

## Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 10 August 2017 at 10.00 am in the Banqueting Hall - City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Brown Rickard	Warburton Wainwright Amran Watson	Griffiths

### Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Ellis Miller	Azam S Hussain Lal Lee	Stelling

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0915 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.
- **INTERESTED PARTIES ARE ASKED TO NOTE THAT ITEMS 9 AND 10 WILL NOT BE CONSIDERED BEFORE 13.00.**

### From:

Parveen Akhtar  
City Solicitor  
Agenda Contact: Sheila Farnhill  
Phone: 01274 432268  
E-Mail: sheila.farnhill@bradford.gov.uk

### To:

## **A. PROCEDURAL ITEMS**

### **1. ALTERNATE MEMBERS (Standing Order 34)**

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### **2. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

*Notes:*

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

## **B. BUSINESS ITEMS**

### **4. MEMBERSHIP OF SUB-COMMITTEES**

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

**Recommended –**

**That the appointment of Non-Voting Co-opted Members to the Corporate Parenting Panel, for the remainder of the 2017/2018 municipal year, be confirmed as set out below:**

- **Inspector Kevin Taylor - West Yorkshire Police**
- **Ali Jan Haider – Bradford District Clinical Commissioning Group**
- **Yasmin Umarji - Bradford Education**
- **The Chair of the Children in Care Council**

(Sheila Farnhill – 01274 432268)

### **5. LOCAL COUNCIL'S CHARTER - PLANNING PROTOCOL REVIEW**

1 - 6

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “K”**) which seeks approval for a revised Planning Protocol for inclusion within the Council and Local Council's Charter.

The report explains that the Council works closely with the district's nineteen Parish, Town and Community Councils as key stakeholders in support of the people of the district. To help manage relations and set out how Bradford Council and the Local Councils aimed to work together a Charter was first produced, and approved by the Executive, in 2006 and then revised in 2015.

The Charter includes agreements on general communications, liaison activity, elections, financial arrangements, town planning and relevant parts of the Localism Act such as neighbourhood planning and the Standards Committee arrangements.

The Planning Service has recently worked with a number of the local Councils to review and update Appendix 5 of the Charter which specifically relates to how the Planning Service and Parish/Town/Community Councils interact with one another in respect of planning applications. The revised Protocol was approved at the Parish Council Liaison meeting on 14 June 2017 and is now submitted for Member's consideration.

**Recommended –**

**That the revised Planning Protocol, as set out in the Appendix to Document “K”, be approved and that it replace the current Appendix 5 of the Council and Local Council's Charter.**

(Adrian Walker – 01274 431237)

**6. DARKWOOD HOUSE, THE STREET, ADDINGHAM  
Craven**

7 - 28

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “L”**) in respect of a planning application for the demolition of two existing properties and the erection of ten replacement dwellings at Darkwood House, The Street, Addingham – 17/00570/MAF.

**Recommended –**

**That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.**

(John Eyles – 01274 434380)

**7. LAND AT REDWOOD CLOSE, LONG LEE, KEIGHLEY  
Keighley East**

29 - 42

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**Document “M”**) in relation to a planning application, with all matters reserved except for access, for a development of up to 45 dwellings on land at Redwood Close, Long Lee, Keighley – 17/02809/MAO.

**Recommended –**

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.
- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:

**On-site affordable housing provision of 15% of the total number of units.**

(John Eyles – 01274 434380)

**8. LAND AT BELTON ROAD, SILSDEN  
Craven**

43 - 74

Previous references: Minutes 105 (2015/16) and 10 (2016/17)

The Assistant Director - Planning, Transportation and Highways will submit **Document “N”** in respect of a Reserved Matters application concerning approval of details of appearance, landscaping, layout and scale for a development of 223 dwellings and associated infrastructure on land at Belton Road, Silsden – 17/02617/MAR.

**Recommended –**

- (1) That the Reserved Matters application for layout, scale, appearance and landscaping be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.
- (2) That authority be delegated to the Assistant Director - Planning, Transportation and Highways to issue the approval of Reserved Matters subject to a Deed of Variation being entered into in respect of the previously engrossed legal obligation under Section 106 of the Town and Country Planning Act 1990 to provide for an increased contribution for education infrastructure from £202,844 to £244,783.

(John Eyles – 01274 434380)

***Interested parties are asked to note that the following items will not be considered before 13.00***

**9. SCOTT WORKS, HOLLINGWOOD LANE, BRADFORD  
Great Horton**

75 - 162

(i) 17/02462/MAF

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**Document “O”**) in respect of a full planning application for the construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works at Scott Works, Hollingwood Lane, Bradford.

**Recommended –**

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ technical report.**
- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**

**The implementation of off site highway works/Traffic Regulation Orders as set out below:**

- Installation of a Pelican Crossing on Clayton Road and an inductive loop detector on Hollingwood Lane.**
- Extension of the waiting restrictions across the site frontage on Clayton Road.**
- Provision of residents’ parking on Clayton Road.**
- Conversion of the existing parking bays across the site frontage on Hollingwood Lane to a combination of residents’ permit parking and limited waiting.**
- Provision of yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions,**

**the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.**

(ii) 17/02466/OUT

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “P”**) in relation to an outline planning application, with appearance and scale reserved, for the construction of a retail unit (Use Class A1), landscaping and associated works at Scott Works, Hollingwood Lane, Bradford.

**Recommended –**

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ technical report.**
- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**

**The implementation of off site highway works/Traffic Regulation Orders as set out below:**

- Installation of a Pelican Crossing on Clayton Road and an inductive loop detector on Hollingwood Lane.**
- Extension of the waiting restrictions across the site frontage on Clayton Road.**
- Provision of residents’ parking on Clayton Road.**
- Conversion of the existing parking bays across the site frontage on Hollingwood Lane to a combination of residents’ permit parking and limited waiting.**
- Provision of yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions,**

**the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.**

(iii) 17/02473/OUT

The report of the Assistant Director - Planning, Transportation and Highways (**Document “Q”**) considers an outline planning application, with appearance and scale reserved, for the construction of a café/drive-through (Use Classes A1, A2, A3, A4 and A5), landscaping and associated works at Scott Works, Hollingwood Lane, Bradford.

**Recommended –**

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.
- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:

The implementation of off site highway works/Traffic Regulation Orders as set out below:

- Installation of a Pelican Crossing on Clayton Road and an inductive loop detector on Hollingwood Lane.
- Extension of the waiting restrictions across the site frontage on Clayton Road.
- Provision of residents' parking on Clayton Road.
- Conversion of the existing parking bays across the site frontage on Hollingwood Lane to a combination of residents' permit parking and limited waiting.
- Provision of yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

***Interested parties are asked to note that the following item will not be considered before 13.00***

**10. BUILDING CONTROL CHARGES**

163 -  
178

A report will be submitted by the Strategic Director, Place (**Document "R"**) which explains that the provision of a Building Regulations Service is a duty of each Local Authority under the provisions of Section 91 of the Building Act 1984. The Building (Local Authority Charges) Regulations 2010 allow local authorities to individually set charges to recover the cost of providing the service.

The Council's charges were last amended in 2011 and the report sets out a revised scheme of charges to meet the anticipated costs of providing the service in the next few years.



**Recommended –**

**That the proposed Scheme of Recovery of Building Regulations Charges, as set out in the Appendix to Document “R”, be adopted with effect from 4 September 2017.**

(Justin Booth – 01274 434716)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

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## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 10 August 2017**

**K**

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### **Subject:**

The Local Council Planning Protocol.

### **Summary statement:**

Bradford Council works closely with the district's 19 Local Councils as key stakeholders in supporting the people of the district. To help manage relations and outline how Bradford Council and Local Councils aim to work together, a Charter was first produced and approved by Executive in 2006, and then revised in 2015.

The Charter includes agreements on general communications, liaison activity, elections, financial arrangements, town planning and relevant parts of the Localism Act such as neighbourhood planning and standards committee arrangements. This report is concerned with that part of the Charter that refers to the Local Council Planning Protocol.

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)

Report Contact: Adrian Walker  
T-Services Manager  
Phone: (01274) 431237  
E-mail: [adrian.walker@bradford.gov.uk](mailto:adrian.walker@bradford.gov.uk)

### **Portfolio:**

**Change Programme, Housing, Planning and Transport**

**Overview & Scrutiny Area:**

**Regeneration and Economy**

## **1. SUMMARY**

Bradford Council works closely with the district's 19 Local Councils as key stakeholders in support of the people of the district. To help manage relations and outline how Bradford Council and Local Councils aim to work together, a Charter was first produced and approved by Executive in 2006, and then revised in 2015.

The Charter includes agreements on general communications, liaison activity, elections, financial arrangements, town planning and relevant parts of the Localism Act such as neighbourhood planning and standards committee arrangements.

The Charter, including its appendices, states that it will be reviewed as and when appropriate. Therefore, the Planning Service has worked with a number of Parish Councils to review and update Appendix 5; which specifically relates to how the Planning Service and Parish/Town Councils interact with one another regarding Planning Applications.

On Wednesday the 14<sup>th</sup> June 2017 at the Parish Council Liaison meeting, the revised Planning Protocol was approved; however, it requires approval from the Regulatory and Appeals Committee, for the revised document to be adopted and included within The Charter.

## **2. BACKGROUND**

Due to the changes in Planning Legislation and technological advances, it became apparent that the Planning Protocol, which forms part of the Parish/Town Council Charter, needed reviewing.

Both Parish/Town Councillors and the Planning Service recognised the requirement to review the Planning Protocol and set up a small working group; Wilsden, Keighley, Silsden and the then Haworth Parish Councils came together to review/update and agree any proposed changes to the Planning Protocol. This culminated in a unanimous approval for the revised Planning Protocol, on Wednesday the 14th June 2017 at the Parish Council Liaison meeting at the Civic Centre in Keighley.

However, the Regulatory and Appeals Committee is required to approve the revised document prior to it being adopted and included within The Charter.

## **3. OTHER CONSIDERATIONS**

None

## **4. OPTIONS**

That the Regulatory and Appeals Committee approve the revised Planning Protocol, replacing the current Appendix 5.

That the Regulatory and Appeals Committee decline to approve the revised Planning Protocol until certain revisions are completed, the current Appendix 5 would remain until those revisions have been satisfied and Appendix 5 replaced when appropriate.

That the Regulatory and Appeals Committee decline to approve the revised Planning Protocol and that the current Appendix 5 remains effective.

## **5. FINANCIAL & RESOURCE APPRAISAL**

None

**6. RISK MANAGEMENT & GOVERNANCE ISSUES**

None

**7. LEGAL APPRAISAL**

None

**8. OTHER IMPLICATIONS**

None

**8.1 EQUALITY & DIVERSITY**

None

**8.2 SUSTAINABILITY IMPLICATIONS**

None

**8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None

**8.4 COMMUNITY SAFETY IMPLICATIONS**

None

**8.5 HUMAN RIGHTS ACT**

None

**8.6 TRADE UNION**

None

**8.7 WARD IMPLICATIONS**

None

**9. NOT FOR PUBLICATION DOCUMENTS**

None

**10. RECOMMENDATIONS**

That the Regulatory and Appeals Committee approves the revised Planning Protocol; which will supersede the current Appendix 5 of the Charter.

**11. APPENDICES**

Appendix A - Revised Planning Protocol

**12. BACKGROUND DOCUMENTS**

None

Appendix A

**CONSULTATION WITH PARISH/TOWN/COMMUNITY COUNCILS  
ON PLANNING APPLICATIONS**

**PROPOSED AMENDMENTS FOR CONSULTATION**

**(Revised 1<sup>st</sup> June 2017)**

<b>1.0</b>	<b>PLANNING APPLICATIONS WITHIN BRADFORD DISTRICT COUNCIL</b>	<b>Parish Council Issue</b>	<b>Action</b>
1.1	Bradford Council will notify the Parish or Town Council of all planning applications in the area of the Parish/Town Council via Public Access and/or Consultee Access on the Uniform Idox system, i.e. an email is sent automatically. There are advantages to this system as the tracking of applications occurs from the first notification.		Bradford Council
1.2	Parish and Town Councils have a statutory period of 21 days to make representations. The 21 days period will begin on the date of the notification email from Public Access/Consultee Access.		Parish/Town Councils
1.3	The Parish Council may request an extension of time should it be unable to make representations within the 21 day period and Bradford Council will agree to all such reasonable requests where this is made within the 21-day period and where it would not affect Bradford Council's ability to determine the planning application within statutory guidelines. It is recommended that in such instances the Parish/Town Council enquires of the Case Officer directly.		Parish/Town Councils
1.4	If representations are not received within the 21-day deadline, Bradford Council may determine the application, in order to meet Government-set targets, as it thinks fit without the views of the Parish Council.		Bradford Council
1.5	Where the Parish/Town Council requests that an application be determined by the Area Planning Panel, the request must relate to a material planning consideration. Where the request is the sole reason for the application to be brought to Panel, the Parish/Town Council shall confirm to the Planning Department that a member will attend the Panel to report the Parish/Town Council's views, otherwise the Planning Panel reserves the right to refer the application for officer determination.		Parish/Town Councils

1.6	Pre-decision: The Parish/Town Council will use Public Access/Consultee Access to track all Planning Applications they have an interest in. This will trigger notifications of additional documents or updates relating to those Planning Applications to the Parish/Town Council.		Parish/Town Councils
1.7	Parish/Town Councils will normally respond to pre-decision amendments within 48 hours of receipt, unless application time will allow a longer period to respond. It is recommended that in such instances the Parish/Town Council enquires of the Case Officer directly. If the amendment is considered to have a significant adverse effect on the area and its residents it is a normal requirement that the application is withdrawn and a new application submitted to reflect these changes, whereupon the Parish/Town Council will be notified as in 1.1 above.		Parish/Town Councils
1.8	Post-decision: Bradford Council will notify the Parish or Town Council via Public Access/Consultee Access of all Non Material Amendments to the Planning applications in their Parish/Town Council area. The Parish/Town Council shall advise Bradford Council within five working days of any representation.		Parish/Town Councils
1.9	Bradford Council will notify the Parish or Town Council via Public Access/Consultee Access of all certificates that seek to establish lawful use. The Parish Council shall respond within a 21-day period from the date of the notification email with local knowledge that may aid the Planning Department in making its determination.		Bradford Council
2.0	<b>PLANNING APPLICATIONS SUBMITTED TO NEIGHBOURING DISTRICT AUTHORITIES</b>		
2.1	Each Parish & Town Council shall register their interest in planning applications submitted to a neighbouring district authority via their public planning application administration system. As of 31/03/2017, Harrogate Borough Council, Leeds District Council, Calderdale District Council, Pendle Borough Council all use IDOX PublicAccess as their administrative system; Craven District Council have a bespoke system.		Parish/Town Councils
2.2	The Parish/Town Council will make any representations direct to the neighbouring Local Planning Authority concerned in accordance within the timeframes set by that authority.		Parish/Town Councils

<b>3.0</b>	<b>PLANNING APPLICATIONS IN NEIGHBOURING PARISH/TOWN COUNCIL AREAS WITHIN BRADFORD DISTRICT</b>		
3.1	Parish and Town Councils shall register an interest in applications submitted in neighbouring Parish/Town Council areas via Public Access.		Parish/Town Councils
3.2	The adjoining Parish/Town Council will reply within the same 21-day deadline as the Parish/Town Council in which the application is located.		Parish/Town Councils
<b>4.0</b>	<b>TRAINING</b>		
4.1	Bradford Council will assist in the provision of training for members of Parish Councils on Planning matters. The Council's dedicated Member Trainer or the Head of Service will arrange events when notified of any need.		Bradford Council
4.2	Bradford Council will provide technical assistance to Parish/Town Councils to implement section 2.0 and 3.0.		All parties
<b>5.0</b>	<b>REVIEW</b>		
5.1	This protocol shall be reviewed in 2 years and at subsequent intervals as may be agreed.		Bradford Council
5.2	The desirability of the inclusion of other matters relevant to the Planning process shall be considered as part of the review.		All parties



## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 10 August 2017**

**L**

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### **Subject:**

Planning application 17/00570/MAF for the demolition of Darkwood House and cottage and erection of 10 replacement dwellings on land at Darkwood House, The Street, Addingham LS29 0JY.

### **Summary statement:**

The committee is asked to consider a full planning application for the redevelopment of a site presently occupied by two existing houses with 10 new-build dwellings (3 bungalows, 7 houses). The rectangular plot is a 0.4 ha in size and lies to the south west of Addingham, between an existing modern residential estate and the Addingham By Pass. The land is unallocated on the RUDP Proposals Map and is not protected by any Development Plan designations. Being occupied by two existing houses, located centrally on the plot, it is previously developed land and this scheme will provide for more effective use of the land for housing.

A number of representations of objection have been received, including from Addingham Parish Council.

A full assessment of the application against all relevant Development Plan policies and material planning considerations is included in the report at Appendix 1. Taking development plan policies and other relevant material considerations into account it is recommended that conditional Planning Permission is granted for the reasons and subject to the planning conditions set out in the report at Appendix 1.

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)  
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Major Development Manager  
Phone: (01274) 434380  
E-mail: [john.eyles@bradford.gov.uk](mailto:john.eyles@bradford.gov.uk)

**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

## **1. SUMMARY**

The Regulatory and Appeals Committee is asked to consider the recommendations for the determination of planning application ref. 17/00570/MAF as set out in the report of the Assistant Director (Planning, Transportation and Highways) - Technical Report at Appendix 1. It is recommended that planning permission be granted, subject to the conditions recommended at the end of the Technical Report.

## **2. BACKGROUND**

Attached at Appendix 1 is a copy of the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the consideration of the application.

## **3. OTHER CONSIDERATIONS**

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

## **4. OPTIONS**

If the Committee proposes to follow the recommendation to grant planning permission then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional planning permission for the proposed development. The Committee may also opt to grant planning permission subject to additional conditions, or conditions which differ from those recommended, provided these meet the tests for planning conditions.

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material planning considerations.

## **5. FINANCIAL & RESOURCE APPRAISAL**

The Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a standardised charge levied on all residential developments with the purpose of funding the delivery of the infrastructure improvements which will be required within the District to serve the additional housing. The types of infrastructure funded through CIL include schools and recreation facilities. Affordable Housing is not covered by CIL and will continue to be dealt with separately and secured through Planning Obligations set out in legal agreement made under Section 106 of the Act.

The application site is within CIL Zone 1 where there is a charge of £100 per square metres of new gross internal residential floor space being created. Under the CIL Regulations any floor space within buildings to be demolished or retained and which have been in lawful use for at least a period of 6 months within the last 3 years can be deducted from the chargeable floor space total. Therefore the CIL liability may be reduced. As it is not known whether the existing floorspace qualifies for this deduction it is not known at the time of this report what the exact total CIL charge would be.

No requirements have been identified for any other off-site infrastructure improvements which would be necessary to make the development acceptable.

## **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

Not applicable.

## **7. LEGAL APPRAISAL**

Both options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990).

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

In writing this report, due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the nature of the development scheme proposed and the representations that have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Furthermore it is not considered that the proposal would lead to significant adverse impacts on anyone, regardless of their characteristics.

Likewise, if planning permission were to be refused by the Committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics. Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are set out in the report attached at Appendix 1.

### **8.2 SUSTAINABILITY IMPLICATIONS**

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

In terms of Local policies designed to shape a sustainable pattern of development within the District, the Strategic Core Policies of the Local Plan set out the overall approach and key spatial priorities for planning in the District. Key overarching sustainability criteria for the location of new development within the District are set by Policies SC01 – SC09.

The development will result in social benefits, by providing for the supply of housing to meet the needs of present and future generations on previously developed land within an existing settlement which possesses a range of facilities and services and some public transport links. The proposal would result in demolition of two existing houses, but the dis-benefits of the loss of these is outweighed by the opportunity to make more effective use of the land for housing. The benefits of re-developing previously developed land are also accompanied by the provision of soft landscaping designed to provide environmentally beneficial outcomes. It is considered that the development should not result in significant harm to the natural environment. The impact of the development upon the historic environment is considered to be moderate in terms of the setting of the listed buildings located some distance to the west of the site.

Good design is a key aspect of sustainable development. Well-designed developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and be visually attractive. As assessed in detail in the report at Appendix 1, it is considered that the development is well designed in relation to the above factors.

Overall it is therefore considered that the proposal represents sustainable development consistent with the sustainability principles set out in the National Planning Policy Framework, the Local Plan Core Strategy and those policies of the Replacement Unitary Development Plan which are still saved.

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The development of new buildings will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. However greenhouse gas emissions can be minimised through the concentration of development in locations where the need for transportation by private car is minimised, through energy efficient approaches to construction and insulation and through the provision of micro renewables and facilities to stimulate the uptake of low emission vehicles.

In this case the proposed development site is located within an existing local centre, within reasonably convenient access by foot to the facilities, services and public transport links of the village centre.

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

Policy SC09 and Thematic Policy DS5 of the Core Strategy aim to create safe and inclusive places. Development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and raised some concerns and points of detail in relation to boundary detailing. These have been addressed in amendments to the layout plans.

It is not considered to be appropriate for the planning system to regulate all of the aspects of the development referred to by the Police Architectural Liaison Officer, such as the security standards of doors and windows, locks and alarms, as these matters are not generally considered to be land use planning concerns.

It is considered that the development has generally been designed to reflect the principles of secured by design and that the spaces which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour.

#### **8.5 HUMAN RIGHTS ACT**

The Council must seek to balance the rights of applicants to make beneficial use of their property with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that either granting or refusing planning permission will deprive anyone of their rights under the Human Rights Act.

#### **8.6 TRADE UNION**

There are no implications for Trades Unions relevant to this application.

#### **8.7 WARD IMPLICATIONS**

The proposal site is within the Craven Ward. Ward Councillors, the Parish Council and local residents have been made aware of the application through the normal mechanisms and given opportunity to submit written representations. In response to this publicity 16 representations have been received which object to the proposals. In addition there is an objection from the Parish Council. No comments have been submitted by Ward Councillors. The Technical Report at Appendix 1 summarises the material planning issues raised by the public, and Parish Council representations. The appraisal also gives full consideration to the material planning effects of the development on residents in the Craven Ward.

#### **9. NOT FOR PUBLICATION DOCUMENTS**

None

#### **10. RECOMMENDATIONS**

To Grant Planning Permission subject to the conditions recommended at the end of the Technical Report at Appendix 1.

#### **11. APPENDICES**

Appendix 1: Technical Report

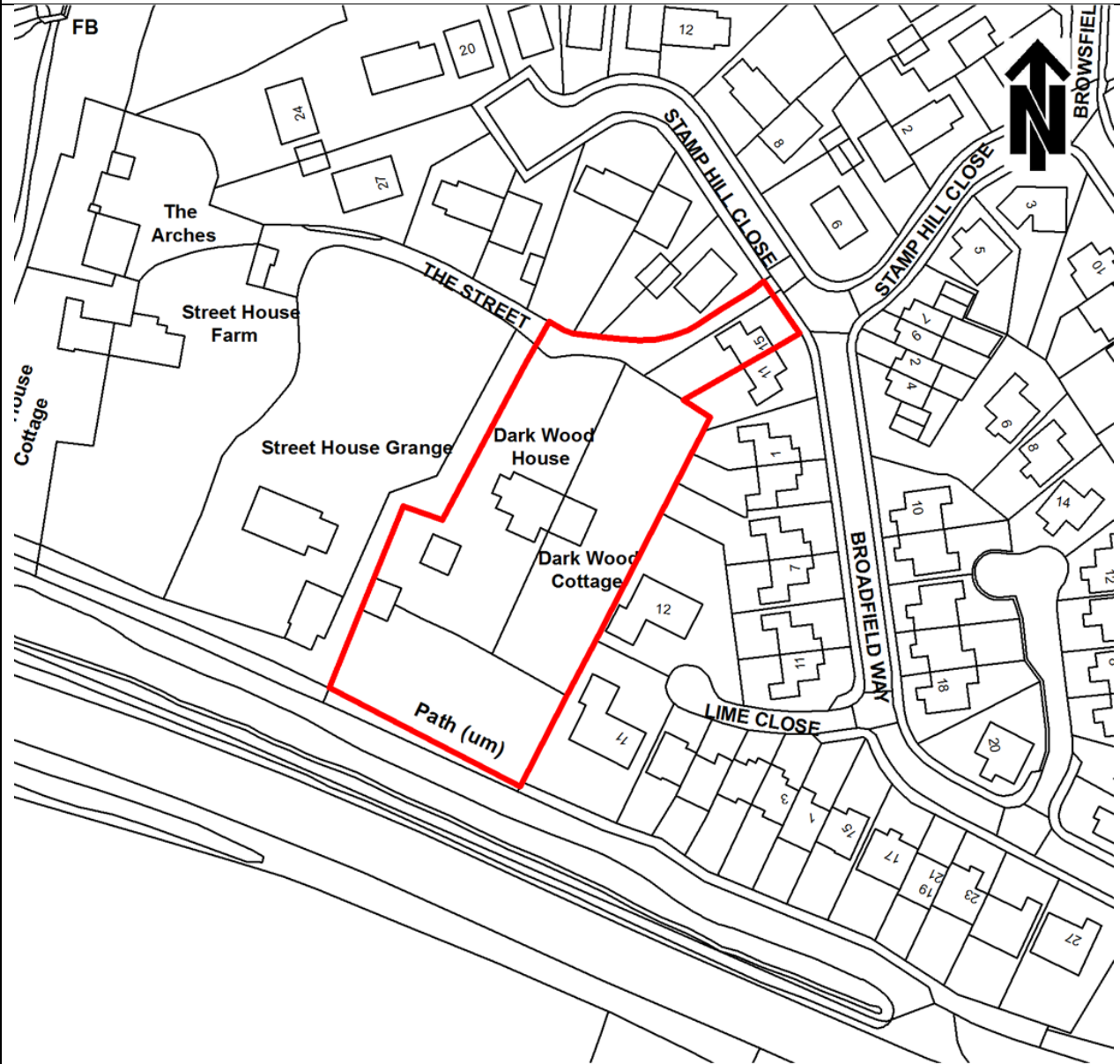
#### **12. BACKGROUND DOCUMENTS**

- Replacement Unitary Development Plan for the Bradford District
- Local Plan Core Strategy Publication Draft, Subject to Main Modifications
- National Planning Policy Framework
- Application File 17/00570/MAF

17/00570/MAF

City of Bradford MDC

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**Land at Darkwood House  
The Street  
Addingham**

# APPENDIX 1 – TECHNICAL REPORT

**Ward:** Craven

**Recommendation:**

**To grant planning permission with conditions**

**Application Number:**

17/00570/MAF

**Type of Application/Proposal and Address:**

Full application for the demolition of Darkwood House and Darkwood Cottage and construction of 10 dwellings.

Land at Darkwood House The Street Addingham LS29 0JY

**Applicant:**

S.K.Hall & Son

**Agent:**

Allison and MacRae (Architects) Ltd.

**Site Description:**

This land comprises an irregular parcel of land, around 0.4 hectares in size. It is presently occupied by a pair of adjoining houses (Darkwood House and Darkwood Cottage) which are placed more or less centrally upon it. The land is unallocated on the Replacement Unitary Development Plan but, being occupied by two houses, is previously developed land. Vehicular access to the land is from the north from an unmade track called The Street which leads to a group of older listed buildings at Street House Farm to the west of the application site. At its eastern end The Street emerges onto Stamp Hill Close near its junction with Broadfield Way. These are estate roads to the north and east of the application land which serve an existing suburban residential development, including bungalows, built during the 1980's and 1990's. Immediately to the west is a large modern detached house built in around 2010 together with a row of 3 recently constructed houses. All are built in stone. The fourth (south) side is bounded by a public footpath that runs alongside an embankment colonised by vegetation on top of which is the Addingham By Pass.

**Relevant Site History:**

There are no previous planning applications relevant to this plot.

The adjacent land to the west has recently been developed under permission 13/03716/FUL : Residential development of three dwellings (Plots 1, 2 and 3) as amended). Granted by Area Planning Panel : 17 June 2015.

**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.

### **Replacement Unitary Development Plan (RUDP):**

#### **Allocation**

Unallocated on the RUDP Proposals Map.

### **Proposals and Policies**

#### **Core Strategy :**

The Core Strategy for Bradford was adopted on 18 July 2017 and so policies contained within it now carry significant weight. Some of the policies contained within the RUDP, are saved until adoption of the Allocations Development Plan Document/Area Action Plan Development Plan Documents, but none of the saved policies are applicable to this proposal.

### **Local Plan Core Strategy Policies**

#### **Strategic Core Policies**

- SC3 – Working together to make Great Places
- SC4 – Hierarchy of settlements
- SC5 – Location of development
- SC8 – Protecting the South Pennine Moors
- SC9 – Making Great Places

#### **Thematic Policies**

- H01 - Scale of housing required
- DS1 – Achieving good design
- DS2 – Working with the landscape
- DS3 – Urban Character
- DS4 – Streets and Movement
- DS5 – Safe and Inclusive Spaces
- EN2 – Biodiversity
- EN3 - Historic Environment
- EN4 – Landscape
- EN5 – Trees and Woodland
- EN7 – Flood Risk
- EN8 – Environmental Protection Policy
- TR1 – Travel reduction
- TR2 – Parking policy
- EN2 – Biodiversity
- HO5 – Density of Housing Schemes
- HO6 – Maximising use of previously developed land.



**Parish Council:**

Addingham Parish Council recommends refusal. Considers that 10 new dwellings would lead to an unacceptable over-development and density of building on this plot to the detriment of residential amenity and the environment. Also this scale of housing would lead to problems of access and traffic safety on the narrow lane, and drainage issues for the existing properties in the area. For these reasons, consider that the development would contravene Strategic Objectives 3 and 4 of the draft Core Strategy of the Development Plan Document.

**Publicity and Number of Representations:**

Publicised by site notices and neighbour letters.

Objections have been received from 16 local addresses.

**Summary of Representations Received:**

**OBJECTIONS**

1. Overdevelopment - the proposed scheme is too intensive and the houses too large in scale. 10 new houses would affect the character of the area. The density is inappropriate to an edge of village, semi-rural location.
2. It will particularly impact on the footpath along the south side of the site.
3. Being on a slightly elevated site the houses will dwarf the surrounding bungalows and small semi-detached houses. The proposed development would be too close to the bungalows on Lime Close and will cause overshadowing and loss of light to those buildings.
4. Poor access via The Street which is a narrow access road already serving a number of houses. Over the last few years an extra 4 properties have been built on this road. This new application would mean at least 10-20 more vehicles exiting on a potentially dangerous junction into the neighbouring estate. There will be an increased risk of accidents, especially from visiting service and delivery vehicles who are unfamiliar with the area.
5. Removal of trees by the occupier of Darkwood House in October 2016 planted to reduce noise levels from the nearby bypass has exposed houses to noise. Removal of further trees would cause noise nuisance to neighbouring properties and may increase run-off from the area.
6. There is a listed building adjacent to the proposed new development. This development will be of detriment to the setting of this listed building.
7. Darkwood House and cottage are older dwellings that provide a link with the history of Addingham and should not be knocked down.
8. Impact on the local bat population. Bats are regularly seen around the bungalows at the end of Stamp Hill Close.
9. The proposed development will cause extra surface flood water. Rainwater that regularly flows from Street Lane into Stamp Hill Close creating a skid hazard in winter.
10. These large houses will not serve the needs of the Addingham community which needs small and inexpensive housing for young people and those with low incomes, not more expensive 4 and 5 bed roomed houses.
11. Planning drawings show changed traffic priority when exiting Stamp Hill Close. Residents have not been notified or asked to comment.

