

Application No: 14/00255/MAF

SEMAFZ

**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

**Mr Tim Williams
Miller Homes
C/O Mr Darryl Barker
DDC
Armstrong House
First Avenue
Robin Hood Airport
Doncaster
South Yorkshire
DN9 3GA**

GRANT OF PLANNING PERMISSION SUBJECT TO A S106 AGREEMENT

Proposal: Construction of 267 dwellings and integral public open space, with associated access, parking and landscaping

Location: Land At Simpsons Green Apperley Road Apperley Bridge Bradford West Yorkshire

Applicant: Mr Tim Williams

Date Application Received: 22 January 2014

Date Application Valid: 17 February 2014

City of Bradford Metropolitan District Council hereby gives notice of its decision to **GRANT** planning permission for the development described above, in accordance with the plans, drawings and documents which form part of the application as listed below, and subject to the following schedule of conditions:

CONDITIONS AND ASSOCIATED REASONS:

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:

Location Plan - dwg: 100-002

Proposed Planning Layout - dwg: 100-001 Rev E



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Street Scene - dwg: 100-600
Boundary Wall/fence detail - dwg: 100-010
Planting Strategy - dwg: 03
Play area - dwg: 04
Levels - dwg 425/51/SK11 Rev F
Drainage - dwg: 425/51/SK12 Rev A
House type - part 1 Rev A
House type - part 2 Rev A
House type - part 3 Rev A
Dwellings Addendum - Part 1
Dwellings Addendum - Part 2
Dwellings Addendum - Part 3
Access Track - dwg: 1462-05

Reason: For the avoidance of doubt.

3. No development shall take place until a phasing scheme for the erection of the dwellings has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the satisfactory overall development of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) 425/51r3 and supplementary flood risk assessment statement 425/5 along with the following mitigation measures:

A. Limiting the surface water run-off generated by the up to and including 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

B. An easement of 6 metres will be maintained between the culverted watercourse and the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to maintain management easement and protect properties from flood risk and to accord with the requirements of the National Planning Policy Framework, and policy NR16 of the Replacement Unitary Development Plan.

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5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and to accord with policy NR16 of the Replacement Unitary Development Plan.

6. Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewers that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to accord with policy UR3 of the Replacement Unitary Development Plan

7. The development shall not be carried out except in complete accordance with the drainage details shown on the submitted plan, "drawing 425/51/SK12 A dated 21/12/2013 that has been prepared by ARP Associates", unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interest of satisfactory and sustainable drainage and to accord with policy UR3 of the Replacement Unitary Development Plan.

8. Prior to the commencement of each phase of the residential development, details of all external wall and roofing materials to be used in that phase shall be submitted to and approved in writing by the Local Planning Authority. The residential development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan

9. Before any phase of the development is brought into use, the proposed means of vehicular and pedestrian access for that phase shall be laid out, hard surfaced, sealed and drained within the site in accordance with drawing 0135-100-001 Rev E Rev I and completed to a constructional specification approved in writing by the Local Planning Authority.

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Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

10. Prior to the commencement of any works on site, a scheme showing full details of the contractor's means of access, vehicle parking facilities, wheel wash facilities, loading/unloading areas for materials, location of the site compound, together with internal turning facilities, temporary warning and direction signs on the adjacent highway, levels, gradients, construction, surface treatment and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and be available for use before the commencement of any construction works on the site. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan

11. Prior to the occupation of the development, the i-Transport Travel Plan dated 2014 shall be implemented and thereafter be carried out and operated unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel options, minimise reliance on the private car, in the interests of environmental sustainability and reduction of traffic congestion, in the interests of highway and pedestrian safety and to accord with policies TM2, TM19A and UR3 of the Replacement Unitary Development Plan.

12. Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. Additional communal electric vehicle recharging points shall be provided at a rate of 1 per every 10 communal parking bays. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack / travel planning advice.

Reason: To facilitate the uptake 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 and National Planning Policy Framework (Paragraph 35).

13. Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice

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Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and the National Planning Policy Framework.

14. A remediation verification report prepared in accordance with the approved remediation shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

15. 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 agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

16. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a verification report shall be submitted to, and is subject to the approval in writing by, the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to ensure that requirements of policy UR3 of the Replacement Unitary Development Plan have been accorded with.

17. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and premises and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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18. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

19. The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be erected in accordance with the approved plan or any variation subsequently approved, and remains in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protect trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

20. Prior to the commencement of development a level changes scheme shall be submitted to and approved in writing by the Local Planning Authority. The level changes scheme shall include:

- i) A plan and sectional drawings showing full details of proposed and existing ground levels throughout the site;
- ii) A calculation of the volume of fill material required to implement the proposed site levels;
- iii) A calculation of the volume of excavation arisings which will result from the implementation of the proposed site levels;
- iv) An assessment of the proportion of fill material which can be sourced from on-site excavation arisings;
- v) An assessment of the proportion of excavation arisings which can be dealt with through on-site reuse as fill/ construction/ landscaping material;
- vi) A calculation of the quantity of excavation arisings required to be removed for off-site disposal/ recycling;
- vii) A calculation of the quantity of fill material and soils required to be imported from off-site;



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- viii) The type and quality specifications of the fill material and soils required to be imported from off-site;
- ix) The quality control protocols which will be put in place to ensure the off-site fill and soils meet the specifications;
- x) The number and type of HGVs required to transport fill and soils to the site and remove excavation arisings from the site;
- xi) A transportation strategy setting out the maximum daily HGV movements, anticipated haulage routes, access provisions and the hours during which transportation of fill material, soils and demolition and excavation waste will take place;
- xii) Details of the mitigation which will be put in place to minimise adverse environmental impacts associated with the implementation of the site groundworks and transportation of excavation waste/ fill material (i.e. dust, noise, vibration and the deposition of mud on the road). Thereafter the development shall only proceed in strict accordance with the approved level changes scheme.

Reason: To ensure that all available opportunities to minimise the volume of material required to be brought to or removed from the site are taken, that only suitable fill material and soils are used and that the implementation of level changes does not unacceptably harm amenity or road safety, in accordance with policies UDP9, TM2, TM19A and UR3 of the Replacement Unitary Development Plan.

21. No development shall take place until a Land Drainage consent is granted by the Local Authority.

Reason: Records indicate a watercourse crosses the site and the extent of the land drainage network within the existing site boundaries must be consented to ensure that no flooding will occur from the site and to accord with the requirements of the National Planning Policy Framework, and policy NR16 of the Replacement Unitary Development Plan.

22. Notwithstanding the landscaping details provided within the scheme, no development shall take place until a scheme and programme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include the size, species and spacing of planting, the areas to be grass covered, and the treatment of hard-surfaced areas. The scheme shall be carried out in accordance with the approved programme; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interests of visual amenity and to accord with Policies D1, UR3, UR5 of the Replacement Unitary Development Plan.



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23. No development shall take place on each phase until an ecology management strategy and timetable has been submitted to and approved in writing by the local planning authority. The approved strategy and mitigation measures shall be implemented in accordance with the timetable for that phase.

Reason: To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site and to ensure the site is developed in accordance with the principles of the National Planning Policy Framework and policies UR3, NE9, NE10, NE11, NE12 and NE13 of the Replacement Unitary Development Plan.

24. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

25. The development of a phase shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site in relation to that phase until a until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing for that phase has been submitted to and approved in writing by the Local Planning Authority in order to protect those trees which are shown to be retained.

The Tree Protection Plan for each phase shall be to a minimum standard as indicated in BS 5837 (2012) or its successor and show the temporary Tree Protective Fencing for each phase being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing for each phase will be outside Root Protection Areas for that phase (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan for that phase.

The development of each phase shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site in relation to that phase until Temporary Tree Protective Fencing for that phase is erected in accordance with the details submitted in the Tree Protection Plan for that phase as approved by the Local Planning Authority. The temporary Tree Protective Fencing for each phase shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan for that phase and shall not move or be moved for the duration of the development of that phase.



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The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing for each phase and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan for that phase.

No development, excavations, engineering works and storage of materials or equipment for each phase shall take place within the Root Protection Areas of that phase for the duration of the development of that phase without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

FOOTNOTES:

Footnote: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.

Footnote: Please note that the development hereby approved may contain conditions that require details to be submitted to and approved in writing by the Council either prior to the commencement of the development or at another specified period. To comply with the requirements of these conditions the developer is required to submit an "application for the approval of details reserved by a condition". Applications can be submitted online via the planning portal or in paper format to: Planning Service 1st Floor Jacobs Well Bradford BD1 5RW. There is a charge for this service; £97 per request (£28 per request for householder developments). For more information please go to www.bradford.gov.uk/planningforms. Works must not commence until the necessary approval(s) have been obtained.

Footnote: If your development involves the construction of a new road, a new footway to an existing road or a new industrial access, please contact Section 38 Estate Roads (Mr K. Stoddart, 01274 437423) before building commences.

If your development affects any street lighting columns please contact Mr A Preece, 01274 434019 of the Street Lighting Section before building commences.

Footnote: Please note that this approval does not convey any form of approval under the Building Regulations. You are therefore advised to contact Building Control to find out whether your proposal requires building regulations approval before starting work. Contact Building Control on 01274 433807. Email - buildingcontrol@bradford.gov.uk.

Footnote: For non-householder applications your attention is drawn to Section 76 of the Town and Country Planning Act 1990 which relates to the applicant's responsibilities under Section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the



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British Standards Institution Code of Practice BS5810 1979 concerning Access Requirements for Disabled People. Advice may be obtained from your local Planning Office.

Footnote: There are specific Regulations and adopted standards above and beyond Planning and Building Regulation requirements that apply to 'Houses in Multiple Occupation'. If your application relates to the construction, extension, conversion or alteration of a building containing flats or bedsits and/or the reconfiguration of an existing layout which creates new inner rooms then you are advised to consult the Housing Standards Team on 01274 434520 or email CHESAdminSupport@bradford.gov.uk for further advice.

STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012

In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Replacement Unitary Development Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Footnote: Plans associated with this application can be viewed at www.bradford.gov.uk/planning and click on "view planning applications".

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YOUR RIGHTS IN CONNECTION WITH THIS NOTICE

Appeals to the Secretary of State

APPLICATIONS FOR PLANNING PERMISSION

If you are aggrieved by the decision of the local planning authority to grant planning permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal your local planning authority's decision then you must do so within 6 months of the date of this notice*.

However, if an Enforcement notice has been served for the same or very similar development, the time limit is:

- **28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made, yet not longer than 2 years before the application was made, or
- **28 days from the date the Enforcement Notice** was served, if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

Appeals must be made using a form which you can get from the Planning Inspectorate at Customer Support Team Room 3/13 Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel 0303 444 5000 or online at www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application for and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

You must send a copy of your appeal to Department of Regeneration and Culture, Development Services, Jacobs Well, Bradford, BD1 5RW or planning.appeals@bradford.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

*Applicants are advised that it is the Council's understanding that the time period for lodging an appeal is reckoned from the date of issue of this notice.

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**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

**Miss Sarah Carr
Bellway Homes Ltd (Yorkshire Division)
2 Deighton Close
Wetherby
LS22 7GZ**

GRANT OF PLANNING PERMISSION SUBJECT TO A S106 AGREEMENT

Proposal: Erection of 45 dwellings with associated access and infrastructure (building to be demolished)

Location: Sports Ground Harrogate Road Bradford West Yorkshire

Applicant: Miss Sarah Carr

Date Application Received: 29 November 2016

Date Application Valid: 6 December 2016

City of Bradford Metropolitan District Council hereby gives notice of its decision to **GRANT** planning permission for the development described above, in accordance with the plans, drawings and documents which form part of the application as listed below, and subject to the following schedule of conditions:

Plan Type	Plan Reference	Version	Date Received
Site Plan	0185-02	F	5th May 2017
Other	0185_A1_01	A	5th May 2017
Other	0185_A1_02	A	5th May 2017
Other	0185-03	D	6th Dec 2016
Other	9515-001	B	9th Mar 2017

CONDITIONS AND ASSOCIATED REASONS:

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

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



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2. The development hereby approved shall only be carried out in accordance with the amended dwgs 0185/02 F dated 09/16; 0185/03 D dated 10/16; 9515-001 B dated Nov. 2016; and dwg nos 17/680/8257; 17/680/8259; 17/680/8260; 17/680/8261; 17/680/8264; 17/680/8267 dated MAR 2017

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. No piped discharge of surface water from the application site shall take place until surface water drainage works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is properly drained and that surface water is not discharged to the foul sewerage system/sewage treatment works and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

6. Before any works towards the development starts on site full details and specifications of the works associated with Harrogate Road, as shown indicatively on Dwg. No. 9515-001 Rev.B, shall be submitted to and be approved in writing by the Local Highway Authority. The development shall not be brought into use until these works have been completed on site and agreed by the Local Highway Authority. The applicant should contact James Marsh (Section 278 Co-ordination Engineer) on 01274 437308 (email james.marsh@bradford.gov.uk) in order to discuss the requirements of the S278 Agreement.



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Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

7. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

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

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff, customers, plant and site vehicles;
- vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) 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;
- ix) 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 TM2 and TM19A of the Replacement Unitary Development Plan,



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

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

10. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0830 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

12. The Development shall not begin until a plan showing the positions, design and materials of boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with Policy D4 of the Replacement Unitary Development Plan.

13. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees



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for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

14. The development shall not be begun nor any works carried out on the development site until a detailed tree planting scheme has been submitted to and approved in writing by the Local Planning Authority.

In the first planting season following the completion of the development or as otherwise specified by the Local Planning Authority the trees shall be planted in accordance with the approved tree planting scheme.

Any trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies D5 and NE12 of the Replacement Unitary Development Plan.

15. The development shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii) Proposed topsoil depths for grass and shrub areas.
- iv) Types of enclosure (fences, railings, walls).
- v) Types of hard surfacing (pavings, tarmac, etc).
- vi) Regraded contours and details of changes in level.

Reason: In the interests of visual amenity and to accord with Policy D4 of the Replacement Unitary Development Plan.



