

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 20<sup>th</sup> August 2020

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**AI**

## **Subject:**

Planning application reference 19/00675/MAF - A full planning application for the conversion of a public house into 8 apartments and construction of 10 dwellings within the grounds of the Sun Inn, Bradford Old Road, Cottingley.

## **Summary statement:**

This application seeks planning permission for a residential development at the Sun Inn, Cottingley, consisting of the conversion of the existing public house building into 8 apartments and the construction of 10 new-build dwellings on the surrounding land.

The site is not allocated for any specific land-use purposes in the Replacement Unitary Development Plan. However, the application has been assessed against all relevant local and national planning policies and is considered to meet the requirements of the relevant planning policies and is therefore suitable for the residential development.

The application is therefore recommended for approval subject to the conditions detailed within the technical report and a legal agreement to secure the provision of 20% of the units for affordable housing, or for the payment of an equivalent commuted sum.

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**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

# Report to the Regulatory & Appeals Committee

## **1. SUMMARY**

This application seeks planning permission for a residential development at the Sun Inn, Cottingley, consisting of the conversion of the existing public house building into 8 apartments and the construction of 10 new-build dwellings on the surrounding land.

The site is not allocated for any specific land-use purposes in the Replacement Unitary Development Plan. However, the application has been assessed against all relevant local and national planning policies and is considered to meet the requirements of the relevant planning policies and is therefore suitable for the residential development.

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## **2. BACKGROUND**

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application

## **3. OTHER CONSIDERATIONS**

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

## **4. FINANCIAL & RESOURCE APPRAISAL**

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

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

No implications.

## **6. LEGAL APPRAISAL**

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

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between

people who share a protected characteristic and people who do not share it. For this purpose, section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

## **7.2 SUSTAINABILITY IMPLICATIONS**

No significant issues raised. The site is located within a relatively sustainable location in that it is located within walking distance of facilities including retail, recreation, employment and education as well as having access to bus services.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

A condition is recommended requiring the inclusion of electric vehicle charging points, in accordance with the Council’s Low Emissions Strategy.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. All community safety implications material to the determination of this application are included in the technical report at Appendix 1.

## **7.5 HUMAN RIGHTS ACT**

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

## **7.6 TRADE UNION**

None.

## **7.7 WARD IMPLICATIONS**

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

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

None.

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None.

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

None.

**8. NOT FOR PUBLICATION DOCUMENTS**

None.

**9. OPTIONS**

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

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case planning reasons for refusal will have to be given based upon development plan policies or other material planning considerations.

**10. RECOMMENDATIONS**

The application is recommended for approval, subject to the conditions and a Section 106 legal agreement as set out in Appendix 1.

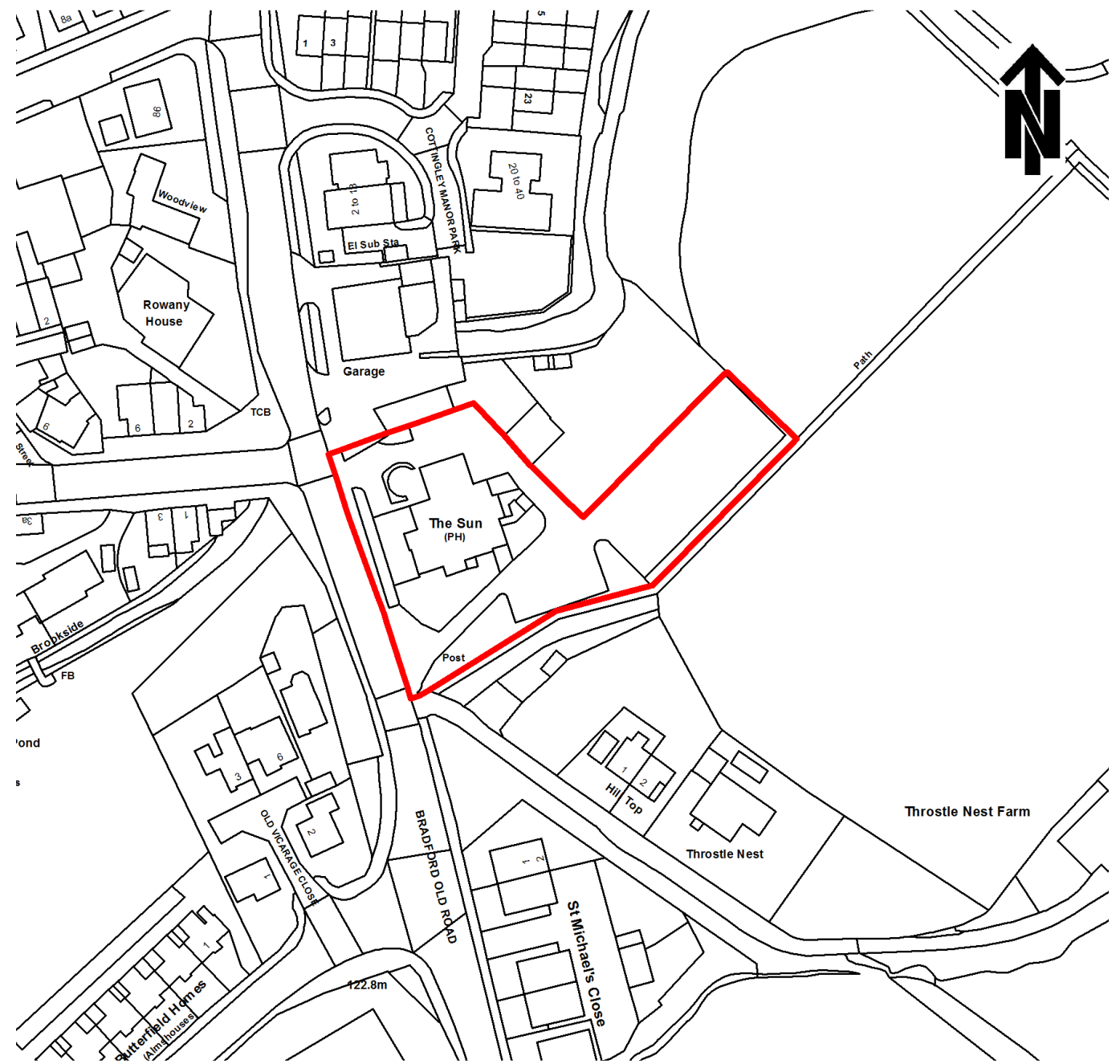
**11. APPENDICES**

Appendix 1 Technical Report

**12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy Development Plan Document  
Replacement Unitary Development Plan

**19/00675/MAF**



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**Sun Inn  
Bradford Old Road  
Cottingley  
Bingley BD16 1SA**

Appendix 1  
20<sup>th</sup> August 2020

**Ward:** Bingley Rural

**Recommendation:**

That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

**Heads of Terms of the Legal Agreement:**

1. Affordable housing provision – 20% units as affordable housing

**Application Number:**

19/00675/MAF

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

A full planning application for the conversion of the public house into 8 apartments and construction of 10 residential dwellings within the grounds of the Sun Inn, Bradford Old Road, Cottingley, Bingley, BD16 1SA.

**Applicant:**

M Zaidi (Sun Inn Developments)

**Agent:**

Josh Harling (C49 Architecture Ltd)

**Site Description:**

The site comprises the Sun Inn public house and its surrounding landscaped areas and car park, off Bradford Old Road, Cottingley, and extends to approximately 0.4 hectares. The site is located towards the eastern edge of Cottingley adjacent to Bradford Old Road near the roundabout with Cottingley Moor Road and Cottingley Cliffe Road. The surrounding area is primarily residential although directly to the north is a petrol station and tyre garage, and to the east and south of the site are open fields, which sit within an area of Green Belt.

**Relevant Site History:**

N/A

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

The National Planning Policy Framework is 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.

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any concern related to this provision is addressed in detail later in this report.

### **Local Plan for Bradford:**

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents.

The site is not allocated for any specific land-use purposes in the Replacement Unitary Development Plan, however, land directly to the east of the site is defined as Green Belt on the RUDP. Accordingly, the following Replacement Unitary Development Plan and adopted Core Strategy policies are applicable to this proposal.

### **Replacement Unitary Development Plan Policies:**

NE3 Landscape Character Areas

### **Core Strategy Policies**

P1 Presumption in Favour of Sustainable Development

SC1 Overall Approach and Key Spatial Priorities

SC4 Hierarchy of Settlements

SC8 Protecting the South Pennine Moors

SC9 Making Great Places

PN1 South Pennine Towns and Villages

PN2 Investment Priorities for the Pennine Town and Villages Sub Area

HO3 Distribution of Housing Development

HO5 Density of Housing Schemes

HO6 Maximising use of Previously Developed Land

HO8 Housing Mix

HO9 Housing Quality

HO11 Affordable Housing

ID2 Viability

ID3 Developer Contributions

DS1 Achieving Good Design

DS2 Working with the Landscape

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

EN2 Biodiversity and Geodiversity

EN3 Historic Environment



EN4 Landscape  
EN5 Trees and Woodlands  
EN7 Flood Risk  
EN8 Environmental Protection  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
TR4 Transport and Tourism  
TR5 Improving Connectivity and Accessibility

### **Homes and Neighbourhoods - A Guide to Designing in Bradford 2020 SPD**

As a supplementary planning document, it supports the local plan policies and advances the Government's agenda by putting high-quality design, healthy & happy communities, and inclusive design principles, at the forefront of market-appropriate and financially viable new housing in Bradford district.

The SPD outlines a number of principles when creating a neighbourhood:

Density and scale  
Movement  
Green streets  
Safe and characterful streets  
Open space  
Water and drainage  
Landscape  
Biodiversity  
Play  
Housing mix  
Topography and ground conditions  
Roofs and building forms  
Key buildings and corners  
Parking  
Waste  
Making inclusive places

### **Parish Council:**

*Bingley Town Council* – Recommend that the application be refused on the following grounds:

- Loss of a community facility, with no equivalent facility nearby
- Impact of increased traffic in what is already an area with issues related to the volume of traffic
- Over development, the layout and density and overcrowding on the site
- Concern that the development doesn't comply with local and national planning policies
- Loss of trees and the adverse impact on nature and wildlife
- Concerns about drainage of surface water (SUDS)

If Bradford Council are minded to approve this application Bingley Town council would recommend the following conditions:

- That a TRO be produced
- That the fence/wall to the public footpath be maintained in perpetuity
- That electric vehicle charge points be provided for all properties.

### **Publicity and Number of Representations:**

The application was publicised by press notice, site notice, and neighbour notification letters. The expiry date for the publicity exercise was 3<sup>rd</sup> July 2019.

The local planning authority has received 119 representations, comprising 92 objections, including an objection from the local MP, and 25 in support. These representations are summarised below.

### **Summary of Representations Received:**

#### Objections

##### *Public house/Community use*

- Pub should remain in a community use e.g. as a hotel, tearoom, restaurant, social venue, veterinary surgery or doctors.
- The Sun Inn has long been at the heart of the community.
- The Sun Inn provided a meeting place for local residents, groups, sports teams, charity groups and associated events.
- Its loss would be felt throughout the village and would isolate vulnerable members of the community.
- Pub was well attended and viable until it has been mismanaged/purposely run down to ensure its closure for redevelopment. Could be successful if properly managed again.
- Intentionally run down to get around viability rules for conversion to housing.
- CAMRA public house viability test indicates that the pub should be economically viable and there is potential for its growth.
- The Sun is protected by law whether an ACV or not.
- The only other pub in Cottingley does not serve food and has restricted opening hours.
- No other pubs within walking distance serve food.
- Vital this facility is retained to serve the growing community.
- Application should be refused and the Sun Inn reopened as a pub.
- Strategic Core Policy 4 states that decisions should retain and improve local services and facilities. Does not meet the tests set in RUDP policy CF5.
- NPPF requires LPA to retain local services and community facilities.
- There has been a public house on this site for over 400 years so there is historic value in the existing use/building.
- The Sun Inn holds as much prestige in Bradford's history as the Bronte Sisters and Saltaire Village.
- Mel Gibson used the Sun Inn for meetings whilst filming locally; the Council should not ignore this as Bradford is a UNESCO City of Film.
- The Sun Inn also features in a novel, which broadens its cultural importance.
- Should not allow its loss to satisfy property developers.
- Loss of heritage for new builds.
- Loss of employment in the local area and for young people.
- Any construction jobs would only be temporary.

##### *Housing*

- There is no national shortage of housing – there are plenty of empty properties.
- Do not need more houses or apartments.
- Already lots of houses for sale or rent close to this site - no demand for housing
- There are enough affordable houses in the area.

## Report to the Regulatory & Appeals Committee

- Cottingley should remain as a village, not expanded into a town.
- Proposed development will be unsustainable.
- Area has been swamped with new houses and destruction of local buildings.
- Houses do not sell immediately despite comments to the contrary.
- Other more suitable sites for new homes in the area.
- Loss of Green Belt.
- Overdevelopment.
- Loss of green space constituting garden grabbing.
- Why is every empty building or spare land converted into housing.

### *Highways*

- Existing parking and congestion problems at school drop off/pick up.
- Loss of parking - Pub car park used by parents during the school run, which has resulted in on-street parking and obstructions on footpaths.
- Inappropriate level of parking and incorrect standards stated in application.
- Traffic associated with the pub would have been spread throughout the day whereas housing traffic would be focussed on the AM and PM peaks.
- Road is dangerous with cars parking in the bus stop and along nearby access roads.
- Recent and approved developments nearby make this proposal unviable due to the level of traffic generation.
- Extra traffic will lead to more accidents.
- Infrastructure in Cottingley already struggles with existing number of homes.
- Retention as a pub would reduce traffic problems.
- Emergency vehicles struggle to use Bradford Old Road due to congestion.
- Existing public transport provision is unreliable and infrequent.
- Congestion and disruption during construction works.
- Closure results in people having to travel further to other pubs, thereby increasing traffic.

### *Visual Amenity*

- Buildings would be aesthetically out of keeping with the area.
- Site is surrounded by Victorian houses; modern houses would detract from this.
- Impact on adjacent listed sun garage.
- Destruction/demolition of Bradford's finest old buildings - loss of heritage.
- Limited assessment of the visual impact of the proposed development.
- Proposed Upvc windows to replace existing wooden and metal framed windows.
- Visual impact and intrusion of proposed new build houses.
- New houses will be close to the public footpath and adjacent Green Belt.
- No dimensions indicated on the drawings so difficult to accurately assess the visual impact.

### *Residential Amenity*

- Loss of privacy.
- Overlooking.
- Intrusive for neighbours.
- Noise and disruption during construction.
- Health and community safety implications.

### *Trees*

- Was the arboricultural impact assessment prepared before or after a number of trees were felled in the car park.

- Pre-emptive tree felling on site despite TPOs.
- How many more trees will be lost.
- Area scarred by tree felling.

#### *Environment and Ecology*

- Ecological impact assessment does not accurately represent the existing situation or proposed development. How do they know it will have a positive impact?
- Adverse impact on the environment.
- Harm to local wildlife.
- Possibility of bats within the existing building.
- Impact on air quality.
- Increase in pollution.
- No evidence to support claims that the development will reduce pollution.

#### *Other*

- Do the proposed flats meet the required standards (building regulations)?
- Antisocial behaviour and fly tipping only started when the present owners shut it down and removed trees.
- Numerous fires and burning of tyres on site.
- Local schools already full.
- Local residents object to the plans. Support comments from those outside the area.
- Strain on doctors, dentists, schools, and other local services.
- Boundaries differ between submitted site plan(s), land registry records, and the Council's site notice map. These errors are considered to invalidate the planning application.
- Application notification process is flawed and given insufficient opportunity for people to be made aware and respond to the application. Application is therefore invalid.

#### *Support*

- Shortage of housing.
- Difficult to find houses for sale in the area.
- Properties always sell quickly and there is lots of competition.
- Retention and reuse of the existing building is positive.
- Building might otherwise have been left derelict and prone to antisocial behaviour.
- More housing needed in the area.
- Good mix of apartments, townhouses and detached dwellings.
- Development is an opportunity for first time buyers.
- Area is good for schooling.
- There are other well established pubs nearby.
- Antisocial behaviour, violence, and drunken behaviour.
- Will help keep construction workers employed.
- Proposal will not increase traffic.
- Proposal would not affect wildlife in the area.
- Some religious groups cannot partake in pub activities.
- Community cohesion better established through over facilities and events in the locality.
- Drinking facilities may encourage unhealthy drinking habits and add to public health issues such as cancer.
- People will benefit more from residential opportunities that this site can enable.

#### *Philip Davies MP*

I have been contacted by local residents and share their concerns at this proposal

because:

1. The pub has been very much missed by local people since its closure last November as there are no other family pubs serving food nearby.
2. Cottingley has had an abundance of new housing in recent years causing considerable traffic congestion in the local area and beyond - more houses would make this situation worse.
3. The existing pub building is in keeping with the local area and should be preserved. Modern housing would be out of place in this location.
4. The design and number of properties represents overdevelopment of the site.

#### *Airedale NHS Trust*

The Airedale NHS Trust seeks a contribution of £11,515.24, which will go towards the gap in funding created by each potential patient from this development in respect of acute and planned healthcare. The Trust's response provides a detailed explanation and calculation for this contribution request. Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

#### **Consultations:**

*Biodiversity* – An ecology appraisal is required, in the form of a Preliminary Ecological Appraisal. This should address any potential impact on protected species from the conversion of the building and within the wider site (including the adjacent beck) and wider countryside. Some pre-emptive vegetation clearance has taken place on the site; this has been undertaken to facilitate development and therefore the impact of this needs to be taken into consideration and fully mitigated. Information needs to show the development is in line with the NPPF. A calculation of net loss, using a recognised biodiversity accounting tool, is required and a net gain demonstrated using the principal of the mitigation hierarchy as described above. This needs to be based on habitats which were present prior to vegetation clearance.

*Biodiversity (update)* – Although an ecological impact assessment (EclA) has been provided and bat surveys undertaken on the building, the plans and documents within the application provide no evidence of any of the mitigation or enhancements suggested in the report being included within the scheme. The land is likely to have had some priority riparian woodland to the west of the site (possibly partly felled prior to the application being submitted). This woodland may well support species of principal importance or protected species. The result will be likely to be a net loss for biodiversity and therefore not in line with the NPPF (or ecology report). The applicants need to submit a landscape plan showing where all the promised enhancement and mitigation will be incorporated (e.g. in section 5 and 6 of the EclA) and a method statement showing how the construction will be managed. An assessment for net gain can then be provided using an accepted metric. If this is acceptable then a long term Landscape and Ecological Management Plan may be conditioned, if appropriate.

*Development and Enabling* – Cottingley is within the Bingley Rural Ward and has a 20% affordable housing requirement. For 18 units that is 3.6 units, so we would require 3 units from the total of 18 units to be affordable provision. As the 10 dwellings on land that was the car park are houses, we would expect 3 houses overall (of the 18 total).

*Drainage* – No objection to the proposed development subject to a series of suggested conditions and informatives to secure appropriate details and their implementation as part of the development.

*Environmental Health (land quality)* – Agree with the recommendations presented in the Ground Investigation by Sub Surface North East Limited and recommends that conditions are included on any approval to ensure appropriate land quality of the future development.

*Environmental Health (air quality)* – Proposed development is a minor development for the purpose of the emission mitigation, which requires the provision of electric vehicle charging points. No exposure assessment is required as the existing building is set well back from the highway and unlikely to experience elevated concentrations of traffic pollutants. The throughput of the adjacent petrol filling station is well below that which would require further assessment for hydrocarbon exposure and there are no records of complaints about odour from the petrol station. Suggested conditions if approving the application.

*Highways* – Cannot support the proposal in its current form. The access road serving the 10 dwellings should be laid out as an adoptable road from its junction with Bradford Old Road in order to provide an acceptable two-way access and allow servicing of the dwellings to be carried out such as refuse collection. The footways from Bradford Old Road should enter the site on both sides of the access and then taper into the carriageway after a ramp across the access (see Street Type 3b in the Leeds Street Design Guide document). Visibility splays of 2.4m x 43m should also be demonstrated at the junction with Bradford Old Road. The northern entrance should be "IN ONLY" with residents from the apartments exiting onto the 'adoptable' road. At least one parking space should be provided for each apartment. The bin storage area for the apartment block should also be shown.

*Highways (update)* – Revised site plans need further amendments to redesign the entrance to the main road to encompass larger radii, ideally of 6 metres and to smooth the transition from road to shared surface. The steps from the existing building onto the shared surface road should be better integrated, as should the layout of various other kerbs, particularly around turning areas/bends.

*Landscape Design* – The proposed development is within the boundary of the Airedale landscape character area. Development could be considered moderate in terms of the character assessment of the area though the site is visible on the south side, although this will be mitigated by additional tree planting. There would be a preference to retain existing trees wherever possible and the proposed site plan shows this has been taken into consideration. There appears to have been some removal of trees recently. Should planning permission be granted then a scheme of hard and soft landscaping should be submitted for approval.

*Rights of Way* – Public footpath Bingley 4 abuts the site. Provided that the specified requirements are followed, there are no comments to make on the proposals (requirements to be included as an informative).

*Trees* – Numbers of trees were removed from the site prior to the application in order to

facilitate development. The removed trees were part of the woodland belt that continues to the north east of the application site. Policy EN5 requires developers to contribute to woodland cover not pre-emptively remove it when their retention may be a constraint to develop a site. The layout only allows for inconsequential planting and there can be no real mitigation for the pre-emptive loss of amenity. There is no likelihood of vegetation G6, G7, G8 being retained short or long term. Open or uncovered parking bays under T5 is unacceptable and will likely lead to requests to lop or fell. Similarly, with the parking under T16.

Plots 9 and 10 poorly relate to the adjacent trees and there are concerns that the trees were not considered despite the contrary assertion in the D&A statement. For instance, the housing is at very close quarters, under a canopy spread of one and various windows look square on and into canopies with little outlook. There is also no evidence that the shade cast from the buildings in combination with the tree overhang was considered in regard to the garden space which makes private amenity space substandard. This poor relationship will lead to irresistible pressure to lop or fell more trees of visual amenity value and further reduce in the size of the remaining woodland belt.

No information is supplied on existing and proposed levels, underground services, landscaping and patios, etc. and it is not demonstrated how the split levels would work and/or retain tree RPAs and construction exclusion zones. The turning head and access re-alignment cuts well into the RPA of T11 and within RPA of T12. This is not arboriculturally acceptable.

A contributory factor in the poor relationship to trees is because the tree constraints were not properly considered (after the pre-emptive loss). This is demonstrated by the fact that the layout predates the tree survey. The process as defined by BS5837:2012 was therefore not followed. An attempt to mitigate poor relationship etc. via an Arboricultural Impact Assessment after the fact and, for instance, generic method statement will not overcome the issues highlighted above and the issues cannot be overcome by condition.

*West Yorkshire Combined Authority* – Bus services operate on Cottingley New Road include the 680 which operates between Bradford and Bingley at a 60-minute frequency and the 615 which operates between Bradford and Cottingley at a 30-minute frequency. The bus availability for the site is therefore considered to be acceptable. The development should fund the installation of a bus shelter at the closest bus stop at a cost of £13,000. To encourage the use of alternative modes of transport to the car, the developer should also fund a package of sustainable travel measures such as bus only Residential MetroCards at a cost of £9,009.

*West Yorkshire Police Architectural Liaison* – Suggested a series of security measures that could be implemented across the development to reduce the opportunity for crime and anti-social behaviour. Measures include window and door security, external lighting, gated access, boundary treatments, bin storage, surveillance of garden and parking areas, and access control and mail delivery for apartments.

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

1. Principle of development (incl. asset of community value)
2. Housing density

3. Housing mix
4. Design, landscape, and trees
5. Residential amenity
6. Highway and pedestrian safety
7. Heritage implications
8. Drainage and flood risk
9. Biodiversity
10. Land quality
11. Planning obligations
12. Other planning matters
13. Community safety implications
14. Outstanding matters raised by representations

## **Appraisal:**

### **1. Principle of development**

The proposal seeks permission for the conversion of the Sun Inn, Cottingley into 8 apartments and the construction of 10 dwellings within the surrounding grounds. The site extends to 0.4 hectares and comprises the existing three storey public house building (The Sun Inn), together with its car park, surrounding landscaped areas, and two access points onto the main road.

The site is located towards the eastern edge of Cottingley adjacent to Bradford Old Road near the roundabout with Cottingley Moor Road and Cottingley Cliffe Road. The surrounding area is primarily residential although directly to the north is a petrol station and tyre garage, and to the east and south of the site are open fields, which sit within an area of Green Belt.

#### *Housing delivery*

In terms of assessing the proposed residential development, Paragraph 59 of the revised NPPF continues to stress the need for Local Planning Authorities to boost significantly the supply of new housing. The Core Strategy reiterates this strong policy support for delivering new housing and emphasises that housing delivery is one of the key issues facing the district.

Paragraph 73 of the NPPF directs that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the identified housing requirement as set out in adopted strategic policies, or against the local housing need where strategic policies are more than five years old. Where there has been a record of persistent under delivery of housing the LPA should identify an additional 20%.

The Council's Five Year Housing Land Statement (2018-2023) indicates that there is a substantial shortfall in housing land relative to the aforementioned requirements with a current supply of 2.06 years. Under these circumstances paragraph 11 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date.



In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District.

Core Strategy Policy HO3 identifies a need for 200 dwellings in Cottingley, so the development of 18 dwellings comprising a mix of one, two, and four bedroom properties would therefore make a modest, but helpful, contribution towards meeting the district's identified housing need and would make use of previously developed land. The applicant has also confirmed their intention to provide a policy compliant level of affordable housing, which equates to 3 affordable units, which will be secured by s106 agreement.

The relatively sustainable location of the site, the absence of a five-year housing land supply, and the use of previously developed land, weigh heavily in favour of accepting the principle of development.

### *Asset of Community Value*

During the course of the application, the Council received a nomination to list the Sun Inn public house as an Asset of Community Value (ACV) under the Localism Act 2011. On 15<sup>th</sup> January 2020, the Shipley Area Committee approved the recommendation to list the Sun Inn as an ACV, and it gained formal approval as an Asset of Community Value on 20<sup>th</sup> January 2020.

The primary purpose of the ACV regime is to afford the community an opportunity to purchase a property or land when it is offered for sale by the owner. When an owner intends to dispose of a listed asset, they must first give formal notice to the Council under the ACV regime. This initiates a six-week moratorium on disposal during which local community groups and parish councils are able to express an interest in bidding for the property. If an expression of interest is received, the initial six-week moratorium extends to six months to allow preparation of a bid for the property or to negotiate with the property owner. It should be noted that at the end of the six-month period, the owner is able to sell the property to whoever they want and is under no obligation to accept an offer by a community group.

The listing of property as an ACV does not prevent an owner of such property from making any planning applications and the LPA can determine those applications in the normal manner. However, ACV status can be a material planning consideration and the weight afforded to such consideration is a matter of planning judgement, but ACV status is not intended to prevent an otherwise acceptable development.

It is noted that a number of representations make the point that the pub was well used by local residents, community groups, and for community events. Whilst the Sun Inn might have been a popular venue, serving various roles as described by the representations above, the application has submitted a letter from a chartered surveyor, who confirms that the property was openly and fully marketed by a national pub agent. The letter goes on to confirm that 'a significant period of time for marketing was allowed and...no interest was received to acquire the property at a realistic price, as a trading entity.'

The letter indicates that to bring the pub to modern standards in terms of delivering a modern food offer and dining, would require significant investment. All fixtures, fittings and

trade items were removed from the building and, therefore, to bring the pub back into operation would require a full and total refit in the region of £150,000. The accompanying letter suggests that revenues were declining for some time before closure and it was no longer viable to continue trading.

The information submitted in support of the application suggests that it was no longer viable as a going concern and that the previous operator had undertaken a marketing exercise to enable its continuation as an operating pub under different ownership, but that this had not been successful. Based on the marketing efforts undertaken before the sale of the premises to the applicant, it would seem reasonable to conclude that alternative pub chains/operators do not consider the Sun Inn a viable longer term prospect and the likelihood of the pub use restarting is limited.

The updated Design and Access Statement comments that there is an alternative pub within Cottingley and that the Sun Inn was closed before being bought by the applicant as a vacant building.

A representation submitted by CAMRA includes a detailed assessment of pubs within a two-mile radius of the Sun Inn. This finds that although there is another public house in Cottingley – the Throstles Nest – this provides limited drinks options, does not serve food, and has limited opening hours. The CAMRA assessment finds that there are approximately 50 pubs located within a two-mile radius of the Sun Inn and that nine of these are considered to provide equivalent facilities to the Sun Inn (four in Bingley, one in Saltaire, two in Shipley, one in Heaton, and one in Wilsden).

The Council's Core Strategy does not include any specific policy requiring the retention of public houses or other such community uses, but Strategic Core Policy SC4 does state that in the Local Service Centres the emphasis will be on a smaller scale of development comprising both market and affordable housing, together with the protection and enhancement of those centres as attractive and vibrant places and communities, providing quality of place and excellent environmental, economic and social conditions. It goes on to state that planning decisions should seek to retain and improve local services and facilities. Paragraph 92 of the NPPF also promotes the provision of social, recreational and cultural facilities and services, and states that planning decisions should plan positively for the provision and use of community facilities, including public houses. Additionally, paragraph 83(d) of the NPPF, which relates to supporting a prosperous rural economy, states that planning decisions should enable the retention and development of accessible local services and community facilities, such as...public houses.

Although the retention of the Sun Inn would be desirable and is encouraged by Core Strategy Policy SC4 and the NPPF, based on the information submitted in support of the application – that the public house is unviable - and considering the existence of another public house and facilities within Cottingley, together with a number of other pubs nearby, it is considered that on balance, the adverse implications associated with the loss of the Sun Inn is outweighed by the delivery of both market and affordable housing on this site.

## **2. Housing density**

The development site has an area of approximately 0.4 hectares and proposed the construction of 10 dwellings and conversion of the existing building into 8 apartments,

which achieves a density of approximately 45 dwellings per hectare. This exceeds the minimum density promoted by Core Strategy HO5, which indicates that developments should normally achieve a minimum density of 30 dwellings per hectare. Detailed density targets applying to specific sub-areas will be set out within the Allocations DPD, although at present 30dph is the target minimum density.

On this basis, the proposal is considered to present an acceptable housing density in accordance with the requirements set out within policy HO5 of the Core Strategy DPD.

### **3. Housing mix**

Policy HO8 of the Core Strategy seeks to ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. The policy identifies that there is a need for a variety of housing across the district in terms of the type, size, price, and tenure. Until the adoption of the Land Allocations DPD, there is no detailed guidance available on housing mix, although Policy HO8 promotes a particular emphasis on family housing.

The proposed development would provide a range of one and two-bedroomed flats and ten 4-bedroomed dwellings, although it is noted that the 4-bedroom dwellings include 2 study rooms, which could be used as additional bedrooms, thereby effectively creating 5 or 6 bedroom dwellings. Nevertheless, the proposal will contribute towards meeting the objectives of providing a mix of house types, sizes, and creation of family homes, thus meeting key requirements of policy HO8.

### **4. Design, landscape, and trees**

The Core Strategy DPD and Revised NPPF require that development proposals make a positive contribution to achieving good design and high quality places. Core Strategy Policy SC9 directs that development proposals should take opportunities to improve areas, create a strong sense of place, and provide a well-connected network of attractive routes and spaces.

Policies DS1, DS2, and DS3 of the Core Strategy DPD set out a number of criteria against which the LPA will assess development proposals. The criteria include that, among others, proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details, materials, and landscaping.

The site lies within the Airedale Landscape Character Area and therefore Policy EN4 of the Core Strategy is relevant. This requires that development proposals should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District.

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

The Council has recently adopted a design guide titled 'Homes and Neighbourhoods: A Guide to Designing in Bradford'. This SPD sets out the Council's priorities and detailed design guidance for residential developments. The SPD now carries weight when

assessing planning applications for residential development. The SPD details the Council's expectations and helps to identify schemes that deviate significantly from expected design standards and opportunities.

The recently published National Design Guide supports the NPPF's renewed focus on improving design and supplements design guidance contained within the Government's planning practice guidance.

The proposed development comprises of two elements, firstly the conversion of the existing building into apartments and secondly the construction of new-build dwellings within the surrounding grounds.

Turning first to the conversion of the existing building, the plans indicate the provision of 8 apartments arranged across three floors, with 2 two-bedroom apartments and 6 one-bedroom apartments. The conversion includes relatively minor alterations to the exterior of the building. A small first floor extension and roof terrace is proposed above the existing single storey extension to the side of the building. The development will maintain the existing window and door openings, albeit subject to the installation of modern windows and doors. New and replacement materials will match those of the existing building and a suitably worded condition can require the approval of any new materials to ensure a consistent appearance. The proposed alterations will maintain the character and appearance of the existing building and will not detract from its appearance within the local area.

The second part of the proposal consists of the construction of ten dwellings within the grounds of the public house. The general layout, design, and appearance of the proposed dwellings are acceptable. The development will introduce a row of seven 3-storey terraced dwellings, one detached dwelling, and a pair of semi-detached properties.

The new-build properties will be set back from the highway, behind the existing public house and will therefore be of minimal visibility from the public highway. They will have a relatively contemporary design, including large glazed bay windows to their frontages and large windows across their rear elevations. The proposed development will achieve a quality design and appearance, which will retain the existing protected trees. Further planting is proposed and the Council's Landscape Architect confirms that although the site will be visible from the south this will be mitigated by additional planting.

It should be noted that although a number of trees and low-level vegetation have been removed from the site, this occurred prior to the submission of this planning application and did not include the removal of any protected trees. Therefore, the pre-emptive site clearance did not require consent. Nevertheless, any approval should require the submission of a scheme of hard and soft landscaping to ensure appropriate planting is introduced, particularly around the site boundaries to help soften its visual impact from surrounding viewpoints and ensure the development sits comfortably within the local environment and does not adversely affect landscape character.

Overall, the development will achieve an acceptable design and result in an improvement in the general character and appearance of the site and its connection with the wider area. Appropriately worded conditions should be appended to the decision notice regarding approval of materials and landscaping and, subject to compliance with such conditions,

the development is considered acceptable in terms of its impact on the local environment.

## **5. Residential amenity**

Policy DS5 of the Core Strategy DPD and the NPPF require that development proposals make a positive contribution to quality of life through high quality design and that developments should not harm the amenity of existing or prospective users and residents.

Policy HO9 of the Core Strategy identifies that a key objective for the District is to ensure that new housing creates popular neighbourhoods with high standards of quality and design. It is important that new housing is designed to create sustainable, high quality places where people aspire to live, and which supports strong communities and healthy lifestyles.

The proposed apartment conversions would meet the basic principles set out in the Homes and Neighbourhoods design guide. Most of the apartments would exceed the minimum internal floor areas specified in the Nationally Described Space Standards, although three of the one-bedroom apartments only meet the space standards for single occupancy one-bedroom dwellings. Nevertheless, this is considered to be an acceptable solution for the conversion of the building. All apartments provide an acceptable level of accommodation, with habitable rooms including windows, some dual-aspect, to provide appropriate light, outlook, and ventilation.

In terms of the proposed new-build dwellings, the layout demonstrates a reasonable relationship between properties. Dwellings would maintain appropriate separation distances and would not adversely affect the amenity of residents. Some garden areas are relatively small for the size of property they would serve, but they would nevertheless still provide adequate outdoor space and would not feel particularly enclosed as they face towards open fields.

The closest existing neighbouring residential properties are sufficiently distant to avoid any adverse implications for their amenity resulting from the development. It is also noted that directly north of the site is a petrol filling station (open 6:45am to 9pm) and a tyre fitting garage (open 9am to 5:45pm). Environmental Health confirm that there are no issues in terms of exposure to pollutants and there are no records of complaints about odour from the petrol station. Given the history and opening hours of the adjacent businesses, it is considered unlikely that there will be any significant adverse noise or other disturbances to future occupants.

The proposed development will not create adverse living conditions and is acceptable in terms of the impact on residential amenity, thereby compliant with policies DS5 and HO9 of the Core Strategy DPD, the Homes and Neighbourhoods SPD, and the NPPF.

## **6. Highway and pedestrian safety**

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

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraphs 108 and 110 of the NPPF confirm that development should be designed to minimise traffic and highway safety implications.

Core Strategy Policy TR1 requires that developments should aim to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability. Policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, and meet the needs of disabled and other groups whilst improving quality of place. Appendix 4 provides indicative parking standards for new developments and Policy DS4 sets out design criteria for streets and car parking, indicating that developments should support the overall character of the place and take a design led approach to car parking.

Policies TR3 and DS4 of the Core strategy require that development proposals should take the opportunities to encourage people to walk, cycle and use public transport through, amongst other things, creating a network of routes which are well overlooked and convenient, connecting to existing street and path networks and integrating existing footpaths/cycle routes on the site into the development.

The proposal has undergone various revisions in response to comments raised by the Council's Highways Engineer regarding a number of technical design matters in both the original and updated highways consultation responses. The revised site plan now shows that the access has been laid out to adoptable standards from its junction with Bradford Old Road, which now provides an acceptable two-way access and appropriate visibility splays at the site entrance. The site plan now indicates an appropriate turning facility, which allows for servicing of the dwellings to be carried out, including for refuse collection, footways leading into the site, a bin storage area, and the number of parking spaces is sufficient for the development.

The site is located in a relatively sustainable location with shops and services within close proximity and regular bus routes operating between Bradford and Bingley. As such, occupants will not be reliant upon private car ownership to access day-to-day facilities. In order to facilitate the ownership and use of electric vehicles, a condition should be appended to the decision requiring the installation of an electric vehicle charging point for each property.

It is noted that a number of objectors raise concerns regarding use of the existing car park by parents during school drop-off/pick-up. However, the site is

The revised site plan provides an acceptable scheme in terms of the access points onto Bradford Old Road, internal access and turning facilities, and sufficient off-street parking to serve future residents. The development will not result in the generation of a significant level of traffic movements and the overall impact of the proposed development on highway

safety is therefore acceptable in accordance with the abovementioned policies.

## **8. Heritage implications**

Core Strategy Policy EN3 relates to developments affecting the historic environment. This policy requires that developments, among other things, preserve, protect, and enhance the character, appearance, and historic value and significance of heritage assets; this would include the conservation area, listed building, and setting of nearby listed buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 193 of the National Planning Policy Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Although several objections refer to the loss of heritage or potential impact on the adjacent listed sun garage, it should be noted that neither the existing public house building nor the adjacent garage are designated heritage assets. The application site is not within the setting of any designated heritage assets. The nearest heritage asset is Cottingley Town Hall (Grade II listed) to the west, which is approximately 80 metres away and separated from the site by Bradford Old Road and existing built form. Approximately 300m to the East of the application site is a small cluster of farm buildings and cottages, which includes New Close Farm (Grade II listed) and Barn at New Close Farm (Grade II\* listed).

Due to the separation distance, topography, and intervening built form and landscape between the application site and the nearest heritage assets, the proposed development is not considered to cause harm to their setting. The proposal does not present any adverse heritage implications and is therefore acceptable when considered against the requirements of the abovementioned policies and legislation.

## **9. Drainage and flood risk**

Paragraph 163 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where it meets the five criteria set out within paragraph 163.

Paragraph 165 of the NPPF sets out the importance of the use of sustainable drainage systems for major developments and requires that the systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

At the local level, the objectives of the NPPF are reflected in Policy EN7 of the Core

Strategy, which 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.

The site is located within flood zone 1, which is the lowest category of flood risk. The site extends to 0.4 hectares and therefore falls below the 1-hectare threshold for requiring the submission of a flood risk assessment.

The Council's Drainage Engineer has reviewed the submitted information and confirmed that there are no objections to the proposed development subject to compliance with suggested conditions. Therefore, in order to ensure the appropriate drainage of the site, the decision should include appropriately worded conditions to require the approval of a scheme for foul and surface water drainage and a maintenance plan for surface water drainage scheme.

Subject to the approval of appropriate details and implementation of such drainage systems, the proposed development is considered acceptable and does not present any significant concerns for drainage or flood risk.

## **10. Biodiversity**

Core Strategy Policy EN2 states that proposals should contribute positively towards the overall enhancement of the District's biodiversity resource. They should seek to protect and enhance species of local, national, and international importance and to reverse the decline in these species. The Council will seek to promote the creation, expansion, and improved management of important habitats within the district and more ecologically connected patchworks of grasslands, woodlands, and wetlands. Core Strategy policy EN5 confirms that, in making decisions on planning applications, trees and areas of woodland that contribute towards the character of a settlement or its setting or the amenity of the built-up area, valued landscapes or wildlife habitats will be protected.

Opportunities for specific habitat creation within development proposals will be sought, including provision for future management. Development that would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted. Paragraph 170 of the NPPF confirms that one of the government's objectives for the planning system is to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

The Council's Biodiversity Officer initially objected to the application on the basis that it did not include an ecology appraisal, which needed to take into account the potential impact on protected species and the pre-emptive vegetation clearance.

Subsequently, an Ecological Impact Assessment (EclA) has been submitted, which is based on a desktop study, site survey, and bat surveys. The report concludes that the site contains habitats of low ecological value, with trees bordering the site providing a high level of connectivity to nearby riparian habitats. It is highly likely that this habitat is important for a number of protected species, including bats, birds, amphibians, and hedgehogs. The scrub and improved grassland on site may also provide habitat for species such as nesting birds, amphibians, and invertebrates. The building contains no



roosting bats or nesting birds and the hard standing on site has little value for wildlife. Bat and bird foraging, commuting, and nesting habitat is likely to be affected.

Based on the conclusions of the EcIA, a number of recommendations are made for appropriate forms of mitigation and enhancement. The recommendations include site enhancement with planting of native trees and flora to enhance the ecological value to wildlife and create a mosaic of habitats and feeding opportunities that previously were not present; integrated bat boxes to give bats roosting opportunities and integrated bird boxes to give nesting birds habitat, along with hedgehog holes in fencing; and a lighting scheme designed to limit the impact on local bat populations.

The Council's Biodiversity Officer maintained their objection to the proposal on the basis that the recommended mitigation and enhancement measures identified in the EcIA were not indicated on the submitted site plan.

The proposed site plan now includes further revisions to provide annotations regarding the proposed mitigation and enhancement measures and, if approving the application, a condition can be appended to the decision notice requiring the submission and approval of a landscape and ecological management plan (LEMP).

As discussed above, prior to the submission of this application, a number of trees were felled and other vegetation removed from across the site and the proposal includes the further removal of some younger trees and saplings from along the southern boundary. The new build houses will be sited in an area that, at present, mostly comprises a hard surface car park associated with the public house. This has limited ecological value and whilst the removal of some trees and vegetation has occurred, this did not require consent, and their replacement with native tree species and flora will enhance the ecological value of the site.

Suitably worded conditions should be appended to the decision requiring the submission of an appropriate scheme of landscaping, in the form of a landscape and ecological management plan (LEMP), which should take into account the enhancement and mitigation measures recommended in the submitted ecological appraisal, and should also include appropriate replacement planting. Subject to the submission of satisfactory details regarding a landscaping and ecological improvement scheme, the proposed development is therefore considered acceptable.

## **11. Land quality**

Paragraph 178 of the Revised NPPF states that planning decisions should ensure that the site is suitable for its proposed use taking account of ground conditions, land stability, and contamination, including risks arising from natural hazards, former activities such as mining, or pollution from previous uses. The NPPF also advises that in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

Policy EN8 of the Core Strategy requires that where land may be contaminated or unstable appropriate investigation and remediation is undertaken in order that the development will not pose a risk to human health, public safety and the environment.

The Council's Environmental Health team have reviewed the submitted ground investigation report and confirm their agreement with the recommendations presented in the report. The report indicates that potential sources of historic contamination on site include asbestos, hydrocarbons associated with former use as garages, and the migration of ground gases from made ground on site and a historic landfill site in the vicinity.

The report concludes that an intrusive investigation is required to assess ground conditions, and should include a contamination analysis and asbestos detection of soil samples, ground water and surface water sampling and analysis, and ground gas monitoring.

Environmental Health therefore suggest a series of conditions to secure the necessary ground investigations and to control the remediation of the site, to ensure ground conditions are appropriate for residential purposes.

Subject to the recommended conditions to secure appropriate remediation of the site, the proposed development will be acceptable in terms of land quality and would accord with the requirements of the aforementioned NPPF and Core Strategy policies.

## **12. Planning obligations**

Policy HO11 of the Core Strategy DPD requires that developments provide a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 20% in towns, suburbs and villages.

The application seeks permission for 18 dwellings, which equates to 3 units as affordable housing provision when applying the 20% requirement specified in policy HO11. The viability of the proposed development has been independently assessed and found to be viable with the provision of 3 affordable units, although this is subject to the Council not requesting the financial contributions detailed below.

The site is also located within CIL residential zone 3, within which there is a charge of £20 per square metre of newly developed floor space, although this is currently £23.34 per sqm with the current index rate of 16.7%. Based on the net additional floor area of 1,600 sqm, the development generates a CIL charge of £37,344.

West Yorkshire Combined Authority has requested a contribution of £36,828.00 to provide a Residential MetroCard Scheme. It is proposed to provide electric vehicle charging points to all dwellings in lieu of a contribution towards a bus-only residential MetroCard scheme. It is considered that the provision of EV charging points represents a betterment of the scheme, as the charging points are permanent features rather than a temporary MetroCard scheme, which would generally cover a 1-year period, with no guarantee that residents would renew after that period.

The Airedale NHS Trust seeks a contribution of £7,091.90, which will go towards the gap in funding created by each potential patient from this development in respect of acute and planned healthcare. In considering this request, committee members are advised that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The S106 contribution sought is not contemplated by current local plan policy. Members are further advised that legally, the

development's potential impact on the provision of local A&E and planned care is a material consideration in the assessment of whether the proposal is acceptable in planning terms.

It is not entirely clear from the information submitted by the Trust what precisely the contribution is intended to fund:- reference was made to it being used directly to provide additional services to meet patient demand from the development and enabling the delivery of services in the provision of acute and planned healthcare; but no substantive details are provided as to how.

Members are advised that if the monies are to be used towards the provision, improvement, replacement, operation or maintenance of infrastructure then that can be funded by CIL since medical facilities are a type of infrastructure specifically identified by the Council for which CIL receipts may be allocated. However, in terms of it being paid as a S106 contribution, Members are advised that the planning application cannot be refused for want of that planning obligation unless it can be demonstrated that it is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

According to the Trust, the sum is necessary to meet the short term budgetary gap for A&E and planned care from Parliament for the next 12 months and that needed to serve the wholly populated development. It is understood that the funding arrangement is based on population and paid in arrears annually, but the following year's contract does not pay the following year's deficit retrospectively.

Officers would question the efficacy of the payment when the houses are unlikely to be fully occupied within the next year. Realistically, the homes will not be built and occupied more than 12 months after the date of the decision.

Notwithstanding the above it is not considered that the shortfall in funding on its own is a persuasive reason that the payment is a "necessary" obstacle to the grant of planning permission. The Council is plainly not a party to the arrangements between the Trust and Parliament and any deficiency is a matter for those parties to negotiate. If Parliament has determined that the current allocation of funding is fair and appropriate to meet health needs, then it is not the place of the LPA to look beyond that and resolve any deficit for the Trust through S106. Certainly, there is no specific guidance from the Secretary of State, the NPPF or our current development plan that that should be so.

Therefore, Members are advised that without evidence of:

- the exact services and items the monies will be used towards;
- how this development *directly* generates the health demand for those services (and the nature of that demand) during the relevant 12 months of the grant of the permission beyond those already planned for by population growth; and
- why the Trust cannot currently meet such demand itself;

it is not considered possible to conclude that the contribution satisfies the requisite tests that the contribution is necessary, directly related to the development and reasonable in

scale and kind.

Finally, Members are advised that even if that were not the case, the proposed obligation needs to be weighed up in the overall planning balance. The application is accompanied by a viability appraisal, which has been independently assessed. This demonstrates that the development can deliver 3 affordable units as required by policy, if the aforementioned financial contributions for sustainable travel and the NHS are not requested. Officers consider that the benefits of securing the provision of affordable housing outweighs the need for the contributions detailed above.

### **13. Other planning matters**

The proposal raises no other planning related matters that have not been addressed within the report or through appropriately worded conditions, as listed below.

### **14. Community safety implications**

Whilst anti-social behaviour, crime, and vandalism are generally a matter for the Police, paragraph 91 of the NPPF states that decisions should promote a 'safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'.

West Yorkshire Police have advised regarding a number of measures to improve the general security of properties and to minimise opportunities for crime and antisocial behaviour. The planning related measures can be controlled through a landscaping condition which should require approval of boundary treatments to ensure these are of an appropriate scale, type, and position to achieve the desired level of security.

Subject to the conditions listed below in relation to boundary treatments and landscaping, the proposal does not pose any significant apparent community safety implications and accords with the requirements of Policy DS5 of the Core Strategy DPD and the NPPF.

There are no other community safety implications other than those referred to in the main body of the report.

### **15. Outstanding matters raised by representations**

- Loss of parking - Pub car park used by parents during the school run, which has resulted in on-street parking and obstructions on footpaths.

*The site is not a public car park and is privately owned; The landowner has the right to restrict access to the site.*

- Congestion, noise and disruption during construction.

*Disruption during the construction period is not a material planning consideration but can be controlled by other legislation where necessary.*

- Local residents object to the plans. Support comments from those outside the area.

*All representations must be taken into account when assessing an application.*

- Strain on doctors, dentists, schools, and other local services.

*The development is relatively small scale, but CIL payments help fund the provision of certain infrastructure as required.*

- Boundaries differ between submitted site plan(s), land registry records, and the Council's

site notice map. These errors are considered to invalidate the planning application.

- Application notification process is flawed and given insufficient opportunity for people to be made aware and respond to the application. Application is therefore invalid.

*The applicant has signed ownership Certificate A to confirm they own the site as defined by the red line boundary. Any difference with land registry records or actual land ownership is not a material planning consideration. The application has been advertised in accordance with the relevant publicity requirements, as detailed above.*

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

The scheme proposes a residential development of an unallocated and previously developed site. The scale, form, layout, and design of the proposal are acceptable and raise no concerns in regard to the aforementioned considerations. The change of use of the asset of community value is considered to be outweighed by the delivery of both market and affordable housing. The proposal is therefore considered acceptable and subject to the listed conditions and S106 legal agreement, satisfies the requirements of the above-listed policies of the Replacement Unitary Development Plan, Core Strategy Development Plan Document, and the National Planning Policy Framework.

### **Conditions of Approval:**

#### *1. Approved plans*

The development hereby approved shall only be carried out in accordance with the following documents:

Site layout and location plan - 2018039(SK)01 Revision E – received 9<sup>th</sup> September 2020

Existing floor plans - 2018039(0)01 – received 3<sup>rd</sup> May 2019

Existing elevations - 2018039(0)02 – received 3<sup>rd</sup> May 2019

Proposed floor plan - 2018039(SK)01 – received 27<sup>th</sup> February 2019

Proposed floor plans - 2018039(SK)02 – received 3<sup>rd</sup> May 2019

Proposed plans and elevations - 2018039(SK)01 – received 3<sup>rd</sup> May 2019

Proposed plans and elevations - 2018039(SK)03 – received 3<sup>rd</sup> May 2019

Proposed plans and elevations - 2018039(SK)04 – received 3<sup>rd</sup> May 2019

Proposed elevations - 2018039(SK)06 – received 3<sup>rd</sup> May 2019

Proposed elevations - 2018039(SK)07 – received 3<sup>rd</sup> May 2019

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

#### *2. Three Year Time Limit*

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

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

#### *3. Sample materials*

Before development above damp proof course commences on site, samples of all external facing and roofing materials to be used in the development shall be submitted to the Local Planning Authority. 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. Implement means of access*

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 2018039(SK)01 Revision E dated 21<sup>st</sup> December 2018 and received by the Local Planning Authority on 9<sup>th</sup> September 2020 and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

#### *5. Parking Provision*

Prior to the first occupation of the residential units, the off-street car parking facility 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 Policies TR2 and EN7 of the Core Strategy Development Plan Document.

#### *6. Electric vehicle charging points*

Before the date of occupation of each residential unit on site dedicated parking shall be provided with access to a fully operational 3-pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas or within a dedicated garage space. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with Policy EN8 of the Core Strategy Development Plan Document, the West Yorkshire Low Emission Strategy, and the National Planning Policy Framework.

#### *7. Separate drainage systems*

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage and to accord with policy EN8 of the Core Strategy Development Plan Document.

#### *8. Drainage details*

The development shall not commence 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 post-development discharge rate shall be 30% less than the existing situation. The scheme so approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

#### *9. Drainage maintenance plan*

The surface water drainage infrastructure serving the development shall be managed in strict accordance with 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 Council (as Lead Local Flood Authority) for approval prior to the commencement of the drainage works.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

#### *10. Landscaping scheme*

No development above damp proof course level shall be carried out on the hereby approved dwellings until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of any trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species, and variety.
- iii) Types and scale of enclosures (fences, railings, walls).
- iv) Types of hard surfacing (pavings, tarmac, etc.).
- v) Regraded contours and details of changes in levels, including any necessary retaining structures.
- vi) Details of measures for management and maintenance of any communal landscaped areas not comprising part of the domestic curtilages

The landscaping scheme so approved shall be implemented in its entirety to the satisfaction of the Local Planning Authority during the first available planting season following the completion of the dwellings hereby approved.

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 landscape character and to accord with policies DS1, DS2, DS3, and EN5 of the Core Strategy Development Plan Document.

#### *11. Landscape maintenance*

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

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and EN5 of the Core Strategy Development Plan Document.

#### *12. Landscape and ecological management plan*

No development above damp proof course level shall be carried out on the hereby approved dwellings until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be complied with and shall include the following:

- i) Description and evaluation of features to be managed.
- ii) Any ecological constraints on site that might influence management.
- iii) Identify ecological enhancement measures such as SUDs features, tree planting, inclusion of nectar and pollen species and berry and seed producing species, connected habitats and green spaces, swift ledges, bat tiles and bricks, and bird features.
- iv) Aims and objectives of management.
- v) Appropriate management options.
- vi) Preparation of a work schedule including an annual work plan capable of implementation across a five-year period.
- vii) Details of the body or organisation responsible for implementation of the plan.
- viii) Ongoing monitoring and remedial measures.

Reason: To ensure protection and enhancement of biodiversity, to achieve a satisfactory standard of landscaping in the interests of visual amenity, and to accord with policies SC9, EN2, EN3, DS1, DS2, and DS3 of the Core Strategy Development Plan Document and National Planning Policy Framework.

#### *13. Implement biodiversity and landscape works*

All biodiversity and landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme that shall be submitted for approval in writing to the Local Planning Authority prior to the occupation of the hereby approved dwellings.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies DS1, DS2, DS3, EN2, and EN3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

#### *14. Bat and bird box details*



Prior to the occupation of the dwellings, details of bat and bird nest boxes to be incorporated into the design of dwellings shall be submitted to and approved in writing by the local planning authority. The bat and bird nest boxes so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained as long as the development is in use.

Reason: To ensure that the development contributes positively towards the overall enhancement of the District's biodiversity resource and to accord with policy EN2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

*15. Tree protection measures*

The development of the new-build dwellings shall not begin, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site, nor shall there be any work to any trees to be retained until tree protection measures are installed in accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority and the LPA has inspected and given its written approval to confirm that the tree protection measures are in place in accordance with the submitted details.

Reason: To ensure that trees are adequately protected prior to development activity on the site which would otherwise unacceptably harm trees to the detriment of public visual amenity and to accord with EN5 of the Core Strategy.

*16. Retention of tree protection measures*

The approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

*17. Verification of tree protection measures*

Prior to the removal of the protective fencing and other agreed tree protection measures, written verification/evidence 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, shall be submitted to the Local Planning Authority. Prior to the occupation of the development, or prior to the occupation of phases of the development as have been agreed in writing with the Local Planning Authority, the Local Planning Authority shall have first confirmed in writing its agreement to the verification/evidence.

Reason: To ensure that trees have been adequately protected by the developer during development activity and that harm to the trees has been effectively prevented or mitigated by the measures proposed in the planning application submission. To ensure that protection measures have prevented harm to trees and visual amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

*18. Bin storage*

Full details of the proposed bin storage enclosures shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall then be provided in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interest of visual amenity and highway safety and to comply with policies DS3 and DS5 of the Core Strategy Development Plan Document.

*19. PD Rights removal*

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

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

*20. Site investigation*

Prior to development of the new-build dwellings commencing, 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, must be submitted to and approved in writing by the Local Planning Authority.

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 and to comply with policy EN8 of the Core Strategy Development Plan Document.

*21. Site investigation implementation*

Prior to development of the new-build dwellings commencing, the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Core Strategy Development Plan Document.

*22. Remediation strategy*

Prior to development of the new-building dwellings commencing, a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Core Strategy Development Plan Document.

*23. Remediation verification*

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Core Strategy Development Plan Document.

*24. Unexpected contamination*

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with Policy EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

*25. Materials importation*

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 approved 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 and to comply with Policy EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

**Informatives:**

*Drainage and flood risk:*

- i) The surface water shall connect direct to the watercourse, as per the drainage hierarchy, unless the developer can demonstrate that this isn't practicable for some reason.
- ii) The LLFA will consider allowing an enhanced discharge rate, if this is necessary to achieve an outfall via gravity.
- iii) The allowable discharge will be based on the existing impermeable area of the site, which is positively drained. This will be assessed as 140 L/s per ha and the post development discharge rate should achieve a 30% betterment.

iv) Given the close proximity of Cottingley Beck the developer should consider setting ground floor levels above adjacent ground/road levels. Please seek advice from your Flood Risk consultant.

v) The developer will need to apply for a watercourse consent for any new connection to the watercourse. This is separate from planning approval.

vi) Condition (3) above, is only applicable if the developer doesn't intend to offer the system up for adoption to Yorkshire Water via a S.104 Agreement.

*Public Rights of Way:*

The affected public footpaths must not be obstructed by any plant, materials or equipment. Even the temporary storage of materials on the footpath is not permitted. Any obstruction of the route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.

If works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please phone Andrew Dilley on 01274 432393 or email [andrew.dilley@bradford.gov.uk](mailto:andrew.dilley@bradford.gov.uk) for details.

Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Equalities Act must also be considered.

If works alongside the public footpaths/bridleways present a danger to path users, the affected section should be fenced off with safety netting

The surface of the footpath should not be disturbed, however, if damage to the public footpaths caused by development works does occur, it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way, these must be approved, in advance by the Rights of Way Section.

If building works remove features that would enable users to find the footpath/bridleway, the line of the footpath must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

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