

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 14 May 2018

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Subject:

An outline application for residential development of up to 102 dwellings, access roads and 90 bed nursing home, with relocation of scout hut, Holme Mill Lane, Keighley.

Summary statement:

The proposed development includes residential development and a nursing home, the former on land west of Holme Mills and the latter east of Holme Mills. The applicant is applying for the means of access to both the proposed housing and proposed nursing home.

The application site is within a nil Community Infrastructure Levy zone. The applicant has however, agreed to a financial contribution towards mitigating any adverse impact from recreational pressures on the SPA/SAC. An independent viability assessment was carried out on the development appraisal and this concludes that the development would not be viable if other planning obligations including affordable housing were met.

The application is recommended for approval subject to the completion of the S106 and conditions included within the technical report.

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Portfolio:

**Regeneration, Planning and Transport
Overview & Scrutiny Area:**

Regeneration and Economy

1. SUMMARY

This is an outline application for development of up to 102 dwellings and nursing home, with means of access to the sites applied for. The proposed development involves the relocation of a scout hut, to the west, along Holme Mill Lane.

The application site includes two areas of land – one to the west side of Holme Mill Lane and one to the east of Holme Mill Lane. The site to the west is currently grassland, the site to the east includes woodland and a scout hut.

The area where the housing is proposed is allocated in the RUDP, as a Phase 2 housing site and the land to the east is identified as a Bradford Wildlife Area & allocated for employment use. The principle of both residential and employment use is accepted.

As the application site is within a nil CIL zone and the independent viability assessment concludes that the scheme would not be viable with affordable housing, the application would only be liable to a contribution to mitigate any adverse impact from recreational pressures on the SPA/SAC.

2. BACKGROUND

A pre-application enquiry was submitted by the applicant and supported in principle.

3. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from matters associated with the report.

4. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

5. LEGAL APPRAISAL

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

6. OTHER IMPLICATIONS

6.1 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 is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic 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.

6.2 SUSTAINABILITY IMPLICATIONS

The application sites are located on the edge of the urban area with bus services serving Keighley and the surrounding area on Fell Lane.

6.3 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 whether the location of the proposed development is such that sustainable modes of travel by users would be facilitated and

future greenhouse gas emissions associated with the activities of building users are minimised. As part of the development EV (electric vehicle) charging points would be required through condition.

6.4 COMMUNITY SAFETY IMPLICATIONS

None

6.5 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 into account the views of all those who have an interest in, or whom may be affected by the proposal.

6.6 TRADE UNION

None.

7. NOT FOR PUBLICATION DOCUMENTS

The applicant has submitted a viability appraisal concerning 106 matters. This is an exempt document, not for publication, as it contains sensitive financial information (financial privacy).

8. RECOMMENDATION

The application is recommended for approval subject to the completion of a Section 106 Agreement and the conditions included within the technical report.

