

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

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Subject:

A Reserved matters application requesting consideration of access, appearance, landscaping, layout and scale of a residential development of 14 dwellings (pursuant to outline approval reference 16/04629/MAO).

Summary statement:

Outline planning permission with all matters reserved for the construction of 14 dwellings and a veterinary surgery was approved on this site by Regulatory and Appeals Committee on 16th April 2018. The resolution required that any Reserved Matters application must be submitted to the Regulatory and Appeals Committee for determination.

This reserved matters application seeks consideration of access, appearance, landscaping layout and scale.

The appearance, landscaping, layout and scale of the proposed development have been assessed and are considered to be acceptable.

The Reserved Matters application is recommended for approval subject to the conditions included within the report at Appendix 1.

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Portfolio:

**Change Programme, Housing, Planning and
Transport**

Overview & Scrutiny Area:

Regeneration and Economy

1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application reference 18/03853/MAR made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

The proposed development would generate a CIL payment of £153,329.37.

5. RISK MANAGEMENT & 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

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 in Ilkley in close proximity to amenities, with nearby public transport connections to access facilities and services further afield. The development would not result in either the formation of a new settlement or significant

sprawl of an existing settlement. No adverse sustainability implications are therefore foreseen.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations. It is also notable that the approved Outline Planning Permission is subject to a planning condition requiring the provision of Electric Vehicle (EV) charging points 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 Ilkley 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

within 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. RECOMMENDATIONS

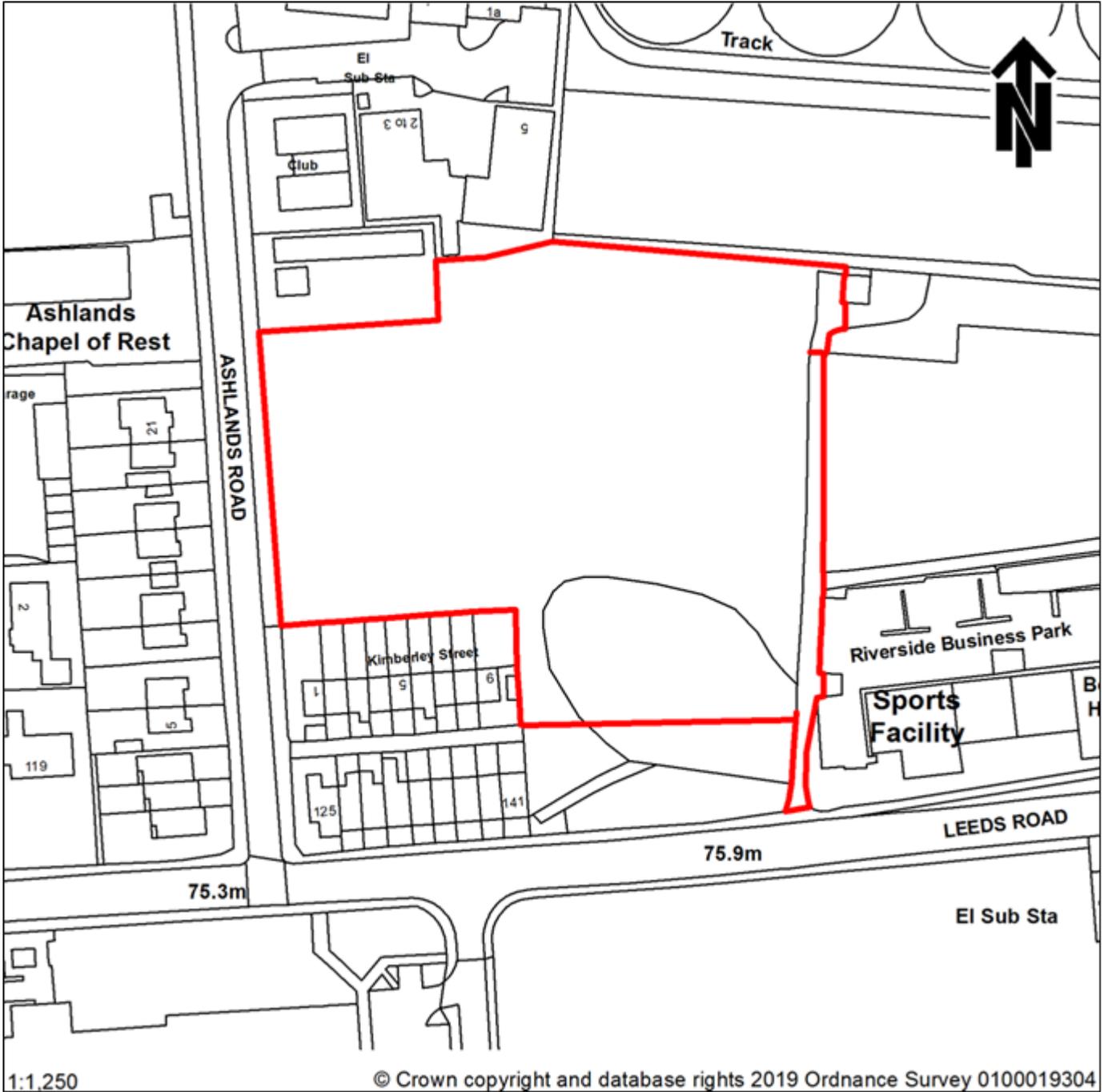
This reserved matters application is recommended for approval, subject to the conditions included within Appendix 1.