## **SUPPORT COMMENT**

The builder has completed three properties adjacent to this site built in a style that is reflective of the local area. This land is ideal for an infill development and being on the fringe of a large housing estate will have little impact on the neighbouring properties.

## **COMMENT IN SUPPORT and OBJECTION**

Addingham Civic Society considers that housing here would take development pressure off more sensitive sites such as green belt and green space sites and with no impact on the village Conservation Area or loss of important landscape or landscape features. But it should include 30% affordable housing and some smaller dwellings as opposed to an entire development of larger 4 and 5 bedroom houses.

### **Consultations:**

Environment Agency : This proposal falls outside the scope of issues the Environment Agency wish to be consulted on, as set out in the Consultation Screening Tool and Article 18 and Schedule 4 of the DMPO, 2015.

Drainage : Lead Local Flood Authority (LLFA) (the Council) : If the drainage details are implemented and this is secured by way of a planning condition on any planning permission the Lead Local Flood Authority has no objection to the proposed development.

Parks and Greenspaces Service : Requires a contribution of £14,048 for 10 houses/units for provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development. This is in compliance with policy OS5 of the RUDP. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work at Addingham Recreation Ground.

Education Service : To meet the increased demands on local education services the financial contribution total request for 10 houses would be £47,322

Natural England : Has no comments to make but refers the LPA to its published Standing Advice to assess impacts on protected species.

West Yorkshire Police ALO : Has provided some crime prevention advice to prevent the development from becoming a target for crime, including advice on boundary treatments.

Rights of Way Officer : Public footpath No 9 (Addingham) abuts the site. It is a well-used recreational footpath. A minimum of two metres must be left for the path between the boundary structure of the dwellings and the existing trees bordering the bypass. Until October 2016 the path ran through an attractive area of woodland (now removed). If built as planned the path will become more enclosed and feel less rural, placed between the bypass and the housing.

Yorkshire Water : If planning permission is to be granted, standard conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

Highways DC : Amendments sought to the width of the access and design of the turning facility have been secured through the amended drawings. The applicant has

now submitted an amended proposal addressing the highway issues raised previously and the Highway Officer has no further objections to raise in highway terms subject to the imposing standard conditions requiring implementation of the access works and car parking proposals.

**Summary of Main Issues:**

Principle and density of residential development  
Impact on listed buildings to west  
Access and highway issues  
Layout and design  
Impact on the amenity of occupiers of adjoining properties  
Impact on landscape character  
Public footpath

**Appraisal:**

**Principle and density of residential development**

Land Allocation/Housing Need

The site is unallocated but it is not subject to any restrictive designations that would prevent development in principle.

Although it is unallocated, the potential of the land for delivering housing needs to be considered. Paragraph 14 of the National Planning Policy Framework stresses a presumption in favour of sustainable development. For decision-taking in respect of planning applications where the development plan is absent, silent or relevant policies are out-of-date, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

The Replacement Unitary Development Plan can be regarded as being silent on the principle of residential use of the land. The National Planning Policy Framework is therefore the key material consideration to be given weight. In addition, the Council cannot demonstrate a deliverable 5 year supply of housing land and this application needs to be considered in that context. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.

This is considered to give a strong policy backing to the release of the land for housing and granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Highway and Drainage Constraints

Until recently, development of the various parcels of land between Stamp Hill Close and the Addingham By Pass including the curtilage of Darkwood House has been constrained by the poor access via the unmade track known as The Street.

In 2008, planning permission was given for the single large house to the west of the application site. At that time, Highway Officers considered one house to be the limit of the additional development that could be supported off the access, especially in view of

its narrow width along the section just off Stamp Hill Close. However, the applicant (who also developed the large house) then acquired the residential property at 15 Stamp Hill Close which stands alongside the entrance to The Street from the adopted highway and was able to propose a widening of the access sufficient to enable the Council's Highway Officers to support the row of 3 houses to the west that were approved by Area Planning Panel and have now been completed.

The developer now proposes a further widening of the access onto the curtilage of 15 Stamp Hill Close to create a 4.8 metre wide carriageway to overcome Highway objections and facilitate the larger residential scheme now proposed.

Addingham Parish Council says that problems of access, traffic safety and drainage issues in the area are sufficient reasons to consider that development here will contravene Strategic Objectives of the Core Strategy which seek to ensure that appropriate critical infrastructure (including green and social) is delivered to support growth and that the timing of development and infrastructure delivery are aligned.

In response, firstly, the developer would address drainage needs of the development and there is no evidence that drainage issues are anything more than localised. Drainage section has raised no objections on grounds of sewerage or drainage capacity. Secondly, improvements are now proposed to the access and are considered adequate. There are no other identified physical infrastructure constraints. Thirdly, with regard to community infrastructure, the proposals will deliver significant amounts through Community Infrastructure Levy (CIL) towards education, recreation and other community infrastructure.

It will be argued below that infrastructure constraints have been overcome by the proposed scheme.

Scale of development in relation to the role of Addingham in the settlement hierarchy  
Addingham is defined as a Local Service Centre by Policy SC4 of the Local Plan Core Strategy. Strategic Policy SC4 (as modified) says that within the Local Service Centres, including Addingham, the emphasis will be on a smaller scale of developments which meet local needs comprising both market and affordable housing, together with the protection and enhancement of those centres as attractive and vibrant places and communities. Development permitted should achieve a high standard of design that protects and enhances settlement and landscape diversity and character.

Addingham Parish Council considers the scale of development proposed in this application to be excessive in the context of this policy. However, Officers do not accept this argument. The scheme for 10 dwellings is a relatively modest and appropriately sized scheme entirely suitable to the status of Addingham as a Local Centre in the Core Strategy settlement hierarchy and so in accordance with Policy SC4. Furthermore, as will be discussed below, the design quality of the scheme is high and reflective of the character and setting of the village.

Indeed, other representations have recognised the merits of the scheme and how such a small scale of housing release would contribute to the housing allocation of the village whilst taking some pressure off more sensitive sites including key open spaces close to the village conservation area, and the Green Belt.

### Density

The site is 0.4 hectares in size. The development of 10 dwellings represents a density of 25 per hectare. This is therefore not an over intensive scheme, as is claimed by objectors, but the density does reflect the prevailing pattern and character of development in the locality and is appropriate to the edge of the village where development is generally of low density. The density is considered to achieve the appropriate balance between density and character as required by Policies HO5 and DS3/DS2 of the Local Plan Core Strategy.

There are therefore no valid planning reasons to oppose the principle of residential development on this land, at the scale and density proposed by the submitted drawings.

### **Impact on Listed Buildings**

Darkwood House and Cottage themselves are not listed or protected by any heritage designations, and so their demolition to secure more effective use of the land is also not opposed.

Several objectors have pointed out that a grouping of listed buildings lies to the west of the site at Street House Farm. The presence of this historic group was an important consideration in respect of the scale, siting and design of the 3 new houses recently built to the west. These are closer to the listed buildings, but the listed group is sufficiently removed from the land around Darkwood House as not to constrain the principle of making more effective use of the land. Houses replacing Darkwood House and Darkwood Cottage would not directly impinge on the setting of the listed group and

### **Highway Issues**

The 2 existing dwellings would be replaced with 10 new dwellings. This would intensify vehicle movements along the access from Stamp Hill Close via The Street. This access is presently unmade and already serves 6 existing dwellings plus the 3 new dwellings approved by permission 13/03716/FUL. Objectors have focused on the narrow width of the access. The Street varies in width but towards Stamp Hill Close it is around 3m wide in places with no passing places.

To address this Highway mitigation measures are being carried out under the terms of permission 13/03716/FUL. These included widening of The Street by taking part of the curtilage of the house on Stamp Hill Close and demolishing its garage. These improvements are currently being implemented on site. To support the new proposals, which would result in a net increase of 8 additional dwellings, further widening and improvements are necessary. The proposed development would bring the total number of dwellings served from The Street to around 14 dwellings.

The Council's Highway Officer considers that the local highway network beyond The Street is capable of accommodating this additional volume of traffic but further improvements to the width of The Street are necessary so that the access can function as a Mews Court access built to an adoptable standard, rather than as a private drive. The applicant is proposing a 4.8 metre wide shared surface access road from Stamp Hill Close up to the site entrance. A further Mews Court cul de sac would then head south off The Street with the houses aligned along its length and around a turning head for cars at the end. The turning head for service vehicles is now created in the centre of the site where the access roads meet. **Page 19**

The proposals have been amended to meet the required highway standards with amendments now shown to the junction with Stamp Hill Close. As well as the 4.8 metre carriageway, a 2m designated footway would be provided to one side and 0.6m margin to the other side.

The original site plan mistakenly showed changes to the priority system at Stamp Hill Close / Broadfield Way junction. This has now been deleted as a proposal. The Council's Highway Officer agreed with objectors that changing traffic priorities at this junction could confuse drivers and lead to highway safety problems.

The level of parking provision within the scheme layout is in accordance with normal parking standards. The majority of dwellings are provided with a garage and at least one parking space on the drive.

### **Layout and design**

Although of some age and built in stone, Darkwood House and the attached cottage are not of any special architectural merit, nor protected by any heritage designations. Demolition could not be reasonably opposed.

These existing buildings will be replaced by a row of 7 x 2-storey cottages arranged in pairs linked by intervening garages, and 3 detached single storey dwellings standing along the west side of the access. The form and design of these two-storey reflect the traditional style of the row of 3 houses already built to the west of the site.

The design and scale of the houses and single storey bungalows seems carefully considered to reflect the surroundings of the village. All 10 proposed dwellings are of traditional appearance and to be built in natural stone to all external walls. The elevation drawings show an attractive development, the scale and proportions of which will be balanced with the recent development of 3 houses to the west and the more conventional bungalows and houses on Lime Close to the east and Stamp Hill Close to the north.

Overall it is therefore considered that the proposal has been well designed to respect and harmonise with the locality in accordance with Thematic Policies of the local Plan Core Strategy.

Addingham Parish Council is also concerned that the development contravenes strategic objectives seeking to provide a range of quality dwellings, in terms of type and affordability, in well-designed neighbourhoods, to cater for the current needs and future growth of the District. However, these proposals clearly show a mix of houses and bungalows, designed to a high standard and with gardens that would provide high levels of amenity.

### **Impact on the amenity of occupiers of adjoining properties**

The proposed housing will be set a significant distance from the 3 new houses now built to the west, and from the rear gardens of the houses and bungalows along Stamp Hill Close to the north. Although objections have been received from occupiers of the dwellings to the north, the new houses and bungalows are set some distance away with The Street set between the site and the gardens of the existing houses and bungalows.

The gable of the row of 7 two storey houses faces towards the dwellings on Stamp Hill Close such that the effects of the proposed houses on the outlook, daylight and privacy of the occupiers of these will not be significant.

The two storey houses on Broadfield Way, bounding the eastern edge of the land have significant back gardens and so will not be affected in terms of losing any outlook, daylight or privacy.

The impact on bungalow properties at 11 and 12 Lime Close which adjoin the eastern boundary of the land has been carefully considered. The proposed new houses would be separated from the boundaries with these properties by between 10 and 12 metres. There are existing perimeter hedges and fences providing screening between the existing and proposed dwellings. In addition, the agent has now amended the arrangement of the dwellings so that garages are now aligned with the positions of some secondary windows in the back elevations of the two bungalows. In addition it is proposed to install screen fencing where existing fencing or hedges are insufficiently robust.

The amended layout now achieves a satisfactory relationship between existing and proposed dwellings sufficient to secure satisfactory standards of amenity for existing and future occupiers.

### **Boundaries**

Further to comments of the Police Architectural Liaison Officer, boundary details have been reviewed and are now shown on a layout plan which confirms retention of an existing 1200 mm high fence behind Plots 1 and 2, and the fencing to the east where there is a 1700mm high close boarded fence. Where existing rear garden boundary treatments are low, an 1800mm high closed boarded timber fence will be installed to provide more security for the rear gardens, and rear plot dividers will be to a minimum height of 1500mm.

It is considered that elsewhere the houses are arranged to give surveillance of the front approaches to the development and adequate protection of more vulnerable rear gardens in accordance with the objectives of Local Plan Policy DS5.

### **Landscape character and landscaping**

The proposed redevelopment will obviously change the open character of land around Darkwood House and views into the site from surrounding areas and the footpath to the north will be primarily of housing elevations. However, with the building of the houses to the west the character has already changed the local landscape as well as the open aspect looking west. Overall, the opportunity to secure more effective use of the land for housing outweighs any modest effects on the previous open character of the land and no conflict with Policy DS2 is identified.

The site itself does not contain any natural features such as trees. It is claimed that trees have been removed from the south boundary of the plot alongside the footpath. However, such trees that may have once lined the site were not protected. The agent has said new planting will be carried out. A scheme of replacement tree planting scheme for the south boundary should be submitted to mitigate the loss of the trees that were on the site and help improve the character of the development.

The existing buildings themselves would be demolished are old, but are of no particular architectural merit. There are therefore no built or natural features on the land itself that would constrain or prevent a suitable residential redevelopment. The scheme itself will be built in natural stone and slates to reflect local character and enhance the setting of the village. No conflict with Thematic Policies DS1 or DS2 of the Local Plan Core Strategy are identified.

### **Land Quality**

The application has been accompanied by a Phase I investigation of land quality. Darkwood House was built prior to 1889 and historic maps suggest that there has been no previous or subsequent development on the land that would have caused ground contamination. The EH officer refers to potential for domestic boiler waste to have been disposed of on site, but this would be localised.

Requirement for Phase II intrusive investigation prior to approval of the application would seem disproportionate, but in view of the consultation advice and the nature of the intended use, it will be necessary for further investigation to be carried out prior to commencement of development. It is recommended that a condition to secure further detailed ground investigation and subsequent remediation of any contamination that may be encountered before the site is brought into use be imposed as a proportionate response to the likely risk.

### **Public Footpath improvement**

Public footpath No. 9 (Addingham) abuts the southern boundary of the site. This is a well-used recreational footpath and a minimum of two metres must be left for the path between the boundary structure of the dwellings and the existing trees bordering the bypass. This is accommodated on the submitted drawings.

The Rights Of Way Officer is concerned that the path will become more enclosed, placed between the bypass and the outbuildings in the gardens of the adjoining housing. Restriction of the path corridor, concentrating users on a particular line could result in the path surface becoming muddy and difficult to use, possibly resulting in repair costs for the Council. Therefore, the Rights Of way Officer recommends a condition requiring the path to be surfaced with a crushed stone dressing to prevent deterioration of the path surface. The applicant has signalled agreement that this footpath improvement will be carried out to an agreed specification. A planning condition is suggested to deliver this aspect of the scheme.

### **Affordable Housing**

Addingham Civic Society seeks for 30% of the scheme to be in the form of affordable housing. Local Plan Core Strategy Policy HO11 sets out requirements for Affordable Housing. Whilst a quota of 30% affordable housing is set for schemes in Wharfedale, criterion C under Policy HO11 of the Core Strategy has been modified as follows:

*'Affordable housing will be required on sites developments of 15 dwellings units or more and on sites over 0.4 hectares in size. The site size threshold is lowered to 11 (dwelling) units or more in Wharfedale, and the villages of Haworth, Oakworth, Oxenhope, Denholme, Cullingworth, Harden, Wilsden, and Cottingley.*



This is in line with Government guidance.

This housing scheme for 10 dwelling units is below that threshold so no affordable housing is required to be provided as part of this application.

## **Ecology**

The land carries no protective nature conservation designations. A preliminary ecological appraisal is submitted with the application and identifies the land as being of limited value for wildlife and protective species. This is borne out by an inspection of the character of the land. Also there are also no records of protective species at the site. In this case, the conclusion of the submitted ecological appraisal that no further investigations are deemed necessary seems a reasonable conclusion.

The existing house displays limited evidence of use by pipistrelle bats and the consultants do recommend that further activity surveys be undertaken before it is demolished. The applicant is aware of this advice and requirement.

## **Habitat Regulations Assessment – Impact on South Pennine Moors**

The site is to the south of the edge of the South Pennine Moors SPA/SAC (European Site), which is also a SSSI and includes Ilkley Moor. Potential detrimental impacts of additional housing have been highlighted in the Habitat Regulations Assessment of the emerging Core Strategy for the Bradford District and the Core Strategy includes a policy SC4 to consider the impact of proposed housing developments on the European Site.

There are 3 ways in which additional residential development close to the SPA/SAC could impact on its nature conservation interest: Loss of supporting habitat; urban edge effects (risk of fire, predation of birds by pets, loss of air quality etc); and additional recreational pressure.

However, in this case, the site is low grade former garden land and is not supporting habitat to the SPA/SAC as it is not a habitat for nesting birds. The site is also well beyond the 400m zone of influence in respect of damaging urban edge impacts (e.g. fire-spread, fly-tipping, cat predation) and is physically separated from the SPA/SAC moors by some intervening development, a significant road and grazed agricultural land. Possible impact from urban edge effects will be negligible.

It is acknowledged that a net increase of residential dwellings can, in principle, add increased recreational pressure on the SPA/SAC. However, the relatively small size of the proposal and availability of amenity space in the form of reasonably generous gardens within the site itself are such that ten additional houses are unlikely to add significantly to recreational pressure on the moors compared with that from the general population already within the 7km zone and that arising from visitors to the moors.

Furthermore, the CIL payments expected from the development could also be used for mitigation; although as yet the Council does not have an adopted supplementary planning document outlining preferred means of mitigating recreational pressure on the SPA/SAC.

## **Archaeology**

Objectors have raised possibility of a Roman road somewhere nearby, given the obvious connotations of the road name, The Street. However, it is pointed out in the submission that archaeological investigation was undertaken in 2014 on the adjoining site with the involvement of West Yorkshire Archaeology Advisory Service. However, this field work found no evidence for the remains of a road under that site and so it is unlikely that remains of a road would exist on this site immediately to the east.

## **Flood Risk/Drainage**

Contrary to some remarks by objectors about effects on drainage, the site is not in an identified area of Flood Risk. It is not near any known watercourses, nor in an area with any known significant problems of localised flooding. The Environment Agency has said it has no wish to comment on the application.

The Council's Drainage Section, being the Lead Local Flood Authority (LLFA) has reviewed the submitted drainage strategy. If details of the drainage strategy are implemented and this is secured by way of a planning condition on any planning permission, the Lead Local Flood Authority has no objection to the proposed development.

Although objections have been made on the grounds of drainage, there is no demonstrable evidence that the scheme will cause issues of flood risk. Localised problems of water flowing into Stamp Hill Close are possibly caused due to the absence of any positive drainage to the existing unmade access track. These localised issues would be resolved upon improvements being carried out to facilitate the development. Standard conditions are suggested to require agreement of surface and foul water drainage prior to commencement of the development. Subject to this, there is no evidence that the proposals would cause drainage problems or contribute to flood risk. No conflict with Local Plan policy EN7 can be identified.

## **Community Infrastructure Levy Requirements (CIL)**

The Council's Parks and Greenspaces Service and Education Service have identified a requirement for tariff contributions for provision or enhancement of Recreation Open Space and Education facilities that will be caused due to the extra demands placed on the locality by this development. However, whilst these contributions would previously have been secured via S.106 obligation, the proposal falls under the Community Infrastructure Levy (CIL). The Council formally approved the CIL Charging Schedule in March 2017, and it will apply to any application determined after 1 July 2017.

CIL will apply to the construction of new homes, etc., which place an added demand on local infrastructure, subject to some exemptions, including residential self-build. The Levy would be obtained on commencement of development. The CIL charge is variable across the District. In Wharfedale it will be charged at a rate of £100 per square metre of net internal gross floorspace being created. Subject to exemptions, this fee will be collected through a separate mechanism to the granting of planning permission.

Where planning permission is granted for a new development that involves the demolition of an existing building in lawful use, as could be the case here, the existing

floorspace contained in the building(s) to be demolished can be deducted from the total floorspace of the new development when calculating the CIL liability.

The levy would also cover mitigation of impacts on the South Pennine Moors SPA/SAC caused through the additional recreation pressure arising from the extra houses, thus according with Policy SC08 of the Local Plan Core Strategy.

### **Community Safety Implications:**

Comments raised by the Police Architectural Liaison officer have been addressed through a review of rear boundary treatments and amendments shown on drawing F-022-15 Rev B. It is considered that the development has generally been designed to reflect the principles of secure by design and that the spaces which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour. Therefore, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime and it accords with Local Plan Policy DS5.

### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

There is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Furthermore it is not considered that the proposal would lead to significant adverse impacts on anyone, regardless of their characteristics. Likewise, if planning permission were to be refused by the Committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics.

### **Reason for Granting Planning Permission:**

Although the proposal will result in the loss of two existing dwellings, these carry no protective heritage designations and their demolition permits more effective use of the land for housing at a scale compatible with the role of Addingham in the settlement hierarchy and in accordance with policies SC4, SC5, HO1 and HO3 of the Core Strategy.

The proposed dwellings are of a scale and in a location which would not harm the setting of the listed building group to the west. The proposed form, scale and design of the dwellings, consisting principally of a row of linked town-houses of a traditional design and in natural stone and slate materials, would be sympathetic to the character of the area. Being similar in design to a nearby row of houses recently completed to the west.

The layout has been amended to address any perceived impact on the amenity of occupiers of adjoining dwellings and to clarify and amend proposals for boundaries. The highway layout has been amended to achieve an appropriate width and standard of vehicular and pedestrian access to support the scale of development being proposed.

It is considered that, subject to the planning conditions recommended at the end of this report, the development will not result in unacceptable impacts upon the environment or the occupants of surrounding land, or in terms of having any unacceptable traffic and highways impacts, nor effects on flood risk, or ecology. The proposals are deemed in accordance with the relevant national planning policies set out in the National Planning Policy Framework; with the saved policies of the Replacement Unitary Development Plan, and with those strategic core policies and thematic policies of the adopted Local Plan Core Strategy that are now in effect.

**Conditions of Planning Permission:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all 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 SC9, DS1 and DS3 of The Local Plan for Bradford.

3. Before any works towards construction of the dwellings commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out to base course level in accordance with the dimensions shown on the approved plan, Drawing No. F-022 09 REV B.

Before the first occupation of any part of the development, the final wearing course to all means of vehicular and pedestrian access shall be laid out, sealed and drained within the curtilage of the site in accordance with details and dimensions shown on that drawing.

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 DS4 of the Local Plan for Bradford.

4. Before any part of the development hereby permitted is brought into use, the off street car parking and garaging facilities for each dwelling shall be constructed as shown on the approved drawings. All external parking areas shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15.

Reason: In the interests of highway safety, drainage and to accord with policies DS4 and EN7 of the Local Plan for Bradford.

5. The development shall be drained using separate foul sewer and surface drainage systems within the site.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies DS1 and EN7 of the Local Plan.

6. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. 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 DS1 and EN7 of the Local Plan for Bradford.

7. Before any of the dwellings is brought into use, and as is shown on the approved drawing F-022-15 Rev B, Public Footpath No 9 (Addingham) which runs along the southern edge of the development site shall be surfaced for a distance corresponding to the extent of the development site. The surfacing shall use crushed stone of a type and to a specification to be approved in writing by the Local Planning Authority.

Reason : In the interests of promoting continued use of the footpath to accord with Policy DS4 of the Local Plan for Bradford.

8. The boundaries to the development plots shall accord with specifications shown on drawing F-022-15 Rev B and these boundaries shall be installed prior to the occupation of the relevant part of the development.

Reason : To safeguard future occupiers and accord with Policies DS1 and DS5 of the Local Plan.

9. Prior to development commencing, results of a site investigation that assesses the nature and extent of any contamination present on the site must be submitted to and approved in writing by the Local Planning Authority.

If contamination is encountered on site, a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works and proposals for phasing of works.

The remediation strategy shall be implemented as approved and prior to the first occupation of the development unless otherwise agreed 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 EN8 of the Local Plan for Bradford.

10. In the first planting season following the completion of the development, replacement trees shall be planted along the southern perimeter of the site in accordance with specifications and details of proposed sizes and species of trees that shall first be submitted to, and approved in writing by the Local Planning Authority.

Any trees or plants comprising this replacement planting scheme that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

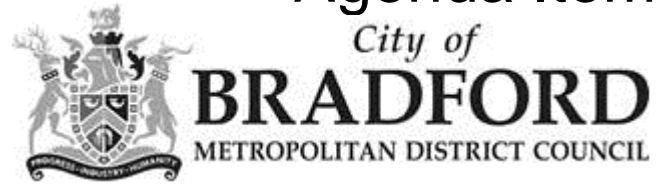
Reason: To mitigate the impact of the buildings on the landscape, and provide appropriate replacement planting, in the interests of visual amenity and to accord Policies EN5 of the Local Plan for Bradford.

11. 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 DS4 of the Local Plan.

12. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy DS1 of the Local Plan for Bradford.



## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 10 August 2017**

# M

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### **Subject:**

Outline planning application for up to 45 dwellings, with all matters reserved, except for access to the site, land at Redwood Close, Long Lee, Keighley.

### **Summary statement:**

This outline application is for residential development and includes solely details of the means of access. An indicative layout, showing 45 dwellings is provided, but the layout and scale of development would be dealt with in a reserved matters application. The Committee is asked to consider the principle of residential development, along with the means of access to the site. The application site was formerly allocated as Safeguarded Land in the RUDP. However, the policy UR5 was not saved and the application site is now unallocated.

The application site is located with CIL Zone 4, where due to viability issues, the rate is nil. As part of the application, the applicant has agreed to provide affordable housing at 15% of the total no. of units, via a Section 106 Agreement.

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

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)  
Report Contact: John Eyles  
Major Development Manager  
Phone: (01274) 4324840  
E-mail: [john.eyles@bradford.gov.uk](mailto:john.eyles@bradford.gov.uk)

**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

## **1. SUMMARY**

This is an outline application for up to 45 dwellings, with all matters, bar means of access, reserved. The principle of residential development on the application site is agreed. There are no concerns regarding the means of access to the application site. The application is recommended for approval subject to completion of the Section 106 agreement to provide on-site affordable housing.

## **2. BACKGROUND**

The application site was allocated as Safeguarded Land within the RUDP. The RUDP policy, UR5, has not been saved and until the Allocations DPD is adopted, the application site is unallocated. In view of the former allocation as Safeguarded Land; the shortfall in housing supply; the application site being surrounded by housing, it is considered that subject to the completion of the Section 106 to deliver affordable housing, the application for housing is recommended for approval.

## **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 following consultation with the Secretary of State under the Town and Country Planning (Consultation) (England) Directions 2009.

## **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 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.

### **6.2 SUSTAINABILITY IMPLICATIONS**

The application site is located within the settlement of Long Lee, outside of Keighley. There is a nearby primary school and bus services travel on Long Lee Lane, connecting to Keighley and the surrounding area. The site is therefore considered to be located at a sustainable location.

### **6.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None.



#### **6.4 COMMUNITY SAFETY IMPLICATIONS**

There are no community safety implications, other than those raised in the technical report.

#### **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**

None.

#### **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).

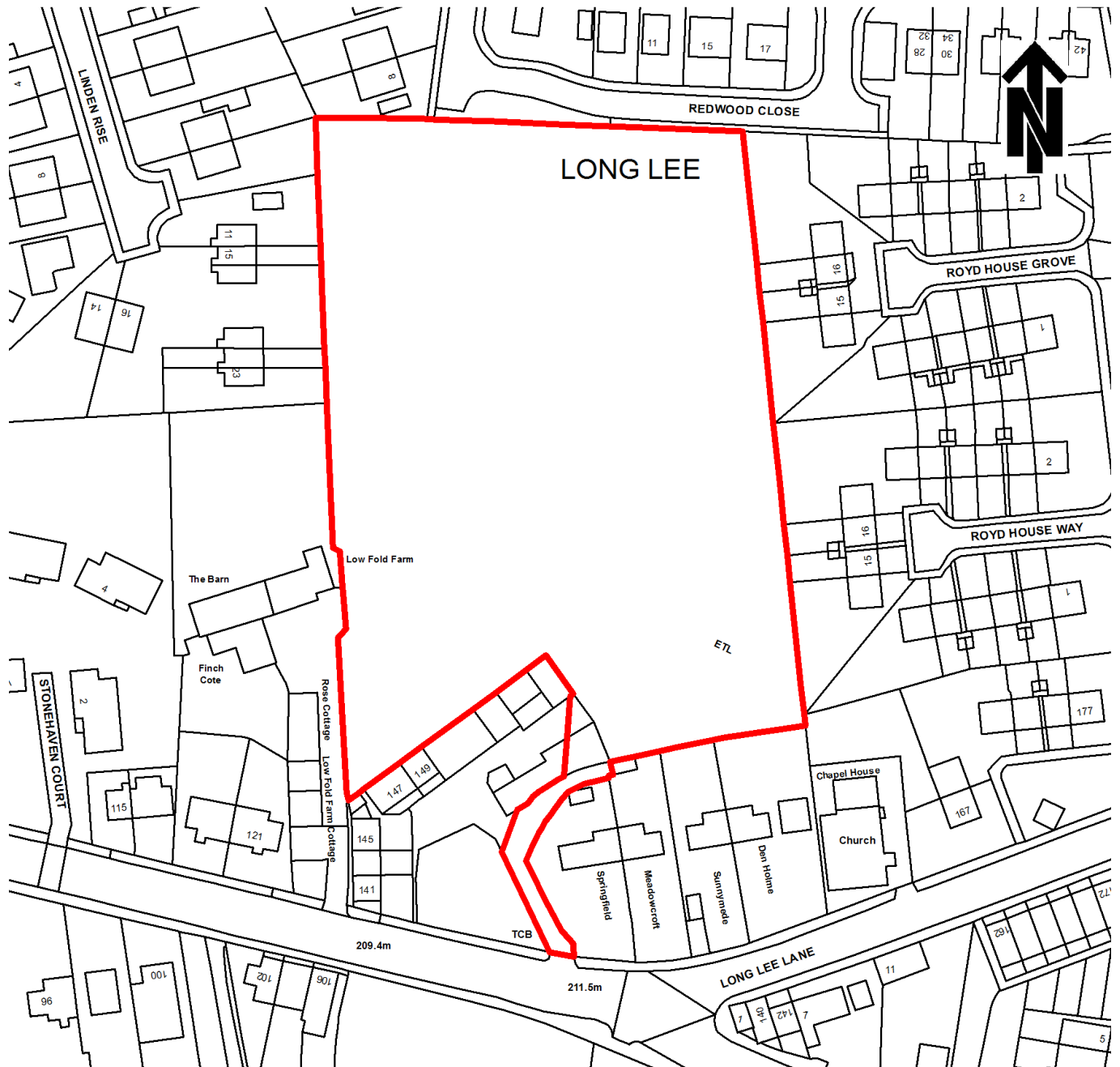
#### **10. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy

17/02809/MAO



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land At Redwood Close  
Long Lee  
Keighley**

**Ward:**

Keighley East

**Recommendation:**

To grant planning permission subject to conditions and a S106 agreement to deliver on-site affordable housing.

**Application Number:**

17/02809/MAO

**Type of Application/Proposal and Address:**

Outline application for up to 45 dwellings (with all matters reserved except for access to the site), land at Redwood Close, Long Lee, Keighley.

