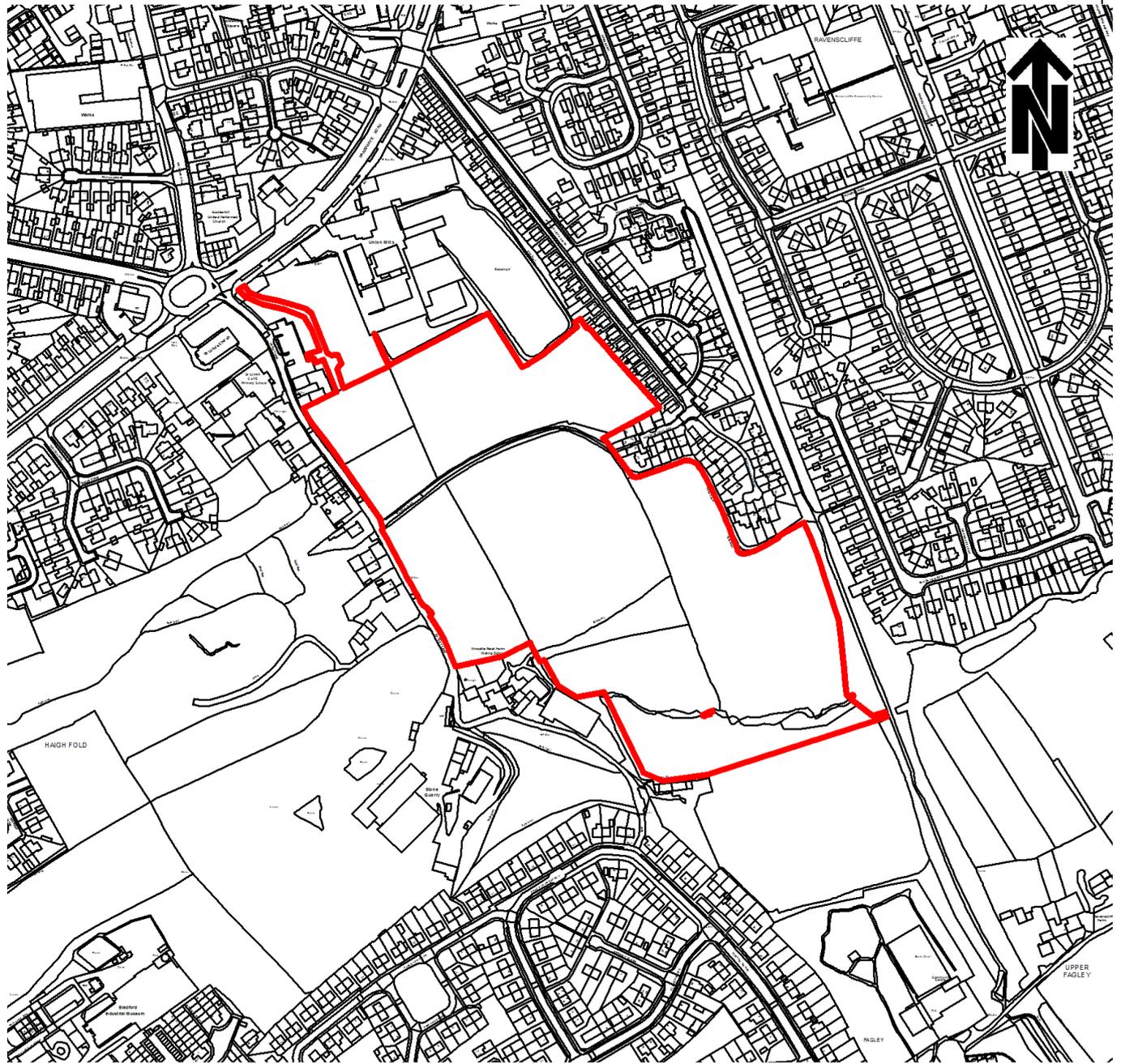
## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy  
Replacement Unitary Development Plan

18/01127/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 WITH CONDITIONS**

**Application Number:**

18/01127/MAR

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

This is a Reserved Matters application for the construction of 278 dwellings (Site B) 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 principally comprises of fields with an access track running across it in a west to east direction. The site does slope downwards from north to south. Adjacent to the southern boundary is a copse of trees and a farmhouse and associated outbuildings. To the south west of the site is an active quarry. To the further south beyond the trees is an area of open land. To the north of the site is Union Mills, an industrial/commercial complex together with a mill pond. Adjacent to the site to the east are residential dwellings on Wharncliffe Drive, Ashington Close and Martindale Close with further dwellings beyond the railway embankment on Oakdale Drive. To the west of the site is Fagley Lane that has a number of dwellings sited on its western edge that do look onto the site. Vehicular access to the site is currently taken from Fagley Lane. At the northern end of Fagley Lane are a church and a primary school.