11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2019
Replacement Unitary Development Plan
Local Plan for Bradford
Application Reference- 16/04629/MAO



Appendix 1

7th November 2019

Ward: Ilkley (ward 14)

Recommendation:

To approve the reserved matters subject to the conditions included within the technical report.

Application Number:

18/03853/MAR

Type of Application/Proposal and Address:

A Reserved Matters application for consideration of access, appearance, landscaping, layout and scale for a residential development of 14 dwellings on land at Ashlands Road, Ilkley.

Applicant:

CFK Developments (Ilkley) LLP

Agent:

Mr Richard Irving

Site Description:

The application site is a 1 hectare area of greenfield land within Ilkley, located north of Kimberley Street/ Leeds Road (A65), east of Ashlands Road and south of Ilkley Waste Water Treatment Works. The land is currently an open grassed area with some peripheral planting. There is an established footpath transecting the site diagonally from Ashlands Road at the north-western corner to the allotment access at the site's south-eastern corner.

Historical maps indicate that the site has been largely undeveloped since at least 1850 and that the sewerage works to the north was developed between 1854 and 1859, with the Kimberley Street terrace developed between 1894 and 1907. However the site does appear to have been used as allotment gardens in the first half of the 20th century and a map dated 1955 to 1956 appears to show that part of the site was used as a mortuary associated with the adjacent cemetery (to the north-west) at that time.

In terms of adjacent land uses the surrounding area is mixed residential and commercial with housing situated to the west and south-west, the waste water treatment works and a brewery to the north, allotments and modern office buildings to the east and two Primary Schools (Ashlands and Sacred Heart), with associated playing fields, to the south.

Relevant Site History:

16/04629/MAO- Construction of 14 dwellings and a veterinary surgery-Granted-16.04.2018

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):

Development Plan Proposals Map Allocation:

The site is allocated as Employment Site K/E1.11 on the Development Plan Proposals Map. The relevant proposals document describes this employment site as follows:

K/E1.11 ASHLANDS ROAD, ILKLEY 1.03 ha

A new greenfield site within the settlement, one of only two Employment Sites in Ilkley. The site is well related to town/local facilities and public transport services. Development must incorporate a cycleway and publicly accessible recreation open space to redress a local deficiency. Development restricted to B1 or B8 uses to prevent adjacent housing being adversely affected. Development of the land should make provision for the retention of mature trees on the site.