**Applicant:**

Mr Stuart Brook

**Agent:**

Heritage Planning Design

**Site Description:**

The site is broadly rectangular in shape and comprises a grass field, surrounded by housing. To the north, the site adjoins Redwood Close; to the south, it adjoins High Fold Farm, including a listed barn and properties along Long Lee Lane; to the east, it adjoins properties off Royd House Road; and to the west, it adjoins properties off Linden Rise and an unadopted highway.

The land slopes downwards, from north to south and is used for agricultural grazing.

The southern part of the site is crossed by electricity cables, although there are no pylons within the site.

**Relevant Site History:**

None applicable.

**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.

### **The Core Strategy**

The Core Strategy was adopted in July 2017. The policies in the Core Strategy now take effect in the determination of planning applications.

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 detail in other 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
- H08 Housing Mix
- H09 Housing Quality
- H011 Affordable Housing
- EN1 Open Space, Sports and Recreation
- 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

### **Replacement Unitary Development Plan (RUDP):**

#### **Allocation**

Within the Replacement Unitary Development Plan this application site was identified as safeguarded land (K/UR5.21: Redwood Close). A new greenfield site, allocated for housing in the adopted UDP and located within the urban form. Access to the development would be dependent on highway constraints at Coney Lane Bridge being resolved.

### **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 also carried out, with the statutory period of expiry being 22 June 2017.

There have been 36 letters of objection and an objection from Keighley Town Council.

### **Summary of Representations Received:**

Letters of objection raise various concerns on the proposed development -

There'd be a negative effect on the residents of Redwood Close.

It will overload local roads, schools and Doctors.

The village does not have the roads to support the extra housing; also feel that the land is far too small to accommodate 45 houses.

Can local amenities, school, bus, road to Keighley particularly railway bridge at Parkwood support additional traffic and residents?

School overflowing.

Traffic congestion will be horrendous in winter, no traffic can get up close.

The proposed development has a steep gradient from north to south which would be undesirable for vehicle access during winter months.

The planned pedestrian access would be dangerous and the access is only wide enough for a car.

There are bats nesting in the barns opposite Rose Cottage at the bottom of the proposed building works.

The effects from site construction of noise, dust and pollutants would undoubtedly affect the bat population.

Does the planning application take into consideration the impact on flora and fauna in the area?

Another concern is the refuse collections more collections from more properties to an already cut service? And will access be given to proposed site for refuse collection?

This land is supposed to be classified as green belt so how come this planning is now being submitted?

The road is already sinking in various places which I assume is due to the mines underneath. Heavy traffic from wagons carrying building materials will probably cause further damage to the road and underlying drains, pipes etc.

With reference to flood risk Low Fold has experienced surface flooding due to excess rainfall and melting snow during winter.

### **Consultations:**

#### **Highways**

The application is accompanied by a Transport Statement which is acceptable in terms of the development's traffic generation and its impact on the highway network. The Transport Statement shows that the development would generate around 25 two-way vehicle trips in the weekday peak periods. This level of additional traffic could be accommodated on the local highway network without causing highway safety or congestion problems.

The existing Redwood Close would be extended in a southerly direction to provide access into the site. Five dwellings would be served directly from Redwood Close. This is an existing adopted road which is capable of accommodating the traffic generated by the development. The new access road into the site would be a traditional estate road designed to adoptable standards with a 5.5m carriageway and 2m footways to both sides.

### **Environmental Health- Pollution Team**

The proposed development constitutes a minor development for the purposes of the West Yorkshire Low Emission Strategy (adopted December 2016) and the West Yorkshire Low Emission Planning Guidance.

Under the provisions of the LES planning guidance minor developments are required to provide Type 1 emission mitigation as follows:

#### **Type 1 Mitigation**

- Provision of electric vehicles charging facilities at the rates set out in the West Yorkshire Low Emission Planning Guidance.
- 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.

### **Sport & Leisure**

Parks and Greenspaces requests a recreation contribution of £24,375 for 45 houses associated with the planning application, for the provision or 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 Long Lee Recreation Ground.

### **Environmental Health- Land Contamination**

The applicant recommends that prior to commencing with any development “a Phase 2: Ground Investigation (intrusive investigation) is completed to determine if any ground contamination is present on the site which could pose a risk towards the proposed end users and / or the environment.”

Environmental Health concurs with the findings of the applicants Phase 1 Desk Study and therefore recommends conditions to include the requirement for ground investigation, Phase 2.

### **Lead Local Flood Authority**

The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the proposed surface water disposal, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. If the following details are implemented and secured by way of a planning condition, the Lead Local Flood Authority has no objection to the proposed development.

### **Yorkshire Water**

Following the submission of further details, Yorkshire Water has been re-consulted on the application and comments will be reported verbally.

## **West Yorkshire Police-Architectural Liaison Officer**

A number of issues have been raised by WYP concerning designing out crime. As an outline application, the final layout has will be subject to a further planning application. Comments raised by WYP would be considered at that stage.

### **Childrens Services**

Primary

Not all year groups are full, so 3 year groups are used for the calculation:

$0.02$  (yield per year group)  $\times$   $3$  (year groups)  $\times$   $45$  (number of dwellings)  $\times$   $\pounds 13721$  (cost per place) =  $\pounds 37,047$ .

Secondary

No contribution requested.

Total request for 45 houses: =  $\pounds 37,047$

### **Summary of Main Issues:**

Principle of development

Planning obligations

Impact on residential amenity

Highways

### **Appraisal:**

Principle of development

Within the Replacement Unitary Development Plan (RUDP), the application site was allocated as Safeguarded Land (K/UR5.21: Redwood Close).

The Safeguarded Land policy, UR5 has not however, been saved and consequently with no Core Strategy policy superseding the RUDP policy, the site is now unallocated. However, given the application site is not green belt, it was formerly safeguarded land (for new housing development), it is considered this former policy position is a strong material consideration, particularly when there is no 5-year housing supply.

In conclusion, the additional housing would contribute to the housing supply shortfall and the development of the site, which is bounded on three sides by housing, is believed to be acceptable in principle for housing.

The application includes solely details of the means of access. This being a single access/egress on the northern boundary, off Redwood Close. The means of access is considered acceptable in highway terms to serve the proposed residential development.

Whilst the application description refers to up to 45 dwellings, the layout is not being considered under the outline application and is indicative only. A layout would be agreed as part of a subsequent reserved matters application.

### Planning Obligations

The Council's Community Infrastructure Levy (CIL) was approved 18<sup>th</sup> July 2017. CIL is a tariff system that is charged on certain types of new development and it replaces parts of the Section 106 system.

CIL is intended to provide infrastructure to support development of an area, rather than making an individual planning application acceptable in planning terms, which is the purpose of the S106 system. The Council has set out a list of those projects or types of infrastructure that it intends to fund through the CIL. This is known as the Regulation 123 List and amongst a number of other things, it includes:

- i) Education, including primary and secondary provision.
- ii) Community sport and recreation facilities.
- iii) Sustainable transport improvement schemes.

However, the application site is within 'Residential - Zone 4' in which the rate is nil. This rate was the result of a modification by the Planning Inspector at the CIL examination, due to viability issues in certain parts of the District. It is noted that CIL calculations are finalised at the reserved matters stage and so if the CIL rates change before these are submitted, the rate will be reviewed and there could be a charge at that time.

The affordable housing requirement for this area is 15%. Accordingly, the applicant has agreed to provide 15% of the total number of dwellings as affordable. This would be via a Section 106 agreement.

#### Impact on residential amenity

At this stage, other than the point of access/egress to the site, any impact on residents cannot be assessed until a layout is provided, as part of a future application. Issues, including the relationship between properties and the concerns raised by the objectors would be considered as part of a future reserved matters application. It would be at that stage, when the housing layout is provided, that any issues raised by local residents would be considered.

#### Highways

The details of the single point of access/egress to the application site are to be determined as part of the outline application.

The potential for additional traffic and any impact on the local highway network has been assessed. It's considered that the generation of traffic from the proposed development could be accommodated within the local highway network. There are no concerns regarding the means of access to the site.

In regard of the sloping nature of the application site, Highways has looked at the issue of road gradients that would serve the development. The highway design guidance would ordinarily seek gradients of no more than 1:15. However, in instances of challenging sites, a gradient of 1:12 could be accepted. It is expected that the site would be served by road gradients no steeper than 1:12.

Any issues regarding highways maintenance would be dealt with through normal highways procedures, subject to budgetary constraints. As with other housing developments, provision would be made for refuse collection.

The Transportation & Highways service has confirmed that at the present time, there is no programmed highways scheme for improvements to Coney Lane Bridge. On this basis,



whilst ideally a highways scheme would have been programmed to mitigate the constraints of the bridge, the contribution made by the development towards the housing supply is believed to outweigh the requirement to carry out highway improvements. The constraint of the bridge, for this scheme based on c.45 houses, would not cause significant harm to highway safety and is not considered to be sufficient to override the need for housing, warranting refusal of the planning application.

In conclusion, the development would not prejudice pedestrian or vehicular safety and the means of access could be appropriately accommodated without adversely impacting on the local network.

#### Other matters

An ecological report was submitted as part of the application, with a desk top study, and a site survey was also carried out. There was no record of fauna on-site and given the limited offer for foraging/breeding, the loss of habitats is not believed to have a significant ecological impact. In view of the farm buildings located to the south west boundary of the application site, any future application would be subject to a 'buffer zone' between the buildings and proposed housing. The farm buildings including the barn are not within the application site and do not form part of the proposed development.

The Lead Local Flood Authority (LLFA) has assessed the application relating to surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. If measures are implemented and secured by planning condition, development would decrease any risk, rather than increase it, as the drainage of the land would be formalised. The LLFA has no objection to the proposed development.

#### **Section 106**

The applicant has confirmed that 15% of the total number of dwellings would be provided as affordable housing. This would be delivered through a Section 106 Agreement.

#### **Reason for Granting Approval:**

The application site was allocated as Safeguarded Land in the RUDP. Following the deletion of RUDP Policy UR5, the application site is unallocated, until the Allocations DPD is adopted. The former allocation of the site is considered to carry significant weight in determining the application. Along with the shortfall in housing supply, it is considered that this is a material consideration and along with the proposed development meeting 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 and ID3 the application is supported.

#### **Conditions:**

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.

Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy SC9 of the Core Strategy.

Any application for the reserved matter of siting shall include plans showing the following:

- i) adequate cross sections of the site,
- ii) details of the existing and proposed ground levels,
- iii) proposed finished floor levels of buildings,
- iv) levels of any paths, drives, garages and parking areas,
- v) height of any retaining walls,

and the development shall 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 and to accord with Policy SC9 of the Core Strategy.

Prior to commencement of the development a Construction Emission 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 IAQM Guidance on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

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).

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 SC9 of the Core Strategy.

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 SC9 of the Core 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 SC9 of the Core Strategy.

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 and to comply with policy SC9 of the Core Strategy.

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 and to comply with policy SC9 of the Core Strategy.

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 SC9 of the Core Strategy.

The site shall be developed with separate systems of drainage for foul and surface water on and off-site.

Reason: In the interest of satisfactory and sustainable drainage.

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. The rate of discharge of surface water to surface water sewer shall not exceed 5 (five) litres per second, the point of connection to be agreed by the statutory sewerage undertaker. 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 that no surface water discharges take place until proper provision has been made for its disposal.

From the date of first occupation every property on the site with dedicated parking shall be provided with access to a fully operation EV charging point (on a dedicated circuit) which as a minimum shall be capable of providing an overnight 'trickle' charge to an electric

vehicle. Every other property (with none 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 via outdoor, weatherproof sockets within easy access of the parking areas and /or within garage parking spaces. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents 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).



## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 10 August 2017.**

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### **Subject:**

Reserved Matters application 17/02617/MAR: Approval of details of appearance, landscaping, layout and scale in relation to the development of 223 dwellings and associated infrastructure on land south of Belton Road, Silsden.

### **Summary statement:**

Taking development plan policies and other relevant material considerations into account it is considered that the proposed details of layout, scale, appearance and landscaping will provide for a well-designed development which relates positively to the surrounding built and natural environment. It is therefore recommended that Reserved Matters Approval is granted, subject to the conditions set out in the Technical Report at Appendix 1.

The proposed detailed development scheme proposes an amount of development which is consistent with the outline consent, in terms of the footprint of the development. However the proposal provides for an increased proportion of smaller 2 and 3 bedroom properties. The consequence of this is that the number of dwelling units to be delivered has increased from the 190 estimated at the outline stage to 223 units proposed in the submitted detailed layout.

The additional dwellings will increase the number of families which the development can accommodate, placing an additional strain on local education infrastructure. Therefore it is recommended that the approval of Reserved Matters is made conditional upon a Deed of Variation to the previously engrossed S106 agreement being entered into to provide for an increased Education contribution from £202,844 to £244,783.

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**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

## **1. SUMMARY**

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of reserved matters application ref. 17/02617/MAR made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

The proposals site is a 6.7 hectare greenfield area of land to the south of Belton Road and east of Keighley Road on the southern periphery of Silsden. The Regulatory and Appeals Committee previously resolved to grant outline planning permission, ref. 15/05875/MAO, for the residential development of this land on 21 June 2016. Subsequently outline planning permission was formally granted on 14 September 2016, following the completion of the requisite legal agreement under S106 of the Act.

The principle of developing housing on the site has therefore already been established and the matter for consideration in the current application is the whether the proposed detailed design of the development scheme, in terms of its layout, scale, appearance and landscaping, is acceptable. Detailed approval was granted for the means of access off Belton Road at the Outline stage.

The Reserved Matters for consideration in this current application are the appearance, landscaping, layout and scale of the development, which are defined as:

- the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- the height, width and length of each building proposed within the development in relation to its surroundings;
- the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;
- the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated.

As assessed in detail within the Technical Report, taking development plan policies and other relevant material considerations into account, it is considered that the proposals will provide for a well-designed development, which will deliver a high standard of amenity for future residents, and a housing estate which relates positively to the surrounding built and natural environment, delivering an attractive new urban edge to this part of Silsden.

It is therefore recommended that Reserved Matters Approval is granted subject to the conditions set out in the Technical Report at Appendix 1 and subject to a Deed of Variation to the previously engrossed S106 agreement being entered into to provide for an increased Education contribution from £202,844 to £244,783.

## **2. BACKGROUND**

Attached at Appendix 1 is a copy of the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the reserved matters application.

### 3. OTHER CONSIDERATIONS

All considerations material to the determination of this reserved matters application are set out in the Technical Report at Appendix 1.

### 4. OPTIONS

If the Committee proposes to follow the recommendation to grant Reserved Matters Approval then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional Reserved Matters Approval for the layout, scale, appearance and landscaping of the residential development approved under outline planning permission 15/05875/MAO.

Alternatively if the Committee decide that Reserved Matters Approval should be refused, they may refuse the application, in which case reasons for refusal will have to be given based upon development plan policies or other material planning considerations. The Committee may also opt to approve the reserved matters application either unconditionally or subject to conditions which differ to those recommended in this report.

### 5. FINANCIAL & RESOURCE APPRAISAL

Outline planning permission 15/05875/MAO was granted subject to a legal agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990 (S106 agreement), engrossed on 13 September 2016, which set out a series of planning obligations binding upon the land owner and their successors in title. This current application is for the approval of the matters reserved for detailed approval under outline planning permission 15/05875/MAO and will not result in the issuing of a new planning permission. Therefore the Planning Obligations set out in the S106 agreement dated 13 September 2016 will continue to be binding upon the developer (who is now the land owner) and the developer will not be liable for the new Community Infrastructure Levy Charge.

In summary the S106 agreement set out the following Planning Obligations:

<b>Education Infrastructure Contribution:</b>	£202,844
<b>Recreation Infrastructure Contribution:</b>	£161,863
<b>Pedestrian Footbridge Contribution:</b>	£100,000
<b>South Pennine Moors Impact Mitigation:</b>	£20,000
<b>Bus Stop Improvement Contribution:</b>	£20,000
<b>Affordable Housing:</b>	20%
<b>Highway Improvement Works:</b>	Dropped Crossing Refuge Crossing Pedestrian Island Upgrade VAS Signs
<b>Safeguarded Land:</b>	Safeguard & Allow Works/ Adoption of the Land Required for the Proposed Silsden Link Road
<b>SUDS Maintenance &amp; Management Plan:</b>	To be submitted & approved prior to development commencing

The applicant will have to meet all of the above Planning Obligations in full as well as complying with the planning conditions attached to the outline consent, including the requirement for specified flood mitigation works. However this reserved matters application proposes an increased proportion of smaller 2 and 3 bedroom properties.

The consequence of this is that the number of dwellings to be delivered has increased from the 190 estimated at the outline stage to 223 units proposed in the submitted detailed layout.

The additional dwellings are likely to place an additional strain on local education infrastructure and therefore it is recommended that the approval of Reserved Matters is made conditional upon a Deed of Variation to the previously engrossed S106 agreement being entered into to provide for an increased Education contribution from £202,844 to £244,783. Although the increased number of dwellings will also increase pressure on local recreational infrastructure, the Council's Parks and Greenspaces Service have confirmed that they are satisfied that the on-site provision of greenspaces and recreational equipment proposed by the applicant will be sufficient to mitigate this additional impact.

## **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

Not applicable.

## **7. LEGAL APPRAISAL**

Both options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990.

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that the proposal would lead to either significant or disproportionate adverse impacts on any groups of people or individuals who possess protected characteristics.

Likewise, if reserved matters approval were to be refused by the committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics. Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are included in the report attached at Appendix 1.

### **8.2 SUSTAINABILITY IMPLICATIONS**

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying



and coordinating development requirements, including the provision of infrastructure;

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Outline planning permission for the residential development of the land has already been granted and therefore the sustainability implications of building new houses on this land on the periphery of Silsden are not material to this Reserved Matters submission, having been appropriately considered and found to be acceptable at the Outline stage. However the National Planning Policy Framework (NPPF) confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Therefore it must be considered whether the submitted detailed development plans appropriately contribute towards the achievement of sustainable development.

As assessed in more detail in the report included at Appendix 1, it is considered that the design and layout of the proposed development scheme is acceptable in design terms. In particular it is considered that the proposed on-site provision of public open space and play spaces within the site layout and the proposed substantial tree planting incorporated into the landscaping scheme are positive aspects of the proposals which will contribute towards sustainable development.

Additionally it is noted that the submitted site layout provides for links to the existing local footpath network, at the north-eastern corner of the site, and proposes the provision of a footpath route along the southern boundary of the site in anticipation of the need for a sustainable transportation route to complement the planned link road development. It is considered that these pedestrian connections will serve to enhance the potential for residents to access surrounding land without the need to drive, in accordance with the principles of sustainable development.

In relation to sustainable drainage matters, condition 4 of the outline planning permission set out requirements for the site to be developed in manner which will neither subject new residents to an unacceptable risk of flooding, nor result in off-site flood risks being increased. This will be achieved by providing compensatory flood water storage amounting to at least 300m<sup>3</sup>, achieving minimum finished floor levels for new dwellings and providing an attenuated sustainable surface water drainage system with a restricted rate of discharge.

Although the applicant is not seeking approval for full details of the surface water storage system or flood mitigation works at this stage, the proposed site layout plan does make provision for flood water storage facilities to be provided on-site, with an indicative surface water connection shown to Silsden Beck at a point south-west of the site. An external works plan has also been provided which demonstrates that the required dwelling finished floor levels could be achieved for the proposed site layout without necessitating the introduction of unacceptable retaining features.

Overall it is considered that the submitted development details are consistent with the relevant design and sustainable development guidance as set out in the NPPF and the Local Plan Core Strategy.

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The development of new housing will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future residents. However it is considered that the proposed development will serve to minimise greenhouse gas emission impacts by virtue of the requirements to:

- i. introduce travel planning measures (condition 11),
- ii. provide footpath connections to surrounding land,
- iii. improve adjacent bus stops;
- iv. provide electric vehicle charging points to facilitate the uptake of more sustainable road vehicles (condition 9); and
- v. contribute towards the delivery of a new pedestrian bridge to better link Silsden to the existing train station on the opposite side of the A629.

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

Local and National planning policies indicate that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The proposed development includes various provisions to minimise the vulnerability of the development to crime and anti-social behaviour including natural surveillance of the play area and public open spaces and providing for a layout which minimises the vulnerability of rear gardens.

The West Yorkshire Police Architectural Liaison Officer (ALO) has reviewed the application and has made a number of recommendations, primarily relating to boundary treatments, parking surveillance and shared rear access paths. The applicant has attempted to address the majority of the concerns raised by the Police AOL; however certain of the proposed adjustments, such as designing out a rear parking courtyard adjacent to the northern boundary and increasing the height of the western boundary wall, would unacceptably compromise the development design. Nonetheless it is considered that the proposed detailed development scheme provides for a safe environment which would not be unacceptably vulnerable to crime and anti-social behaviour.

### **8.5 HUMAN RIGHTS ACT**

The Council must seek to balance the rights of applicants to make beneficial use of their property with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that either granting or refusing reserved matters approval will deprive anyone of their rights under the Human Rights Act.

### **8.6 TRADE UNION**

There are no implications for Trades Unions relevant to this application.

### **8.7 WARD IMPLICATIONS**

The proposal site is within the Craven Ward. Ward Councillors the Parish Council and local residents have been made aware of the application and have been given opportunity to submit written representations through two rounds of publicity (April 2017 and July 2017).

In response to this publicity 4 representations have been received, all of which object to the proposals. In addition the Parish Council have objected to the application. The second consultation period had not closed at the time of writing this report and any additional comments received prior to the committee meeting will be verbally reported to the Committee

The Technical Report at Appendix 1 summarises the material planning issues raised in the public and Parish Council representations and the appraisal gives full consideration to the effects of the development upon residents within the Craven Ward.

## **9. NOT FOR PUBLICATION DOCUMENTS**

None

## **10. RECOMMENDATIONS**

To Grant Reserved Matters Approval for layout, scale, appearance and landscaping subject to the conditions recommended at the end of the Technical Report at Appendix 1 and also subject to a Deed of Variation being made in respect of the previously engrossed legal agreement under S106 of the Act to provide for an increased Education contribution from £202,844 to £244,783.

## **11. APPENDICES**

Appendix 1: Technical Report

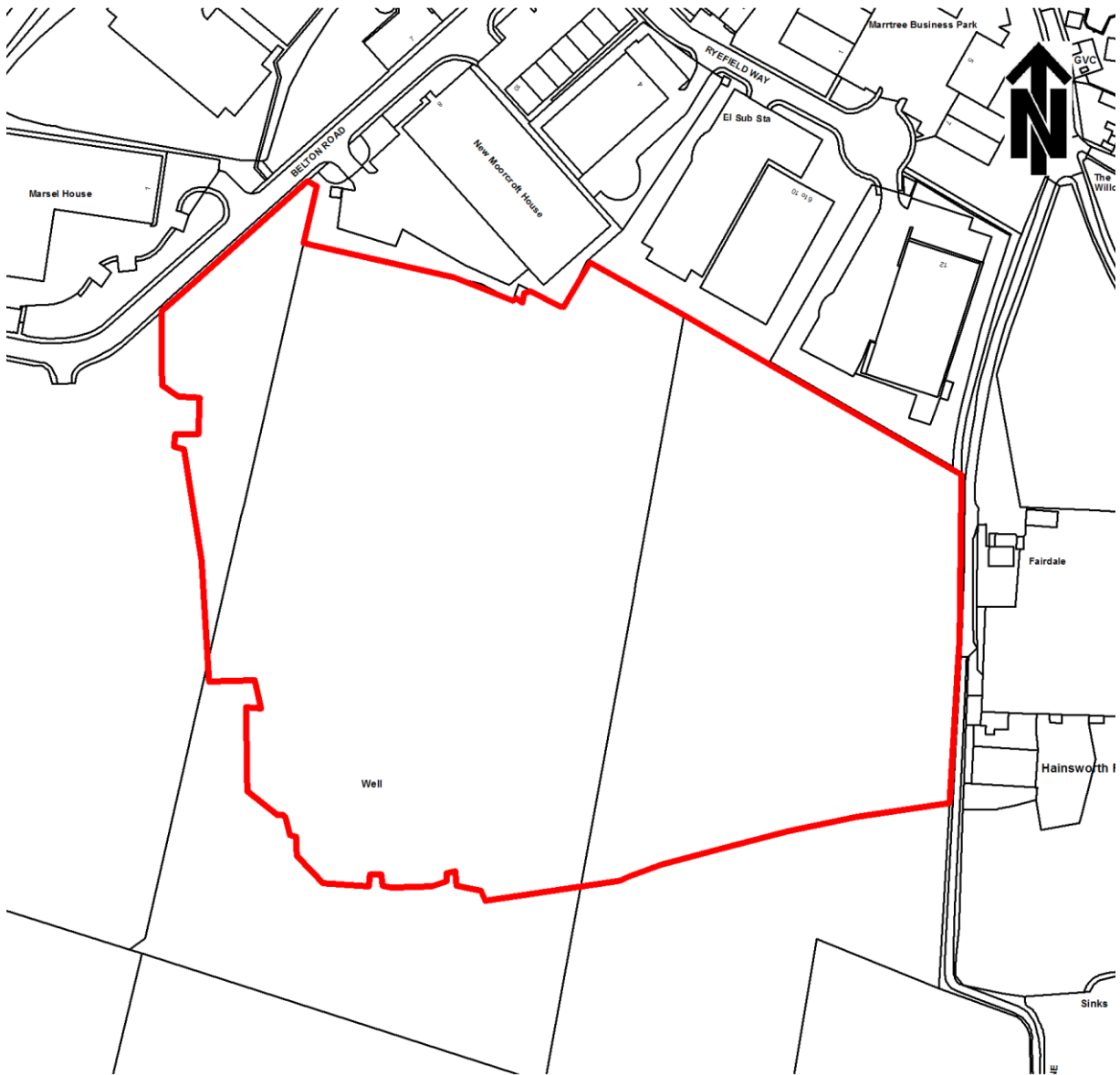
## **12. BACKGROUND DOCUMENTS**

- Replacement Unitary Development Plan for the Bradford District
- Local Plan Core Strategy
- National Planning Policy Framework
- Application File 17/02617/MAR
- Application File 15/05875/MAO

17/02617/MAR

City of Bradford MDC

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**Land At Belton Road  
Silsden**

## Appendix 1

10 August 2017

**Ward:** Silsden

**Recommendation:**

That the Committee resolve to Grant Reserved Matters Approval for layout, scale, appearance and landscaping subject to the conditions recommended at the end of this report and they delegate to the Assistant Director of Planning, Transportation and Highways authority to issue the approval of reserved matters subject to a Deed of Variation being made in respect of the previously engrossed legal agreement under S106 of the Act to provide for an increased Education contribution from £202,844 to £244,783.

**Application Number:**

- Reserved Matters Application: 17/02617/MAR

**Type of Application/Proposal and Address:**

Reserved Matters application for approval of details of appearance, landscaping, layout and scale in relation to the development of 223 dwellings and associated infrastructure on land south of Belton Road, Silsden.

**Applicant:**

Barratt Homes Yorkshire West

**Agent:**

Mr Paul Butler

**Site Description:**

The proposal site comprises a 6.7 hectare greenfield site located at the southern edge of Silsden which is identified as safeguarded land (K/UR5.40) on the Development Plan Proposals Map. At present the site is used as pasture land (sheep grazing). The site is partitioned into fields by dry-stone walls; however the boundary between the site and the further grazing land to the south and west do not directly relate to field boundaries. The eastern boundary with the adjacent farm is marked by a hedgerow and field boundary wall running along the western margin of Hen Holme Lane.

The site is on a relatively gentle gradient sloping downwards from north to south towards the River Aire. At present there is no built development evident on the site; however the site has been disturbed by recent archaeological excavations undertaken in compliance with Condition 22 of the outline approval.

The site is bounded to the north by Belton Road and the Belton Road Business Park, to the west lies Keighley Road (A5034), beyond a further pasture field outside of the proposal site, and to the east the site bounded by Hen Holme Lane. To the south of the application site lies agricultural fields and land identified on the Proposals Map as washlands and green belt.

The surrounding area is mixed in character with residential properties along with retail, commercial and employment properties evident. A notional route for a by-pass around the Town to take vehicles away from having to pass through the Kirkgate area (Silsden Local Centre) is shown on the Proposals Map as potentially being located to the south, south west and south east of the application site.

Silsden Public footpaths 48 (known as the Millennium National Trail) and 49 are located to the east and south of the site. The national and local cycle network runs along Keighley Road. Whilst the majority of the site lies within flood zone 1, an area in the south west corner falls within flood zones 2 and 3a.

**Relevant Site History:**

<b>Application Ref.</b>	<b>Description</b>	<b>Decision</b>
15/05875/MAO	Outline planning application for the erection of up to 190 dwellings with means of access to be considered with all other matters reserved.	Granted 14.09.2016

**Local Plan Core Strategy (LPCS)**

The Council's new Core Strategy, the key document setting out strategic planning policies which will form the core of the new Local Plan for the District, has now been adopted by the Council and should be given full weight in decision making. Whilst a substantial proportion of the saved policies of the replacement Unitary Development Plan (RUDP) have now been superseded by the policy content of the Core Strategy, certain specific RUDP policies remain relevant and the land allocations set out on the Proposals Map will be retained until an Allocations Development Plan Document has been produced. The following Core Strategy Policies are considered to be most relevant to the proposed reserved matters submission:

- AD1 – Airedale
- HO5 – Density of Housing Schemes
- HO8 – Housing Mix
- HO9 – Housing Quality
- DS1 – Achieving Good Design
- DS2 – Working with the Landscape
- DS3 – Urban Character
- DS4 – Streets and Movement
- DS5 – Safe and Inclusive Places
- EN1 – Open Space , Sport and Recreation
- EN4 – Landscape
- TR2 – Parking Policy
- TR3 – Public Transport, Cycling and Walking

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

- The proposal site is part of a wider area of land to the south of the existing settlement boundary of Silsden allocated on the RUDP Proposals Map as Safeguarded Land K/UR5.40.

**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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

**Parish Council:**

*Silsden Town Council*

Objections as before on outline 15/05875/MAO still stand and this council request re-consultation when the issues raised by Bradford Highways, Bradford Drainage, West Yorkshire Police, Rights of Way and Environmental Health have been addressed by the applicant. We will also be sending a representative to the panel/committee meeting. Please advise when this date has been set.

Previous comments for clarity: In addition to our previous comments already lodged we raise the following from the additional information and reserved matters. STC fully support the request for a full site survey to be carried out by WYAAS prior to any determination. We note WYP concerns of no security by design and this matter needs addressing, The travel plan still hold incorrect information the 762 bus does not go from Keighley to Skipton, the pedestrian crossing proposed are at best unfit and at worse dangerous, the road is too narrow for the suggested crossings and the one by the bridge does not take into account the hump of the bridge and in reality there would be no clear site line for drivers over the bridge to see the crossing. The plans also states good cycle lanes, however there are no dedicated cycles lanes. The council note the amendments in connection to the flooding however the issues of the culvert on the site regularly overflowing have not been addressed.