9. APPENDICES

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

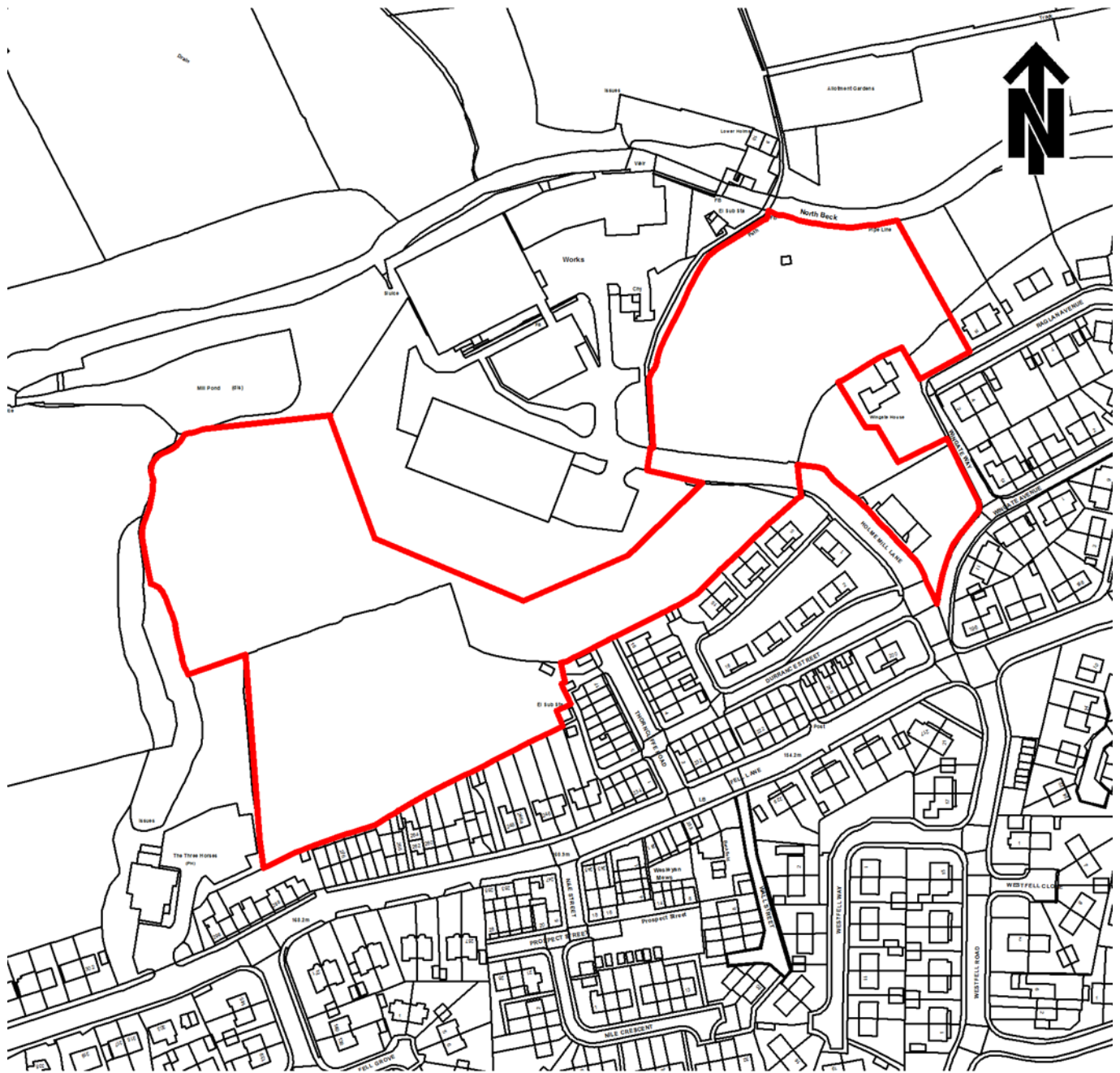
10. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
RUDP

16/08422/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Holme Mill Lane
Keighley**

14 May 2018

Ward:
Keighley West

Recommendation:

To grant outline planning permission subject to the completion of a S106 and conditions included within the technical report.

Application Number:

16/08233/MAO

Type of Application/Proposal and Address:

An outline application for residential development of up to 102 houses, nursing home and relocation of scout hut, with the means of access applied for. The application includes two sites - west of Holme Mill Lane, adjacent to Holme Mills and east of Holme Mill Lane.

Applicant:

Mr Javi Khanijau, MSK Law

Agent:

archENG

Site Description:

The site of the proposed housing is described in the RUDP as a green field site on the edge of the urban form; the site of the proposed nursing home, a brownfield site on the edge of the urban form, as well as a wildlife corridor.

The green field site comprises a number of fields, that slope down towards North Beck. To the site frontage and within the application site there are a number of trees, some subject of Tree Preservation Orders (TPOs). The site around the scout hut, east side of Holme Mill Lane, also includes trees subject of TPOs. The site of the proposed nursing home is wooded and slopes down towards North Beck.

To the north of the application site there are a number of industrial units, site of Holme Mill, to the south and east are residential areas.