Proposals and Policies

As the site is allocated for employment purposes saved policy E1 of the replacement Unitary Development Plan (RUDP) is relevant. 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 particularly 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

EN2- Biodiversity and Geodiversity
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

Town Council

No comments received from Ilkley Town Council

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 18th October 2018. A total of 4 objections were received.

Summary of Representations Received:

General

- No affordable housing provision
- Loss of greenspace

Highways

- Access from Leeds Road is inappropriate
- Additional traffic congestion on Ashlands Road
- Inadequate site lines at the site access
- Inadequate traffic calming in the local area
- No footpath provision on site access road
- Inadequate parking
- Garages are of insufficient size for parking provision

Drainage

- Increased flood risk for neighbouring residents
- Swales will not assist with an already saturated site
- Swales are a drowning hazard for children
- Paved ground on the site, there will be even more pressure on water treatment works directly to the north
- Raising the land level will result in the flooding of properties to the north on Kimberley Street.
- A tarmac surfaced road will only add to pressure on the surface water drainage system in the area.
- The swales are shallow and end abruptly on the drawing. Where will the flood waters go.

Consultations:

West Yorkshire Combined Authority

A financial contribution of £6,930.00 is requested towards a sustainable transport fund to provide bus only residential metrocards.

N.B Electric vehicle charging points are required for each dwelling as a condition of the outline planning permission in lieu of a metrocard contribution. This is considered to represent a betterment as the sustainability benefits of the charging points will exist for the lifetime of the development.

West Yorkshire Police

Boundary Treatments:

The proposed rear boundaries are acceptable. It should be ensured that the west boundary of plot 1 has fencing to a height of 1800mm.

Plot dividers should be installed such as low level planting / hedges to provide a clear separation between plots.

Gates are brought further forward towards the front building line to help increase natural surveillance.

Recessed doorways:

Doors should not be recessed in excess of 600mm (2ft) as this can reduce natural surveillance

Parking and Garages:

The garages are to a suitable length, however the width may cause problems for the larger size family vehicles. An ideal garage measurement is 7m x 3m, which allows for a family size vehicle to be parked and space for storing bicycles or other items.

Further comments provided relating to intruded alarms, window and door specifications and on-plot lighting are not land-use planning considerations.

Parks and Greenspaces

The development of 14 dwellings will have a minimal impact on public open space.

New public open spaces should be maintained by the developer and a full landscape management plan will need to be produced and agreed.

If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

Yorkshire Water

No objection raised in principle to

- 1) The proposed separate systems of drainage on site and off site
- 2) The proposed amount of domestic foul water to be discharged to the public combined sewer network.

3) The proposed points of discharge of foul water to the public combined sewer located in Ashlands Road submitted on drawing 4079-1-D1 (revision B) dated 02/08/2018 that has been prepared by JPG Group.

The submitted drawing shows surface water proposed to be drained to culverted watercourse.

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.

If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact Yorkshire Water at the earliest opportunity

Further restrictions on surface water disposal from the site may be imposed by other parties. The developer is advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

As surface water from the site is not proposed to discharge to the public sewer network no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change further consultation with Yorkshire Water will be required.

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework, Planning Practice Guidance and local planning policies. An assessment of the submitted documentation has been undertaken and if the following details are implemented and secured by way of a planning condition on any planning permission the LLFA have **no objection** to the proposed development.

1. 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, 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.

2. 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.

3. Notwithstanding the details contained in the supporting information, the drainage works shall not commence until the downstream culvert structure is proven hydraulically acceptable to accept the maximum pass forward flow of surface water from the development restricted to a rate agreed with the Lead Local Flood Authority.

Flood Risk from other sources:

The LLFA is a statutory consultee on matters relating to surface water management on all major developments only. The LLFA also has a role to monitor and manage flood risk from other sources of flooding. Matters of flood risk from fluvial sources have already been considered within the outline planning application 16/04629/MAO. Insofar, if the following details are implemented and secured by way of a planning condition on any planning permission the LLFA have **no objection** to the proposed development.

5. 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.

6. Notwithstanding the details contained in the supporting information, the flood mitigation works shall not commence until full details of the proposed swales including their maintenance regime, have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved details.

Highways Development Control

The layout is not acceptable and the following changes are required if the development is to be supported:

1. Plot Type C is a 4-bed dwelling and should have at least two parking spaces. The proposed garage does not meet the minimum 3m width required and therefore cannot count towards the overall parking provision. Plots 3 & 4 are therefore likely to result in vehicles parking on the highway at a junction causing an obstruction to the operation of this turning space. Therefore at least two spaces should be provided on the driveway.

2. A new footway (2m wide) shall be provided along the full site frontage on Ashalands Road i.e. north of the site entrance as well and the footways leading into the site should also be a minimum of 2m wide and not 1.8m as shown. This should extend past the entrance to the vets on the north side before tapering into the shared surface road. No part of the footway should be constructed in block.

3. The 600mm hard margin should continue around the full extent of the shared surface road from the ends of the new footways i.e. across the site frontage to be developed as the veterinary practice and back of the parking bays. The proposed rumble strip leading to the private drive should be removed and a hard margin provided at the end of the shared surface road.

4. The radius kerbs at the turning head should be replaced with a chamfered edge and there is no requirement to provide the chamfer on the parking bay at the eastern end on the road and the hard margin should be 600mm not 300mm as shown.

Trees Team (31.10.2018)

The site contains a number of trees protected by TPO which are either important individually, will become more important landscape features or important as collectives and visible from various locations

The main issues are basically: can the trees be protected to minimum requirements (BS5837:2012) during construction; are the tree protection measures proposed deliverable; are the short and long term impact of development near the trees properly considered.

The Arboricultural Method Statement proposes a number of tree pruning operations which are not required to implement/facilitate the development.

Some tree work is beyond the redline boundary and annotated on a number of the proposed plans.

The swale is depicted on various plans but it is unclear what is proposed in terms of level changes and how this relates to the sections, or the required tree protection measures. The swale sections CC and DD show a retaining structure but the engineering is not repeated near the trees even though similar grade changes are required.

The lack of section drawings near trees means that the information is insufficient to demonstrate the full engineering being proposed and its impact. Nevertheless section AA shows a reduction of levels into the stem of T22 and section BB shows the swale dug down into route protection areas.

The arboricultural method statement shows cross sections through the swale but these do not marry up with the current engineering drawings.

Existing spots levels when compared to proposed finished ground levels show changes up to circa 2.5m close to trees. Lack of details may conceal other tree protection/retention issues. It is therefore unlikely that the tree protection measures can be delivered.

Shading of the proposed dwellings from trees is unknown and so the level of future pressure on trees is unknown.

Trees Team (13.08.2019)

A number of arboricultural issues have been raised via various previous written comments, on-site discussions and a more recent meeting.

In response to the previous comments (31.10.2018) revised plans and sections have been submitted as well as an updated arboricultural method statement.

Level Changes

The sections do not show the existing levels or are vague.

Section A-A shows a flat surface when the land is being banked up and the exg levels are not perfectly flat as depicted.

Section F-F shows engineering well within the RPA whilst tree MS shows tree protection circa 5.6m from stem and section shows RPA of 6.2m required. Stem of T22 is depicted by a triangle.

Section B-B does not show the position of the tree but engineering is circa 2.3m from stem and tree MS shows tree protection circa 5.8m.

There is no section shown through T24 even though engineering works is proposed in close proximity.

Stem 26 is depicted by a red circle and stem 27 is missing.

Engineering works in proximity to T26 are unknown as they are hidden by the canopy layer of the drawing.

Sections C-C and D-D show engineering up to of bottom south side of the swale area. As the engineering for the swale is hidden under the canopies of the trees, engineering in relation to trees is estimated - level changes are circa 4.5m from T29 and 0.5m from T31 whilst tree protection is circa 8m and 10m.

The arboricultural method statement identifies the importance of retaining a construction exclusion zone, yet the above demonstrates that the method statement cannot be implemented.

The method statement is overly generic and there is a lack of confidence that the protection measures can be installed and retained for the duration of the build when, for instance, the gabion wall is proposed circa 10cm away from fence line.

The Landscaping Plan still states 'trees to be lopped'.

As previously identified there appear to be four options: (in order of trees teams preference) –

1. Alter the layout to properly consider shading, engineering impact and tree protection measures in accordance with BS5837,
2. Layout amended to show trees removed (and replaced), with some form of statement re the impact of shading from retained trees on private curtilage
3. Refuse the scheme on tree policy grounds,
4. Approve current details which are arboriculturally unsound, with legacy and enforceability issues

Trees Team (30.09.2019)

The updated tree Method Statement (12330-G/AJB) is acceptable.

Vague tree work is still annotated in the landscaping plan which is not enforceable and requires removal as has been stated on numerous occasions.

The following conditions are recommended to ensure that trees are adequately protected during and post development:

-Other than removal of T6 as shown on JCA Ltd plan 12330-G/AJB dated 2 Sept 2019, no work to trees protected by TPO 08/00025/IG is approved under this permission.

-Implementation of tree protection measures before development begins.

-Retention of tree protection measures throughout the duration of development.

-Submission of written verification/evidence, prior to the removal of protective measures, that the developer has arranged for supervision and monitoring of those approved measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the development,

N.B The landscaping plan has been amended to remove any annotations in respect of works to trees covered by the Tree Preservation Order.

Summary of Main Issues:

Access

Appearance

Landscaping

Layout

Scale

Trees

Drainage

Issues Raised by Representations

Appraisal:

Access

The location of the site access and the impact of the development on the capacity and congestion of the surrounding highway network were considered as part of the outline planning application. The development of 14 dwellings and a veterinary surgery was considered to be acceptable subject to the provision of off-site highway works on Ashlands Road and Leeds Road. The off-site works consist of improvements to the junction of Ashlands Road and Leeds Road, a new pedestrian dropped crossing point and refuge island on Leeds Road and a new traffic island to the east on Leeds Road. The aforementioned works are required by a planning condition imposed on the outline planning permission.

The outline application confirmed that, subject to improvement works, safe and suitable access can be achieved into the site and that the development will not have an adverse impact in terms of capacity and congestion of the surrounding highway network. These matters cannot be revisited as part of this Reserved Matters application.

The proposed internal estate road layout has been amended to accord with the requirements of the Highways Development Control Department and it is considered to be safe and suitable to serve the proposed development.

The development would provide a total of 22 car parking spaces and 7 visitor spaces to serve 14 dwellings. The proposal would therefore accord with the requirements of policy TR2 of the Core Strategy which, in conjunction with Appendix 4, requires the provision of an average of 1.5 spaces per unit across a residential development.

Appearance

The development would consist of 14 semi-detached dwellings. The proposed semi-detached properties are considered to be an appropriate design for this location, as there are existing semi-detached properties located immediately to the West on Ashlands Road.

The proposed dwellings would be constructed of reconstituted pitch faced stone at ground floor level and white through colour render to the first floor, beneath artificial slate roofs. Reconstituted smooth faced stone would be utilised to the string course and to the heads and cills of the windows. Subject to the approval of appropriate samples the proposed materials are considered to be acceptable.

Subject to the approval of sample materials the proposed development is considered to accord with the requirements of policies DS1 and DS3 of the Core Strategy.

Landscaping

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

The key existing landscape features of the site are considered to be the protected trees to the site boundaries. Specifically, the protected group to the southern boundary (08/00025/IG) and the protected groups along the northern boundary, adjacent to the commercial units (08/00025/IG) and the sewage treatment works (08/00025/IG), as well as the individually protected specimens to the east boundary and the single specimen located centrally within the site.

The proposed soft landscaping plan indicates that all of the high value protected trees are to be retained within the development layout.

Four Category U specimens are to be removed from the protected group on the northern boundary for arboricultural reasons. A single Category C specimen is to be removed from the centre of the site to facilitate the development. The removal of the aforementioned trees is not contested by the Trees Team.

The existing vegetation to the north and east of Kimberley Street is to be removed and replaced with a new native hedge and tree planting, to soften views in and out of the site along its access. Small scale domestic planting is proposed to the plot frontages with individual tree planting proposed to the rear boundaries of the majority of the plots, with the exception of plots 11, 12 and 14 where there is already significant tree coverage beyond the rear boundaries of the units.

The residential development is separated from the public open space to the north by a buffer zone of native hedge and tree planting and a mix of shrubs. The green space would include a meadow area to the north of the footpath which would be comprised of native flower rich species.

New native whip and tree planting is proposed along the northern boundary of the green space adjacent to the waterworks, to supplement existing retained trees and to provide a woodland buffer/boundary screen.

The on-going management and maintenance of the public open space will be ensured by a planning condition which was imposed on the grant of outline planning permission. The condition requires the submission of a scheme detailing how the on-going maintenance of the public open space and associated pedestrian/cycle link and low maintenance nature spaces will be provided for. The scheme must be agreed before any of the dwellings are occupied.

It is considered that the proposed development would take advantage of the existing features of the site whilst providing a comprehensive landscaping scheme to supplement the retained trees and assist with ensuring that the development integrates successfully within its context. It is considered that the proposed landscaping scheme is acceptable in respect of the planting schedule and that landscaping is utilised successfully throughout the site to create new quality spaces. The new landscape features and open spaces have a clear function, would be visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place. The proposal therefore accords with policy DS2 of the Core Strategy.

Layout

The development would take access from Ashlands Road with a veterinary surgery provided to the rear of the properties on Kimberley Street. The veterinary surgery would be separated from the rear of properties on Kimberley Street by an area of landscaping and by the width of the access road. A landscaped buffer is also proposed between the site of the veterinary surgery and Ashlands Road. The details of the veterinary surgery are not proposed as part of this application and will be considered in due course with the submission of a further Reserved Matters Application. However, it is considered that a veterinary surgery can be provided in this location without resulting in unacceptable harm to visual amenity or residential amenity, subject to the submission of appropriate details as part of a further Reserved Matters Application.

The fourteen dwellings proposed would be located beyond the veterinary surgery in what would be an inward looking pattern of development. The arrangement is considered to be appropriate in this instance given the relatively self-contained nature of the site with protected trees to the boundaries.

The land to the north of the veterinary surgery and new dwellings is to be utilised as landscaped Public Open Space. A new footpath link would be provided across the open space from Ashlands Road to the existing footpath on the eastern side of the site and this in turn would link with the footpath on Leeds Road.

In conclusion it is considered that proposed buildings, open spaces and pedestrian routes within the development would be appropriately provided, situated and orientated in relation to each other and to buildings and spaces outside of the development. The proposal is therefore considered to accord with policies DS3, DS4 and DS5 of the Core Strategy.

Scale

The proposed development would consist of two storey dwellings, with some units including habitable rooms within the roofspace, which would be served by rooflights. The proposed dwellings would have eaves and ridge heights comparable to surrounding residential properties. The scale of the proposed dwellings is considered to

be appropriate both within the development site and in relation to neighbouring buildings. The proposal would therefore accord with the requirements of policies DS1 and DS3 of the Core Strategy.

Trees

The key existing landscape features of this site are protected trees (TPO Reference 08/0025/IG) which consist of three groups (G1, G2, G4) and five individual specimens. The groups are located on the northern and southern boundaries of the site. The individual specimens (T1-4) are located at intervals on the eastern boundary, with the exception of specimen T5 which is located centrally within the site.

The proposal includes the removal of four trees from the protected group on the northern boundary for arboricultural reasons. The Arboricultural Method Statement classifies the trees as falling within retention category U. Category U trees are specimens in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Consequently the removal of the trees is considered to be acceptable and it is not contested by Trees Team.

It is proposed to remove a single protected sycamore from the centre of the site. Whilst it is protected the tree falls within retention category C which is the categorisation assigned to unremarkable trees of very limited quality. The removal of the tree is necessary to facilitate the development and it is considered that its loss can be adequately compensated for by the proposed landscaping scheme. The removal of this tree is not contested by Trees Team.

It is proposed to remove a small group of trees consisting of overgrown sycamore, lilac, elder and privet to from the rear of properties on Kimberley Street to facilitate the development. The aforementioned trees are not protected and fall within retention category C. As such the removal of the trees is considered to be acceptable and it is not contested by Trees Team.

In respect of the retention of all remaining protected trees the developer has submitted an Arboricultural Method Statement which successfully demonstrates that, subject to the implementation and retention of tree protection measures throughout the course of development, the proposal will not result in harm to or loss of protected trees.

The proposed development would successfully preserve and enhance the contribution that trees make to the character of the site and the surrounding area in accordance with the requirements of policy EN5 of the Core Strategy.

Drainage

Policy EN7 of the Core Strategy deals with Flood Risk and states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is taken into account. Development proposals will also be required to seek to minimise run-off and for Greenfield sites run off should be no greater than the existing Greenfield overall rates.

The Lead Local Flood Authority (LLFA) has confirmed that they have no objection to the proposed development subject to the imposing of planning conditions.

It is suggested by the LLFA that planning conditions are required in order to secure full details and calculations of the proposed means of disposal of surface water drainage, as well as a maintenance and management plan for the drainage infrastructure. A further condition is suggested requiring the submission of details to prove that the downstream culvert structure is hydraulically suitable to accept the maximum pass forward flow of surface water from the development. Finally, it is suggested that a condition is imposed requiring the submission of full details of the proposed swales.

The majority of the aforementioned conditions were imposed on the outline planning permission, with the exception of the foul water drainage details and details of the hydraulic suitability of the downstream culvert. These remaining matters will be dealt with by imposing planning conditions. Subject to these conditions the proposed development is considered to accord with the requirements of policy EN7 of the Core Strategy.

Further Issues Raised by Representations

No affordable housing provision

The need to provide affordable housing was considered when granting the outline planning permission. The matter cannot be reconsidered as part of the current Reserved Matters application.

Loss of greenspace

The proposed layout would retain adequate greenspace which would be enhanced by a high quality landscaping scheme. The Parks and Greenspaces Team have raised no objection to the proposal and they have stated that the development will have a minimal impact on public open space in terms of the wider area.

Access from Leeds Road is inappropriate

The point of access into the site was established with the granting of outline planning permission. The matter cannot be reconsidered as part of the current Reserved Matters application

Additional traffic congestion on Ashlands Road

The impact of the development on the capacity and congestion of the highway network was considered in the assessment of the outline planning application. The matter cannot be reconsidered as part of the current Reserved Matters application.

Inadequate site lines at the site access

Highway visibility was considered in the assessment of the outline planning application. The matter cannot be reconsidered as part of the current Reserved Matters application.

Inadequate traffic calming in the local area

The need to provide improvements to the junction of Ashlands Road and Leeds Road as well as the provision of a new pedestrian crossing point, refuge island is required by a planning condition imposed on the outline planning permission. The matter cannot be reconsidered as part of the current Reserved Matters application.

No footpath provision on the site access road

A 2 metre wide footway would be provided on the site access road at the access and across the frontage of the veterinary surgery.

Inadequate parking

The level of parking provision would meet with the requirements of policy TR2 of the Core Strategy which, in conjunction with Appendix 4, requires the provision of an average of 1.5 spaces per unit across a residential development.

Garages are of insufficient size for parking provision

The garages have not been included in the assessment of off street car parking provision.

Increased flood risk for neighbouring residents

Flood risk was a key consideration in the determination of the outline planning application, at which time it was concluded that the proposal satisfactorily addressed the flood risk issues associated with the site. It was considered that the proposed development would ensure that off-site flood risks are not increased whilst mitigating flood risks to the proposed 14 houses and veterinary surgery to an acceptable level. Planning conditions were imposed to ensure the implementation of the necessary Flood Risk Mitigation measures. The Lead Local Flood Authority have raised no objection to the submitted reserved matters application subject to planning conditions

Swales will not assist with an already saturated site

The Flood Risk Assessment submitted in support of the outline planning application confirmed that surface water flooding occurs from south to north across the site. The Swales along the western, southern and eastern boundaries will intercept overland flows and convey them to the Public Open Space at the northern end of the site. A planning condition was imposed on the outline planning permission requiring the submission of details for the formation of the swales to ensure that they are fit for purpose.

There will be even more pressure on water treatment works directly to the north

Yorkshire Water have raised no objection in relation to the capacity of the water treatment works to the north of the site.

Raising the land level will result in the flooding of properties to the north on Kimberley Street.

In order to alleviate the risk of flooding, it is proposed to create a raised development platform in the southern part of the site. Swales are also proposed along the western,

southern and eastern boundaries. These will intercept shallow overland flow from Ashlands Road and Leeds Road and divert it around the perimeter of the raised site to the retained floodplain between the development platform and the northern boundary. These requirements are ensured by a planning condition imposed on the outline planning permission which requires that the flood mitigation works, including ground level changes, minimum FFLs and the formation of swales, shall be fully implemented in accordance with details which shall have first being submitted to and approved in writing by the Local Planning Authority. Consequently the raised development platform is not considered to increase flood risk to properties on Kimberley Street.

A tarmac surfaced road will only add to pressure on the surface water drainage system in the area.

The effect of the proposed development on surface water run-off volumes can be mitigated by the implementation of sustainable drainage principles. Specifically, by on-site attenuation with a restricted rate of discharge. This is ensured by a planning condition imposed on the outline planning permission which requires that details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, shall be submitted to and approved in writing by the Local Planning Authority. The condition specifically requires evidence that the surface water hierarchy has been properly considered; and the means by which the discharge rate shall be restricted to a rate of discharge to be agreed in writing by the Local Planning Authority.

The swales are shallow and end abruptly on the drawing. Where will the flood waters go.

The swales will intercept shallow overland flow from Ashlands Road and Leeds Road and divert it around the perimeter of the raised site. Full details of the proposed swales including their maintenance regime are required by a planning condition.

Community Infrastructure Levy

CIL Zone 1. The proposed development would generate a CIL payment of £153,329.37.

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, EN2, EN4, EN5, EN7, EN8, DS1, DS2, DS3, DS4, DS5 and the application is recommended for approval.

Conditions:

General

Time Limit

1. The Development to which this notice relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

Material Samples

2. 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.

Boundary Treatments

3. Prior to the first occupation of the dwellings hereby approved the boundary treatments as specified on the Proposed Boundary Treatment Plan reference P404 Rev B shall be provided in full and retained thereafter.

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

Landscaping Implementation

4. In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, the landscaping proposals and new tree planting shall be implemented at the site in accordance with details shown on the approved Soft Landscape Specification drawing reference MR18-052/101 Rev F.

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.

Highways

Provision of Access

6. Before any of the dwellings are occupied, 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 plans 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 and to accord with Policy TM19A of the Replacement Unitary Development Plan.

Provision of Off Street Parking

7. Before any of the dwellings are occupied, the off street car parking 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 except where otherwise approved in writing by the Local Planning Authority.

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

Drainage

8. Notwithstanding the details contained in the supporting information, the drainage works shall not commence until the downstream culvert structure is proven hydraulically acceptable to accept the maximum pass forward flow of surface water from the development restricted to a rate agreed with the Lead Local Flood Authority.

Reason: To ensure the provision of satisfactory drainage infrastructure in the interests of flood prevention and to accord with Policy EN7 of the Core Strategy Development Plan Document.