**Publicity and Number of Representations:**

The application has been advertised through the publication of site notices and press advertisements and the issuing of notification letters to neighbouring properties. Two rounds of publicity were undertaken. The initial consultation period took place between 19 April 2017 and 25 May 2017 and a further consultation was initiated on 19 July 2017, following the receipt of revised site layout, house design and landscaping plans. This further consultation period will close on 09 August 2017 and any further representations received following the writing of this report will be verbally reported to Committee. In response to the publicity to-date 4 representations have been received, all of which object to the proposals.

In addition, the applicant has provided a statement confirming the scope of community consultation which they undertook prior to submission of the application. This statement

confirms that the applicant made contact with the local ward members and the Parish Council by letter and that correspondence has been exchanged with each of the local ward members.

In addition the statement confirms that the applicant consulted with owners of local residences and businesses via a letter drop to all of the existing residential and commercial properties that lie adjacent to the site. Five local residents and business owners responded to the invitation to meet with a representative of Barratt Homes on a one to one basis. These individual meetings took place on Wednesday 15th February 2017. The comments received and the applicant's responses are summarised in the submitted Statement of Community Involvement.

### **Summary of Representations Received:**

#### ***Highways***

- The junction between Belton Road and Keighley Road is already problematic from a road safety point of view.
- This junction struggles to cope currently and has many 40' lorries each day using and parking along the bottom of the road.
- The problem is the number of vehicles travelling down Keighley Road, the speed they travel at (often seeming to be above the speed limit) and their reluctance to slow down to allow vehicles to exit from Belton Road.
- The planning application document 'Junction Capacity Assessments' only seems to measure the traffic numbers rather than traffic behaviour and my fear is that a serious road traffic accident is inevitable if these houses are built, (regardless of the number that are built) if some road traffic measures at the Belton Road / Keighley Road junction are not made integral to this development.
- The additional number of cars from this development, (especially at peak times) will lead to queuing on Belton Road resulting in frustrated and impatient drivers.
- We estimate that the huge estate will bring a minimum of 500 + vehicles per day to the junction.
- I would suggest that serious consideration be given to the following possible options to mitigate the risk of serious injury from drivers exiting Belton Road and trying to 'Dash' into the Keighley Road traffic flow.
  - 1) Install traffic lights at the Belton Road / Keighley Road junction
  - 2) Install a mini-roundabout at the junction
  - 3) Road mark the junction with Yellow Hatched 'Do not Enter' markings
  - 4) Reduce the speed limit on Keighley Road to 20 mph
- Why are you proposing a single entry and exit point and why is this not direct on to the main road with a roundabout?
- You should consider at least 2 exit/entry points to such a vast estate.
- Silsden high street cannot cope with its current parking, where do you propose people park when the estate visits the centre?
- What measures are to be put in place to prevent parking on pavements?
- How do vehicle users drive through square corners? There should be markings on the road or the paving should be designed for cars to follow a curve. What would prevent people from parking on the block paved areas and making it awkward to move through the areas.
- The building of extra housing would presumably bring a significant number of additional cars into the area, putting further strain on the existing traffic flow through Silsden which is already excessive.



- The only access to the proposed site is at Belton Road which is a very busy and difficult junction to exit and enter often leading to queues, tailbacks and dangerous manoeuvres.
- Belton Road is the only entrance for both the current, significant, housing and the trading estate, which is also used by lorries.
- To add additional vehicles to the existing ones would make the junction even more challenging and dangerous.
- I would argue that traffic lights are already needed in that area, because of both the Belton Road junction and the Aldi store, and that the speed restriction through Silsden should factually be reduced to 20mph as it is in many of our communities.

### ***Landscaping***

- The submitted details do not include a proper LANDSCAPE MASTERPLAN which key in and explain both Hard and Soft Landscape treatments.
- The landscape proposals for the site frontage only include two areas marked and each area is approximately 8 square meters: thus only 16square metres in total. This is not a swathe as stated in the Landscape Masterplan.
- No-semi mature trees are proposed contrary to the key on the landscape master plan.
- Amenity green space to houses frontages is very small and does not reflect the character of the surrounding green space. More amenity green space would help alleviate or prevent flooding by absorbing water and holding it back. More amenity green space and less hard landscaping.
- The proposals include no details of how the hedge along the eastern boundary is to be managed.
- A list of planting species for all types of plants should be submitted for ecological evaluation. Plants that are suitable for wildlife would be preferential rather than ornamental species that offer no wildlife potential.
- Beech Hedging IS NOT a plant that has any particular ecological merit to birds or for harbouring insects. It's flowers also have no great value.
- All native species used should be of local provenance and not from sources outside of west or
- There is not enough screening to the west boundary to the site.
- Overall the scheme DOES NOT Provide an attractive and distinctive environment for residents through the use of ornamental tree, hedge and shrub planting on internal streets and in front gardens as it states it does in the Landscape Design Strategy statement. The design is NOT strong enough for this to happen

### ***Flooding***

- The proposed site is a flood plain and there seems to be little sense in building there when the site is regularly flooded. Bradford Council know only too well that within the last two years there has had to be significant work done on the walls around that area, presumably at considerable expense, when they were destroyed during flooding in 2015.
- Why are you building on a flood plane? We regularly see the water reach to the point where you propose houses.

### ***General***

- How will this benefit Silsden?

- I note that the Planning application was originally for 190 houses. This current application now suggests 223 houses. Where has the 223 figure come from?
- The so called low cost housing will NOT be low cost either as buyers or renters will still have to pay all bills at regular pricing. Proper eco insulation such as recycled paper together with solar energy or ground source heat pumps will without a doubt meet the requirements for low cost properties.
- When will you build the extra school, doctors and dental surgeries to come?
- Why were residents not informed about this?
- Why are you allowing 223 dwellings when only 190 were initially applied for?

**Consultations:**

***Airedale Drainage Commissioners***

- Thank you for the opportunity to respond to this application which sits on the border of the Airedale Drainage Commissioners' District.
- The Board has a number of assets in the area which are known to be subject to high flows during storm events.
- The Board previously commented on this application at the outline stage under reference 15/05875/MAO.
- The Board notes the amendments that have been made in relation to this application however these do not fundamentally alter the issues raised by the Board in relation to drainage matters.
- As a result the Board stands by the comments it made in its letter of 17<sup>th</sup> June 2016 and would wish to see any approval granted conditioned to ensure that the drainage issues are addressed prior to the development being brought into use.

***Drainage Unit (Acting in the Capacity of Lead Local Flood Authority)***

The Drainage Authority has assessed the documentation relating to flood risk mitigation on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. The Drainage Authority deem the submitted information relating to the mitigation of flood risk **insufficient** for the following reason;

The proposed layout should be supported by AOD level information to show in complies with the recommendations of the approved flood risk assessments: Oct 2015 / WYG Engineering; Addendum 1: Jan 2016 / WYG Engineering; Addendum 2: Feb 2016 / WYG Engineering as approved in planning application reference 15/05875/MAO: The following mitigation methods should be shown to be addressed and referenced within the layout;

- I. Compensatory storage is to be provided on a volume for volume and level for level basis. This is to be no less than 300m<sup>3</sup>.
- II. No non water-compatible development within flood zone 3b.
- III. Finished floor levels for plots 183 and 182 are to be set no lower than 93.545m Above Ordnance Datum (AOD).
- IV. Finished floor levels for plots 99 through to 112 are to be set no lower than 91.326m Above Ordnance Datum (AOD).
- V. Finished floor levels for plots 165, 166 and 168 to 181 are to be set no lower than 600mm above the 1 in 100cc level for the plot location, between 93.545m and 91.326mAOD (Addendum 2).

### **Education**

- The primary schools which are readily accessible from the development include Aire View Infants, Hothfield Junior, Eastburn and Steeton.
- Based on data available as at May 2017 despite recent expansion current capacity in the primary schools is being exceeded in some year groups and allowing for the desire to operate at 95% occupancy to allow for population changes this is being exceeded in several year groups. Overall these schools are overcrowded now and future forecasts show an increasing pupil population.
- We would therefore need to request a contribution towards expansion of 4 out of the 7 year groups in primary provision.
- The secondary schools which are reasonably accessible from the development are 11-18 schools Beckfoot Oakbank, The Holy Family and University Academy Keighley.
- Based on data available as at May 2017 and the current capacity in the above schools there are places available in each of the year groups even allowing for the desire to operate at 95% occupancy to allow for population changes.
- We would not therefore need to request a contribution towards secondary school expansion in this area. It should also be noted that many children from this area transfer to South Craven School in North Yorkshire.
- Requested a contribution of £244,783 for primary school expansion.

### **Environment Agency**

The submitted layout plan does not show the extent of the flood zone, however by reviewing this with the outline layout and our flood map we have been able to assess the suitability of the new location plan.

We note that the Location plan (Drawing P16:5035:01C) submitted removes the properties at the south of the site from Flood Zone 3 (FZ3). However as the houses to the West of the site are still within FZ3 we also note that the number properties has increased. We have adapted our previous conditions to account for the change in layout which are detailed below.

Environment Agency position: The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the flood risk assessment and subsequent amendments submitted with this application are implemented and secured by way of a planning condition on any planning permission:

The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA): *Oct 2015 / WYG Engineering; Addendum 1: Jan 2016 / WYG Engineering; Addendum 2: Feb 2016 / WYG Engineering; Addendum 3: May 2016 / WYG Engineering*, and the following mitigation measures detailed within the FRA:

1. Compensatory storage is to be provided on a volume for volume and level for level basis. This is to be no less than 300m<sup>3</sup>.
2. No non water-compatible development within flood zone 3b.
3. Finished floor levels for plots 219 – 222 are to be set no lower than 93.545m Above Ordnance Datum (AOD).
4. Finished floor levels for plots 198 - 218 are to be set no lower than 600mm above the associated 1 in 100cc level for the plot location, between 93.545m

and 91.326mAOD (as previously identified in Addendum 2).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

***Environmental Health (Nuisance)***

Construction site nuisance: The site is located in an area where the noise, vibration, dust, odours, fumes and/or lighting generated from construction works may result in complaints to this department. Therefore the applicant must follow the guidance in BS 5228 to mitigate noise and dust impacts and submit evidence to demonstrate how they will control other potential environmental nuisance issues. Environmental Health may recommend appropriate planning conditions when consulted on the application.

Existing operations and new residential development: As the buildings in the area are of a commercial or industrial nature, the developer should provide evidence that any future occupiers of the proposed dwellings will not be disturbed by environmental nuisances such as noise, vibration, dust, odours, fumes and/or lighting emanating from these existing premises. Evidence regarding noise should be submitted in the form of a noise impact report employing a methodology which meets the requirements of the National Planning Policy Framework (NPPF) paragraph 123 which supersedes PPG24. Environmental Health may recommend appropriate planning conditions when consulted on the application.

Existing traffic conditions and new residential development: The development is adjacent to Belton Road. This road experiences extremely high levels of traffic throughout much of the day. This being the case, the developer should provide evidence that any future occupiers of the proposed dwellings will not be disturbed by environmental nuisances such as noise, vibration, dust, odours, fumes and/or lighting from traffic. Evidence regarding noise should be submitted in the form of a noise impact report employing a methodology which meets the requirements of the National Planning Policy Framework (NPPF) paragraph 123 which supersedes PPG24. Environmental Health may recommend appropriate planning conditions when consulted on the application.

***Environmental Health (Air Quality)***

A condition was placed on the outline planning consent requiring the provision of an electric vehicle recharging point at every property with a dedicated parking space. The design and access statement (Part 3) recognises this requirement and states that it "will be accommodated".

Having reviewed the plans I can see no firm proposals for the delivery of the EV charging points. There is a reference within the garage plans to "optional electric locations for on-plot garage only" but it is unclear if this is related to the EV charging point provision requirement.

The applicant should be made aware that the EV charging condition will only be discharged if as a minimum every property with a dedicated parking space is provided with suitable safe access to an overnight trickle charge solution for an electric vehicle. This will apply to all properties including those without garages and those where parking may be remote from the main building.

It will be the responsibility of the developer to ensure that safe and practical EV charging solutions are provided to all properties with dedicated parking spaces. In some cases they may need to allow for the ducting of cables beneath gardens / footpaths and installation of sockets remote from the main building. This should be given due consideration and accommodated into any landscaping schedule.

It is the developer's responsibility to ensure that the EV charging scheme is given full consideration before the build commences and that they are able to fully meet the condition as stated. Poor scheme design and failure to consider the EV charging requirements from the outset will not be accepted as a reason to amend or vary the planning condition applied.

It is recommended that a plan showing the proposed location of the EV charging points is provided as soon as possible and that any issues arising with delivery of the condition are brought to the attention of the local authority before a final decision is taken on this current application.

### ***Highways Development Control***

- The site access is from the same location point on Belton Road as approved previously.
- The dwellings fronting Belton Road which were previously accessed directly from Belton Road are now accessed internally.
- The applicant has demonstrated that the additional 33 dwellings would not have a significant impact that would require additional mitigation measures to those approved previously.
- Although the internal layout is much revised compared to that presented with the outline approval, it incorporates a loop road for emergency purposes which was required previously due to the provision of a single point of site access.
- I have the following comments on the revised site layout:
  1. Further information should be provided on the level of car parking provision. Garage types 135 & 136 are not a suitable size to be counted against parking spaces.
  2. Visitor parking provision for shared surface areas appears to be low. The requirement is 1 space per 4 dwellings.
  3. A Type 3B Street with a notional carriageway width of 4.8m does not allow for on - street parking.
  4. Block paved carriageways would only be acceptable if the applicant agrees to higher commuted sum payment for maintenance.
  5. Refuse vehicle tracking in turning heads shows 9.4m service vehicle which is unacceptable. The tracking should use 11.6m vehicle.
  6. Junction plateaus should be removed.
  7. Traffic hump features should be removed.
  8. Carriageway width of 5.5m should be maintained on through and loop routes including Type 3B Streets.
  9. Footways at transitions should extend a minimum of 2.0m beyond top of ramp.
  10. All Type 2 Streets should have a minimum carriageway width of 5.5m.

### ***Landscape Design***

- The increased number of dwellings from 190 to 223 will result in an increase in housing density with opportunities of open green areas reduced. This characteristic is not in keeping with a typical rural settlement within this part of the District.
- The increased number of dwellings will also increase the impact of the development and is likely to be detrimental on the surrounding landscape character area with additional vehicular traffic and deterioration of the current rural environmental characteristics.
- Additionally the site has only one access road from Belton Road this will cause traffic congestion and make it very difficult to enter and exit the site.
- The proposed site is situated to the south of Silsden and adjacent to the Green Belt.
- It is greenfield land and used for pasture. A public right of way is to the north-east corner of the site.
- Within the land there are dry stone walls as field boundaries and around the edges of the site there are trees and hedgerows.
- To the south of the site is the Floodplain Pasture of the Airedale Landscape Character Area.
- The Aire Valley opens out at this location and the floodplain is at its broadest making this a unique setting within the District, as there are no other expansive areas of floodplain. The particular qualities and characteristics of this landscape should be preserved.
- However the proposed layout disregards existing features such as dry stone walls and hedges.
- We are in agreement with the Design Review Panel that the 'dry stone walls are a strong part of the site's identity.' and 'the proposal should work around some of these historic features to help give the proposals greater local identity.'
- The site due to the large expanse and the open character of the area is visible from all the major transport routes running through the floodplain and from the valley sides. The proposals though, do not give sufficient consideration to its impact on views in and out of the site.
- Mitigation measures are essential for reducing the impact of the development; these should be in the form of open spaces; with trees for softening and providing a rural interface appropriate for the local landscape.
- Open space is considered at the southern edge of the site; this treatment should be replicated to the western edge of the site with open space and frontages rather than the back of houses.
- Public open spaces should also be located within the site to help reduce the likely negative impact of the development on the countryside.
- In fact, as advised by the Design Review Panel, shared outdoor space should also be considered for the northern edge of the site and linked to the open space to the south through smaller parcels of land.

### ***Natural England***

Your Authority should consider the Habitats Regulation Assessment (HRA) of the Draft Bradford Core Strategy, which identifies the potential for adverse effects with respect to new housing allocations in proximity to the South Pennine Moors SPA and SAC, particularly in relation to urban edge effects (fly-tipping, invasive species, cat predation and increased risk of fire), loss of feeding areas used by SPA birds and recreational disturbance/trampling. Proposed mitigation has been identified by your Authority and

further survey work has been undertaken to ensure the Core Strategy directs development away from areas used by SPA birds and incorporates avoidance/mitigation measures to reduce urban edge effects and recreational disturbance/tramping.

It will be necessary to ensure consistency between the evidence base work for the Core Strategy and any required avoidance and mitigation measures for this proposal. Given that evidence is already available in relation to the Core Strategy this should assist your Authority in considering the need for any avoidance and mitigation measures under the requirements of the Habitats Regulations.

### ***Parks and Greenspaces Service***

This application shows an increase in number of units from the original application 15/05875/MAO. Our concern is that we have only small amounts of POS in Silsden and the large number of new residents would saturate the existing POS and have previously suggested a co-ordinated approach to all new developments in Silsden to provide a substantial POS to offset the large number of residents. We are happy with the original S106 agreement amount if the contractor provides an on-site play area and maintains it.

### ***Rights of Way***

Public footpath 48 (Silsden) is adjacent to the red outlined site. I note the proposals to provide a pedestrian link on the north-eastern corner to link with this public footpath. Reference is made within the documents and on the landscape master plan to this link giving direct access towards Hainsworth Road. The status of Hen Holme Lane has been queried recently by the adjacent landowner and as far as I am aware Highways have stated that Hen Home Lane is not a route open to the public. The pedestrian link will therefore give a link to Public footpath No. 48 (Silsden) and from it to the wider rights of way network but it will not give direct access towards Hainsworth Road. Clear signage will be required to ensure that residents are made aware the link is to the route of the public footpath only and Hen Holme Lane should not be used.

### ***Urban Design***

The requirement for good design is set out in the NPPF (paragraphs 58-60, 61 and 64), the RUDP (Policy D1) and the Core Strategy (Policies DS1-DS5).

Building for Life 12 (BfL12) is the nationally recognised standard for assessing the design quality of housing schemes (the principles of BfL12 are reflected in the Core Strategy design policies).

The applicant has submitted a BfL12 assessment of their scheme which identifies that scheme fulfils all of the 12 questions. This view is not concurred with and to help achieve good design it is advised that further consideration is given to the following areas:

- Connections (BfL Question 1) with regard to pedestrian/cycle links to adjacent land proposed in the Masterplan.
- Public Transport (BfL Question 3) as above with regard to the opportunity to provide more convenient access to train station.
- Character (BfL Q5) with regard to reinforcing local distinctiveness and responding to local patterns of development.
- Working with the site and its context (BfL Q6) with regard to the edges of the site, including the industrial uses to the north.

- Easy to find your way around (BfL Q8) with regard to creating a clearer primary street, entrance to the site and focus to the development.
- Streets for all (BfL Q9) with regard to taking a more place based approach to the highway design.
- Car parking (BfL Q10) with regard to providing a range of parking solutions to avoid vehicle dominated street scenes.
- Public & private spaces (BfL Q11) with regard to the potential for further areas of open space within the site.

#### **West Yorkshire Police Architectural Liaison Officer**

- Whilst not objecting to the development in principle West Yorkshire Police have raised a number of issues in relation to crime prevention, as follows:
  - Openness of front gardens/ definition of private space;
  - Footpath lighting;
  - Height of western boundary feature (recommend raising to 1800mm)
  - Security issues associated with inclusion of shared pathways/ gated alleyways/ bin storage arrangements;
  - Natural surveillance of parking areas;
  - Recommendation to install intruder alarms;
  - Recommendation to install external lighting to front and rear entrances;
  - Recommended minimum security standards for windows and doors.

#### **West Yorkshire Combined Authority**

As I am sure you are aware, WYCA provided comments on the outline application 15/05875/MAO.

As part of the S106 agreement, funding was secured for 2 new bus shelters that have to be installed prior to occupation of any dwellings on the site.

Please be aware that we have a minimum of a 12 week lead time to supply and install bus shelters. We therefore suggest that the payment is made for these works at the earliest opportunity to the Council who then need to provide notification to WYCA. We are not able to order shelters until we receive the funding.

#### **Yorkshire Water**

- We are aware of this site from the recent 15/05875/MAO planning consultation.
- We have no comment to make on this consultation which is to increase the number of proposed buildings.
- Our previous planning conditions relating to drainage are still relevant.

#### **Summary of Main Issues:**

- 1) Principle
- 2) Density/ Mix
- 3) Design, Landscape and Visual Impact
- 4) Access and Highways
- 5) Flood Risk and Drainage
- 6) Ecology and Trees
- 7) Affordable Housing Provision, Education and Recreation Contributions
- 8) Community Safety Implications
- 9) Equality Act 2010, Section 149



### **1) Principle**

Outline planning permission for the residential development of the site was granted on 14 September 2016 subject to 28 conditions and several planning obligations secured through a legal agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. Condition 3 sets out the Reserved Matters, prohibiting the commencement of development until plans showing the appearance, landscaping, layout and scale of the development have been submitted to and approved in writing by the Local Planning Authority. Details of the internal access road are also reserved for approval. Proposals for the main site access onto Belton Road were provided with the Outline application and were approved under planning decision ref. 15/05875/MAO.

The Development Management Procedure Order defines the reserved matters listed in condition 3 as follows:

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

The principle of residentially developing the site has already been established and approved through planning application 15/05875/MAO, as have provisions for the site access onto Belton Road. The only matters for consideration in the reserved matters application are the acceptability of the proposed details of the appearance, landscaping, layout and scale of the residential development, as assessed below.

The applicants have submitted a case to increase the number of dwelling units in the reserved matters submission over and above the number indicated in the outline consent given. Whilst the outline consent included a number of units in the description of development there was no planning condition limiting the number of dwelling units to this figure. The applicants make reference to a legal case known as the ‘I’m Your Man’ case (I’m Your Man Ltd v Secretary of State for the Environment, Transport and the Regions 1999). It established the principle that where planning permission is granted

for a certain development, any limitation on the development must be imposed by express condition, not just in the description of the development.

Although the number of dwellings proposed on the site layout plan submitted with this application is 33 more than the upper development parameter of 190 indicated in the outline planning application, it is not considered that this change to the amount of development proposed is significant enough to preclude the development from being carried out under the authority of permission ref. 15/05875/MAO.

The increase in house numbers is due to the housing mix proposed by the applicant being broader than was suggested at the outline stage. With the illustrative layout plan provided to support the outline application showing primarily large detached properties, whereas the currently submitted detailed site layout plan proposes a substantial proportion of the houses to be terraced and semi-detached 2 and 3 bedroom properties.

## **2) Density/ Mix**

Policy HO5 of the Core Strategy states that, in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way, developers will be expected to make the best and most efficient use of land. This will mean delivering the most houses possible while taking account of the need to arrive at a well-designed layout which reflects the nature of the site, its surroundings and given the type and size of housing needed in the area. Densities should normally achieve at least a minimum of 30 dwellings per hectare, although higher densities would be possible in areas well served by public transport and/or close to the City Centre and Principal Town Centres.

Policy HO8 states that the Council, will ensure that a mix and balance of housing is provided to meet the needs of the district's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures. The exact mix should be based both on market demand and evidence of local need within the district's SHMA together with any other robust local evidence or information. The location and nature of the site and its surroundings and the profile of the existing stock in the area should also be considered.

The detailed development proposals included with the current Reserved Matters submission provide for a development density of 33 dwellings per hectare, in-line with the standard set out in Policy HO5 and significantly in excess of the density suggested at the outline stage. The site layout proposes an urban grain which reflects the density characteristics of Silsden with denser terraced housing at the more urban northern end of the site transitioning to less dense detached and semi-detached housing as the site interfaces with the countryside to the south.

In addition it should be noted that the development proposes 44 of the units as 2 and 3 bedroom Affordable Housing units in-line with the S106 agreement and the requirements of policy HO11. The housing mix provides for approximately 68% of the development comprising more affordable 2 and 3 bedroom properties with the remainder being 4 bedroom properties, a mix which is considered to respond appropriately to the need within the locality for family housing which would suit buyers looking for properties at both the lower and higher ends of the market.

Giving consideration to the need to respect the character of the surrounding built and natural environment, it is considered that the proposed density of development and housing mix is appropriate to the site and responds sufficiently to housing need in the area. Therefore the proposed detailed development proposals are considered to be consistent with Core Strategy policies HO5 and HO8 and the provisions of paragraph 50 of the NPPF.

### **3) Design, Landscaping and Visual Impact**

The National Planning Policy Framework (NPPF) confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

At the local level the design policies within the Core Strategy indicate that development schemes should be informed by a good understanding of the site/area and its context, take a comprehensive approach to development, work with the landscape to reduce the environmental impact of development, create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials and ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose.

At the outline stage approval was granted for the development of housing on the site. However certain concerns were raised in relation to the indicative development design proposals put forward at that stage, principally in relation to the way in which the development scheme would relate to the countryside to the south. In order to attempt to address these concerns the current applicant sought design advice both through the Council's Pre-application service and through the Regional Design Review Panel. In addition the proposed development plans were further revised during the assessment of the current Reserved Matters application, particularly in relation to the landscaping of the northern boundary with the adjacent business park, the treatment of the Belton Road frontage and amount of planting provided for within the landscaping proposals.

The outcome of the design review processes which the application has been through is a development scheme which, whilst not addressing every concern raised by consultees and the public, is considered to strike a reasonable balance between urban design, secure by design, landscaping and highway design imperatives and the applicants own interests as a commercial house builder. The proposal includes a very positive approach to the southern interface with the floodplain countryside beyond, with a green and open linear public open space provided across the southern boundary of the site, overlooked by low-density detached properties, interspersed with native trees and hedges and naturalistic play equipment.

In terms of the northern area of the site, although the applicant has not re-orientated the development in the manner suggested by the design review panel, a strong landscaped buffer with screen planting is now proposed along this boundary which should serve to acceptably moderate the relationship between the housing and the adjacent business units. However the Council's Environmental Health Service have advised that acoustic attenuation may be required for the residential units backing onto the business park, a requirement which is proposed to be imposed by condition. In-line with pre-application advice the applicant has also removed previous proposals to provide for frontage access for the 5 properties proposed to front onto Belton Road, with instead a landscaped strip provided on the roadside.

The western boundary of the site backs onto an area of land which is currently undevelopable due to flood risk issues. Concerns were initially raised that the applicant has not fully considered the relationship between the properties backing onto this boundary and a potential future development scheme on the adjacent safeguarded land. Concerns were also raised in relation to the potential need for retaining structures along this boundary to provide for the necessary flood resistant finished floor levels. However it is considered that these concerns have been satisfactorily addressed through the submission of further information, including an external works drawing proposing only very limited retaining along this boundary, with sloping gardens and a stone wall and planting proposed on the site boundary, and also an indicative masterplan provided showing that the development could relate acceptably to potential further housing development to the west.

The eastern part of the development site backs onto Hen Holme Lane. It is considered that the proposed relationship between the site and adjacent land to the east, involving the retention of the existing hedge supplemented with additional planting, is appropriate. Internally it is considered that the urban grain of the development, with density decreasing from north to south is contextually appropriate and also that the proposed highway layout/ hierarchy of streets and mix of house designs is suitable to the character of the locality and will provide for a visually interesting street scenes, complemented by the proposed internal tree and hedge planting. The applicant has also revised their standard house designs to provide for more contextually relevant architecture, including simplified elevations and use of artificial stone materials.

Overall it is considered that the design quality of the proposed detailed development scheme is such that it will not prejudice the environmental quality of, nor have a detrimental impact on the character of, either the adjacent floodplain landscape or the settlement of Silsden. It is further considered that the proposed detailed development plans will provide for an attractive well connected new housing development of high amenity value, will not create insecure spaces vulnerable to crime or antisocial

behaviour and will not unacceptably prejudice the visual or residential amenities enjoyed by the occupants of surrounding land. Therefore the proposal is considered to accord with the design principles set out in paragraphs 58, 64 and 130 of the NPPF and Core Strategy Policies DS1, DS2, DS3, DS4 and DS5.

#### **4) Access and Highways**

Paragraph 32 of the NPPF indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Core Strategy Policy TR2 states that new developments will be assessed against indicative parking standards contained in Appendix 4. The parking standard for a residential development outside of Bradford, Ilkley and Keighley is an average of 1.5 spaces per dwelling unit. Policy DS4 indicates that residential development should:

- A. Creating a network of routes which are well overlooked and convenient and easy for all people to understand and move around.
- B. Connecting to existing street and path networks, public transport and places where people want to go in obvious and direct ways, and where necessary improving existing routes and public transport facilities.
- C. Integrating existing footpaths/cycle routes on the site into the development.
- D. Take an approach to highway design which supports the overall character of the place and which encourages people to use streets as social spaces rather than just as routes for traffic movement.
- E. Take a design led approach to car parking so that it supports the street scene and pedestrian environment whilst also being convenient and secure.

Approval for the proposed main vehicular access for the site off Belton Road has already been granted through outline planning application ref. 17/02617/MAO. However the outline approval assessed the traffic impacts of the residential development on the basis of the 190 residential units which it was estimated that the development would comprise at that time. The proposed detailed site layout provides for the construction of 223 units and therefore the applicant has submitted an updated highway capacity assessment to demonstrate that the increase in units would not result in significant adverse traffic conditions. The Council's Highways Development Control team have confirmed that they consider that the applicant has demonstrated that the additional 33 dwellings would not have a significant impact that would require additional mitigation measures to those approved previously.

It must also be considered whether the proposed highways layout is appropriate in design terms and in terms of highways safety issues, parking provision and the connectivity and permeability of the site. In relation to the highways layout the

developer has provided a satisfactory level of parking, with 2 parking spaces provided for the majority of houses and an average in excess of 1.5 spaces per unit. In relation to highway design standards the Council's Highways Development Control team have not objected to the general layout and arrangement of roads within the site but have raised certain points of detail which will need to be addressed in order to ensure that the new estate roads are of an adoptable standard. A revised layout intended to address these minor layout adjustment requirements has been submitted at the time of writing this report and any further feedback received from the Council's Highway Development Control Unit will be verbally reported to Committee.

In relation to urban design principles, whilst it is acknowledged that the proposed development would be relatively road and car dominated, the applicant has included various positive aspects to the internal highway design, include the use of shared surface roads, an internal circulation loop, use of side and rear parking for some units and the provision of hedges and planting besides roads. The proposed layout also provides for pedestrian linkages both to the footpath network located at the north-eastern corner of the site and through the public open space located along the southern edge of the site. At the request of the Urban Design Officer this path to the south of the site was adjusted to allow for future off-site connections to facilitate the delivery of a sustainable transport route to complement the planning link road development.

Overall it is considered that the proposed highway arrangements and connectivity provisions included in this Reserved Matters submission will appropriately provide for a well-connected and safe development. The applicant has sought to adjust the originally submitted layout to address the minor design concerns raised by the Council's new estate road adoption team. Subject to any final minor adjustment which may be required to ensure that the road layout meets the Council's adoption standards it is considered this Reserved Matters application is acceptable in highways terms and accords with the provisions of Core Strategy policies TR2 and DS4 and paragraph 32 of the NPPF.