Relevant Site History:

N/a

Policy:

Replacement Unitary Development Plan

The site of the proposed housing, west of Holme Mill Lane is allocated as a phase 2 housing site, K/H2.40. The site of the nursing home is allocated for employment use under K/E1.7. It is also identified as being within a Bradford Wildlife Area, a Site of Ecological Interest, K/NE9.57. (The site around the scout hut is unallocated).

The National Planning Policy Framework (NPPF).

The National Planning Policy Framework is 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.

The NPPF suggests local planning authorities should approve development proposals that accord with statutory plans, without delay.

The Core Strategy

The Core Strategy was adopted in July 2017.

There are a number of Core Strategy Policies which should be considered as part of the application, some of these policy areas will be covered in consultation responses to this application:

- P1 Presumption in Favour of Sustainable Development
- SC5 Location of Development
- SC6 Green Infrastructure
- SC9 Making Great Places
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- TR3 Public Transport, Cycling and Walking
- H05 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN2 Bio-diversity and Geo-diversity
- EN4 Landscape
- EN5 Trees and Woodlands
- EN6 Energy
- EN7 Flood Risk
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban Character
- DS4 Street and Movement
- DS5 Safe and Inclusive Places
- ID3 Developer Contributions

Parish Council:

Keighley Town Council recommends that the application be refused. The Town Council is opposed to the proposal by reason of increased highway congestion in the vicinity, degradation of the local environment (in terms of views and loss of recreational amenity) and destruction of wildlife habitats. In addition, the Town Council comments that it has not been supplied with sufficient information to properly assess the impact of the proposals.

Publicity and Number of Representations:

Site notices were displayed at and around the application site; a notice placed in the Telegraph and Argus and individual neighbourhood notifications were carried out, with the expiry of the notification period being 18 April 2017.

There have been 81 representations, including 1 in support and 80 objections.

A Ward Councillor has objected to the planning application.

The MP for Keighley has objected to the planning application.

Summary of Representations Received:

Loss of green field.

Brownfield sites should be developed first.

Increased traffic/congestion.

Loss of habitat/adverse impact on biodiversity.

The disruption caused by the relocation of the scout hut.

Oversubscribed schools and healthcare services in the area.

Noise pollution, traffic pollution.

Overlooking.

Overshadowing.

Fell Lane Scout Group is in support of the application.

The Ward Councillor objects on the grounds that the development - would be contrary to the Council's Core Strategy; would cause low-lying areas to flood more often due to the lack of adequate flood defences; would not safeguard, enhance and promote the historic and natural heritage of the District which help reinforce the local distinctiveness; would not provide accessible for leisure and recreation including access to the countryside and the utilisation of green infrastructure spaces and routes for walking/cycling; and would not safeguard and enhance the District's biodiversity assets through careful management.

The MP' objection reiterates the concerns of residents – brownfield sites should be developed before green field; there would be an adverse impact on bio-diversity and traffic congestion, as a result of the proposed development.

Consultations:

Public Rights of Way

Keighley Public Footpath 73 runs in conjunction with Holme Mill Lane which would be the vehicular access to the site from Fell Lane. While the footpath is shown recorded over Holme Mill Lane, the Lane has been partly adopted as highway. As such, records will be amended to reflect this change. This footpath then continues along the north-western boundary of the proposed scout hut and care home and connects with other paths to the north of North Beck. Please note that there is a slight anomaly affecting Keighley 73 along this boundary. A short section of this path was provided (and improved) along a slightly different line to the recorded path. While both sections of path are outside the site boundary both should be considered as being public. One of these routes is available for use while the other (within the industrial site) is obstructed. Paths to the north of the Beck have been improved in recent years (Cat Steps and paths through the Town Council Allotments). These paths, including the path along the site boundary are in need of further improvements. As such, request a commitment from the developer to carry out improvements to the path along the site boundary and

request a commitment/contribution towards the on-going maintenance and enhancement of the routes to the north of the Beck. These routes are well used, especially by school children accessing schools in the Guardhouse and Highfield area.

