

**THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
(HARROGATE ROAD/NEW LINE JUNCTION IMPROVEMENTS) (SIDE ROADS)
ORDER 2017**

**THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
(HARROGATE ROAD/NEW LINE JUNCTION IMPROVEMENT SCHEME)
COMPULSORY PURCHASE ORDER 2017**

THE HIGHWAYS ACT 1980

-and-

THE ACQUISITION OF LAND ACT 1981

THE HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994

COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007

National Transport Casework Team (REFERENCE: NATTRAN/YH/LAO/149)

in the matter of

a highway improvement scheme involving highway alterations to improve and widen the A658 Harrogate Road from a point 70 metres north east of its junction with Carr Bottom Road, south westwards to a point 25 metres south west of its junction with Stanley Street and the A657 New Line from a point 45 metres north west of its junction with Haigh Hall Road, south eastwards to its junction with Elder Street, Bradford and a new 60 metres long one-way link road between Harrogate Road and New Line, Bradford in the County of West Yorkshire

Proof of Evidence

of

Ben Marchant BA (Hons) MPlan MRTPI

Senior Planning Officer

(Document Reference: P03/BM/Planning)

**presented as evidence in chief on behalf of
The City of Bradford Metropolitan District Council**

to

Local Public Inquiry – 6th November 2018

1. Personal Details

- 1.1 My name is Ben Marchant and I hold the position of Senior Planning Officer and I have a Bachelor Arts in Urban Studies and Planning, Masters in Town and Country Planning and a Corporate Member of the Royal Town Planning Institute. I have 11 years of experience within the field of town planning, covering planning policy and strategy, development management and enforcement, transport planning strategy and implementation.

2. Scope of Evidence

- 2.1 **Development Management Process** - Overview of the development management processes followed for gaining planning approval for the highways scheme, including all relevant general permitted development rights, planning applications and supporting documents such as the Environmental Impact Assessment (EIA) (see Core Document 21.1.56).
- 2.2 **Planning Policy Framework** - Overview of the planning policy framework relevant to the proposal, including the National Planning Policy Framework (NPPF) (see Core Document 21.1.27), Replacement Unitary Development Plan (RUDP) (see Core Document 21.1.30) and the Local Plan Core Strategy (see Core Document 21.1.29).
- 2.3 **Corporate Strategy** - Overview of the Council's Corporate Strategy (Bradford Council Plan 2016 – 2020) (see Core Document 21.1.42) and how the scheme is supportive of its goals and objectives.
- 2.4 **Cultural Heritage Considerations** - Overview of how the cultural heritage considerations were taken into account when assessing the impact of the scheme.
- 2.5 **Transport Strategy** – Overview of the region's Transport Strategy (WYCA – Transport Strategy 2040) (see Core Document 21.1.46) and how the scheme is supportive of its goals, objectives and policies.
- 2.6 **Local and Wider Strategic Benefits** - Overview of the wider strategic benefits the scheme will bring to the District and neighbouring authorities.

3. Background

- 3.1 The report is part of the evidence provided in relation to the highway improvement scheme involving highway alterations to improve and widen the A658 Harrogate Road.

4. Main Evidence

Development Management Process

- 4.1 Under The Town and Country Planning (General Permitted Development) (England) Order 2015 (“**GPDO**”) (as amended) express planning permission will not be required for parts of the Scheme in instances where Class A, Part 9, Schedule 2 of the GPDO permits the carrying out by a local highway authority of works required for or incidental to the maintenance or improvement of the highway on both existing highway land and land outside but adjoining the boundary of an existing highway. The permitted development rights granted by Part 9 of the GPDO would cover all such works where all such works are required for the improvement of the highway and are located on land which is either currently used as a highway or land adjoining the existing highway, subject for an Environmental Impact Assessment screening opinion (see paragraph 4.6).
- 4.2 Nevertheless, specific planning applications have needed to have been made and which are described below –
- 4.3 A full planning application (17/00916/FUL) (see Core Document 21.1.51) was submitted on 24th February 2017. The application proposed a ‘Construction of a new one way 'P-Loop Junction' link road between Harrogate Road and New Line, including two 60m long vehicle lanes, a new pedestrian footpath, a 1.5m cycle lane, two pedestrian crossings, new street lighting, new street planting and an Urban Traffic Control (UTC) layby. The application also included the construction of an access to the existing “Farmfoods Limited” store with associated car parking, situated at No. 921 Harrogate Road, Bradford (shown as Plots 10 and 21 on the CPO Order Map) (see Core Document 21.1.16). The planning application was approved under delegated powers on the 20th April 2017.
- 4.4 Two listed building consent (“**LBC**”) applications were also submitted to the local Planning Authority on the 24th February 2017 (see Core Document 21.1.53) -
 - a) The first LBC application (application number: 17/00919/LBC) was for the realignment of external front boundary wall and gate piers and rebuild using retained stone from existing wall and retained gate piers at Greengates House, No. 830 Harrogate Road.
 - b) The second LBC application (application number: 17/00918/LBC) was for the relocation and reconfiguration of “Greengates War Memorial”, in the “Garden of Remembrance” at Greengates War Memorial, Harrogate Road, Bradford. Both LBC applications were approved on 21st April 2017.

- 4.5 Planning permission was granted on the 24th August 2017 for planning application 17/03441/REG (see Core Document 21.1.51), to close the existing access to New Line Retail Park from New Line and to amend the existing access to Sunnyfield Nursery and "New Works" Units A & B from New Line in order to include access to the New Line retail Park. Alterations to existing parking within the New Line Retail Park. Removal of external walls to No. 70 New Line between existing columns on the west elevation to form new openings to accommodate 4 car parking spaces, including a replacement bin store.
- 4.6 The permission granted under consents 17/00916/FUL, 17/00919/LBC, 17/00918/LBC and 17/03441/REG have conditions attached to them, to which a number must be discharged prior to commencement of the development. The Council is currently in the process of producing the required evidence to submit an application to discharge these conditions. The conditions attached to the above consents are not considered to make an unacceptable development acceptable through the use of such conditions (Para 203 NPPF), and are considered compliant with the 6 tests under Paragraph 206 of the NPPF.
- 4.7 No judicial review or any other legal challenge was made against the aforementioned planning decisions.
- 4.8 As the area of works to deliver the Scheme by means of the permitted development rights and approved planning application was over 1ha, the Scheme was considered to constitute Schedule 2 development under the Environmental Impact Assessment ("**EIA**") Regulations 2017. An application EIA screening opinion request was submitted to the Council in its separate capacity as local highway authority (17/06188/SCR) (see Core Document 21.1.56), to which it was judged the Scheme is not EIA development, as it is not within a Sensitive Areaⁱ and is not likely to have significant effects on the environment within the meaning of the Regulations.
- 4.9 Under Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 11, the highways authority will be submitting an application for the prior notification of proposed demolition for properties 913 / 915 and 911 Harrogate Road. Details of the methods of demolition and any proposed restoration of the site will be submitted for approval by the Local Planning Authority.
- 4.10 Under the Town and Country Planning Act 1990, there is a requirement for permission to be sought for any trees protected by a Tree Preservation Order. Implementation of the "scheme" will require the removal of a number of protected trees, all of which are covered under the approved application 17/00916/FUL, and thus no further approvals for works to protect trees affected by the "scheme" are required.
- 4.11 The Council is of the opinion there are no other consents required, other than those detailed above, and the "scheme" can proceed without any planning legislative impediment.

Planning Policy Framework

- 4.12 Under the provisions of Section 38 of the Planning and Compulsory Purchase Act of 2004 there is a duty placed on the decision maker dealing with planning applications and appeals whereby the decision has to be made in accordance with relevant policies in the adopted development plan, unless other material considerations indicate that a different decision should be made. For the purposes of the planning applications, the development plan includes the 'saved' policies of the City of Bradford Replacement Unitary Development Plan ("**RUDP**") (adopted in 2005) (see Core Document 21.1.30), insofar as the policies are in accordance with the National Planning Policy Framework ("**NPPF**") (Revised 2018) and the Local Plan Core Strategy (adopted in 2017) (see Core Document 21.1.27).
- 4.13 Following the receipt of the Planning Inspector's Report the Local Plan Core Strategy ("**Plan**") (see Core Document 21.1.29) was found to be sound. The Plan was adopted by the Council in July 2017 (with no legal challenge received during the statutory 6 week period) and forms part of the statutory planning framework for Bradford District, in combination with the 'saved' policies from the Council's Replacement Unitary Development Plan. The Plan was adopted by the Council in July 2017. These policies shall be continued to be 'saved' until the adoption of the Allocations Development Policy Document.
- 4.14 'Saved' Policy TM20 relates to planned transport and highways improvements and states that 'the council will safeguard land required for transport and highway improvement schemes as shown on the proposals map'.
- 4.15 In terms of local development plan and strategies, the Scheme will help achieve strategic objectives of the adopted Local Plan Core Strategy ("**Plan**"), in terms of improving and developing excellent public transport and highway systems to increase the level of accessibility within the District and establishing good connections with other parts of the Leeds City Region and beyond by ensuring safety, efficiency and sustainability (Paragraph 3.15 (9) of the adopted CS).
- 4.16 The economic benefits of the Scheme, as highlighted in paragraph 4.12 above, are also considered compliant with and supported by CS Policies. Specifically, the "scheme" is compliant and supportive of CS Policies EC1, EC2, EC4, EC5 in regards to how it will assist in creating a successful and competitive Bradford District economy within the Leeds City Region, through the delivering significant infrastructure to allow the delivery of employment land and resulting jobs creation. The scheme is considered supportive of CS Policy HO1 as it will facilitate the delivery of District's housing requirement; and CS Policies ID4, ID5 and ID8 through working with partners to facilitate the delivery of development and infrastructure.

- 4.17 The environmental benefits of the Scheme, as highlighted in paragraph 4.14, are also considered compliant with and supported by CS Policies. Specifically the scheme is compliant and supportive of CS Policy SC2 and EN8 in regards to how it will assist in improvement to public transport, cycling and walking, and not have a negative impact upon air quality thus contribute towards mitigating climate change. The “scheme” will also assist in delivering Urban Traffic Management Control (UTMC) and thus compliant with CS Policy TR6.
- 4.18 The social and overall transport benefits of the Scheme, as highlighted in paragraph 4.15, are also considered compliant with and supported by CS Policies. Specifically, the “scheme” will assist in supporting CS Policies DS3, DS4, DS5 by integrating a high standard of design and materials to safeguard the urban character of the area, encourage walking, cycling and the use of public transport, and create safe and inclusive places. The “scheme” is compliant and supportive of CS Policies TR1, TR3, TR5, TR6 and TR7 by encouraging modal shift through the public transport, walking and cycling improvements, and supporting improved connectivity across the District and neighbouring authorities through the delivery of transport investment.
- 4.19 In July 2018, a series of revisions were made to the National Planning Policy Framework (see Core Document 21.1.27). This proof of evidence now reflects the most current up to date guidance set out in the NPPF. The Scheme is considered compliant with the guidance set out within the NPPF, with its objectives aligning with that of the framework. Delivery of the Scheme will assist the Council meeting the NPPF objective of anticipating and responding to long-term requirements and opportunities for major improvements in infrastructure, as identified through the Local Infrastructure Plan (see Core Document 21.1.28) and supporting Core Strategy policies (NPPF Para 22). The Scheme also represents a transport investment planned in collaboration with neighbouring authorities and other important stakeholders and is deemed necessary to support strategies for the growth of travel demand in this area. This is considered to be demonstrating effective cooperation with neighbouring local authorities other prescribed bodies.
- 4.20 Successful delivery of the Scheme would help achieve the objectives of achieving sustainable development in all three objectives as stipulated within the NPPF (NPPF, Paragraph 8) i.e. economic, environmental and social roles.
- 4.21 In economic terms, the Scheme will deliver a significant improvement within the existing transport network, which will create better transport links and enhance connectivity and positively impact upon businesses across the area through unlocking potential employment sites, creating more jobs and ‘addressing potential barriers to investment’ (NPPF, Paragraph 81). Consequently the Scheme will act as catalyst to promoting sustainable transport and building a strong and competitive economy as advocated by the NPPF.
- 4.22 The Scheme can also be considered as a cost effective measure that will limit any potentially significant impacts of any future development in the area (NPPF, Paragraph 108).

- 4.23 In terms of environmental benefits, the Scheme will assist in reducing congestion and promoting sustainable development through providing better public transport, pedestrian and cycle links, thus improving local air quality and contributing towards meeting the challenges of climate change by means of the resulting reduction in the greenhouse gas emission. This is another key component of achieving sustainable development through promoting sustainable transport (NPPF, Section 9) and meeting the challenge of climate change (NPPF, Section 14) as highlighted in the NPPF.
- 4.24 The Scheme will also help realise many social benefits, in particular through providing improved road safety for vulnerable road users (e.g. cyclist and pedestrians) and improving journey times to work and community facilities and thereby contributing to wider sustainability and health objectives (e.g. safe and accessible environment, legible pedestrian routes, reduced noise level etc), as promoted by the NPPF (NPPF, Paragraph 91). The City of Bradford has been identified as an area of significant housing growth within the Local Plan: Core Strategy and delivery of the scheme will assist in achieving one of the Core Planning Principles of the NPPF by demonstrating the Council is actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable promoting the use of sustainable transport modes (NPPF, Paragraph 103). The Council is of the opinion that the Scheme will help promote healthy communities by providing a safe and accessible environment within the local area, thus enhancing quality of life and addressing elements of deprivation that the surrounding communities have been suffering (NPPF, Paragraph 91)

Corporate Strategy

- 4.25 In 2016 the Council adopted a new community strategy, the Bradford Council Plan 2016-2020 ("**BCP**") (see Core Document 21.1.42), which sets out how the Council will work with others to contribute to priorities set out in the Bradford District Plan 2016-2020 (see Core Document 21.1.43). The BCP sets out how the Council is to deliver the community strategy and where the Council will provide leadership and work in partnership with others to achieve shared ambitions.
- 4.26 The BCP contains six main objectives -
- 1) Better skills, more good jobs and a growing economy
 - 2) Decent homes that people can afford to live in
 - 3) A great start and good schools for all our children
 - 4) Better health, better lives
 - 5) Safe, clean and active communities
 - 6) A well-run Council, using all our resources to deliver our priorities.

4.27 The Scheme has been designed to assist the Council in achieving all the objectives set out within the BCP. The economic benefits of the Scheme, as highlighted in paragraph 4.12 and 4.13 will assist in creating new business start-ups and grow existing businesses within the area by providing by improving transport links with enhanced access across Bradford District and to the Leeds City region. The investment in this key piece of infrastructure will also help support new housing development within the area. The social and environmental benefits of the Scheme, as highlighted in paragraph 4.14 and 4.15, will provide safer routes to local schools and improving the pedestrian environment of the local area, encouraging better health and lives of residents and a safer, cleaner and more active community.

Cultural Heritage Considerations

4.28 In terms of Cultural Heritage considerations, the Heritage Statement (Document Reference: QU-0297/1) (see Core Document 21.1.54) notes that the War Memorial and No. 830 Harrogate Road , both being Grade II listed buildings, will be impacted upon by the Scheme through the realignment of the boundary wall and associated landscaping. However, as the proposals include the reconstruction of the boundary walls from the original stone and the utilisation of the original railings/gate piers, this loss will be mitigated. The Heritage Statement concludes that there will be a minor adverse/negligible impact on the contribution that the core setting provides the significance of these two listed buildings.

4.29 The Heritage Statement notes that the “Aldo’s Italian Restaurant”, a Grade II listed building will be indirectly impacted upon by the Scheme, as this building will be visible through views to the north-east and north-west of the site. The statement assesses this impact as negligible/neutral due to the fact that these views will be limited and read in conjunction with the existing modern built form of the area. Additionally, the core of the listed building’s significance is its forms and fabric which will be unaffected.

Transport Strategy

4.30 The West Yorkshire Transport Strategy 2040 was adopted by the West Yorkshire Combined Authority (WYCA) on 3rd August 2017 (see Core Document 21.1.46). The strategy has been produced by WYCA in partnership with the Councils of Bradford, Calderdale, Kirklees and Wakefield; it is overarching strategy for bus, rail and other forms of transport, and replaces the West Yorkshire Local Transport Plan published in 2011 (see Core Document 21.1.21). Delivery of the “Scheme” will assist in addressing the identified poor connectivity to the regional road network.

4.31 The Scheme is also considered to support the overarching objectives of the Strategy:

- a) Economy – improving connectivity to support economic activity and growth in West Yorkshire.
- b) Low Carbon – to make sustainable progress towards a low carbon sustainable transport system for West Yorkshire.
- c) Quality of Life – to enhance the quality of life of people living, working in and visiting West Yorkshire.

4.32 The strategy establishes a number of core themes and policies focusing on all aspects of the transport network to deliver the economic, environmental and social objective set out above. The benefits of the “Scheme” are closely aligned with these core themes and subsequent policies, as follows:

- a) Reduce air pollution, carbon emissions and noise levels associated with road transport;
- b) Encourage healthy, active travel with improved cycling and walking facilities;
- c) Improve safety on our transport networks particularly for vulnerable road users;
- d) Increase capacity on the Strategic Road Network and Major Roads Network to improve journey times, reliability and resilience;
- e) Manage a West Yorkshire Key Route Network to improve journey times and reliability;
- f) Provide safer, more convenient networks for walking and cycling;
- g) Create more accessible people-friendly local centres and neighbourhoods
- h) Improve the resilience of our road network to function reliably

4.33 The “Scheme” is closely aligned with the policies of the Transport Strategy and will assist in the delivery of many of the aims and objectives set out within the documents.

Local and Wider Strategic Benefits

4.34 The scheme will bring a number of transport benefits to elevate the current highways issues being faced within the vicinity. It will also supporting the delivery of a number proposed housing developments in the area (see Core Document 21.1.50):

- a) 14/00255/MAF - Construction of 267 dwellings and integral public open space, with associated access, parking and landscaping - Land At Simpsons Green, Apperley Road;
- b) 16/09142/MAF - Erection of 45 dwellings with associated access and infrastructure (building to be demolished) - Sports Ground, Harrogate Road (adjacent to canal);

- c) 14/05285/MAO - Outline planning permission for the construction of up to 130 residential dwellings with associated access – Land between Harrogate Road and Carr Bottom Road;
- d) 13/04148/MAF - Hybrid application for up to 220 dwellings with full permission for 60 dwellings, with partial means of access and open space included within the outline - Land At Cote Farm, Leeds Road, Thackley;
- e) 14/00208/MAO - Outline application for residential (C3) use for up to 600 dwellings including detailed means of access with ancillary local centre (Uses A1 to A5 up to 2000 sq m gross), demolition of onsite buildings, a nursery (D1 Use) and fixed surface infrastructure associated with existing uses. - Fagley Quarry, Fagley Lane.
- f) 13/00377/MAO & 14/05123/REM - BPL House, Harrogate Road - 80 dwellings.

4.35 The need for the junction improvement has been acknowledged in the consideration of each of the above major housing developments, with a need for each to contribute towards the scheme. An agreement was made with the applicants of the above housing developments, which required the applicant of the first permission to commence development would pay the full amount due by the combined housing development towards the “scheme” with that applicant subsequently paying less towards the costs of other developer contributions. Details of the agreement can be found within the Regulatory and Appeals Committee Report for application 14/00255/MAF (4 September 2014) (see Core Document 21.1.57). This has resulted in the Council receiving and committing £1,926,006.00 in Section 106 monies towards the “scheme” from the applicant of the approved application 14/00255/MAF Simpsons Green (see Core Document 21.1.55).

4.36 As highlighted in the Planning Policy Framework section, there are significant benefits to the Scheme in regards to delivering infrastructure to unlock development within sustainable locations. The Scheme is located within ‘North East’ sector of the City of Bradford, as identified in the Local Plan Core Strategy. This sector is forecast to deliver a minimum of 4400 residential units over the plan period to 2030. The sector is also the focus for new employment opportunities to deliver a significant portion of the 100ha forecast for delivery in the City of Bradford. To enable the delivery of these strategic benefits, the Council must ensure there is the coordinated delivery of transport infrastructure. The delivery of the Scheme will be a significant contribution in delivering the necessary transport infrastructure to deliver the forecast housing and employment growth within the District.

4.37 The wider strategic benefits of the scheme extend beyond Bradford District’s Local Authority boundaries, and influence that of the neighbouring authority of Leeds. As the “Scheme” is located approximately less than ½ a mile from the Leeds local authority boundary, it is likely the benefits identified will be mutually appreciated by users of the road network within the neighbouring authority. The

scheme will also likely assist in the delivery of the proposed allocations identified within the Leeds City Council's Site Allocations Plan, currently at Examination in Public.

5. Conclusion

- 5.1 The Scheme is a designated and committed development under 'saved' Policy TM20 of the RUDP and adopted Policies BD1 and TR7 of the Core Strategy and will assist in the facilitation of economic growth at sites across West Yorkshire under the principles of the region's strategic economic plan and transport strategy.
- 5.2 The Council is therefore satisfied that there will be no planning impediments to the implementation of the Scheme and that the Scheme accords with relevant local, regional and national planning policies.
- 5.3 In summary, I am of the view that I have advanced a compelling case to justify the Orders being confirmed in the public interest to ensure that the Council, acting on its behalf, will be able to use compulsory purchase powers, should the use of such powers be required as a last resort, to acquire for the purposes of the Orders, all the land and rights needed to promote, deliver and facilitate the proper construction to improve and widen the the A658 Harrogate Road from a point 70 metres north east of its junction with Carr Bottom Road, south westwards to a point 25 metres south west of its junction with Stanley Street and the A657 New Line from a point 45 metres north west of its junction with Haigh Hall Road, south eastwards to its junction with Elder Street, Bradford and a new 60 metres long one-way link road between Harrogate Road and New Line, Bradford in the County of West Yorkshire”

6. Expert Declaration

- 6.1 I confirm that my duty to the Inquiry as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively and that I will continue to comply with that duty.
- 6.2 I confirm that my expert evidence includes all facts which I regard as being relevant to the opinions I have expressed and that attention has been drawn to any matter that would affect the validity of those opinions.
- 6.3 I am not instructed under any conditional fee arrangement and have no conflict of interest.
- 6.4 I confirm that I have made clear which facts and matters referred to in this proof of evidence are within my own knowledge and which are not. Those that are

within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

- 6.5 I confirm my report complies with the requirements of Royal Town Planning Institute. RTPI members need to take particular account of our Code of Professional Conduct when acting as an expert witness, in particular the core principles of 'Competence, honesty and integrity' and 'Independent professional judgement'."

Dated 11th October 2018

ⁱ Sites of Special Scientific Interest and European sites; National Parks, the Broads and Areas of Outstanding Natural Beauty; and World Heritage Sites and scheduled monuments.