### **5) Flood Risk and Drainage**

Core Strategy policy EN7 states that the Council will manage flood risk pro-actively and in assessing proposals for development will:

- 1) Integrate sequential testing into all levels of plan-making
- 2) Require space for the storage of flood water within Zones 2 and 3a
- 3) Ensure that any new development in areas of flood risk is appropriately resilient and resistant
- 4) Safeguard potential to increase flood storage provision and improve defences within the Rivers Aire and Wharfe corridors
- 5) Manage and reduce the impacts of flooding within the beck corridors, in a manner that enhances their value for wildlife
- 6) Adopt a holistic approach to flood risk in the Bradford Beck corridor in order to deliver sustainable regeneration in LDDs and in master planning work
- 7) Require that all sources of flooding are addressed, that development proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is taken into account
- 8) Seek to minimise run-off from new development; for Greenfield sites run off should be no greater than the existing Greenfield overall rates

- 9) Require developers to assess the feasibility of implementing and maintaining SUDS in a manner that is integral to site design, achieves high water quality standards and maximises habitat value
- 10) Use flood risk data to inform decisions made about Green Infrastructure. Only support the use of culverting for ordinary water courses, and additional flood defence works that could have adverse impacts on the environment, in exceptional circumstances.

The suitability of the site for development in relation to flood risk issues is a matter which was appropriately considered at the outline planning application stage. A full Flood Risk Assessment was submitted at that stage and the development was not objected to by the Environment Agency or the Council's Drainage Unit, acting in their capacity as lead local flood authority. However the outline approval was made subject to the imposition of conditions requiring a suite of mitigation requirements, including providing compensatory flood water storage amounting to at least 300m<sup>3</sup>, achieving minimum finished floor levels for new dwellings and providing an attenuated sustainable surface water drainage system with a restricted rate of discharge.

Although the applicant is not seeking approval for full details of the surface water storage system or flood mitigation works at this stage, the proposed site layout plan does make provision for flood water storage facilities to be provided on-site, with an indicative surface water connection shown to Silsden Beck at a point south-west of the site. To address concerns raised by the Council's Drainage Unit an external works plan has also been provided which demonstrates that the required dwelling finished floor levels could be achieved for the proposed site layout without necessitating the introduction of unacceptable retaining features.

In relation to sustainable drainage issues, it is noted that the proposed site layout provides for an engineered solution to allow the site to be drained without increasing flood risk. This solution involves the underground storage of surface water and the use of a pumping station to allow an outfall to Silsden Beck to be provided. It would be preferable for additional SUDS features to be utilised, such as swales, ponds or detention basins, which provide for improved treatment of surface water in addition to attenuation and also potential ecological benefits. However it is acknowledged that an engineering led approach is required in this instance due to the site topographical constraints and the need to provide for a maintainable, adoptable drainage system. Neither the Environment Agency nor the Council's Drainage Unit have objected to the proposal in relation to the provisions for SUDS made within the site layout.

Subject to the approval of a detailed drainage design scheme and implementation of the flood mitigation measures, as reserved by conditions 4, 5, 6, 7, 23, 24, 25, 26, 27 and 28 of the outline Planning Permission, it is considered that the submitted details of site layout, scale, appearance and landscaping are acceptable in terms of flooding and drainage issues and do not conflict with Core Strategy Policy EN7.

### **6) Ecology and Trees**

Core Strategy policy EN2 states that proposals should contribute positively towards the overall enhancement of the District's biodiversity resource. They should seek to protect and enhance species of local, national and international importance and to reverse the decline in these species. The Council will seek to promote the creation, expansion and improved management of important habitats within the district and more ecologically

connected patchworks of grasslands, woodlands and wetlands. Core Strategy policy EN5 confirms that, in making decisions on planning applications, trees and areas of woodland that contribute towards the character of a settlement or its setting or the amenity of the built-up area, valued landscapes or wildlife habitats will be protected.

Opportunities for specific habitat creation within development proposals will be sought, including provision for future management. Development which would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted. Paragraph 109 of the NPPF confirms that one of the government's objectives for the planning system is to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

Ecological issues including the ecological harm which would result from the development of the site and the impact of the development upon off-site ecological receptors, such as the South Pennine Moors Special Protection Area, were primarily assessed and addressed through the outline planning application. The conditions and planning obligations attached to the outline permission ensure that, prior to commencement of the development, the applicant will have to secure approval for an ecology management strategy and make a contribution towards mitigating the impact upon the South Penning Moors which would result from increased recreational usage pressure. However consideration must also be given to whether the landscaping proposals which have been submitted for approval as part of this Reserved Matters application provide for appropriate ecologically beneficial features in accordance with Core Strategy policy EN2.

The proposed landscape masterplan provides for a range of soft landscaping features including native tree, shrub and hedge planting internally within the site, dense screen planting along the northern boundary of the site, native poplar, willow and alder linear planting and wildflower meadow areas within the open space provided to the south of the development area and further tree and shrub planting along the western boundary of the site and the Belton Road frontage. The proposed layout also proposes the retention of an individual field tree of high landscape/ amenity value within the southern POS and the protection of the existing hedge along the eastern boundary of the site in-line with Core Strategy policy EN5.

Subject to full details of tree protection and planting being reserved by condition and the fulfilment of the requirement to provide an ecological management plan for the site and to contribute toward the mitigation of impacts upon the south Pennine Moors SPA, as required under the Outline consent, it is considered that the application has appropriately addressed ecology and tree protection issues and provided for appropriate ecologically beneficial features and habitats within the landscaping proposals. The application is therefore considered to accord with Core Strategy Policies EN2 and EN5 and the principles set out in paragraph 109 of the NPPF

## **7) Affordable Housing Provision, Education and Recreation Contributions**

Outline planning permission 15/05875/MAO was granted subject to a legal agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990 (S106 agreement), engrossed on 13 September 2016, which set out a series of planning obligations binding upon the land owner and their successors in title. This current application is for the approval of the matters reserved for detailed approval under outline planning permission 15/05875/MAO and will not result in the issuing of a new planning permission. Therefore the Planning Obligations set out in the S106



agreement dated 13 September 2016 will continue to be binding upon the developer (who is now the land owner) and the developer will not be liable for the new Community Infrastructure Levy Charge.

In summary the S106 agreement set out the following Planning Obligations:

<b>Education Infrastructure Contribution:</b>	£202,844
<b>Recreation Infrastructure Contribution:</b>	£161,863
<b>Pedestrian Footbridge Contribution:</b>	£100,000
<b>South Pennine Moors Impact Mitigation:</b>	£20,000
<b>Bus Stop Improvement Contribution:</b>	£20,000
<b>Affordable Housing:</b>	20%
<b>Highway Improvement Works:</b>	Dropped Crossing Refuge Crossing Pedestrian Island Upgrade VAS Signs
<b>Safeguarded Land:</b>	Safeguard & Allow Works/ Adoption of the Land Required for the Proposed Silsden Link Road
<b>SUDS Maintenance &amp; Management Plan:</b>	To be submitted & approved prior to development commencing

The applicant will have to meet all of the above Planning Obligations in full as well as complying with the planning conditions attached to the outline consent, including the requirement for specified flood mitigation works. However this reserved matters application proposes an increased proportion of smaller 2 and 3 bedroom properties. The consequence of this is that the number of dwellings to be delivered has increased from the 190 estimated at the outline stage to 223 units proposed in the submitted detailed layout.

The additional dwellings are likely to place an additional strain on local education infrastructure and therefore it is recommended that the approval of Reserved Matters is made conditional upon a Deed of Variation to the previously engrossed S106 agreement being entered into to provide for an increased Education contribution from £202,844 to £244,783. Although the increased number of dwellings will also increase pressure on local recreational infrastructure, the Council's Parks and Greenspaces Service have confirmed that they are satisfied that the on-site provision of greenspaces and recreational equipment proposed by the applicant will be sufficient to mitigate this additional impact.

### **8) Community Safety Implications:**

Local and National planning policies indicate that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The proposed development includes various provisions to minimise the vulnerability of the development to crime and anti-social behaviour including natural surveillance of the play area and public open spaces and providing for a layout which minimises the vulnerability of rear gardens.

The West Yorkshire Police Architectural Liaison Officer (ALO) has reviewed the application and has made a number of recommendations, primarily relating to boundary treatments, parking surveillance and shared rear access paths. The applicant has attempted to address the majority of the concerns raised by the Police AOL; however

certain of the proposed adjustments, such as designing out a rear parking courtyard adjacent to the northern boundary and increasing the height of the western boundary wall, would unacceptable compromise the development design. Nonetheless it is considered that the proposed detailed development scheme provides for a safe environment which would not be unacceptably vulnerable to crime and anti-social behaviour.

### **9) Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010. The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound basis to conclude that the proposal would lead to either significant or disproportionate adverse impacts on any groups of people or individuals who possess protected characteristics. Likewise, if reserved matters approval were to be refused by the committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics.

### **Reason for Granting Approval of Reserved Matters:**

The details submitted in relation to appearance, landscaping, layout and scale are considered to be acceptable. The detailed development scheme proposed should provide for an appropriate new urban edge to this part of Silsden and an attractive, visually interesting and contextually appropriate housing development, with external spaces of high amenity value, without significantly detrimentally affecting the surrounding environment or the occupants of adjacent land. The proposal is considered to accord with the relevant national planning policies set out in the NPPF and the local planning policies set out in the Core Strategy, in particular policies AD1, HO5, HO8, HO9, DS1, DS2, DS3, DS4, DS5, EN1, EN2, EN5, EN4, TR2 and TR3.

### **Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of two years from the date of this Reserved Matters approval.

Reason: To ensure that the development is begun within a reasonable timeframe without prejudicing the viability of implementing the scheme and to accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2) The construction of the dwellings to which this notice relates shall not be begun and no site preparation works or engineering operations shall commence, until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005), which shall first have been submitted to and approved in writing by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan and be retained 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 on the site and to accord with Policy EN5 of the Core Strategy.

3) None of the dwellings to which this decision notice relates shall be brought into occupation until full details of the hard and soft landscaping features illustrated on drawing ref. P16:5035:100–D, including planting specifications and details of the play equipment to be provided, have been submitted to and approved in writing by the local planning authority. Thereafter the approved landscaping details shall be implemented in full, either before any of the dwellings to which this decision notice relates are brought into occupation or in accordance with a Phasing Plan submitted to and approved in writing by the Local Planning Authority.

Reason: To provide for an attractive public realm and external environment of high amenity value to residents, to maintain the character of the landscape and to mitigate the ecological harm which will be caused by the development, to accord with Policies DS1, DS2, DS3, DS4 and DS5 of the Core Strategy.

4) None of the dwellings to which this decision notice relates shall be brought into occupation until full details of the acoustic attenuation measures which will be provided to ensure that residents are not subject to an unacceptable level of noise disturbance have been submitted to and approved in writing by the local planning authority. Thereafter the approved acoustic attenuation measures shall be implemented in full, either before any of the dwellings to which this decision notice relates are brought into occupation or in accordance with a Phasing Plan submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that residents are not subject to unacceptable noise disturbance, subsequent to the Noise Assessment submitted with the Outline application dated October 2015, in accordance with Core Strategy Policy EN8 and paragraph 123 of the National Planning Policy Framework.

5) None of the dwellings to which this decision notice relates shall be brought into occupation until full details of the directional signage to be erected at the footpath link in the north-eastern corner of the site, have been submitted to and approved in writing by the local planning authority. Thereafter the approved sign shall be fully installed, either before any of the dwellings to which this decision notice relates are brought into occupation or in accordance with a Phasing Plan submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that footpath users understand what is the correct footpath route, to accord with Policy DS4 of the Core Strategy.

6) The construction of the houses to which this decision notice relates shall not begin until full details of all facing materials, including samples of roofing and walling materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to the built and natural environment in the locality, in accordance with Policy DS3 of the Core Strategy.

7) Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority, the proposed highways provisions hereby approved, including roads, parking spaces, turning areas and footpaths, shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered P16:5035:01–E and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that suitable roads, footways and parking and turning provisions are made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy.

8) The development to which this reserved matters consent relates shall be carried out in accordance with the approved flood risk assessment (FRA): *Oct 2015 / WYG Engineering*; Addendum 1: *Jan 2016 / WYG Engineering*; Addendum 2: *Feb 2016 / WYG Engineering*; Addendum 3: *May 2016 / WYG Engineering*, and the following mitigation measures detailed within the FRA:

1. Compensatory storage is to be provided on a volume for volume and level for level basis. This is to be no less than 300m<sup>3</sup>.
2. No non water-compatible development within flood zone 3b.
3. Finished floor levels for plots 219 – 222 are to be set no lower than 93.545m Above Ordnance Datum (AOD).
4. Finished floor levels for plots 198 - 218 are to be set no lower than 600mm above the associated 1 in 100cc level for the plot location, between 93.545m and 91.326mAOD (as previously identified in Addendum 2).

The mitigation measures shall be fully implemented either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants, and increasing flood risk elsewhere, in accordance with Core Strategy Policy EN7.

9) No retaining walls shall be constructed on the site to which this decision notice relates, except where details have been submitted to and approved in writing by the Local Planning Authority of the precise location, height and face treatment of the retaining wall. All retaining walls shall only be constructed in accordance with the approved details.

Reason: To ensure that only appropriate retaining walls are constructed, to accord with Policy DS1, DS2, DS3, DS4 and DS5 of the Core Strategy.

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## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 10<sup>th</sup> August 2017**

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### **Subject:**

This is a full application relating to the construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works at Scott Works, Hollingwood Lane, Bradford

### **Summary statement:**

The proposal relates to the construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works. Vehicular access to the site will be taken from Clayton Road with a pedestrian access from Hollingwood Lane.

The scheme forms part of a wider development that will provide a comprehensive retail development on the larger site. A Retail Impact Assessment has been submitted with the application in relation to its potential impact on existing retail development in the vicinity of the site and the defined retail centres and it concluded that there will not be a significant impact. The development most likely to be impacted on is the Asda store on Cemetery Road but this store is located outside the defined retail centres and is not therefore protected by policy. The Retail Impact Assessment also looked at other sites that could potentially accommodate the development but the identified sites were considered to be too small. The conclusions of the Assessment have been concurred with by the Council.

Through the attachment of the proposed conditions and unilateral undertaking to secure the off-site highway works it is considered that the proposal is acceptable.

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)  
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Major Development Manager  
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E-mail: [john.eyles@bradford.gov.uk](mailto:john.eyles@bradford.gov.uk)

**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

## **1. SUMMARY**

This is a full application relating to the construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works at Scott Works, Hollingwood Lane, Bradford

## **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 Members are minded to refuse the application then reasons for refusal need to be given.

## **5. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications associated with this proposal.

## **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 an industrial building. 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).

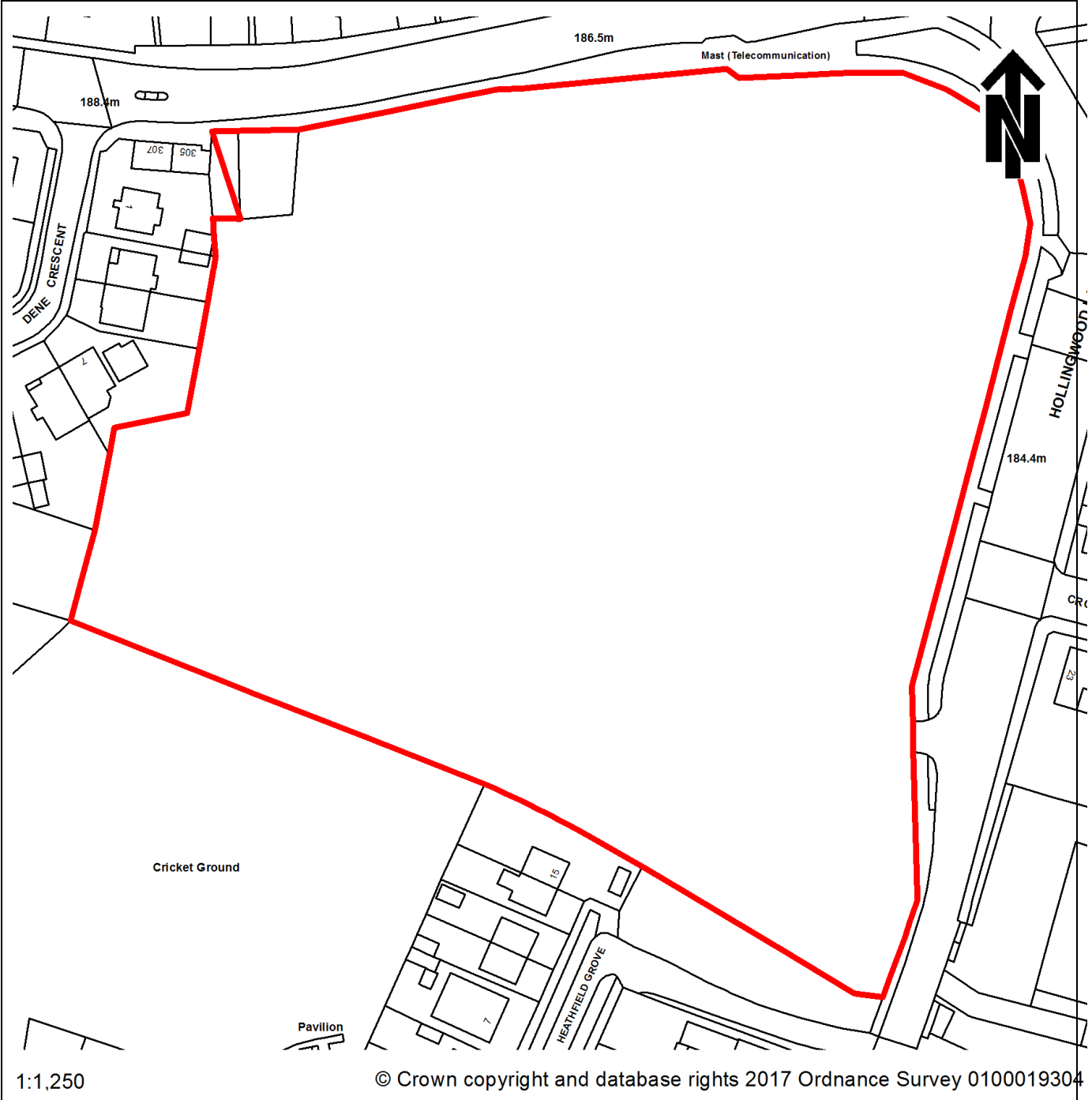
#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
The Replacement Unitary Development Plan  
Local Plan for Bradford  
Planning application 17/02462/MAF

17/02462/MAF



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



**Scott Works**  
**Hollingwood Lane**  
**Bradford**  
**BD7 2RQ**



**Appendix 1**

10 August 2017

**Ward: Great Horton**

**Recommendation:**

**GRANT PLANNING PERMISSION SUBJECT TO A UNILATERAL UNDERTAKING (MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT) TO SECURE THE FOLLOWING OFF SITE HIGHWAY WORKS:**

**1. Pelican crossing on Clayton Road and inductive loop detector on Hollingwood Lane.**

**2. TROs:**

- to extend waiting restrictions across site frontage on Clayton Road;
- to provide residents parking on Clayton Road;
- to convert existing parking bays across the site frontage on Hollingwood Lane to a combination of residents permit parking and limited waiting;
- to provide yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.

**Application Number:**

17/02462/MAF

**Type of Application/Proposal and Address:**

This is a full application relating to the construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works at Scott Works, Hollingwood Lane, Bradford

**Applicant:**

Quora Bradford Ltd

**Agent:**

Mr Steve Buckley (Peacock & Smith)

**Site Description:**

The site is located to the south west of the junction of Hollingwood Lane and Clayton Road and is currently vacant having been previously occupied by industrial buildings. Vehicular accesses to the site exist from both Clayton Road and Hollingwood Lane. The site is bounded on all four sides by existing residential development whilst also to the south is a cricket ground.

**Relevant Site History:**

Whilst there is no relevant planning history on the application site there are 2 current applications under consideration on the wider site and these are as follows:

17/02466/OUT - Outline planning permission with appearance and scale reserved for the construction of a retail unit (Use Class A1), landscaping and all associated works

17/02473/OUT - Outline planning permission with appearance and scale reserved for the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5)

### **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.

### **The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP but is located within an Employment Zone. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

### **Replacement Unitary Development Plan Policies:**

E6 Employment Zone  
CR1A Retail Development within Centres  
CR4A Other Retail Development  
TM10 National and local cycle network

### **Core Strategy Policies:**

PN1 Spatial Vision Diagram – Pennine Towns and Villages 2030  
P1 Presumption in Favour of Sustainable Development  
SC1 Overall Approach and Key Spatial Priorities  
SC4 Hierarchy of Settlements  
SC9 Making Great Places  
EC4 Sustainable Economic Growth  
EC5 City, Town, District and Local Centres  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
TR4 Transport and Tourism  
EN3 Historic Environment  
EN5 Trees and Woodland  
EN7 Flood Risk  
EN8 Environmental Protection  
DS1 Achieving Good Design  
DS2 Working with the Landscape

DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places

**Parish Council:**

Clayton Parish Council – No comments received

**Publicity and Number of Representations:**

The proposal was publicised by site notice, press notice and neighbour notification letters. The expiry date for the publicity exercise was the 26th May 2017.

As a result of the publicity exercise 11 representations have been received of which 5 are supporting the application including 1 from a local Ward Councillor.

**Summary of Representations Received:**

**Objections:**

Principle:

- The inclusion of a retail food company is not coherent with the Council Policy of a healthier population of Bradford. Given that there is a public park within 400 meters and a school this application should be rejected
- Tesco, Asda and the Co-op is a short drive away which doesn't explain the need for additional retail units that will destroy local businesses in the same sector
- Has this developments impact on existing businesses in both the Paradise Green, Clayton and Lidget Green areas been assessed and reported?
- The retailers in question already have many outlets across the city adding to unnecessary outlets
- Not enough information has been communicated to the residents in the surrounding affected streets and the council should be updating residents on the benefits and drawbacks before any decision is made

Highways:

- Traffic is already a major issue on Hollingwood Lane and Clayton Road with pedestrians affected. The application would create more traffic funnelling into Clayton backing all the way back into the city centre
- Local residents already suffer parking problems in the area and this development will make them worse
- Traffic lighting or a mini roundabout would create more chaos and potentially more accidents for the dance school where children attend
- There are no mitigation measures proposed to try and remedy the traffic problems that will be created by the proposal

Residential amenity:

- The location could encourage the number of anti-social behaviour orders as well as drink driving incidents
- In the evening & late hours there will be problems with noise & people who don't want to go home just hanging about in our area
- Hygiene is already an issue with missed bin collections and the addition of retail or food premises are going to add to the unclean streets and add to the rat population of Bradford

**Other:**

- This plot should only be considered for residential and landscape development given the shortage of properties in Bradford and the poor physical image of the area
- The proposal will impact on house prices and insurance
- Have all 3 Clayton Councillors and Clayton Parish Council been consulted on the application
- This type of application needs full and proper consultation with all local interested parties including councillors from Great Horton and Clayton plus local parish councils and members of local businesses and residents
- The council should take into account the feeling and requirements of surrounding residents rather than give in to the money of retail tycoons

**Support:**

- The proposal would be excellent for the Clayton area as it would provide more choice of shops and the pub/restaurant would be a welcome addition
- This proposal is long overdue, it is time this area of Bradford had a retail park

**Consultations:**

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

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

Yorkshire Water – No objection subject to the imposition of a condition requiring the development to be carried out in accordance with the submitted details

Landscape Design Unit – No objection to the principle of the development but seek the planting of additional trees within the car parking area to try and improve the visual character of the area

Environmental Health Land Contamination – No objection to the principle of the development but seek the attachment of appropriate conditions to a planning permission in relation to the carrying out of a ground gas investigation and risk assessment report, the submission of a remediation strategy and verification, materials importation and the discovery of any unexpected contamination

Highways DC – No objection to the proposal subject to securing a Section 106 Agreement relating to the provision of a Pelican Crossing on Clayton Road and inductive loop detector on Hollingwood Lane together with a number of Traffic Regulation Orders on Clayton Road, Hollingwood lane and Scholemoor Lane

Trees Section – No objection to the proposal as the majority of the trees are to be retained

West Yorkshire Combined Authority (Highways) – No objection to the principle of the development subject to the provision of a Real Time Passenger Information display at a nearby bus stop (at a cost of £10,000 to the Developer) to improve access to public transport

Environmental Health Nuisance – No objection to the principle of the development but states that the Applicant should provide a noise report together with details on control measures that will be adopted to prevent noise nuisance complaints. A condition should also be attached to a permission restricting the hours of construction work

Drainage – No objection to the principle of the development subject to the imposition of an appropriate condition relating to the discharge of foul water drainage

Conservation – No objection to the proposal on the grounds that it will not impact on the setting of the nearby listed buildings – 106-118 Hollingwood Lane (Grade II) and a small group around Paradise Fold, Clayton Road (Grade II).

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Contaminated land
8. Conservation
9. Safe and secure environment
10. Other issues

**Appraisal:**

The proposal relates to the construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works. The proposal will create 3,811 square metres of net tradable A1 floorspace and 537 square metres of A3 floorspace.

1. Principle of development

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development through the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The proposal relates to the construction of a Class A1 retail development that will have a gross internal floorspace of 3,811 square metres. The site is not located within a defined Retail Centre as identified within the adopted Replacement Unitary Development Plan. Policy CR4A is therefore relevant and provides the plan's retail strategy and explains that the primary aim is to sustain and enhance the City's defined centres. It states that larger scale retail development outside of existing centres will be permitted where it accords with the criteria set out in Policy CR4A (and other policies in the Plan). These criteria include:

- (1) The developer is able to demonstrate a need for the additional retail floorspace;
- (2) There are no alternative sites which are suitable, viable for the proposed use, and likely to become available within a reasonable period of time, in the defined shopping areas of relevant centres, a flexible approach having been taken;
- (3) Where the relevant shopping area is the city centre, or a town centre, there are no alternative sites on the edge of that centre;
- (4) The development, together with recent and potential development arising from other unimplemented current planning permissions, would be unlikely to have an adverse effect on the vitality and viability of the city centre or any named town, district or local centre;
- (5) There would be convenient access to the proposed development for customers reliant on forms of transport other than the private car;
- (6) The development would not lead to an increase in the need to travel or reliance on the private car and would help to facilitate multi-purpose trips compared with the development of other sites; and,
- (7) The development would not undermine the retail strategy of the plan.

Criterion 2, 3 and 4 of the above policy require the Applicant to demonstrate that there are no sequentially preferable sites within or on the edge of the surrounding centres and that the proposal will not have an adverse impact on the vitality and viability of surrounding centres.

Policy EC5 of the Core Strategy relates to defined centres in the District and establishes a hierarchy of centres for the District and provides up-to-date policy guidance in respect of the sequential and impact tests. In terms of the sequential test, the Policy states that it will apply to all planning applications for 'main town centre' uses which are not in an existing centre and not in accordance with the Core Strategy (consistent with paragraph 24 of the NPPF). In terms of the impact test, the Policy states that:

'The sequential test will apply to all planning applications for main town centre uses that are not in an existing centre and are not in accordance with the Development Plan Documents. Main town centre uses (as defined in NPPF Annex 2) should be located in centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the centre. Applicants and the Council will demonstrate flexibility on issues such as format and scale. The sequential test will not be applied to applications for small scale rural offices or other small scale rural development.'

As Policy EC5 is capable of being afforded material weight in the development management process (in view of the advanced nature of the Core Strategy), there can be no doubt that a retail impact assessment is required to support this application.

More recent advice on retail policy has been incorporated within the National Planning Policy Framework. In relation to the assessment of proposals for main town centre development it provides two principal national policy tests relating to the sequential approach to development and to impact. In respect of the former, paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date development plan. Paragraph 24 goes on to state that local planning authorities:

'...should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

Paragraph 26 of the NPPF sets out a twin impact test, stating that:

'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'

Paragraph 27 indicates that, where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused. However, this direction cannot extinguish the requirement set out in statute to first consider development plan policy and then all material considerations in assessing the 'planning balance' when making a decision.

#### Sequential Test:

In carrying out the sequential test it is acknowledged in paragraph 24 of the National Planning Policy Framework that whilst applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. However, the sequential test does seek to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites. In this case, it is imperative that it is demonstrated that what is proposed on each of the three applications separately, cannot be accommodated on a sequentially preferable site, regardless of the additional justification as set out by the supporting Planning & Retail Statement and the commercial nature of the three elements. We must assess 'the proposal' in front of us, and in this case, the three separate developments applied for (see Relevant Planning History Section of the report).

With regard to the sequential test the Applicant has considered 2 alternative sites, firstly the former Morrison's Headquarters on Thornton Road and secondly the Harris Court Mill in Great Horton.

In relation to the former Morrison's Headquarters the Applicant considers it to be too small (1.9 hectares) to accommodate the development in that it is considerably smaller than the application site (2.7 hectares). On this basis the Council is satisfied that the site is not of a suitable size to accommodate the proposal even when applying a sufficient degree of flexibility.

The second site that was considered was Harris Court Mill in Great Horton. This site measures 0.4 hectares in size and again is not considered to be a suitable alternative because of this.

Based on the above it is concluded that there are no suitable alternative sites available that could accommodate the development.

The Impact Test:

Paragraph 26 of the NPPF states that an impact assessment is required to accompany planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan. Whilst the Core Strategy has not yet been formally adopted, we understand that the Council is working towards adopting the plan in mid July 2017 following Examination in Public in 2016. Paragraph 2016 of the NPPF states that decision makers may also give weight to relevant policies in emerging plans according to the stage of preparation and the extent to which there are unresolved objections to the relevant policies. In this case, the plan is near completion and there are no unresolved objections, in fact the Inspector concluded that the plan was capable of adoption.

The relevant Policy in this case is Policy EC5 which relates to defined centres in the District. The Policy is consistent with paragraph 26 of the NPPF and sets out locally based thresholds for impact tests. Policy EC5 of the Core Strategy and paragraph 26 of the NPPF identifies the following impact tests:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

The first issue to consider under policy EC5 relates to the impact on investment there are a number of sites to consider including the Broadway centre in Bradford City Centre, the Asda store on Cemetery Road, and, the site of the former Morrison's Headquarters on Thornton Road. In relation to the first two sites it is not considered that the proposal would impact on the realisation of the investment in the City Centre including the second phase of the Broadway development and it is not considered relevant to assess the impact on the Asda investment in light of the store being situated in an out of centre location and already being open. With regard to the site of the former Morrison's Headquarters the site could be developed in accordance with the existing planning permission. Having assessed both proposals in terms of what they are providing together with the size of the units proposed. Whilst it is acknowledged that the two schemes may be competing for one or two of the same operators for the smaller units, they are unlikely to be competing for the same convenience operator due to the differing sizes of the proposed units which will likely be the "anchor" units of the schemes. It is not considered that the size of the units proposed at the former Morrison's Headquarters site would meet the required level of floorspace and format as required by Aldi, the named operator of the scheme the subject of this application. It is also the same scenario for the second named operator, Home Bargains. Finally it is considered that due to the number of units proposed in each scheme and the various unit sizes there is the market for both schemes to progress.



Overall therefore in terms of the impact on investment the Council is satisfied that whilst there may be a degree of diversion to the proposed development from the permitted scheme at the former Morrison's headquarters site should that proceed, it is not considered that this would be to a level which would jeopardise the proposed scheme from progressing. It is considered that there are enough operators to occupy the proposed units at both sites. Furthermore, whilst it is of relevance to consider the potential implications of a scheme on an edge of centre site (and the potential to limit the possibility of promoting linked trips), it is not considered that this would be at a level that would have a significant adverse impact on the overall vitality and viability of Girdlington District Centre.