The proposed development to the west of Holme Mill Lane was covered by a Section 31 (6) submission. Such a submission helps a landowner stop additional public rights from being gained on land that they control. This submission had been made as a result of the public regularly accessing the land in part to connect with other paths to the west of the site at Tinker Bridge and Holme House Woods. The landowner also erected signage at the time to try and deter such use. It should be noted that the original Section 31 (6) submission has now expired and while the public may still be using routes through the land it is unlikely the public have had sufficient time for public rights to have been gained.

Environment Agency

The Flood Risk Assessment identifies that all the development would be outside flood zones 2 and 3. No objections to the development.

Arboriculture Team

Concerns have been raised on the potential loss of protected trees and the woodland.

Parks & Greenspaces

A request for a recreation contribution of £142,344 for the provision/enhancement of Recreation Open Space and Playing Fields, due to the extra demands placed on the locality by this development.

The contribution would be split between capital and revenue and used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at North Dean Recreation ground or Lund Park.

Environmental Health (Land Contamination)

The Phase 2 Geo-Environmental Site Investigation by E3P includes Holme Mills and therefore takes the Mills into account when assessing the potential risks at the site. The report concludes by making a number of recommendations including that “Extensive further post demolition intrusive ground investigations will be required to confirm the findings of this preliminary investigation and inform the development of a suitably detailed/robust Remediation & Enabling Works Strategy”. (As the proposed development does not include demolition, the recommendations made in the report are not relevant to this application). As a result, the conclusions indicate more significant contamination across the wider site than assessment of results from the non-mill area would indicate.

With regards to the gas monitoring and the risk assessment the report states that “This is an interim assessment based on preliminary ground gas readings, the final classification will be supplied as an addendum to this report on completion of the remaining monitoring visits.”

The addendum gas report has not been submitted as part of this application.

Environmental Health recommends that a revised report based on existing information is submitted which focuses specifically on the area of the site to which this application

pertains. The report must include the completed gas monitoring results and amended risk assessment.

Environmental Health (Pollution)

The proposed development constitutes a major development for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (LES)(adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013).

Under the provisions of the LES planning guidance major developments are required to provide:

Type 1 Emission Mitigation

- Provision of electric vehicles charging facilities at a rate of 1 charging point per house with dedicated parking and 1 point per every 10 houses with undedicated parking.
- Adherence to the *London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.

Type 2 and 3 Emission mitigation

- Inclusion in the Travel Plan of mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles. The types of mitigation proposed should be compatible with lists of suggested measures included in the Bradford LES.

If the Council is minded to approve this application, EV charging provision will be required at the rates set out in the West Yorkshire Low Emission Planning Guidance. For residential developments this is 1 charging point per dwelling with dedicated parking or 1 charging point per 10 spaces with unallocated parking. Charging points will be required at both the houses and the care home.

The minimum EV charging requirement will be provision of a 3 point plug socket capable of providing safe overnight trickle charge to an electric vehicle. It is recommended that these are provided on dedicated circuits to prevent overloading of electrical circuits. Sockets can be mounted within domestic garage space or mounted externally on properties adjacent to driveways or shared parking spaces. Stand-a-lone charging points may be required to serve the care home but this is open for further discussion.

Yorkshire Water

If planning permission is granted, conditions should be attached to protect the local aquatic environment and YW infrastructure.

West Yorkshire Ecology

The land at the western end of the proposed development site, previously described in our submission as a mosaic of national vegetation communities MG4/MG6/MG9 was reassessed and removed from the Local Wildlife Site (LWS) boundary. Land to the immediate west of the proposed development site is considered to support important species rich grassland communities.

The earlier response stated that the proposed development would “result in the direct loss of land of LWS quality”. Subsequent analysis of the survey results have found this

not to be the case and this comment is withdrawn however, we still consider that other matters raised in the same letter are valid and need to be addressed.

