

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 29 September 2016



Subject:

This is an outline application for the demolition of Police Call-in-Station and erection of new Police Call-in-Station, 3 bungalows and a 64 bedroom Extra Care Building on the former site of Wyke Library, Huddersfield Road, Bradford. Details of the layout and access arrangements have been submitted for consideration at this stage.

Summary statement:

The application is in outline form with only details of the layout and access arrangements submitted for consideration at this stage. Two separate access points will be provided off Huddersfield Road, one to serve the extra care facility and the second to serve the bungalows and police call-in station. The layout has been designed such that the majority of the existing trees on the site, particularly those along the site boundaries, are retained and provide a natural screen to the development.

The application has been fully assessed against all relevant local and national planning policies and all public representations and consultation responses have been fully taken into consideration. The application is recommended for approval subject to conditions and to it being referred to the Health and Safety Executive to give them the opportunity to consider if they would wish to seek a “call-in” for the application to be considered by the Secretary of State of if they are prepared to confirm that they will not intervene in the Council granting permission.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is an outline application for the demolition of Police Call-in-Station and erection of new Police Call-in-Station, 3 bungalows and a 64 bedroom Extra Care Building on the former site of Wyke Library, Huddersfield Road, Bradford. Details of the layout and access arrangements have been submitted for consideration at this stage.

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in the Officer's Report at Appendix 1.

4. OPTIONS

The Committee can approve the application as per the recommendation contained within the main report, or refuse the application. If the Committee is minded to refuse the application, reasons for refusal must be given.

5. FINANCIAL & RESOURCE APPRAISAL

The financial implications associated with the development relate to a recreation contribution having not been secured. However due to the nature of the development it is unlikely that it will significantly increase the pressure on the existing recreational infrastructure in the vicinity of it.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that this prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this

development against the previous use as a school. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the main car park serving the development (planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

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

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions set out in the report attached as appendix 1.

11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

The Replacement Unitary Development Plan

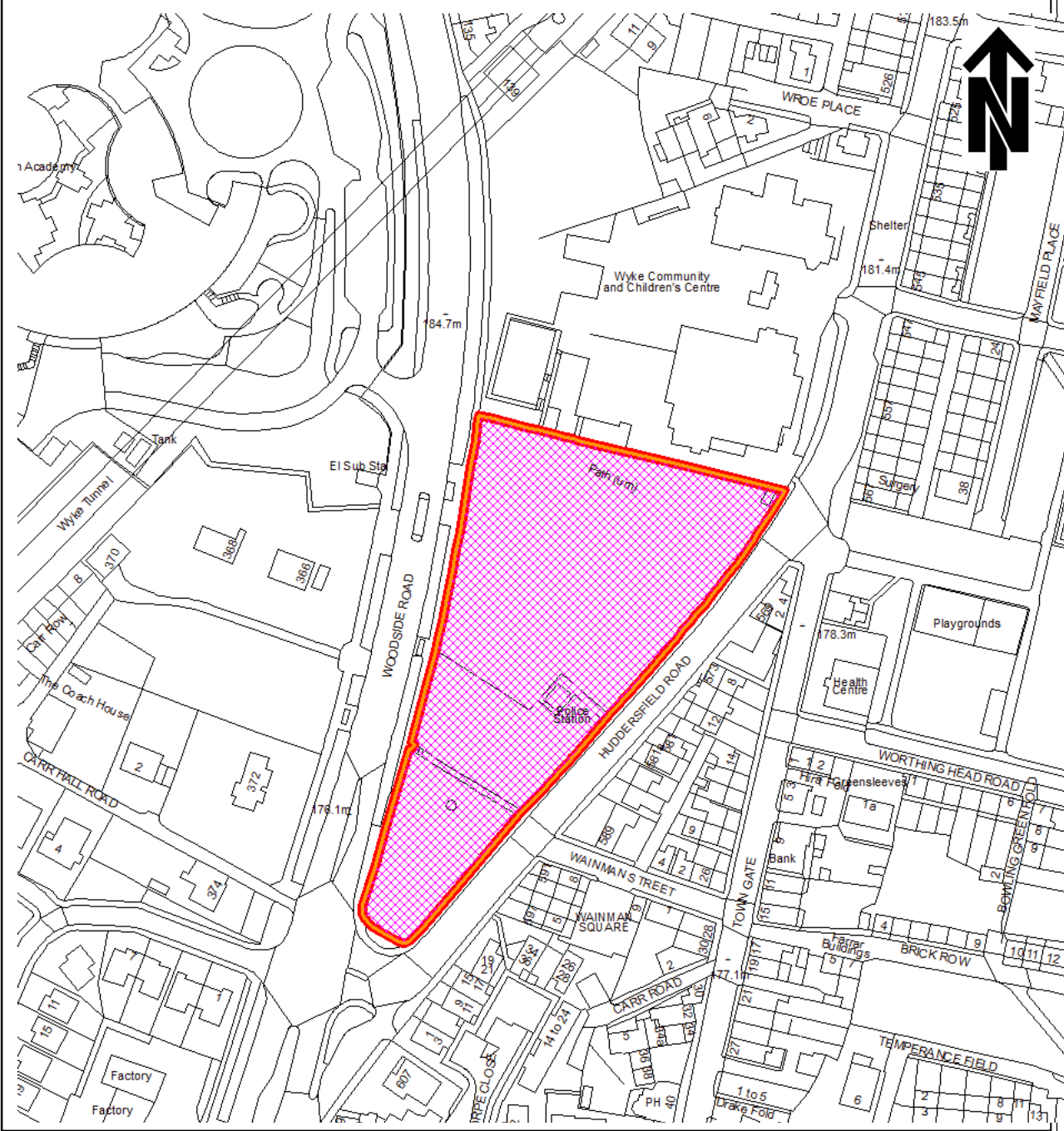
Publication Draft Core Strategy (draft subject to an examination in public in March 2015) and subject to modification which is current out to consultation

Planning application 16/03851/MAO

Regulatory and Appeals Committee

16/03851/MAO

29 September 2016



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LOCATION:

**Former Site Of Wyke Library
Huddersfield Road Bradford BD12 8HS**

29 September 2016

Ward: Wyke

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO THE APPLICATION BEING REFERRED TO THE HEALTH AND SAFETY EXECUTIVE FOR FURTHER CONSIDERATION. DELEGATED AUTHORITY BE GIVEN TO THE ASSISTANT DIRECTOR PLANNING, TRANSPORTATION AND HIGHWAYS TO ISSUE THE GRANT OF PLANNING PERMISSION, SUBJECT TO THE CONDITIONS SET OUT, IF THE HEALTH AND SAFETY EXECUTIVE CONFIRMS IT WILL NOT REQUEST THAT THE APPLICATION BE “CALLED-IN FOR CONSIDERATION BY THE SECRETARY OF STATE”.

Application Number:

16/03851/MAO

Type of Application/Proposal and Address:

This is an outline application for the demolition of Police Call-in-Station and erection of new Police Call-in-Station, 3 bungalows and a 64 bedroom Extra Care Building on the former site of Wyke Library, Huddersfield Road, Bradford. Details of the layout and access arrangements have been submitted for consideration at this stage.

Applicant:

Bradford MDC - Asset Management

Agent:

Mr Marc Pearson (Acanthus WSM Architects)

Site Description:

The site is located on the western edge of Wyke and is triangular in shape. Running along the western and eastern boundaries are Woodside Road and Huddersfield Road respectively. To the north is a complex of buildings comprising Wyke Community and Children's Centre. The boundaries of the site are occupied by a row of mature trees with there also being a small copse of trees located in the centre of the site. To the west of the site are Appleton Academy and some residential development whilst to the east and south of the site is primarily residential development.

Relevant Site History:

Permission was granted for the demolition of the library on the 30th December 2012 under reference 12/04901/PN.

Replacement Unitary Development Plan (RUDP):

Allocation

The northern part of the site is allocated as Recreation Open Space and is subject to consideration against policy OS2 (Protection of Recreation Open Space) whilst the southern part of the site is unallocated.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development

UDP3 Quality of Built and Natural Environment

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development
TM2 Impact of traffic and its mitigation
TM11 Parking standards for non-residential development
TM12 Parking standards for residential developments
TM19A Traffic management and road safety
D1 General Design Considerations
D4 Community Safety
D5 Landscaping
CF2 Education contributions in new residential development
OS2 Protection of Recreation Open Space
OS5 Provision of recreation open space and playing fields in new development
NE4 Trees and Woodlands
NE5 Retention of Trees on Development Sites
NE6 Protection of Trees during Development
NR15B Flood Risk
NR16 Surface Water Run Off and Sustainable Drainage Systems
NR17 Groundwater Protection
P3 Hazardous Installation

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 9th September 2016.

As a result of the publicity exercise 7 representations have been received objecting to the proposal.

Summary of Representations Received:

Highway issues:

- The level of parking proposed is not enough and will lead to further on-street parking to the detriment of local residents

- Increase in traffic for residents to contend with, both during and after the construction of this substantial development
- Item 7.7 of the Transport Statement suggests that a Traffic Regulation Order may be necessary to protect the visibility splays of the two new vehicular access points to the development - I suspect that this will entail parking restrictions on the West side of Huddersfield Road, which will severely exacerbate the already serious parking problems
- Permit parking should be introduced for the existing residents
- Concerns with regards the number of vehicular traffic movements to/from the completed development
- Concerns regarding the positioning of the access and the proposed double yellow lines which will impact on the parking arrangements for the existing dwellings

Residential amenity:

- Loss of privacy to neighbouring dwellings

Design and appearance:

- The building is too big for the site
- Who thinks it's a good idea to put a 3 storey building so close to existing 2 storey dwellings as it will overshadow the existing dwellings
- Whilst the Application is Outline only, the footprint of the building does appear to be a monolithic slab, with very little in the way of breaking up the general form and appearance

Others:

- Why is the development of this size needed in such a small village
- A better use of the site would be as a car park and communal garden
- Concerns regarding the safety of the residents of the development due to its siting adjacent to 2 busy roads
- Impact on the wildlife on the site

Consultations:

Drainage – No objection subject to a condition relating to the discharge of foul drainage from the site

Education – No objection as the development is unlikely to affect schools and is below the threshold for requesting contributions.

West Yorkshire Police – No objection to the principle of the development but comments on specific aspects of the layout

Lead Local Flood Authority – No objection subject to the imposition of conditions relating to the disposal of surface water drainage from the site

Environmental Health Land Contamination – No objection and concur with the findings of the Phase 1 Desk Study and recommend that a proportionate Phase 2 site investigation is undertaken. Appropriate conditions are recommended

Yorkshire Water – No objection subject to the imposition of conditions relating to the disposal of surface water

Highways DC – No objection subject to the imposition of appropriate conditions including the implementation of a Traffic Regulation Order on Huddersfield Road

Health and Safety Executive – Objection on the grounds that there are sufficient reasons on safety grounds for advising against the granting of planning permission

Conservation – No objection as the proposal is unlikely to impact on the setting of the heritage asset to any greater degree than that of the existing situation

Sport England – No objection

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Recreation open space
7. Trees
8. Education
9. Secured by design
10. Contaminated land
11. Biodiversity issues
12. Other issues

Appraisal:

The proposal relates to the demolition of the existing Police Call-in-Station and the subsequent construction of a new Police Call-in-Station, 3 bungalows and a 64 bedroom Extra Care Building. The application is in outline form with only details of the access arrangements and the layout of the site submitted for consideration. Access to both the bungalows and extra care building will be from Woodside Road.

1. Principle of development

The northern part of the site is allocated as Recreation Open Space and is therefore subject to consideration against policy OS2 (Protection of Recreation Open Space). The policy states that development will not be permitted on such sites or on sites otherwise used as recreation open space unless:

- i) The loss of recreation open space does not lead to or exacerbate a local deficiency in the availability of open space and the site could not be used to help meet any deficiency in another type of open space;
- ii) The development proposal provides for equivalent alternative provision in terms of size and quality which is close to existing users;
- iii) And in either case it does not result in a significant loss of amenity;
- iv) The development proposal is ancillary to and supports the recreational use, and would not significantly affect the quantity and quality of open space, its recreational function, and, the character and appearance of the recreation open space.

The southern part of the site is unallocated.

Sport England have been consulted on the proposal and have raised no objection on the grounds that it does not fall within their statutory or non-statutory remit for sites on which they would wish to comment. This is on the basis that it is neither currently used for any sporting activity nor is it big enough to satisfactorily accommodate a sporting pitch. The site is not included within any Council Recreation Pitch Strategy and as such is redundant in terms of its use.

The site is located in an area where there is an abundance of sports pitch provision with pitches being located to the west at the recently opened Appleton Academy and to

east on Mayfield Avenue and at the former Wyke Manor School where permission has recently been granted for an outdoor cycle track and improvements to the existing pitches.

The loss of the part of the site allocated as Recreation Open Space is therefore considered to be acceptable.

The site is located within the consultation zones for both Nufarm Ltd and BASF PLC, both of which are identified hazardous premises and are subject to consultation with the Health and Safety Executive. The computerised consultation response from Health and Safety Executive states that the initial assessment indicates that the risk of harm to people at the proposed development is such that the HSE's advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission.

As previously stated the site is located in a predominantly built up area with residential development located directly to the east, west and south and a large school also located to the west. The straight line separation distance to Nufarm is 0.5 miles whilst to BASF the distance is 0.66 miles. In between the two hazardous premises and the application site are large areas of development including both residential and commercial/industrial uses. As such it is not considered that the application site would be an exposed site on the edge of the hazardous premises. Overall it is considered that with the separation distances involved and the fact that the application site is located within an existing urban area the potential impact of an event at either premise on the application site would be significantly reduced.

It is therefore considered that the principle of the development is acceptable. However, because of the consultation response from the Health and Safety Executive advising against development on safety grounds the application will need to be referred to them for further consideration in light of the Committees resolution. If Members are minded to grant permission then the Health and Safety Executive would have the opportunity to consider if they would wish to seek a "call-in" for the application to be considered by the Secretary of State if they are prepared to confirm that they will not intervene in the Council granting permission.

2. Visual amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials.

The site is bounded to the north by a complex of stone built, single/two storey buildings whilst to the east are traditional stone built terraced dwellings. To the west is a modern school building with varying materials used.

The application is in outline form with only details of the layout and access submitted for consideration. Details of the scale and external appearance have been reserved for consideration at a later stage. It is suggested within the submission that the main extra care building will be 3 storeys in height and objections have been raised to this.

However, the layout suggests that the majority of the trees located along the boundaries will be retained and this will as a natural screen to the building. Whilst 3 storeys will be higher than the neighbouring buildings it is not considered that it will be visually detracting from the streetscene because of the retained trees. As details of the design of the building are reserved for consideration at a later stage care should be taken to ensure that it is of a design such that it should add visual character to the streetscene rather than being bland.

In terms of the bungalows and the police call-in station these will obviously be single storey in height and will not be overdominant on the streetscene.

Overall therefore it is considered that the layout of the site, through the retention of the boundary trees, will provide a natural screen to the development such that it will not be visually intrusive on the streetscene.

3. Residential amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should not harm the amenity of prospective or existing users and residents.

Existing residential properties are located to both the east and west of the application site. To the east the dwellings are in the form of terraced properties that have varying sizes of front garden space onto Huddersfield Road. Some properties front directly onto Huddersfield Road whilst the largest front garden is approximately 9 metres in length. The minimum separation distance between the proposed extra care building and the existing residential properties is approximately 23 metres. It is not known how the elevations will look as details of the external appearance have been reserved for future consideration but it is considered that the proposed separation distance is such that it will not have a significantly detrimental impact on the residential amenities of the occupiers of the existing dwellings.

With regard to the proposed bungalows the separation distance between the existing and proposed dwellings is 18 metres. The relationship is main elevation to gable end and whilst the external appearance of the bungalows has not been submitted for consideration at this stage it is unlikely that there will be any main habitable room windows in the side elevation of the proposed bungalow. As such the relationship is considered acceptable and will not have a detrimental impact on the residential amenities of the occupiers of the existing dwellings.

To the west of the site the dwellings are in excess of 36 metres from the site boundary and this is in excess of the required distance. As such it is not considered that the proposal will have a detrimental impact on the residential amenities of the occupiers of those dwellings.

Overall therefore, it is not considered that the siting of the proposed buildings will have a detrimental impact on the residential amenities of the occupiers of the existing dwellings.

4. Highway safety

Policies TM2 and TM19A of the RUDP support proposals for new development providing that, amongst other things, the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking and cycling facilities, in the vicinity of the site or the local environment. Policy TM12 requires the provision of parking in accordance with the Councils adopted standards.

Whilst the application is in outline form, details of the access arrangements have been submitted for consideration at this stage. It is intended to create 2 separate access points off Huddersfield Road, one to serve the extra care facility and the second to serve the bungalows and police call-in station. It will also be necessary to close the existing site access.

The Highways Department have not raised an objection to the proposal but have stated that in order to carry out the works within the highway the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council. All the works will need to be agreed prior to any construction towards the development starting on site and the works then completed on site before the development is brought into use. They have also stated that there will be a requirement for a new Traffic Regulation Order to be promoted on Huddersfield Road to manage on street parking and to maintain adequate sight lines at the access points.

A car park is proposed to serve the extra care facility and this will accommodate upto 30 spaces including a number of disabled spaces. The bungalows and police call-in station will have their own separate parking spaces. The Highways Department are happy with the level of parking proposed to serve the different aspects of the development.

The West Yorkshire Police Architectural Liaison Officer has raised concerns regarding the level of parking serving the police call-in station stating that quite a few members of staff are based from this location and as proposed it could result in both police vans and cars parking on the highway outside the box. The proposed call-in station is relatively small in size with a footprint of approximately 30 square metres. The call-in station has 2 spaces allocated to it and the Highways Department are happy with that level of provision.

A number of objections have been received to the proposal on highway grounds including the loss of on-street parking for the residents, the number of vehicular movements to and from the site, and, the positioning of the access points. These objections have been fully considered by the Highways Department who do not consider that the development, in relation to the proposed means of access, expected levels of traffic using the site, and the level of car parking will neither be detrimental to highway safety nor impact on the parking of existing residents.

5. Drainage

Policy NR16 of the RUDP relates specifically to the provision of adequate surface water drainage systems whilst policy UR3 states that proposals should not have an adverse impact on the surrounding environment.

In relation to the disposal of both foul and surface water it is intended to connect to the mains sewer. No objections have been raised to these proposals subject to the imposition of appropriate conditions relating to the disposal of both foul and surface water drainage from the site.

6. Recreation open space

Policy OS5 of the RUDP states that new residential development will be required to make appropriate provision of or equivalent commuted payment for recreation open space and playing fields.

The scheme will provide a specialist facility for people who need extra care and as such, whilst the surrounding recreational facilities will get used by residents, it will not be to the same extent as they would should a private housing development be constructed on the site. As such it is not recommended in this instance to seek a contribution towards enhancing the existing recreational facilities.

7. Trees

Policy NE4 of the RUDP seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

There are a number of trees located on the boundaries of the site together with a small copse of trees within the centre of the site. The layout of the development shows the buildings have been carefully designed and sited such that any tree loss is kept to a minimum. The majority of the trees along the boundaries are to be retained, some will be lost to create the new entrance for the extra care facility, and this is welcomed as it will provide a natural screen to the development. Within the main body of the site there will also be a number of trees to be lost.

Careful management of the retained trees during the construction phase will be required and an appropriate condition requiring the submission of a root protection plan is recommended.

8. Education

Policy CF2 of the RUDP states that where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges, the Council will seek to enter into a planning obligation in order to secure the provision of, or contribution towards, new or extended facilities.

Education Services have not raised an objection to the development as it is unlikely to place any additional pressure on the educational infrastructure due to the type of development proposed.

9. Secured by Design

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The West Yorkshire Police Architectural Liaison Officer (WYPALO) has not raised any objection to the principle of the development but has made comments on specific aspects of it, these being as follows.

Removal of exiting footpath: The inclusion of the existing footpath on its current route raises concerns in that it would have no natural surveillance from any of the buildings. The concern is that this footpath could allow all types of anti-social behaviour (ASB) to occur from drug dealing, to youths congregating on an evening, to fly tipping, littering. It is suggested that it would be prudent to close this footpath route and install a new footpath towards the front of the bungalows and Police box which would benefit from improved surveillance levels which will prevent any future anti-social behaviour problems from occurring and also improves pedestrian safety as the route is overlooked and should be well lit – *The footpath is considered to provide a good link from both the site and Huddersfield Road to Woodside Road where the bus stops are located. If the footpath was to be removed then it would impact on the sustainability of the site particularly for the intended residents. Appropriate boundary treatment along the footpath would provide adequate levels of surveillance. The plans show that the proposed treatments include paladin fencing along the southern boundary of the extra care facility and a mix of 1.5 metre high close boarded timber fence with 0.3 metre high trellising on top along the rears of the bungalows. This form of boundary treatment would be considered acceptable. Whilst details of the landscaping (which would include boundary treatments) have not been submitted for consideration at this stage an appropriate condition is recommended that will require details to be submitted. It is not therefore recommended that the footpath be closed and re-routed along Huddersfield Road/Woodside Road.*

Boundary treatments: For the 3 bungalows it is recommended that 1800mm high perimeter fencing to the rear and to the side boundary of the properties be installed, in addition to a 1500mm high plot divider, which has an 1800mm high privacy panel adjacent to the rear door. Access should be restricted from of each plot to the rear with 1800mm high lockable gate. In relation to the Police box the 1800mm high fencing should be continued around the rear of the Police box and have low level fencing to the front. Low level fencing should be incorporated around the side of the box and parking area to restrict access to the rear area of the building. In relation to the extra care facility the boundary treatments should comprise 1800mm high closed boarded timber fencing or some other durable perimeter material that protects the rear boundary of the care home and continues along the front building line. Where the existing boundary wall is to be retained it should be increased in height to 1800mm. Towards the front of the care home adjacent to the entrance area it is recommended that 900mm to 1000mm perimeter treatments be installed. If the wall is to be retained the only issue with having a low wall is that it provides a seating area for any local youths to gather or congregate, if this was an alternative material such as fencing or railings it removes the problem – *Details of the proposed boundary treatments would be submitted along with details of landscaping and these have been reserved for consideration at a later stage. The comments of the WYPALO have been noted. With regard to the boundaries along Huddersfield Road and Woodside Road care needs to be taken to ensure that appropriate boundary treatment is incorporated that not only provides a safe and*

secure development but is also sympathetic to the streetscene. An appropriate condition is recommended that requires details of boundary treatments to be submitted for consideration.

Other comments in relation to the external lighting and installation of CCTV and physical security in the form of appropriate door and window standards have been made and should be taken on board when designing the external appearance of the development.

10. Contaminated land

A Phase 1 Desk Study has been submitted which concludes that the site is considered to have moderate potential to be contaminated. As such it is recommended that further intrusive site investigation be carried out to confirm this potential. It is recommended that the site investigation should cover the full site, as well as specifically targeting the area of the former building. Appropriate conditions are therefore recommended in relation to the further site investigation work and where necessary associated remediation work.

11. Biodiversity issues

Policy NE10 of the RUDP states that planning permission will not be granted for development which would have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, as amended, or European birds and habitat Directives.

A Preliminary Ecological Appraisal has been submitted in support of the application.

In relation to the presence of bats a survey of the existing building on site (police call-in station) found that it had no bat roost potential whilst the wider site has limited value for bat foraging with this mostly associated with the rows of trees. However, on the scale of the wider landscape, this is a generally poor value as a secluded area of green space. Foraging habitat only has value for species which are less sensitive to disturbance such as common pipistrelle. It was concluded that no further survey is recommended in respect of bats, though trees should be retained or their loss mitigated for where possible.

Due to the prevalence of higher value habitat within the area, it is highly unlikely that badger would establish a sett on the application Site, except when they become otherwise displaced.

Records have been returned for a small range of common birds associated with urban areas, woodland, waste ground and arable hedgerows. Of these, the site is only important to species which are less prone to disturbance created by roads and human activity, and those species which can take advantage of fragmentation associated with urban habitats. To prevent the proposed works impacting on nesting birds any clearance of vegetation will need to be undertaken outside of the breeding bird season which is 1st March – 31st August inclusive. Any clearance that is required during the breeding bird season should be preceded by a nesting bird survey to ensure that the Wildlife and Countryside Act (1981) is not contravened through the destruction of nests and that any active nests are identified and adequately protected during the construction phase of the development.

12. Other issues

There are a number of other issues that have been raised during the publicity exercise that have not been assessed in the above sections of this report. These include the following:

Why is the development of this size needed in such a small village – the Applicant will have done some market research in relation to the size of development they are proposing and it is unlikely that this application will be speculative.

A better use of the site would be as a car park and communal garden – local residents may consider this would be a better use for the site, however the application submitted relates to the extra care facility, bungalows and police call-in station and has to be considered on this basis. A refusal reason could not be justified on the basis that the residents suggest that there are potentially more suitable uses for the use.

Concerns regarding the safety of the residents of the development due to its siting adjacent to 2 busy roads – the safety of the residents will be down to the management of the site and the details, such as boundary treatment, that will be considered at a later stage.

Community Safety Implications:

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

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The scheme provides a residential scheme on a previously developed site. The density and layout of the proposal are acceptable and present no concerns with regard to visual or residential amenity and highway safety. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies UDP1, UDP3, UR2, UR3, TM2, TM11, TM12, TM19A, D1, D4, D5, CF2, OS2, OS5, NE4, NE5, NE6, NR15B, NR16, NR17, and, P3 together with the relevant paragraphs contained within the National Planning Policy Framework.

Conditions of Approval:

1. Time scale

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

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

2. Time scale

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

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

3. Reserved Matters

Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping, and,
- iii) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

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

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

4. Site Investigation Scheme

Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

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

5. Site Investigation Implementation

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

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

6. Remediation strategy

Unless otherwise agreed in writing with the Local Planning Authority, 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.

7. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a 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.

8. Unexpected contamination

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

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

9. Materials importation

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

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

10. Highway Improvement before Use

Before any works towards the development starts on site full details and specifications of the works associated with Huddersfield Road, as shown indicatively on drawing number 1549.61.101B, shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

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

11. Provision of Traffic Regulation Order before use

The development shall not be brought in to use until all best endeavours have been undertaken to implement a Traffic Regulation Order (TRO) in the vicinity of the site on Huddersfield Road. A scheme indicating the extents and full details of the TRO shall first be agreed with and approved in writing by the Local Planning Authority.

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

12. Means of access

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

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

13. Closure of existing access

Concurrently with the construction of the new access and prior to it being brought into use, the existing vehicular access to the site shall be permanently closed off with a full kerb face, and the footway returned to full footway status, in accordance with the approved plan.

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

14. Visibility splays

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

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

15. Car parking provision

Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policies TM11 and TM12 of the Replacement Unitary Development Plan.

16. Construction Plan

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 delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site

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

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan

17. Wheel washing facility

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

Reason: To prevent mud being taken on to the public highway in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

18. External lighting

Before development commences on site, details of the type and position of all proposed external lighting fixtures to the buildings and external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways.

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

19. Surface water from hardstanding areas

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

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

20. Surface water drainage

The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles and including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

21. Surface Water Drainage Maintenance and Management

Prior to the commencement of the development hereby permitted, a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict accordance with the terms and agreements set out in the approved Surface Water Drainage maintenance and Management Document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

22. Foul water drainage

No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority

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

23. Construction hours

Demolition and construction work shall only be carried out between the hours of 07.30 and 18.00 on Mondays to Fridays, 07.30 and 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

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

24. Electric Vehicle Charging Points

Unless otherwise agreed in writing with the Local Planning Authority. Before the development hereby permitted commences on site a scheme for the provision of

electric vehicle charging points based on 1 space per 10 communal spaces shall be submitted to and approved in writing by the Local Planning Authority. 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 Electric Vehicle Charging Points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/ travel planning advice.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

25. Boundary treatment

Notwithstanding the details submitted, the development shall not begin on site until a plan showing the positions, design and materials of boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the development first being brought into use and shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with Policy D1 of the Replacement Unitary Development Plan.

26. Root protection plan

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.

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