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

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policy of the Replacement Unitary Development Plan.

17. It is a condition that no tree shall be felled until a tree planting scheme is submitted to and agreed in writing by the Local Planning Authority. The planting scheme shall show the location of each new tree, location with regards to current tree canopy spreads, number, size, species, specification, specification of planting and timing of planting.

The approved planting plan shall be carried out in full or in accordance with any variation in writing by the Local Planning Authority.

All new trees must be to British Standard BS 3936 Nursery Stock rootballed or containerised staked and tied in accordance with good arboricultural practice. If within a period of 5 years from the date of planting a replacement tree is removed, uprooted, is destroyed or dies, another tree of the same size and species shall be planted at the same place or in accordance with any variation for which the Local Planning Authority gives its written approval.

Reason: To maintain a continuity of tree cover in the location and to compensate the visual amenity value of the surrounding area once the replacement has matured.

18. The approved development shall be carried out in accordance with the approved Flood Risk Assessment November 2106 egorum 0291/3/fra and the following mitigation measures detailed within the FRA - finished floor levels are set no lower than 52.11M AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the approved scheme, or within any other period as may subsequently be agreed, in writing by the LPA.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

FOOTNOTES:

Footnote: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.

Footnote: Please note that the development hereby approved may contain conditions that require details to be submitted to and approved in writing by the Council either prior to the



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commencement of the development or at another specified period. To comply with the requirements of these conditions the developer is required to submit an "application for the approval of details reserved by a condition". Applications can be submitted online via the planning portal or in paper format to: Planning Service, Britannia House, Hall Ings, Bradford, BD1 1HX. There is a charge for this service; £97 per request (£28 per request for householder developments). For more information please go to www.bradford.gov.uk/planningforms. Works must not commence until the necessary approval(s) have been obtained.

Footnote: If your development involves the construction of a new road, a new footway to an existing road or a new industrial access, please contact Section 38 Estate Roads (Mr K. Stoddart, 01274 437423) before building commences.

If your development affects any street lighting columns please contact Mr A Preece, 01274 434019 of the Street Lighting Section before building commences.

Footnote: Please note that this approval does not convey any form of approval under the Building Regulations. You are therefore advised to contact Building Control to find out whether your proposal requires building regulations approval before starting work. Contact Building Control on 01274 433807. Email - buildingcontrol@bradford.gov.uk.

Footnote: For non-householder applications your attention is drawn to Section 76 of the Town and Country Planning Act 1990 which relates to the applicant's responsibilities under Section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the British Standards Institution Code of Practice BS5810 1979 concerning Access Requirements for Disabled People. Advice may be obtained from your local Planning Office.

Footnote: There are specific Regulations and adopted standards above and beyond Planning and Building Regulation requirements that apply to 'Houses in Multiple Occupation'. If your application relates to the construction, extension, conversion or alteration of a building containing flats or bedsits and/or the reconfiguration of an existing layout which creates new inner rooms then you are advised to consult the Housing Standards Team on 01274 434520 or email CHESAdminSupport@bradford.gov.uk for further advice.

Positive & Proactive Statement in accordance with Article 35(2) of the Town and Country (Development Management Procedure) (England) Order 2015

In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Replacement Unitary Development Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for



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approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Footnote: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.

Footnote: Plans associated with this application can be viewed at www.bradford.gov.uk/planning and click on "view planning applications".

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YOUR RIGHTS IN CONNECTION WITH THIS NOTICE

Appeals to the Secretary of State

APPLICATIONS FOR PLANNING PERMISSION

If you are aggrieved by the decision of the local planning authority to grant planning permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal your local planning authority's decision then you must do so within 6 months of the date of this notice*.

However, if an Enforcement notice has been served for the same or very similar development, the time limit is:

- **28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made, yet not longer than 2 years before the application was made, or
- **28 days from the date the Enforcement Notice** was served, if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application for and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

You must send a copy of your appeal to Department of Place, Development Services, Britannia House, Hall Ings, Bradford or planning.appeals@bradford.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

*Applicants are advised that it is the Council's understanding that the time period for lodging an appeal is reckoned from the date of issue of this notice.

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**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010****AME Properties Ltd.
C/O Mr Adam Key
Savills UK Ltd
Savills
City Point
29 King Street
Leeds
West Yorkshire
LS1 2HL****GRANT OF OUTLINE PLANNING PERMISSION SUBJECT TO A S106 AGREEMENT****Proposal:** Outline planning permission for the construction of up to 130 residential dwellings with associated access**Location:** Land At Harrogate Road Bradford West Yorkshire**Applicant:** AME Properties Ltd.**Date Application Received:** 17 December 2014**Date Application Valid:** 19 December 2014

City of Bradford Metropolitan District Council hereby gives notice of its decision to **GRANT** outline planning permission for the development described above, in accordance with the plans, drawings and documents which form part of the application as listed below, and subject to the following schedule of conditions:

Plan Type	Plan Reference	Version	Date Received
Location Plan	P14 4193 01		17th Dec 2014

CONDITIONS AND ASSOCIATED REASONS:

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of



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approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping
- iii) layout,
- iv) and scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its outfall and to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

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

Reason: In the interests of satisfactory and sustainable drainage and to comply with policies UR3 and NR16 of the Replacement Unitary Development Plan.

6. 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 that the site is appropriately drained during the construction phase, in the interests of the protection of the environment and the reduction of flood risks, in accordance with policy NR16 of the replacement Unitary Development Plan.

7. The development shall not begin until details of a scheme for foul and surface water drainage, including full calculations and any balancing works, have been submitted to and



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approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. The scheme so approved shall thereafter be fully implemented either prior to the occupation of any of the dwellings to which this decision notice relates or in accordance with a phasing scheme approved in writing by the Local Planning Authority.

Reason: To ensure proper drainage of the site in the interests of minimising flood risks and improving the quality of surface water, to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

8. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005), which shall first have been submitted to and approved in writing by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan and be retained for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

9. Any application for approval of reserved matters with respect to layout and landscaping shall include an accurate Arboricultural Implication Assessment and Arboricultural Method Statement which includes a Tree Survey and a Tree Protection Plan showing all existing trees on and adjacent to the site. This must be undertaken in accordance with the guidelines set down in BS 5837 (2005) Trees in Relation to Construction - Recommendations.

Reason: To ensure an accurate assessment of the impact of the development on the sustainability of the trees and in the interests of visual amenity to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

10. Any application for approval of reserved matters with respect to layout and landscaping shall include the following details:

i) Full NVC surveys to be undertaken the first spring/summer following planning consent. Surveys should include an assessment under the West Yorkshire Local Wildlife Site



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Criteria. If site is found to meet WYLWS Criteria or be a UKBAP Priority Habitat the proposals will need to identify appropriate mitigation/compensation.

ii) Badger and bat activity surveys to be undertaken the first spring/summer following planning consent. Bat surveys (foraging/commuting) to be taken in accordance with the West Yorkshire Minimum Standards. The detailed proposals will need to take the findings into account.

iii) Detailed proposals for planting, seeding and wetland creation. A more robust planting buffer against West Wood BWA is required. Species which benefit a variety of invertebrates such as pollinators, in particular, should be included landscape/habitat creation proposals

iv) Lighting Plan - to ensure that there is no light spill on the woodland east of the site and other groups/lines of trees where bats are shown to forage/commute.

Reason: In the interests of ecological protection and biodiversity, in accordance with saved policies NE9 and NE10 of the replacement Unitary Development Plan.

11. The ecological mitigation/ recommendations set out on pages 14, 15 and 16 of the report entitled 'Ecological Appraisal Land off Harrogate Road, Apperley Bridge', Report reference: R-2095-01.1, dated 11 December 2014, shall be implemented in full and shall be incorporated within any application for the approval of reserved matters relating to layout and landscaping. In particular any application for the approval of reserved matters relating to layout and landscaping must include provision for woodland buffer zone along the site's eastern boundary with West Wood of a minimum depth of 10 metres.

Reason: In the interests of ecological protection and biodiversity, in accordance with saved policies NE9 and NE10 of the replacement Unitary Development Plan.

12. Prior to the commencement of development a Biodiversity Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Environmental Management Plan shall thereafter be implemented in full in accordance with the approved details.

Reason: In the interests of ecological protection and biodiversity, in accordance with saved policies NE9 and NE10 of the replacement Unitary Development Plan.

13. Prior to the commencement of development details of the route, constructional specifications and lighting arrangements for all footpaths to be incorporated within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall also be provided of the methods which will be employed to prevent motorcycle/ vehicle access to West Wood. The approved footpaths and vehicular access prevention arrangements shall thereafter be fully implemented either prior to the occupation of any of the dwellings hereby approved, or in accordance with a Phasing Programme approved in writing by the Local Planning Authority.

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Reason: In the interests of permeability, crime prevention and ecological protection, in accordance with saved policies D4, D5, D6, NE9 and NE10 of the replacement Unitary Development Plan.

14. Before any works towards the construction of the development commences on site, full engineering details for the proposed means of vehicular and pedestrian access hereby accepted in principal, as shown on the drawing numbered 104188/1003, shall be submitted to and approved in writing by the Local Planning Authority. The access so approved shall then be laid out, hard surfaced, sealed and drained with in the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority prior to the commencement of any construction works on any individual dwelling unit on the site.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

15. Before any development works commence on site full details of the proposed means of access, layout of buildings, car parking and servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented prior to the commencement of any construction works on any individual dwelling unit on the site.

Reason: To establish a suitable form of access, parking and servicing facilities commensurate to the scale of the development proposed and to accord with Policy TM19A of the Replacement Unitary Development Plan,

16. Before any development works commence on site, full details of the phasing of the construction of the development including the intended timetable for implementation of the means of access, car parking and servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure that a suitable form of access, parking and servicing facilities are made available at an appropriate stage throughout the course of the construction works, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

17. Prior to commencement of development, a scheme showing full details of the contractor's means of access, vehicle parking facilities, loading/unloading areas for materials, location of the site compound, together with internal turning facilities, temporary warning and direction signs on the adjacent highway, levels, gradients, construction, surface treatment and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and be available for use before the commencement of any construction



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works on the site. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

18. 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 of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

19. 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 Policy TM19A of the Replacement Unitary Development Plan.

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

Reason: No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

21. Before any development commences on site a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable travel options and include measures and incentives to reduce reliance upon the private car. The Travel Plan as approved shall be implemented before any of the dwellings to be constructed as part of the development are occupied.



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

22. The development shall not be begun until a level changes scheme has been submitted to and approved in writing by the Local Planning Authority. The level changes scheme shall include:

- i) A plan and illustrative sectional drawings showing proposed and existing ground levels throughout the site;
- ii) Details of any retaining structures or new slopes and embankments required to retain proposed new site levels including engineering and landscaping/ design details;
- iii) Intentions for dealing with all excavation waste arisings with the objective of minimising waste generation;
- iv) A calculation of the volume of excavation arisings which will result from the implementation of the proposed site levels, the volume of fill material which will be required to implement the proposed site levels and the cut-fill balance;
- v) A transportation strategy to setting out the maximum daily HGV movements, anticipated haulage routes, access provisions and the hours during which transportation of excavation waste/ fill material will take place (where relevant);
- vi) Details of the mitigation which will be put in place to minimise adverse environmental impacts associated with the implementation of the site groundworks and transportation of materials (i.e. dust, noise, vibration and the deposition of mud on the road).

Thereafter the development shall only proceed in strict accordance with the approved level changes scheme.

Reason: To ensure that level changes are appropriately controlled, that excavation waste generation is minimised and that the implementation of level changes does not unacceptably harm amenity or road safety, in accordance with policies UDP9, D5, TM2, TM19A and UR3 of the replacement Unitary Development Plan.

23. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent superseding 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 construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;



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- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) 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;
- ix) arrangements for the management of surface water during the construction phase;
- x) 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 TM2 and TM19A of the Replacement Unitary Development Plan.

24. Prior to the commencement of development a report, setting out the findings of an investigation and risk assessment to assess the nature and extent of any contamination affecting the site, shall be submitted to and approved in writing by the Local Planning Authority. The report should include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to all significant receptors including human health and controlled waters;
- (iii) an appraisal of remedial options.
- (iv) identification of the preferred remedial option.

Reason: To ensure that risks from land contamination are appropriately investigated, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

25. The dwellings to which this decision notice relates shall not be brought into occupation until either the Local Planning Authority has approved a contamination risk assessment report which concludes that no site remediation works are necessary or a remediation verification report has been submitted to and approved in writing by the Local Planning Authority. A remediation verification report must include:

- (i) a description of the remediation works which have been carried out;
- (ii) evidence to demonstrate that the site has been brought to a condition suitable for the intended use;



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(iii) any necessary provisions for future contamination monitoring and maintenance of remediation works.

Reason: To ensure that risks from land contamination are appropriately remediated, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

26. In the event that contamination is found at any time when carrying out the approved development, which has not previously been identified and risk assessed, it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing; following completion of measures identified in the approved remediation scheme and prior to the commencement of the use of the approved development a verification report must be prepared and submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

27. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

28. Prior to the first occupation of each dwelling the garage space or the allocated car parking space associated with that dwelling shall be provided with an electric vehicle charging point. Full details of the charging points shall accompany any reserved matter application which is to consider layout and appearance of the proposed dwelling units.

Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the District, and takes into consideration paragraph 35 of the National Planning Policy Framework and polices UDP3 and UR2 of the Replacement Unitary Development Plan.

29. Any boundary retaining walls to be constructed or altered as part of the development hereby approved shall be faced in stone, in accordance with details which shall be



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submitted to an approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings hereby approved.

Reason: In the interests of visual amenity and the preservation of the traditional character of the stone retaining walls currently present on the site's western boundary, in accordance with saved policies D1 and D5 of the replacement Unitary Development Plan.

30. Any existing highway trees on Harrogate Road that will be lost as a result of the construction of the new access shall be either relocated or replaced within the area, in accordance with details which shall be submitted to an approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings hereby approved.