Highways & Transportation

Following further discussions with the applicant's highway consultant, acceptable access arrangements have been agreed and these are shown on plan Ref: 16-1723-01 T. It should be noted that the current application will require the developer to carry out works on Holme Mill Lane to support the proposed development i.e. provision of footways on both sides of this road leading up to and in between the proposed access locations, including street lighting. 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 shall be agreed and approved in writing by the Local Highway Authority prior to any construction towards the development starting on site and the works then completed on site before the development is brought into use.

West Yorkshire Combined Authority

Recommends that the applicant contributes to a sustainable travel fund and is used to provide discounted travel cards.

West Yorkshire Police (Architectural Liaison Officer)

Policy D4 makes clear that new developments must incorporate the principles of secured by design, (SBD) and further states that developers will need to ensure that crime prevention is considered an integral part of the initial design of any development and not retrospectively or as an afterthought, in particular they will need to demonstrate how their development proposal has addressed the following issues in respect of designing out crime.

1. Natural surveillance of public and semi-private spaces in particular entrances to a development, paths, play spaces open spaces and car parking.
2. Defensible space and the clear definition differentiation and a robust separation of public, private and semi-private space so that all are clearly defined and adequately protected in terms of their ownership and use.
3. Lighting in the development in particular streets and footpaths.
4. The design or any layout of pedestrian cycle and vehicular routes into and within the sites including how they integrate with existing patterns.
5. Landscaping and planting, hiding places and dark secluded areas should not be created.

Comments are made on - perimeter treatments; rear and shared pathways; car parking; public open space; external lighting and CCTV.

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. An assessment of the submitted documentation has been carried out and if the details are implemented and secured by way of a planning condition on any planning permission the Lead Local Flood Authority has no objection to the proposed development.

Childrens Services

For Application 16/08422/MAO the calculation for 102 2-3 bedroom houses is:

Primary -

0.02 (yield per year group) \times 4 (full year groups) \times 102 (number of dwellings) \times £13721 (cost per place) = £125,136

Total request for 102 \times 2-3 bedroom houses = £111,963.

Countryside

It is considered that the most effective way of mitigating recreational impacts from this development is to improve local public rights of way networks so that residents can take advantage of the amenities closer to home and thus deflect pressure away from the SPA/SAC.

With that in mind, it is recommended that a developer contribution of £25,000 be secured for improvements to the local access network, in particular:

Routes Keighley footpath 18, Keighley 73 & 268 (both cross-valley routes) and Keighley 22 towards Holme House Woods and Goose Eye.

Collectively, these routes extend for approximately 2566 metres, re-surfacing costs and additional furniture improvements (stiles, gates, signage) amount to a total of £25,000.

Summary of Main Issues:

Principle of development

Impact on residential amenity

Highways & Transportation

Drainage Issues

Contaminated Land Issues

Rights of Way Issues

Planning Obligations

Ecological issues including Impact on protected trees

Other matters

Appraisal:

Principle of development

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.11). Given the resolution of the Council's Executive meeting on the 21st November 2011 (as regards the saving of RUDP policies H1 and H2) allocation BN/H2.3 is no longer allocated as part of the saved statutory development plan. This is due to the lapsing of policies H1 and H2 on the 30th September 2008. For this reason the site is now unallocated within the RUDP. At the Executive meeting it was resolved that the Executive note the extensive and robust statutory process which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented Housing Sites previously allocated under these policies should be accorded significant weight when considering their use for residential development.

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. The adopted Core Strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

In relation to housing land supply, the National Planning Policy Framework (NPPF) indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment Update Report 2015 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required by the NPPF. Under these circumstances paragraph 14 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date. Paragraph 49 of the NPPF confirms that where a five-year supply of housing land cannot be demonstrated housing applications should be considered with a presumption in favour of sustainable development. In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. This proposal would make a valuable contribution towards meeting that need.

The application site includes three areas of land - green fields to the west side of Holme Mill Lane, the Scout hut off Holme Mill Lane and woodland off Wingate Way. The first site was originally allocated for housing, the last site was allocated for employment use in the RUDP. The proposed uses are in part, currently in accordance with the Development Plan.

