

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 24th June 2021

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**E****Subject:**

This is a full application for the demolition of a dwelling followed by construction of residential scheme (146 units) with associated engineering, landscaping and access works at land to the south of Rooley Crescent, Staithgate Lane, Bradford.

**Summary statement:**

This application seeks permission for the construction of 146 dwellings.

The application has been submitted following a previous refusal (19/02602/MAF) and subsequent appeal against the refusal. The reasons for refusal of the application were dismissed by the Inspector with the appeal subsequently being dismissed on the grounds of the Unilateral Undertaking submitted by the Appellant not being the appropriate means for securing the required affordable housing provision and commuted sum for surface water drainage infrastructure.

The main issue relating to the proposal is the impact it will have on the Councils ability to provide the Park and Ride Scheme allocated on land to the west of the site. The Park and Ride Scheme is one of the schemes now being considered for funding through the "Transforming Cities Fund Stage 2 Big Bid" and is important in relation to the Council trying to reduce road traffic and vehicle emissions in order to improve air quality within Bradford. The access route to the proposed Park and Ride Scheme is on a route that is allocated to run across the northern section of the application site. The design of the layout of the development has provided the opportunity for an access to be created that will preserve the route to the allocated Park and Ride Scheme site and will provide a road to the constructional specifications that will enable it to serve both the Park and Ride Scheme and the proposed residential development. It is considered that if the application were approved in its current form it would not impact adversely on the proposed Park and Ride Scheme.

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)

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

Report Contact: Mark Hutchinson  
Phone: (01274) 434741  
E-mail:  
mark.hutchinson@bradford.gov.uk

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



There have been some changes to the proposed layout in relation to the access road in that it now stretches from the eastern to the western boundaries of the site thus eliminating the previously included vacant strips of land that would have needed to be purchased by the Council to allow the full access to the Park and Ride Scheme to be constructed.

The Applicant had offered a reduced affordable housing provision of 5% of the number of units rather than the required 20% based on the need to construct a road to a constructional specification required by the Council to serve the proposed Park and Ride Scheme. These specifications are significantly greater than those required for a traditional estate road and incur significantly greater costs in its construction. Whilst no Financial Viability Appraisal has been submitted in support of the offer it is accepted that additional costs incurred in constructing the road to the specifications required by the Council would constitute an abnormal cost. As such the reduced offer is considered acceptable in this instance. The affordable housing provision will be secured through a Section 106 Legal Agreement.

The layout of the development is considered to be acceptable in terms of visual amenity, residential amenity in relation to the impact on the amenities of the occupiers of the existing and proposed dwellings, and, highway safety. Subject to completing the Section 106 Legal Agreement the proposal is considered to be acceptable subject to the imposition of appropriate conditions.

## **1. SUMMARY**

This is a full application for the demolition of dwelling followed by construction of residential scheme (146 units) with associated engineering, landscaping and access works at land to the south of Rooley Crescent, Staithgate Lane, Bradford.

## **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 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 sustainable location in that it is within walking distance of facilities including retail, employment and recreation facilities as well as having access to a bus service along Rooley Avenue.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

A condition could be incorporated within a planning permission requiring the inclusion of electric vehicle charging points, in accordance with the Council's Low Emissions Strategy. Concerns over the potential failure to deliver the adjacent Park and Ride scheme (on land allocated for that particular use on the Development Plan) by preventing a proper means of access is a material consideration and could have adverse impacts in relation to wider strategies to reduce air pollution and greenhouse gas emissions.

### **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. Building Regulations Approved Document Q relates to Secured by Design issues for the individual dwellings.

### **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 ASSESSMENT**

None.

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

None.

## **9. OPTIONS**

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

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material planning considerations. In this regard the Committee should take account of the appeal decision in relation to the previous application. That is dealt with below under the heading Relevant Site History and at various sections of the report addressing objections to the application below.

## **10. RECOMMENDATIONS**

The application is recommended for approval, subject to completing the Section 106 legal agreement and to the conditions included with Appendix 1.

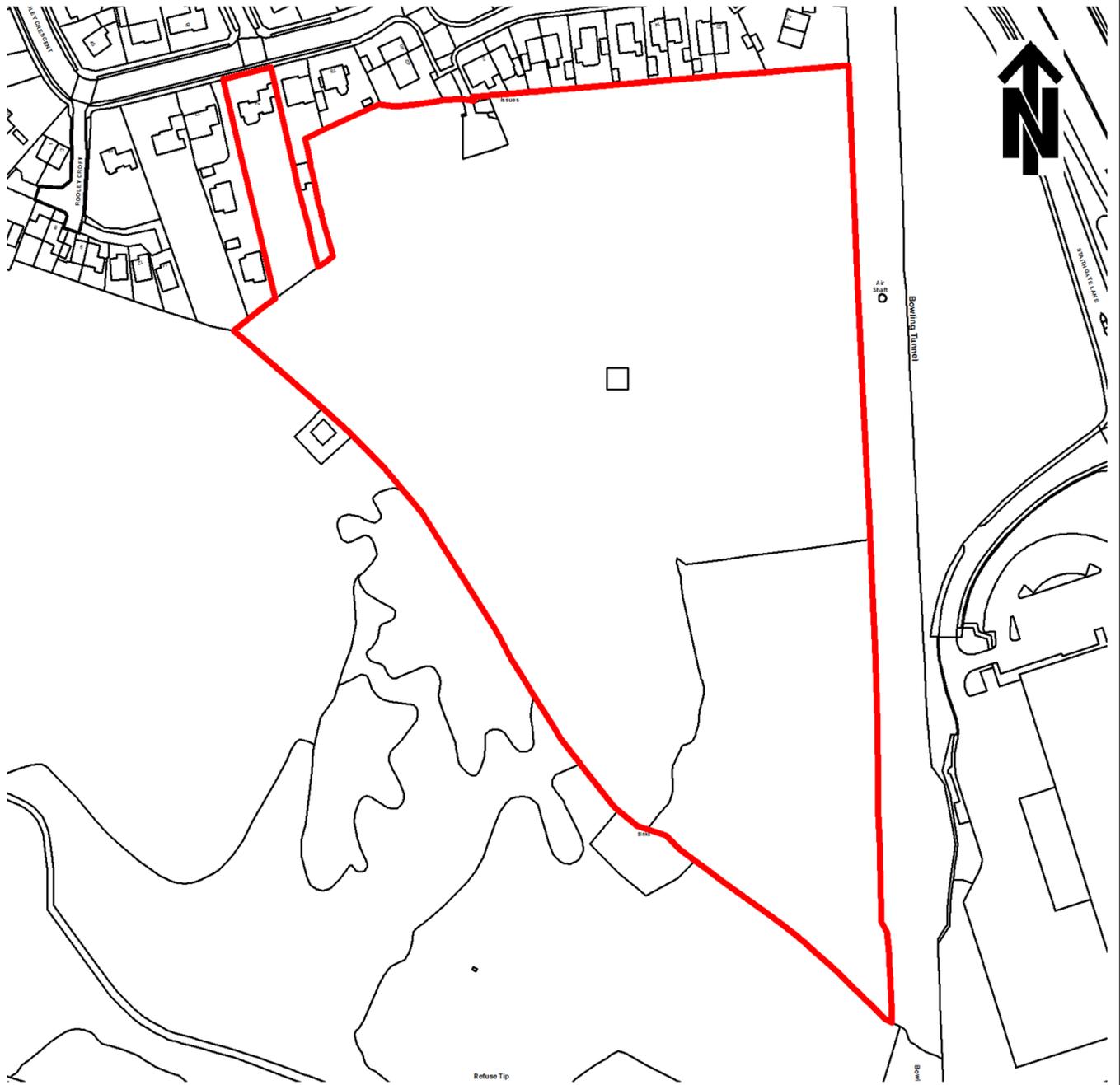
## **11. APPENDICES**

Appendix 1 Technical Report.

## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy  
Replacement Unitary Development Plan

21/01137/MAF



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**Land to South of Rooley Crescent  
Staithgate Lane,  
Bradford**



24<sup>th</sup> June 2021

**Ward: Wyke**

**Recommendation:**

**MEMBERS TO BE MINDFUL TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT. AUTHORITY TO BE GIVEN TO THE ASSISTANT DIRECTOR PLANNING, TRANSPORTATION AND HIGHWAY TO ISSUE THE GRANT OF PLANNING PERMISSION UPON SATISFACTORY COMPLETION OF THE S106 AGREEMENT**

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

**1) Affordable housing: Provision of 5% of the number of units (7) for discounted rent.**

**2) Introduction of a traffic calming scheme to reduce the speed limit on Rooley Crescent/Radfield Drive/Dean Beck Avenue from 30 mph to 20 mph.**

**3) Dilapidation survey of Rooley Crescent and Dean Beck Avenue within 7 days of start of any operation on site save for establishment of compound and again on completion of development with any damage to highway made good at developer's cost.**

**4) The closing and extinguishment of the highway link between Rooley Crescent and the main arterial road including retention of a footway/cycleway access only, once the park and ride link onto Staithgate Lane is opened.**

**Application Number:**

21/01137/MAF

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

This is a full application for the demolition of dwelling followed by construction of residential scheme (146 units) with associated engineering, landscaping and access works at land to the south of Rooley Crescent, Staithgate Lane, Bradford.

**Applicant:**

Caddick Land Limited

**Agent:**

Mr Mark Eagland (Peacock & Smith)

**Site Description:**

The site is located to the south of Rooley Crescent and Newhall Drive and comprises open fields separated by landscaped boundaries. To the east of the site are industrial buildings located off Staithgate Lane, and, to the south and south west is a copse of trees that extends further to the south and runs either side of the railway line. To the west are open fields under which is located the "Odsal Tip", a landfill site. Running underneath the eastern boundary of the site is a railway tunnel whilst to the further east of the site, beyond Staithgate Lane, is the M606.

**Relevant Site History:**

Planning permission was refused on the 16th October 1972 under reference 72/039338/FUL for the construction of a residential development scheme.

Planning permission was refused on the 6<sup>th</sup> March under reference 19/02602/MAF for the demolition of dwelling and construction of 150 dwellings with associated engineering, landscaping and access works. The application was refused for the following reasons:

1. The proposed development would involve the intensification of use of Rooley Crescent and Deanbeck Avenue which would be detrimental to highway safety by reason of the general arrangement of the roads through width and geometric layout. The proposal is therefore contrary to policies DS1 and DS4 of the Local Plan for Bradford and paragraphs 102, 109 and 110 of the National Planning Policy Framework.
2. The site is served by only infrequent public transport and is beyond the 400 metre walking distance to a bus stop as recommended in national guidelines. As such it is not considered that the proposal constitutes a sustainable location serving local services including medical health provision and education. The proposal is therefore considered to be contrary to policy TR3 of the Local Plan for Bradford and paragraphs 102, 109 and 110 of the National Planning Policy Framework.
3. The application site is located immediately adjacent to an acknowledged source of contamination (Odsal Tip, site reference 12ne02). The Applicant has failed to demonstrate that in the long term the development proposal will not be unacceptably exposed to future contamination emanating from the adjacent site. The proposal is therefore considered to be contrary to policy EN8 of Local Plan for Bradford and paragraphs 178 and 179 of the National Planning Policy Framework.

An appeal against this refusal was submitted and subsequently dismissed by the Planning Inspectorate of the 25<sup>th</sup> March 2021. However, the dismissal of the appeal was not founded on any of the above reasons which the inspector rejected as grounds for refusal of planning permission. The appeal was dismissed on a rather technical ground concerning the nature of the s106 agreement executed by the appellants. As part of the appeal decision a partial award of costs was granted against both the Appellant and the Council.

In relation to the award of costs to the Appellant the Inspector stated in paragraphs 17 and 18 of the decision letter dated the 13<sup>th</sup> April 2021 that “the Council’s reasons for refusal consist of distinct elements. With regard to the reasons that concern highway safety (reason for refusal 1) and land contamination (reason for refusal 3), I have found that the Council has behaved unreasonably in reaching these conclusions” and “I conclude that a partial award of costs to cover the expense incurred by the applicant in contesting these reasons for refusal is justified”.

In relation to the award of costs against the Appellant the Inspector stated in paragraphs 19 and 20 that “the appellant has acted unreasonably with regard to the change in position during the appeal to the planning obligation concerning the access strips” (for the Park and Ride Scheme) and “I conclude that a partial award of costs to cover the expense incurred by the applicant in responding to this changed position is justified”.

At the time of writing this report neither Party has submitted their appropriate costs claim.

**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.

**The Local Plan for Bradford:**

The Core Strategy for Bradford 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 in the RUDP but is located within an area identified under policy OS1 as Urban Greenspace (Ref: BS/OS1.4 – South Bradford Golf Course, Odsal). Within the northern section of the site there is an allocation under policy TM20 – Highway Improvements (Ref: BS/TM20.2 – M606/Rooley Lane, Staygate Roundabout) which will serve the allocated Park and Ride Allocation to the west under policy TM7 (Ref: BS/TM7.2 – Odsal). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

OS1 Urban Greenspace  
TM7 Park and Ride Sites  
TM20 Cycleway Improvements

**Core Strategy Policies:**

P1 Presumption in Favour of Sustainable Development  
SC1 Overall Approach and Key Spatial Priorities  
SC4 Hierarchy of Settlements  
SC9 Making Great Places  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
HO5 Density of Housing Schemes  
HO6 Maximising the Use of Previously Developed Land  
HO8 Housing Mix  
HO9 Housing Quality  
HO11 Affordable Housing

EN2 Biodiversity and Geodiversity  
EN5 Trees and Woodland  
EN7 Flood Risk  
EN8 Environmental Protection  
EN12 Minerals Safeguarding  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
ID2 Viability  
ID3 Developer Contributions

**Parish Council:**

There is no Parish Council in the Wyke Ward.

**Publicity and Number of Representations:**

The proposal was advertised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 19<sup>th</sup> April 2021.

As a result of the publicity exercise 167 representations have been received objecting to the proposal. Two petitions comprising 33 and 317 signatures have also been submitted objecting to the proposal.

A request has been made by a Ward Councillor for the application to be considered by the Regulatory and Appeals Committee for the following reasons:

- 1/ Detrimental impact on the local Highways network which is already saturated giving its close proximity to the M606 and M62;
- 2/ Inappropriate highway access to the proposed estate due to the location in what is already a busy existing estate road giving raise to the safety for existing residents;
- 3/ Suitability of the land proposed given it is adjacent to the site of an old land fill tip;
- 4/ Concerns regarding old mine works in the area may unmapped;
- 5/Concerns regarding the build to the southerly which is towards a number of existing COMMA Chemical sites in the area;
- 6/ Lack of availability and access to Public transport in the locality;
- 7/ Concerns regarding additional pressures on public services such as Schools and Health Services which are already overstretched; and,
- 8/ Access and Egress to both the proposed site through and existing estate and due to the narrow estate road opposite the entrance to the proposed site and that of the main estate road being too narrow to accommodate an increase in the volume of traffic accessing the proposed site.

**Summary of Representations Received:**

Principle of development:

- In the "Superseded Design and Access Statement" (SDAS) it is stated by the Applicant that "the use and suitability of the site for residential development is well established". This is a case of ignoring history, as Peter Walker (Sec of State) quashed a plan for housing development on the same site (72/039338/FUL) in 1972 with the comment "any impression that the application site is simply an odd area of land wedged between a motorway, a refuse tip and a residential estate is erroneous"

- The NPPF states that developments must enhance and benefit already developed areas. What does this bring to the area unproven facts and assumptions the truth is pollution health risks and a down grading of our living standards and also with their policy a very grave danger of putting millions of pounds worth of housing in jeopardy
- This is the only green space available for children (& adults) in this area
- This proposed planning application with all the implications it brings will be catastrophic to our area but in conjunction with CL proposal to buy the south Bradford golf club to build 400 houses this would increase the housing capacity to the Odsal area to over 500 houses?
- There are discrepancies in the submission – are they building homes for sale or for rent and are they including any affordable homes?
- Being one of a rapidly decreasing demographic of Bradfordians born, bred and remaining in this area for over 50 years I'm frankly fed up of seeing the lack of ANY positive investment for existing local residents. Prioritising the commercial interests of business over residents is simply becoming intolerable and seriously hope the council will finally recognise, for once, that the last thing this area needs is further unnecessary development
- This city will just become a concrete jungle taking away views from people's homes they have worked all their lives to pay for
- Leave greenery and space for our children and future generations otherwise families will just move away like they are all doing at present
- The site should be part of the Green Belt as recommended by a minister back in 1959 and also by the secretary of state in 1972 when a housing application for this area was refused by his inspector
- This pandemic has taught us all a lot, this is one of the very few green spaces left around here and it should be left this way
- Aerial footage/maps already show just how built-up and crushed this area will become with further developments throttling it - we need green corridors for the health, sanity and safety of the Bradford population
- The Green Belt space should not be built
- The proposed site forms an integral part of the green corridor for this part of South East Bradford and should be left undeveloped
- More housing is needed but this should be gained from unused sites not green spaces
- We don't need housing as we need good economy and employment. It's an employment zone not money making opportunity for seller and developer

#### Residential amenity:

- The development will result in an increase in noise for the local residents
- A noise survey that was not done for long enough and again at quieter hours there by tainting Caddicks results
- This is a violation of privacy

#### Visual amenity:

- The proposed new houses lack architectural merit and are too similar to each other in design. In addition, only 3 surface finishes are proposed for 146 houses. For any resident there will be 48 similar looking houses on the site

#### Highways:

- The Safety Review failed to acknowledge past and present accidents as reported by residents and by the photographs which have been submitted

- Traffic is still the main topic highlighted by local residents. Regardless of the studies carried out, including last summer's very questionable survey of the Rooley Cres., Dean Beck, Radfield Rd. local residents have to live with the problems which extend to Staithgate Lane, Rooley Avenue, Odsal and Staygate roundabouts
- West Yorkshire Combined Authority recommend the spending by the Applicant of some £75000 to encourage bus use as part of a travel plan. Persimmon had a similar obligation with the Northern View development but their lack of backing has left us with an effective 2 hourly service to the City Centre - again the Applicant misrepresent the true situation
- The figures for buses and the claim of frequent bus services is almost laughable again they say the nearest bus stop is 400 metres away it is depending where they live between 600/1000metres and that is to a bus stop that a 28 seater bus to Bradford leaves once every 2 hours and takes 45 minutes to reach Bradford or every 30mins to Halifax neither are any good if you work in Bradford. On the opposite side of the road there is a direct bus route to Bradford that is also a 28 seater and also comes once every 2 hours but only takes 15 minutes and the only other bus is on this side of the road which is once every 30 minutes to Leeds. The nearest bus stop with a regular bus service into Bradford incurs a walk of nearly 2 kilometres depending where you live on the site and involves crossing 2 major roads and using a not very nice subway
- It has been estimated that this development alone will create thousands of extra journeys a week with no plans to eradicate them apart from the nonsensical plan of a free bus pass for a year how many people will use it when you consider the following facts
- Traffic use this estate as a rat run at peak times and certainly don't adhere to the speed limit of 20 miles per hour as suggested by them
- As the main access motorway to Bradford, the M606 is already congested together with congestion on Staithgate Lane, thus will cause further congestion and major disruption together with pollution
- During the build phase site traffic will use Dean Beck Avenue regardless of what the developers say
- In the previous application they were reducing the number of affordable homes to pay for an upgrade of one of the roads. Are they no longer building this road to standards required if the Park and Ride scheme is to go ahead?
- Amongst other things they say that contractors who work on the site will have to use Rooley Crescent/Rooley Avenue for access to and egress from the site. When I asked them how they would enforce this there was a shrugging of shoulders
- The traffic survey was done during lockdown. How can anyone take any notice of this?
- The application states that the Park and Ride will be constructed in 2 to 3 years. Surely it is better to wait for this, especially as there is some debate as to the route from Staithgate Lane to the Park and Ride, before deciding on any housing development
- Any proper assessment of the level of traffic currently using Dean Beck Avenue as a rat run, would clearly show that such a development would be positively dangerous, especially for local children. The adjacent M606 roundabout and connected A roads make this location the busiest in the entire city yet this development is still being considered- quite simply it beggars belief and must be rejected once and for all!
- This proposed development is bad for the whole of Bradford as it will result in congestion of the City's primary access point

- Bus stops are further away from the site than the recommended distance and the residents would probably use their own cars leading to a poorer air quality

#### Drainage:

- Their drainage and water dispersal plan is totally incomplete and even documents supplied by their own team say they can't quantify or sign off on any plans as the drawings haven't either been completed or submitted
- In their UU they have said that they will give an arbitrary figure of £50,000 to the council to mitigate any future problems with flooding. Are they allowed to set the rules?
- There's the issue of flooding- when the rain is really bad even Dean Beck/Rooley Crescent/Staithgate Lane flood [with the waters from Newhall even flooding onto the field] this will cause the Caddick development to be overrun [and as others have mentioned the under/groundwater too]
- Apparently the site soil structure is unsuitable for SuDS because it is impermeable and sloping. The proposal is for attenuation tanks to allow a maximum of 37.3 litres from per second to discharge into the existing watercourse from the site. There is no detail in the application of how this would take place and how would maintenance be continued

#### Ground conditions:

- The nature of the chemicals "dumped" over many years at Odsal Tip are of such a nature that to consider this tip as anything remotely like a "normal" household waste tip is to completely ignore the evidence presented by residents who worked for the organisations who used the tip as a "dump"
- At this moment in time CBMBC is having more than one problem with their landfill sites national surveys show that decomposition leads to long term seepage into the land and harmful leachates flowing from them. In the case of the landfill site next to this development which was once the most toxic landfill in the country
- The Applicant says that removing the contaminated soil will cure the contamination but have no plan if which it most certainly will if you study the substrata of the soil and historical leachates from the landfill thereby putting millions of pounds of local housing in danger
- The developer on the application form states the land is not contaminated, sorry it is
- The Applicant has put forward a plan to clear contaminated soil but no plan to cure it
- How can I be sure that the proposed development will not disturb any underground gases or substances which will affect me and my family?
- New homes in the vicinity are now worthless because of gases coming up from the disturbed earth, do not allow these houses to be built because these developers will rake the money in and poor working class tax payers will end up with homes they cannot sell in the future

#### Air quality:

- There is some debate about the air pollution dependency on speed, static nature of the M606 (acknowledged the slowest motorway in UK a few years ago) but no discussion of the Staithgate Lane contribution (this road is only a few metres away from houses in this area) with its northbound HGV's and, very importantly, the contribution of imported pollution that would be a consequence of proposed Park & Ride/Clean Air Zone measures
- All residents can identify the sources of odours from local chemical plants (incorrectly identified in the BDSPP) so the air pollution situation is highly problematic

but in the Ensafe document of 22/04/21, an "additional assessment" is taking place and, it is supposed, will be included in the file for this application at some stage

- The Environmental Health input from BMDC of 19/3/21 only considers noise - it is obvious that the health problems that must be considered under EN8 to ensure a high standard of environmental quality and amenity are far removed from noise impacts (although houses very near to Staithegate Lane experience vibration when the road surface is not maintained)
- There has been so much development in this area and green spaces given over to development already that the air quality is one of the worst in Bradford
- The air pollution in this area is one of the highest in Bradford and this development will create thousands more car journeys each week and the proposal for electric car points is preposterous as the people that will buy these houses will not have another £20/30k to purchase one

#### Health and safety:

- Is the closeness of the chemical plants and the resulting fallout should anything happen to them [and the chain-reaction] of how that will affect this area not be considered?