The second issue to consider under policy EC5 relates to the impact on vitality and viability on existing centres and operators. The Applicant has submitted Cumulative Trade Diversion information which estimates that approximately 70% of the proposed convenience turnover will be diverted from the identified stores within the catchment at 2022 (or £9.6m) and approximately 70% of the comparison turnover of the proposal will be diverted from stores within the catchment (or £6.3m). These initial figures were queried and subsequently amended to take account of an increased catchment area looking in particular at the level of diversion from Great Horton and Girdlington District Centres and the Asda store on Cemetery Road. For both convenience and comparison goods diversion assumptions, this has increased the level of diversion from these key destinations to 80% in both instances and it is considered that these figures better reflect what could happen in practice, particularly given the types of operators likely to be occupying units at the application site and the type of operators in the defined centres.

The biggest impact is likely to be felt by the Asda store on Cemetery Road (-22%) but as this store is located outside of a defined retail centre it is not protected by policy. The second biggest impact will be on the Great Horton District Centre (-8.4%) with the main impact being felt by Tesco Extra. Whilst the impact on the centre can be seen as relatively high it is not considered that it will be a significant adverse impact bearing in mind the centre's current overall health and the positive vitality and viability indicators in the Bradford Retail and Leisure Study (2015) and the quantum of other uses (retail and leisure services) which will not be materially impacted upon as a result of the proposal. Finally with regard to the Girdlington District Centre the impact is estimated at -6.7% due to the comparable nature of the District Centre with what is proposed at the application site (i.e. a Lidl foodstore and the Range). The centre appears to be performing well with a good level of national multiple operators present together with there being a high percentage of additional uses (retail service and leisure service) which will not be substantially impacted upon as a result of the proposal.

In conclusion therefore, in terms of the sequential test the Council is satisfied that there are no sites which can be considered to be available and suitably accommodate the proposed development. With regard to the impact tests it is not considered that the proposal will impact on either the proposed scheme on the former Morrison's Headquarters or the defined retail centres. Overall therefore the proposal meets the policy requirements of Policy CR4A of the Replacement Unitary Development Plan, Policy EC5 E of the Core Strategy and paragraph 24 of the National Planning Policy Framework and as such the principle of the development is acceptable subject to detailed consideration in the following sections of this report.

## 2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The layout of the development is such that the proposed retail units are located towards the southern boundary of the site and are in the form of a terrace of 3 units whilst the proposed public house/restaurant is located towards the western boundary of the site.

In relation to the proposed retail units they will be constructed using different coloured metal cladding on the elevations including silver, onyx (dark grey) and goldstone together with a low level brick plinth. The designs are relatively simple and traditional of this type of use. With regard to the public house/restaurant it is proposed to use artificial slate on the roof and red facing brickwork to elevations. The building will be two storeys in height.

It is not considered that the design of the proposed buildings or the use of the proposed materials will be visually detrimental to the character and appearance of the locality.

In terms of the layout the site will be dominated by the car park in the northern section of it. It is proposed to incorporate some landscaping along both the northern and eastern boundaries that will help provide a visual screen when looking towards the development from the wider area. The Landscape Design Unit have stated that the applicant has produced a well-considered scheme which retains the good existing

boundary treatment along Hollingwood Lane, this has a historical context being the old factory boundary. The proposed scheme also retains important areas of existing planting which will give the scheme an immediate established character. Overall this should help reduce the impact of the development on the streetscene and the wider area.

Overall therefore it is not considered that the proposed development will have a detrimental impact on the visual character and appearance of the streetscene or immediate surrounding area.

### 3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The site is located within a residential area with existing dwellings immediately abutting the western boundary (Dene Crescent) and the southern boundary (Heathfield Grove). To the north and east are Clayton Road and Hollingwood Lane respectively with dwellings facing onto the site from the opposite side of the roads. All these relationships with the application site need to be considered to ensure that the residential amenities of the occupiers of those properties are not adversely affected.

To the west of the site are dwellings fronting onto Dene Crescent and whose rear elevations face onto the site. The nearest part of the development to these dwellings is the proposed public house and restaurant. On the western elevation of the proposed buildings are both ground and first floor openings which include windows to the lounge in the public house together with fire/staff/service doors on the ground floor and windows to a bedroom, bathroom and lounge to the manager's accommodation at first floor level. The separation distances between the existing residential dwellings to the site boundary, service yard, and, western elevation of the public house are 12 metres, 20 metres, and, 22 metres respectively. The proposed opening times for the public house/restaurant are 10:00-12:30 Sunday to Thursday and 10:00-01:30 Friday and Saturday. It is considered that with the proposed opening times, design of the building and the separation distance between the buildings the residential amenities of the occupiers of the neighbouring residential properties will not be significantly affected.

To the north of the site are dwellings fronting onto Clayton Road and onto the site itself. The separation distance between the gable end of the public house/restaurant and the nearest dwelling (228 Clayton Road) is 46 metres whilst the separation distance between the car park and nearest dwelling (218 Clayton Road) is 49 metres. The separation distances are considered acceptable in that they are sufficient enough such that the residential amenities of the occupiers of the dwellings will not be significantly affected.

To the east of the site are dwellings which front onto Hollingwood Lane and onto the site itself. The dwellings face onto both the car park (odd numbers 7-21 Hollingwood Lane) and the side elevation of the proposed foodstore (23 Hollingwood Lane). A number of street trees exist along the western side of Hollingwood Lane and additional tree planting within the site along the eastern boundary is proposed. This will help screen the development and reduce noise disturbance to the neighbouring properties. The separation distances to the car park and the proposed foodstore are 41 metres

and 35 metres respectively. The separation distances are considered acceptable in that they are sufficient enough such that the residential amenities of the occupiers of the dwellings will not be significantly affected.

The requested opening hours for the proposed retail units are between 08:00–22:00 Mondays–Saturdays and a maximum 6 hour period between 10:00–18:00. Deliveries to the units will be similar to these hours but will be allowed an hour earlier on each day. With regard to the public house/restaurant the requested opening hours are 10:00–00:30 Monday–Thursday and 10:00–01:30 Friday and Saturday with deliveries to take place between 08:00–18:00 Monday–Saturday. It is acknowledged that these opening/delivery times are in line with those of similar developments and will not significantly impact on the residential amenities of the occupiers of the neighbouring dwellings. Appropriate conditions are recommended.

Overall therefore it is not considered that the siting of the proposed retail units and the associated car park will significantly impact on the residential amenities of the occupiers of the adjacent dwellings.

#### 4. Highway safety

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The layout of the development is such that the proposed vehicular access to the site will be taken directly from Clayton Road. It will be in the form of a new priority junction with a ghost right turn lane off Clayton Road. Visibility splays in excess of 2.4 metres x 43 metres are achievable in both directions. Although the access is relatively wide which makes it more difficult for pedestrians to cross the road, the wide access is necessary for servicing. The existing access on Hollingwood Road would be relocated and utilised as a dedicated service access point. Pedestrian access would be provided via the footways flanking the proposed access on Clayton Road and two dedicated pedestrian links from Hollingwood Lane.

The Replacement Unitary Development Plan parking standards for the various proposed uses would equate to 426 car parking spaces. The proposed level of car parking provision is 216 spaces, including 15 disabled spaces and 11 parent & child spaces. A parking assessment based on TRICS trip generation rates demonstrates that the anticipated parking demand can be accommodated within the site car park and there would be no overspill parking on the surrounding network. Notwithstanding this, as the car parking provision is much lower than the maximum permitted level and as such there will be a requirement for the provision of a number of Traffic Regulation Orders around the site to prevent on-street parking particularly along Clayton Road in the vicinity of the site access/egress. A resident only parking scheme should be provided along the northern side of Clayton Road. A Traffic Regulation Order will also be required to convert the existing parking bays across the site frontage on Hollingwood Lane to a combination of residents permit parking and limited waiting.

To improve the sustainability of the site and to encourage shoppers to use alternative modes of transport than the private motor vehicle a total of 15 cycle stands to accommodate 30 bicycles are being provided at three locations within the site. This is in line with the minimum cycle parking standards contained within the Replacement Unitary Development Plan. Two motorcycle stands are also being provided. It is recommended that these facilities should be sheltered to protect from adverse weather conditions.

The servicing for the proposed foodstore and the non-food retail units would take place from a service yard to the southern boundary of the site. The service yard would be accessed via a dedicated service access off Hollingwood Lane. Plans have been provided that demonstrate that swept paths for a 16.5 metre articulated vehicle can be accommodated within the site and will allow such vehicles to enter and leave the site in a forward gear.

The Transport Assessment contains trip information based on the TRICS database which is a sound and nationally accepted methodology. The assessment shows that based on average trip rates and a 20% discount for linked trips, the proposed development is expected to generate some 230 two-way vehicle movements during the Friday PM peak hour and 442 two-way vehicle movements during the Saturday mid-day peak hour. The Transport Assessment assumes the following trip proportions: 60% primary transfer, 20% diverted and 20% pass-by; but to make the assessment more robust, it assumes that the primary transfer trips would be new trips to the study area. This approach is considered to be acceptable as a high proportion of primary transfer trips for a discount retail development would be unacceptable. The trip distribution is accepted.

A simple solution would be to install a pelican crossing on Clayton Road with an inductive loop on Hollingwood Lane to activate the pelican when queues build up which would create gaps for traffic emerging from Hollingwood Lane. The pelican would also assist pedestrians to cross the road, which of course is its primary purpose. The applicant has agreed to fund these measures.

The formation of the vehicular access point on Clayton Road and any amendments to access on Hollingwood Lane will require the applicant to enter into a S278 Agreement. Therefore the applicant should contact the S278 officer at the earliest opportunity to initiate discussions on procedures involved.

A Traffic Regulation Order is required for yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.

The Framework Travel Plan submitted sets out the overall outcomes, targets and indicators for the overall site. This would be presented to each occupier for completion of the final Travel Plan within six months of occupation of the site, to allow time for travel characteristic surveys to be undertaken and suitable consultation with Bradford Council. This approach is considered to be acceptable.

West Yorkshire Combined Authority have not raised an objection to the principle of the development but are seeking the provision of a Real Time Passenger Information display at a nearby bus stop (at a cost of £10,000 to the Developer). Whilst the provision of such a Real Time Passenger Information display would be ideal it is not considered essential for the development to proceed. The Applicant is proposing a number of elements of the development that will increase the sustainability of the site and in this instance it is considered that these issues are sufficient and that the provision of a Real Time Passenger Information will not be sought.

Overall in highway terms it is considered that the proposal is acceptable and subject to the highway improvements sought by the Council, and agreed by the Applicant, will not have a detrimental impact on highway safety and the surrounding highway network.

In summary the following highway mitigation measures are to be provided:

1. Pelican crossing on Clayton Road and inductive loop detector on Hollingwood Lane.
2. Traffic Regulation Orders:
  - to extend waiting restrictions across site frontage on Clayton Road;
  - to provide residents parking on Clayton Road;
  - to convert existing parking bays across the site frontage on Hollingwood Lane to a combination of residents permit parking and limited waiting;
  - to provide yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.

#### 5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively which policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

In relation to the disposal of both foul and surface water it is proposed to connect to the mains sewer. The Drainage Authority, Lead Local Flood Authority and Yorkshire Water have all assessed the proposals and have raised no objection subject to the imposition of appropriate conditions.

#### 6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

The Tree Officer has not raised an objection to the proposal as the majority of the trees are to be retained. The layout of the development is such that there are adequate separation distances between the proposed buildings and the existing trees such that they will not be directly impacted upon. An appropriate condition is recommended in relation to the provision of the root protection prior to the development commencing.

## 7. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

A Phase I and Phase II Geo-Environmental Site Investigation Report has been submitted with the application and assessed by the Environmental Health Department.

The report identifies in relation to the sites historic land uses that “historical maps indicate the site was undeveloped agricultural fields up to the turn of the 20th century (circa 1852 – 1909). The Beehive Engineering Works was recorded on site during the 1920’s, which was later replaced by the Scott (Engineering) Works circa 1932. The Scott Works buildings occupied the site until the recent demolition (circa 2014). The Bradford and Thornton Railway ran through the southern profile of the site parallel to the southern boundary until pre 1973 when the railway cutting in the southwest sector of the site appears to have been infilled, and although dismantled the railway cutting and road bridge still exist in the southwest corner of the site.”

A Tier 1 qualitative risk assessment was carried out to determine if any potential contaminants within the underlying soils and groundwater pose an unacceptable level of risk to the identified receptors. This involved “comparing the on-site concentrations of organic and inorganic compounds with reference values published by the EA (Contaminated Land Exposure Assessment (CLEA) Soil Guideline Values (SGV)) and where absent, Generic Assessment Criteria (GACs) published by LQM/CIEH (2nd edition).”

The results of this direct comparison show that the data exceeds the screening criteria for a residential end use for the following contaminants: Lead Asbestos

Benzo(a)Anthracene Chrysene Benzo(b/k)Fluoranthene Benzo(a)Pyrene Indeno(123-cd)Pyrene Dibenzo(a,h)Anthracene Hydrocarbon Fractions C16-C21 and C21-C35. From the analysis it was determined that “The exceedances for all determinands are associated with extensive shallow Made Ground deposits (<1.0m), with the exception of TP102 where hydrocarbon (TPH C16-C21) impact was encountered at 2.20m below ground level”. As the proposed end use is not as sensitive as a residential use it is considered that the exceedances are acceptable for the proposed end use.

The report has stated that gas monitoring to date has identified no elevated concentrations of potentially hazardous ground gasses and as such the initial assessment suggests that no specialist mitigation measures are required. At the time of the submission of the report gas monitoring was on-going and the final assessment will be subject to the collation of a full dataset. As such a condition is recommended requiring the submission of the ground gas monitoring results.

The report also concluded that a programme of remediation and enabling works will be required to remove the extensive buried obstructions and cut/fill the site to suitable development platform levels. It also stated that the shallow made ground will not be suitable for use as top soil in the landscaped areas due to the presence of elevated heavy metals, PAHs, hydrocarbon compounds identified across the entire site and localised asbestos containing material. Therefore it is recommended that a suitable cover system will need to be provided, thereby removing any dermal contact/ingestion pathways and the risk to the identified receptors. Appropriate conditions are recommended in relation to these aspects.

Overall therefore, subject to the imposition of appropriate conditions, there are no significant land contamination issues that would impact on the proposal.

## 8. Conservation

Policy EN3 of the Core Strategy states that The Council will work with partners to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the District’s designated and undesignated heritage assets and their settings.

The application has been carefully and fully assessed in relation to the positive requirements to protect the setting of nearby listed buildings in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 132 of the NPPF. In the case of Barnwell Manor the Court of Appeal held that in enacting section 66(1) of the Listed Buildings Act 1990 Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.

To the south of the site are two groups of listed buildings – 106-118 Hollingwood Lane (Grade II) and a small group around Paradise Fold, Clayton Road (Grade II). The Conservation Officer has stated that due to the distances between the heritage assets and the application site, the well-established tree buffer and intervening built form, the development is unlikely to impact on the setting of the assets to any greater degree than that of the existing situation. On this basis the proposal is considered to accord



with Policy BH4A of the Replacement Unitary Development Plan and paragraph 12 of the National Planning Policy Framework.

#### 9. Safe and secure environment

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer has not objected to the principle of the development but has raised a number of comments about specific aspects of the proposal.

Access control on the vehicle entrance: It is recommended that manual access control barriers on the main vehicle entrance are installed, these can be left open during operational hours but locked on an evening when the units are closed, which will prevent any vehicles from parking up and carrying out any forms of anti-social behaviour outside operating hours – *due to the site being surrounded by residential development that could be affected by inappropriate and unauthorised use of the car park these comments are concurred with and an appropriate condition is recommended.*

Perimeter treatments: The submitted plans suggest that the existing 2.3 metre high concrete post and rail fence which secures the south and west boundaries will remain. If these fence panels are not closed boarded fencing and there are spaces between panels they should be filled in to provide a 'closed boarded fence' which provides more security. The proposed boundary treatments are generally acceptable for the remainder of the site, however, for the outer boundaries such as the 1800mm high fencing which borders residential properties on the south side of the site 'closed boarded fencing' which provides more security and privacy to both the delivery area and residential gardens should be used – *an appropriate condition is recommended in relation to the installation of the appropriate boundary treatment to ensure the provision of a safe and secure environment for both the future occupiers of the development and its customers.*

Cycle racks: It is positive to see that cycle racks are provided within the scheme, however, it may be prudent to move the cycle rack so that it is located just before the disabled bays, this makes them nearer to the front entrance and increases natural surveillance – *it is considered that the location of the cycle racks does benefit from good natural surveillance from the car park and that the proposed location is acceptable. It is not envisaged that there will be many customers to the development arriving by bicycle due to the nature of the uses on the site. As such it is not proposed to seek amendments to the layout to move the siting of the racks.*

Public open space: In relation to the areas of public open space and greenery, there should be a management plan in place to ensure that the trees are pruned and grass is cut to keep the retail unit looking tidy – *these comments are concurred with and an appropriate condition is recommended.*

A number of comments have been raised in relation to physical security, i.e. doors and windows and CCTV. These are outside the control of the planning system and it is up to the developer as to whether or not the construction of the units meets the appropriate requirements recommended by the West Yorkshire Police.

#### 10. Other issues

A number of other issues have been raised during the publicity exercise that have not been considered in the above sections of the report. These issues are addressed below:

This plot should only be considered for residential and landscape development given the shortage of properties in Bradford and the poor physical image of the area – *The site has previously benefitted from a residential planning permission under reference 0710070/OUT dated 18th November 2008 but this approved scheme never progressed beyond this application. The site is unallocated within the Replacement Unitary Development Plan and as such any form of development would be supported on it providing that it complies with the relevant policy guidance.*

The proposal will impact on house prices and insurance – *unfortunately this is not a material planning consideration.*

Have all 3 Clayton Councillors and Clayton Parish Council been consulted on the application – *the Parish Council were consulted and the Ward Councillors were made aware of the application but no comments were received as a result of this.*

This type of application needs full and proper consultation with all local interested parties including councillors from Great Horton and Clayton plus local parish councils and members of local businesses and residents – *the application was publicised in accordance with the guidance contained within the Councils protocol relating to publicity for planning applications. Parish Councils, Councillors and neighbouring properties have been consulted along with a press notice in the Telegraph and Argus and site notices being posted.*

The council should take into account the feeling and requirements of surrounding residents rather than give in to the money of retail tycoons – *the comments raised as a result of the publicity exercise have been fully taken into account and responded to and have formed an integral part of the decision making process.*

#### **Community Safety Implications:**

There are no other community safety implications other than those referred to in the main body of the 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 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.

**Reason for Granting Planning Permission:**

The scheme provides a retail scheme on previously-developed land. The scale, form, layout and design of the proposal are acceptable and present no concerns with regard to residential amenity and highway safety. The proposal is considered acceptable and, with the unilateral undertaking relating to off-site highway works and the attached conditions, satisfies the requirements of policies E6, CR1A, CR4A, and, TM10 of the adopted Replacement Unitary Development Plan, Policies PN1, P1, SC1, SC4, SC9, EC4, EC5, TR1, TR2, TR3, TR4, EN3, EN5, EN7, EN8, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

**Conditions of Approval:**

1. Time limit

The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Site Investigation Implementation

Prior to development commencing a ground gas investigation and risk assessment report, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

3. 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 EN8 of the Local Plan for Bradford.

4. Remediation verification

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 and to comply with policy EN8 of the Local Plan for Bradford.

#### 5. 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 EN8 of the Local Plan for Bradford.

#### 6. 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.

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 EN8 of the Local Plan for Bradford.

#### 7. Surface water disposal

Notwithstanding the drainage details contained in the supporting information, 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 that no surface water discharges take place until proper provision has been made for its disposal and to accord with policy EN7 of the Local Plan for Bradford.

#### 8. Surface Water Drainage Maintenance and Management

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 which shall be submitted to, and agreed in writing by the Local Planning Authority, within 6 months of the development hereby permitted commencing on site.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

9. Temporary drainage strategy

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: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

10. Surface water flow

Notwithstanding the drainage details contained in the supporting information, the drainage works shall not commence until the maximum pass forward flow of surface water from the development is agreed to be restricted to a rate approved with the Lead Local Flood Authority.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

11. Disposal of foul water drainage

Notwithstanding the drainage details contained in the supporting information, the drainage works shall not commence 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. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

12. Drainage details

The development shall be carried out in accordance with the details shown on the submitted plan, "on drawing 16585 / SK002 (revision C) dated 11/04/2017 that has been prepared by BSP Consulting", unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

13. Opening times – retail units

Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises shall be restricted to the hours from 08:00 to 22:00 Mondays to Saturdays and from 10:00 to 18:00 on Sundays.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

14. Opening times – public house/restaurant

Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises shall be restricted to the hours from 10:00 to 00:30 Sundays to Thursdays and from 10:00 to 01:30 on Fridays and Saturdays.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

15. Delivery times – retail units

No deliveries/servicing shall be taken in or dispatched from the site outside the hours of 07:00 to 22:00 Mondays to Saturdays and 09:00 to 18:00 on Sundays.

Reason: In the interests of the amenities of the neighbouring properties and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

16. Delivery times – public house/restaurant

No deliveries/servicing shall be taken in or dispatched from the site outside the hours of 08.00 to 18.00 Mondays to Saturdays and not at all on Sundays.

Reason: In the interests of the amenities of the neighbouring properties and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

17. Construction hours

Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

18. Electric Vehicle Charging Points

A minimum of 13 parking bays at the site shall be provided with direct access to electric vehicle charging points. These must be fully operational from the first occupation of the site. The Electric Vehicle charging points shall be clearly and permanently marked with their purpose and details of how to access them provided at point of use. The presence of the charging points shall be drawn to the attention of all eligible site users including both staff and customers. Provision shall be made by the developer for the long term provision of a service and maintenance plan for the charging points and to ensure priority access is maintained at all times via effective on site parking management arrangements. A detailed plan of the proposed charging point provision (including type and location) shall be provided to City of Bradford Metropolitan District Council for approval prior to commencement of development at the site.

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).

19. Details of any external lighting to be submitted

Notwithstanding the details shown on plan, within 6 months of the development hereby permitted commencing on site, full details of the type and position of down-lighting units for the buildings and car parking areas, including measures for ensuring that light does not shine directly on the adjacent public highways or is visible to highway users, shall first have been submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be carried out and maintained thereafter whilst ever the use subsists.

Reason: No suitable details have been submitted, to avoid road users being dazzled or distracted in the interests of highway safety and to accord with the policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

#### 20. Construction Emission Management Plan

Prior to commencement of the development a Construction Emission 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)

#### 21. Root Protection Plan

The development shall not be begun, nor shall there be any 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 policy EN5 of the Local Plan for Bradford.

#### 22. Implementation of landscaping

All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme that has previously been agreed in writing with the Local planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of visual amenity and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

#### 23. Landscape management

Before the development hereby permitted is brought into use, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

#### 24. Materials

Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all 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 policy DS1 of the Local Plan for Bradford.

#### 25. No signs

Notwithstanding the details submitted this permission does not convey consent for any signage either on the building or within its curtilage for which separate advertisement consent may be required.

Reason: In the interests of visual amenity and to accord with policy DS1 of the Local Plan for Bradford.

#### 26. Travel Plan

Unless otherwise agreed in writing with the Local planning Authority, within 6 months of the first occupation of the building, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable travel options for future occupants of the development and include measures and incentives to reduce their reliance upon the private car. The Travel Plan as approved shall be implemented within 3 months of its approval in writing. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: In the interests of promoting sustainable travel and to accord with policy PN1 of the Local Plan for Bradford.

#### 27. Construct access before use

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 policies DS4 and DS5 of the Local Plan for Bradford.

#### 28. Visibility splays

Before any part of the development is brought into use, the visibility splays 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 policies DS4 and DS5 of the Local Plan for Bradford.

29. Servicing areas

Before any part of the development is brought into use, the vehicle service areas for loading/unloading, including the turning and manoeuvring space, hereby approved shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan. They shall be retained for that purpose whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

30. Provision of car park before development brought into use

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 policy TR2 of the Local Plan for Bradford.

31. Gates to prevent access outside hours

Before the first occupation of the development hereby permitted, details of gates/barriers, or alternative means, to be installed across the access/egress to prevent unauthorised access to the site outside operating hours shall be submitted to and agreed in writing by the Local Planning Authority. The barriers shall then be installed in accordance with the approved details prior to the development first being brought into use.

Reason: In order to protect the site from unauthorised access and to provide a safe and secure environment outside operating hours and to accord with policies SC9 and DS5 of the Local Plan for Bradford.

32. 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 TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

**33. Preventive measures: mud on highway**

The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies DS4, and, DS5 of the Local Plan for Bradford.

**34. Boundary treatment**

Notwithstanding the details submitted, within 3 months of the development hereby permitted commencing on site, details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. This shall include, in relation to the outer boundaries which border the residential properties, 1800mm high 'closed boarded fencing' or suitable equivalent. The approved details shall be implemented in full prior to the development first being brought into use.

Reason: In the interests of visual and residential amenity and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

**35. Sub-division/amalgamation of units**

Units 1–3 hereby approved shall not be amalgamated with other units or subdivided to create separate units

Reason: The identified unit sizes are that which have been specifically assessed and have been found to have an acceptable retail impact subject to suitable planning conditions and other controls. Alternative unit sizes have not been considered by the Local Planning Authority. To ensure compliance with policies CR1A and CR4A of the Replacement Unitary Development Plan and policy EC5 of the Local Plan for Bradford.

36. Restriction on comparison/convenience floorspace

Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking, amending or re-enacting that Order with or without modification, the development hereby permitted shall have the following restrictions in relation to the use of the floorspace:

Unit 1 shall have no more than 1,066 square metres net convenience sales floorspace and 188 square metres net comparison sales floorspace;

Unit 2 shall have no more than 312 square metres net convenience floorspace and 728 square metres net comparison sales floorspace; and,

Unit 3 shall have no more than 327 square metres net Class A1 floorspace

Reason: The identified unit sizes are that which have been specifically assessed and have been found to have an acceptable retail impact subject to suitable planning conditions and other controls. Alternative unit sizes have not been considered by the Local Planning Authority. To ensure compliance with policies CR1A and CR4A of the Replacement Unitary Development Plan and policy EC5 of the Local Plan for Bradford.

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## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 10 August 2017**

**P**

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### **Subject:**

This is an outline planning application with appearance and scale reserved for the construction of a retail unit (Use Class A1), landscaping and all associated works at Scott Works, Hollingwood Lane, Bradford.

### **Summary statement:**

The proposal relates to the construction of a single retail unit (Use Class A1) with associated car parking, landscaping and associated works. Vehicular access to the site will be taken from Clayton Road.

The scheme forms part of a wider development that will provide a comprehensive retail development on the larger site. A Retail Impact Assessment has been submitted with the application in relation to its potential impact on existing retail development in the vicinity of the site and the defined retail centres and it concluded that there will not be a significant impact. The development most likely to be impacted on is the Asda store on Cemetery Road but this store is located outside the defined retail centres and is not therefore protected by policy. The Retail Impact Assessment also looked at other sites that could potentially accommodate the development but the identified sites were considered to be too small. The conclusions of the Assessment have been concurred with by the Council.

Through the attachment of the proposed conditions and unilateral undertaking to secure the off-site highway works it is considered that the proposal is acceptable.

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)  
Report Contact: John Eyles  
Major Development Manager  
Phone: (01274) 434380  
E-mail: [john.eyles@bradford.gov.uk](mailto:john.eyles@bradford.gov.uk)

**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

## **1. SUMMARY**

This is an outline planning application with appearance and scale reserved for the construction of a retail unit (Use Class A1), landscaping and all associated works at Scott Works, Hollingwood Lane, Bradford.

## **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 Members are minded to refuse the application then reasons for refusal need to be given.

## **5. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications associated with this proposal.

## **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 an industrial building. 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).

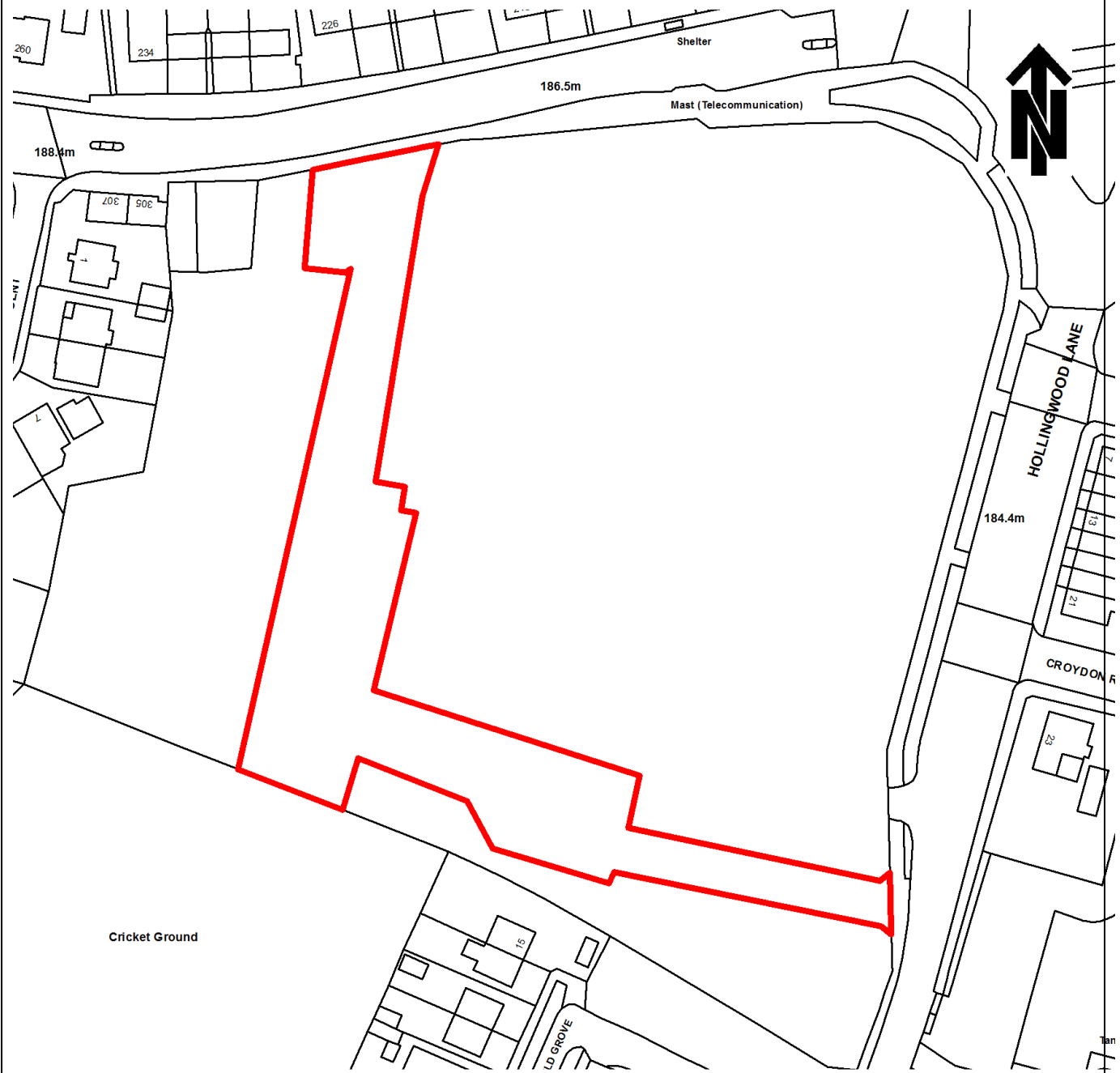
#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework

The Replacement Unitary Development Plan

Local Plan for Bradford Planning application 17/002466/OUT

17/02466/OUT



1:1,250

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**Scott Works  
Hollingwood Lane  
Bradford  
BD7 2RQ**



10 August 2017

**Ward: Great Horton**

**Recommendation:**

**GRANT PLANNING PERMISSION SUBJECT TO A UNILATERAL UNDERTAKING (MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT) TO SECURE THE FOLLOWING OFF SITE HIGHWAY WORKS:**

**1. Pelican crossing on Clayton Road and inductive loop detector on Hollingwood Lane.**

**2. TROs:**

- to extend waiting restrictions across site frontage on Clayton Road;
- to provide residents parking on Clayton Road;
- to convert existing parking bays across the site frontage on Hollingwood Lane to a combination of residents permit parking and limited waiting;
- to provide yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.