With the proposed housing layout and siting of the nursing home being indicative, other than agreeing the principle, the means of access is being dealt with as part of this outline application. A number of concerns have been raised in relation to the indicative layout and how this could affect a number of protected trees. Given a reserved matters application would be required, establishing the layout, it is at that stage the details of the layout would be considered. The granting of any outline permission does not convey any agreement to the indicative layout and the impact on any protected trees would be fully assessed with the submission of the reserved matters application.

Similarly, Highways has commented on the indicative highways layout. The means of access to the sites, but not within is applied for as part of the application. The details of the internal highways layout is not part of this application and would be considered with the reserved matters application. Again, the granting of outline permission would not bind the Council to a highways layout and this would be fully assessed as part of the reserved matters application.

The Scout group has occupied the Scout Hut on a temporary licence, for a number of years. The applicant advises that the current licence expires in September 2018. The applicant has confirmed that the relocated Scout Hut would be granted a long lease on a nominal rent, providing security of tenure. The Scout Group has been contacted and confirmed that in discussion with the applicant on completion of the relocation, the scout hut would be signed over to the trustees of First Keighley Fell Lane scout group. The proposed site of the relocated Scout hut is within the red line application site and planning permission would be subject to a condition requiring the developer to make provision for a new scout hut, as part of any approved development.

Impact on residential amenity

The application is submitted with an indicative housing layout. The actual layout of the housing would be the subject of a reserved matters application. It would be at this stage

that the relationship between existing properties and proposed properties would be properly assessed. Currently, there is nothing to suggest that the layout could not be designed to ensure that the residential amenity of either existing occupiers or prospective occupiers would be prejudiced. When the reserved matters application was submitted, consideration would be given to the relationship between the existing properties and any proposed housing.

Highways & Transportation

The scheme has been submitted with a Transport Assessment that has considered the likely generation of additional traffic and assessed this in relation to the local highway infrastructure. This Assessment has been fully considered by the Council's Highways team and found to be an accurate analysis of the likely traffic impacts of the proposal. The means of access to the proposed development have been assessed and are considered acceptable in highway terms.

As part of the proposal, footways would be provided to both sides of Holme Mill Lane. Currently, the footway does not extend the full length, with footways limited to one side of the carriageway.

Additionally, the applicant would be required to carry out other highway improvements and there would be no adverse impact on the local highway network.

Drainage Issues

The Lead Local Flood Authority (LLFA) has assessed the documentation, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. An assessment has been carried out and the Lead Local Flood Authority has no objection to the proposed development.

The Flood Risk Assessment identifies that all the development would be outside flood zones 2 and 3 and the Environment Agency has no objections to the development.

Contaminated Land Issues

Phase 1 and 2 site investigation reports have been submitted with the planning application and comments will be reported verbally.

Rights of Way Issues

The application site links with a number of public footpaths serving the surrounding area and beyond. It is recommended that a developer contribution be secured for improvements to the local access network, in particular:

Routes Keighley footpath 18, Keighley 73 & 268 (both cross-valley routes) and Keighley 22 towards Holme House Woods and Goose Eye.

Collectively, these routes extend for approximately 2566 metres and the applicant has agreed to meet the re-surfacing costs and provision of additional furniture improvements (stiles, gates, signage).

Planning Obligations

This development is within the nil CIL zone within the Council's adopted CIL charging regime.

Whilst the West Yorkshire Combined Authority has recommended that the applicant purchase residential Metrocards for residents, the application site is within a nil CIL zone and consequently, no monies for this would be sought.

The planning obligation that would be met by the applicant/developer is measures to address recreational pressures on protected habitats. The applicant has agreed to a Section 106 Agreement to make a financial contribution towards measures to mitigate against possible recreational pressures on the protected areas. This would take the form of improvements to the public footpath network including resurfacing.

