

Report of the Assistant Director - Planning, Transportation & Highways to the meeting of Regulatory and Appeals Committee to be held on 15 August 2019

J

Subject:

A full application for the construction of 104 houses and access, land off Ryedale Way, Allerton, Bradford.

Summary statement:

This planning application was submitted in 2013 and reported to the Regulatory and Appeals Committee in 2014. The Committee resolved to approve the application, subject to the completion of a Section 106 Agreement.

As the applicant did not own the land required to provide the access to the application site, the landowner would be required to be a signatory to the Section 106. The applicant was unable to reach agreement with the landowner and consequently, the Section 106 Agreement was not completed. The applicant now advises that agreement has been reached with the landowner and the Section 106 would be completed.

The application is recommended for approval, subject to the completion of the Section 106 Agreement, within three months of the date of the Committee. In the event that the Section 106 Agreement is not completed within that time, it is recommended that the determination of the application is deferred and delegated to the Assistant Director, for refusal.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

Portfolio:
Regeneration, Planning & Transport

Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Overview & Scrutiny Area:
Regeneration and Environment

1. SUMMARY

The application is recommended for approval subject to the completion of a Section 106 Agreement, within three months of this Committee meeting and conditions included within the report, Appendix 1. In the event the S106 Agreement is not completed within 3 months of the date of the Committee decision, the decision would be deferred and delegated to the Assistant Director, Planning, Transportation & Highways, for refusal.

2. BACKGROUND

The application was reported to R&A Committee in July 2014, where it was recommended for approval, subject to the completion of a Section 106 and conditions.

As the proposed development is dependent on land outside of the application site for access, the applicant would need to reach agreement with the landowner, to access the application site. However, no agreement was reached between the two parties and subsequently, the application remained undetermined. In early 2018, with no resolution and the Section 106 Agreement incomplete, the application was removed from the planning register. In August 2018, the applicant made representation on the status of the application and the application was then placed back on the planning register and is again a 'live' application.

With regard to the proposed development, the layout and highways design remain unaltered from when the application was reported to the Committee in 2014.

The previous Section 106 Agreement covered obligations for affordable housing; education and recreation. Following the adoption of the Community Infrastructure Levy (CIL) in 2017, neither education nor recreation space can be included with Section 106 agreements. These would be delivered through the CIL. However, the application site is located within a nil CIL zone and no monies would be delivered for these obligations, through the CIL. Affordable housing would be the only obligation delivered through the Section 106 Agreement.

Since the application was reported to Committee in 2014, there have been material changes in circumstance - revised National Planning Policy Framework and the adoption of the Councils Core Strategy. The application is therefore reported to Committee for re-determination.

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

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

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

The proposals have been fully considered in relation to sustainability issues and the site is considered to be located in a sustainable location, served by local facilities and is accessible by public transport.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with development. Consideration should also be given as to whether the location of the proposed development is such that sustainable modes of travel would be best facilitated and future greenhouse gas emissions associated with the activities of building users 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 lower than would be the case for alternative, less sustainable locations. Mitigation measures would be incorporated within the development in the form of electric vehicle charging points to reduce greenhouse emissions. Consequently, subject to the identified mitigation measures, no adverse greenhouse gas emission implications are foreseen.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, CCTV and lighting provisions being implemented, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with Core Strategy Policy DS5.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

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

If the Committee decides that the application should be refused, it may refuse the application, in which case the reason(s) for refusal would have to be given, based upon development plan policies or other material planning considerations.

10. RECOMMENDATION

This application is recommended for approval, subject to the completion of a Section 106 Agreement within 3 months of the date of this resolution and in the event that the Section 106 Agreement has not been completed within that time, the application be delegated to the Assistant Director - Planning, Transportation and Highways for refusal.

11. APPENDICES

Appendix 1 Technical report.

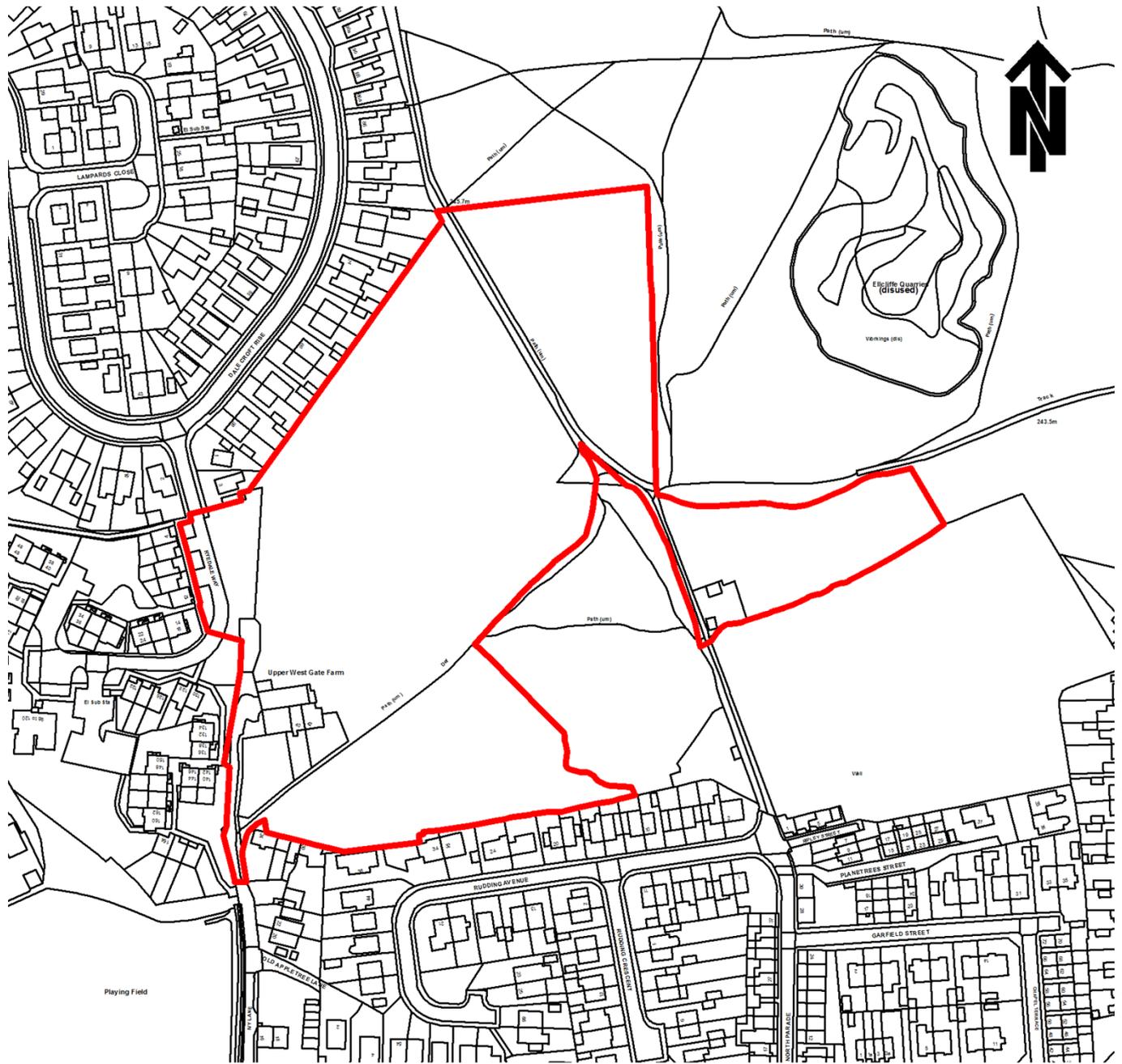
12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2018
Adopted Core Strategy

13/04498/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

© Crown copyright and database rights 2019 Ordnance Survey 0100019304

**Land Off Ryedale Way
Allerton
Bradford**

Ward

Thornton & Allerton

Recommendation

The application is recommended for approval, subject to the completion of the Section 106 Agreement, within three months of the date of the Committee. In the event that the Section 106 is not completed within that time, it is recommended that the determination of the application is deferred and delegated to the Assistant Director, for refusal.

Application No.

13/04498/MAF

Type of application

A full application for the construction of 104 houses, at land off Ryedale Way, Allerton.

Applicant

Skipton Properties

Agent

J O Steel Consulting Ltd

Site Description

The application site is former agricultural land, between Rudding Avenue and Dale Croft Rise, east of Ryedale Way. The application site is bounded by residential properties to the west and south. There are open fields and a former quarry to the east. There are a number of public rights of way that cross the application site.

Background

The application site was a former Phase 2 housing site, BW/H2.10 in the RUDP. This housing allocation also included land to the immediate south and east of the application site. However, following a successful village green application, those parts of the former housing allocation will not be developed.

In the RUDP, a highway link between the allocated housing site and Allerton Road was included under Policy TM20, Highway Improvements. However, whilst a previous scheme was approved, there are issues of land ownership, which the applicant states would be protracted and difficult to resolve. An alternative means of access was investigated and resulted in a proposed vehicular access from Ryedale Way.

Following the application being approved, subject to the completion of a Section 106 agreement, in July 2014, the applicant entered discussion with the owner of the land required to access the site. No agreement was reached and the application was removed from the planning register in March 2018. Effectively, this resulted in the application no longer being 'live'. However, in August 2018, after representation by the applicant, the application was put back on the register of applications and became a 'live' application.

There have been material changes in circumstance i.e. revised National Planning Policy Framework 2019 and the Councils adoption of the Core Strategy. Consequently, the view is taken that the application is required to be reported back to Committee.

Relevant Site History

08/01267/FUL Formation of improved residential access road and additional highways improvement work within Allerton Road and Prune Lane was approved. An application,

11/00871/FUL, to extend the time limit of this permission was approved in 2011. This has expired.

RUDP

Allocation

The application site was formerly allocated as a Phase 2 housing site BW/H2.10 in the RUDP. However, following Councils advice, it was confirmed that as Policies H1 and H2 were not saved in 2008, the Council effectively has no allocated housing sites. At the meeting of the Executive, 21st November 2011, it was reaffirmed that it was the Councils intention that the unimplemented housing sites should be protected to meet the Districts housing needs; and noted the extensive and robust statutory process through 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 policies H1 and H2, should be accorded significant weight, when considering their use for residential development.

Core Strategy

There are a number of Core Strategy Policies to be considered in the determination of the application:

- P1 Presumption in Favour of Sustainable Development
- SC1 Overall Approach and Spatial Priorities
- SC2 Climate Change and Resource Use
- SC4 Hierarchy of Settlements
- SC8 Protecting the South Pennine Moors
- SC9 Making Great Places
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- TR3 Public Transport, Cycling and Walking
- TR7 Transport Investment
- HO1 Scale of Housing Required
- HO3 Distribution of Housing Requirement
- HO5 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN2 Bio-diversity and Geo-diversity
- EN7 Flood Risk
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design

The National Planning Policy Framework (NPPF).

The National Planning Policy Framework is a material planning consideration on any development proposal.

Local planning authorities are required to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development, where possible

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Substantial weight is given to the value of using suitable brownfield land within settlements for homes and other identified needs.

Planning policies and decisions should make more intensive use of existing land and buildings, especially where it would help to meet housing need.

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Parish Council

Sandy Lane Parish Council has objected to the proposed development and requests that the application should be refused on the following grounds:

- Inadequate preparation and lack of risk assessment;
- Inadequate preparation of basic drainage requirements;
- The risk to health and safety of residents (the Geo-Environmental survey has defined the risk as 'moderate', which is not acceptable);
- Inadequacy of existing access roads to support the inevitable increased traffic levels, which will increase, while the proposed construction is taking place and when completed and the houses are sold;
- Inadequate and inconclusive research has been done into the both the short and long-term effect on protected wildlife within the area;
- Inadequate education capacity (all local schools are currently full and oversubscribed);
- Inadequate health capacity (Sandy Lane does not have a health centre or doctors)

surgery and Allerton is oversubscribed).

Publicity and Representations

The application was re-advertised through site notices and in the local press (this is in addition to the publicity for this application that took place in 2013/14). There have been 198 objections to the application.

Summary of Representations Received

The objections to the application include:

- Adverse affect on wildlife
- Adverse affect on SSSI
- Loss of privacy
- Loss of residential amenity
- Loss of right and public access
- Loss of visual amenity
- Traffic and pedestrian safety
- Traffic congestion
- Inadequate drainage
- Nuisance, noise, fumes, dirt & disturbance
- Out of keeping with surroundings
- Poor/unsuitable vehicular access
- Overshadowing
- Pollution of watercourse

Consultations

Sport & Leisure

Sport and Leisure originally requested a contribution of £141,349, for the provision of Recreation Open Space and Playing Fields, due to the extra demands placed on the locality by the proposed development.

Environment Agency

No objection to the proposed development, however, it would only meet the requirements of the National Planning Policy Framework if measures, as detailed in the drainage impact assessment, submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Countryside & Public Rights of Way

The comments dated 6th March 2013 remain the same, see below..

The public paths within the red line should be provided with a sealed surface. The section of path between point B and C on the annotated PL-01 should have a crushed stone surface.

Consideration should be given to improving the section of path between North Parade and point E, as this would be a major route for pedestrians to bus routes and local services. Improving this route and encouraging pedestrian use would assist in the objectives of the Travel Plan.

The Countryside Act 1968 provides that public footpath signs must be installed where public paths leave a metalled road. Therefore signs should be installed at the western end of Road 2, from Road 1 to point C, from Road 5 to point A and from road 4 towards points B, E and F.

The open spaces in this area do suffer from nuisance motorbike riding. To minimise any problems with this type of activity anti-motorbike 'A' frames should be installed.

Environmental Health

Previous Environmental Health responses in relation to this Planning application were provided on 12th November 2013 and 12 May 2014. On both occasions Environmental Health confirmed that we concur with the recommendations in the PWA Phase desk study report that a Phase 2 site investigation and risk assessment be required. We recommended that this should be submitted and approved prior to issue of a Planning decision notice.

The developer should also be aware that, in the absence of assessment of land contamination and ground conditions, the costs of development, including any remediation which may be required, remain an unknown liability.

A Phase 2 site investigation report has still not been submitted in relation to this proposed development.

The second Environmental Health land quality consultation response dated 12 May 2014 suggested that if the Local Planning Authority was minded to issue the decision notice prior to submission of a Phase 2 site investigation report, then we would recommend that the planning conditions below are included to ensure that the requisite works are carried out to protect public health and the environment.

In the absence of the Phase 2 site investigation and risk assessment, it is anticipated that remediation may be necessary. In which case, a remediation strategy would also be required and subsequently a verification report, which confirms that remedial works have been carried out according to the strategy, must be submitted. The conditions below therefore formalise these requirements.

It should be noted that our records indicate that allegations have been made of fly-tipping in the vicinity of the site. The potential for contamination from such sources should be taken into consideration in preparations for the Phase 2 site investigation. If other changes have occurred on the site in the intervening 6 years, the Phase 1 desk study may require revision and updating.

WYCA

Metro advises that bus stop numbers 20233 and 20234 should have shelters installed at a cost to the developer of around £10,000 each. This payment also includes maintenance of the shelter. These new shelters would benefit the residents of the new development. The shelters should include seating, lighting and bus information and should be provided by a contractor of Metro's choosing.

Future residents would benefit if one of Metro's new 'live' bus information displays were to be erected at the above named bus stops at a cost of approximately £10,000 each (including 10 years maintenance) to the developer. The displays are connected to the West Yorkshire 'real time' system and give accurate times of when the next bus is due, even if it is delayed.

In order to encourage the use of the public transport services available, the development should be conditioned requiring the Residential MetroCard (RMC) scheme.

At this site Metro recommend that the RMC is secured through a Section 106 agreement for Residential MetroCard Scheme A – Bus Only.

Childrens Services

To create sustainable communities, the Council needs to ensure that there is adequate provision and a viable education infrastructure in place. It has a statutory duty to ensure that there are sufficient early years and school places in the area and promote parental choice through increasing the diversity of provision.

Based on the data available in May 2019, the proposal is unlikely to cause significant concerns on where children of families coming to reside in the development might attend school. Parents 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 Schools

Beckfoot Allerton Primary Academy
Ley Top Primary School
Sandy Lane Primary School
St Matthew's Catholic Primary School

Secondary Schools

Beckfoot Upper Heaton School Academy
Belle Vue Girls' Academy
Dixons Allerton Academy

Currently some of these Primary Schools are full or overcrowded across most year groups. However, Ley Top Primary School does have spaces available in every year group. Therefore additional primary school pupils who may come to live in this development should be able to access a local primary school.

Currently all of the above Secondary Schools are full in years 7, 8 and 9, therefore additional pupils in these years who may come to reside in this development may need to travel further to access secondary school provision.

Housing

20% of the total number of units should be affordable and be transferred to a registered provider. The affordable units should be predominantly 2-bed houses with a small number of 3-bed houses with floor areas in the range 85-90 sq. metres.

West Yorkshire Police

New development should incorporate the principles of Secured By Design (SBD) and developers need to ensure that crime prevention is considered as an integral part of the design of any development and not retrospectively, in particular they will need to demonstrate how the development proposal has addressed the following issues in respect of designing out crime:

1. Natural surveillance of public and semi-private spaces in particular entrances to a development, paths, play spaces, open spaces and car parking.
2. Defensible space and the clear definition/differentiation and a robust separation of public, private and semi-private space, so that all are clearly defined and adequately protected in terms of their ownership and use.
3. Lighting in the development, in particular streets and footpaths.
4. The design, any layout of pedestrian cycle and vehicular routes into and within the sites, including how they integrate with existing patterns.
5. Landscaping and planting, hiding places and dark secluded areas should not be created.

Permeability of a site makes controlling or preventing crime very difficult, it permits intrusion around the development by potential offenders. If there should be a real need for any route, it must be overlooked and integrated within a development layout and design. They should display good natural surveillance along their entire length, be well lit and wide enough to accommodate pedestrians using it without compromising their personal space.

There is a segregated footpath through the site which would encourage access to the rear of units 63-68. This should be accommodated into the shared surface within roads 1, 4 and into 6. This type of feature would be damaging to what could be an otherwise secure development. This connection changes the whole nature of the development from basically private into largely public space.

Safer Places - The Planning System and Crime Prevention states, under 'Access and Movement' (page 16), "routes for pedestrians, cyclists and vehicles should, in most cases, run alongside one another, and not be segregated. Movement frameworks based upon 'primary routes' and shared spaces, remove the need for under-used alleyways, short-cuts, footpaths and a large number of minor access points that can become vulnerable to/or facilitate crime".

The applicant has clearly considered the principles of secured by design in producing the proposed layout, and has clearly demonstrated this in the Design & Access statement, however, the proposed footpath to some degree undermines what has been achieved.

There is no objection in principle to the application but I would ask for a public footpath integration or diversion as recommended as part of any permission being granted.

Yorkshire Water

There is no new information for YW to provide any comments. If a new Drainage Impact Assessment and/or Flood Risk Assessment is submitted, please re-consult YW for any new comments.

Drainage

The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal, flood risk and foul water disposal for the proposed development, against the requirements of the National Planning Policy Framework, Planning Practice Guidance and local planning policies.

The proposed surface water drainage strategy, as outlined in Report 6862/TW/001/02, dated 20/12/2013 is generally acceptable to the LLFA, albeit that the allowable rate of discharge will be based on the post development impermeable area. As the report indicates that this is likely to be about 1.77ha, the allowable rate of discharge will therefore be capped at 9.0 (nine) litres per second.

Although the LLFA has no objection to the proposed development, strongly advised that further feasibility work is carried out to determine the route of the proposed, off-site, surface water sewer, prior to determining the application. However, if this is not possible, planning conditions would need to be included with any grant of planning permission:

Landscape, Design & Conservation

Activating the gable elevations on plots 65 & 70 is welcomed.

Understand the reasoning behind retaining the layout as is, however, the retention of rear gardens overlooking the existing right of way and the green space beyond is not ideal.

Desirable to enhance views throughout the development, this could be achieved by creating natural breaks in the layout or through the inclusion of single and 1 1/2 storey dwellings. Acknowledge that density levels have been reduced via the removal of long runs of terraced dwellings, however, it was previously requested that the scheme respond to the local vernacular not just in materials but also in scale and mass (i.e. single storey and 1 1/2 storey dwellings as seen on Rudding Avenue and Dale Croft Rise).

We recognise the applicants reluctance to create a bespoke house type, however, it is understood that a new house type would be introduced with a lower eaves height. Although this new house type does not directly respond to our comments it would create an element of variation.

Transportation & Highways

The documents submitted by the applicant have used higher trip rate values in order to provide a robust assessment of the likely impact of the development and these are acceptable. Also, as a worst case scenario, all the site traffic has been put onto one junction (Stony Lane/Dale Croft Rise junction) and this shows that this junction would still operate well within capacity.

There are several existing public footpaths linking the application site to the highway network and public transport facilities. The Rights of Way section has already commented on the development and the improvements they would like to see carried out. The TA states that 'Improvements to the pedestrian links through the site that form part of the public footpath network are to be provided' however, the document does not go on to state what these improvements would be.

Summary of Main Issues

Principle of residential development

Design and layout

Transportation &Highways

Planning obligations

Other Issues

Appraisal

Principle of residential development

The Replacement Unitary Development Plan was saved for three years from Adoption (October 2005) under provisions in the Planning and Compulsory Purchase Act 2004. The Council was required to seek the permission of the Secretary of State to save policies of the RUDP beyond the 3 years.

A submission was made challenging the legal basis for the saving of unimplemented housing allocations in the RUDP. The basis of the challenge being that Policies H1 and H2 allocated sites for housing, as well as dealing with phasing, whereas policy H4 did not allocate sites but rather protected them. The Council subsequently sought Counsels advice as to the effect of saving policy H4 in the absence of saving policies H1and H2; Counsels advice concurred with the submission made, that the lapsing of policies H1 and H2 meant that the allocations had lapsed and no longer form part of the approved development plan.

The legal advice received means that with policies H1 and H2 not being saved, any unimplemented housing site is no longer allocated within the RUDP. This was never the Councils, nor the Secretary of States intention. However, the legal advice received contends that as all unimplemented housing allocations went through the statutory development plan process they can be given significant weight in decision making.

The need to ensure that RUDP housing sites are implemented is further underlined by the relatively poor performance over recent years in terms of the number of new homes, particularly affordable homes, being built in the District. The number of new homes completed has failed to match either the actual increase in population and households in the District, or the policy based targets. Failure to deliver the right number of homes over an extended period runs the risk of exacerbating existing problems of overcrowding, putting increased pressure on the social housing stock which is already over-subscribed, and undermining regeneration.

Furthermore, work carried out for the Development Plan revealed the scale of need for affordable homes. This suggests an affordable housing need equivalent to around a third of the total housing requirement, or over 700 dwellings per annum. This is well in excess of anything achieved in recent years. The development therefore has the potential to make a contribution to both market and affordable housing need.

In conclusion, the District faces a significant challenge in securing sufficient housing to meet its need over the coming years. Local Plan work is ongoing to complete the Allocations DPD which will allocate/reallocate land for housing development but in the meantime sites that were previously developed as housing sites are acknowledged as important in dealing with current new housing demands. Therefore ensuring the delivery of development on existing identified housing sites will be the first step to meet this challenge. It is essential that land is available now which can be prepared and progressed so that the needs of the District's population are met, as confidence among both developers and house buyers continues to improve.

The application site boundary follows that of the remaining part of the housing allocation following the successful village green application. The allocated housing site being reduced in area, with part now designated as village green.

The application site is not within, nor does it affect any SSSI.

Any issues, e.g. disturbance caused during the construction period, would be dealt with through a management plan, included within the planning permission.

Design & Layout

Following part of the formerly allocated housing site being designated as Village Green, the remaining developable area, presents a number of challenges. In particular, creating a relatively narrow parcel of land, the eastern part of the application site.

Notwithstanding the constraints of the site and its relationship with the Village Green, the applicant has sought to achieve a development that relates to both the surrounding residential area and the Village Green. The resultant relationship between the Village Green and housing is considered appropriate, without adversely affecting the residential amenity of existing or future residents.

Due to concerns about the nature of the scheme, including house types; appearance of the street scene and parking locations, the applicant revised the scheme - to vary the house types, including a dormer-type dwelling; break up long uninterrupted frontages by reducing the number of houses - which has improved the design and layout of the proposed development.

The applicant was asked to consider bungalows but this type of house is not a house type that the applicant is promoting in this scheme.

West Yorkshire Police raised concern about an existing footpath and how it relates to the proposal. The issue being potential security concerns by reason of the location of the footpath in relation to properties. In this case, the footpath in question is a public right of way. The public footpath network is well established in this area and is well used. Subject to appropriate boundary treatment to the public footpath, it is considered that the relationship between the public right of way and the proposed development could be managed without seeking footpath diversions or closures. Natural surveillance would be provided from houses overlooking the footpath; appropriate boundary treatment would provide defensible space and the retention of the footpath would maintain the use of the local footpath network. On this basis, whilst WYP has raised concern with the footpath, it is considered appropriate to incorporate the public footpath within the proposed development.

A number of objectors have raised concerns on loss of privacy; loss of residential amenity; and overshadowing. The design and layout of the proposed houses would provide an appropriate relationship with existing residential properties surrounding the application site. Both the proposed houses and gardens would be positioned to ensure that there would be no loss of privacy; no loss of residential amenity or overshadowing caused by the proposed development.

An objection has been received detailing concern on the relationship between the proposed development and a house on the southern boundary. The house was granted planning permission in 2008. A second application for a house was approved in 2012. The issue raised being that there are windows to habitable rooms c.1m from the site boundary. (The applicant should have been aware at the time of the application, the adjoining site was allocated as a housing site). In order to address this, the applicant has revised the housing layout to ensure the proposed houses are set away from the boundary. However, this could still result in the house in question being overlooked from the garden of the proposed houses.

The original proposal was objected to by Yorkshire Water, on the grounds that the public sewer did not have the capacity to accommodate the proposal. Subsequently, the scheme was revised to address this concern and Yorkshire Water removed its objection.

Neither Yorkshire Water nor the Environment Agency has any objection to the proposal.

Transportation & Highways

The principle of vehicular access, to serve 104 houses is acceptable in highway terms.

The highway layout and design within the proposal was amended following issues raised with the applicant. This includes realigning carriageways and junctions within the scheme. Along with verifying parking areas and number of spaces, it is considered that the proposal provides an acceptable highways layout to serve the development, without detriment to the local highway network.

Following the application being reported to Committee in 2014, the applicant has updated the Transport Assessment and this has been reviewed by Highways and will be reported verbally.

Planning Obligations

The applicant has agreed to the affordable housing obligation and the proposal includes 20 on-site affordable units - 12 two-bed houses and 8 three-bed houses.

The application site is located in a nil CIL zone and no other contributions would be made.

Other Issues

The application site is not within, nor does it affect any SSSI. The site is not within close proximity of any heritage assets such as listed buildings or conservation areas.

Any issues, e.g. disturbance caused during the construction period, would be dealt with through a management plan, included within the planning permission.

The availability of places at GP surgeries is not something within the control of the Council. This would be dealt with by the Clinical Commissioning Group within the NHS.

The application site is not part of a Village Green.

There would be no adverse impact on protected species.

Options

The Committee can approve the application, subject to the completion of a Section 106 Agreement, within 3 months of the date of Committee and conditions within the report, or refuse the application. If the application is refused, reasons for refusal would have to be given.

Community Safety Implications

The West Yorkshire Police Architectural Liaison Officer has raised concern on the public footpath and the security of properties within the proposed development. The retention of the public footpath, along with appropriate measures to ensure protection of access to those properties is considered the appropriate means of dealing with this. It is not believed that there would be any adverse effect on community safety.

Human Rights Act

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

Not for publication documents

None

Reason for Approval

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of statutory and other consultees, public representations about the application.

It is considered that the proposed residential development is in conformity with the principles outlined within the Core Strategy and the principles outlined in the National Planning Policy Framework.

Approval is recommended subject to the following conditions and a Section 106 agreement.

Heads of Terms

Section 106 Agreement to include -

Provision of 20 affordable houses, on-site, twelve two-bed and eight three-bed.

Conditions of Approval

1. The development hereby approved shall only be carried out in accordance with the amended plans 3901-01 PL - 01 REV F; PL10; PL11; PL12; PL13; PL14; PL15A; PL16A; PL17; PL18; PL20; PL21; PL22; PL23.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

2. The development permitted by this planning permission shall be carried out in accordance with the approved drainage impact assessment dated 31st May 2013 and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the up to and including 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Surface water run-off rates to sewer should be agreed with Yorkshire Water.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: In the interests of flood prevention.

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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any subsequent equivalent legislation) no garages or carports shall be erected on the site without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

5. The garages hereby granted planning permission shall be used only for purposes incidental to the domestic enjoyment of the occupants of the dwelling house, and shall not be used for business purposes.

Reason: To safeguard the amenities of people living nearby.

6. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided.

7. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

Reason: To ensure the proper drainage of the site.

8. Surface water management proposals for the construction phases of the development must be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

9. Before development commences on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with an approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.
Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety.

10. Before the development is brought into use, the off-street car parking spaces shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15
Reason: In the interests of highway safety.

11. The garages shall be set back not less than 6 metres from the highway boundary.
Reason: To ensure that a vehicle can stand in front of the garage clear of the highway in the interests of highway safety.

12. Any gates to be constructed as part of the development shall not open over the highway.
Reason: To ensure the highway remains obstruction free.

13. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority.

The construction plan shall include the following details:

i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;

ii) location of site management offices and/or sales office;

iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;

iv) car parking areas for construction workers, sales staff and customers;

v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;

vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;

vii) temporary warning and direction signing on the approaches to the site.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants.

14. The approved Travel Plan shall be implemented in accordance with the administration & promotion details and measures set down in the Travel Plan Framework document submitted by Bryan G Hall. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: To promote sustainable travel options, minimise reliance on the private car and reduce traffic congestion and demand for on street parking in the locality, in the interests of pedestrian and highway safety.

15. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with

the approved schedule.

Reason: To ensure proper maintenance of the landscaped areas in the interests of amenity.

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

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity.

17. The existing walls along the site boundaries shall be retained and shall only be altered and/or lowered where necessary to provide access and sight lines in accordance with the approved plans. In these circumstances, the walls shall be made good using materials to be agreed in writing with the Local Planning Authority, and constructed prior to the first occupation of the development hereby permitted and shall be so retained thereafter.

Reason: In the interests of visual amenity.

18. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity.

19. No part of the development shall commence until a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, has been submitted to and approved in writing by the Local Planning Authority.

The report must include proposals for verification of remedial works. Where necessary, the report shall include proposals for phasing of works and verification. The works shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20. A remediation verification report 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.

21. 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.

22. 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. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site.

23. Prior to the commencement of development details for treatment of the public footpaths within the application site shall be submitted to, and be approved in writing, by the Local Planning Authority. The development to be carried out in accordance with the approved details.

Reason: In the interests of the maintenance of the public footpath network.

24. Prior to the occupation of development bat bricks shall be installed within the development, as agreed in writing by the LPA.

Reason: In the interests of habitat creation.

25. No works forming part of or ancillary to the development shall be carried out on the site until an Arboricultural Method Statement for Arboricultural Works has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement for Arboricultural Works shall include a detailed programme of timescales for the carrying out of the works identified in the statement during the period immediately prior to, during and after the proposed development. The works the subject of this statement shall be carried out in accordance with the timescale set out in the approved statement. The management statement shall include a detailed tree management programme with timescales.

The programme shall be carried out in accordance with the timescales set out in the approved statement.

Reason: To ensure the future sustainability of the trees being retained on the site in the interests of visual amenity.