

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 7 March 2019

AO

Subject:

A full planning application for the construction of 17 dwellings and an access road on land to the north of 79-111 Sappgate Lane, Thornton, Bradford.

Summary statement:

A full assessment of the application, relevant planning policies and material planning considerations is included in the report at Appendix 1. Through the attachment of planning conditions and a Section 106 Legal Agreement to secure affordable housing it is considered that the proposal is acceptable and it is recommended that Planning Permission is granted.

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Portfolio:

Regeneration, Planning & Transport

Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application reference 18/03975/MAF made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

West Yorkshire Combined Authority has requested a financial contribution of £8,415 for the provision of a residential Metrocard Scheme.

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

5. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

6. LEGAL APPRAISAL

The options set out 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 close proximity to certain amenities in Thornton, 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 will be secured by a planning condition 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 Thornton and Allerton 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

None

9. OPTIONS

The Committee can approve the application as per the recommendation contained in the main report, or refuse the application. If Members are minded to refuse the application then reasons for refusal need to be given.

10. RECOMMENDATIONS

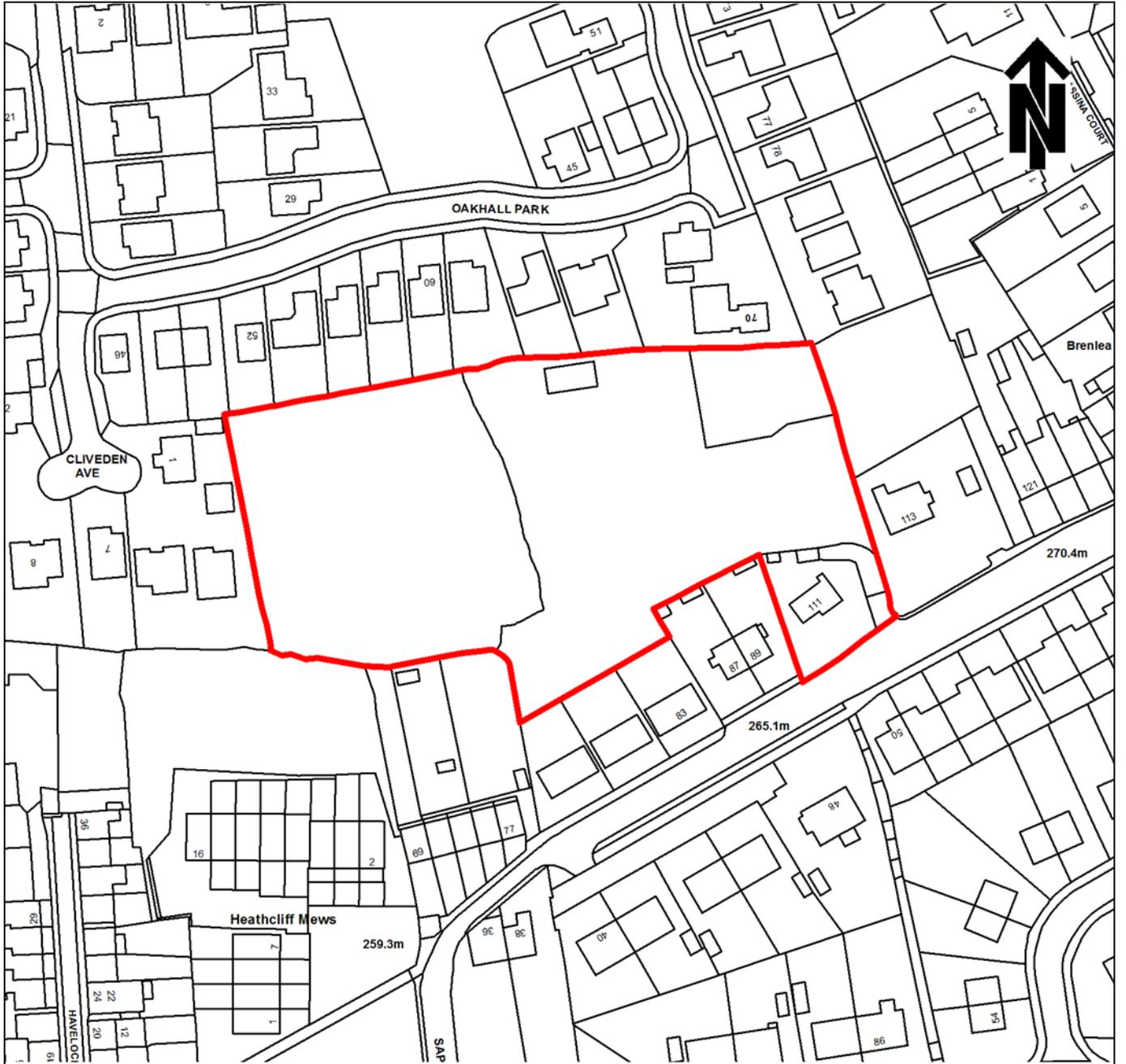
This full application is recommended for approval, subject to the conditions included within Appendix 1.

11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

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



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7 March 2019

Ward: Thornton & Allerton (Ward 23)

Recommendation:

To grant planning permission subject to the conditions included within the technical report and the completion of Section 106 Agreement.

TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT.

Application Number:

18/03975/MAF

Type of Application/Proposal and Address:

This is a full planning application for the construction of 17 dwellings and an access road on land to the north of 79-111 Sapgate Lane, Thornton, Bradford.

Applicant:

Batty Developments

Agent:

Mr R Holmes

Michael Denton Associates

Site Description:

A site of 0.71 hectares comprising a number of undulating fields and a detached dwelling, 111 Sapgate Lane, and its associated outbuildings. The land appears to have been remodelled at some point leaving mounded areas with some steep slopes, notable to the southern boundary. The site is largely covered by vegetation with a number of young and semi-mature trees also evident. The site is enclosed by dry-stone walling and other domestic-type boundaries. The surrounding area is of a residential character consisting of detached and terraced dwellings. Access into the site is gained via a steep track that currently serves 111 Sapgate Lane. Sapgate Lane is an adopted estate road with a single footway to its south side; this road becomes steep, narrow and cobbled as it leads into the centre of Thornton to the west of the site.

Relevant Site History:

00/00369/OUT-Outline layout for residential development-Refused-09.10.2001 (Lack of contamination information).

08/02485/FUL-Construction of twenty-three dwellings and access road-Refused-02.07.2008 (Residential amenity, poor design, inadequate access, no section 106 commitment, insufficient information regarding level changes, premature development of a phase 2 housing site).

09/01391/FUL-Construction of 14 dwellings and access road-Refused-15.05.2009 9 (Highway layout, lack of sections, no recreation contribution, lack of cut and fill information, inadequate density).

10/04629/FUL-Construction of 17 dwellings and access road-Granted Subject to S106 Agreement-26.01.2012

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.4)

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 Geo-diversity

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:

Not in a Parish

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the submission of comments was 30th November 2018. 9 letters of objection were received.

Summary of Representations Received:

In objection:

- Increased pollution from vehicles
- Increased traffic congestion
- Harm to wildlife
- Inadequate health care provision
- Lack of school places
- Plot 17 will overshadow 1 Cliveden Avenue
- Plot 17 will overlook 1 Cliveden Avenue
- Undermine stone boundary wall of 1 Cliveden Avenue
- Loss of established trees
- Loss of views
- Construction noise and disturbance
- unsuitable site access
- Unsuitable drainage infrastructure
- negative visual impact
- Excessive density
- Breach of Article 1 of The Human Rights Act (person has the right to peaceful enjoyment of all their possessions)
- Breach of Article 8 of the Human Rights Act (person has the substantive right to respect for their private and family life).

Consultations:

Local Plans- Planning Policy

The Core Strategy Development Plan Document 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 Proposals Map identifies the site as:

“BW/H2.4 SAPGATE LANE, THORNTON (0.67ha) Revised site. Greenfield site close to the edge of the conservation area. Access is poor. Traditional style properties in local materials would be most appropriate.”

Therefore, the site has been identified as a phase 2 housing site in accordance with Policy H2 of the RUDP. The Council received legal advice in November 2011 to the effect that with the lapsing of RUDP Policies H1 and H2 any unimplemented housing site is no longer allocated as part of the saved statutory development plan. This was never the intention of the approach to saving policies, as approved by Executive in April 2008 or that of the Secretary of State in their Direction issued in September 2008. To this end Executive on 21 November 2011 resolved to clarify the status of these sites, in

particular the need to give significant weight to any such unimplemented sites based upon the work undertaken in their original allocation as part of the RUDP.

The Council currently cannot demonstrate a 5 year supply of housing land. Paragraph 11d of the NPPF indicates that in such circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Although the site is not previously developed land, it is located on the edge of the Principal Town of Thornton with services and facilities accessible by means other than the private car. In the light of this, the proposal would make a valuable contribution to housing supply and therefore, the principle of residential development is considered acceptable in principle.

Education

Based on the data available in October 2018 the above housing development may cause concerns on where children of families coming to reside in the development might attend secondary school. Parents also usually have an expectation that their children would be able to secure a school place at their local school and minimise the distance they may need to travel.

The following schools are within a reasonable distance of the proposed development:

Primary: Thornton; Keelham; Ley Top; Beckfoot Allerton; Beckfoot Dixons; The Academy at St James; Crossley Hall and St Matthews Catholic.

Secondary: Beckfoot Thornton, Dixons Allerton.

Currently the secondary schools are overcrowded or full but there are places available in the primary schools. It may therefore mean that the Council would need to work with the secondary schools to increase the number of secondary places in this area.

N.B The site is located in a nil CIL area and therefore a financial contribution cannot be sought for Education infrastructure expansion.

West Yorkshire Combined Authority

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 contribution for this development would equate to £8,415.00, which equates to bus only residential MCards.

Highways (20.11.2018)

The internal access road is designed as a Type 3B Shared Surface Street (as defined in the Leeds Street Design Guide). Due to the topography and layout, it is recommended that the applicant considers provision of a Type 3A Shared Surface Road with a 2m footway to one side and a margin on the opposite side.

The footways at site entrance should extend 2m beyond the ramp and splay into the shared surface street and should also be marked on site plan to both sides of entrance on Sapgate Lane.

Visitor parking should be parallel with highway and not perpendicular.

The margin should extend across turning head.

There should be no radius curves in the shared surface streets.

Swept paths should be submitted for a refuse vehicle.

N.B An updated plan has been provided to address the concerns raised.

Drainage

Due to the presence of made ground throughout the site to a depth of up to 5.5m, together with the potential detrimental effect of soakaway outflow on slope stability & the potential for any pollutants in the fill material to migrate within surface water outflow, the drainage scheme as submitted, proposing the use of soakaways for surface water disposal is not acceptable on this site.

The development should not begin until details of a scheme for foul & surface water drainage, including any balancing & off site works have been submitted to & approved in writing by the Local Planning Authority. This should be ensured by a planning condition.

The developer should also submit details and calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system together with details & calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings or safe egress & access.

Landscape Design

A primary concern is the design and management of the large embankment running along the southern boundary.

The final design and management of the embankment must be based on an input by an ecologist to determine the best solution for natural regeneration. On an earlier visit to the site I found heather growing on the site and this may be an opportunity to manage the site to encourage heath development.

An indigenous hedge should be planted across the front of the proposed 1.8m boundary fence (Southern Boundary), this in time will soften this boundary which is visible from both near and far.

The proposed plan appears to show a 1.8m high fence running across the full extent of the southern boundary. The applicant should enable a form of access to manage the embankment.

N.B An updated plan has been provided indicating that the embankment is to be apportioned to provide additional garden space to the respective development plots. A landscaping scheme for the site, including a hedge to the south boundary can be secured by a planning condition.

Air Quality

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

Under the provisions of the LES planning guidance minor developments are required to provide Type 1 emission mitigation as follows:

Type 1 Mitigation

- Provision of electric vehicles charging facilities at the rates set out in the West Yorkshire Low Emission Planning Guidance.
- Adherence to the *London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.
-

In addition some applications are required to submit an exposure assessment where the development has the potential to increase human exposure to poor air quality.

Exposure assessment

The proposed development site is not in an area of current air quality concern. Any future occupants of the site are considered unlikely to be exposed to concentrations in excess of the air quality objectives. An exposure assessment is not required in relation to this proposal.

EV Charging

For those houses with garages it is acceptable to provide the EV charging point within the garage space. The provision of EV charging on this development should be ensured by a planning condition.

Control of Construction Emissions

Minor developments are required to adhere to Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition (as issued by IAQM) during all demolition, site preparation and construction activities. A site specific dust risk assessment should be undertaken for the site and appropriate emission mitigation control measures put in place which are proportionate to the level of identified risk (as set out in the IAQM guidance). This plan will be subject to approval by the local authority and maintained on the site for inspection in the event of any complaints about air pollution being received.

Yorkshire Water

No objections are raised subject to planning conditions requiring that the site shall be developed with separate systems of drainage for foul and surface water on and off site. A further condition is required to ensure that no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Design and Conservation

The site is located to the northeast of Thornton Conservation Area and within the distant setting of a number of Grade II listed buildings. Regard should therefore be given to the impact of the development on the setting of these heritage assets. There will be limited visual links to the conservation area and the listed buildings to the south and therefore the impact of the proposed development on the setting of the heritage assets will consequently also be limited

That being said, the proposed dwellings will be located in an elevated position so will enjoy views across the village and valley. They will be viewed from various vantage points as part of the established residential backdrop to the older parts of the village.

The surrounding residential expansion represents a mix of housing types and building materials however the proposed development is taking its architectural language from the traditional stone dwellings in the conservation area and utilising a mostly natural palette of building materials. The properties have been designed to echo some of the traditional features of older properties located in the village and this approach is likely to result in a development that has local distinctiveness and a high quality finish.

This is unlikely to maintain the high quality finish that the development seeks to achieve. I would suggest that a natural or good quality artificial blue or grey slate would be more appropriate.

A stone boundary wall along the elevated southern boundary of the site would be more appropriate than timber fencing.

Summary of Main Issues:

Principle of development

Density

Visual Amenity

Residential Amenity

Highway and Pedestrian Safety

Land Contamination

Community Safety

Further Issues Raised by Representations

Appraisal:

Principle

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.4).

Given the resolution of the Council's Executive meeting on the 21st November 2011 (as regards the saving of RUDP policies H1 and H2) allocation BW/H2.4 is no longer allocated as part of the saved statutory development plan. This is due to the lapsing of policies H1 and H2 on the 30th September 2008. For this reason the site is now unallocated within the RUDP. At the Executive meeting it was resolved that the Executive note the extensive and robust statutory process which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented Housing Sites previously allocated under these policies should be accorded significant weight when considering their use for residential development.

Paragraph 59 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. The adopted Core Strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030. More specifically, policy HO3 of the Core Strategy identifies a need to provide 700 new homes in Thornton upto 2030.

Paragraph 73 of the NPPF states that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic

policies are more than five years old. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%.

The Council's Strategic Housing Land Availability Assessment Update Report 2015 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements, with supply amounting to approximately 2.3 years. It is therefore considered that despite the predicted downturn in demand it will remain the case that Council cannot demonstrate a five year housing land supply.

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

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

Density

The proposed layout is for a development of 17 dwellings on a developable area of 0.72 hectare. Policy HO5 of the Core Strategy advises that developments should usually achieve a density of 30 dwellings per hectare, whilst taking account of the need to arrive at a well-designed layout which reflects the nature of the site and its surroundings and given the type and size of housing needed in the area. In this instance it is considered that the topography of the site presents a substantive constraint to achieving a higher density of development. The proposed density is therefore considered to be acceptable and in accordance with the requirements of policy HO5 of the Core Strategy.

Visual Amenity

The proposed development is comprised of 14 semi-detached and 3 detached dwellings. The dwellings are predominantly two storeys in height but the detached units at plots 15, 16 and 17 include rooms in the roof-space served by dormer windows.

The dwellings are proposed to be constructed of coursed natural stone and surmounted by charcoal grey tile roofs. The proposed construction materials are considered to be in keeping with the surrounding area and are acceptable subject to a condition subject to secure the approval of facing and roofing materials.

The proposed development is not considered to result in any adverse visual amenity implications and it is considered to accord with policies DS1 and DS3 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.

Highway and Pedestrian Safety

Paragraph 108 of the NPPF requires that in assessing planning applications it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the NPPF makes clear 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.

At the local level the objectives of the NPPF are reflected in the Transport and Movement policies of the adopted Core Strategy. Specifically, policy TR1 sets out how development decisions will aim reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability. 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 proposed highway layout has been amended to meet the requirements of Highways Development Control. Specifically, the estate road has been amended to provide a shared surface road (type 3A) with a 2m footway to one side and a margin on the opposite side. Swept path analysis has been provided to demonstrate that a refuse vehicle can enter and exit the site in a forward gear. It is considered that the proposed layout would ensure that safe and suitable access to the site can be achieved for all users.

The proposed development of 17 dwellings is not considered to result in a sufficient number of additional comings and goings such as would have a severe adverse impact on the highway network in respect 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. The proposed development would provide 34 car parking spaces to serve 14 units and 4 further spaces to for visitor parking. The proposed development is therefore considered to meet the required parking standards and accords with policy TR2 of the Core Strategy.

In conclusion the proposed development is considered to occupy a sustainable location with access to public transport facilities. The inclusion of EV charging points would also promote the use of more sustainable forms of transport. The site access is considered to be safe and suitable for all users and the development would not result in an

unacceptable impact on highway safety. The development is not considered to have a severe impact on the highway network in respect of capacity or congestion.

Land Contamination

Policy EN8 (B) of the Core Strategy requires that proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment.

The Environmental Health Department have assessed the submitted information and have raised no objection to the proposed development subject to the imposition of planning conditions. Planning conditions are required to secure the submission of a detailed remediation strategy and a remediation verification report in order to confirm that the necessary measures have been carried out. Further conditions are required in order to ensure that any unexpected contamination is dealt with appropriately and that any imported materials are of a suitable quality. Subject to the aforementioned conditions the proposed development is considered to accord with policy EN8 of the Core Strategy.

Community Safety

Policy DS5 requires that development proposals are designed to ensure a safe and secure environment and reduce opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and, whilst not objecting in principle to the proposed development, has raised the following points of detail:

- The rear boundaries of plots 16 and 17 should have a height of 1.8 metres.
- 1.8 metre fencing should be provided to restrict access to the rear of the garages serving plots 16 and 17
- The rear boundaries of plots 1 and 2 should be increased to 1.8 metres.
- All plots should include an 1800mm high gate to restrict access from the front of the property into the rear gardens
- Plots 16 and 17 show bin storage to the side of the garage. The bins should be secured behind a 1800mm high lockable fence and/or gate.

A revised plan has been provided to address the aforementioned concerns. The rear boundaries of plots 1 and 2 cannot be increased to 1800mm as this would restrict visibility at the site access. Details of secure bin storage arrangements can be reserved 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 conditions detailed above it is considered that there are no grounds to conclude that the proposed development would create an unsafe or insecure environment and the proposal is considered to accord with policy DS5 of the Core Strategy.

Further Issues Raised by Representations

Plot 17 will overlook 1 Cliveden Avenue

Plot 17 would be sufficiently separated from the rear boundary and habitable room windows of 1 Cliveden House to ensure that no adverse overlooking implications would be incurred.

Plot 17 will overshadow 1 Cliveden Avenue

Plot 17 would be sufficiently separated from 1 Cliveden Avenue to ensure that no adverse overshadowing implications would be incurred.

Loss of views

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

Inadequate health care provision

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

Construction noise and disturbance

A condition is proposed restricting hours of construction work to 0:800-18:00 Monday to Friday, 08:00-1300 on Saturday and no working on Sundays or public/bank holidays. The proposed condition is considered to be sufficient to prevent working during unsociable hours. In the event that work occurring within the specified hours is considered to constitute a statutory noise nuisance this should be reported to the Council's Environmental Health team for investigation and enforcement if it is deemed necessary.

Harm to wildlife

The development site is not considered to contain important or priority habitats.

Lack of school places

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

Unsuitable site access

The proposed site access has been designed to meet the requirements of the Highways Development Control Department. It is considered that the proposed layout would ensure that safe and suitable access to the site can be achieved for all users.

Increased traffic congestion

The proposed development of 17 dwellings is not considered to result in a sufficient number of additional comings and goings such as would have a severe adverse impact on the highway network in respect of capacity or congestion

Increased pollution from vehicles

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

order to encourage alternative means of transport Electric Vehicle (EV) charging points will be secured by a planning condition at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy.

Excessive density

The proposed development would provide a density of 23 dwellings per hectare, which is slightly below the 30 dwellings per hectare required by policy HO5. However, in this instance it is considered that the topography of the site presents a substantive constraint to achieving a higher density of development.

Breach of Article 1 of The Human Rights Act (person has the right to peaceful enjoyment of all their possessions)

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

Breach of Article 8 of the Human Rights Act (person has the substantive right to respect for their private and family life).

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

Loss of established trees

The development site does not contain any trees protected by a tree preservation order. As such the removal of trees from the site is not considered to result in any adverse amenity implications.

Unsuitable drainage infrastructure

The Councils Drainage Department have raised no objections subject to the submission of a scheme of foul and surface water drainage infrastructure.

The development will undermine the stone boundary wall of 1 Cliveden Avenue.

The development is subject to a planning condition requiring that *before any work begins on site an investigation into the stability of existing boundary walls shall be carried out and a report detailing the findings including full details of any proposed repair work that may be required shall be submitted to and approved in writing by the Local Planning Authority.*

Planning Obligations

The site is located in an area where policy HO11 of the Core Strategy requires that 20% of the units are provided on an affordable basis. The provision of on-site affordable housing/or an equivalent commuted sum will be secured by a S106 agreement in the event that planning permission is granted.

Community Infrastructure Levy

The site is located in a nil CIL zone.

Equality Act 2010, Section 149:

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

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

The outcome of this review is that there is 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, EN2, EN3, EN4, EN5, EN7, EN8, DS1, 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.

Windows Inset

4. 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.

Pointing Details

5. The pointing to the external walls of the building shall be flush with or slightly recessed from the face of the stone. "Ribbon" or "strap" pointing shall not be used.

Reason: To ensure the use of visually appropriate pointing details to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

Bin Storage

6. 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.

Landscaping Scheme

7. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
- ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
- iii) The extent, types and heights of the means of enclosure to all curtilages.
- iv) Details of types of hard surfaces within the development other than those within the domestic curtilages.
- v) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

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

8. Prior to occupation of any part of the development, a schedule of landscape maintenance for a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan to define all communal hard and soft landscaped areas to be maintained under the maintenance regime, an outline of maintenance works to be undertaken and the frequency of those work, together with details of responsibilities for implementing the maintenance regime by a Management Company or other agency. It shall provide email, postal address and telephone contact details of such a company or agency. Landscape maintenance of the identified areas shall subsequently be carried out in accordance with the approved schedule for the period agreed.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS 5 of the Local Plan Core Strategy.

Construction Hours

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

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

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

Boundary Wall Survey

10. Before any work begins on site an investigation into the stability of existing boundary walls shall be carried out and a report detailing the findings including full details of any proposed repair work that may be required shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site can be developed without adversely affecting the stability of the land and in order to comply with Policy EN8 of the Core Strategy.

Highways

Access Before Use

11. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 17:11:7033:05 REV E and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 108 of the National Planning Policy Framework.

Parking Before Use

12. Before the use commences, the off street car parking spaces hereby approved shall be laid out, hard surfaced, sealed, marked into bays and drained within the curtilage of the site in accordance with the approved plan reference 17:11:7033:05 REV E. The car park shall be kept available for use whilst ever the use subsists.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and Paragraph 108 of the National Planning Policy Framework.

Visibility Splays

13. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 17:11:7033:05 REV E shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Paragraph 108 of the National Planning Policy Framework.

Electric Vehicle Charging

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

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

Retaining Structures- Access Road

15. Before any work begins on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling to the proposed access road shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: To protect the stability of the highway in the interests of safety and to accord with policy EN8 of the Core Strategy.

Land Contamination

Remediation Strategy

16. Unless otherwise agreed in writing with the Local Planning Authority, prior to construction of the development, a detailed remediation strategy, which includes an updated ground gas risk assessment and removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in

writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

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

Remediation Verification

17. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

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

Unexpected Contamination

18. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

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

Material Importation

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

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

Drainage

Surface Water Drainage

20. Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment. The development shall thereafter only proceed in strict accordance with the approved drainage details

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

Surface Water Drainage Management

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

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

Foul Water Drainage Details

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

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