In regard of affordable housing, the applicant has submitted a development appraisal, in support of a case for there being no affordable housing. Ordinarily, in this part of the District, the affordable housing ratio would be 15%. The submitted viability appraisal assesses the likely sales values, overall development costs, details appropriate land values and inputs appropriate developer profits. The conclusions are that there is no scope for S106 contributions beyond the required habitat mitigation funding. This has been independently assessed, with the conclusion of the assessment being that the provision of affordable housing would render the development unviable. Consequently, no affordable housing is being sought.

Ecological Issues including impact on protected trees

The relevant surveys have been carried out and there is no evidence that protected species would be detrimentally affected by the proposed development.

Whilst the applicant has submitted the application in outline, a number of concerns have been raised on the potential impact on trees, with some being protected by TPO'. The applicant has been advised that the only matter submitted for consideration is the means of access with the housing layout being indicative. The application description includes up to 102 houses. Given the concerns on the potential impact on protected trees, the layout, if agreed at reserved matters, could result in there being less than 102 houses. This is acknowledged by the applicant and any outline approval does not convey any agreement to the loss of protected trees within the housing sites.

With regard to the means of access, the principal area of housing, west of Holme Mill Lane is proposed to be served by an access directly from Holme Mill Lane. The proposed nursing home, east of Holme Mill Lane is similarly to be served by a single point of access from Holme Mill Lane. Both sites are allocated in the development plan, for housing and employment use respectively. As such, both sites would have to be accessed in order for development to take place, in accordance with the development plan. The local highway network and nature of the surrounding area, limits the means of access to the sites. Consequently, the means of accessing the sites from Holme Mill Lane is regarded as the only way of accessing the application site. The resultant loss of trees would ordinarily be mitigated by a scheme of replacement planting.

In relation to the loss of woodland at the site of the proposed nursing home, the Woodland Trust was contacted with a view to consider any local sites that would benefit from replacement tree planting. As such, the possibility of the applicant providing compensatory tree planting, off-site has been explored. After discussion between the Council and the Woodland Trust, it transpired that the scope for a developer entering arrangements with the Woodland Trust is very limited with various conditions being required to be met. In this particular instance, the Woodland Trust is not in a position to undertake any replacement tree planting with the applicant. Therefore, it is not possible to pursue this as an option.

The application site is located within 6 km of the South Pennines Special Protection Area and the application is required to mitigate against any potential impacts on habitats, by increased recreational pressures. This would involve a contribution towards footpath improvements to divert users away from the protected areas. As part of the Section 106, a contribution towards mitigation measures would be included (£25,000).

Other matters

West Yorkshire Police raises a number of issues, however, these relate to the layout/design of the proposed housing and would be dealt with at reserved matters stage, when a detailed layout would be submitted.

As with any new development there will be an increase in traffic in the area. However, the Transport Assessment has been reviewed and the increase in traffic does not warrant the application being recommended for refusal on highway grounds.

Heads of Terms of S106 Obligation

- Financial contribution towards measures to mitigate against possible recreational pressures on the protected areas comprising the South Pennines Special Protection Area to the value of £25,000.

Reason for Granting Approval:

The proposed development would meet the requirements of Core Strategy policies P1, SC5, SC6, SC9, H05, H08, H09, H011, EN1, EN2, EN4, EN5, EN6, EN7, EN8, DS2, DS3, DS4, DS5, ID2 and ID3 and the application is recommended for approval.

Conditions:

1. Before any development is begun plans showing the:

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

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

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

2. Any application requesting approval of the reserved matters of layout, scale or appearance shall include details of existing and proposed ground levels and include drawings showing the following details:

- i) adequate scaled cross sections of the site,
- ii) details of the existing and proposed ground levels,
- iii) proposed finished floor levels of all buildings,
- iv) levels of any drives, garages and parking areas,
- v) height and appearance of all retaining walls or other retaining features.

and the development shall subsequently be carried out in accordance with the details so approved.

Reason: To ensure that works are carried out at suitable levels in relation to adjoining properties and highways and in the interests of visual amenity.

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site.

4. The drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure proper drainage of the site.

5. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.

Reason: To ensure appropriate management of surface water infrastructure.