**Application Number:**

17/02466/OUT

**Type of Application/Proposal and Address:**

This is an outline planning application with appearance and scale reserved for the construction of a retail unit (Use Class A1), landscaping and all associated works at Scott Works, Hollingwood Lane, Bradford

**Applicant:**

Quora Bradford Ltd

**Agent:**

Mr Steve Buckley (Peacock & Smith)

**Site Description:**

The site is located to the south west of the junction of Hollingwood Lane and Clayton Road and is currently vacant having been previously occupied by industrial buildings. Vehicular accesses to the site exist from both Clayton Road and Hollingwood Lane. The site forms part of a much larger site that is bounded on all four sides by existing residential development whilst also to the south is a cricket ground.

**Relevant Site History:**

Whilst there is no relevant planning history on the application site there are 2 current applications under consideration on the wider site and these are as follows:

17/02462/MAF - The construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works

17/02473/OUT - Outline planning permission with appearance and scale reserved for the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5)

### **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.

### **The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP but is located within an Employment Zone. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

### **Replacement Unitary Development Plan Policies:**

E6 Employment Zone  
CR1A Retail Development within Centres  
CR4A Other Retail Development  
TM10 National and local cycle network

### **Core Strategy Policies:**

PN1 Spatial Vision Diagram – Pennine Towns and Villages 2030  
P1 Presumption in Favour of Sustainable Development  
SC1 Overall Approach and Key Spatial Priorities  
SC4 Hierarchy of Settlements  
SC9 Making Great Places  
EC4 Sustainable Economic Growth  
EC5 City, Town, District and Local Centres  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
TR4 Transport and Tourism  
EN3 Historic Environment  
EN5 Trees and Woodland  
EN7 Flood Risk  
EN8 Environmental Protection  
DS1 Achieving Good Design  
DS2 Working with the Landscape

DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places

**Parish Council:**

Not applicable in this instance as the site is located within the Great Horton Ward.

**Publicity and Number of Representations:**

The proposal was publicised by site notice, press notice and neighbour notification letters. The expiry date for the publicity exercise was the 26th May 2017.

As a result of the publicity exercise 4 representations have been received objecting to the proposal with 1 representation from a local Ward Councillor in support of the proposal. Whilst the number of representations received is below the threshold for which an application would normally be brought to Committee, it is done so because it forms part of a wider development comprising 3 applications and the other 2 are also being brought to the Committee for determination.

**Summary of Representations Received:**

**Objections:**

**Principle:**

- The inclusion of a retail unit is not coherent with the Council Policy of a healthier population of Bradford. Given that there is a public park within 400 meters and a school this application should be rejected
- Tesco, Asda and the Co-op is a short drive away which doesn't explain the need for additional retail units that will destroy local businesses in the same sector
- Has this developments impact on existing businesses in both the Paradise Green, Clayton and Lidget Green areas been assessed and reported?
- The retailers in question already have many outlets across the city adding to unnecessary outlets
- This plot should only be considered for residential and landscape development given the shortage of properties in Bradford and the poor physical image of the area

**Highways:**

- Traffic is already a major issue on Hollingwood Lane and Clayton Road with pedestrians affected. The application would create more traffic funnelling into Clayton backing all the way back into the city centre
- Traffic lighting or a mini roundabout would create more chaos and potentially more accidents for the dance school where children attend
- There are no mitigation measures proposed to try and remedy the traffic problems that will be created by the proposal

**Others:**

- Not enough information has been communicated to the residents in the surrounding affected streets and the council should be updating residents on the benefits and drawbacks before any decision is made
- The location could encourage the number of anti-social behaviour orders as well as drink driving incidents
- Hygiene is already an issue with missed bin collections and the addition of retail or food premises are going to add to the unclean streets and add to the rat population of Bradford

- Have all 3 Clayton Councillors and Clayton Parish Council been consulted on the application
- This type of application needs full and proper consultation with all local interested parties including councillors from Great Horton and Clayton plus local parish councils and members of local businesses and residents

**Consultations:**

Drainage – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the disposal of foul water drainage

Environmental Health Land Contamination – No objection to the principle of the development but seek the attachment of appropriate conditions to a planning permission in relation to the carrying out of a ground gas investigation and risk assessment report, the submission of a remediation strategy and verification, materials importation and the discovery of any unexpected contamination

Highways DC – No objection to the proposal subject to securing a Section 106 Agreement relating to the provision of a Pelican Crossing on Clayton Road and inductive loop detector on Hollingwood Lane together with a number of Traffic Regulation Orders on Clayton Road, Hollingwood lane and Scholemoor Lane

Lead Local Flood Authority – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the disposal of surface water drainage

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Secured by design
8. Contaminated land
9. Other issues

**Appraisal:**

The application is in outline form and relates to the construction of a retail unit with gross new internal floorspace of 467 square metres. Whilst the application is in outline form details of the access, layout and landscaping have been submitted for consideration.

1. Principle of development

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development through the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate

significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The proposal relates to the construction of a Class A1 retail development that will have a gross internal floorspace of 3,811 square metres. The site is not located within a defined Retail Centre as identified within the adopted Replacement Unitary Development Plan. Policy CR4A is therefore relevant and provides the plan's retail strategy and explains that the primary aim is to sustain and enhance the City's defined centres. It states that larger scale retail development outside of existing centres will be permitted where it accords with the criteria set out in Policy CR4A (and other policies in the Plan). These criteria include:

- (1) The developer is able to demonstrate a need for the additional retail floorspace;
- (2) There are no alternative sites which are suitable, viable for the proposed use, and likely to become available within a reasonable period of time, in the defined shopping areas of relevant centres, a flexible approach having been taken;
- (3) Where the relevant shopping area is the city centre, or a town centre, there are no alternative sites on the edge of that centre;
- (4) The development, together with recent and potential development arising from other unimplemented current planning permissions, would be unlikely to have an adverse effect on the vitality and viability of the city centre or any named town, district or local centre;
- (5) There would be convenient access to the proposed development for customers reliant on forms of transport other than the private car;
- (6) The development would not lead to an increase in the need to travel or reliance on the private car and would help to facilitate multi-purpose trips compared with the development of other sites; and,
- (7) The development would not undermine the retail strategy of the plan.

Criterion 2, 3 and 4 of the above policy require the Applicant to demonstrate that there are no sequentially preferable sites within or on the edge of the surrounding centres and that the proposal will not have an adverse impact on the vitality and viability of surrounding centres.

Policy EC5 of the Core Strategy relates to defined centres in the District and establishes a hierarchy of centres for the District and provides up-to-date policy guidance in respect of the sequential and impact tests. In terms of the sequential test, the Policy states that it will apply to all planning applications for 'main town centre' uses which are not in an existing centre and not in accordance with the Core Strategy (consistent with paragraph 24 of the NPPF). In terms of the impact test, the Policy states that:

'The sequential test will apply to all planning applications for main town centre uses that are not in an existing centre and are not in accordance with the Development Plan Documents. Main town centre uses (as defined in NPPF Annex 2) should be located in centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the centre. Applicants and the Council will demonstrate flexibility on issues such as format and scale. The sequential test will not be applied to applications for small scale rural offices or other small scale rural development.'

As Policy EC5 is capable of being afforded material weight in the development management process (in view of the advanced nature of the Core Strategy), there can be no doubt that a retail impact assessment is required to support this application.

More recent advice on retail policy has been incorporated within the National Planning Policy Framework. In relation to the assessment of proposals for main town centre development it provides two principal national policy tests relating to the sequential approach to development and to impact. In respect of the former, paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date development plan. Paragraph 24 goes on to state that local planning authorities:

‘...should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.’

Paragraph 26 of the NPPF sets out a twin impact test, stating that:

‘When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.’

Paragraph 27 indicates that, where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused. However, this direction cannot extinguish the requirement set out in statute to first consider development plan policy and then all material considerations in assessing the ‘planning balance’ when making a decision.

#### Sequential Test:

In carrying out the sequential test it is acknowledged in paragraph 24 of the National Planning Policy Framework that whilst applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. However, the sequential test does seek to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites. In this case, it is imperative that it is demonstrated that what is proposed on each of the three applications separately, cannot be accommodated on a sequentially preferable site, regardless of the additional justification as set out by the supporting Planning & Retail Statement and the commercial nature of the three elements. We

must assess 'the proposal' in front of us, and in this case, the three separate developments applied for (see Relevant Planning History Section of the report).

With regard to the sequential test the Applicant has considered 2 alternative sites, firstly the former Morrison's Headquarters on Thornton Road and secondly the Harris Court Mill in Great Horton.

In relation to the former Morrison's Headquarters the Applicant considers it to be too small (1.9 hectares) to accommodate the development in that it is considerably smaller than the application site (2.7 hectares). On this basis the Council is satisfied that the site is not of a suitable size to accommodate the proposal even when applying a sufficient degree of flexibility.

The second site that was considered was Harris Court Mill in Great Horton. This site measures 0.4 hectares in size and again is not considered to be a suitable alternative because of this.

Based on the above it is concluded that there are no suitable alternative sites available that could accommodate the development.

#### The Impact Test:

Paragraph 26 of the NPPF states that an impact assessment is required to accompany planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan. Whilst the Core Strategy has not yet been formally adopted, we understand that the Council is working towards adopting the plan in mid July 2017 following Examination in Public in 2016. Paragraph 2016 of the NPPF states that decision makers may also give weight to relevant policies in emerging plans according to the stage of preparation and the extent to which there are unresolved objections to the relevant policies. In this case, the plan is near completion and there are no unresolved objections, in fact the Inspector concluded that the plan was capable of adoption.

The relevant Policy in this case is Policy EC5 which relates to defined centres in the District. The Policy is consistent with paragraph 26 of the NPPF and sets out locally based thresholds for impact tests. Policy EC5 of the Core Strategy and paragraph 26 of the NPPF identifies the following impact tests:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

The first issue to consider under policy EC5 relates to the impact on investment there are a number of sites to consider including the Broadway centre in Bradford City Centre, the Asda store on Cemetery Road, and, the site of the former Morrison's Headquarters on Thornton Road. In relation to the first two sites it is not considered that the proposal would impact on the realisation of the investment in the City Centre including the second phase of the Broadway development and it is not considered relevant to assess the impact on the Asda investment in light of the store being situated in an out of centre location and already being open. With regard to the site of the former Morrison's Headquarters the site could be developed in accordance with the existing planning permission. Having assessed both proposals in terms of what they are

providing together with the size of the units proposed. Whilst it is acknowledged that the two schemes may be competing for one or two of the same operators for the smaller units, they are unlikely to be competing for the same convenience operator due to the differing sizes of the proposed units which will likely be the “anchor” units of the schemes. It is not considered that the size of the units proposed at the former Morrison’s Headquarters site would meet the required level of floorspace and format as required by Aldi, the named operator of the scheme the subject of this application. It is also the same scenario for the second named operator, Home Bargains. Finally it is considered that due to the number of units proposed in each scheme and the various unit sizes there is the market for both schemes to progress.

Overall therefore in terms of the impact on investment the Council is satisfied that whilst there may be a degree of diversion to the proposed development from the permitted scheme at the former Morrison’s headquarters site should that proceed, it is not considered that this would be to a level which would jeopardise the proposed scheme from progressing. It is considered that there are enough operators to occupy the proposed units at both sites. Furthermore, whilst it is of relevance to consider the potential implications of a scheme on an edge of centre site (and the potential to limit the possibility of promoting linked trips), it is not considered that this would be at a level that would have a significant adverse impact on the overall vitality and viability of Gillington District Centre.

The second issue to consider under policy EC5 relates to the impact on vitality and viability on existing centres and operators. The Applicant has submitted Cumulative Trade Diversion information which estimates that approximately 70% of the proposed convenience turnover will be diverted from the identified stores within the catchment at 2022 (or £9.6m) and approximately 70% of the comparison turnover of the proposal will be diverted from stores within the catchment (or £6.3m). These initial figures were queried and subsequently amended to take account of an increased catchment area looking in particular at the level of diversion from Great Horton and Gillington District Centres and the Asda store on Cemetery Road. For both convenience and comparison goods diversion assumptions, this has increased the level of diversion from these key destinations to 80% in both instances and it is considered that these figures better reflect what could happen in practice, particularly given the types of operators likely to be occupying units at the application site and the type of operators in the defined centres.

The biggest impact is likely to be felt by the Asda store on Cemetery Road (-22%) but as this store is located outside of a defined retail centre it is not protected by policy. The second biggest impact will be on the Great Horton District Centre (-8.4%) with the main impact being felt by Tesco Extra. Whilst the impact on the centre can be seen as relatively high it is not considered that it will be a significant adverse impact bearing in mind the centre’s current overall health and the positive vitality and viability indicators in the Bradford Retail and Leisure Study (2015) and the quantum of other uses (retail and leisure services) which will not be materially impacted upon as a result of the proposal. Finally with regard to the Gillington District Centre the impact is estimated at -6.7% due to the comparable nature of the District Centre with what is proposed at the application site (i.e. a Lidl foodstore and the Range). The centre appears to be performing well with a good level of national multiple operators present together with there being a high percentage of additional uses (retail service and leisure service) which will not be substantially impacted upon as a result of the proposal.



In conclusion therefore, in terms of the sequential test the Council is satisfied that there are no sites which can be considered to be available and suitably accommodate the proposed development. With regard to the impact tests it is not considered that the proposal will impact on either the proposed scheme on the former Morrison's Headquarters or the defined retail centres. Overall therefore the proposal meets the policy requirements of Policy CR4A of the Replacement Unitary Development Plan, Policy EC5 E of the Core Strategy and paragraph 24 of the National Planning Policy Framework and as such the principle of the development is acceptable subject to detailed consideration in the following sections of this report.

## 2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The proposal is in outline form with details of access, layout and landscaping submitted for consideration at this stage. The proposed siting of the building is such that it adjoins the western elevation of the block of 3 retail units being considered under application reference 17/02462/MAF. It will not therefore be visually prominent on the streetscene or when viewed from the wider area. The appearance of the building has not been submitted with this application and will be the subject of a separate Reserved Matters application. The building can be designed such that it complements the larger development.

Whilst the site itself only incorporates a small amount of landscaping at the site entrance on Clayton Road and along the southern boundary, the larger site does benefit from quite significant landscaping in terms of both existing and proposed and this will provide a landscaped screen to the development thus minimising the potential impact on both the streetscene and the wider area.

Overall therefore it is not considered that the proposed development, subject to design considerations through a separate planning application, will have a detrimental impact

on the visual character and appearance of the streetscene or immediate surrounding area.

### 3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The application site forms part of a larger site that is located within a residential area with existing dwellings immediately abutting the western boundary (Dene Crescent) and the southern boundary (Heathfield Grove). To the north and east are Clayton Road and Hollingwood Lane respectively with dwellings facing onto the site from the opposite side of the roads. However the application site is separated from the dwellings to the west by application 17/02473/OUT and the dwellings to the east and south east by application 17/02462/MAF.

The nearest dwellings to the proposed building are 66 metres to the west and 49 metres to the south east and the separation distance is considered acceptable such that it will not significantly impact on the residential amenities of the occupiers of those dwellings.

The Applicant has suggested that the proposed opening times for the retail unit will be 08:00-22:00 Monday to Saturday and 6 hours between 10:00-18:00 Sunday with deliveries being allowed potentially an hour earlier. These times are in line with those proposed for the larger development and are considered to be acceptable.

Overall therefore it is not considered that the proposal will have a significantly detrimental impact on the residential amenities of the occupiers of the neighbouring dwellings.

### 4. Highway safety

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The layout of the development is such that the proposed vehicular access to the site will be taken directly from Clayton Road. It will be in the form of a new priority junction with a ghost right turn lane off Clayton Road. Visibility splays in excess of 2.4 metres x 43 metres are achievable in both directions. Although the access is relatively wide which makes it more difficult for pedestrians to cross the road, the wide access is necessary for servicing. The existing access on Hollingwood Road would be relocated and utilised as a dedicated service access point. Pedestrian access would be provided via the footways flanking the proposed access on Clayton Road and two dedicated pedestrian links from Hollingwood Lane.

There are 3 separate applications on the larger site (see Relevant Site History section of the report) and all the units forming this larger development will be served by the same vehicular access and the single large car park. As such in highway terms the 3 applications have not been considered separately but as a single scheme.

The Replacement Unitary Development Plan parking standards for the various proposed uses would equate to 426 car parking spaces. The proposed level of car parking provision is 216 spaces, including 15 disabled spaces and 11 parent & child spaces. A parking assessment based on TRICS trip generation rates demonstrates that the anticipated parking demand can be accommodated within the site car park and there would be no overspill parking on the surrounding network. Notwithstanding this, as the car parking provision is much lower than the maximum permitted level and as such there will be a requirement for the provision of a number of Traffic Regulation Orders around the site to prevent on-street parking particularly along Clayton Road in the vicinity of the site access/egress. A resident only parking scheme should be provided along the northern side of Clayton Road. A Traffic Regulation Order will also be required to convert the existing parking bays across the site frontage on Hollingwood Lane to a combination of residents permit parking and limited waiting.

Whilst this single unit would benefit from being served by the larger car park once the wider development has been completed the larger car park has not been incorporated within the red line for the application and therefore the provision of that car park cannot be conditioned. 14 parking spaces have been provided within the application site and are located to the west of the site. Whilst this is below the car parking requirement for a retail unit of this size it is considered acceptable due to it forming part of a much larger development.

To improve the sustainability of the site and to encourage shoppers to use alternative modes of transport than the private motor vehicle a total of 15 cycle stands to accommodate 30 bicycles are being provided at three locations within the site. This is in line with the minimum cycle parking standards contained within the Replacement Unitary Development Plan. Two motorcycle stands are also being provided. It is recommended that these facilities should be sheltered to protect from adverse weather conditions.

The servicing for the proposed foodstore and the non-food retail units would take place from a service yard to the southern boundary of the site. The service yard would be accessed via a dedicated service access off Hollingwood Lane. Plans have been provided that demonstrate that swept paths for a 16.5 metre articulated vehicle can be accommodated within the site and will allow such vehicles to enter and leave the site in a forward gear.

The Transport Assessment contains trip information based on the TRICS database which is a sound and nationally accepted methodology. The assessment shows that based on average trip rates and a 20% discount for linked trips, the proposed development is expected to generate some 230 two-way vehicle movements during the Friday PM peak hour and 442 two-way vehicle movements during the Saturday mid-day peak hour. The Transport Assessment assumes the following trip proportions: 60% primary transfer, 20% diverted and 20% pass-by; but to make the assessment more robust, it assumes that the primary transfer trips would be new trips to the study area. This approach is considered to be acceptable as a high proportion of primary transfer trips for a discount retail development would be unacceptable. The trip distribution is accepted.

A simple solution would be to install a pelican crossing on Clayton Road with an inductive loop on Hollingwood Lane to activate the pelican when queues build up which would create gaps for traffic emerging from Hollingwood Lane. The pelican would also assist pedestrians to cross the road, which of course is its primary purpose. The applicant has agreed to fund these measures.

The formation of the vehicular access point on Clayton Road and any amendments to access on Hollingwood Lane will require the applicant to enter into a S278 Agreement. Therefore the applicant should contact the S278 officer at the earliest opportunity to initiate discussions on procedures involved.

A Traffic Regulation Order is required for yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.

The Framework Travel Plan submitted sets out the overall outcomes, targets and indicators for the overall site. This would be presented to each occupier for completion of the final Travel Plan within six months of occupation of the site, to allow time for travel characteristic surveys to be undertaken and suitable consultation with Bradford Council. This approach is considered to be acceptable.

Overall in highway terms it is considered that the proposal is acceptable and subject to the highway improvements sought by the Council, and agreed by the Applicant, will not have a detrimental impact on highway safety and the surrounding highway network.

In summary the following highway mitigation measures are to be provided:

1. Pelican crossing on Clayton Road and inductive loop detector on Hollingwood Lane.
2. Traffic Regulation Orders:
  - to extend waiting restrictions across site frontage on Clayton Road;
  - to provide residents parking on Clayton Road;
  - to convert existing parking bays across the site frontage on Hollingwood Lane to a combination of residents permit parking and limited waiting;
  - to provide yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.

## 5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively which policy EN8 states that proposals for development will only be acceptable

provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

In relation to the disposal of both foul and surface water it is proposed to connect to the mains sewer. The Drainage Authority and Lead Local Flood Authority have all assessed the proposals and have raised no objection subject to the imposition of appropriate conditions.

## 6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

There are a number of trees/hedges located along the southern boundary of the site and these are shown as being retained as part of the development. The layout of the development is such that there are adequate separation distances between the proposed building and these existing trees/hedge such that they will not be directly impacted upon. An appropriate condition is however recommended in relation to the provision of the root protection prior to the development commencing.

## 7. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

The application site only comprises a small part of the larger site on which other applications have been submitted in relation to a comprehensive redevelopment of the larger site. A Phase I and Phase II Geo-Environmental Site Investigation Report has been submitted with the application and assessed by the Environmental Health Department. This report does relate to the larger site and is no site specific to the application site. However the conclusions of the report are relevant to the site.

The report identifies in relation to the sites historic land uses that "historical maps indicate the site was undeveloped agricultural fields up to the turn of the 20th century

(circa 1852 – 1909). The Beehive Engineering Works was recorded on site during the 1920's, which was later replaced by the Scott (Engineering) Works circa 1932. The Scott Works buildings occupied the site until the recent demolition (circa 2014). The Bradford and Thornton Railway ran through the southern profile of the site parallel to the southern boundary until pre 1973 when the railway cutting in the southwest sector of the site appears to have been infilled, and although dismantled the railway cutting and road bridge still exist in the southwest corner of the site.”

A Tier 1 qualitative risk assessment was carried out to determine if any potential contaminants within the underlying soils and groundwater pose an unacceptable level of risk to the identified receptors. This involved “comparing the on-site concentrations of organic and inorganic compounds with reference values published by the EA (Contaminated Land Exposure Assessment (CLEA) Soil Guideline Values (SGV)) and where absent, Generic Assessment Criteria (GACs) published by LQM/CIEH (2nd edition).”

The results of this direct comparison show that the data exceeds the screening criteria for a residential end use for the following contaminants: Lead Asbestos Benzo(a)Anthracene Chrysene Benzo(b/k)Fluoranthene Benzo(a)Pyrene Indeno(123-cd)Pyrene Dibenzo(a,h)Anthracene Hydrocarbon Fractions C16-C21 and C21-C35. From the analysis it was determined that “The exceedances for all determinands are associated with extensive shallow Made Ground deposits (<1.0m), with the exception of TP102 where hydrocarbon (TPH C16-C21) impact was encountered at 2.20m below ground level”. As the proposed end use is not as sensitive as a residential use it is considered that the exceedances are acceptable for the proposed end use.

The report has stated that gas monitoring to date has identified no elevated concentrations of potentially hazardous ground gasses and as such the initial assessment suggests that no specialist mitigation measures are required. At the time of the submission of the report gas monitoring was on-going and the final assessment will be subject to the collation of a full dataset. As such a condition is recommended requiring the submission of the ground gas monitoring results.

The report also concluded that a programme of remediation and enabling works will be required to remove the extensive buried obstructions and cut/fill the site to suitable development platform levels. It also stated that the shallow made ground will not be suitable for use as top soil in the landscaped areas due to the presence of elevated heavy metals, PAHs, hydrocarbon compounds identified across the entire site and localised asbestos containing material. Therefore it is recommended that a suitable cover system will need to be provided, thereby removing any dermal contact/ingestion pathways and the risk to the identified receptors. Appropriate conditions are recommended in relation to these aspects.

Overall therefore, subject to the imposition of appropriate conditions, there are no significant land contamination issues that would impact on the proposal.

## 8. Safe and secure environment

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

In order to provide a safe and secure environment that does not impact on the neighbouring residential properties there are a number of conditions that can be imposed that will control the use of the site particularly when the unit is shut. These include the installation of a barrier across the access to prevent unauthorised vehicular access, and, the provision of an appropriate lighting scheme.

### 9. Other issues

A number of other issues have been raised during the publicity exercise that have not been considered in the above sections of the report. These issues are addressed below:

Not enough information has been communicated to the residents in the surrounding affected streets and the council should be updating residents on the benefits and drawbacks before any decision is made – *the application has been publicised in accordance with the Council's protocol on the publicity of planning applications.*

The location could encourage the number of anti-social behaviour orders as well as drink driving incidents – *the application proposal doesn't relate to a drinking establishment and therefore this part of the concern is irrelevant. The site will be managed and a condition is proposed to install a barrier, or something similar, across the entrance such that vehicular access to the car park will not be possible outside opening hours of the site which should minimise the potential for anti-social behaviour taking place.*

Hygiene is already an issue with missed bin collections and the addition of retail or food premises are going to add to the unclean streets and add to the rat population of Bradford – *the collection of bins is not a material planning consideration. However bin stores are provided within the development and the site will be subject to bin collections in line with the appropriate Departments policy for retail sites.*

Have all 3 Clayton Councillors and Clayton Parish Council been consulted on the application – *Councillors for the Great Horton Ward have been advised on the proposal as the site is located within the Great Horton Ward and not Clayton.*

This type of application needs full and proper consultation with all local interested parties including councillors from Great Horton and Clayton plus local parish councils and members of local businesses and residents - *the application has been publicised in accordance with the Council's protocol on the publicity of planning applications.*

### **Community Safety Implications:**

There are no other community safety implications other than those referred to in the main body of the 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 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.

**Reason for Granting Planning Permission:**

The scheme provides a retail scheme on previously-developed land. The layout of the proposal is acceptable and presents no concerns with regard to residential amenity and highway safety. The proposal is considered acceptable and, with the unilateral undertaking relating to off-site highway works and the attached conditions, satisfies the requirements of policies E6, CR1A, CR4A, and, TM10 of the adopted Replacement Unitary Development Plan, Policies PN1, P1, SC1, SC4, SC9, EC4, EC5, TR1, TR2, TR3, TR4, EN3, EN5, EN7, EN8, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of 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, and,
- ii) 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 Implementation

Prior to development commencing a ground gas investigation and risk assessment report, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

#### 5. 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 EN8 of the Local Plan for Bradford.

#### 6. Remediation verification

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 and to comply with policy EN8 of the Local Plan for Bradford.

#### 7. 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 EN8 of the Local Plan for Bradford.

#### 8. 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.

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 EN8 of the Local Plan for Bradford.

#### 9. Surface water disposal

Notwithstanding the drainage details contained in the supporting information, 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 that no surface water discharges take place until proper provision has been made for its disposal and to accord with policy EN7 of the Local Plan for Bradford.

#### 10. Surface Water Drainage Maintenance and Management

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 which shall be submitted to, and agreed in writing by the Local Planning Authority, within 6 months of the development hereby permitted commencing on site.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Core Strategy.

#### 11. Temporary drainage strategy

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: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

#### 12. Surface water flow

Notwithstanding the drainage details contained in the supporting information, the drainage works shall not commence until the maximum pass forward flow of surface water from the development is agreed to be restricted to a rate approved with the Lead Local Flood Authority.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

#### 13. Disposal of foul water drainage

Notwithstanding the drainage details contained in the supporting information, the drainage works shall not commence 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. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

14. Opening times

Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises shall be restricted to the hours from 08:00 to 22:00 Mondays to Saturdays and from 10:00 to 18:00 on Sundays.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

15. Delivery times

No deliveries/servicing shall be taken in or dispatched from the site outside the hours of 07:00 to 19:00 Mondays to Saturdays and 09:00 to 18:00 on Sundays.

Reason: In the interests of the amenities of the neighbouring properties and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

16. Construction hours

Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

17. Details of any external lighting to be submitted

Notwithstanding the details shown on plan, within 6 months of the development hereby permitted commencing on site, full details of the type and position of down-lighting units for the buildings and car parking areas, including measures for ensuring that light does not shine directly on the adjacent public highways or is visible to highway users, shall first have been submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be carried out and maintained thereafter whilst ever the use subsists.

Reason: No suitable details have been submitted, to avoid road users being dazzled or distracted in the interests of highway safety and to accord with the policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

18. Construction Emission Management Plan

Prior to commencement of the development a Construction Emission 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)

#### 19. Root Protection Plan

The development shall not be begun, nor shall there be any 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 policy EN5 of the Local Plan for Bradford.

#### 20. Implementation of landscaping

All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme that has previously been agreed in writing with the Local planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of visual amenity and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

#### 21. Landscape management

Before the development hereby permitted is brought into use, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

#### 22. Travel Plan

Unless otherwise agreed in writing with the Local planning Authority, within 6 months of the first occupation of the building, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable travel options for future occupants of the development and include measures and incentives to reduce their reliance upon the private car. The Travel Plan as approved shall be implemented within 3 months of its approval in writing. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: In the interests of promoting sustainable travel and to accord with policy PN1 of the Local Plan for Bradford.

23. Construct access before use

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 policies DS4 and DS5 of the Local Plan for Bradford.

24. Visibility splays

Before any part of the development is brought into use, the visibility splays 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 policies DS4 and DS5 of the Local Plan for Bradford.

25. Servicing areas

Before any part of the development is brought into use, the vehicle service areas for loading/unloading, including the turning and manoeuvring space, hereby approved shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan. They shall be retained for that purpose whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

26. Provision of car park before development brought into use

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 policy TR2 of the Local Plan for Bradford.

27. Gates to prevent access outside hours

Before the first occupation of the development hereby permitted, details of gates/barriers, or alternative means, to be installed across the access/egress to prevent unauthorised access to the site outside operating hours shall be submitted to and agreed in writing by the Local Planning Authority. The barriers shall then be installed in accordance with the approved details prior to the development first being brought into use.

Reason: In order to protect the site from unauthorised access and to provide a safe and secure environment outside operating hours and to accord with policies SC9 and DS5 of the Local Plan for Bradford.

### 28. 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 TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

### 29. Preventive measures: mud on highway

The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies DS4, and, DS5 of the Local Plan for Bradford.

### 30. Sub-division of unit

The unit hereby approved shall not be subdivided to create separate units.

Reason: The identified unit size is that which has been specifically assessed and has been found to have an acceptable retail impact subject to suitable planning conditions and other controls. Alternative unit sizes have not been considered by the Local Planning Authority. To ensure compliance with policies CR1A and CR4A of the Replacement Unitary Development Plan and policy EC5 of the Local Plan for Bradford.