#### Conservation:

- In section 4.10 of the Planning Statement Addendum the authors state that there is no historical land use of the site. This would appear to be totally at odds with the 19/4/21 archaeological report which calls for site investigations
- The site is also an area of archaeological potential and as such should have a geo physical survey carried out something the planning officer has been vehemently opposed to through all the multiple planning applications and proposals on this site

#### Wildlife:

- The proposed development will impact on the existing wildlife in the area
- The resident wildlife [along with its birds of prey, that were mentioned to the inspectorate and in previous objections] that will be displaced along with native plants/trees that proved this area with oxygen but homes for said wildlife

#### Other:

- The Community Infrastructure Levy (CIL) is set at £0 per metre squared for the site in question so any reference to it is a "red herring"
- Network Rail have recently made an input but there appears to be a lack of communication with them by the Applicant
- The Department of Education and Learning of BMDC express concern at the development based on a knowledge of the actual provision available. It would appear that the schools listed by the Applicant could be the product of a computer search for any establishment with "school" in its title. Local knowledge has proved not to be a strong point for the Applicant
- The schools in the local areas have virtually no places for any more children and openly admit that any places given might stop local children actually getting a place there
- The planning officer also decided that no environmental impact assessment was needed even though schedule 2 planning law states that it must have one which a call to Greenpeace will verify and this has been brought to his attention several times but still he has decided not to implement this by quoting clauses relating to number of houses and hectare measurements of land but these cannot be used to

overrule them in the case of contaminated land. These facts alone should have at the very least have caused the planning officer to get advice from a geo science engineer, but he decided he or someone in planning knew better even though he doesn't have the qualifications or knowledge or skill set to make this call and to make a knowledgeable decision on this call would need at least a degree in geo science and no one with those qualifications has been asked by him and his advice that the houses at the top of the site are only just over 400 meters away from the bus routes are simply ludicrous

- The local infrastructure can't cope currently, getting your child into a local school is near on impossible, trying to get a GP appointment, when you're already registered with a GP is difficult enough, the added demand would certainly have a huge detrimental impact on us all
- Local knowledge of the area is important in making decisions
- As this project has been rejected before, what has changed for it to be reconsidered?
- There are electric pylons on this land and the underground mainline train tunnel
- In 'del boy style' Caddick give the strong impression that they are willing to go to any lengths, legal or not, to pursue this application. For their part, Bradford Council appear to have bent over backwards to accommodate them. All of this is particularly suspicious and worrying!
- At what point will Caddick give up on pursuing this ludicrous application. There is a strong suspicion locally that something is going on behind the scenes as this application has already been rejected by both Bradford Council and the Government
- Why can't you use Richard Dunnes for housing or all the other derelict areas instead of green land!?
- The council needs to refuse this once again, this plan for housing is simply not viable. Seems to be more of a financial gain for the developer and the rest will suffer the consequences. A perfect example of this is within Rooley Croft where residents were promised a dream and left with houses worth £0
- There is the issue of Caddick's own behaviour [3 times they've been mentioned in the paper to do with not sticking to the obligations that they agreed to] and that they deliberately submitted this application while an appeal was still ongoing for the same [150]
- I would ask the council if they are really serious about tackling the problem of empty properties in the district? (approx. 7,800 including 4,489 empty for over 6 months. Source T&A 29/3/19 Let's not forget Bradford was shamed in league of empty homes - more than 4,090 empty long term, back in 2016 - source Yorkshire Post)
- This is causing us lots of mental distress and affecting our mental health due to having another planning application submitted during Covid in unprecedented times by these opportunist money grabbing Caddick land developers who keep changing their stance
- Infestation of vermin once ground is broken
- This application is an abuse of the process and I am surprised how under what conscious did the planning officers even validated the planning while the decision of the previous application was still outstanding with the secretary of state
- There are big questions to be asked in relation to the auction of the 74 Rooley Crescent. The auctioneers Robert Watts (Estate Agents) did a back handed deal as I am aware that some of the then prospective bidders put a higher bid than what it was sold on for to Caddick Land
- The development has small areas of green space. What assurances have the developers made for maintenance?

- The residents of the proposed development will want to make use of the local green-space and parks facilities, which are currently barely adequate. As CIL is zero in this area there will not be a pot of money to pay for improvements

**Consultations:**

Highways – No objection subject to the imposition of conditions

Transport Planner – Has resubmitted the objection to the previously refused application 19/02602/MAF

West Yorkshire Combined Authority (Highways) – No objection to the principle of the proposed development. However, to encourage the use of sustainable transport as a realistic alternative to the car the developer should fund a package of sustainable travel measures. In this instance this would include a discounted Residential MetroCard Scheme for all or part of the site. For a bus only ticket this would equate to a cost of £74,679.00p for the developer

Network Rail – No objection is raised in principle to the development, however, given the proximity of the proposed development to the Bowling Railway Tunnel, it is imperative that the developer engage with the Asset Protection Team prior to work commencing on site to ensure that the scheme can be delivered without impact to the structure of the railway tunnel and without impact to operational railway safety. Should the scheme be permitted, a suitably worded condition is recommended to ensure that the developer engage with and agree the scheme with the Asset Protection Team before any work takes place on site

Biodiversity Team – No objection to the principle of the development and are happy that development will conform with the requirements of the EN2 Biodiversity policy as long as the construction is consistent with the CEMP (Brooks Report R-3681.03.1) and the Ecological Plan DR-3681-02. Although no formal net gain analysis has been undertaken in this instance, we have worked hard with the ecologists to ensure we have the best outcome for the Ecological habitat network on the site and believe this has been achieved.

West Yorkshire Archaeological Advisory Service – Archaeological remains ranging in date from at least the medieval period may be uncovered and destroyed during construction activity. An evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development should be submitted.

Environmental Health Land Contamination – No objection to the principle of the development subject to the imposition of conditions relating to remediation verification and the discovery of unexpected contamination

Environmental Health Air Quality – No objection to the proposal and is satisfied with the amended Air Quality Assessment. Seek the imposition of conditions relation to the provision of electric vehicle charging points and the submission of both a construction dust management plan and travel plan to encourage more sustainable modes of transport

Environmental Health Nuisance – No objection to the principle of the development but would advise that the recommendations contained within the Hepworth Acoustics Report No: P18-505-R01VZ (dated May 2019) are implemented

Lead Local Flood Authority – No objection to the proposal subject to the imposition of appropriate conditions relating to the disposal of foul and surface water

Yorkshire Water – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the discharge of both foul and surface water

Airedale Drainage Commissioners – No objection as the site is located outside of the area managed by the Airedale Drainage Commissioners

The Coal Authority – No objection to the proposed development

Health and Safety Executive – Does not advise, on safety grounds, against the granting of planning permission

Education (Client Team) – The proposal could cause concerns on where children of families coming to reside in the development might attend school, depending on the ages as parents have an expectation that their children may be able to secure a school place at their local school and minimise the distance they may need to travel. Current census data for these Bradford primary schools indicates that there are currently very few places available across all year groups to accommodate potential additional children who may come to live in this development. The 2020 published primary school forecasts indicate that there should be sufficient reception places up to 2025/26. Current census data for these Bradford secondary schools indicate that there are a small number of places available in some year groups across this group of secondary schools. However, Tong Leadership Academy currently has spaces available across all year groups. Bradford Academy Bronte Girls, Dixons City and Dixons Trinity are currently full across all year groups. The secondary school forecasts indicate that there are no spare places in year 7 in 2021 and 2022. A small amount of surplus is forecast in year 7 from 2023 to 2026.

Sport & Leisure – No objection to the principle of the development although the proposed development will have a significant impact on the surrounding facilities due to new residential units but a financial contribution will be sought from the CIL funds to help mitigate these impacts. However, if the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process. If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees

7. Secured by design
8. Contaminated land
9. Biodiversity issues
10. Air Quality
11. Affordable housing
12. Health and Safety issues
13. Community Infrastructure Levy
14. Other issues

### **Appraisal:**

The scheme proposes the construction of 146 dwellings with there being a mix of 1 (32 in number), 2 (23 in number), 3 (81 in number), and, 4+ (10 in number) bedrooms in size. The layout includes a mix of detached, semi-detached and terraced (3 dwellings) dwellings. The 1 bedroom units will be in groups of 4 and be back to back dwellings. Vehicular access to the site will be taken through a new access from Rooley Crescent to the north created through the demolition of an existing dwelling.

#### 1. Principle of development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways and these include identifying and co-ordinating the provision of infrastructure (economic objective), by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (social objective), and, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (environmental objective).

Paragraph 11 of the National Planning Policy Framework states that decisions should apply a presumption in favour of sustainable development and should approve development proposals that accord with an up-to-date development plan without delay. Section (d) of Paragraph 11 states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The National Planning Policy Framework states in paragraph 73 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 their housing requirement set out in adopted strategic policies, or against their local housing need

where the strategic policies are more than five years old". The Council currently has a housing land supply of around 2.1 years and is therefore significantly below the supply required under the National Planning Policy Framework. The development of unallocated site contributes towards increasing the housing land supply. The Inspector picked up on this issue in the appeal decision against the refusal of planning application reference 19/02602/MAF and stated in paragraph 58 of the appeal decision that "the shortfall is significant and the proposal would make an important contribution to alleviating the deficit and improving delivery. It would accord with the Government's objective of significantly boosting the supply of homes. It would also contribute to a housing mix because it would provide accommodation for different groups, as a rented scheme. It would be aimed at those who cannot, or do not wish to, purchase a property. It would widen housing choice and enable a sense of community to be created".

Paragraph 68 states that small and medium sized sites can make an important contribution towards meeting the housing requirement of an area and in order to promote the development of a good mix of site Local Planning Authorities should, amongst other things, support the development of windfall sites through their policies and decisions. Paragraph 71 states that Local Planning Authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area.

The issue of the Council not having a 5-year housing land supply is considered to be a material planning consideration and should be taken into account when determining planning applications along with guidance and should be treated in the same way as other policy guidance. The development plan policies which are most important for determining the application are out-of-date. As a consequence, the tilted balance test under paragraph 11 (d)(ii) applies. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The site has been included within the Council's emerging Local Plan (Site Ref: SE20/H). The draft allocation of the site for housing in the Council's emerging Local Plan attracts limited weight as the plan is at a fairly early stage of preparation and it has not yet been the subject of Examination.

#### Urban Greenspace (Policy OS1):

Policy OS1 of the Replacement Unitary Development Plan relates to land within the defined Urban Greenspaces. The policy has been superseded by policy EN1 of the Core Strategy but is saved until the adoption of the Allocations and Area Action Plan Development Plan Documents.

The site is located within an area defined as Urban Greenspace within the Replacement Unitary Development Plan. Policy OS1 states that development will not be permitted in the areas identified as Urban Greenspace unless it retains their open and green character, and, through design makes a positive contribution to the character and amenity of such areas. The layout of the site is such that there are a number of swathes of green open space within the application site that helps to break up the mass of the built form. The southern section of the site will remain open and will be enhanced through additional tree and hedge planting. This open area will extend up towards the northern boundary of the site with the area around the beck being maintained and

enhanced. Running from the centre of the northern boundary towards the western boundary is another strip of open land. Not only will these areas break up the built form of the development but will also retain, and enhance, an element of open green space as well as making a positive contribution to the character of the area. It is considered that the inclusion of the green corridors, all of which could be appropriately landscaped to further minimise the potential impact on the allocated urban greenspace, the overall impact on the openness of the area is acceptable.

Housing density and mix (Policies HO5 & HO8):

Policy HO5 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way developers will be expected to make the best and most efficient use of land. Densities should normally achieve at least a minimum density of 30 dwellings per hectare although higher densities would be possible in areas well served by public transport.

Policy HO8 of the Core Strategy states that the Council will ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures and the mix should be based on both market demand and evidence of local need within the District's SHMA.

The scheme proposes the construction of 146 dwellings with there being a mix of 1 (32 in number) 2 (23 in number), 3 (81 in number), and, 4+ (10 in number) bedrooms in size. The layout includes a mix of detached, semi-detached and terraced (3 dwellings) dwellings. The 1 bedroom units will be in groups of 4 and be back to back dwellings. As such it is considered that the proposal satisfies the requirements of policy HO8 with regards to providing a mix and balance of house types to meet the demands of the area.

The application site is 6.07 hectares in size and the scheme proposes 146 dwellings. This equates to a density of 24 dwellings per hectare. This density is below the minimum policy requirement of 30 dwellings per hectare as identified in policy HO5. However, there are extenuating circumstances for this reduced density including the need to protect the area of land allocated for the access route to the proposed Park and Ride Scheme to the west and the need to provide a buffer zone underneath the pylons that run through the site from the south east to the north. As such, in this instance, the reduced density is considered to be acceptable.

Park & Ride Scheme including access route (Policies TM7 & TM20):

Policy TM7 – allocation BS/TM7.2 (Odsal) – This scheme forms part of the South Bradford Integrated Transport Improvements. Access to the car park from the M606 will be via a new link road from Staithgate Lane, which is also shown on the Proposals Map.

Policy TM20 – allocation BS/TM20.2 – M606/Rooley Lane/Staygate Roundabout – This scheme forms part of the South Bradford Integrated Transport Improvements.

Running across the northern section of the site is an allocation for a Highway Improvement under policy TM20 of the Replacement Unitary Development Plan. The allocation, under reference BS/TM20.2 (M606/Rooley Lane, Staygate Roundabout),

forms part of the South Bradford Integrated Transport Improvements and will provide access from Staithgate Lane to the allocated Park and Ride Scheme located immediately to the west of the application site.

The Applicant has submitted a layout which does show the allocated Highway Improvements as the main access road into the site. The access road extends the full width of the site from the eastern to the western boundaries and as such will provide the link from the proposed Park and Ride Facility to Staithgate Lane, subject to the Council obtaining small parcels of land between Staithgate Lane and the eastern boundary of the application site.

The allocated Park and Ride Scheme, and the allocated Highway Improvements, have not previously been progressed. However, the Park and Ride Scheme is looking to be brought forward in order to mitigate the concerns raised in relation to air quality within the District and is now being considered for funding through the "Transforming Cities Fund Stage 2 Big Bid". At present it is important to point out that there are no designs available for the Park and Ride Scheme with regards to either the size of the parking area or the likely access route from Staithgate Lane however it is envisaged that it will have a minimum 500 parking spaces but this could increase as more detailed designs are undertaken. It is therefore vital that any development on the application site does not prejudice the ability to bring forward the Park and Ride Scheme in line with the allocation within the Replacement Unitary Development Plan.

It is concluded that the route of the access road is in line with the allocated Highway Improvement line shown on the Replacement Unitary Development Plan and will not prejudice the future provision of the proposed Park and Ride Scheme allocated to the west of the site.

Overall therefore, it is considered that the principle of residential development in relation to the sites location within an area allocated as Urban Greenspace is acceptable as the layout does incorporate large swathes of open land which would break up the built development. In terms of the impact the development would have on the ability of the Council to deliver the allocated Park and Ride Scheme on land to the west of the site it is again considered that the scheme is acceptable. The access road within the northern section of the site is within the allocated Highway Improvements area identified under policy TM20 of the Replacement Unitary Development Plan (Ref: BS/TM20.2 – M606/Rooley Lane, Staygate Roundabout). The access road will be built to a specification that will allow access to the Proposed Park and Ride Scheme without major alterations being required to the road.

## 2. Visual amenity

The National Planning Policy Framework states in paragraph 124 that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

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

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes.

The site is located on the southern edge of the urban area with residential development located to the north and north west (including Rooley Crescent/Newhall Drive/Deanbeck Avenue/Radfield Drive) whilst to the east are industrial premises located on Staithgate Lane. The dwellings comprise a mix of detached and semi-detached dwellings and include both single (bungalows) and two storeys in height. There is a mix of materials including stone, brick and render.

The proposed layout includes detached, semi-detached and terraced (of three dwellings) dwellings as well as incorporating blocks of 4 dwellings in a back-to-back style. The dwellings will all be two storeys in height and will be constructed using brick and stone on the elevations and concrete tiles on the roofs. There are tracts of open space running through the development that help break up the overall mass of the development and help reduce the visual impact on the wider area.

The layout of the development and the designs of the proposed dwellings are considered acceptable, subject to the imposition of appropriate conditions with particular reference to materials, and will not be visually detrimental to the character and appearance of either the streetscene or the wider locality and the requirements of policies DS1 and DS2 of the Core Strategy are therefore satisfied.

### 3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The application site is bounded to the north and north west by existing residential development on Rooley Crescent and Newhall Drive. The relationships between the existing and proposed dwellings include both main to main elevation and main elevation to gable end.

The first relationship to consider is that with the dwellings on Newhall Drive whose rear elevations face onto the application site. The relationships between the existing and proposed dwellings are rear elevation to rear elevation (14/16 Newhall Drive to plots 10-11), rear elevation to rear elevation (18/20 Newhall Drive to plots 8-9), and, side elevation to rear elevation (22 Newhall Drive to plots 4-6). The separation distances are 25 metres, 20 metres, and 22 metres respectively. These separation distances comply with the policy requirement and therefore it is not considered that the residential amenities of the occupiers of either the existing or proposed dwellings will be adversely affected.

The second relationship is that of the dwellings on Rooley Crescent and Deanbeck Avenue whose rear (76/78 Rooley Crescent) and side (42 Deanbeck Avenue) face onto the site. The nearest plots to the boundary are plots 126 and 131 which are sited at an oblique angle to the boundary. The separation distances between plot 131 and 76/78 Rooley Crescent) and plot 126 to 42 Deanbeck Avenue are 13½ metres and 13 metres respectively. Due to the orientation of the plots and the design of the dwellings it is not considered that the residential amenities of the occupiers of either the existing or proposed dwellings will be adversely affected.

The final relationship to consider is that of plot 132 to the dwelling to the immediate west that is located to the rear of 76 Rooley Crescent. The relationship is side elevation to side elevation albeit that plot 132 is sited at an oblique angle to the existing dwelling and doesn't have any domestic curtilage adjacent to it. The separation distance at its closest point is 6 metres and this is considered to be acceptable and the residential amenities of the occupiers of either the existing or proposed dwellings will not be adversely affected.

With regards to the relationship of the proposed dwellings to the industrial premises and land to the east there is a minimum distance of 69 metres between the proposed dwellings and the building. This distance is considered acceptable in that the residential amenities of the occupiers of the proposed dwellings will not be adversely affected.

Adjacent to the north eastern section of the site is the Expect Distribution trailer park with a number of proposed dwellings having their rear elevations overlooking it. The dwellings are separated from it by the open grassed area above the Bowling Tunnel. There is a separation distance of approximately 32 metres from the rear of the dwellings and 22 metres from the rear boundary of the site. There is the potential for noise disturbance to the future residents of these plots. In order to assess the potential impact, the Applicant has submitted a Noise Impact Assessment in support of the application which recommends that some noise mitigation measures are implemented in respect of intermittent noise from the Expect Distribution trailer park and distant warehousing yard. This recommendation is more to do with the character of the noise rather than the level, and also for futureproofing purposes. The noise mitigation measures should comprise sound insulation measures for bedroom windows and acoustic screening measures for rear gardens in certain areas of the site. For the glazing it is recommended that a sound reduction performance of at least 32 dB Rw + Ctr for the bedrooms should be achieved and this would be done with acoustic double glazing of 6mm glass – nominal cavity – 6.4mm SG ‘Stadip Silence’ acoustic laminated glass. It is also recommended for the bedroom windows that specialist acoustic trickle vents are installed instead of standard window frame slot vents.

The Noise Impact Assessment has been considered by the Environmental Health Department who have concurred with the findings of it and are seeking a condition to ensure that the recommended measures are incorporated within the development.

Overall therefore it is considered that the layout of the development, together with a condition securing the proposed noise mitigation measures recommended in the Noise Impact Assessment, is such that the residential amenities of the occupiers of both the proposed dwellings and those existing dwellings that abut the site will not be adversely affected by the proposal and the requirements of policy DS5 of the Core Strategy are satisfied.

#### 4. Highway safety

Paragraph 102 of the National Planning Policy Framework states transport issues should be considered from the earliest stages of development proposals such that, amongst other things, the potential impacts of development on transport networks can be addressed, and, opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 109 of the National Planning Policy Framework states 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. It goes on to state in paragraph 110 that applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high

quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy TR1 of the Core Strategy seeks 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 whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Application reference 19/02602/MAF was refused planning permission at the Regulatory and Appeals Committee on the 5<sup>th</sup> March 2020 with there being 2 highway related reasons for refusal, these being:

Reason 1. The proposed development would involve the intensification of use of Rooley Crescent and Deanbeck Avenue which would be detrimental to highway safety by reason of the general arrangement of the roads through width and geometric layout. The proposal is therefore contrary to policies DS1 and DS4 of the Local Plan for Bradford and paragraphs 102, 109 and 110 of the National Planning Policy Framework.

Reason 2. The site is served by only infrequent public transport and is beyond the 400 metre walking distance to a bus stop as recommended in national guidelines. As such it is not considered that the proposal constitutes a sustainable location serving local services including medical health provision and education. The proposal is therefore considered to be contrary to policy TR3 of the Local Plan for Bradford and paragraphs 102, 109 and 110 of the National Planning Policy Framework.

In considering Reason 1 as part of the appeal the Inspector, in paragraph 29, considered Rooley Crescent to be a ‘connector street’ when assessing it against the advice contained in the Council’s Homes and Neighbourhoods: A Guide to Designing in Bradford Supplementary Planning Document (2020) with such a street being said to be a main street that provides structure in a residential area. The Inspector went on to say that “whilst it (Rooley Crescent) does not contain a separate cycle lane, this is of less relevance when assessing whether its width and geometrical layout would accommodate in particular the car traffic that would be generated by the proposal. The part of Rooley Crescent nearest to the proposed site access permits the free flow of traffic, even when cars are parked along the carriageway”. With regards to Dean Beck Avenue the Inspector considered it to constitute a “residential street” because of its lesser width and this is said to be a general street in a residential area that carries a wide range of movement types. Dean Beck Avenue ably demonstrates these characteristics.

When assessing the roads against the information contained within the Transport Assessment with regards to trip generation the Inspector stated in paragraph 33 of the

decision letter that with “the width of Rooley Crescent, it would be able to accommodate the traffic movements without unduly inhibiting the free flow of traffic. The geometry of the road would also not seem to raise a particular concern. The junction with Radfield Drive close to the site access is of a minor residential nature, and a bend towards the A6036 is easily accommodated by driving to the usual standards”. With regards to Dean Beck Avenue the Inspector stated in paragraph 34 that “with the predicted increase in the volume of traffic, I am not persuaded this would render the proposal unacceptable and the same applies as regards Dean Beck Avenue’s geometric layout”. The Inspector concluded in paragraph 39 that “Rooley Crescent and Dean Beck Avenue would be able to absorb the additional traffic likely to be generated. The intensification of the use of these roads would not be unacceptable”. The Inspector concluded in paragraph 40 that the “proposal would not have an unacceptable effect on highway safety and the free flow of traffic by way of the proposed access arrangements” and therefore accords with the relevant local and national policy guidance.

In considering Reason 2 as part of the appeal the Inspector, in paragraph 43 of the decision letter stated “the proposed dwellings nearest Rooley Crescent would only be a slightly greater distance away than 400m and not significantly further than the existing dwellings. The remainder of the proposed dwellings would clearly be more distant but this is often the case with larger housing developments because of the size of the site and, as a consequence, the variation in accessibility”. The Inspector goes on to state in paragraph 44 that the “undulations in the topography between the site and the bus stops would not provide an undue deterrent. It would seem to me that the continuous nature of the footways and that they are lit is of more importance with regard to encouraging their use”.

With regards to the relationship with local facilities the Inspector stated in paragraph 47 that “similar considerations apply concerning the proposal’s location and local services, as far as the development layout and the linkages to pedestrian routes. The accessibility standards also apply, as an alternative, a 20 minute walk time (1600m). This would include education services by way of at least primary school provision, based on the evidence on the distances from the site that I have before me. Medical health provision is further away, but the accessibility standards to bus stops also apply as regards these facilities. I have not found this to be unacceptable”. The Inspector goes on to state in paragraph 48 that “with regard to a broader range of local services, I observed a number in the vicinity of the roundabouts at either end of the A6036 nearest the site and along Mayo Avenue, as well as the employment uses along Staithgate Lane. The site lies on the edge of a large urban area and access is afforded to a sufficient range of services by means of travel other than the car”. The Inspector concluded in paragraph 49 that “the proposal would be in a suitable location as regards the accessibility to services” and therefore accords with the relevant local and national policy guidance.

The proposed access arrangements and the internal site layout are similar to that considered during the recent appeal. The layout shows a spine road connecting the site's eastern and western boundaries, which will be designed as a type 1 connector street without direct frontage access for any of the proposed dwellings. All units connect to this arterial route via lesser type 2 and type 3 roads. The arterial route has a carriageway of adequate width for a bus route and sufficient capacity to accommodate traffic generated by this residential development and the adjacent Park and Ride scheme. There are two segregated 3.0 metre footways together with a 1 metre grass

verges on either side of the carriageway and the road now extends up to the respective boundaries of adjacent land. The Highways Department now consider that the site layout is acceptable in principle subject to detailed design at Section 38 stage.

The scheme incorporates a proposed site access from Rooley Crescent that will initially serve the development until the Proposed Park and Ride Scheme becomes operational. Once this happens the link from Rooley Crescent would be closed to vehicular traffic and this is considered to be necessary to prevent 'rat running' traffic on Rooley Crescent and Dean Beck Avenue. This will be secured through the Section 106 Legal Agreement.

Previously the Highways Department was looking for speed control measures on existing roads leading into the site. However, an independent road safety audit shows that there is no longer a need for such measures and also indicates that traffic calming in the area would not deliver any additional safety benefit. Speed surveys show low vehicle speeds with the average speed being around 20mph and 85th percentile speed well below the 30mph speed limit. The level of traffic generated by the proposed development would be unlikely to lead to undue highway safety problems in this locality. These findings are concurred with by the Highways Department.

Construction of the development will need to be well managed and signed to minimise impact on local residents. There should be no construction or delivery traffic routed to and from the site via Dean Beck Avenue. All such traffic should access the site from Rooley Crescent and the developer should carry out 'before and after' highway condition surveys along this route to ensure any damage to the highway network resulting from the construction phase is remediated. The Applicant has agreed to extend the 'before and after' survey to include Dean Beck Avenue. In order to try and secure the route for the construction traffic it is recommended that a Construction Plan be submitted for approval by the Local Planning Authority. Such a plan cannot guarantee that the identified route will be used by all construction traffic. Any vehicle that is taxed and tested can use any public highway. It would be the responsibility of the Developer to encourage construction vehicles to use the identified route as much as possible in order to minimise the impact on the existing residents.

The Transport Planner has resubmitted the objection from the previously refused application 19/02602/MAF and has not taken into account the comments made by the Inspector in the decision letter to the appeal against the previous refusal or made comment on the amended plans and supporting information submitted as part of the revised objection. It is considered that the previous objections have been fully addressed by both the Inspector and the revised submission.

The West Yorkshire Combined Authority have not raised an objection to the principle of the development but state that the Developer should fund a package of sustainable travel measures such as discounted MetroCards (Residential MetroCard Scheme) for all or part of the site at a cost of £75,075.00p to encourage the use of other more sustainable modes of transport than the private car. As an alternative to the provision of Residential MetroCards the Council does now seek the provision of Electric Vehicle Charging Points within the curtilage of each dwelling that has an off-street parking space and these are normally secured via a condition attached to a planning permission. It is considered that the provision of electric vehicle charging points represents a betterment to the scheme as the charging points are in situ permanently rather than, for example, the Residential MetroCard Scheme which is only for 1 year

and there being no guarantee the users will renew them at the end of that period. As such it is recommended that the provision of the bus shelters and the Residential MetroCard Scheme not be sought in this instance.

Overall therefore, it is considered that the proposal is located within a sustainable location with regards to its relationship to both local services and public transport. It is also acceptable in highway terms not only in relation to the internal layout of the development but also in terms of the impact on the wider highway network. The layout will also secure the access road to the proposed Park and Ride Scheme to the west. Subject to the imposition of appropriate conditions and a Section 106 Legal Agreement there is no objection on highway grounds and the proposal satisfies the requirements of policies TM7 and TM20 of the Replacement Unitary Development Plan policy TR1 of the Core Strategy, and, the relevant paragraphs of the National Planning Policy Framework.

## 5. Drainage

Paragraph 163 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively which policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

The issue of surface water drainage was considered by the Inspector in relation to the appeal against the refusal of planning application reference 19/02602/MAF. In paragraph 19 it is stated that “a contribution needs to be made to provide for the satisfactory drainage of the site is not in dispute”. The Inspector goes on to state in paragraph 20 that the “same concern arises as with the affordable housing, though, over delivery. As I have set out above, the Council are not legally required to accept the planning obligation and so, based on the evidence before me, it would not be effective. The Council would not be obliged to use the contribution to improve the drainage infrastructure in this way. Hence, it also carries limited weight in this respect. Without the certainty that the watercourse improvements would be made, the proposal would not provide adequate surface water drainage infrastructure and, in these circumstances, it would have the potential to cause flood risk”. The Inspector concluded in paragraph 21 that “the proposal would not make adequate provision for drainage infrastructure with regard to minimising flood risk. As such, it would not comply with Policy EN7 of the Core Strategy where it states that the Council will manage flood risk pro-actively.

In relation to the current proposal and the drainage of the site the Applicant proposes to connect to the mains sewer with regard to the discharge of foul water whilst with regard to the disposal of surface water it is intended to connect to an existing watercourse. The drainage proposals have been fully considered by the Lead Local Flood Authority and Yorkshire Water.

Yorkshire Water have not raised an objection to the drainage proposals as outlined in the submitted Flood Risk Assessment & Outline Drainage Strategy in that the foul water will discharge to a combined sewer located in Dean Beck Avenue and the sub-soil conditions do not support the use of soakaways and surface water is to discharge to the watercourse within the site.

The Lead Local Flood Authority have not raised an objection to the proposal subject to the imposition of appropriate conditions relating to the disposal of foul and surface water drainage. They are satisfied that the Flood Risk Assessment & Outline Drainage Strategy (Doc Ref: WJ/18463/FRA, dated April 2021) are acceptable and fully address the issues of the surface water drainage which has previously been a concern and was raised by the Inspector in the decision letter to the appeal against planning application 19/02602/MAF.

As such, subject to the imposition of appropriate conditions relating to the disposal of foul and surface water drainage, there is no objection to the proposal with regards to the future drainage of the site. It is considered that the proposal therefore satisfies the requirements of policies EN7 and EN8 of the Core Strategy.

## 6. Trees

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

There are a number of trees located within the site that are spread along the internal boundaries. However, the majority of the trees are located adjacent to the southern and south western boundaries. These trees form part of a much larger copse of trees that extends further south away from the site and located either side of the railway line.

The layout of the site will result in the loss of a number of trees located in the northern section of the site but those in the southern section where there are no dwellings proposed will remain. Those trees along the western boundary will, where possible, be retained. The dwellings are positioned within the site such that they will not impact on the trees located adjacent to the site with the bulk of them being adjacent the area of open space proposed for the southern section of the site. This will ensure their future retention with there being no future pressure for their removal.

As such therefore there is no objection to the proposal with regards to the impact on the existing trees in the vicinity of the site and the proposal therefore satisfies the requirements of policy EN5 of the Core Strategy.

## 7. Secured by Design

Paragraph 91 of the National Planning Policy Framework states that Planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible,

so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular, they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

There is no objection to the proposal with regards to the provision of a safe and secure environment for the future residents. The layout has been well designed such that all areas of open space are adequately overlooked from both the public highway and the proposed dwellings such that they are unlikely to cause any issues with regards to anti-social behaviour.

A drawing has been submitted with regards to the proposed boundary treatments and these are considered to comply with the requirements of the Councils Supplementary Planning Document entitled Planning for Crime.

The issue of security of dwellings, particularly surrounding the issue of doors and windows, is covered by Building Regulations Approved Document Q: Security – Dwellings which sets out reasonable standards for doors and windows to resist physical attack by a casual or opportunist burglar by being both sufficiently robust and fitted with appropriate hardware.

Overall there is no objection to the proposal with regards to the provision of a safe and secure environment for the future residents and the proposal therefore satisfies the requirements of policy DS5 of the Core Strategy.

## 8. Contaminated land

Paragraph 178 of the National Planning Policy Framework states that decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 179 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented

to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Application reference 19/02602/MAF was refused planning permission at the Regulatory and Appeals Committee on the 5th March 2020 with there being 1 ground condition related reasons for refusal, this being:

Reason 3. The application site is located immediately adjacent to an acknowledged source of contamination (Odsal Tip, site reference 12ne02). The Applicant has failed to demonstrate that in the long term the development proposal will not be unacceptably exposed to future contamination emanating from the adjacent site. The proposal is therefore considered to be contrary to policy EN8 of Local Plan for Bradford and paragraphs 178 and 179 of the National Planning Policy Framework.

In assessing the evidence submitted by both the Council and the Appellant the Inspector stated in paragraph 54 of the decision letter that the “substantive evidence on this issue has been provided by the appellant and I see no reason to deviate from it. When these considerations are taken together, the appellant has ably demonstrated that in the long term the proposal would not be unacceptably exposed to future contamination emanating from the adjacent site. The measures that are set out in the Contamination Remediation Statement would sufficiently address potential contamination issues”. The Inspector goes on to state in paragraph 56 that “I conclude that the proposal would not have an unacceptable effect on the public health of the future occupiers in relation to land contamination”.

In relation to the current planning application the Applicant has submitted a Combined Stage 1/Stage 2 Geo-Environmental Report in support of the application and this has been assessed by the Councils Environmental Health Department.

With regards to contamination the Report identified that the vast majority of the topsoil of the site was found to be suitable for use on a residential site. However, there are a number of areas where the top soil will require removal from the site. The contamination risk assessment confirmed that, provided remedial measures are implemented, basically comprising removal of localised areas of topsoil from site, excavation and stockpiling of localised areas of topsoil for future placement in areas of public open space, and provision of cover blankets in the area of contaminated made ground, the materials present on the site are compatible with the proposed usage.

With regards to gas monitoring of the site the results indicate that low level gas protection measures (gas membrane and sub-floor void) will be required for carbon dioxide. This pathway for the gas will be blocked by these measures.

A Remediation Verification Strategy has been submitted in relation to the removal of the areas of contaminated top soil together with the inclusion of the gas protection measures. The Strategy also incorporates a process for testing materials to be brought onto the site together with the process in relation to the discovery of any unexpected contamination.

No objection has been raised to the proposal by the Environmental Health Department subject to the imposition of a number of conditions including one relating to the submission of a remediation verification report providing evidence that risks from

contamination have been effectively remediated in accordance with the approved Remediation Strategy, including validation of the installation of gas protection.

The Coal Authority have also commented on the application and have stated that the site is located within the defined Development High Risk Area. The records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of the application, specifically, likely historic unrecorded underground coal mining at shallow depth and a recorded mine entry (shaft). The Combined Stage 1/Stage 2 Geo-Environmental Report submitted in support of the application has been the subject of intrusive site investigations and these have confirmed that there are no shallow coal workings encountered within the site and that all other seams would be at sufficient depth not to implicate on ground stability or are of inferior quality, having not been worked. The shaft and its zone of influence would also be completely remote from the area where the built development will be. The Coal Authority therefore confirm that the risks to the development posed by the coal mining features would be very low and therefore no objection is raised to the proposed development by the Coal Authority.

The issue of ground conditions and the potential impact on the public health of the future occupiers of the site was considered by the Inspector in assessing the appeal against the refusal of planning application reference 19/02602/MAF where it was concluded that the proposal would comply with the requirements of policy EN8 of the Core Strategy together with paragraphs 178 and 179 of the National Planning Policy Framework.

In assessing the current application and the information submitted in support of it there is no justification to go against the findings of the Inspector or the Councils Environmental Health Department who have not raised an objection to the proposal. As such therefore, based on the submitted information, there is no objection to the proposal with regards to ground conditions subject to the imposition of appropriate conditions. The proposal therefore satisfies the requirements of policy EN8 of the Core Strategy.

## 9. Biodiversity

Paragraph 175 of the National Planning Policy Framework states that when determining planning applications, Local Planning Authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

The layout of the development incorporates vast swathes of open space which provide an opportunity for biodiversity enhancements to not only the site but also the wider area. The Ecological Impact Assessment submitted in support of the application identified a number of mitigation/enhancement proposals for the site in relation to,

amongst other things, the Bradford Wildlife Habitat Network, hedgerows and trees, wildlife and the watercourse running through the site. These mitigation/enhancement proposals include the creation of new woodland tree and shrub planting in the southern section of the site, the creation of enhanced wildflower grasslands running through the centre of the site in a south north direction together with the enhancement of the watercourse running in the same direction, a significant increase in hedgerow planting along the western boundary and around the watercourse, and, the inclusion of a number of bat/nesting bird boxes throughout the site.

A separate Bat Activity Report was submitted which concluded that bat activity is found to be low across the Site during the summer monitoring period and transect, but with an increase in activity autumn. Despite this increase in registrations during autumn, bat activity levels at the Site are still considered to be modest overall. The Report stated that the proposals already retain large amounts of open space, the native tree planting and central watercourse/ hedgerow. However, it recommended that to further benefit bats additional linear native tree planting could be incorporated into the design, providing greater connectivity through the site and provision additional foraging features for local bat populations. Additionally, bat boxes could be erected on new buildings and these should be focused around the peripheries of the site, in areas of minimal disturbance and away from direct lighting.

A Biodiversity Management Plan has also been submitted which describes the aims of the biodiversity enhancements, the period the plan will cover (10 years) and how it will be delivered.

The supporting information has been assessed by the Councils Biodiversity Officer who is content that this development will conform with the requirements of the EN2 Biodiversity policy as long as the construction is consistent with the CEMP (Brooks Report R-3681.03.1) and the Ecological Plan DR-3681-02. Although no formal net gain analysis has been undertaken in this instance, the two sets Ecologists have worked hard to ensure we have the best outcome for the Ecological habitat network on the site and believe this has been achieved. An appropriate condition is recommended to ensure that the recommendations contained with regards to ecological enhancements are carried out.

Subject to the imposition of appropriate conditions to secure the ecological benefits there is no objection to the proposal with regards to ecological impact and the proposal satisfies the requirements of policy EN2 of the Core Strategy.

## 10. Air Quality

Policy EN8 of the Core Strategy states that "in liaison with partner organisations, the Council will take a proactive approach to maintaining and improving air quality within the District in line with National Air Quality Standards, the European Union limit values and the principles of best practice. Through a range of actions, it will seek to secure a reduction in emissions from sources which contribute to poor air quality".

An initial Air Quality Assessment was submitted in support of the application and was considered by the Environmental Health Department. Comments were made regarding the exposure of future site users to increased pollutant concentrations due to the site's proximity to the M606 and the Expect Distribution Site. Additionally, 2019 baseline data has been made available as well as a number of updates to guidance documents,

toolkits and datasets used within the Air Quality Assessment process. An updated Air Quality Assessment has since been submitted which quantifies pollutant concentrations across the site to consider suitability for the proposed end-use. The use of robust assumptions, including the use of baseline emission factors coupled with traffic growth, which does not account for the improvements associated with the impact of the Bradford Clean Air Zone or considerations to the improvement of vehicle fleet in the local area (such as electric vehicles). The Applicant suggests that the applied assessment methodology therefore goes over and above industry standard guidance and addresses, in full, the recommendations and requirements specified by the Environmental Health Officer. This approach is considered to provide sufficient confidence in the results for an assessment of this nature. The Assessment concluded that the dispersion modelling results indicated that annual and 1-hour mean NO<sub>2</sub> and annual mean PM<sub>10</sub> and PM<sub>2.5</sub> concentrations across the application site were below the relevant AQOs at the proposed sensitive use and therefore the site complies with the relevant air quality objectives and is considered suitable for proposed end use without the implementation of protective mitigation techniques.

The updated Air Quality Assessment has been considered by the Council's Air Quality Officer. With regards to exposure of the new residents the current air quality objectives for NO<sub>2</sub> and PM<sub>10</sub> will be met across the entire proposed development site in 2022 (with the development in place). The figures provided within the Air Quality Assessment are likely to be the worst case scenario as they assume the following:

- No general reduction in vehicle emissions between 2019 and 2022 (they have used 2019 vehicle emission factors for 2022) – in practice vehicle emissions tend to improve generally over time (due to improved emission technology) and greater numbers of EV vehicles joining the fleet;
- No improvement due to Bradford CAZ introduction – in practice once introduced this should help reduce background emissions in the area below those used in the assessment as it will accelerate the local uptake of cleaner buses, taxis, HGVs and LGVs in the CAZ area which will include roads close to this site and is likely also to influence traffic make up on the M606; and,
- Vehicles moving at 5mph around the Expect logistics site (to represent potential idling emissions).

The proposal will impact on the Mayo Avenue AQMA and the wider area however it is not expected that the site from the application site will increase by more than 10% on any road with a flow of >10,000 vehicles per day which is the usual trigger for detailed air quality impact assessment work. It is unlikely to have a measurable impact on the current AQMA or other major roads in the area but will contribute to the general 'emission creep' across the city. For this reason, it will require the submission of a construction dust management plan along with on-site provision of electric vehicle charging points for all properties with dedicated off-street parking. A Travel Plan will also need to be submitted.

The proposed Park and Ride Scheme also needs to be considered in relation to what impact the buses will have on the future residents of the development. The Park and Ride Scheme is at a very early stage with no planning application being submitted. In assessing the current application therefore, it has to be done on the basis of the Park and Ride Scheme not being in existence and when that does progress through to the submission of a formal planning application it is that development that will need to take account of the future residents of this development in terms of air quality.

Overall therefore, subject to the imposition of the appropriate conditions referred to above, it is not considered that the proposal will significantly impact on the air quality in the locality and it satisfies the requirements of policy EN8 of the Core Strategy.

#### 11. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is 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 site is located in an area where the affordable housing requirement is the on-site provision of up to 20% of the number of units to a Registered Provider for delivery at affordable rent. The Applicant has offered 5% (7 units) provision of affordable housing.

