

Application No: 12/04674/MAO

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**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995**

**The Trustees Of The Chatsworth Settlement
C/O Nicole Harrison
Ove Arup and Partners
Rose Wharf
78 East Street
Leeds
LS9 8EE**

GRANT OF OUTLINE PLANNING PERMISSION SUBJECT TO A S106 AGREEMENT

Proposal: Construction of up to 135 dwellings with means of access by the provision of two new vehicular accesses from Shann Lane and Broadlands to be considered.

Location: Land At Shann Lane Keighley West Yorkshire

Applicant: The Trustees Of The Chatsworth Settlement

Date Application Received: 19 November 2012

Date Application Valid: 19 November 2012

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 and subject to the following schedule of conditions:

CONDITIONS AND ASSOCIATED REASONS:

1. Application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.

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

2. 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.

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



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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. Access (other than at Broadway and Shann Lane), appearance, landscaping, layout, and scale comprise the reserved matters. Details of the access (other than at Broadway and Shann Lane) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Details of appearance, landscaping, layout, and scale for each phase shall be submitted to and approved in writing by the local planning authority before any development of that phase begins and the development shall be carried out as approved. Any application for the layout of a phase shall demonstrate that a development of a minimum of 123 dwellings and a maximum of 135 dwellings will be achieved across the site.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 2010.

5. Applications for the approval of reserved matters shall be in accordance with the principles and parameters set out in the following Parameter Plans and the following sections of the Design & Access Statement unless otherwise agreed in writing by the local planning authority:

Parameter Plan 1 - Location Plan

Parameter Plan 2C - Area of Development

Parameter Plan 3B - Character Areas

Parameter Plan 4B - Movement and Access

Parameter Plan 5B - Landscape Principles

Parameter Plan 6 - Retained Features

Parameter Plan C - Building Heights

Parameter Plan 8 - Road Hierarchy

Development Principles on p22-23 of the Design & Access Statement (Rev A, January 2013)

Development Parameters on p27-33 of the Design & Access Statement (Rev A, January 2013)

CH-003 01 Proposed Junction Improvements at Shann lane/Spring Gardens Lane

Reason: For the avoidance of doubt as to the terms under which this outline planning permission has been granted to ensure that the site is developed in an appropriate



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manner and to accord with policies UR2, UR3, D1, D5, D6, BH7, BH10, BH20 and UDP3 of the Replacement Unitary Development Plan

6. No phase of the development shall commence until a scheme and programme for the provision of separate foul and surface water drainage works, including details of any balancing and off-site works, have been submitted to and approved in writing by the local planning authority. The surface water works shall maintain Greenfield surface water run-off rates so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site. This applies for up to and including the 1 in 100 year (plus climate change) rainfall event. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water works, and none of the dwellings in any phase of the development shall be occupied until the drainage scheme has been implemented in respect of that phase. The measures shall be fully implemented prior to occupation of any dwelling within each phase 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, to reduce the risk of flooding to the proposed development and future occupants and to comply with the requirements of the National Planning Policy Framework, and policies NR15B and NR16 of the Replacement Unitary Development Plan

7. Prior to any development commenting, further investigation shall be carried out to establish whether there are any culverted watercourses passing through the site. The result of which must be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be fully implemented shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodies within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

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

8. An electric vehicle charging point shall be provided in all properties which are to be constructed with a garage within its curtilage. Full details of the charging point shall accompany any reserved matter application which is to consider matters of layout and appearance of the proposed dwellings.

Reason: To ensure the development is constructed in an appropriate sustainable manner to take into consideration paragraph 35 of the National Planning Policy Framework and policies UDP3 and UR2 of the Replacement Unitary Development Plan.



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9. Before any phase or part of the development commences on site, 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. No development shall take place until full details of the highway schemes/improvements at Shann Lane and Spring Gardens Lane, together with a timetable for their implementation, have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the highway schemes have been implemented in accordance with the approved details.

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

11. Prior to the commencement of any works on site, 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 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

12. No phase of the development shall commence until a plan showing the position of boundary treatments for that phase has been submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no other means of enclosure shall be erected without the prior approval of the local planning authority.

Reason: In the interests of the amenities of the locality and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

13. Prior to the occupation of any of the dwellings constructed within any phase of the development hereby approved, a Travel Plan or Plans for each of the areas involved shall



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be submitted to and approved in writing by the Local Planning Authority. The Plans/s should set objectives for reducing car usage, increasing walking, cycling and public transport use, improvements in safety features and environmentally friendly delivery services and shall be implemented in accordance with the agreed details. The approved Travel Plan document shall form an integral part of the site management plan. The effectiveness will be reviewed, monitored and amended on an annual basis, in conjunction with the Council's Transport Planning Section, to achieve the aims and targets of the plan.

Reason: In the interests of environmental sustainability, highway safety and to accord with policies TM2, TM19A and UR3 of the Replacement Unitary Development Plan.

14. Prior to development commencing a Phase 2 site investigation and risk assessment, in addition to the assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The written report 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.

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

16. The remediation verification report 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.

17. 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



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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.

18. 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.

19. 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.

20. 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.

21. The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority.



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The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction Recommendations and show the temporary Tree Protective Fencing 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 will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan.

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 as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

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

No development, excavations, engineering works and storage of materials or equipment shall take place within the Root Protection Areas 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 and NE5 of the Replacement Unitary Development Plan.

22. Bat tubes shall be inserted into a minimum of 20 of the proposed dwellings (to be positioned at soffit level). The positioning of the bat tubes shall be provided prior to the construction of each phase of the development and be agreed in writing by the local Planning Authority.

Reason: In the interests of the biodiversity of the site, to mitigate for the loss of habitat and to accord with the requirements of the National Planning Policy Framework and policies NE10 and NE12 of the Replacement Unitary Development Plan.

FOOTNOTES:

Footnote: Plans associated with this application can be viewed at www.bradford.gov.uk/publicaccess.

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Footnote: If your development affects any street lighting columns please contact The Street Lighting Unit, Flockton House, Flockton Road, Bradford, BD4 7RY, telephone 01274 434019 before building commences.

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 433531 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.

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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YOUR RIGHTS IN CONNECTION WITH THIS NOTICE

APPLICATIONS FOR PLANNING PERMISSION

Appeals to the Secretary of State

- If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it 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 (or 28 days if this is a decision relating to the same or substantially the same land and development as is already the subject of an enforcement notice).*
- If an enforcement notice is subsequently served relating to the same or substantially the same land and development as your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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 the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Part IV of the Town and Country Planning Act 1990.

APPLICATIONS FOR LISTED BUILDING CONSENT/CONSERVATION AREA CONSENT

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse consent for the proposed works, or to grant consent subject to conditions, he/she may, by notice served within six months of the date of this notice* appeal to the Secretary of State in accordance with Section 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local authority in regard to the proposed works are in progress.

Purchase Notices

- If consent is refused, or granted subject to conditions whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he/she may serve on the Council a listed building purchase notice, or a conservation area purchase notice, as the case may be, requiring the Council to purchase his/her interest in the land in accordance with the provisions of section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Compensation

- In certain circumstances a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE - Attention is drawn to section 8 (2) of the Act, the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the local planning authority) until notice of proposal has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Saville Row, London W1X 1AB and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent or have stated that they have completed their record of the building or that they do not wish to record it.

APPLICATIONS UNDER ADVERTISEMENT REGULATIONS

Appeals to the Secretary of State

- You have a right to appeal against the local planning authority's-
 - a) refusal of consent for an advertisement;
 - b) grant of consent for an advertisement subject to a condition with which you are dissatisfied;
 - c) failure to issue a decision on an application within a specified time (i.e. 8 weeks from the date the application is formally acknowledged or such longer period you may have agreed in writing with the Council); or
 - d) "discontinuance notice" requiring you to remove an advertisement, or stop using an advertisement site.
- The appeal is made to the Secretary of State, and the appeal procedure is very similar to the procedure for a planning appeal to the Secretary of State.
- All advertisements appeals have to be submitted to the Secretary of State within 8 weeks of the receipt* of the local planning authority's decision against which you are appealing.

APPLICATIONS FOR CERTIFICATES OF LAWFULNESS

Appeals to the Secretary of State

- You have the right of appeal under Section 195 of the Town and Country Planning Act 1990 against the local planning authority's refusal of such a certificate, or refusing it in part, or against any failure of the authority to notify you of their decision within the prescribed period (whether extended by agreement with them or not). The appeal is made to the Secretary of State and there is no time limit in which to make this appeal.

* 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.

** The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see 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

Please note

If your planning application was submitted before 6 April 2010, you have 6 months from the date of this notice to appeal against the Council's decision, if the proposal relates to the same or substantially the same land and development as is already the subject of an enforcement notice.