**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 18/00897/MAR for the construction of 311 dwellings approved by outline permission 14/00208/MAO requesting consideration

of access, appearance, landscaping, layout and scale (western 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 northern part of the site is not allocated within the RUDP but the southern section is allocated as Urban Greenspace (Ref: BN/OS1.7 – Fagley). The access route into the site from Harrogate Road is allocated as Highway Improvements (Ref: BN/TM20.6 – Fagley Lane access road and associated junction with Harrogate Road). The site as a whole is located within a defined Mixed-Use Area (Ref: BN/UR7.2 – Fagley). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

UR7A Mixed-Use Areas  
OS1 Urban Greenspace  
TM20 Transport and Highway Improvements

**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 27<sup>th</sup> April 2018.

As a result of the publicity exercise 15 representations have been received objecting to the proposal.

**Summary of Representations Received:**

Principle of development:

- Although Eccleshill and surrounding areas are very sought after, there is no housing shortage
- It is too big for the area
- The green spaces in the area need to be preserved not built on
- This space between Fagley, Eccleshill and Ravenscliffe is important for the health of people as well and the environment for wildlife

Highways:

- The traffic around the proposed housing development is already chaos, without the extra traffic
- There has been many accidents and it is also extremely dangerous for a pedestrians around Harrogate Road
- Better infrastructure needs to be added to the roads to accommodate for this - perhaps additional traffic light controlled junctions like those that have been added at Apperley Bridge
- Moorside Road should be made a 20mph zone, as despite the speed bumps and narrow/double parked roads, the amount of people who fly down it at speed beggars belief
- The public transport in the area is limited. Only one bus an hour travels from Harrogate Road to Apperley Bridge Railway Station
- Fagley Lane is far too narrow outside the existing dwellings for the addition of pavements, and as thirteen new houses will have to use Fagley Lane for access to their properties the road is woefully inadequate
- How are you going to cater for the current residents and business which use the road and require access at all times whilst you carry out road improvements
- The footpath link between 22 and 24 Fagley Lane will not be overlooked by any properties and will be a source for anti-social behaviour

Drainage:

- Concerns regarding flood risk to new buildings

Residential amenity:

- Bradford has problems with regards to car fumes and pollution and the development will make this matter worse
- Impact on existing residential properties
- Loss of privacy to the neighbouring dwellings through overlooking

- What are the legal planning regulations regarding a two-storey building overlooking bungalows?

Visual amenity:

- The new houses will be taller than the existing houses and therefore will be overlooked by the new houses which is not allowed within planning regulation

Infrastructure:

- There are not enough school places in the local area to accommodate any more children
- There are not enough doctors/dentists surgeries to cope with the added residents

Other issues:

- Impact on local wildlife and the natural environment
- There are unoccupied properties in BD2 which I feel ought to be supported to be renovated and occupied before the building of additional housing
- A further public road show should be arranged. The last public event in June last year bears no resemblance to this new proposal so a full scale plan should be made available to view
- There is nothing to create a community, no shop, pub, community centre, park, green spaces etc. This means to go to the shops, doctors or other visits cars will be used putting pressure on surrounding roads and increasing traffic hazards near existing schools
- Loss of open views from existing properties

**Consultations:**

Drainage – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the disposal of surface water

Rights Of Way – No objection to the principle of the development but specific comments are made on the footpaths that cross the site including Bradford North Public Bridleway 287 (Green Lane), Bradford North Public Footpath 216, Bradford North Public Right of Way 244, and, unrecorded footpath reference 66650/T27

Minerals Section – No objections to the proposal

Environmental Health Land Contamination – No objection as the land quality issues were dealt with at outline stage

Conservation – No objection to the proposal on the grounds that any adverse effects deriving from the proposals are regarded as being balanced by the planning benefits arising from the development

West Yorkshire Police – No objection to the principle of the development but comments are made on specific aspects of the layout including footpath routes/links, vehicle mitigation measures, public open space, boundary treatments, shared pathways, surveillance of parking bays, doors and windows, garages, and, intruder alarms

Landscape Design Unit – No objection to the principle of the development but comments are made on specific aspects of it including the lack of gate ways in the knee rail fencing around the open spaces, maintenance issues around alleyways, and, the

inclusion of a turning head at the entrance to the public right of way off Fagley Lane that will be used for parking by the residents. There should also be a landscape management plan provided for the site

Conservation – No objection to the principle of the development as it is considered that any adverse effects deriving from the proposals are regarded as being balanced by the planning benefits arising from the development

Highways – No objection subject to the imposition of appropriate conditions

Historic England – No comments to make on the planning application

Yorkshire Water – No objection to the proposal but state that the site should be developed with separate systems for foul and surface water drainage. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 10 (ten) litres per second

Environmental Health Air Quality – No objection to the principle of the development but would like to see a plan showing the proposed location of the electric vehicle charging points for each dwelling

Development and Enabling – This site falls within the Eccleshill Council Ward and the number of units proposed are over the 15 unit threshold so Affordable Housing provision on site would be required. The quota for this ward is 15% Affordable housing provision and this equates to 42 units. Therefore we would require 42 Affordable Housing units developed on site and delivered at affordable rent via a Registered Provider.

Education (Client Team) – No objection to the proposal in terms of the layout or design but state that the housing development is likely to cause concerns on where children of families coming to reside in the development might attend school

Sport & Leisure – A commuted sum towards the provision and enhancement of existing recreational facilities would previously have been requested for the development but the site is now in a nil CIL area. The development will still result in a significant impact on the existing public open space. 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. Conservation
12. Community Infrastructure Levy
13. Other issues

**Appraisal:**

This is a Reserved Matters application for the construction of 278 dwellings (Site B) 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 28x2 bed, 141x3 bed and 109x4 bed. The site will be accessed via 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.

Policy HO5 of the Core Strategy 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 28x2 bed, 141x3 bed and 109x4 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 H05 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 therefore 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 to the east and west by existing residential development in the form of mainly detached and semi-detached dwellings of both single and 2 storeys in height. Along Fagley Lane to the west there are some older 2 storey terraced dwellings. The dwellings are principally constructed using natural and artificial stone with a mix of roofing materials including natural slate and concrete tiles.

The layout of the site is such that the dwellings will be mainly in the form of detached and semi-detached dwellings with a small number of terraces comprising 3, 4 or 5 dwellings. All the dwellings will be 2 storeys in height. It is proposed to use similar materials to those already used on the surrounding dwellings that will ensure the development is in keeping with the surrounding area. A condition attached to the outline permission will ensure that the materials are agreed by the Local Planning Authority prior to their use.

The Landscape Design Unit have not raised an objection to the proposal but have made a number of comments on specific aspects of it including the lack of gate ways in the knee rail fencing around the open spaces, maintenance issues around alleyways, and, the inclusion of a turning head at the entrance to the public right of way off Fagley Lane that will be used for parking by the residents. There should also be a landscape management plan provided for the site.

There is a large area of open space to be sited in the southern section of the site. Along the northern edge of this open space is a 450mm high knee rail fence. The open space is not intended to be a formal play area and will comprise informal open space. The fencing along the northern boundary has been incorporated to prevent unauthorised access to it by, for example quad bikes and motor bikes, which if they entered the area would be a source of anti-social behaviour to the residents.

There are a number of links to footpaths running along the boundaries of the site and these will be provided as part of the Section 38/278 Agreement where they will be provided at adoptable standards and then maintained as part of the highway in the future.

There is a turning head provided at the entrance to the public right of way running through the site. At present there is an existing turning area in this location although it is not formally tarmacked. The turning area will be a useful facility as there are limited other turning areas along Fagley Lane. If it is abused by the residents and used as a parking area then the Council do, in the future, have the ability to put a Traffic Regulation Order on it preventing parking within it.

Finally a condition will secure the provision of a landscape management plan for the areas of open space within the development.

Overall it is considered that the designs of the dwellings and the layout of the development is acceptable and in keeping with the character of the built form in the immediate surrounding area and will not therefore be visually detrimental to the character and appearance of the area.

### 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 on 2 sides by residential development. To the east are dwellings on Wharncliffe Drive, Ashington Close and Martindale Close with further dwellings beyond the railway embankment on Oakdale Drive. To the west of the site is Fagley Lane that has a number of dwellings sited on its western edge that do look onto the site. As such these relationships need to be considered.

To the north of the site is Union Mills which comprises a number of buildings currently in industrial/commercial use. The site, however, benefits from planning permission for the construction of a retail development scheme on the site and therefore the relationship of the proposed dwellings to both the existing and future potential layout of the Union Mills site needs to be taken into consideration.

In looking at the eastern boundary first the relationships of the proposed to existing dwellings include both main elevation to main elevation and gable end to main elevation. The minimum separation distances are 21 metres and 9 metres respectively. These distances are considered to be acceptable and will not have a significantly detrimental impact on the residential amenities of the occupiers of either the existing or proposed dwellings.

To the west are a number of properties on the western side of Fagley Lane that overlook the site. The relationship between the existing to proposed dwellings is main elevation to main elevation. The minimum separation distance is 20 metres which is considered to be acceptable and will not have a significantly detrimental impact on the residential amenities of the occupiers of either the existing or proposed dwellings.

To the north of the site is Union Mills which benefits from planning permission for its redevelopment as a retail scheme. The nearest unit to the application site is unit 7 (including delivery yard) which is 13½ metres from the joint boundary. An area of landscaping fills this gap and there is also an acoustic fence proposed to further minimise the potential noise nuisance. The layout of the proposed dwellings is such that the nearest properties have their gable ends facing onto the Union Mills site. There are windows incorporated within the gable ends but these serve wc's/bathrooms and a secondary window to a living area. It is not considered that the relationship with the Union Mills site will have a significantly detrimental impact on the residential amenities of the future occupiers of the proposed dwellings.

Overall it is considered that the proposed layout of the development, with regard to its relationship with the adjacent dwellings and other uses 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 site will be mainly accessed via a new access road created from Harrogate Road but will also be accessible from the site to the west and from Fagley Lane. The internal access road has been designed such that there is a traditional estate road serving the majority of the development with a number of shared surface roads leading off the main through road. The design of the roads together with the level of parking, including visitor parking, are considered to be acceptable by the Highways Department.

The Rights of Way Officer has stated that Bradford North Public Bridleway 287 (Green Lane) cuts across the site. This route will link with the proposed footpath/cycle link on the adjoining site and should be suitably improved along its full length. Improvements should include drainage, surfacing (crushed stone or limestone being the preference over tarmac unless a segregated route can be provided), vegetation clearance as required (cutting back hedging and over hanging branches to maximise the width of the route), the retention of its full width (a legal order will be required for any narrowing of the existing route), boundary wall repairs at their existing height, appropriately designed barriers (to control any antisocial vehicular use), lighting as required (most likely on any

link to Ashington Close) and the route should be signed. Access across proposed estate roads should be suitably designed and include dropped kerbs or via a raised platform. These details and improvements can be secured through a planning condition and an appropriate one is recommended.

Bradford North Public Footpath 216 connects the Green Lane bridleway with Ashington Close via a short section of path via an underpass between the houses. There have been previous requests to close this path due to crime and antisocial behaviour so the applicant is advised to consider applying to close this link via a legal order. If the route is retained the existing path should be improved and link within the development (to the minor estate road or alongside the Green Lane bridleway). This link should be provided to adoptable standards and be inclusive of lighting. Again these improvements will be secured through a planning condition.

Bradford North Public Right of Way 244 abuts the site and follows the line of the former Fagley Railway. The Rights of Way Section would like to see the developer commit funding towards the on-going maintenance of this multi user route as it provides access to the wider public rights of way network and will complement improvements to the Green Lane bridleway. Whilst it would be desirable to see the footpath surfaces improved it is not considered essential for the development to be able to proceed. As such it is recommended that the improved surfacing of the footpaths is not pursued in this instance.

There is an unrecorded footpath (reference 66650/T27) that crosses the northern part of the site. In 2007 an application was made to the Rights of Way Section to add an unrecorded footpath to the legal records. The application was made as a result of Asset Management restricting access and erecting signage on a route that goes from Green Lane to Fagley Lane (near the school). While this application is still to be formally assessed an initial pre assessment concludes that 15 individuals submitted user evidence claiming to have used the route. That use appears to have been on foot and 8 of those users have used the route in excess of 20 years. Users refer to stiles on the route (one on Green Lane, one on Fagley Lane and in the past one that separated the fields). Users seem to have been challenged from using the route in 2007 when fencing and signage were erected but none of the users had been challenged previously. No evidence has been submitted to refute the claim and it is felt at this stage that they have a strong case to record a public right of way. As such the applicant is advised to treat the route as a public right of way and will require a legal order either to divert or close this public right of way.

In highway terms, therefore, the proposal is considered 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.

No objection has been received to the proposal from Yorkshire Water but they have stated that it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 10 (ten) litres per second. There were a number of conditions attached to the outline planning permission with regards to the drainage of the site and these issues will be resolved through the discharge of the appropriate conditions.

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 along the boundaries of the site together with a larger copse of trees adjacent to the southern boundary of the site. The majority of the trees along the boundaries will, where possible, be retained. Some trees exist within the main body of the southern section of the site but do not offer any real visual amenity value and whilst they will be removed as part of the development no objection is raised to this. Some new planting will take place within the site particularly along the enhanced public footpath running across the northern section of the site.

A condition is recommended with regard to the submission of a landscaping management and maintenance programme to ensure that the proposed landscaping, including tree planting, is carried out and maintained for an appropriate period of time.

## 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 routes/links: The proposed footpath routes which are located to the rear of plots 223 to 227 and side of plots 203 and 204 should be removed – *these have been removed as part of an amended submission*

Vehicle mitigation measures: The pedestrian routes throughout the development should include vehicle bollards to prevent any vehicle/off road bikes from accessing this location – *an appropriate condition is recommended to secure the installation of such bollards.*

Public open spaces: There should be a management plan for the areas of public open space so that they are regularly maintained in order to prevent any fly tipping or littering – *an appropriate condition is recommended for this.*

External lighting: Street lighting should provide good colour rendition levels, from a crime perspective the whiter the light the better the visibility. Each plot should include low energy photo-electric cell / dusk till dawn lighting which is installed to all access points – *the installation of external lighting on the dwellings cannot be controlled by the planning system and it is upto the developer or future occupier as to whether external lighting is installed. With regards to street lighting the levels will be agreed with the relevant Department with regard to the future adoption of the road network.*

Boundary treatments: The proposed 1800mm high wall and fence and the 1800mm high close board fence are suitable to use and will secure the rear plot dividers and boundaries to each property. The proposed knee rail fencing is fine, however it may be prudent to increase the height on the area of public open space – *the aim of the knee rail fencing along the northern boundary of the public open space is to ensure that there is no unauthorised use of it by motor vehicles such as motor bikes or quad bikes. It is considered that a height of 450mm is sufficient to be able to prevent this and therefore no change to the height is recommended.*

Shared pathways: Amended plans have been submitted which show that there are no shared pathways to the rears of properties.

Surveillance of parking bays: A number of the plots have parking bays located to the rear of the property which does reduce natural surveillance opportunities by the vehicle owners. I would recommend that where parking is to the rear there is gated access installed on the vehicle bays which provides additional security – *where parking is proposed at the rear of the dwellings there is to be a gate installed in the fencing to allow direct access from the parking space to the domestic curtilage.*

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.

## 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. Conservation

Paragraph 184 of the National Planning Policy Framework states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 189 states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190 goes on to state that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN3 of the Core Strategy states that the Council will preserve, protect and enhance the character, appearance and historic value and significance of the District's designated and undesignated heritage assets and their settings.

The site is located in close proximity to 2 designated heritage assets, Grade II listed buildings at Throstle Nest and Cherry Tree Farms. A Heritage Statement has been submitted in support of the proposal and in the case of Throstle Nest Farm it suggests less than substantial harm would result from the proposed development, primarily arising from the loss of the open agricultural land historically associated with the farm. To try and counter this impact some modest intervening space is proposed to be retained between the listed buildings and new built form, but some harm to the setting of the farm will undoubtedly occur. The Conservation Officer concludes that this amounts to less than substantial harm.

The impact on Cherry Tree Farm is less proximate. The buildings are currently in a very poor state of repair due to sustained vandalism and neglect. The setting on the heritage asset still requires assessment but it is considered that the separation between the proposed development and the listed asset results in no significant harm being anticipated.

Overall therefore it is considered that any adverse effects deriving from the proposals are regarded as being balanced by the planning benefits arising from the development and therefore no objection is raised on heritage grounds.

## 12. 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.

## 13. 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 I feel 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*

A further public road show should be arranged. The last public event in June last year bears no resemblance to this new proposal so a full scale plan should be made available to view – *the application has been advertised in its current form through the normal procedure associated with the Council's Protocol in relation to advertising applications. The application is also available for viewing on the Council's website. There is no requirement on either the Council or Applicant to hold a public exhibition once the application has been submitted.*

There is nothing to create a community, no shop, pub, community centre, park, green spaces etc. This means to go to the shops, doctors or other visits cars will be used

putting pressure on surrounding roads and increasing traffic hazards near existing schools – *unfortunately the issues of doctors/dentists being full is not a material planning consideration and they will generally respond to demand in regard to providing additional spaces.*

Loss of open views from existing properties – *the loss of views is not a material planning consideration*

**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 UR7A, OS1, and, TM20 of the Replacement Unitary Development Plan, 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. Landscape 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.