Reason: To preserve the character and appearance of the Harrogate Road corridor and in the interests of tree retention, in accordance with saved policies NE5 and NE6 of the replacement Unitary Development Plan.

31. No vehicular access shall be taken from Carr Bottom Road to any dwelling unit hereby approved, except for emergency access.

Reason: In the interests of highways and pedestrian safety, in accordance with saved policies Tm2 and TM19A of the replacement Unitary Development Plan.

FOOTNOTES:

Footnote: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.

Footnote: Please note that the development hereby approved may contain conditions that require details to be submitted to and approved in writing by the Council either prior to the commencement of the development or at another specified period. To comply with the requirements of these conditions the developer is required to submit an "application for the approval of details reserved by a condition". Applications can be submitted online via the planning portal or in paper format to: Planning Service, Jacobs Well, Bradford, BD1 5RW. There is a charge for this service; £97 per request (£28 per request for householder developments). For more information please go to www.bradford.gov.uk/planningforms. Works must not commence until the necessary approval(s) have been obtained.

Footnote: If your development involves the construction of a new road, a new footway to an existing road or a new industrial access, please contact Section 38 Estate Roads (Mr K. Stoddart, 01274 437423) before building commences.

If your development affects any street lighting columns please contact Mr A Preece, 01274 434019 of the Street Lighting Section before building commences.



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Footnote: Please note that this approval does not convey any form of approval under the Building Regulations. You are therefore advised to contact Building Control to find out whether your proposal requires building regulations approval before starting work. Contact Building Control on 01274 433807. Email - buildingcontrol@bradford.gov.uk

Footnote: For non-householder applications your attention is drawn to Section 76 of the Town and Country Planning Act 1990 which relates to the applicant's responsibilities under Section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the British Standards Institution Code of Practice BS5810 1979 concerning Access Requirements for Disabled People. Advice may be obtained from your local Planning Office.

Footnote: There are specific Regulations and adopted standards above and beyond Planning and Building Regulation requirements that apply to 'Houses in Multiple Occupation'. If your application relates to the construction, extension, conversion or alteration of a building containing flats or bedsits and/or the reconfiguration of an existing layout which creates new inner rooms then you are advised to consult the Housing Standards Team on 01274 434520 or email CHESAdminSupport@bradford.gov.uk for further advice.

Footnote: The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 3, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. The application is in outline form and therefore it is sensible to reserve the approval of a number of matters of detail relating to the site development scheme to a subsequent stage prior to the commencement of development when a detailed site development scheme has been devised;
- ii. The details required under condition numbers 3, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 are fundamental to the acceptability of the development.

STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012

In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Replacement Unitary Development Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to



Application No: 14/05285/MAO

SEOUTZ

problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Footnote: Plans associated with this application can be viewed at www.bradford.gov.uk/planning and click on “view planning applications”.

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YOUR RIGHTS IN CONNECTION WITH THIS NOTICE

Appeals to the Secretary of State

APPLICATIONS FOR PLANNING PERMISSION

If you are aggrieved by the decision of the local planning authority to grant planning permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal your local planning authority's decision then you must do so within 6 months of the date of this notice*.

However, if an Enforcement notice has been served for the same or very similar development, the time limit is:

- **28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made, yet not longer than 2 years before the application was made, or
- **28 days from the date the Enforcement Notice** was served, if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Tel 0303 444 5000 or online at <https://acp.planninginspectorate.gov.uk>

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application for and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

You must send a copy of your appeal to Department of Regeneration, Development Services, Jacobs Well, Bradford, BD1 5RW or planning.appeals@bradford.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

*Applicants are advised that it is the Council's understanding that the time period for lodging an appeal is reckoned from the date of issue of this notice.

Appeal Decision

Inquiry opened on 18 August 2015

Accompanied site visit made on 21 August 2015

by Clive Hughes BA (Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 November 2015

Appeal Ref: APP/W4705/W/14/3001692

Land at Cote Farm, Leeds Road, Thackley, Bradford, West Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant part full/ part outline planning permission.
 - The appeal is made by Persimmon Homes West Yorkshire against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 13/04148, dated 3 October 2013, was refused by notice dated 18 September 2014.
 - The development proposed is a hybrid planning application for up to 270¹ dwellings (outline with all matters reserved except for partial means of access to, but not within, the site) of which 60 dwellings are submitted in full together with means of access from Leeds Road (Phase 1).
 - The inquiry sat for 5 days on 18-21 and 25 August 2015.
-

Decision

1. The appeal is allowed and planning permission is granted for a hybrid planning application for up to 220 dwellings (outline with all matters reserved except for partial means of access to, but not within, the site) of which 60 dwellings are submitted in full together with means of access from Leeds Road (Phase 1) at Land at Cote Farm, Leeds Road, Thackley, Bradford, West Yorkshire in accordance with the terms of the application, Ref 13/04148, dated 3 October 2013 subject to the conditions set out in the Annex to this Decision.

Procedural Matters

2. The application is a hybrid with part in outline and part in full. The application sites overlap with the site of the full application wholly within that of the outline application. There are, therefore, two separate appeals for determination. This point was agreed by the main parties at the start of the Inquiry.
3. By emails dated 2 July and 20 July 2015 the Council stated that it was no longer pursuing that part of the first reason for refusal that relates to wildlife habitat opportunities; the entire second reason for refusal relating to highway matters; and the entire third reason for refusal concerning education infrastructure contributions. The remaining reason for refusal relates to the loss of an area of designated Urban Green Space to the detriment of visual amenity and local heritage assets. Local residents continued to contest the appeal in respect of wildlife habitats, highways and other matters, not previously raised by the Council, including drainage.

¹ This was subsequently amended at the Inquiry to a maximum of 220 dwellings

4. The remaining reason for refusal mentions just one policy in the Council's *Replacement Unitary Development Plan 2005* (the UDP). It cites "Policy OS1.1". There is no such policy in the UDP. It was agreed by the Council's planning witness that it should refer to Policy OS1. While the UDP contains BN/OS1.1, that is not a policy. It is a description of some of the land, including the appeal site, which is identified as falling within UDP Policy OS1. For the avoidance of doubt and for the purposes of this Decision I have considered the appeal schemes in the light of UDP Policy OS1.
5. A Statement of Common Ground on Highways Matters was submitted in July 2015. This confirmed that the appellant had agreed to pay a financial contribution of £1.98m towards the cost of highway improvements. It also agreed that the site is in a sustainable location and that the site would not have an adverse effect on road safety.
6. A signed and completed Agreement under s106 of the Act (the Agreement) was submitted during the Inquiry. It has been signed by the appellant, the Council and other land owners. It makes provision for either the provision of affordable housing or a financial contribution towards off-site highway works. It includes financial contributions towards education, sports and recreation and transport.
7. The Agreement contains an either/ or clause in respect of affordable housing/ off site highway works. A completely separate scheme, by Miller Homes, for housing elsewhere will fund highway improvements at the Leeds Road/ New Line at a cost of £1.98m if work on that scheme starts before the appeal scheme. The final reserved matters for the Miller Homes scheme were approved by the Council while this Inquiry was sitting; work on that scheme was due to commence on 25 August 2015. In that event, the Miller Homes development would fund the necessary road works and the detailed part of the appeal scheme would provide 9 units of affordable housing and the outline scheme would provide 15% of units as affordable housing.
8. A revised masterplan for the outline element of the proposals was submitted on 9 July 2015. The accompanying email said that the amendments included a reduction in the number of dwellings from 270 to approximately 220 to accommodate amended constraints. The full application remains at 60 units. For the avoidance of doubt the maximum total number of dwellings sought is 220 and I have imposed a condition on the outline planning permission limiting the maximum number of dwellings to 220. If the full planning permission for 60 units is implemented, the residue of the site would accommodate up to 160 further dwellings.
9. The layout plan for the full application was amended at the same time. The amended plan shows revisions to two gardens and to the landscaping at the front of the site. These amendments are minor, reduce the overall amount of development and would not prejudice the interests of any interested parties. The Council was content that I consider them in place of the previously submitted plans. I have based this Decision on the amended plans.
10. There is a minor typographical error on page 3 of the Agreement where, under "Definitions" it incorrectly refers to the outline part of the application being for up to 210 dwellings rather than 220. This does not affect the validity of the Agreement as it refers back to the planning application and I have imposed a condition limiting the overall number of units.

11. With regard to the outline part of the application, the only matter for determination at this stage concerns the access to, but not within, the site. All other matters of detail are reserved for future determination.
12. I carried out an accompanied site visit with the principal parties and local residents on 21 August 2015. I also carried out unaccompanied visits before the Inquiry opened and after it closed. The later visits were to view traffic conditions near the site during school holidays and, at the request of residents, during term time.

Main Issues

13. The main outstanding issues between the principal parties are (i) whether the Council can demonstrate a 5-year housing land supply and the implications of this on local and national planning policy; (ii) the effect of the proposals on the visual amenity of the area; and (iii) whether the proposals would preserve or enhance the setting of nearby heritage assets.

Reasons

The appeal site and its setting

14. The wider appeal site, encompassing both the outline and full applications, has an area of about 10ha. It is of irregular shape and forms part of a much larger area of open land that is mostly surrounded by built development. It has a road frontage to Leeds Road (A657) to the north and adjoins relatively modern houses to the west and east. To the south is open land, used for grazing, a cricket field and burial grounds as well as a scattering of dwellings fronting Westfield Lane. There is an area of "blue land" to the south west, which is agricultural land in the same ownership that has a frontage onto High Busy Lane. The site for the full application relates to the northern part of the wider site that lies closest to Leeds Road.
15. The site slopes downhill from south to north and it is mainly in use for horse grazing. There are a number of hedges and mature trees within the site but no public access other than along Crooked Lane. This is a public footpath, bridleway and cycleway that runs north from Westfield Lane to Leeds Road. It is a well used path, particularly popular with dog walkers and riders and, in places, flanked by low dry stone walls and hedges. It affords views over the appeal site and the wider landscape; the views towards the north and the moors are particularly fine.
16. There are no buildings within the site although it wraps around three sides of the Cote Farm complex which includes Cote Farm itself, a Grade II listed building, a few attached cottages and several farm buildings that appear to be mainly used in connection with a horse riding enterprise. The surrounding landscape is dominated by the Aire Valley to the north. Around the site and to the north there is a mix of open countryside and substantial areas of housing and industry.

The proposals

17. The hybrid scheme comprises a full planning application for 60 dwellings and an outline planning application for up to 220 dwellings on overlapping sites. The full element is also described as Phase 1 of the overall scheme. It would be sited on the land closest to Leeds Road and be accessed from a new access

road that joins Leeds Road opposite No 34 Cyprus Avenue. The proposals include the erection of 60 two-storey dwellings comprising a mix of 31 detached houses, 7 pairs of semi detached houses and 5 rows each comprising three terraced houses. There would be a mix of 2, 3 and 4-bed units. Nine of the houses are indicated on the Planning Layout to be affordable housing units although this tenure is dependant upon the carrying out of off-site highway works by others. The remainder would comprise open market houses.

18. The plans show the provision of open space, with public access, along the Leeds Road frontage. Part of this land would provide an equipped play area. There would be further areas of public open space within the site including a strip almost 20m wide, along the eastern boundary with a new footpath adjacent to existing mature trees. This path would run to the site boundary with the outline element of the scheme.
19. The outline element has all matters reserved for future consideration apart from the position of the site access. That would be the same as for the full scheme. The indicative plans show that the northern part of the outline element would exactly match that of the full element of the scheme. The remainder of the site would provide up to 160 dwellings of which 15% would be affordable units unless a financial contribution towards off-site highway works is required. The land at the southern end of the site, to the east of Crooked Lane, would provide a large recreation area. The new footpath within the full scheme would link in with the outline scheme to provide a link through to Crooked Lane.
20. The indicative plans show that the "blue land" in the same ownership, and located to the south west of the site, would remain as agricultural land. A new permissive unpaved footpath would be provided across this land linking through to High Busy Lane and an existing public right of way between the Lane and Thrice Fold.

Whether the Council can demonstrate a 5-year housing land supply and the implications of this on local and national planning policy

21. It is common ground that the Council does not have a 5-year housing land supply. The supply is in the order of 3.3 years if the "Liverpool" method is used; it is about 2.3 years using the "Sedgefield" method. In both cases this allows for a 5% buffer. The provisions of paragraph 49 of *the National Planning Policy Framework* (the Framework) therefore are engaged. These say that relevant policies for the supply of housing should not be considered up to date if the Authority cannot demonstrate a five-year supply of deliverable sites. Paragraph 14, which sets out the presumption in favour of sustainable development, is also engaged. The implications of Footnote 9 to that paragraph, concerning heritage assets, are considered below.
22. The shortage of land for housing is severe and immediate. The correct period for calculating the 5-year housing land supply is five years from 2015 whereas the Council's calculations relate to 5 years from 2013. There have been completions in the past 2 years with no corresponding increase in supply, probably making the situation rather worse than that indicated above.
23. Paragraph 49 of the Framework specifically refers to policies for the *supply* of housing. The only cited policy in the reason for refusal is Policy OS1 of the UDP. In the Council's own assessment this policy is not considered to be fully

up to date². While the main thrust of the policy relates to the openness and character of urban greenspaces, the supporting text says that new development, such as new dwellings, which have a detrimental effect on openness, would not be acceptable. The policy clearly restricts housing development and is, in part at least, a relevant policy for the supply of housing.

24. The Council cannot demonstrate a 5-year housing supply of deliverable housing sites. Policy OS1 is the only cited policy and it is not fully up to date. In such circumstances paragraph 14 of the Framework says that for decision taking, this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate that development should be restricted.
25. This carries weight in favour of the development. The extent of the weight, and the weight to be given to other benefits of the scheme, are weighed against any identified harm in the planning balance.

The effect of the proposals on the visual amenity of the area

26. There is a brief description of the appeal site set out in BN/OS1.1 of the UDP. This comes under the general heading of Policy OS1 but is purely descriptive and is not, in itself, a policy. It describes the site, and adjoining land, as being farmland on a prominent north facing hillside between Thackley and Idle. It says that the land was identified in the Development Brief for Cote Farm as open space separating two housing areas.
27. The main public views of the site are from Leeds Road and Crooked Lane. Leeds Road is a busy main road that is subject to a 30-mph speed limit and is also a bus route. The land on this road frontage lies within both the full and outline elements and the detailed and indicative layouts are the same for this land. The Leeds Road frontage to the site is in two parts, separated by the plot in front of Cote Farm/ Cote Farm Cottages and by two adjoining dwellings. The western part is relatively narrow, just 35-40m wide, and visually it is dominated by the built form and fencing of recent dwellings in Cote Drive and other roads to the west and the south. These give this part of the site an enclosed feel. From Leeds Road it certainly does not have a rural character.
28. Both the full and outline proposals would retain some open space along this part of the road frontage although it would reduce its current depth. However, due to the width of this part of the site, the dominance of the surrounding built development and the domestic fencing, the proposals would not be visually harmful. The proposals introduce public access to this land and, with suitable planting, the visual dominance of the existing housing and its fencing could be beneficially reduced.
29. The eastern part of the site, between Nos 655 and 691 Leeds Road, is more open and affords views deeper into the site although a row of trees restricts these views to some extent. Nonetheless, it undoubtedly provides a "breathing space" within an otherwise built up frontage. The appeal schemes, however, largely retain the open frontage although in both schemes this would be interrupted by the new access road. The proposals would introduce built form

² Report to the Council's Regulatory and Appeals Committee, 5 June 2014 "Compliance of the policies of the Replacement UDP with National Planning Policy Framework"

much closer to Leeds Road and this would reduce the open feel to the land. The proposed row of houses between the retained agricultural buildings and the rear of Nos 691/ 693 Leeds Road would be especially noticeable from the road and would have a harmful impact on its pleasant open character. The housing to the west of the site would be behind retained trees and the impact would be less noticeable and therefore less visually harmful. There would also be the opportunity for planting and it is intended that there would be public access.

30. Crooked Lane runs from Westfield Lane to Leeds Road. The southern part of this route runs beside burial grounds, a cricket field and agricultural land. This section has quite a rural feel, especially when heading uphill away from the housing. Further north, however, this rural feel is substantially diluted by the proximity of the new housing to the west. The central part of Crooked Lane adjoins the garden fences of properties in Rush Croft/ Stead Hill Way where the rural feel is far less pronounced. The northernmost part of the Lane, which is shared with motor vehicles, lies outside the appeal site. It runs between the dwellings, stables and other outbuildings for Cote Farm, Cote Farm Cottages and the riding establishment.
31. The proposals would reduce the opportunities for open views across the appeal site, although these are already limited, to some degree, by hedges and trees. Concerning the detailed element of the proposals, the section of Crooked Lane immediately to the south of Cote Farm would become more urbanised with houses either side, albeit that the Lane would be flanked by open space. Here, when travelling north, views are dominated by Cote Farm, the adjoining dwellings and the riding establishment. More distant views to the countryside beyond would remain. Views to the west are relatively short due to the new housing in Cote Drive and while these would be foreshortened, the harm would be very limited. To the east the open views across the site would be lost.
32. The illustrative indicative proposals for the outline scheme show that Crooked Lane would be flanked by open space where it lies within the appeal site. I saw a nearby example of where the land to the sides of a public footpath had not been maintained, but this seems to be a question of management rather than a reason to preclude open space provision adjoining a path. At the southern end of Crooked Lane the field to the west would remain open with some public access to a new permissive footpath while to the north west there would be open space with full public access.
33. The Council has not cited conflict with any policy other than UDP Policy OS1. This requires any development within urban greenspaces to retain the open and green character. However, the Council's own statement concerning the compliance of UDP policies with the Framework identifies that this policy is not in full compliance. The land does not offer opportunities for public recreation and, as agreed at the Inquiry, does not fulfil the function of a valued landscape in terms of paragraph 109 of the Framework. I therefore give this policy reduced weight.
34. Overall, I conclude on this issue that there would be some harm to the visual amenity of the area and conflict with Policy OS1. This has to be balanced with the benefits of the schemes

Whether the proposals would preserve or enhance the setting of nearby heritage assets

35. The reason for refusal also refers to the harm arising from the proposed development to local heritage assets. At the Inquiry it was agreed by the principal parties that the harm relates to the setting of Cote Farm and Little Cote Farm, both Grade II listed buildings. I have had regard to the general duty as respects listed buildings in exercise of planning functions and, in particular, to s66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* which says that decision makers should have special regard to the desirability of preserving a listed building or its setting. It was further agreed at the Inquiry that there would be no harm to the setting of the Idle Conservation Area. In the light of the views of residents I have also taken into account the effect on Crooked Lane, a non-designated heritage asset.
36. Cote Farm is a farmstead of late C17 origin that was extended in the late C18 and early C19. The listing describes it as an interesting example of the growth of a traditional farmstead. The range of buildings comprises five independent dwellings which are, in part, associated with an equestrian business located a little way to the east and outside the appeal site. The dwellings have small curtilages and are set back from Leeds Road behind a small paddock.
37. The significance of this heritage asset arises from its vernacular domestic architecture, its later extensions, and its historic connection with the Aire Valley and how the area was farmed. Aside from the connection with the equestrian business the group of dwellings does not have any agricultural connection with the appeal site. Nonetheless, it is probable that much of the appeal site was connected to the farm at some time, and it forms part of the agricultural hinterland for the property. The group of buildings can be best appreciated from Crooked Lane, from where it is in the direct line of sight for a short stretch immediately to the south, and in closer views from the Lane where it runs between the equestrian complex and Cote Farm.
38. The parcel of land to the west, while open, is narrow and visually dominated by the houses and domestic fencing that surrounds it on two sides. The detailed scheme has been amended to set the housing further back into the site and so retain more of the open frontage. While this would bring the built form closer to the heritage asset, the proposals would have little impact on its setting. To the south, Crooked Lane would remain on its present alignment. When travelling north the existing views of Cote Farm would be retained. The former agricultural context of Cote Farm would, however, be less clear as views would be more focused on the buildings themselves rather than the wider countryside due to the proposed housing.
39. From the east views are somewhat limited by trees within the appeal site although the presence of the group of buildings can be seen from Leeds Road. The proposed housing has been set back from the road frontage, although the existing frontage dwellings, which lie outside the appeal site, would remain. While the proposed housing would come quite close to Cote Farm, the harm would be limited by the equestrian buildings, the frontage dwellings and the limited views currently available. Nonetheless, the loss of the open fields would result in Cote Farm becoming more divorced from any agricultural connections and this would result in some harm to its setting.

40. Taken together, the encroachment of new housing closer to the heritage asset would make it more difficult to appreciate its agricultural past and its association with the adjoining land. Notwithstanding the relative proximity of new housing to the west and south, the open land around the site makes a positive contribution to the setting of Cote Farm. This contributes to its significance and the proposed further encroachment of housing would have a harmful impact on this. The parties agreed that the harm would be less than substantial and so needs to be weighed against the public benefits of the proposal in accordance with paragraph 134 of the Framework.
41. Little Cote Farm is also a Grade II listed building. It is a late C18 or early C19 rebuild of a C17 farmhouse with a low barn on the eastern side. Its significance arises from the fact that it is an example of an agricultural building constructed in phases. The principal elevation can be seen from Leeds Road but views of the building from the appeal site are limited. The appeal site probably had a functional connection to the listed building as it would have been part of its agricultural context. However, there has been recent residential development between the listed building and the appeal site which diminishes the connection between them as it reduces inter-visibility and has effectively divorced the farmhouse from the appeal site.
42. In all these circumstances, there is limited scope for the proposed development to have any significant impact on the setting of this heritage asset. Little Cote Farm is sited well away from the site of the detailed proposals. The indicative layout plan for the outline scheme shows that there would be an area of open space to the west of the houses that surround the listed building. The harm arising from the proposals would be limited to the loss of some of the agricultural context. Due to the intervening houses, the level of harm would be very limited in extent.
43. Crooked Lane is not a designated heritage asset but nonetheless needs to be considered under Chapter 12 of the Framework. Paragraph 135 says that the effect of development on the significance of a non-designated heritage asset should be taken into account. Various maps submitted to the Inquiry show that Crooked Lane has existed on its present alignment for many years. While its origins are uncertain, research has shown that it reached Little Cote Farm in 1814 and that it is probably much earlier.
44. The proposals retain Crooked Lane on its existing alignment. Its rural character has already been significantly reduced by the proximity of housing to the west, in particular in Rush Croft and Stead Hill Way where fencing almost abuts the path. The current proposals respect the path by maintaining open space either side for most of its length. While there would be two vehicular crossings, to provide access to land on the western side of the site, these crossings are both close to where the path passes existing housing and so is not so sensitive to change. The southernmost of these access points is at the location of existing field gates either side of Crooked Lane which already enable vehicular access across the Lane to the field to the west of Crooked Lane from the riding establishment.
45. There is no doubt that the setting of much of the path would change, but, in heritage terms, the harm would be limited. It would certainly be less than substantial as defined in the Framework. This harm, together with the harm to

the setting of Cote Farm and the very limited harm to the setting of Little Cote Farm, needs to be weighed in the overall planning balance.

46. I have had regard to the fact that the Council's Conservation Officer was involved in the negotiations with the appellant before the application was determined and raised no objections to the proposals. I conclude on this issue that the proposals would result in no harm to the three identified heritage assets. However there would be some harm to the setting of Cote Farm, some limited harm to the setting of Crooked Lane and some very limited harm to the setting of Little Cote Farm. In every case the extent of the harm is less than substantial as defined in the Framework.
47. There is therefore conflict with Policy UDP3 of the UDP which seeks to maintain or enhance heritage assets. There is also conflict with Policy BH4A of the UDP which says that development that harms the setting of a listed building will not be permitted. However, this policy is much more restrictive than paragraph 134 of the Framework as it does not take account of the public benefits of a scheme. Due to this lack of conformity with the Framework this policy only carries limited weight.

Other matters

48. When planning permission was refused the decision notice included further reasons for refusal that were not subsequently pursued by the Council at this appeal. Local residents, however, raised some of these issues. In particular there is concern about the ability of Leeds Road, and especially some of its junctions, to carry additional traffic. I saw that at peak times traffic is very heavy and slow moving on this road; the situation is worse in term time. There will be road improvements at the A657 New Line/ A658 Harrogate Road junction, either as a result of this scheme or, more likely, as a result of a different nearby housing scheme. At the time of this Inquiry that nearby scheme was expected to shortly make a start on site, meaning that the improvement scheme would be fully funded. While I understand the concerns of residents, the highway authority has raised no objections to the scheme subject to conditions and the s106 Agreement.
49. I understand that the low lying parts of the site are subject to flooding. A drainage strategy has been prepared to address this issue. There is scope to store water on the site and then release it in a way that does not result in an increase in flooding. The Council has no concerns in this regard, subject to the imposition of suitable conditions. I have seen no evidence to show that such measures would not work on this site and I have imposed suitable conditions.
50. With regard to wildlife on the site, the appellant's ecology evidence was compelling and not seriously challenged. Again, subject to appropriate conditions, there is no reason to consider that there would be an unacceptable impact on wildlife or hedges within the site. The schemes indicate that there would be considerable benefits in this matter.

Conditions

51. An agreed list of suggested conditions, for the outline and full schemes, was submitted to and discussed at the Inquiry. Where necessary I have amended the conditions in the light of those discussions. Many of the conditions are broadly the same for both the outline and full schemes.

52. In respect of both schemes I have identified the approved plans for the avoidance of doubt and in the interests of the proper planning of the area. The plans for the outline scheme, however, are only indicative and include parameter plans. Details of landscaping, including works to existing walls and protection of retained trees and hedges, external lighting, materials and changes in levels are necessary in the interests of the visual amenity of the area. The new dwellings with dedicated parking spaces need to be provided with electric vehicle charging points to facilitate the uptake of low emission vehicles. Details of surface water drainage and foul sewer systems need to be provided and implemented in the interests of pollution prevention, to prevent flooding and to ensure that satisfactory systems are provided. These schemes need to take account of the existing culvert system within the site.
53. Details of the management of the site during the construction phases need to be approved in the interests of the living conditions of nearby residents and highway safety. Details of the treatment of the public rights of way within the development are necessary in the interests of the maintenance of the public footpath network in the area. An investigation to determine the nature and extent of any contamination and coal mining risks is necessary, together with the submission, approval and implementation of any remediation works and future monitoring as necessary, are required in the interests of the living conditions of future residents. An archaeological investigation needs to be carried out to ensure that the archaeological significance of the site is explored and recorded. A bat habitat enhancement plan needs to be submitted and implemented in the interests of bat protection.
54. In respect of the outline scheme, the maximum number of dwellings on the site is specified for the avoidance of doubt and to accord with the terms of the revised scheme as considered at the Inquiry. The details of the layout of the open space within the site need to be approved to ensure that the scheme provides good quality open space. Details of the road works and layout need to be approved and implemented in accordance with an approved timetable in order to ensure that such works are completed in relation to subsequent phases of the development.
55. Concerning the detailed scheme, the off-street parking shown on the approved plans needs to be provided in accordance with the approved plans in the interests of highway safety. The approved garages should not be used for business purposes in order to protect the living conditions of nearby residents. Permitted development rights for future garages and car ports need to be removed in the interests of the appearance of the area. A landscaping scheme needs to be provided to protect the visual amenity of the area.

Agreement under s106 of the Act

56. The appellant submitted a completed S106 agreement signed by the Council, the land owners and the appellants. Concerning the affordable housing/highway improvements situation, Counsel for the Council said that in reality Miller Homes had now taken on the highway improvements commitment. A letter from Miller Homes dated 17 August 2015 says that they intend to commence development on their site on 24 August 2015. This means that this detailed scheme would provide 9 units of affordable housing and this outline scheme would comprise 15% affordable housing. The details as to how this

would be provided, and what happens if no Registered Provider can be found, are set out in the Agreement.

57. In addition to the affordable housing provision, the Agreement makes provision for the sum of £40,000 towards the provision of Real Time Bus Information at two specified bus stops, both near the appeal site. There would be the provision of £1,826.30 per dwelling towards the provision of primary school places at Parkland School and £2,358.83 per dwelling towards providing additional secondary school places at Immanuel College. The Phase 1 development requires the provision of a sports and recreation contribution of £46,535.40 for use at Thackley Old Road Recreation Ground and/ or at Eller Carr Recreation Ground. A Travel Plan is provided in the fourth schedule. In the second schedule are details in respect of areas of incidental landscaping, a biodiversity enhancement and management plan and a landscape strategy.
58. The Council is content with the s106 Agreement and has submitted a Statement of compliance of the signed s106 Agreement with the Community Infrastructure Levy Regulations 2010. This includes confirmation that, for the purposes of Regulation 123, there are fewer than 5 existing obligations in respect of any of the contributions towards specific infrastructure projects contained in the Agreement. It also confirms that the identified schools are in the vicinity of the appeal site and present opportunities for future expansion and that certain infrastructure requirements have been identified at the two cited recreation grounds.

The Planning Balance

Whether the benefits of the proposed development would outweigh any identified harm

59. The Council acknowledges that it cannot currently demonstrate a 5-year supply of deliverable housing sites and so it accepts that, in accordance with paragraph 49 of the Framework, the relevant policies for the supply of housing should not be considered to be up to date. This position is reinforced by the fact that the relevant policies in Part Two of the UPD were intended to address the District's needs up to 2014³ and the Council's recognition that the only policy cited in the remaining reason for refusal is not fully up to date.
60. The appeal site is identified as being potentially suitable for housing in the Council's SHLAA⁴ with an estimated yield of 247 dwellings. It indicates that the site could produce 40 units in 2018/9. While the Council considered this to be a broad brush assessment of its suitability it is in a recent document that was produced several months after the planning application the subject of this appeal was refused. The estimated site yield is well below the 30 units/ ha identified in paragraph 2.12 of the SHLAA. Given this reduced density, which implies that constraints have been taken into account, it is surprising that the SHLAA makes no reference to the potential impact on heritage assets.
61. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. The Framework identifies that there are three dimensions to sustainable development; economic, social and environmental. The proposed development would undoubtedly result in some economic benefits for the area. In particular the provision of new housing would, in the appellant's

³ UDP: Introduction paragraph 1.2

⁴ Strategic Housing Land Availability Assessment: Tables for Bradford Northeast (Site NE/056)

- unchallenged evidence, produce up to 265 (full time equivalent) construction jobs per year and 80 indirect employment opportunities. The occupation of the new housing would make a significant financial contribution to the economy of the area, helping local businesses. The scheme would generate finance for the Council from the New Homes Bonus Scheme and Council Tax revenues.
62. The scheme would also have a beneficial social role in that it would provide a large quantity of much-needed new housing in an area where there is an acknowledged shortfall in supply. The new housing would, subject to the off-site highway works being provided by others, include a significant number of affordable units, a further benefit of the scheme. The provision of new paths and public open space would help to create a strong and vibrant community. The social benefits of the scheme also weigh in its favour. The site is in a sustainable location with bus services as well as local shops and services within walking distance.
63. The provision of publically accessible open space, paths and the ecological improvements would help to protect and enhance the natural and built environment. The heritage assets would not be harmed but there would be some limited harm to their setting, though not to the extent that the requirements of S.66 of the Planning (listed Buildings and Conservation Areas) Act would not be met. Nonetheless, the scheme would provide some environmental benefits.
64. Other benefits of the proposals would be provided through the Agreement. While these are intended to ensure that the scheme is not a drain on local resources, the financial contributions towards education facilities, sports and recreation facilities and, if not provided by others, highway improvements in the immediate area all weigh in favour of the development.
65. In considering whether the proposals represent a sustainable form of development, it is necessary to balance these economic, social and environmental benefits with the environmental harm that would also arise. As set out above, the proposals would result in some harm to the visual amenities of the area and to the setting of heritage assets. Concerning the impact on heritage assets, I agree with the principal parties that the harm is less than substantial and so needs to be balanced against the public benefits. There is therefore no conflict with Footnote 9 to Paragraph 14 of the Framework. Overall, however, these environmental harms carry some weight against the proposed development in the balance.
66. In terms of determining whether the proposals constitute a sustainable form of development it is necessary to weigh the environmental harm with the economic, social and environmental benefits. In this respect I have had regard to *Phides*⁵ in which Mr Justice Lindblom said that the weight given to a proposal's benefit in increasing the supply of housing will vary from case to case. He set out various factors to be taken into account. In this case the extent of the shortfall is substantial; it is likely to persist for several years as the earliest date for adoption of the Site Allocations DPD, without any slippage, is November 2017; and the proposals would make a significant contribution towards addressing that shortfall. This carries considerable weight in favour of the proposals.

⁵ *Phides v SSCLG & Shepway DC [2015] EWHC 827 (Admin)*

67. The second bullet point of the decision-taking section of paragraph 14 of the Framework is highly relevant. It says that where the development plan is absent, silent or relevant policies are out of date, the presumption in favour of sustainable development means granting permission unless either of two further bullet points are engaged. The first of these is the balancing exercise with the need for any adverse impacts to significantly and demonstrably outweigh the benefits. The second refers to situations in which other specific policies in the Framework indicate that development should be restricted.
68. Concerning the first of these bullet points the harm to the visual amenity arises mainly from a loss of openness. This harm is mitigated to some extent by the introduction of public access onto the site and the provision of a substantial amount of public open space. Nonetheless, this harm carries some weight. In accordance with paragraph 134 of the Framework the less than substantial harm to the setting of the heritage assets has to be balanced against the public benefits of the proposals.
69. The benefits of the proposals are substantial. The provision of housing in an area with a substantial shortfall of deliverable sites carries substantial weight. The provision of public open space, the creation of new footpaths, the ecological improvements and the contributions either by way of affordable housing or off-site highway works all carry further weight in favour of the proposals. The adverse impacts of granting planning permission would not, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Overall conclusions

70. On balance, therefore, the proposals would provide considerable economic, social and environmental benefits. These benefits would outweigh the adverse impacts of the development. Both the outline and detailed proposals would represent sustainable forms of development. The proposals accord with advice in the Framework and there would be no unacceptable conflict with the development plan. The appeal is therefore allowed.

Clive Hughes

Inspector

APPEARANCES

FOR THE APPELLANT:

Richard Sagar	Partner, Walker Morris Solicitors
He called	
Tom Robinson BPhil CMLI	Director, Robinson Landscape Design
Mike Bottomly MRTPI	Head of Built Heritage, Johnson Brook Planning
Robert Weston BSc (Hons) MSc MCIEEM	Technical Director, Brooks Ecological Ltd
David Stark BSc CEng MICE	Principal Engineer, JBA Consulting
Dr Nicholas Bunn BSc (Hons) PhD MSc MCIHT CMILT	Director, White Young Green
Jonathan Dunbavin BSc MCD MRTPI	Director, I D Planning

FOR THE LOCAL PLANNING AUTHORITY:

Eric Owen of Counsel	Instructed by Head of Legal Services, City of Bradford MBC
He called	
Katy Lightbody MRTPI IHBC	Director, Turley
Jane Scott MRTPI	Senior Planner, City of Bradford MBC
John Eyles	City of Bradford MBC – at site visit

INTERESTED PERSONS:

ClIrr Jeanette Sunderland	District Councillor
ClIrr Dominic Fear	District Councillor
ClIrr Alun Griffiths	District Councillor
Helen Riley	Local resident
Isobel Burgess	Local resident
Dr Eileen White	Local resident
Jeffrey Thelwell	Local resident
Robert Catto	Local resident
Robin Johnson	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Council's notification letter and list of persons notified
- 2 Draft s106 Agreement
- 3 Opening remarks for Bradford MBC
- 4 Document withdrawn during Inquiry
- 5 Appellants' opening submissions
- 6 Letter dated 17 August 2015 from Miller Homes to Persimmon Homes
- 7 Summary of proof of evidence of Jane Scott
- 8 Rebuttal statement by Jane Scott
- 9 Excerpt from Planning Practice Guidance 3-028-20140306 to 3-043-20140306
- 10 Ten key principles for owning your housing number... LGA/ PAS July 2013
- 11 Committee Report 5 June 2014 concerning compliance of UDP policies with the

- Framework
- 12 Stroud DC v SoS CLG and Gladman Developments Ltd [2015] EWHC 488 (Admin) 6 February 2015
 - 13 Bradford Core Strategy EIP Housing Redistribution Proposals
 - 14 Application chronology
 - 15 Statement and bundle of plans from Dr Eileen White
 - 16 Three sheets of photos/ photomontages taken of the site from Baildon
 - 17 Email to Stewart Currie from Jon Ackroyd, 18 August 2015
 - 18 Brief summary of evidence on history of Cote Farm from Dr Eileen White
 - 19 Comparison of WYG and Resident Survey results – WYG Fig 28-1A
 - 20 Extract from Manual for Streets p75
 - 21 Photos and photomontages, including enlargements, of site taken from Baildon
 - 22 Summary statement from Cllr J Sunderland
 - 23 Written statement from Isobel Burgess
 - 24 Written statement from Jeff Thelwell
 - 25 Letter and enclosure from DW Davies & S Davies
 - 26 Signed Agreement under s106 of the Act
 - 27 Statement of compliance of the s106 Agreement with the Community Infrastructure Levy Regulations 2010
 - 28 Agreed list of suggested conditions
 - 29 Final submissions for Bradford MBC
 - 30 Appellants' closing submissions

Annex

List of conditions: Outline scheme (29 conditions)

1. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development, other than that approved in detail as Phase 1 of the overall development, begins and the development shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
4. Submitted as part of each subsequent Reserved Matters application shall be an updated Design and Access Statement which shall include matters such as the layout, massing and density of buildings, the location of landmarks and focal points, landscape and boundary treatments, street design, and appearance and materials for each individual phase of development.
5. The development hereby approved shall only be carried out broadly in accordance with the following plans:
 - Design Drawings:
 - CL-2013-99 Rev D: Parameters Plan
 - CL-2015-SK01 Rev D: Indicative Master Plan
 - The 'Outline Layout Parameters Plan' CL 2014 99 Rev D dated July 2015) (with regard to the proposed green spaces, green corridors, residential

blocks, street layout, access points, pedestrian links, retained features including trees and stone walls, and character areas. The plan to be read in conjunction with the principles set out in sections 4.1 of the Design & Access Statement Addendum dated March 2014).

6. The development of all phases (including that for which full detailed permission is granted) shall be limited in combined total sum to a maximum of 220 dwellings.
7. No development within each individual phase shall take place until such time as a scheme to manage surface water run-off has been submitted to, and approved in writing by, the local planning authority. This must include how the greenfield surface water run off rate (to be agreed with Bradford City Council Drainage Department) will be maintained for up to and including the 1 in 100 year plus climate change rainfall event. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.
8. No development shall take place except in complete accordance with the details shown on the submitted drainage plan, "drawing 3691-FRA03 (first issue) dated 26/09/2013 that has been prepared by iD Civils Design", unless otherwise agreed in writing with the Local Planning Authority.
9. No development shall take place until an assessment of the existing flooding issues to the side and rear of 655 Leeds Road, generated by the site, along with a scheme to mitigate any defects found is submitted to and approved by the local planning authority. The scheme shall include a timetable for its implementation and it shall be completed in accordance with that timetable.
10. Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. Additional communal electric vehicle recharging points shall be provided at a rate of 1 per every 10 communal parking bays. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack / travel planning advice.
11. No development shall begin until a bat habitat enhancement plan/method statement is submitted to and approved in writing by the LPA. The approved scheme shall be fully implemented in accordance with an agreed timetable.
12. Notwithstanding any details shown on the approved plans, no development that comprises the construction any dwelling unit shall begin until arrangements have been made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. Sample panels of brickwork shall be constructed on site and prior to the commencement of the construction of the dwellings the samples shall be approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
13. The development shall be drained using separate foul sewer and surface drainage systems.

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

- i. full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii. hours of construction work, including any works of demolition;
- iii. hours of delivery of materials;
- iv. location of site management offices and/or sales office;
- v. location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi. car parking areas for construction workers, sales staff and customers;
- vii. a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii. 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;
- ix. 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.

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

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

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

18. No development shall begin that comprises construction of any individual dwelling unit until details for the treatment of the public rights of way footpaths within the application site have been submitted to, and approved

in writing, by the Local Planning Authority. The development to be carried out in accordance with the approved details.

19. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.
20. Prior to the commencement of development a report, setting out the findings of an investigation and risk assessment to assess the nature and extent of any contamination and coal mining risks affecting the site, shall be submitted to and approved in writing by the Local Planning Authority.

The report should include:

- i. a survey of the extent, scale and nature of contamination;
 - ii. a survey to identify all mining related features relevant to the site;
 - iii. an assessment of the potential risks posed by both site contamination and identified mining related features;
 - iv. an appraisal of remedial options;
 - v. an assessment of the viability of undertaking prior extraction of any accessible coal resources remaining beneath the site;
 - vi. identification of the preferred remedial option.
21. Prior to the commencement of development a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the report must include:
- i. proposed remediation objectives and remediation criteria;
 - ii. details of remediation works to be undertaken;
 - iii. volume of contaminated material to be removed from the site;
 - iv. volume and location of any accessible coal resources to be extracted as part of remedial works;
 - v. volume of cover/ capping material to be imported to the site;
 - vi. timetable of works, assessment of associated traffic impacts and site management procedures to minimise adverse impacts of works.
22. The dwellings to which this decision notice relates shall not be brought into occupation until a remediation verification report has been submitted to and approved in writing by the Local Planning Authority. The report must include:
- i. a description of the remediation works which have been carried out;

- ii. evidence to demonstrate that the site has been brought to a condition suitable for the intended use in terms of both contamination and mining risks;
- iii. any necessary provisions for future monitoring and maintenance of remediation works.

23. Prior to the commencement of development a level changes scheme shall be submitted to and approved in writing by the Local Planning Authority. The level changes scheme shall include:

- i. A plan showing proposed and existing ground levels throughout the site;
- ii. The volume of fill material required to implement the proposed site levels;
- iii. The volume of excavation arisings which will result from the implementation of the proposed site levels;
- iv. The proportion of fill material which can be sourced from on-site excavation arisings;
- v. The proportion of excavation arisings which can be dealt with through on-site reuse as fill material;
- vi. The quantity of excavation arisings required to be removed for off-site disposal/ recycling;
- vii. The quantity of fill material and soils required to be imported from off-site;
- viii. The type and quality specifications of the fill material and soils required to be imported from off-site;
- ix. The quality control protocols which will be put in place to ensure the off-site fill and soils meet the specifications;
- x. The number and type of HGVs required to transport fill and soils to the site and remove excavation arisings from the site;
- xi. A transportation strategy setting out the maximum daily HGV movements, anticipated haulage routes, access provisions and the hours during which transportation of fill material, soils and excavation waste will take place;
- xii. Details of the mitigation which will be put in place to minimise adverse environmental impacts associated with the implementation of the site groundworks and transportation of excavation waste/ fill material (i.e. dust, noise, vibration and the deposition of mud on the road). Thereafter the development shall only proceed in strict accordance with the approved level changes scheme.

24. The reserved matters associated with this consent shall include full details of the layout of appropriate remaining open space within this part of the development. The submitted details shall include the delivery of areas of high quality green infrastructure throughout this part of the site which shall provide maximum opportunities for quality open greenspace and areas exploiting wildlife and ecological value. The scheme shall thereafter be developed wholly in accordance with the approved details.

25. Phase 2 of the development shall not commence until details of the proposed works shown in principle in WYG Drawing A077630/SK025/P1 have been submitted to and approved in writing by the Local Planning Authority. The proposed works shall be implemented in accordance with the approved details prior to the occupation of the 90th dwelling.
26. No development shall take place until such time as the existing culvert system within the site has been investigated and a scheme to intercept and divert the culvert system, including the management and maintenance of these works, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority. The scheme shall be in accordance with the principles shown on Drawing Number 2015s2795-1A dated 2 June 2015 prepared by JBA Consulting, unless otherwise agreed in writing by the local planning authority.
27. No development shall take place until a scheme and programme of archaeological work has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme.
28. Submitted with the first Reserved Matters application made shall be a landscape restoration scheme for all landscaping features but including stone boundary walls for the land shown edged blue on the approved plans. Details shall be submitted for approval in writing stating the proposed programme for the completion of all landscape restoration of works associated with this condition and the development shall thereafter be carried out in full accordance with the agreed programme.
29. Prior to the commencement of the development hereby approved, full details of all external lighting, including a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

List of conditions: Detailed scheme (Phase 1) (28 conditions)

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby approved shall only be carried out in accordance with the amended plans.

Design Drawings:

CRL-2013:01 Rev H: Detailed Phase 1 Layout

Planning House Types:

121-WIN-ASV-A Rev A: Winster AS Planning Drawing

122-WIN-ASV-A Rev A: Winster OP Planning Drawing

1222-CHED-ASV: Chedworth AS Planning Drawing

1222-CHED-OPV: Chedworth OP Planning Drawing

114-ROS-ASV-A: Roseberry AS Planning Drawing

115-ROS-OPV-A: Roseberry OS Planning Drawing

KL-WD10 Rev C: Kendal AS Planning Drawing

109-HAT-ASV: Hatfield AS Planning Drawing

110-HAT-OPV: Hatfield OP Planning drawing

106-HANPST-V: Hanbury Pair Planning Drawing

500-HAND-ASV: Hanbury Dual Planning Drawing

120-SOU3-V: Souter 3 Block Planning Drawing

117-RUF-ASV: Rufford AS Planning Drawing

201-SKI3-V: Skipton 3 Planning Drawing

999-CLAY-C-ASV: Clayton Corner Planning Drawing

3. No development shall take place until such time as a scheme to manage surface water run-off has been submitted to, and approved in writing by, the local planning authority. This must include how the greenfield surface water run off rate (to be agreed with Bradford City Council Drainage Department) will be maintained for up to and including the 1 in 100 year plus climate change rainfall event. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.
4. No development shall take place except in complete accordance with the details shown on the submitted drainage plan, "drawing 3691-FRA03 (first issue) dated 26/09/2013 that has been prepared by iD Civils Design", unless otherwise agreed in writing with the Local Planning Authority.
5. No development shall take place until an assessment of the existing flooding issues to the side and rear of 655 Leeds Road, generated by the site, along with a scheme to mitigate any defects found is submitted to and approved by the local planning authority. The scheme shall include a timetable for its implementation and it shall be completed in accordance with that timetable.
6. Every property built on the site shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from its dedicated parking space. Additional communal electric vehicle recharging points shall be provided at a rate of 1 per every 10 communal parking bays. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack / travel planning advice.
7. No development shall begin until a bat habitat enhancement plan/method statement is submitted to and approved in writing by the LPA. The scheme shall be fully implemented in accordance with an agreed timetable.
8. Notwithstanding any details shown on the approved plans, no development that comprises the construction any dwelling unit shall begin until arrangements have been made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. Sample panels of brickwork shall be constructed on site

and prior to the commencement of the construction of the dwellings the samples shall be approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995, as amended (or any subsequent equivalent legislation) no garages or carports shall be erected on the site without the prior written permission of the Local Planning Authority.
10. The garages hereby granted planning permission shall be used only for purposes incidental to the domestic enjoyment of the occupants of the dwelling house as a single dwellinghouse, and shall not be used for business purposes.
11. The development shall be drained using separate foul sewer and surface drainage systems.
12. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:
 - i. full details of the contractor's means of access to the site including measures to deal with surface water drainage;
 - ii. hours of construction work, including any works of demolition;
 - iii. hours of delivery of materials;
 - iv. location of site management offices and/or sales office;
 - v. location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
 - vi. car parking areas for construction workers, sales staff and customers;
 - vii. a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
 - viii. 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;
 - ix. 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.

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

14. The existing walls along the site boundaries shall be retained and shall only be altered and/or lowered where necessary to provide access and sight lines in accordance with the approved plans. In these circumstances, the walls shall be made good using materials to be agreed in writing with the Local Planning Authority, and constructed prior to the first occupation of any part of the development hereby permitted and shall be so retained thereafter.
15. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.
16. No development shall begin that comprises construction of any individual dwelling unit until details for the treatment of the public rights of way footpaths within the application site have been submitted to, and approved in writing, by the Local Planning Authority. The development to be carried out in accordance with the approved details.
17. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.
18. Prior to the commencement of development a report, setting out the findings of an investigation and risk assessment to assess the nature and extent of any contamination and coal mining risks affecting the site, shall be submitted to and approved in writing by the Local Planning Authority. The report should include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) a survey to identify all mining related features relevant to the site;
 - (iii) an assessment of the potential risks posed by both site contamination and identified mining related features;
 - (iv) an appraisal of remedial options;
 - (v) an assessment of the viability of undertaking prior extraction of any accessible coal resources remaining beneath the site;
 - (vi) identification of the preferred remedial option.
19. Prior to the commencement of development a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the report must include:
 - (i) proposed remediation objectives and remediation criteria;
 - (ii) details of remediation works to be undertaken;

- (iii) volume of contaminated material to be removed from the site;
 - (iv) volume and location of any accessible coal resources to be extracted as part of remedial works;
 - (v) volume of cover/ capping material to be imported to the site;
 - (vi) timetable of works, assessment of associated traffic impacts and site management procedures to minimise adverse impacts of works.
20. The dwellings to which this decision notice relates shall not be brought into occupation until a remediation verification report has been submitted to and approved in writing by the Local Planning Authority. The report must include:
- (i) a description of the remediation works which have been carried out;
 - (ii) evidence to demonstrate that the site has been brought to a condition suitable for the intended use in terms of both contamination and mining risks;
 - (iii) any necessary provisions for future monitoring and maintenance of remediation works.
21. Prior to the commencement of development a level changes scheme shall be submitted to and approved in writing by the Local Planning Authority. The level changes scheme shall include:
- i) A plan showing proposed and existing ground levels throughout the site;
 - ii) The volume of fill material required to implement the proposed site levels;
 - iii) The volume of excavation arisings which will result from the implementation of the proposed site levels;
 - iv) The proportion of fill material which can be sourced from on-site excavation arisings;
 - v) The proportion of excavation arisings which can be dealt with through on-site reuse as fill material;
 - vi) The quantity of excavation arisings required to be removed for off-site disposal/ recycling;
 - vii) The quantity of fill material and soils required to be imported from off-site;
 - viii) The type and quality specifications of the fill material and soils required to be imported from off-site;
 - ix) The quality control protocols which will be put in place to ensure the off-site fill and soils meet the specifications;
 - x) The number and type of HGVs required to transport fill and soils to the site and remove excavation arisings from the site;
 - xi) A transportation strategy setting out the maximum daily HGV movements, anticipated haulage routes, access provisions and the hours during which transportation of fill material, soils and excavation waste will take place;
 - xii) Details of the mitigation which will be put in place to minimise adverse environmental impacts associated with the implementation of the site

groundworks and transportation of excavation waste/ fill material (i.e. dust, noise, vibration and the deposition of mud on the road). Thereafter the development shall only proceed in strict accordance with the approved level changes scheme.

22. Before development begins comprising the construction of any dwelling unit full details of the layout of the remaining open space areas shown on the approved plans within this part of the development shall be submitted to and approved in writing by the Local planning Authority. The submitted details shall include the delivery of areas of high quality green infrastructure throughout this part of the site which shall provide maximum opportunities for quality open greenspace and areas exploiting wildlife and ecological value. The scheme shall thereafter be developed wholly in accordance with the approved details.
23. No development shall take place until a scheme and programme of archaeological work has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme.
24. No development shall take place until such time as the existing culvert system within the site has been investigated and a scheme to intercept and divert the culvert system, including the management and maintenance of these works, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority. The scheme shall be in accordance with the principles shown on Drawing Number 2015s2795-1A dated 2 June 2015 prepared by JBA Consulting, unless otherwise agreed in writing by the local planning authority.
25. Prior to the commencement of the development hereby approved, full details of all external lighting, including a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
26. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
27. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
28. No dwelling shall be occupied until space has been laid out within the site, in accordance with drawing No CRL-2013:01H for cars to be parked. The approved car parking spaces shall kept available for such use for the duration of the development.

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**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

**Fagley LLP & The Trustees Of The D Marshall Settlement
C/O Mrs Rachel Slater
Kilmartin Plowman & Partners Ltd
Lodge House`
12 Town Street
Horsforth
Leeds
LS18 4RJ**

GRANT OF OUTLINE PLANNING PERMISSION SUBJECT TO A S106 AGREEMENT

Proposal: Outline application for residential (C3) use for up to 600 dwellings including detailed means of access with ancillary local centre (Uses A1 to A5 up to 2000 sq m gross), demolition of onsite buildings, a nursery (D1 Use) and fixed surface infrastructure associated with existing uses.

Location: Fagley Quarry Fagley Lane Bradford West Yorkshire BD2 3NT

Applicant: Fagley LLP & The Trustees Of The D Marshall Settlement

Date Application Received: 17 January 2014

Date Application Valid: 4 February 2014

City of Bradford Metropolitan District Council hereby gives notice of its decision to **GRANT** outline planning permission for the development described above, in accordance with the plans, drawings and documents which form part of the application as listed below, and subject to the following schedule of conditions:

Plan Type	Plan Reference	Version	Date Received
Location Plan	1671-203 REV B		17th Jan 2014
Highways Layout	10/293/TR/013 REV B		17th Jan 2014
Highways Layout	10/293/TR/016		
Highways Layout	10/293/TR/012		17th Jan 2014
Highways Layout	10/293/FIGUR E 8C		17th Jan 2014

CONDITIONS AND ASSOCIATED REASONS:



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1. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than:

- a) the expiration of 3 years beginning with the date of this notice for the first phase of the development; and,
- b) no later than the expiration of 7 years beginning with the date of this notice for the final phase of development

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

3. Before any development within any phase is begun, plans showing the:

- i) access within the site,
- ii) appearance,
- iii) landscaping,
- iv) layout, and,
- v) scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. Notwithstanding the details submitted, no development shall take place until a phasing scheme for the erection of the dwellings, provision of landscaped areas and areas of open space, and, other infrastructure has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: For the avoidance of doubt and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

5. Unless otherwise agreed in writing with the Local Planning Authority, prior to each phase of development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or

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not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

6. Unless otherwise agreed in writing with the Local Planning Authority, prior to each phase of development commencing, the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

7. Unless otherwise agreed in writing with the Local Planning Authority, a detailed remediation strategy for each phase of development, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

8. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report for each phase of development prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

9. 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.



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Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

10. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils for each phase of the development shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

11. Unless otherwise agreed in writing by the Local Planning Authority, no works shall take place in connection with the construction of the dwellings or associated infrastructure hereby approved, within the area covered by planning permission 11/00473/MVC (or any relevant subsequent planning permission for the working and restoration of the Radfield and Fagley Quarry areas) until written confirmation has been received from the Local Planning Authority that the restoration of the Radfield and Fagley Quarry areas has been satisfactorily completed.

Reason: To ensure that the part of the proposal site formerly quarried is restored in accordance with the terms of the relevant quarrying permission prior to residential development of the site, in the interest of clarity, residential amenity, site stability and landscape quality, in accordance with policies UR3, D5, NR3, NR4 and P6 of the replacement Unitary Development Plan.

12. Apart from the dwellings served off Whitaker Avenue, no phase of the development shall commence until the improved Harrogate Road/Fagley Lane junction has been laid out, surfaced and drained in accordance with a specification to be submitted to and approved in writing by the Local planning Authority. The development shall then be carried out in full accordance with the approved details.

Reason: To ensure that a suitable form of access is made available to serve the development and in the interests of highway safety and to accord with policy TM19A of the Replacement Unitary Development Plan.

13. Before any works towards construction of phase 1 of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.



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Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of Replacement Unitary Development Plan.

14. Before any part of the development is brought into use the proposed highway serving the site shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with the approved plan and to a constructional specification approved in writing by the Local Planning Authority. As and when a phase or the whole development is completed the final road surfacing and drainage relating to that phase or the whole development, whichever shall apply, shall be laid out and the street lighting installed.

Reason: To ensure that adequate and safe access is provided in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

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

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

16. 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 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

17. 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 of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan

18. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, prior to the commencement on site of each phase on the development hereby permitted, a plan specifying arrangements for the management of the construction site



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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 TM2 and TM19A of the Replacement Unitary Development Plan.

19. Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until an Agreement with the Local Planning Authority has been made under Section 278 of the Highways Act 1980 to provide the new junction/highway improvements at Harrogate Road/Fagley Lane as shown on the approved plans.

Reason: In the interests of highway safety and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan

20. The Travel Plan shall be implemented in accordance with the travel plan administration and promotion details and travel plan measures set down in the travel plan framework document submitted by Bryan G Hall (document reference no. 10-293-004.1) The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

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

21. Prior to any building works for each phase of the development commencing on site, arrangements shall be made with the Local Planning Authority for the inspection of all



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facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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

Reason: In the interests of satisfactory and sustainable drainage and to comply with policy UR3 of the Replacement Unitary Development Plan.

23. Prior to each phase of the development commencing on site, details of a scheme for foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented prior to the first occupation of a dwelling.

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

24. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal and to accord with policy UR3 of the Replacement Unitary Development Plan.

25. Unless otherwise agreed in writing by the Local planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers which cross the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with policy UR3 of the Replacement Unitary Development Plan.

26. A) No demolition or development associated with this planning permission shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning



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Authority. The Scheme shall include an assessment of significance and research questions; and:

- i) The programme and methodology of site investigation and recording,
- ii) The programme for post investigation investment,
- iii) Provision to be made for analysis of the site investigation and recording,
- iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
- v) Provision to be made for archive deposition of the analysis and records of the site investigation,
- vi) Nomination of a competent person or persons/organisation

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that any archaeological/architectural features are recorded or preserved in accordance with an agreed scheme and to ensure compliance with policy BH3 of the Replacement Unitary Development Plan.

27. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

28. No construction work of any kind shall take place outside the hours of 07.30 to 18.00 Mondays to Fridays and from 07.30 to 13.30 on Saturdays and not at all on Sundays, Bank or Public Holidays.



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Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

29. Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. Additional communal electric vehicle recharging points shall be provided at a rate of 1 per every 10 communal parking bays. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack / travel planning advice.

Reason: To facilitate the uptake 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 and National Planning Policy Framework (Paragraph 35).

30. Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

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

31. Before any development within any phase is begun a Design Code relating to appearance, landscaping, layout and scale and access within the site shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall include measures to protect the setting of the heritage assets within and adjacent to the site. The development shall be carried out in accordance with the approved Design Code.

Reason: In the interest of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

FOOTNOTES:

Footnote: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.

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Footnote: Please note that the development hereby approved may contain conditions that require details to be submitted to and approved in writing by the Council either prior to the commencement of the development or at another specified period. To comply with the requirements of these conditions the developer is required to submit an "application for the approval of details reserved by a condition". Applications can be submitted online via the planning portal or in paper format to: Planning Service 3rd Floor Jacobs Well Bradford BD1 5RW. There is a charge for this service; Planning Service 1st Floor Jacobs Well Bradford BD1 5RW. There is a charge for this service; £97 per request (£28 per request for householder developments). For more information please go to www.bradford.gov.uk/planningforms. Works must not commence until the necessary approval(s) have been obtained.

Footnote: If your development involves the construction of a new road, a new footway to an existing road or a new industrial access, please contact Section 38 Estate Roads (Mr K. Stoddart, 01274 437423) before building commences.

If your development affects any street lighting columns please contact Mr A Preece, 01274 434019 of the Street Lighting Section before building commences.

Footnote: Please note that this approval does not convey any form of approval under the Building Regulations. You are therefore advised to contact Building Control to find out whether your proposal requires building regulations approval before starting work. Contact Building Control on 01274 433807. Email - buildingcontrol@bradford.gov.uk

Footnote: For non-householder applications your attention is drawn to Section 76 of the Town and Country Planning Act 1990 which relates to the applicant's responsibilities under Section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the British Standards Institution Code of Practice BS5810 1979 concerning Access Requirements for Disabled People. Advice may be obtained from your local Planning Office.

Footnote: There are specific Regulations and adopted standards above and beyond Planning and Building Regulation requirements that apply to 'Houses in Multiple Occupation'. If your application relates to the construction, extension, conversion or alteration of a building containing flats or bedsits and/or the reconfiguration of an existing layout which creates new inner rooms then you are advised to consult the Housing Standards Team on 01274 434520 or email CHESAdminSupport@bradford.gov.uk for further advice.

Footnote: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.



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For clarity the two years from date of approval is from each and every reserved matters consent, not from the first reserved matters approval and development is that which relates only to that reserved matters approval.

Footnote: If your development involves the construction of a new road, a new footway to an existing road or a new industrial access, please contact the New Estate Roads Office on 01274 437423 before building commences. Please note that Section 38 agreements take 6 -12 weeks to process.

STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012

In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Replacement Unitary Development Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Footnote: Plans associated with this application can be viewed at www.bradford.gov.uk/planning and click on "view planning applications".

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YOUR RIGHTS IN CONNECTION WITH THIS NOTICE

Appeals to the Secretary of State

APPLICATIONS FOR PLANNING PERMISSION

If you are aggrieved by the decision of the local planning authority to grant planning permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal your local planning authority's decision then you must do so within 6 months of the date of this notice*.

However, if an Enforcement notice has been served for the same or very similar development, the time limit is:

- **28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made, yet not longer than 2 years before the application was made, or
- **28 days from the date the Enforcement Notice** was served, if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

Appeals must be made using a form which you can get from the Planning Inspectorate at Customer Support Team Room 3/13 Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel 0303 444 5000 or online at www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application for and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

You must send a copy of your appeal to Department of Regeneration and Culture, Development Services, Jacobs Well, Bradford, BD1 5RW or planning.appeals@bradford.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

*Applicants are advised that it is the Council's understanding that the time period for lodging an appeal is reckoned from the date of issue of this notice.

Application No: 13/00377/MAO

SEMAOZ

**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

**Apperley Bridge Ltd
C/O Mr Richard Serra
Savills
Ground Floor
City Point
29 King Street
Leeds
West Yorkshire
LS1 2HL**

GRANT OF OUTLINE PLANNING PERMISSION SUBJECT TO A S106 AGREEMENT

Proposal: Demolition of existing structures and the development of 80 residential dwellings.

Location: BPL House 880 Harrogate Road Bradford West Yorkshire BD10 0NW

Applicant: Apperley Bridge Ltd

Date Application Received: 29 January 2013

Date Application Valid: 18 February 2013

City of Bradford Metropolitan District Council hereby gives notice of its decision to **GRANT** outline planning permission for the development described above, in accordance with the plans, drawings and documents which form part of the application as listed below, and subject to the following schedule of conditions:

Plan Type	Plan Reference	Version	Date Received
Location Plan	PL-01		29th Jan 2013
Site Plan	PL-02	A	10th Jun 2013
Sections	PL-03		29th Jan 2013
Council Boundary Plan	PL-05		29th Jan 2013
Tree Protection Plan	2351/2		29th Jan 2013
Access Plan	LDS-APPER- GA-01	A	10th Jun 2013

CONDITIONS AND ASSOCIATED REASONS:

1. The development to which this notice relates must be begun not later than the expiration of three years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.



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Reason: To ensure that the development is begun within a reasonable timeframe without prejudicing the viability of implementing the scheme and to accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of four years beginning with the date of this notice.

Reason: To ensure that the development is begun within a reasonable timeframe without prejudicing the viability of implementing the scheme and to accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended).

3. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping
- iii) layout,
- iv) and scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 4 of the The Town and Country Planning (Development Management Procedure) (England) Order 2010.

4. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref. B1318 and the following mitigation measures detailed within the FRA:

- 1. Surface water management details are agreed with Bradford Drainage Department in writing prior to the commencement on site.
- 2. A minimum easement of 4 metres either side of the centre line of the culverted Carr Beck. No built development to take place within this easement strip.

The mitigation measures shall be fully implemented prior to the occupation of the development, or within any other period as may be agreed in writing by the local planning authority.

Reason: To prevent flooding by ensuring satisfactory disposal of surface water and to ensure the structural integrity of the existing culvert and allow for maintenance access thereby reducing the risk of flooding, to accord with policies NR16, NR17A and UR3 of the Replacement Unitary Development Plan.

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in



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accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its outfall and to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

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

Reason: In the interests of satisfactory and sustainable drainage and to comply with policies UR3 and NR16 of the Replacement Unitary Development Plan.

7. The development shall not begin until details of a scheme for foul and surface water drainage, including full calculations and any balancing works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. The scheme so approved shall thereafter be fully implemented prior to the occupation of the dwellings to which this decision notice relates.

Reason: To ensure proper drainage of the site in the interests of minimising flood risks and improving the quality of surface water, to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

8. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005), which shall first have been submitted to and approved in writing by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan and be retained for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

9. Any application for approval of reserved matters with respect to layout and landscaping shall include an accurate Arboricultural Implication Assessment and Arboricultural Method



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Statement which includes a Tree Survey and a Tree Protection Plan showing all existing trees on and adjacent to the site. This must be undertaken in accordance with the guidelines set down in BS 5837 (2005) Trees in Relation to Construction - Recommendations.

Reason: To ensure an accurate assessment of the impact of the development on the sustainability of the trees and in the interests of visual amenity to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

10. The development shall not be begun nor any works carried out on the development site until a detailed tree planting scheme, indicating replacement planting for the trees that will be lost as a consequence of the development works, has been submitted to and approved in writing by the Local Planning Authority.

In the first planting season following the completion of the development or as otherwise specified by the Local Planning Authority the trees shall be planted in accordance with the approved tree planting scheme.

Any trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies NE4, NE5, D5 and NE12 of the Replacement Unitary Development Plan

11. Prior to the commencement of development a level changes scheme shall be submitted to and approved in writing by the Local Planning Authority. The level changes scheme shall include:

- i) A plan and cross sections showing proposed and existing ground levels throughout the site;
- ii) Proposed finished floor levels of buildings;
- iii) Levels of any paths, drives, garages and parking areas;
- iv) Height and design of any retaining walls;
- v) The volume of fill material required to implement the proposed site levels;
- vi) The volume of excavation arisings which will result from the implementation of the proposed site levels;
- vii) The proportion of fill material which can be sourced from demolition waste and on-site excavation arisings;

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- viii) The proportion of excavation arisings and demolition waste which can be dealt with through on-site reuse as fill material;
- ix) The quantity of excavation arisings and demolition waste required to be removed for off-site disposal/ recycling;
- x) The quantity of fill material and soils required to be imported from off-site;
- xi) The type and quality specifications of the fill material and soils to be incorporated within the development;
- xii) The quality control protocols which will be put in place to ensure fill and soils meet the specifications;
- xiii) The number and type of HGVs required to transport fill and soils to the site and remove excavation arisings and demolition waste from the site;
- xiv) A transportation strategy setting out the maximum daily HGV movements, anticipated haulage routes, access provisions and the hours during which transportation of fill material, soils and demolition and excavation waste will take place;
- xv) Details of the mitigation which will be put in place to minimise adverse environmental impacts associated with the implementation of the site demolition works, groundworks and transportation of construction, demolition and excavation waste, fill material and soils.

Thereafter the development shall only proceed in strict accordance with the approved level changes scheme.

Reason: To ensure that all available opportunities to minimise the requirement for off-site fill are taken, that only suitable fill material and soils are used and that the implementation of level changes does not unacceptably harm amenity or road safety, in accordance with policies UDP9, TM2, TM19A and UR3 of the replacement Unitary Development Plan.

12. Before any of the dwellings hereby approved are brought into occupation, the proposed means of vehicular access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plans and completed to a constructional specification for which approval in writing shall have been previously obtained from 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 of the Replacement Unitary Development Plan.

13. Prior to the commencement of development a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the report must include:

- (i) proposed remediation objectives and remediation criteria;
- (ii) details of remediation works to be undertaken;
- (iii) volume of contaminated material to be removed from the site;
- (iv) volume of cover/ capping material to be imported to the site;



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(v) timetable of works and site management procedures to minimise adverse impacts of works.

Reason: To ensure that risks from land contamination are appropriately remediated and that the most environmentally acceptable remediation approach is taken, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

14. The dwellings to which this decision notice relates shall not be brought into occupation until a remediation verification report has been submitted to and approved in writing by the Local Planning Authority. The report must include:

- (i) a description of the remediation works which have been carried out;
- (ii) evidence to demonstrate that the site has been brought to a condition suitable for the intended use;
- (iii) any necessary provisions for future contamination monitoring and maintenance of remediation works.

Reason: To ensure that risks from land contamination are appropriately remediated, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

15. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres wither side of the centre line of either the 6" live water main or the sewer which cross the site.

Reason: In order to protect and allow access to water and waste water infrastructure beneath the site, in accordance with policies UDP9, UR3 and NR16 of the replacement Unitary Development Plan.

16. Before any development works commence on site full construction details of the proposed means of access, car parking areas, turning heads and servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to the dwellings, hereby approved, being brought into occupation, or in accordance with an approved highways works phasing plan.

Reason: To establish a suitable form of access, parking, turning and servicing facilities commensurate to the scale of the development proposed and to accord with policies TM2 and TM19A of the replacement Unitary Development Plan.

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



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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 construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) 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;
- ix) arrangements for the management of surface water during the construction phase;
- x) 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 TM2 and TM19A of the Replacement Unitary Development Plan

FOOTNOTES:

Footnote: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.

Footnote: Please note that the development hereby approved may contain conditions that require details to be submitted to and approved in writing by the Council either prior to the commencement of the development or at another specified period. To comply with the requirements of these conditions the developer is required to submit an "application for the approval of details reserved by a condition". Applications can be submitted online via the planning portal or in paper format to: Planning Service 3rd Floor Jacobs Well Bradford BD1 5RW. There is a charge for this service; Planning Service 1st Floor Jacobs Well Bradford BD1 5RW. There is a charge for this service; £97 per request (£28 per request for householder developments). For more information please go to



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www.bradford.gov.uk/planningforms. Works must not commence until the necessary approval(s) have been obtained.

Footnote: If your development involves the construction of a new road, a new footway to an existing road or a new industrial access, please contact Section 38 Estate Roads (Mr K. Stoddart, 01274 437423) before building commences.

If your development affects any street lighting columns please contact Mr A Preece, 01274 434019 of the Street Lighting Section before building commences.

Footnote: Please note that this approval does not convey any form of approval under the Building Regulations. You are therefore advised to contact Building Control to find out whether your proposal requires building regulations approval before starting work. Contact Building Control on 01274 433807. Email - buildingcontrol@bradford.gov.uk

Footnote: For non-householder applications your attention is drawn to Section 76 of the Town and Country Planning Act 1990 which relates to the applicant's responsibilities under Section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the British Standards Institution Code of Practice BS5810 1979 concerning Access Requirements for Disabled People. Advice may be obtained from your local Planning Office.

Footnote: There are specific Regulations and adopted standards above and beyond Planning and Building Regulation requirements that apply to 'Houses in Multiple Occupation'. If your application relates to the construction, extension, conversion or alteration of a building containing flats or bedsits and/or the reconfiguration of an existing layout which creates new inner rooms then you are advised to consult the Housing Standards Team on 01274 434520 or email CHESAdminSupport@bradford.gov.uk for further advice.

Footnote: The applicant/ developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust"

STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012

In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Replacement Unitary Development Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to



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problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Footnote: Plans associated with this application can be viewed at www.bradford.gov.uk/planning and click on "view planning applications".

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YOUR RIGHTS IN CONNECTION WITH THIS NOTICE

Appeals to the Secretary of State

APPLICATIONS FOR PLANNING PERMISSION

If you are aggrieved by the decision of the local planning authority to grant planning permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal your local planning authority's decision then you must do so within 6 months of the date of this notice*.

However, if an Enforcement notice has been served for the same or very similar development, the time limit is:

- **28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made, yet not longer than 2 years before the application was made, or
- **28 days from the date the Enforcement Notice** was served, if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

Appeals must be made using a form which you can get from the Planning Inspectorate at Customer Support Team Room 3/13 Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel 0303 444 5000 or online at www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application for and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

You must send a copy of your appeal to Department of Regeneration and Culture, Development Services, Jacobs Well, Bradford, BD1 5RW or planning.appeals@bradford.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

*Applicants are advised that it is the Council's understanding that the time period for lodging an appeal is reckoned from the date of issue of this notice.

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GRREMZ

**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

**Mr B Smith
Ben Bailey Homes
C/O Mr Tom Cook
ID Planning
ID Planning
Atlas House
Atlas House
Leeds
West Yorkshire
LS1 2HL**

APPROVAL OF RESERVED MATTERS

Proposal: Approval of all Reserved Matters (appearance, landscaping, layout and scale) reserved by condition 3 and also approval of details of foul and surface water drainage, tree protective fencing, arboricultural method statement and implications assessment and tree planting, reserved by conditions 7, 8, 9 and 10 of Outline Permission 13/00377/MAO (dated: 20/12/2013): 'Demolition of existing structures and the development of 80 residential dwellings' [now 69 dwellings]

Location: BPL House Harrogate Road Bradford West Yorkshire BD10 0NW

Applicant: Mr B Smith

Date Application Received: 8 December 2014

Date Application Valid: 9 December 2014

City of Bradford Metropolitan District Council hereby **APPROVE** the reserved matters for the development described above in accordance with the plans, drawings and documents which form part of the application as listed below, and subject to the following schedule of conditions:

Plan Type	Plan Reference	Version	Date Received
Tree Protection Plan	2351/2	REV C	13th Feb 2015
Landscaping	2351/5	REV A	13th Feb 2015
Landscaping	2351/6	REV A	13th Feb 2015
Drainage Plan	4145/APP/R&S		8th Dec 2014
Location Plan	4145/101		8th Dec 2014
Site Plan	4145/201	REV H	13th Feb 2015
Other	4145/208.01		13th Feb 2015
Other	4145/208.02		13th Feb 2015



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Other	4145/208.03	REV A	13th Feb 2015
Other	4145/208.04		13th Feb 2015
Other	4145/208.05		13th Feb 2015
Other	4145/208.06	REV A	13th Feb 2015
Proposed Plans and Elevations	EN/001 - CRD END BRICK		8th Dec 2014
Proposed Plans and Elevations	EN/001 - SAY DET (CANAL)		8th Dec 2014
Proposed Plans and Elevations	EN/001 - KEN END BRICK		8th Dec 2014
Proposed Plans and Elevations	EN/001 - ROY DET		8th Dec 2014
Proposed Plans and Elevations	EN/001 - ROY DET BRICK		8th Dec 2014
Proposed Plans and Elevations	EN/001 - HAY DET BRICK	REV 1	8th Dec 2014
Proposed Plans and Elevations	EN/001 - THN (CANAL)	REV 10	8th Dec 2014
Proposed Plans and Elevations	EN/001 - ASY DET BRICK	REV 4	8th Dec 2014
Proposed Plans and Elevations	EN/001 - KEN MID BRICK		8th Dec 2014
Proposed Plans and Elevations	EN/001 - THN BRICK (IN- SITE)	REV 10	8th Dec 2014
Proposed Plans and Elevations	EN/001 - HAN END BRICK	REV 3	8th Dec 2014
Proposed Plans and Elevations	EN/001 - KIM DET	REV 3	8th Dec 2014
Proposed Plans and Elevations	EN/001 - KIM DET BRICK	REV 3	8th Dec 2014
Proposed Plans and Elevations	EN/001 - ASY DET	REV 4	8th Dec 2014
Proposed Plans and Elevations	EN/049 - THN END (HARROGATE RD)		8th Dec 2014
Proposed Plans and Elevations	HANBURY DETACHED/E W/EN/035		13th Feb 2015
Proposed Plans and Elevations	EN/001 - CRD MID BRICK		8th Dec 2014
Proposed Plans and Elevations	EN/001 - NOY DET		8th Dec 2014
Proposed Plans and Elevations	EN/001 - NOY		8th Dec 2014

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Proposed Plans and Elevations	DET BRICK EN/001 - HAY REV 1 DET		8th Dec 2014
Proposed Plans and Elevations	EN/050 - THN MID (HARROGATE RD)		8th Dec 2014
Proposed Plans and Elevations	EN/051 - THN END (HARROGATE RD)		8th Dec 2014
Proposed Plans and Elevations	C969428	REV B	13th Feb 2015
Proposed Plans and Elevations	C991542	REV C	13th Feb 2015

CONDITIONS AND ASSOCIATED REASONS:

1. The foul and surface water drainage provisions illustrated on drawing ref. 4145/APP/R&S shall be fully implemented either prior to the occupation of any of the dwellings to which this decision notice relates or in accordance with a Phasing Plan submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure proper drainage of the site in the interests of minimising flood risks and improving the quality of surface water, to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

2. The construction of the dwellings to which this notice relates shall not be begun, until Temporary Tree Protective Fencing is erected in accordance with the details shown on drawing ref. 2351/2 Rev C. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan and be retained for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority. The further tree protection provisions set out in the approved 'ARBORICULTURAL METHOD STATEMENT', dated 13 February 2015, ref. PROJECTS/DOCS/2351-AMS-10NOV14, shall also be fully implemented for the duration of the development.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

3. The hard and soft landscaping works and boundary treatment provisions illustrated on drawings ref. 4145/201 REV H, 2351/5 REV A, 2351/6 REV A, 4145/208.01, 4145/208.02, 4145/208.03 REV A, 4145/208.04, 4145/208.05 and 4145/208.06 REV A shall be fully implemented either prior to the occupation of any of the dwellings to which this decision

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notice relates or in accordance with a Phasing Plan submitted to and approved in writing by the Local Planning Authority.

Reason: To provide for an attractive public realm and external environment of high amenity value to residents, for the maintenance of tree cover and in the interests of visual amenity and the character of the Conservation Area and to accord Policies NE4, NE5, D5, BH7 and BH20 of the Replacement Unitary Development Plan.

4. The landscaping management provisions set out in the approved 'LANDSCAPE MANAGEMENT SPECIFICATION', dated 13 February 2015, ref. PROJECTS/DOCS/2351-LMS-02FEB15 shall be implemented in full.

Reason: To provide for the successful establishment and maintenance of landscaped areas, in the interests of amenity and the character of the Conservation Area, in accordance with saved policies NE4, NE5, D5, BH7 and BH20 of the Replacement Unitary Development Plan.

5. The dwellings and boundary walls hereby approved shall be faced with Ibstock Priory Red Multi Brick, Marshalls Cromwell Pitched Faced Reconstructed Stone - Buff in colour (150mm coursed), Fortcrete Ashlar Reconstructed Stone - Bath in colour - (used for Quoins, Dentils, parapets, heads & cills) and Sandtoft Calderdale Slate interlocking Roof Tile - Dark Grey in colour, as detailed on the approved drawings and shown on the 'MATERIALS PHOTOGRAPHS' dated 06 February 2015.

Reason: In the interests of visual amenity and the character of the Conservation Area and to accord Policies D1, BH7 and BH20 of the Replacement Unitary Development Plan.

6. Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 4145/201 REV H and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

7. Concurrently with the construction of the new access and prior to it being brought into use, the existing vehicular access points to the site shall be permanently closed off with a full kerb face, and the footway returned to full footway status, in accordance with the approved plan numbered 4145/201 REV H and in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority

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Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

8. Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority, the off street car parking spaces shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan

9. Non of the dwellings hereby approved shall be brought into occupation until all reasonable endeavours have been undertaken to promote an amendment to the existing Traffic Regulation Order (TRO) along the site frontage. Reasonable endeavours shall constitute instructing the Council to proceed with the required TRO and paying all reasonable costs incurred in processing the aforementioned order.

Reason: In the interest of highway and pedestrian safety and to accord with policy TM19A of the Replacement Unitary Development Plan.

FOOTNOTES:

Footnote: Please note that the development hereby approved may contain conditions that require details to be submitted to and approved in writing by the Council either prior to the commencement of the development or at another specified period. To comply with the requirements of these conditions the developer is required to submit an "application for the approval of details reserved by a condition". Applications can be submitted online via the planning portal or in paper format to: Planning Service 1st Floor Jacobs Well Bradford BD1 5RW. There is a charge for this service; £97 per request (£28 per request for householder developments). For more information please go to www.bradford.gov.uk/planningforms. Works must not commence until the necessary approval(s) have been obtained.

Footnote: If any aspect of your proposed works affects existing public footways, public highway or public rights of way you must ensure that relevant Highway Legislation and Statutory Notices are complied with and that all relevant fees are paid prior to commencement of your works. Please contact the Network Resilience and Management Team on 01274 437420 or email network.management@bradford.gov.uk

Footnote: If your development involves the construction of a new road, a new footway to an existing road or a new industrial access, please contact the New Estate Roads Office on 01274 437423 before building commences. Please note that Section 38 agreements take 6 -12 weeks to process.

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Footnote: If your development involves the construction of a new junction, or any alteration of an existing road or footway, please contact the Section 278 Coordination office on 01274 437308 before building commences. Please note that Section 278 agreements take 12-18 weeks to process.

Footnote: If your development affects any street lighting columns please contact the Street Lighting Section on 01274 434019 before building commences.

Footnote: Please note that this approval does not convey any form of approval under the Building Regulations. You are therefore advised to contact Building Control to find out whether your proposal requires building regulations approval before starting work. Contact Building Control on 01274 433807. Email - buildingcontrol@bradford.gov.uk

Footnote: For non-householder applications your attention is drawn to Section 76 of the Town and Country Planning Act 1990 which relates to the applicant's responsibilities under Section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the British Standards Institution Code of Practice BS5810 1979 concerning Access Requirements for Disabled People. Advice may be obtained from your local Planning Office.

Footnote: There are specific Regulations and adopted standards above and beyond Planning and Building Regulation requirements that apply to 'Houses in Multiple Occupation'. If your application relates to the construction, extension, conversion or alteration of a building containing flats or bedsits and/or the reconfiguration of an existing layout which creates new inner rooms then you are advised to consult the Housing Standards Team on 01274 434520 or email CHESAdminSupport@bradford.gov.uk for further advice.

Footnote: This Decision Notice discharges the approval of details requirements of Conditions 3, 7, 8, 9 and 10 of Outline Planning Permission 13/00377/MAO; however other conditions requiring approval of details have not yet been satisfied. It must be ensured that all conditions attached to both Outline Planning Permission 13/00377/MAO and the additional conditions attached to this Decision Notice above are fully satisfied and adhered to in accordance with their terms.

Footnote: The Costs of promoting the TRO referred to in condition 9 above is £7000 and this money shall be deposited with the Council before it will commence any works towards promoting the TRO. In the first instance the applicant should contact Gurnam Shergill (Senior Engineer - Highway Development Control) on 01274 434963 to discuss this matter further.

Footnote: The applicant/ developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust"



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STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012

In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Replacement Unitary Development Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

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If you want to appeal your local planning authority's decision then you must do so within 6 months of the date of this notice*.

However, if an Enforcement notice has been served for the same or very similar development, the time limit is:

- **28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made, yet not longer than 2 years before the application was made, or
- **28 days from the date the Enforcement Notice** was served, if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

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The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application for and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

You must send a copy of your appeal to Department of Regeneration and Culture, Development Services, Jacobs Well, Bradford, BD1 5RW or planning.appeals@bradford.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

*Applicants are advised that it is the Council's understanding that the time period for lodging an appeal is reckoned from the date of issue of this notice.