6. No development shall take place until the site is investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate agreed with the Lead Local Flood Authority.

Reason: To ensure the consideration of sustainable drainage techniques.

7. The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: For appropriate phasing of the drainage strategy.

8. Before any works towards the development starts on site full details and specifications of the works associated with Holme Mill Lane i.e. provision of footways on both sides of this road leading up to and in between the proposed access locations, including street lighting, 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. The applicant should contact James Marsh (Section 278 Co-ordination Engineer) on 01274 437308 (email james.marsh @bradford.gov.uk) in order to discuss the requirements of the s278 Agreement.

Reason: In the interests of highway safety and to accord with Policy TR2 and Appendix 4 of the Core Strategy

9. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 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. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 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.

11. Prior to the occupation of development full details of a Traffic Regulation Order and any other associated Orders deemed necessary by the Highway Authority shall be submitted to agreed and writing by a Section 278 Agreement to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and to accord with Policy TR2 and Appendix 4 of the Core Strategy.

12. From the date of first occupation each property built on the site with dedicated parking shall be provided with access to a fully operation 3-pin socket on a dedicated circuit, capable of providing a 'trickle' charge to an electric vehicle. Every other property (with non-dedicated parking) shall be provided with access to a communal EV charging point at a rate of 1 per 10 properties. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within easy access of the parking areas. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents and care home staff in their new home welcome pack/travel planning advice.

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

13. Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. It must include a site specific dust risk assessment and mitigation measures that are proportional to the level of identified risk.

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

14. 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.

15. 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.

16. 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.

17. 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.

18. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, 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.

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy.

20. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
- ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
- iii) The extent, types and heights of the means of enclosure to all curtilages.
- iv) Details of types of hard surfaces within the development other than those within the domestic curtilages.

v) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy.

21. Prior to the occupation of any part of the development, a schedule of landscape maintenance for all amenity and recreation open space areas within the site and covering a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan to define all communal hard and soft landscaped areas to be maintained under the maintenance regime, an outline of maintenance works to be undertaken and the frequency of those works, together with details of responsibilities for implementing the maintenance regime by a Management Company or other agency. It shall provide email, postal address and telephone contact details of such a company or agency.

Landscape maintenance of the identified areas shall subsequently be carried out in accordance with the approved schedule for the period agreed.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS5 of the Core Strategy.

22 The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details to be submitted to and approved in writing by the LPA.

No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy.

23. The developer shall arrange for the supervision and monitoring of the approved tree protection measures by a suitably qualified and pre-appointed tree specialist at regular and frequent intervals throughout the duration of the construction period.

Prior to the occupation of the development, or prior to the occupation of such phases of the development as may have been agreed in writing, the developer shall submit written verification evidence to the Local Planning Authority which demonstrates that such regular supervision and monitoring has taken place, and the Local Planning Authority shall have confirmed its written agreement that the verification evidence shows effective protection of the retained trees during the construction process.

Tree protection fencing and other tree protection measures shall not be removed except upon agreement of the verification evidence, or as may otherwise be agreed in

writing by the Local Planning Authority.

Reason: To ensure that trees have been effectively protected by the developer during development by means of the protection measures proposed and agreed in the planning application submission. In the interests of visual amenity and to accord with Policy EN5 of the Core Strategy.

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

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety.

25. Before any development works commence on site full details of the proposed layout of buildings, car parking and servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented prior to the approved development being brought into use.

Reason: To establish a suitable form of access, parking and servicing facilities commensurate to the scale of the development proposed.

26. 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.

27. No building or other obstruction including landscape features shall be located over or within 6 metres either side of the centre line of the 12" water main ie. a protected strip width of 12m that enters the site. No building or other obstruction including landscaping features shall be located over or within 5m either side of the centre line of the 300mm water main ie. a protected strip width of 10m that enters the site. No building or other obstruction including landscape features shall be located over or within 3m either side of the centre line of the 150mm water main ie. a protected strip of 6m that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main the developer shall submit evidence to the LPA that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

28. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided.