



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.
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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:

Cllr Jeanette Sunderland	District Councillor
Cllr Dominic Fear	District Councillor
Cllr 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.