

# **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 6<sup>th</sup> December 2018**

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## **Subject:**

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

## **Summary statement:**

Outline planning permission for the residential development of the site (with all matters of detail reserved for subsequent approval excepting access) was granted on 23 June 2016. The application was approved subject to a Section 106 agreement for the provision of green space in perpetuity, 6 affordable housing units and contributions totalling £108,970.75.

A reserved matters application for 28 dwellings seeking consideration of access (other than at Keighley Road), appearance, landscaping layout and scale was subsequently considered by the Regulatory and Appeals Committee on 19<sup>th</sup> July 2018. The application included consideration of a Deed of Variation to the Section 106 Agreement in order to omit the affordable housing provision and financial contributions. The terms of the Deed of Variation were supported by a Financial Viability Report the findings of which were verified by an independent assessor on behalf of the council.

The application was subsequently refused by the Regulatory and Appeals Committee for the following reasons:

1. The development would cause harm to the setting of the Grade II Listed Buildings at Crowther Fold and the registered historic landscape of the St Ives Estate and would therefore be contrary to Policies EN3 and SC9 of the Core Strategy.
2. The proximity of the proposed development to woodland adjacent to the northern boundary of the site is likely to result in future pressure for the pruning and/or felling of trees to the detriment of visual amenity which would be contrary to Policies EN5, DS1 and DS3 of the Core Strategy.

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## **Portfolio:**

**Regeneration, Planning and Transport**

## **Overview & Scrutiny Area:**

**Regeneration and Economy**

3. The proposed three storey units would, by reason of their massing, have an adverse impact on the visual amenity of Harden Village and would therefore be contrary to Policies DS1 and DS3 of the Core Strategy.

In determining the application Members of the Regulatory and Appeals Committee also raised concerns with the loss of planning obligations.

This application has been amended in order to address the previous reasons for refusal. The application is considered to fully address the previous reasons for refusal and the appearance, landscaping, layout and scale of the proposed development are considered to be acceptable.

The developer has further considered the financial viability of the development and has undertaken consultation with the local community. It is proposed that the S106 is varied to omit affordable housing provision but maintain financial contributions totalling £108,970.75 and the provision of Open Space at a stated cost of £38,000. The developer is also proposing to vary details of the S106 agreement in order to benefit Harden more directly.

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

## 1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application reference 18/03868/MAR made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1

## 2. BACKGROUND

Attached at Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

## 3. OTHER CONSIDERATIONS

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

## 4. FINANCIAL & RESOURCE APPRAISAL

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

- **On site Affordable Housing provision:** The provision of 6 units at the level of discount on the open market value of the properties necessary to allow disposal of the properties to an RSL.
- **Education contribution:** The sum of £46,708 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Cullingworth Primary School.
- **Recreation contribution:** The sum of £20,419 will be paid to the Local Planning Authority for the purpose of upgrading the existing public recreation infrastructure at the St Ives Estate, Keighley Road, Harden.
- **Metro provision:** The sum of £31,893.75 will be paid to the Local Planning Authority for the purpose of supplying subsidised travel cards to the occupants of the new development or for the purpose of improving/enhancing existing Metro facilities which have been identified as: (1) 'live' bus information display bus stop number 20288; (2) 'live' bus information display bus stop number 20289; (4) Residential MetroCard for 25 Dwellings
- **Open Space Obligation:** Obligation to Provide the Village Greenspace and other Public Open Spaces shown on drawing 1357DHP/MCH/IMO1 REV J, or as otherwise agreed by the Local Planning Authority, to a minimum area of 1,900m<sup>2</sup>, as open spaces [containing no buildings] in perpetuity;
  - o Full details shall be provided of the arrangements which shall be made for the management and maintenance of the Public Open Spaces shown on drawing 1357DHP/MCH/IMO1 REV J, or as otherwise agreed by the Local Planning Authority.
- **TRO:** The payment of a commuted sum of £7,000 to the Local Planning Authority for the provision of a Traffic Regulation Order to protect the visibility splays at the access point to the site.
- **Legal Fees:** £1200
- **Monitoring Fee:** £1,175

A Development Appraisal has been submitted which indicates that it is not viable to provide the 6 affordable housing units. The developer has indicated that this is because of the abnormal costs associated with developing the site.

The abnormal costs have been confirmed by Cushman and Wakefield in their Viability Appraisal Assessment which was conducted on behalf of the Council.

The independent review confirmed that the development could not sustain affordable housing provision and Section 106 Contributions.

The financial contributions put forward under the proposed Deed of Variation are derived from a reduction in developer profit from 20% to 17.2%. The return to the developer therefore falls within the accepted range of 15-20% as set out in paragraph 018 (reference10-018-20180724) of Ministry of Housing, Communities & Local Government Viability guidance.

It is considered that the provision of affordable housing units would render the development unviable. A Deed of Variation is therefore required in order to omit the affordable housing units from the Section 106 Agreement.

The developer has also proposed the following amendments to the Section 106 Agreement in order to benefit Harden more directly:

**Education Contribution:** £46,708.00 - Varied to enable the money to be spent on improving facilities at Cullingworth Primary School or Harden Primary School, as opposed to Cullingworth Primary School Only.

**Metro Contribution:** £31,893.75: It is suggested that the S106 is varied to enable the full sum of this money to be spent on improvements to facilities at Harden Village Hall (also understood to be known locally as Harden Memorial Hall).

The contribution of £20,419 towards upgrading recreation infrastructure at St Ives Estate and the open space obligation would remain unchanged from the previous agreement, as would the £7000 required to promote a TRO (Traffic Regulation Order) to protect visibility splays at the access point to the site.

It is recommended that a Deed of Variation is accepted in order to omit the affordable housing provision, to vary the terms of the Education contribution and to replace the Metro contribution with a contribution towards upgrading facilities at Harden Village Hall.

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

None relevant to this application.

## **6. LEGAL APPRAISAL**

The options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended).

## **7. OTHER IMPLICATIONS**

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

## **7.1 EQUALITY & DIVERSITY**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Full details of the process of public consultation undertaken and a summary of the comments made are attached at Appendix 1.

## **7.2 SUSTAINABILITY IMPLICATIONS**

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

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The development of new buildings and land for residential purposes will invariably result in an increase in greenhouse gas emissions associated with both construction operations and the activities of future users of the site. Consideration should also be given to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed development is such that the use of sustainable modes of travel would be best facilitated and future greenhouse gases associated with activities of the residents are minimised.

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

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are proposed at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

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

## **7.5 HUMAN RIGHTS ACT**

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6- the right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

## **7.6 TRADE UNION**

None

## **7.7 WARD IMPLICATIONS**

The Technical Report at Appendix 1 summarises the material planning issues raised by representations and the appraisal gives full consideration to the effects of the development upon residents within Bingley Rural Ward.

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

None

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None

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

None

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

Financial Viability Report Review (Cushman & Wakefield)

## **9. OPTIONS**

The Committee have the following options:

1. The Committee can grant reserved matters approval as per the recommendation contained within the main report and subject to the proposed Deed of Variation.
2. The Committee can grant reserved matters approval and agree to a Deed of Variation for the existing Section 106 agreement with revised and or alternatives priorities for Section 106 spending as they may deem appropriate (subject to compliance with CIL (Community Infrastructure Levy) Regulations).
3. Members can refuse reserved matters consent. Under such circumstances Members are reminded that reasons for refusal based on material planning grounds and based on Development Plan policies will need to be given.

## **10. RECOMMENDATIONS**

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

## **11. APPENDICES**

Appendix 1: Technical Report

## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework

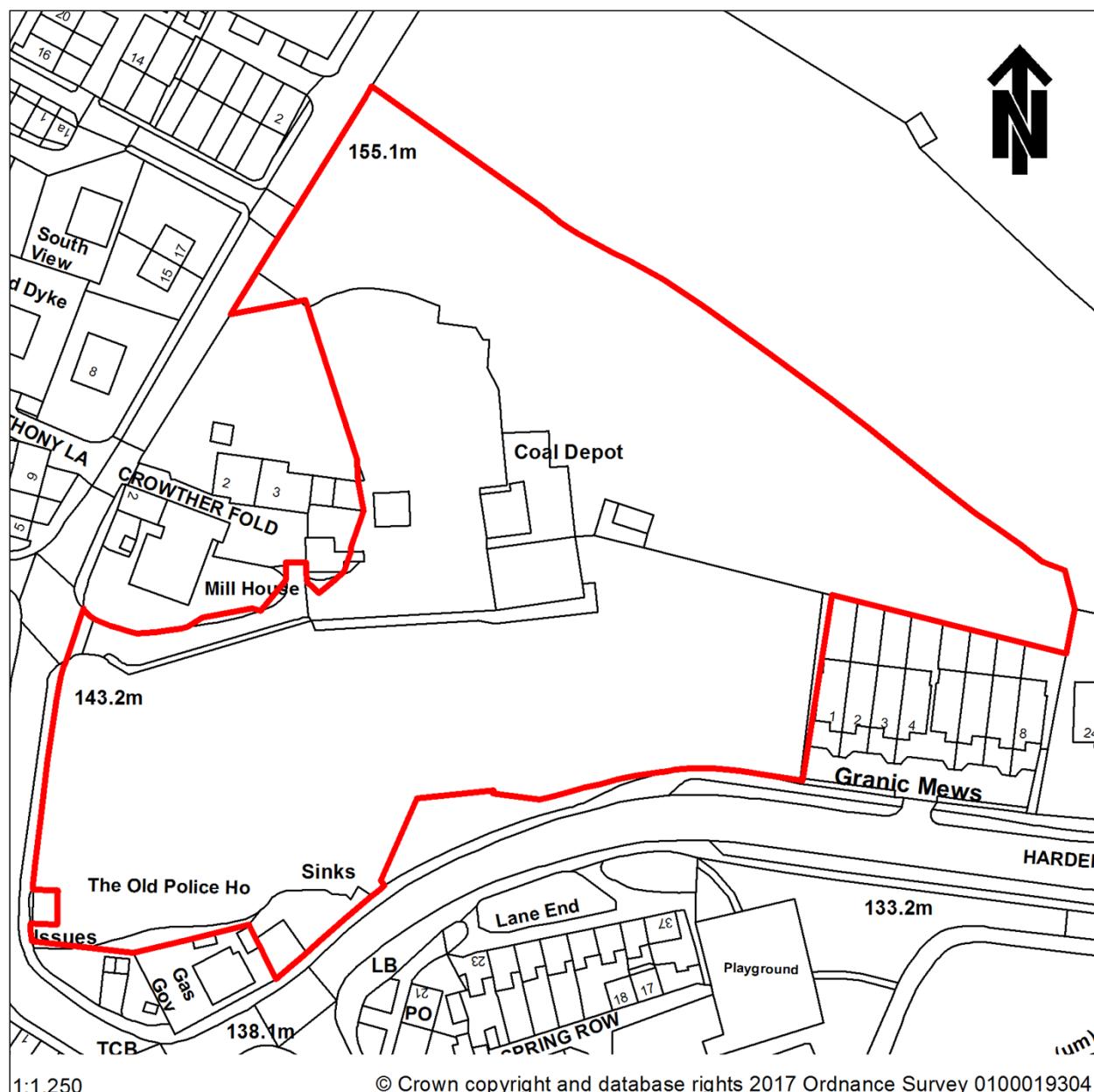
Replacement Unitary Development Plan

Local Plan for Bradford

Application Reference-15/01039/MAO

Application Reference-18/00158/MAR

Land at Harden Road and Keighley Road, Harden, Bingley



**Appendix 1**

6<sup>th</sup> December 2018

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

**Recommendation:**

**To Approve the Reserved Matters, subject to the conditions included within the technical report and to authorise the completion of a Deed of Variation to amend the existing Section 106 completed with the previously granted outline planning permission.**

**Revised Heads of Terms in a Deed of Variation for the Existing Section 106 Agreement to include:**

**Education Contribution:** £46,708.00 - to be varied to enable the money to be spent on improving facilities at Cullingworth Primary School or at Harden Primary School, as opposed to Cullingworth Primary School Only. (note there are no “pooling” issues in relation to the CIL Regulations in relation to these infrastructure contributions).

**Former Metro Contribution:** £31,893.75: this to be amended to enable the full sum of £31,893.75 to be spent on improvements to facilities at Harden Village Hall (also understood to be known locally as Harden Memorial Hall).

**St Ives Estate Contribution:** The contribution of £20,419 towards upgrading recreation infrastructure at St Ives Estate and the open space obligation to remain unchanged from the previous agreement,

**TRO Contribution:** The contribution of £7000 required to promote a TRO to protect visibility splays at the access point to the site to remain unchanged from the previous agreement.

**Affordable Housing:** – to be deleted.

**Application Number:**

18/03868/MAR

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

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

**Applicant:**

Skipton Properties Ltd

**Agent:**

Mr Jay Everett

**Site Description:**

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

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

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

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

### **Relevant Site History:**

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

18/00158/MAR- A Reserved matters application for the construction of 28 dwellings including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale- Refused-09.08.2018 (full details set out below).

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

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

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

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

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

#### ***Allocation***

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

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

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

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

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

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

***Proposals and Policies***

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

- P1- Presumption in Favour of Sustainable Development
- SC1- Overall Approach and Key Spatial Priorities
- SC4- Hierarchy of Settlements
- SC6- Green Infrastructure
- SC9- Making Great Places
- TR1- Travel Reduction and Modal Shift
- TR2- Parking Policy
- TR3- Public Transport, Cycling and Walking
- HO5- Density of Housing Schemes
- HO8- Housing Mix
- HO9- Housing Quality
- HO11- Affordable Housing
- EN2- Biodiversity and Geodiversity
- EN3- Historic Environment
- EN4- Landscape
- EN5- Trees and Woodland
- EN7- Flood Risk
- EN8- Environmental Protection
- DS1- Achieving Good Design
- DS3- Urban Character
- DS4-Streets and Movement
- DS5- Safe and Inclusive Places
- ID2-Viability
- ID3- Developer Contributions

**Parish Council:**

Harden Parish Council (13.09.2018):

The Parish Council considers that the forecasts for income provided in the Financial Report are overly conservative.

Notwithstanding the cost assumptions, some of which also seem high, adjusting the revenue figures to £300 per sq ft (2 storey) and £275 per sq ft (3 storey) would generate significant additional profit and deliver a more than affordable return. We do not consider this to be an unrealistic projection in Harden.

We do not accept a reduction in the Section 106. This is non-negotiable. Any adjustment to the viability of the development should be reflected in the amount that is paid for the site and not reduce the Section 106 commitments.

We insist the affordable provision is fully reinstated, based on 28 and not 25 properties.

We would like to see the Section 106 revised so that all monies are spent in Harden Parish.

#### Harden Parish Council Further Comments (15.10.2018)

The changes made by the developer satisfy reasons one and two given for refusal of the previous application.

However, the third reason does not seem to have been addressed (i.e. that the proximity of the proposed development to woodland adjacent to the Northern boundary of the site is likely to result in future pressure for the pruning and/or felling of trees to the detriment of visual amenity which would be contrary to Policies EN5, DS1 and DS3 of the Core Strategy).

The major concern remains the Section 106 agreement and the affordable housing provision.

The Parish Council is aware from various community surveys and engagement events, including a Parish Plan Survey, a Have Your Say Engagement exercise and a recent Neighbourhood Plan survey, that there is an unmet demand for affordable homes in Harden. This matter should be given proper consideration and not simply be dismissed on the grounds of financial viability, in accordance with HO8 and HO11 of the recently Adopted Core Strategy in relation to the provision of affordable housing.

#### Viability

The applicant has put forward a letter from Addison Planning Consultants dated 17th September 2018 which proposes variations to the terms of the existing Section 106 agreement, which contained financial obligations on the developer to the amount of £109,042, together with the provision of 6 affordable dwellings.

The applicant's consultants suggest that the desired profit margin of 20% cannot be achieved due to the onerous cost of these obligations and that whilst it will reduce its margin to accommodate some of those costs, it cannot afford to provide its affordable housing obligations. Every professional consultant involved in property development is aware that a Development Viability Appraisal can be manipulated in many ways to show the result required and the Royal Institution of Chartered Surveyors (RICS) states in its advice to valuers that;

The property has been valued as recommended by the RICS guidance note 17 on the residual method. However, you should be aware of the limitations of this approach due to the large number of variables included in the calculation and that the residual value is highly sensitive to assumptions made.

Small changes in certain variables especially the estimated value on completion, the required profit margin and interest charges can lead to a large difference in the residual site value. In particular, the method requires the input of construction data which is rarely absolute or precise. A small variation in each figure can materially affect the assessment of residual land value or residual profit margin. The valuation also reflects and is dependent upon a forecast of the estimated sales revenue at the date when the development is fully complete and it assumes that sales costs and prices will remain static during the development period.

The development appraisal that has been put forward by the applicant is such a document. It has been structured in a way that demonstrates a profit margin, which forms the main thrust of the argument for viability.

Whilst this is an eloquent read, it is grossly misleading and is an attempt to hoodwink the Council and all those concerned into agreeing that they should not be held responsible for the Section 106 commitments already agreed.

The developer can achieve its desired profit margin of 20% on cost and afford to pay for all its Section 106 commitments, including the provision of affordable homes, by reducing the amount that it has agreed to pay for the site. Harden Parish Council insist that the costs and obligations contained within the Section 106 agreement, including the affordable homes, be honoured in full.

### Section 106 Figures

The proposed revised Section 106 costs are inflated by the applicant through the inclusion of £38,000 towards public open space and village green space. This is misleading as the expenditure involved relates to the provision of a footpath, required as part of the planning process and not part of the original Section 106. The Green Space will remain in the ownership of the Crowthers and the space within the development will be maintained by a Management Company.

### Section 106 Distribution & Allocation

The Parish Council welcomes the re-distribution of the Section 106 such that all monies raised through agreement would be spent within Harden. However, the proposals do not completely resonate with local priorities.

Consideration should be given to allocating 15% of a revised Section 106 financial contribution to the Parish Council, to be ring fenced and held in reserve for future neighbourhood projects and initiatives for the people of Harden

A revised Section 106 could include Legal Fees (£1,700), Harden School (£46,780), Monitoring Fee (£1,750), Recreation contribution (£20,419), Traffic Regulation Order (£7,000), Memorial Hall (£31,893) and Harden Parish Council (£16,356). Total being £125,398. The Parish Council would welcome the opportunity to engage in further discussion about Section 106 re-negotiation.

If this application is recommended for approval all the conditions set out in the report to the Regulatory and Appeals Committee on July 19th 2018 should be included, with the addition of a condition to replace cherry trees designated G18 in the arboricultural report and recommended for removal, with similar cherry trees.

Should Bradford Council not support the suggested amendment to the Section 106 financial contribution the Parish Council would prefer to see the developers revised proposals supported rather than the terms of the original agreement (noting our absolute position with regard to the provision of affordable homes).

**Publicity and Number of Representations:**

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the submission of comments was 19<sup>th</sup> October 2018. A total of 17 representations were received consisting of 11 objections and 6 letters of support.

**Summary of Representations Received:**

In objection:

Plots 26,27 and 28 will overlook the dwellings on Granic Mews and 238 Harden Road.

The development would cause harm to the setting of the Grade II Listed Buildings at Crowther Fold and the registered historic landscape of the St Ives Estate.

The proximity of the proposed development to woodland adjacent to the Northern boundary of the site is likely to result in future pressure for the pruning and/or felling of trees to the detriment of visual amenity

The proposed three storey units would, by reason of their massing, have an adverse impact on the visual amenity of Harden Village

The development threatens the future of the large mature forest trees extending along the site's north eastern boundary.

The proposed commitment to provide financial contributions does not make this scheme acceptable in planning terms.

The woodland to the north of the site is home to a small breeding herd of deer, rare bats and owls.

The development will result in the loss of important habitat.

Building work and drainage work associated with the development will negatively impact underground rooms.

The hedge row to the rear of Harden Fisheries will prevent servicing and maintenance of the building. The buildings ground lease terms stipulate a minimum 120mm maintenance strip is required around the building.

Will the foul and surface water drainage arrangements be adequate to serve the development without harming neighbouring dwellings or premises.

Businesses should be compensated for any loss of revenue caused by drainage works.

Has adequate contamination testing been carried out.

Has sufficient stability testing taking place to ensure that the ground is stable.

How will the dust and debris from the site be controlled.

No fires should take place on site and no music should be played during the construction process.

Customers need to be able to access the local business safely without any forms of obstruction, has this been considered?

The three plots to the rear of Granic Mews should be constructed as bungalows

The entrance to the estate is on a much sharper bend than shown on the drawings, increasing the risk of an accident with either cars or pedestrians.

No affordable houses are proposed.

Ecological Surveys as well as Bat Surveys should be provided.

The proposed style of housing is not an English vernacular architectural style and therefore not in keeping with buildings in the surrounding area e.g. Crowther Fold, High Side Moor Edge, Stone Terrace, and Park View Terrace

Visibility at the proposed site access is insufficient.

Drivers often speed up Keighley Road and the introduction of the proposed access is likely to cause accidents in this location.

Paragraph 5.1 of the report of AVIE Consulting Ltd. entitled 'Phase 1 Environmental Desk Study' submitted at Outline Planning stage, identifies a fault running north west to south east across the site. No houses should be constructed over the line of the fault.

In Support:

The visual view from the centre of the village will be a big improvement on the eyesore that exists now.

This can only be good for the local businesses especially the newly opened fish shop. After reading the arboricultural report there will be no impact on the trees surrounding the border of the planned houses .

The greenbelt area at the front which was put into greenbelt by previous generations of Crowther's will remain greenbelt status and will still be owned by the Crowther family

The provision of local housing will reduce the need for car travel to the local primary school.

Additional housing is needed in the village

The proposal in the S106 to invest in Cullingworth school will address the imbalance between families and school places in the villages of Harden and Cullingworth.

The development is an attractive design which is sympathetic to the village scene.

The development is a significant improvement on the amenity of the landscape and the existing commercial site.

The suggested £31,893 investment is a positive for the memorial hall

The retention of green space in the development will benefit the village.

**Consultations:**

Trees Team (11.10.2018)

The tree statement submitted with this application is welcomed.

In summary the important tree points with respects to this application are that no trees within the woodland require pruning/removal to facilitate the development, that tree protection measures previously described in JCA method statement 13634-B/AJB will be undertaken and the measures proposed will guarantee their protection (two cross sections are provided to illustrate this) and the development will not jeopardise trees in the future because it has been designed in a manner to take the woodland fully into account.

Unfortunately the 13634-B/AJB report is not on the list of documents submitted but presumably this can be rectified by its submission.

In addition to the above Trees Team has proposed TPOs (Tree Preservation Orders) on the proposed new trees which will protect long term amenity objectives. If required the TPO can be served prior to the proposed planting with the understanding that the trees are planted in the locations as shown.

If permission is granted it is recommended that conditions are imposed requiring that no development takes place until tree protection measures are in place and that the approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority.

N.B Arboricultural Method Statement reference 13634-B/AJB has now been submitted.

Trees Team (20.11.2018)

No objections are raised as the submitted information is categorical that the tree protection measures shown will be implemented and trees will not be damaged.

Design and Conservation

Subsequent to refusal of the previous application, amendments and additional visual information have been submitted as part of a new reserved matters application.

The submitted photomontages and streetscenes demonstrate how the proposed built form will relate to the topography and the backdrop tree belt, which appears to remain a distinctive feature rising above the proposed built form when viewed from the centre of the village. The photomontages also illustrate a sufficiently interesting roofscape and variety in built form.

The height of the proposed dwellings in closest proximity to the listed buildings has been modified, slightly reducing their dominance in relation to the listed cottages. The proposed development will result in the loss of openness in the setting of the listed cottages, and loss of longstanding wider pastoral setting. However there is also benefit associated with the removal of the functional metal clad sheds and other outbuildings currently standing in close proximity to the listed buildings.

The proposed development will cause harm to the setting of the listed buildings, although this is concluded to be less than substantial. It is necessary that the proposed development accords with the requirements of Section 16 of the NPPF and that harm arising from the development is weighed against public benefits deriving from the proposed development. The development must also accord with policies SC1, SC9, DS1, EN3 and DS3 of the Core Strategy. The duty required of the Local Planning Authority by Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 in respect of development affecting listed buildings must be fulfilled

Conditions will be required for sample panels of all types of walling on the development, to both buildings and boundary and retaining structures, and for roofing materials. A condition requiring confirmation of the set-back of window frames a minimum of 100mm into reveals is also required.

#### Highways

The proposed site layout plan (Dwg. No. 1555SPL/KRH-PL01) is generally acceptable however the small strips of verge between the footway and shared surface road adjacent to Plot 11 should be hard surface / block paved as the Council would not wish to take on the maintenance liability for these short verges.

If minded for approval conditions should be imposed to ensure that the means of access is constructed before the development is brought into use, closure of existing access, provision of visibility splays, provision of domestic parking facilities, construction site management details and the provision of a Traffic Regulation Order prohibiting on street parking in the vicinity of the site on Keighley Road.

#### West Yorkshire Combined Authority

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

To encourage the use of sustainable transport as a realistic alternative to the car it is recommended that the developer funds a package of sustainable travel measures, to encourage the use of sustainable modes of transport. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site.

#### West Yorkshire Police

Plot 12 has the bin storage directly abutting the rear boundary of plot 11 which could provide a climbing aid into the rear garden. It would be better to move the bin storage to the opposite side directly adjacent to the bin stores of plot 13 which removes the potential for climbing.

It is recommended that the rear boundary of plot 20 and the west boundary of plot 18 are amended to be 1.8 metres in height.

N.B It has been clarified that the bin storage serving plot 12 does not directly abut the rear boundary of plot 11. The bin storage area is located to the side of the garage serving plot 11 and therefore it would not provide a climbing aid into the rear garden

#### Airedale Drainage Commissioners (ADC)

No comments as the site falls outside of the area managed by the ADC.

#### Drainage

It is noted that the relevant drainage and flood risk information has been submitted and approved through submission of details applications for the outline planning permission 15/01039/MAO. No further drainage comments are necessary.

#### Yorkshire Water

No drainage details have been submitted. It is noted that the Outline application stated watercourse for surface water disposal. Please note further restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site. The landowners consent will be required for the construction of a new outfall structure. As surface water from the site is not proposed to discharge to the public sewer network no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change further consultation with Yorkshire Water will be required.

#### Environment Agency

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

#### Landscape Design

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

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

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

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

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

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

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

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

#### The Gardens Trust

This proposed site for housing, which bounds St Ives Estate, currently makes a positive contribution to the estate's significance through its rural character and is an important part of its setting, as seen from Harden Road and Keighley Road in Harden Village. It is a prominent location and any development will particularly affect the setting of the western section of St Ives Estate which W B Ferrand was still improving in 1886 and where he noted 'his plantations were very fine in 1888', the year before he died.

This new application appears to be extremely similar to the previous application (Ref:18/00158/MAR) and has not addressed our concerns about the harm the proposed development would cause to the significance of the Registered landscape of St Ives Estate.

The layout and house types appear to have been imported as standard designs without any attempt to relate them to the local architecture and their proximity to a Registered park and garden.

We note that the building materials appear unspecified, thus it is not obvious that this current proposal is for houses in the traditional regional stone with stone or slate roofs, or indeed any kind of stone.

We thus again conclude that the proposed development would have an adverse impact on the setting through its position and scale. Particularly the proposed designs of the 3 storey houses for plots 12-17, 20- 25, would result in an urbanisation of this rural site and cause severe harm to the setting of the Registered park.

We therefore consider that the proposed development would harm the significance of the Registered landscape of St Ives Estate, and strongly object to this application.

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

Principle of development

Density

Layout

Impact of Development on Heritage Assets

Scale

Design and Appearance  
Landscaping  
Trees  
Residential Amenity  
Community Safety  
Highway and Pedestrian Safety  
Further Issues Raised by Representations

**Appraisal:**

A reserved matters application for the construction of 28 dwellings including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale was previously refused by the Regulatory and Appeals Committee on 19 July 2018 for the following reasons:

1. The development would cause harm to the setting of the Grade II Listed Buildings at Crowther Fold and the registered historic landscape of the St Ives Estate and would therefore be contrary to Policies EN3 and SC9 of the Core Strategy.
2. The proximity of the proposed development to woodland adjacent to the Northern boundary of the site is likely to result in future pressure for the pruning and/or felling of trees to the detriment of visual amenity which would be contrary to Policies EN5, DS1 and DS3 of the Core Strategy.
3. The proposed three storey units would, by reason of their massing, have an adverse impact on the visual amenity of Harden Village and would therefore be contrary to Policies DS1 and DS3 of the Core Strategy.

Following the refusal of application reference 18/00158/MAR the developer has amended the proposed development and provided additional information in order to address the previous reasons for refusal.

**Principle**

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

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

**Density**

The indicative layout submitted with the outline application illustrated a development of 25 dwellings. It was noted that the indicative scheme was substantially below the required density, which would ordinarily yield 48 dwellings on a site of this area.

However, it was accepted that a reduced density was required owing to the specific nature of the site in terms of topography, the need to preserve open space important to the setting of Harden, preservation of the setting of two adjacent listed buildings and the need to provide for a layout and design sympathetic to the traditional rural character of the village of Harden.

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

## Layout

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

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

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

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

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

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

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

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

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

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

The site is located in the setting of two grade II listed buildings at Crowther Fold and the northern boundary of the site is formed by the St Ives Estate, which is a registered historic landscape.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a listed building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. At the local level Policy EN3 of the Core Strategy seeks to ensure the preservation of heritage assets and their setting.

The previous reserved matters application was refused, in part, because it was considered that the development would cause harm to the setting of the Grade II Listed Buildings at Crowther Fold and the registered historic landscape of the St Ives Estate.

The proposed development has been amended in order to address this issue. The heights of units 17 and 20, which are nearest the listed buildings, have been reduced from 3 storeys to 2.5 storeys. Additional information has also been submitted in the form of photomontages and streetscenes in order to demonstrate that the relationship of the development with the setting of the listed buildings on Crowther Fold and the woodland backdrop of the St Ives Estate is acceptable.

The reduction in height of plots 17 and 20 has lessened the impact of the development on the nearby listed cottages. It is considered that the reduction in the height of the units, as well as their separation from the cottages and the provision of a landscaped buffer zone is sufficient to ensure that the units achieve an acceptable relationship with the listed cottages.

The development would result in some loss of openness to the setting of the listed buildings. However, the key vista, from the centre of Harden would be retained. In this regard the impact of the development on the setting of the listed buildings would be less than substantial. It should also be noted that the proposed development would facilitate the removal of a number of metal clad buildings associated with the coal yard, which are currently having a harmful impact on the setting of the listed cottages.

In relation to the impact of the development on the St Ives Estate it is considered that the submitted photomontage (View Across Village Greenspace) and site sections (Plots 18 and 19 Landscape Sections) successfully demonstrate that the tree belt would remain a distinctive feature in views from the centre of Harden. The tree belt would provide a wooded backdrop to the development and the connection with the green space at the centre of Harden would be maintained.

In conclusion it is considered that the submitted information adequately demonstrates that the harm incurred to Heritage Assets would be less than substantial and the public benefits of the development in terms of the delivery of new housing and S106 planning obligations would outweigh the harm, in compliance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 193 of the NPPF and policy EN3 of the Core Strategy.

### **Scale**

The previous reserved matters application was refused, in part, because it was considered that the proposed three storey units would, by reason of their massing, have an adverse impact on the visual amenity of Harden Village.

The submitted information includes a Heights Plan (Reference 1555SPL/KRH-ST01) which identifies the heights of the proposed units in relation to the heights of the existing built form in the surrounding area. It is evident that the three storey aspects of the development, at plots 12-16 and 21-24, would be located at the centre of the site and that these units would only form a small proportion of the overall development. The plan also makes clear that there are numerous examples of existing three storey and split level buildings in the immediate area including dwellings on Granic Mews, Gatesway and Moor Edge High Side. The proposed three storey split level design is therefore not considered to be uncharacteristic of the area.

The submitted site section (Reference 1555SPL/KRH/SE03) demonstrates that the proposed dwellings would be of an appropriate scale achieving a graduated appearance on the hillside, with no singular aspect of the development appearing overly visible or dominant in views from Harden Road, or any other vantage point.

This is re-affirmed by the submitted Street Scene drawing (Streetscene 04), which identifies that the three storey units at plots 21-24 would be set below the wooded backdrop of the St Ives Estate to the north and substantially below existing dwellings immediately to the west of the site.

In conclusion it is considered that the proposed three storey split level units are not uncharacteristic of the area and the submitted information successfully demonstrates that the massing of the units would not appear unduly prominent either within the site or from any surrounding public vantage point. The three storey units would therefore not have an adverse impact on the visual amenity of Harden Village and they are considered to accord with the requirements of policies DS1 and DS3 of the Core Strategy.

The remaining aspects of the development comprising of plots 1-11, 26-28, 18 and 19 are considered to be of an appropriate scale in relation to the surrounding built form.

Plots 1-11 would be two storeys in height and would descend moderately from unit 1-8 before increasing in height in similarly moderate increments to plot 11. The scale of the properties is considered to be acceptable.

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

Plots 18 and 19 would be located at the highest point within the site and would be two storeys in height.

In views from Keighley Road plots 18 and 19 would be set down from the road level but would maintain an appropriate presence in order to sit comfortably with the existing dwellings on the adjacent side of Keighley Road.

### **Design and Appearance**

The development would consist of 28 units with a variety of house types including detached, semi-detached and terraced properties. The significant variety is considered to be a positive element of the design as it is reflective of the local surroundings, where a variety of house types are also evident.

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

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

Planning conditions are required in order to secure suitable walling and roofing materials, as well as appropriate materials for boundary treatments and retaining structures. Further conditions are required to ensure that the windows of the units are set 100mm within the reveals and that the eaves and gutter treatments of the dwellings are appropriate. Subject to the aforementioned conditions the proposed development is considered to accord with the requirements of policies DS1 and DS3 of the Core Strategy.

### **Landscaping**

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

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

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

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

It is considered that the proposed landscaping scheme is acceptable in respect of the planting schedule and that landscaping is utilised successfully throughout the site to create new quality spaces. The proposal is therefore considered to accord with policy DS2 of the Core Strategy.

### Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the District. In relation to decision making trees and areas of woodland that contribute towards the character of a settlement or its setting, the amenity of the built-up area valued landscapes, or wildlife habitats, will be protected.

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

The previous reserved matters application was refused, in part, because it was considered that the proximity of the proposed development to the woodland edge adjacent to the northern boundary would be likely to result in future pressure for pruning and/or felling of trees to the detriment of visual amenity.

Additional information has been provided (JCA Arboricultural Planning Statement Reference 13634-D/JC) in order to demonstrate that the proposed development will not affect the existing woodland trees adjacent to the northern boundary.

In summary the submitted information raises the following key points:

- The development is consistent with the recommendations as set out in BS5837: 2012 -Trees in relation to design, demolition and construction;
- The scheme has been designed in order that issues of future tree encroachment are minimal as the buildings which are in closer proximity to the off-site woodlands to the north are set back away from the tree canopy line;
- The woodland is mature and will not increase in size significantly following the occupation of the houses;
- No tree pruning works are required to facilitate the proposed scheme.

- All higher value trees are to be retained and enclosed with fencing and ground protection in accordance with BS 5837:2012 throughout the construction phase in order to ensure they survive post development.

The Council's Trees Officer has assessed the submitted information and has confirmed that no trees within the woodland require pruning or removing to facilitate the development; the tree protection measures proposed are suitable to ensure protection during construction and that the development will not jeopardise trees in future because it has been designed in a manner that takes the woodland into account. The Trees Officer has therefore raised no objection to the proposed development, subject to the imposition of planning conditions requiring that tree protection measures are provided and retained throughout the course of the development.

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

### **Residential Amenity**

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

The proposed layout ensures that the development would not include any dwellings with an unrestricted view within 7 metres of the rear garden boundary, or within 17 metres of the habitable room windows of any other dwelling. As such no adverse overlooking implications are foreseen.

The proposed dwellings achieve sufficient separation distances to ensure that no adverse overbearing or overshadowing implications are incurred either within the development site or on existing neighbouring residential properties.

The nearest existing dwellings to the site are located on Granic Mews. Proposed plots 26-28 would be located to the north of the dwellings on Granic Mews and at a higher level. The submitted information provides a section through this aspect of the site which illustrates that plots 27 and 28 would not benefit from unrestricted views of the rear garden areas and habitable room windows of Granic Mews, owing to the separation distance and change in land levels. The plan illustrates that the first floor windows in the rear elevations of plots 27 and 28 would be separated by a distance of 27 metres from the rooflights in the northern roofscape of dwellings in Granic Mews. The separation distances achieved are considered to be sufficient to ensure that the proposed dwellings would not result in any adverse overlooking implications.

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

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

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

The location of plots 26, 27 and 28 to the north of Granic Mews and the separation distance achieved are considered to be sufficient to ensure that no adverse overshadowing implications would be incurred in respect of the habitable room windows or rear garden areas of the properties.

### **Community Safety**

Policy DS5 requires that development proposals are designed to ensure a safe and secure environment and reduce opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and, whilst not objecting in principle to the proposed development, has requested that the rear boundary treatments of the proposed dwellings achieve a height of 1.8 metres.

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

It is considered that the development has generally been designed to reflect the principles of secure by design and that the spaces which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour.

Subject to the submission of details in relation to boundary treatments and bin store details it is considered that there are no grounds to conclude that the proposed development would create an unsafe or unsecure environment and the proposal is considered to accord with policy DS5 of the Core Strategy.

### **Highway and Pedestrian Safety**

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

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

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

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

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

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

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

It is considered that the proposed layout is successful in connecting with the existing street and path network, local facilities and public transport links. The layout is also considered to provide an attractive environment which encourages walking and cycling with a permeable network of routes, in accordance with policies TR3 and DS4 of the Core Strategy.

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

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

The proposed commitment to provide financial contributions does not make this scheme acceptable in planning terms.

*A planning obligation (Section 106 Agreement) can be utilised to make an application acceptable in planning terms. The development has been assessed against all relevant material considerations and is considered to be acceptable.*

The woodland to the north of the site is home to a small breeding herd of deer, rare bats and owls.

*An Ecological Appraisal (Reference: 2403 Version 2) was submitted in support of the outline planning application. The appraisal advised that there was no conclusive evidence of protected species commonly occurring on the site or the surrounding area.*

The development will result in the loss of important habitat.

*The Ecological Appraisal (Reference: 2403 Version 2) approved at the outline application stage confirmed that the vegetation to be cleared from the site has low ecological value.*

Building work and drainage work associated with the development will negatively impact underground rooms of properties on Granic Mews.

*Ground conditions and drainage infrastructure were considered at the outline planning application stage and no adverse implications were identified.*

The hedgerow to the rear of Harden Fisheries will prevent servicing and maintenance of the building. The building's ground lease terms stipulate a minimum 120mm maintenance strip is required around the building.

*The proposed hedgerow would be located on land within the ownership of the application. The terms of a ground lease are not a material planning consideration.*

Will the foul and surface water drainage arrangements be adequate to serve the development without harming neighbouring dwellings or premises.

*Drainage details and calculations are required by planning conditions imposed on planning application reference 15/01039/MAO. The details are currently under consideration as part of application reference 15/01039/SUB01. The Drainage Officer has confirmed that the submitted details are acceptable.*

Businesses should be compensated for any loss of revenue caused by drainage works.

*The Drainage Officer has confirmed that the drainage details submitted under application reference 15/01039/SUB01 are acceptable. Any compensation claim is a private matter to be resolved between the relevant parties.*

Has adequate contamination testing been carried out.

*Land contamination was considered in the assessment of outline planning application reference 15/01039/MAO.*

*The application was considered to be acceptable subject to the approval of a Phase 2 Site Investigation Report prior to development commencing and the approval of a remediation validation report prior to the occupation of the development*

Has sufficient stability testing taking place to ensure that the ground is stable.

*Ground conditions were considered at the outline planning application stage and no adverse implications were identified.*

How will the dust and debris from the site be controlled.

*The developer will be made aware of the need to adhere to Best Practice Guidance for the control of dust and emissions from construction and demolition. Failure to adhere to the necessary requirements should be reported to Bradford Council Environmental Health Department for investigation.*

No fires should take place on site and no music should be played during the construction process.

*The above matters cannot be reasonably controlled by the planning process. Any activity which is considered to constitute a statutory nuisance should be reported to Bradford Council Environmental Health Department for investigation.*

Customers need to be able to access the local business safely without any forms of obstruction, has this been considered?

*The proposed development does not obstruct access to any neighbouring business premises.*

The three plots to the rear of Granic Mews should be constructed as bungalows.

*The proposed dwellings on plots 26, 27 and 28 are considered to be acceptable. There is no justification to require the aforementioned plots to be constructed as bungalows.*

The entrance to the estate is on a much sharper bend than shown on the drawings, increasing the risk of an accident with either cars or pedestrians.

*The proposed access was considered and approved under application reference 15/01039/MAO. This matter cannot be revisited as part of the current application.*

No affordable houses are proposed.

*A viability appraisal document has been submitted to support the proposed deed of variation to the original S106 agreement.*

Ecological Surveys as well as Bat Surveys should be provided.

*An Ecological Appraisal was submitted and considered under application reference 15/01039/MAO. The Ecological Appraisal conducted as part of the outline application successfully demonstrates that the site does not contain any valuable habitat. The poor semi-improved grassland which dominates the development site is noted as species poor and not considered exceptional. Two bat activity surveys were carried out as part of the outline application submission. The habitat across the majority of the development site is poor for bat species being open and exposed. No roosts were recorded on the site during the activity surveys in either the buildings or trees.*

Visibility at the proposed site access is insufficient.

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

Drivers often speed up Keighley Road and the introduction of the proposed access is likely to cause accidents in this location.

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

Paragraph 5.1 of the report of AVIE Consulting Ltd. entitled 'Phase 1 Environmental Desk Study' submitted at Outline Planning stage, identifies a fault running north west to south east across the site. No houses should be constructed over the line of the fault.

*An assessment of ground stability was undertaken as part of application reference 15/01039/MAO. The proposed development was considered to be acceptable subject to the submission of Phase 2 Site Investigation Report.*

There is unmet demand for affordable housing in Harden. This matter should not be dismissed on grounds of viability.

*Policy HO11(E) of the Core Strategy requires that the exact amount of affordable housing, or financial contribution to be delivered, will be determined by economic viability having regard to individual site and market conditions.*

A Development Viability Appraisal can be manipulated in many ways to show the result required. The residual value method used for calculating viability is subject to a number of variables and is highly sensitive to the assumptions made. Small changes in certain variables especially the estimated value on completion, the required profit margin and interest charges can lead to a large difference in the residual site value. In particular, the method requires the input of construction data which is rarely absolute or precise. A small variation in each figure can materially affect the assessment of residual land value or residual profit margin. The valuation also reflects and is dependent upon a forecast of the estimated sales revenue at the date when the development is fully complete and it assumes that sales costs and prices will remain static during the development period.

*An independent assessment of the appraisal inputs was carried out by Cushman and Wakefield on behalf of the council which confirmed the revenue assumptions and base cost estimates included within the applicant's appraisal to be reasonable.*

*The Cushman and Wakefield Assessment includes a shadow viability appraisal which identifies a benchmark land value based on the existing use value of the site, plus a premium for the landowner. The assessment concludes that based on the appraisal inputs included in the shadow appraisal, the proposed residential development of Land off Harden Road and Keighley Road is unable to withstand any affordable housing or other S106 contributions without adversely impacting on the viability of the development.*

The developer can achieve its desired profit margin of 20% on cost and afford to pay for all its Section 106 commitments, including the provision of affordable homes, by reducing the amount that it has agreed to pay for the site

*The shadow appraisal conducted by Cushman & Wakefield is based on a residualised site value. This assessment concludes that the development is unable to withstand any affordable housing or other S106 contributions without adversely impacting on the viability of the development.*

Consideration should be given to allocating 15% of a revised Section 106 financial contribution to the Parish Council, to be ring fenced and held in reserve for future neighbourhood projects and initiatives for the people of Harden.

*Paragraph 56 of the National Planning Policy Framework sets out that planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

*There is no evidence presented to indicate that a payment of 15% of the S106 contributions to the Parish Council would meet the above tests.*

A condition should be imposed requiring that the cherry trees (G18) to be removed are replaced with similar cherry trees.

*Cherry trees are identified as T3 and T4 within the Tree Survey submitted at the outline planning application stage. The trees fall within retention category C2. That is the categorisation of trees which are considered to be of low quality. As such the removal of the trees is considered to be acceptable and the provision of replacement cherry trees cannot be justified. It should also be noted that the proposed development includes a comprehensive landscaping scheme.*

### **Community Infrastructure Levy**

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

### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics.

### **Reason for Granting Planning Permission:**

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

**Conditions:**

**General**

**Three Year Time Limit**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

**PD Rights Removed A-E**

2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

**Material Samples**

3. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

**Rainwater Goods**

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

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

**Windows Inset**

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

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

**Boundary Treatments**

6. Notwithstanding the details provided on the submitted plans details of the design, height and materials of boundary treatments to the plot curtilages and any retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained as long as the development subsists.

Reason: In the interests of amenity and privacy and to accord with Policies DS2, DS3, DS5 and EN3 of the Local Plan Core Strategy.

**Bin Storage**

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

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

**Landscape Scheme**

8. In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, the landscaping proposals and new tree planting shall be implemented at the site in accordance with details shown on the approved Landscape Proposals drawing.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

**Landscape Maintenance**

9. Before any part of the development is brought into use, the developer or successor in title, shall enter into a legal agreement to maintain the said 'internal verges and planting areas within the site in perpetuity' by way of a Management Company. The developer or successor in title shall lay out all those areas within the site in accordance with the approved drawing, and to a constructional specification approved by the Local Planning Authority, as part of those maintenance arrangements to be set out in a Management Maintenance Perpetuity Plan. As and when a phase or the whole development is completed the final verges and planting areas relating to that phase or the whole of the development, whichever shall apply, shall be laid out according to the approved plan.

Reason: To ensure that the areas are adequately maintained for the lifetime of the site in perpetuity, and therefore, will not require the Council to publicly maintain them at any time in the future.

#### Tree Protection Plan

10. The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Tree Protection Plan reference Appendix 4: JCA Arboricultural Method Statement 13634-B/AJB.

No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

#### Tree Protection Retention

11. The agreed tree protection measures, shall remain in place, and shall not be moved, removed or altered for the duration of the development without the prior written consent of the Local Planning Authority. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them without the prior written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected for the duration of development activity on the site, in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

#### Highways

##### Parking Provision

12. Before any of the dwellings to be constructed are brought into use the proposed car parking spaces to be approved shall be laid out, hard surfaced, sealed and drained within the site as shown on the approved drawing and completed to a specification approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety, and in accordance with Policies TR2, DS4 and EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

##### Provision of Access

13. Before commencement of development full details of the proposed means of vehicular and pedestrian access hereby approved, including a construction specification and street lighting and drainage details shall be submitted to and approved in writing by the Local Planning Authority. The proposed means of vehicular and pedestrian access shall then be provided in accordance with the details so approved before first occupation of the approved dwellings.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Provision of Turning Area

14. Before any of the proposed dwellings to be constructed as part of the development are brought into use the vehicle turning areas hereby approved shall be laid out, hard surfaced, sealed and drained within the site, as shown on the approved plan and retained whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with policy TR2 of the Core Strategy.

Section 278 works

15. Unless otherwise agreed in writing with the Local Planning Authority, before any development works start on site, full details for the works associated with any Section 278 Agreement shall be submitted to and approved in writing by the Local Planning Authority. The plans so approved as well as appropriate timescales for the delivery of these highway improvements shall be implemented in accordance with the specifications of the Local Highways Authority.

Reason: In the interests of highway safety and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

No gates open over highway

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

Reason: In the interests of highway safety and to accord with policy TR2 of the Core Strategy.