The site is located in an area where the affordable housing requirement is the on-site provision of up to 20% of the number of units to a Registered Provider for delivery at affordable rent. The Applicant has offered 5% (7 units) provision of affordable housing and this is based on the requirement from the Highways Department that the access road serving the site is built to a specification that would allow it to serve the allocated Park and Ride Scheme without any significant alterations to it. This has increased the costs associated with constructing the road and has had further implications in relation to the layout. These costs equate to in excess of £500,000 and includes issues such as the cost of the enhanced road construction (this takes into account the additional length of road, drainage, bellmouths, footpath crossings, street lighting, ducting, road marking and verge. In total, the extra over cost of this road compared to a standard estate road is estimated to be around £800/m), additional residential access roads needed, additional underbuild required, additional retaining walls, and the revenue associated with loss of 4 housing plots.

Whilst normally where a reduction in the level of provision of affordable housing is proposed a Financial Viability Appraisal would be required and then independently assessed. In this instance such an Appraisal has not been submitted but the breakdown of costs as outlined above has been submitted. It is considered that the outline of the costs is reasonable and has resulted from requirements put forward by the Highways Department. The Inspector, in relation to the appeal against the previous refusal of planning application reference 19/02602/MAF, accepted the reduced level of affordable housing provision. In this instance therefore, it is considered that there will be significant benefits incurred by the Council in relation to having the access road built to an adoptable standard that would serve the proposed Park and Ride Scheme and as such the reduction in the level of affordable housing is acceptable.

In support of the appeal against the refusal of planning application 19/02602/MAF the Applicant submitted a Unilateral Undertaking as a way of securing the affordable housing as the heads of terms for a Section 106 Legal Agreement couldn't be agreed between the Appellant and the Council. In considering the appeal, the Inspector stated in paragraph 12 of the decision letter that "the proposed mechanism of delivery is, though, by way of a planning obligation contained in the UU which the Council are not signatories to. As a result, the Council are not bound by this obligation". The Inspector went on to state in paragraph 13 that "if the UU is not placing an obligation on the Council and the Council are not obliged to engage with it, then it is unclear how it can be assured that the affordable housing would be provided in an acceptable way.

Therefore, it would be doubtful that it would achieve its intended purpose and so it could be unlikely to be effective in delivering the affordable housing in accordance with Policy HO11". Finally, the Inspector stated in paragraph 16 that "I find that the need for the planning obligation satisfies the tests that are set out in the National Planning Policy Framework (Framework) and the Community Infrastructure Levy Regulations (as amended, 2019) (CIL) of being 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. However, as the planning obligation is defective it would not give the assurance that the affordable housing would be delivered, as a matter of planning judgement".

In order to overcome the decision of the Inspector the Applicant has agreed to enter into a Section 106 Legal Agreement to secure the 5% affordable housing provision.

As such it is considered that the proposal is now acceptable and satisfies the requirements of policy HO11 of the Core Strategy.

#### 12. Health and Safety issues

The site is located in the outer zone of the BASF plc. hazardous installation and as such there is a requirement to consult with the Health and Safety Executive. This is done through the computerised PADHI+ system. Having done the computerised consultation, the advice received is that they do not advise, on safety grounds, against the granting of planning permission.

As such therefore there is no objection to the proposal on health and safety grounds associated with the nearby hazardous installations.

#### 13. Community Infrastructure Levy (CIL)

The application site is located within CIL zone 4 which has a liability of £0 per square metre of newly developed floor spaces.

#### 14. Other issues

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

The Community Infrastructure Levy (CIL) is set at £0 per metre squared for the site in question so any reference to it is a "red herring" – *Reference to CIL is not a "red herring". Any planning application for residential development is subject to CIL and it just happens that in this instance the cost per square metre is £0*

Network Rail have recently made an input but there appears to be a lack of communication with them by the Applicant – *Network Rail have commented on the planning application and have stated that here is a need to contact them further to discuss the work which will be in close proximity to the railway line/tunnel. An appropriately worded condition/information can be recommended to ensure these discussions take place*

The Department of Education and Learning of BMDC express concern at the development based on a knowledge of the actual provision available. It would appear that the schools listed by the Applicant could be the product of a computer search for any establishment with "school" in its title. Local knowledge has proved not to be a strong point for the Applicant – *It is acknowledged that a number of schools that are located close to the application site are full or have very limited places available. However, this is not a sufficient enough reason to refuse planning permission. Money is available to expand schools through Community Infrastructure Levy (CIL)*

The schools in the local areas have virtually no places for any more children and openly admit that any places given might stop local children actually getting a place there – *It is acknowledged that a number of schools that are located close to the application site are full or have very limited places available. However, this is not a sufficient enough reason to refuse planning permission. Money is available to expand schools through Community Infrastructure Levy (CIL)*

The planning officer also decided that no environmental impact assessment was needed even though schedule 2 planning law states that it must have one which a call to Greenpeace will verify and this has been brought to his attention several times but still he has decided not to implement this by quoting clauses relating to number of houses and hectare measurements of land but these cannot be used to overrule them in the case of contaminated land. These facts alone should have at the very least have caused the planning officer to get advice from a geo science engineer, but he decided he or someone in planning knew better even though he doesn't have the qualifications or knowledge or skill set to make this call and to make a knowledgeable decision on this call would need at least a degree in geo science and no one with those qualifications has been asked by him and his advice that the houses at the top of the site are only just over 400 meters away from the bus routes are simply ludicrous – *The decision not to request an Environmental Impact Assessment was based on the appropriate legislation. The criteria against which to assess a planning application for whether or not an Environmental Impact Assessment is required is clearly laid out in the legislation, i.e. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As part of the appeal against the previous refusal the Planning Inspectorate agreed with this conclusion and in an email dated 9<sup>th</sup> February 2021 stated that "EIA action has now completed on this appeal. We have agreed with the Council's negative screening opinion. No further EIA action is required". As such it was not only the Councils recommendation that an Environmental Impact Assessment was not required but also that of the Planning Inspectorate*

The local infrastructure can't cope currently, getting your child into a local school is near on impossible, trying to get a GP appointment, when you're already registered with a GP is difficult enough, the added demand would certainly have a huge detrimental impact on us all – *no evidence has been produced to support this objection, but any adverse impacts on local doctors/dentists/schools arising directly from the development can be addressed via the allocation of Community Infrastructure Levy (CIL) receipts which can be used towards expanding educational and public health infrastructure*

Local knowledge of the area is important in making decisions – *Local knowledge can be useful in considering planning applications but there are both local and national planning policy guidance that needs to be taken into consideration and an application cannot simply be assessed against local knowledge*

As this project has been rejected before, what has changed for it to be reconsidered? – *The resubmitted application has been submitted in order to try and overcome the refusal reasons of both the previous planning application and subsequent appeal. There are a number of changes that have been made to try and overcome these concerns*

There are electric pylons on this land and the underground mainline train tunnel – *These factors have been taken into consideration in designing the layout of the development*

In 'del boy style' Caddick give the strong impression that they are willing to go to any lengths, legal or not, to pursue this application. For their part, Bradford Council appear to have bent over backwards to accommodate them. All of this is particularly suspicious and worrying! – *This accusation has not been backed up by any evidence from the Objector. The application is dealt with in the same way as every other planning application and in accordance with local and national planning guidance. No preferential treatment is given to any particular developer over another*

At what point will Caddick give up on pursuing this ludicrous application. There is a strong suspicion locally that something is going on behind the scenes as this application has already been rejected by both Bradford Council and the Government – *This accusation has not been backed up by any evidence from the Objector. The application is dealt with in the same way as every other planning application and in accordance with local and national planning guidance. No preferential treatment is given to any particular developer over another*

Why can't you use Richard Dunnes for housing or all the other derelict areas instead of green land!? – *Whilst other sites are available to be built on, an application cannot be refused on this basis. A Developer cannot be made to develop one site in preference to another. An application has been submitted on the application site and therefore has to be considered*

The council needs to refuse this once again, this plan for housing is simply not viable. Seems to be more of a financial gain for the developer and the rest will suffer the consequences. A perfect example of this is within Rooley Croft where residents were promised a dream and left with houses worth £0 – *No evidence has been submitted to substantiate this claim. It is highly unlikely that the Developer would progress within the scheme if it wasn't financially viable. The example of Rooley Croft had nothing to do with the plan not being viable*

There is the issue of Caddick's own behaviour [3 times they've been mentioned in the paper to do with not sticking to the obligations that they agreed to] and that they deliberately submitted this application while an appeal was still ongoing for the same [150] – *An applicant is entitled to submit a planning application for the redevelopment of a site at any time. It is common practice for a revised application to run alongside an appeal into a refusal on the same site*

I would ask the council if they are really serious about tackling the problem of empty properties in the district? (approx. 7,800 including 4,489 empty for over 6 months. Source T&A 29/3/19 Let's not forget Bradford was shamed in league of empty homes - more than 4,090 empty long term, back in 2016 - source Yorkshire Post) – *throughout the Bradford District there will be a number of empty or derelict houses but the Council*

*have no control over whether these are occupied. The Council no longer has a stock of "Council houses", they are run by InCommunities. The Core Strategy has identified number of new houses to be built over the period up to 2030 (although this figure is currently under review) and this proposal will contribute towards that figure*

*This is causing us lots of mental distress and affecting our mental health due to having another planning application submitted during Covid in unprecedented times by these opportunist money grabbing Caddick land developers who keep changing their stance – It is unfortunate that the on-going Covid pandemic has an impact on the process of the assessment of a planning application. However, an Applicant cannot be stopped submitting an application simply because of the pandemic. Details of the application can still be viewed on the Councils website and therefore people still have the opportunity to comment on it*

*Infestation of vermin once ground is broken – the issue of rat infestation is an issue that will be addressed by the Environmental Health Department if this does happen*

*This application is an abuse of the process and I am surprised how under what conscious did the planning officers even validated the planning while the decision of the previous application was still outstanding with the secretary of state – The submission of the application is not an abuse of the process. An applicant is entitled to submit a planning application for the redevelopment of a site at any time. It is common practice for a revised application to run alongside an appeal into a refusal on the same site*

*There are big questions to be asked in relation to the auction of the 74 Rooley Crescent. The auctioneers Robert Watts (Estate Agents) did a back handed deal as I am aware that some of the then prospective bidders put a higher bid than what it was sold on for to Caddick Land – This is not a material planning consideration and has no bearing on the determination of the planning application*

*The development has small areas of green space. What assurances have the developers made for maintenance? – The Developer will be required to submit a Management Plan for the areas of public open space outside the domestic curtilages of the dwellings which will explain how these areas will be managed and maintained in the future*

*The residents of the proposed development will want to make use of the local green-space and parks facilities, which are currently barely adequate. As CIL is zero in this area there will not be a pot of money to pay for improvements – CIL payments go into a central fund and can be used to improve the infrastructure in any part of the District. CIL monies from a particular development do not have to be spent in the Ward in which the site is located. If there is a demand for greenspace and parks facilities in this particular area, it is the responsibility of the relevant Department to make a claim for some CIL funding*

**Community Safety Implications:**

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

**Equality Act 2010, Section 149:**

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 this 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.

**Reason for Granting Planning Permission:**

The proposal provides an residential development which is considered to be acceptable and presents no concerns with regard to residential or visual amenity and highway safety. The proposal is considered acceptable and, subject to the satisfactory completion of the required Section 106 Legal Agreement and with the attached conditions, satisfies the requirements of policies TM6 and TM10 of the Replacement Unitary Development Plan and policies P1, SC1, SC4, SC9, EC4, TR1, TR2, TR3, EN3, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

**Conditions of Approval:**

1. 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).

2. Approved plans

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

Drawing Number 1874.02 showing the Local Plan and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.1012.01 showing the 1012 Brick Option and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.1012.02 showing the 1012 Stone Option and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.460.01 showing the 460 Brick Option and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.460.02 showing the 460 Stone Option and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.660.01 showing the 660 Brick Option and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.660.02 showing the 660 Stone Option and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.760.01 showing the 760 Brick Option and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.760.02 showing the 760 Stone Option and received by the Local Planning Authority on the 4th March 2021

Drawing Number 1874.820.01 showing the 820 Brick Option and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.820.02 showing the 820 Stone Option and received by the Local Planning Authority on the 4th March 2021;

Drawing Number 1874.881.01 showing the 881 Brick Option and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number 1874.881.02 showing the 881 Stone Option and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number DR-3681-01-A (NORTH) showing the Tree Constraints Plan and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number DR-3681-01-A (SOUTH) showing the Tree Constraints Plan and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number DR-3681-02-B (SOUTH) showing the Tree Constraints Plan and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number 1874.B.01 showing the Boundary Treatments and received by the Local Planning Authority on the 4th March 2021;  
Drawing Number 1874.04 Rev E showing the Street Scenes and received by the Local Planning Authority on the 18th February 2021;  
Drawing Number DR-LLP-3681-03.01 Rev A showing the Soft Landscape Specification: Green Corridor and received by the Local Planning Authority on the 18th February 2021;  
Drawing Number DR-LLP-3681-03.02 Rev A showing the Soft Landscape Specification: Housing Area A and received by the Local Planning Authority on the 18th February 2021;  
Drawing Number DR-LLP-3681-03.03 Rev A showing the Soft Landscape Specification: Housing Area B and received by the Local Planning Authority on the 18th February 2021;  
Unnumbered Drawing showing the Planning Layout and received by the Local Planning Authority on the 18th February 2021;  
Drawing Number 1874.01 Rev G showing the Proposed Site Plan (New Building) and received by the Local Planning Authority on the 7th June 2021;  
Drawing Number 1874.03 Rev C showing the Proposed Site Plan (New Building) and received by the Local Planning Authority on the 28th May 2021; and,  
Drawing Number 1874.B.03 showing the Location Plan and received by the Local Planning Authority on the 4th May 2021.

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

### 3. Separate foul and surface water drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The pumped foul discharge rate shall not exceed 6.9 (six point nine) litres per second, to the public sewerage network unless otherwise agreed through consultation with Yorkshire Water.

Reason: In the interest of satisfactory and sustainable drainage and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

### 4. No piped discharge

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. Scheme for foul and surface water

The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the Flood Risk Assessment & Outline Drainage Strategy, Doc Ref: WJ/18463/FRA, dated April 2021. The maximum surface water discharge rate, off-site, shall not exceed 37 (thirty seven) litres per second. 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.

[Reason for pre-commencement condition: It is necessary to secure agreement of effective drainage measures before commencement, 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]

6. Flood Risk Assessment

The development shall be carried out in accordance with the Flood Risk Assessment & Outline Drainage Strategy, Doc Ref: WJ/18463/FRA, dated April 2021.

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.

7. Maintenance Plan

The development shall not begin until a Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved Plan.

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.

[Reason for pre-commencement condition: It is necessary to secure agreement of the maintenance provisions for the drainage system, before commencement, 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]

8. Temporary drainage strategy

The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development

shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: To ensure an appropriate drainage strategy for the construction phases of the approved development, and the prevention of surface water and sediment run-off into adjacent watercourses, in line with EN7 and EN8 of the Core Strategy Development Plan Document.

9. Easement protection zone for Bradford Beck

The development shall not begin until construction details for any new building(s) located with 5 (five) metres of Bradford Beck have been submitted to and approved in writing by the Local Planning Authority. The construction details shall illustrate how no additional load will be imposed on the existing Bradford Beck Structure and include a Construction Method Statement. The buildings shall, thereafter, be constructed in accordance with the approved details.

Reason: To protect the Bradford Beck culvert and in the interests of effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

(Reason for pre-commencement condition: It is necessary to secure these details before commencement, in order to protect the Bradford Beck culvert in the interests of effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document)

10. Remediation verification

Prior to the occupation of the development, a remediation verification report providing evidence that risks from contamination have been effectively remediated in accordance with the approved Remediation Strategy, including validation of the installation of gas protection and evidence of quality control of imported and site-won soil materials and clean cover systems, shall be submitted to and approved in writing by the Local Planning Authority.

In circumstances where the development is carried out in phases, such verification shall be relevant to the phases of the development identified and agreed under the Remediation Strategy.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Core Strategy Development Plan Document.

11. 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 land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Core Strategy Development Plan Document.

#### 12. 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 and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with policies DS4 and DS5 of the Core Strategy Development Plan Document.

#### 13. Off-street parking provision

Before the occupation of each dwelling, 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.

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

#### 14. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority.

The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site;

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of

highway safety and amenity of the surrounding environment and its occupants and to accord with policies TR1, TR3, DS4, and, DS5 of the Core Strategy Development Plan Document.

15. Wheel cleaning facility

Before any development commences on site, full details of arrangements for wheel cleaning of construction vehicles and equipment, including the location of such a facility in relation to the highway and arrangements for disposal of contaminated surface water shall be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be installed, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles are leaving the site.

Reason: To prevent mud being taken on to the public highway in the interests of highway safety and to accord with policies DS4, and, DS5 of the Core Strategy Development Plan Document.

16. Mud prevention

The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration the of construction works on the site.

Reason: In the interests of highway safety and to accord with policies DS4, and, DS5 of the Core Strategy Development Plan Document.

17. Construction of access road

Prior to occupation of the 100th dwelling, the access road running from the eastern to the western boundaries and to serve the proposed Park and Ride Scheme shall be completed in full, in accordance with a specification that shall first have been submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Core Strategy Development Plan Document.

18. Travel Plan

Prior to the first occupation of the approved development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable travel options for future occupants of the development and include measures and incentives to reduce their reliance upon the private car. The Travel Plan as approved shall be implemented within 3 months of its approval in writing. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: In the interests of promoting sustainable travel and to accord with policy TR1 of the Core Strategy Development Plan Document.

19. Biodiversity enhancements

The development shall be carried out in accordance with the biodiversity enhancement recommendations contained within the Ecological Management Plan (R-3681-02.5) and the Construction Environment (Ecology) Management Plan (R-3681-03.2). A timetable

for the implementation of the recommendations shall first be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences above damp proof course on site.

Reason: To enhance the biological value of the site and to accord with policy EN2 of the Core Strategy Development Plan Document.

#### 20. Domestic Electric Vehicle Recharging Points

Before the date of first occupation, every dwelling on the site with a dedicated off-street car parking space shall be provided with access to a purpose built fully operational electric vehicle charging point. The charging points shall be provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) with Mode 3 type 2 capability provided at every residential unit that has a dedicated parking space and/or garage
- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) with Mode 3 type 2 capability for every 10 unallocated residential parking spaces (not including visitor spaces).
- Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and fully operational.
- Charging points installed shall be retained thereafter.
- Information about the provision of the EV charging point and how to use it should be included in the new home welcome pack.

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

#### 21. Construction Dust Management Plan

Prior to commencement of the development a Construction Dust Management Plan for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The dust management plan must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved dust management plan.

Reason: To protect amenity and health of surrounding residents in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF)

#### 22. Materials

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

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

23. Implementation of landscaping scheme

In the first planting season following the completion of the development, or in accordance with an alternative timetable for implementation that has been agreed in writing by the Local Planning Authority, the landscaping proposals forming part of the approved plans schedule shall be implemented in accordance with the submitted specifications and details.

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

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

24. Landscape management programme

Before development above damp proof course commences on site, a Management and Maintenance Agreement shall be submitted in relation to the future maintenance of the areas of open space that are located outside the residential curtilages. The Agreement shall be approved in writing by the Local Planning Authority and the development and the requirements of the Management and Maintenance Agreement shall be carried out in full accordance with the approved details.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS5 of the Core Strategy Development Plan Document.

25. Implementation of tree protection fencing

The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Arboricultural Impact Assessment and associated drawings.

No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details. The agreed tree protection measures shall be retained whilst ground works, development or demolition is taking place on the site.

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

26. Finished floor levels

Before development above damp proof course commences on site, plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages, parking areas, access roads and the height of any retaining walls within the development site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be so retained thereafter.

Reason: To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and to accord with policy DS1 of the Core Strategy Development Plan Document.

27. Acoustic noise report recommendations implemented

The development shall be carried out in accordance with the noise attenuation recommendations contained within the Noise Impact Assessment prepared by Hepworth Acoustics (Ref P18-505-R01-V2) dated May 2019.

Reason: To safeguard the amenity of occupants of adjoining properties and to accord with Policies DS5 and EN8 of the Core Strategy Development Plan Document.

28. Construction works near Bowling Tunnel

Prior to any development commencing on the construction of the dwellings and associated infrastructure within the eastern section of the proposed development (Plots 1-69), a methodology statement for the excavation of the foundations and construction of the buildings, where they are within 15 metres, measured horizontally, from the outside face of the tunnel extrados, shall be submitted to and approved in writing by the Local Planning Authority. The details shall have specific reference to the following:

- The type and method of construction of foundations
- Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

The development shall then be carried out in full accordance with the approved details.

Reason: In the interests of the safety of the railway line/tunnel and traffic using it and to accord with policy TR3 of the Core Strategy Development Plan Document.

Informatives:

1) Electric Vehicle charging informative:

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation and any other Health and Safety considerations
- Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational.
- Charging points shall be provided within 3m of parking spaces
- Charging points installed shall be retained thereafter.
- The presence of the charging points and how to use them shall be promoted on the site via workplace inductions and in customer / partner information sources.

- Provision of a 32A supply is likely to be more future proof

Please note the government has recently consulted on new national standards for EV charging points. Government proposes specifying a minimum 7 kW charge point both for residential and non-residential buildings and retrofitting of charging points in existing car parks.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/818810/electric-vehicle-charging-in-residential-and-non-residential-buildings.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818810/electric-vehicle-charging-in-residential-and-non-residential-buildings.pdf)

## 2) YALPAG

The applicant should have regard to:

- YALPAG (formerly YAHPAC) 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
- YALPAG 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
- YALPAG (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.

Current editions of these documents are available on the Bradford MDC website:

<https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-application-forms/>

## 3) Excavations/Earthworks

All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

You are advised to contact Network Rails Asset Protection Eastern with regards to the construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) at [assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)