31. Use of floorspace

Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking, amending or re-enacting that Order with or without modification, the development hereby permitted shall have no more than 520 square metres net retail floorspace.

Reason: The identified unit sizes are that which have been specifically assessed and have been found to have an acceptable retail impact subject to suitable planning conditions and other controls. Alternative unit sizes have not been considered by the Local Planning Authority. To ensure compliance with policies CR1A and CR4A of the Replacement Unitary Development Plan and policy EC5 of the Local Plan for Bradford.

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# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 10 August 2017

# Q

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## **Subject:**

This is an outline planning application with appearance and scale reserved for the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5), landscaping and all associated works at Scott Works, Hollingwood Lane, Bradford. Details of the access, landscaping and layout have been submitted for consideration at this stage.

## **Summary statement:**

The proposal relates to the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5), landscaping and all associated works. Vehicular access to the site will be taken from Clayton Road with a pedestrian access from Hollingwood Lane.

The scheme forms part of a wider development that will provide a comprehensive retail development on the larger site. A Retail Impact Assessment has been submitted with the application in relation to its potential impact on existing retail development in the vicinity of the site and the defined retail centres and it concluded that there will not be a significant impact. The development most likely to be impacted on is the Asda store on Cemetery Road but this store is located outside the defined retail centres and is not therefore protected by policy. The Retail Impact Assessment also looked at other sites that could potentially accommodate the development but the identified sites were considered to be too small. The conclusions of the Assessment have been concurred with by the Council.

Through the attachment of the proposed conditions and unilateral undertaking to secure the off-site highway works it is considered that the proposal is acceptable.

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)  
Report Contact: John Eyles  
Major Development Manager  
Phone: (01274) 434380  
E-mail: [john.eyles@bradford.gov.uk](mailto:john.eyles@bradford.gov.uk)

**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

## **1. SUMMARY**

This is an outline planning application with appearance and scale reserved for the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5), landscaping and all associated works at Scott Works, Hollingwood Lane, Bradford. Details of the access, landscaping and layout 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 Members are minded to refuse the application then reasons for refusal need to be given.

## **5. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications associated with this proposal.

## **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 an industrial building. 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.

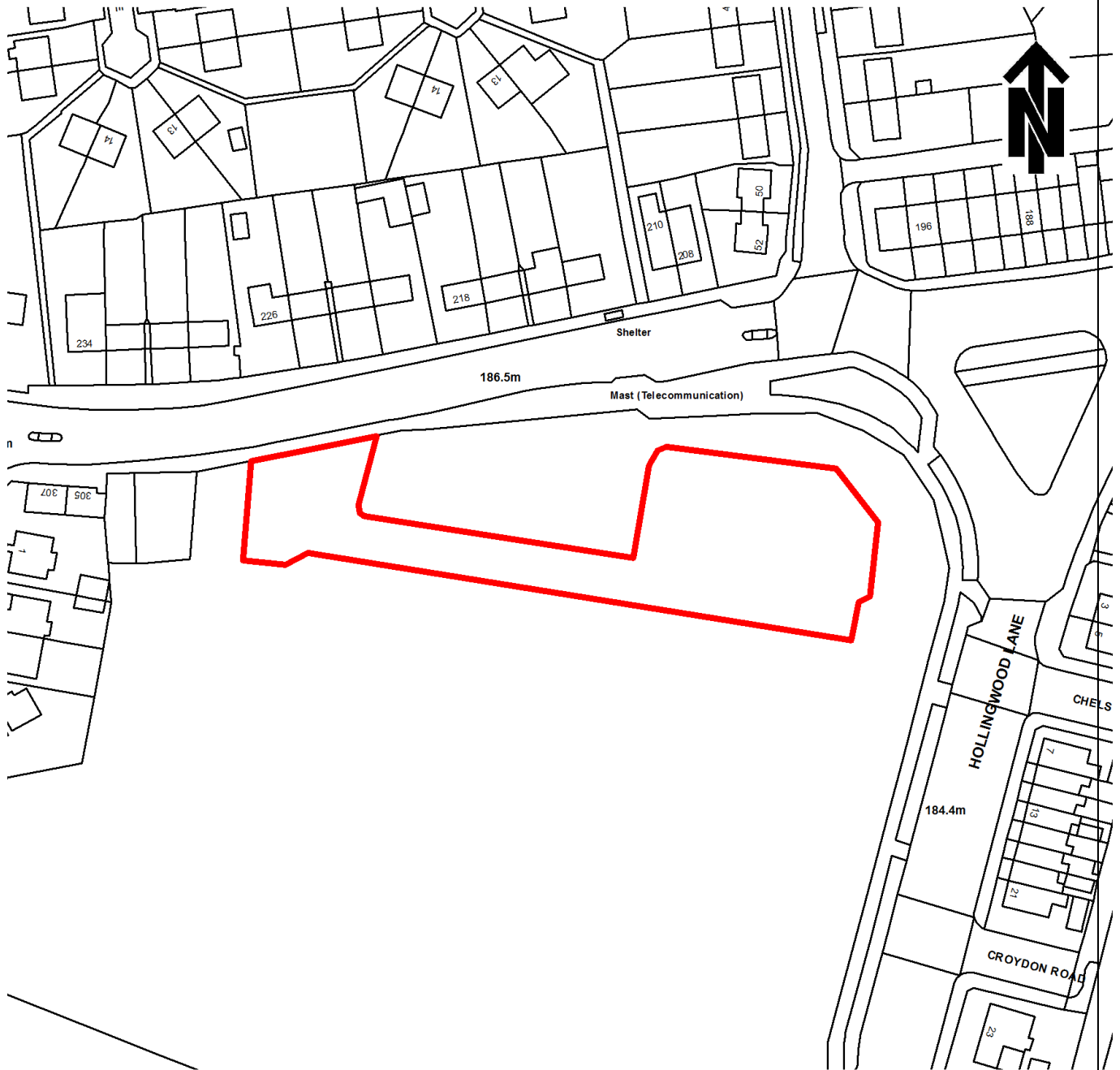
#### **11. APPENDICES**

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

#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
The Replacement Unitary Development Plan  
Local Plan for Bradford  
Planning application 17/02473/OUT

17/02473/OUT



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**Scott Works**  
**Hollingwood Lane**  
**Bradford**  
**BD7 2RQ**

10 August 2017

**Ward: Great Horton**

**Recommendation:**

**GRANT PLANNING PERMISSION SUBJECT TO A UNILATERAL UNDERTAKING (MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT) TO SECURE THE FOLLOWING OFF SITE HIGHWAY WORKS:**

**1. Pelican crossing on Clayton Road and inductive loop detector on Hollingwood Lane.**

**2. TROs:**

- to extend waiting restrictions across site frontage on Clayton Road;
- to provide residents parking on Clayton Road;
- to convert existing parking bays across the site frontage on Hollingwood Lane to a combination of residents permit parking and limited waiting;
- to provide yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.

**Application Number:**

17/02473/OUT

**Type of Application/Proposal and Address:**

This is an outline planning application with appearance and scale reserved for the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5), landscaping and all associated works at Scott Works, Hollingwood Lane, Bradford. Details of the access, landscaping and layout have been submitted for consideration at this stage.

**Applicant:**

Quora Bradford Ltd

**Agent:**

Mr Steve Buckley (Peacock & Smith)

**Site Description:**

The site is located to the south west of the junction of Hollingwood Lane and Clayton Road and is currently vacant having been previously occupied by industrial buildings. Vehicular accesses to the site exist from both Clayton Road and Hollingwood Lane. The site is bounded on all four sides by existing residential development whilst also to the south is a cricket ground.

**Relevant Site History:**

Whilst there is no relevant planning history on the application site there are 2 current applications under consideration on the wider site and these are as follows:

17/02462/MAF – Full planning application relating to the construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works

17/02466/OUT - Outline planning application with appearance and scale reserved for the construction of a retail unit (Use Class A1), landscaping and all associated works

### **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.

### **The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP but is located within an Employment Zone. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

### **Replacement Unitary Development Plan Policies:**

E6 Employment Zone  
CR1A Retail Development within Centres  
CR4A Other Retail Development  
TM10 National and local cycle network

### **Core Strategy Policies:**

PN1 Spatial Vision Diagram – Pennine Towns and Villages 2030  
P1 Presumption in Favour of Sustainable Development  
SC1 Overall Approach and Key Spatial Priorities  
SC4 Hierarchy of Settlements  
SC9 Making Great Places  
EC4 Sustainable Economic Growth  
EC5 City, Town, District and Local Centres  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
TR4 Transport and Tourism  
EN3 Historic Environment  
EN5 Trees and Woodland  
EN7 Flood Risk  
EN8 Environmental Protection  
DS1 Achieving Good Design  
DS2 Working with the Landscape

DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places

**Parish Council:**

Not applicable in this instance as the site is located within the Great Horton Ward.

**Publicity and Number of Representations:**

The proposal was publicised by site notice and neighbour notification letters. The expiry date for the publicity exercise was the 15<sup>th</sup> May 2017.

As a result of the publicity exercise 6 representations have been received objecting to the proposal and 2 representations have been received in support. One of the representations received in support of the proposal is from a local Ward Councillor.

**Summary of Representations Received:**

**Objections:**

Principle of development:

- The inclusion of a pub is not coherent with the Council Policy of a healthier population of Bradford. Given that there is a public park within 400 meters and a school this application should be rejected
- A cafe and drive through is possibly the worst decision for this area. The obesity levels are ridiculously high in the city and yet we find more artery blocking businesses given the green light to desecrate our area
- Tesco, Asda and the Co-op is a short drive away which doesn't explain the need for additional retail units that will destroy local businesses in the same sector
- The retailers in question already have many outlets across the city adding to unnecessary outlets
- Not enough information has been communicated to the residents in the surrounding affected streets and the council should be updating residents on the benefits and drawbacks before any decision is made
- This plot should only be considered for residential and landscape development given the shortage of properties in Bradford and the poor physical image of the area
- Would prefer the site be used for a secondary school as the nearest school is in Queensbury
- A pub has only just closed down on nearby Pasture Lane so how does the council expect opening another one is justified?
- The need for housing and good nurseries or schools is required for our future generations
- A pub is not in tune with the local people
- There is no local place of worship that is walking distance and that is something to be considered

Highways:

- Traffic is already a major issue on Hollingwood Lane and Clayton Road with pedestrians affected. The application would create more traffic funnelling into Clayton backing all the way back into the city centre
- Traffic lighting or a mini roundabout would create more chaos and potentially more accidents for the dance school where children attend

Other:

- The location could encourage the number of anti-social behaviour orders as well as drink driving incidents
- Hygiene is already an issue with missed bin collections and the addition of retail or food premises are going to add to the unclean streets and add to the rat population of Bradford
- A large retail outlet would only welcome a rodent infestation of a substantial amount which would result in local homes suffering
- Think about the legacy of what we are leaving our children more green area in an urban concrete jungle is needed to clean our air not a carbon footprint that will step on our children

Support:

- It is an excellent proposal for the area providing local employment opportunities and long overdue retail development

**Consultations:**

Drainage – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the disposal of foul water drainage

Highways DC – No objection to the proposal subject to securing a Section 106 Agreement relating to the provision of a Pelican Crossing on Clayton Road and inductive loop detector on Hollingwood Lane together with a number of Traffic Regulation Orders on Clayton Road, Hollingwood lane and Scholemoor Lane

Environmental Health Land Contamination – No objection to the principle of the development but seek the attachment of appropriate conditions to a planning permission in relation to the carrying out of a ground gas investigation and risk assessment report, the submission of a remediation strategy and verification, materials importation and the discovery of any unexpected contamination

Lead Local Flood Authority – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the disposal of surface water drainage

Landscape Design Unit – No objection to the principle of the development but seek the inclusion of additional planting in the car parking areas to improve the visual character of the area

Trees Section – No objection on the grounds that the majority of the trees are being retained and will serve to enhance and screen the site

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

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees



7. Secured by design
8. Contaminated land
9. Other issues

**Appraisal:**

The proposal relates to the construction of a café/drive-thru (Use Class A1, A2, A3, A4, A5) and the building will create 338 square metres of net additional gross internal floorspace. Details of access to the site, landscaping and layout have been submitted for consideration at this stage.

1. Principle of development

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development though the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The proposal relates to the construction of a Class A1 retail development that will have a gross internal floorspace of 3,811 square metres. The site is not located within a defined Retail Centre as identified within the adopted Replacement Unitary Development Plan. Policy CR4A is therefore relevant and provides the plan's retail strategy and explains that the primary aim is to sustain and enhance the City's defined centres. It states that larger scale retail development outside of existing centres will be permitted where it accords with the criteria set out in Policy CR4A (and other policies in the Plan). These criteria include:

- (1) The developer is able to demonstrate a need for the additional retail floorspace;
- (2) There are no alternative sites which are suitable, viable for the proposed use, and likely to become available within a reasonable period of time, in the defined shopping areas of relevant centres, a flexible approach having been taken;
- (3) Where the relevant shopping area is the city centre, or a town centre, there are no alternative sites on the edge of that centre;
- (4) The development, together with recent and potential development arising from other unimplemented current planning permissions, would be unlikely to have an adverse effect on the vitality and viability of the city centre or any named town, district or local centre;
- (5) There would be convenient access to the proposed development for customers reliant on forms of transport other than the private car;
- (6) The development would not lead to an increase in the need to travel or reliance on the private car and would help to facilitate multi-purpose trips compared with the development of other sites; and,
- (7) The development would not undermine the retail strategy of the plan.

Criterion 2, 3 and 4 of the above policy require the Applicant to demonstrate that there are no sequentially preferable sites within or on the edge of the surrounding centres

and that the proposal will not have an adverse impact on the vitality and viability of surrounding centres.

Policy EC5 of the Core Strategy relates to defined centres in the District and establishes a hierarchy of centres for the District and provides up-to-date policy guidance in respect of the sequential and impact tests. In terms of the sequential test, the Policy states that it will apply to all planning applications for 'main town centre' uses which are not in an existing centre and not in accordance with the Core Strategy (consistent with paragraph 24 of the NPPF). In terms of the impact test, the Policy states that:

'The sequential test will apply to all planning applications for main town centre uses that are not in an existing centre and are not in accordance with the Development Plan Documents. Main town centre uses (as defined in NPPF Annex 2) should be located in centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the centre. Applicants and the Council will demonstrate flexibility on issues such as format and scale. The sequential test will not be applied to applications for small scale rural offices or other small scale rural development.'

As Policy EC5 is capable of being afforded material weight in the development management process (in view of the advanced nature of the Core Strategy), there can be no doubt that a retail impact assessment is required to support this application.

More recent advice on retail policy has been incorporated within the National Planning Policy Framework. In relation to the assessment of proposals for main town centre development it provides two principal national policy tests relating to the sequential approach to development and to impact. In respect of the former, paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date development plan. Paragraph 24 goes on to state that local planning authorities:

'...should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

Paragraph 26 of the NPPF sets out a twin impact test, stating that:

'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the

time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'

Paragraph 27 indicates that, where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused. However, this direction cannot extinguish the requirement set out in statute to first consider development plan policy and then all material considerations in assessing the 'planning balance' when making a decision.

#### Sequential Test:

In carrying out the sequential test it is acknowledged in paragraph 24 of the National Planning Policy Framework that whilst applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. However, the sequential test does seek to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites. In this case, it is imperative that it is demonstrated that what is proposed on each of the three applications separately, cannot be accommodated on a sequentially preferable site, regardless of the additional justification as set out by the supporting Planning & Retail Statement and the commercial nature of the three elements. We must assess 'the proposal' in front of us, and in this case, the three separate developments applied for.

With regard to the sequential test the Applicant has considered 2 alternative sites, firstly the former Morrison's Headquarters on Thornton Road and secondly the Harris Court Mill in Great Horton.

In relation to the former Morrison's Headquarters the Applicant considers it to be too small (1.9 hectares) to accommodate the development in that it is considerably smaller than the application site (2.7 hectares). On this basis the Council is satisfied that the site is not of a suitable size to accommodate the proposal even when applying a sufficient degree of flexibility.

The second site that was considered was Harris Court Mill in Great Horton. This site measures 0.4 hectares in size and again is not considered to be a suitable alternative because of this.

Based on the above it is concluded that there are no suitable alternative sites available that could accommodate the development.

#### The Impact Test:

Paragraph 26 of the NPPF states that an impact assessment is required to accompany planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan. Whilst the Core Strategy has not yet been formally adopted, we understand that the Council is working towards adopting the plan in mid July 2017 following Examination in Public in 2016. Paragraph 2016 of the NPPF states that decision makers may also give weight to relevant policies in emerging plans according to the stage of preparation and the extent to which there are unresolved objections to the relevant policies. In this case, the plan is near completion and there are no unresolved objections, in fact the Inspector concluded that the plan was capable of adoption.

The relevant Policy in this case is Policy EC5 which relates to defined centres in the District. The Policy is consistent with paragraph 26 of the NPPF and sets out locally based thresholds for impact tests. Policy EC5 of the Core Strategy and paragraph 26 of the NPPF identifies the following impact tests:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

The first issue to consider under policy EC5 relates to the impact on investment there are a number of sites to consider including the Broadway centre in Bradford City Centre, the Asda store on Cemetery Road, and, the site of the former Morrison's Headquarters on Thornton Road. In relation to the first two sites it is not considered that the proposal would impact on the realisation of the investment in the City Centre including the second phase of the Broadway development and it is not considered relevant to assess the impact on the Asda investment in light of the store being situated in an out of centre location and already being open. With regard to the site of the former Morrison's Headquarters the site could be developed in accordance with the existing planning permission. Having assessed both proposals in terms of what they are providing together with the size of the units proposed. Whilst it is acknowledged that the two schemes may be competing for one or two of the same operators for the smaller units, they are unlikely to be competing for the same convenience operator due to the differing sizes of the proposed units which will likely be the "anchor" units of the schemes. It is not considered that the size of the units proposed at the former Morrison's Headquarters site would meet the required level of floorspace and format as required by Aldi, the named operator of the scheme the subject of this application. It is also the same scenario for the second named operator, Home Bargains. Finally it is considered that due to the number of units proposed in each scheme and the various unit sizes there is the market for both schemes to progress.

Overall therefore in terms of the impact on investment the Council is satisfied that whilst there may be a degree of diversion to the proposed development from the permitted scheme at the former Morrison's headquarters site should that proceed, it is not considered that this would be to a level which would jeopardise the proposed scheme from progressing. It is considered that there are enough operators to occupy the proposed units at both sites. Furthermore, whilst it is of relevance to consider the potential implications of a scheme on an edge of centre site (and the potential to limit the possibility of promoting linked trips), it is not considered that this would be at a level that would have a significant adverse impact on the overall vitality and viability of Girdlington District Centre.

The second issue to consider under policy EC5 relates to the impact on vitality and viability on existing centres and operators. The Applicant has submitted Cumulative Trade Diversion information which estimates that approximately 70% of the proposed convenience turnover will be diverted from the identified stores within the catchment at 2022 (or £9.6m) and approximately 70% of the comparison turnover of the proposal will be diverted from stores within the catchment (or £6.3m). These initial figures were queried and subsequently amended to take account of an increased catchment area looking in particular at the level of diversion from Great Horton and Girdlington District Centres and the Asda store on Cemetery Road. For both convenience and comparison goods diversion assumptions, this has increased the level of diversion from these key

destinations to 80% in both instances and it is considered that these figures better reflect what could happen in practice, particularly given the types of operators likely to be occupying units at the application site and the type of operators in the defined centres.

The biggest impact is likely to be felt by the Asda store on Cemetery Road (-22%) but as this store is located outside of a defined retail centre it is not protected by policy. The second biggest impact will be on the Great Horton District Centre (-8.4%) with the main impact being felt by Tesco Extra. Whilst the impact on the centre can be seen as relatively high it is not considered that it will be a significant adverse impact bearing in mind the centre's current overall health and the positive vitality and viability indicators in the Bradford Retail and Leisure Study (2015) and the quantum of other uses (retail and leisure services) which will not be materially impacted upon as a result of the proposal. Finally with regard to the Girdlington District Centre the impact is estimated at -6.7% due to the comparable nature of the District Centre with what is proposed at the application site (i.e. a Lidl foodstore and the Range). The centre appears to be performing well with a good level of national multiple operators present together with there being a high percentage of additional uses (retail service and leisure service) which will not be substantially impacted upon as a result of the proposal.

The wider scheme has been assessed in terms of the proposed end-uses, i.e. Use Classes A1, A3 and A4/AA. The Town and Country Planning (Use Classes) Order 1987 (as amended) does permit changes from one Use Class to another and this could result in changes to the balance of the uses within the development. It is permissible to change from Use Class A3 to A1 without planning permission and therefore it is recommended that a condition be imposed on a planning permission restricting the use of the drive thru to a drive thru coffee shop and no other use within that Use Class or any other without the need for consent. If, in the future, the use of the building is to be changed to, for example A1 retail, then the impact of the use on the existing retail centres can be further assessed.

In conclusion therefore, in terms of the sequential test the Council is satisfied that there are no sites which can be considered to be available and suitably accommodate the proposed development. With regard to the impact tests it is not considered that the proposal will impact on either the proposed scheme on the former Morrison's Headquarters or the defined retail centres. Overall therefore the proposal meets the policy requirements of Policy CR4A of the Replacement Unitary Development Plan, Policy EC5 E of the Core Strategy and paragraph 24 of the National Planning Policy Framework and as such the principle of the development is acceptable subject to detailed consideration in the following sections of this report.

## 2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute

positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The site is located at the junction of Clayton Road and Hollingwood Lane and is within the north eastern corner of the larger site. It is therefore located in a very prominent position within the context of the streetscene and wider locality. The application is in outline form with details of the appearance and scale reserved for consideration at a later stage. The footprint of the building is not considered excessive for its location and there is landscaping proposed in the immediate vicinity of the building which will help screen it from views from the surrounding area. The design of the building is important and it is considered that an appropriate design can be achieved that would be considered acceptable for the sites location.

Overall therefore, subject to an appropriate design of the building being achieved, it is not considered that the proposal would have a detrimental impact on the visual character and appearance of either the streetscene or wider locality.

### 3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The site is located within a residential area with dwellings facing onto the site from both the north (Clayton Road) and east (Hollingwood Lane). To the south and west are parts of the larger site and comprise retail proposals under application references 17/02462/MAF and 17/02466/OUT.

To the north of the site are dwellings fronting onto Clayton Road and onto the site itself. The separation distance between the dwellings and the proposed drive thru is 46 metres. The separation distance is considered acceptable in that it is sufficient enough such that the residential amenities of the occupiers of the dwellings will not be significantly affected.

To the east of the site are dwellings which front onto Hollingwood Lane and onto the site itself. The separation distance between the dwellings and proposed drive thru is 60 metres. The separation distance is considered acceptable in that it is sufficient enough such that the residential amenities of the occupiers of the dwellings will not be significantly affected.

The requested opening hours for the proposed drive thru are between 06:00–23:00 7 days a week. Deliveries to the unit will be between 07:00 to 19:00 Monday to Saturday

and 09:00 to 18:00 Sunday. It is acknowledged that these opening/delivery times are in line with those of similar developments and are similar to those of the proposed public house/restaurant forming part of application reference 17/02462/MAF. It is not considered that the operating times will significantly impact on the residential amenities of the occupiers of the neighbouring dwellings. Appropriate conditions are recommended in relation to opening and delivery times.

Overall therefore it is not considered that the siting of the proposed drive thru will significantly impact on the residential amenities of the occupiers of the adjacent dwellings.

#### 4. Highway safety

Policies TM2 and TM19A of the Replacement Unitary Development Plan 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 TM11 requires the provision of parking in accordance with the Councils adopted standards.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The layout of the development is such that the proposed vehicular access to the site will be taken directly from Clayton Road. It will be in the form of a new priority junction with a ghost right turn lane off Clayton Road. Visibility splays in excess of 2.4 metres x 43 metres are achievable in both directions. Although the access is relatively wide which makes it more difficult for pedestrians to cross the road, the wide access is necessary for servicing. The existing access on Hollingwood Road would be relocated and utilised as a dedicated service access point. Pedestrian access would be provided via the footways flanking the proposed access on Clayton Road and two dedicated pedestrian links from Hollingwood Lane.

There are 3 separate applications on the larger site (see Relevant Site History section of the report) and all the units forming this larger development will be served by the same vehicular access and the single large car park. As such in highway terms the 3 applications have not been considered separately but as a single scheme.

The Replacement Unitary Development Plan parking standards for the various proposed uses would equate to 426 car parking spaces. The proposed level of car parking provision is 216 spaces, including 15 disabled spaces and 11 parent & child

spaces. A parking assessment based on TRICS trip generation rates demonstrates that the anticipated parking demand can be accommodated within the site car park and there would be no overspill parking on the surrounding network. Notwithstanding this, as the car parking provision is much lower than the maximum permitted level and as such there will be a requirement for the provision of a number of Traffic Regulation Orders around the site to prevent on-street parking particularly along Clayton Road in the vicinity of the site access/egress. A resident only parking scheme should be provided along the northern side of Clayton Road. A Traffic Regulation Order will also be required to convert the existing parking bays across the site frontage on Hollingwood Lane to a combination of residents permit parking and limited waiting.

To improve the sustainability of the site and to encourage shoppers to use alternative modes of transport than the private motor vehicle a total of 15 cycle stands to accommodate 30 bicycles are being provided at three locations within the site. This is in line with the minimum cycle parking standards contained within the Replacement Unitary Development Plan. Two motorcycle stands are also being provided. It is recommended that these facilities should be sheltered to protect from adverse weather conditions.

The servicing for the proposed foodstore and the non-food retail units would take place from a service yard to the southern boundary of the site. The service yard would be accessed via a dedicated service access off Hollingwood Lane. Plans have been provided that demonstrate that swept paths for a 16.5 metre articulated vehicle can be accommodated within the site and will allow such vehicles to enter and leave the site in a forward gear.

The Transport Assessment contains trip information based on the TRICS database which is a sound and nationally accepted methodology. The assessment shows that based on average trip rates and a 20% discount for linked trips, the proposed development is expected to generate some 230 two-way vehicle movements during the Friday PM peak hour and 442 two-way vehicle movements during the Saturday mid-day peak hour. The Transport Assessment assumes the following trip proportions: 60% primary transfer, 20% diverted and 20% pass-by; but to make the assessment more robust, it assumes that the primary transfer trips would be new trips to the study area. This approach is considered to be acceptable as a high proportion of primary transfer trips for a discount retail development would be unacceptable. The trip distribution is accepted.

A simple solution would be to install a pelican crossing on Clayton Road with an inductive loop on Hollingwood Lane to activate the pelican when queues build up which would create gaps for traffic emerging from Hollingwood Lane. The pelican would also assist pedestrians to cross the road, which of course is its primary purpose. The applicant has agreed to fund these measures.

The formation of the vehicular access point on Clayton Road and any amendments to access on Hollingwood Lane will require the applicant to enter into a S278 Agreement. Therefore the applicant should contact the S278 officer at the earliest opportunity to initiate discussions on procedures involved.

TRO is required for yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.



The Framework Travel Plan submitted sets out the overall outcomes, targets and indicators for the overall site. This would be presented to each occupier for completion of the final Travel Plan within six months of occupation of the site, to allow time for travel characteristic surveys to be undertaken and suitable consultation with Bradford Council. This approach is considered to be acceptable.

West Yorkshire Combined Authority have not raised an objection to the principle of the development but are seeking the provision of a Real Time Passenger Information display at a nearby bus stop (at a cost of £10,000 to the Developer). Whilst the provision of such a Real Time Passenger Information display would be ideal it is not considered essential for the development to proceed. The Applicant is proposing a number of elements of the development that will increase the sustainability of the site and in this instance it is considered that these issues are sufficient and that the provision of a Real Time Passenger Information will not be sought.

Overall in highway terms it is considered that the proposal is acceptable and subject to the highway improvements sought by the Council, and agreed by the Applicant, will not have a detrimental impact on highway safety and the surrounding highway network.

In summary the following highway mitigation measures are to be provided:

1. Pelican crossing on Clayton Road and inductive loop detector on Hollingwood Lane.
2. TROs:
  - to extend waiting restrictions across site frontage on Clayton Road;
  - to provide residents parking on Clayton Road;
  - to convert existing parking bays across the site frontage on Hollingwood Lane to a combination of residents permit parking and limited waiting;
  - to provide yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.

#### 5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively which policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

In relation to the disposal of both foul and surface water it is proposed to connect to the mains sewer. The Drainage Authority, Lead Local Flood Authority and Yorkshire Water have all assessed the proposals and have raised no objection subject to the imposition of appropriate conditions.

#### 6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

The Tree Officer has not raised an objection to the proposal as the majority of the trees are to be retained. The layout of the development is such that there are adequate separation distances between the proposed buildings and the existing trees such that

they will not be directly impacted upon. An appropriate condition is recommended in relation to the provision of the root protection prior to the development commencing.

## 7. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

The application site only comprises a small part of the larger site on which other applications have been submitted in relation to a comprehensive redevelopment of the larger site. A Phase I and Phase II Geo-Environmental Site Investigation Report has been submitted with the application and assessed by the Environmental Health Department. This report does relate to the larger site and is no site specific to the application site. However the conclusions of the report are relevant to the site.

The report identifies in relation to the sites historic land uses that “historical maps indicate the site was undeveloped agricultural fields up to the turn of the 20th century (circa 1852 – 1909). The Beehive Engineering Works was recorded on site during the 1920’s, which was later replaced by the Scott (Engineering) Works circa 1932. The Scott Works buildings occupied the site until the recent demolition (circa 2014). The Bradford and Thornton Railway ran through the southern profile of the site parallel to the southern boundary until pre 1973 when the railway cutting in the southwest sector of the site appears to have been infilled, and although dismantled the railway cutting and road bridge still exist in the southwest corner of the site.”

A Tier 1 qualitative risk assessment was carried out to determine if any potential contaminants within the underlying soils and groundwater pose an unacceptable level of risk to the identified receptors. This involved “comparing the on-site concentrations of organic and inorganic compounds with reference values published by the EA (Contaminated Land Exposure Assessment (CLEA) Soil Guideline Values (SGV)) and where absent, Generic Assessment Criteria (GACs) published by LQM/CIEH (2nd edition).”

The results of this direct comparison show that the data exceeds the screening criteria for a residential end use for the following contaminants: Lead Asbestos

Benzo(a)Anthracene Chrysene Benzo(b/k)Fluoranthene Benzo(a)Pyrene Indeno(123-cd)Pyrene Dibenzo(a,h)Anthracene Hydrocarbon Fractions C16-C21 and C21-C35. From the analysis it was determined that “The exceedances for all determinands are associated with extensive shallow Made Ground deposits (<1.0m), with the exception of TP102 where hydrocarbon (TPH C16-C21) impact was encountered at 2.20m below ground level”. As the proposed end use is not as sensitive as a residential use it is considered that the exceedances are acceptable for the proposed end use.

The report has stated that gas monitoring to date has identified no elevated concentrations of potentially hazardous ground gasses and as such the initial assessment suggests that no specialist mitigation measures are required. At the time of the submission of the report gas monitoring was on-going and the final assessment will be subject to the collation of a full dataset. As such a condition is recommended requiring the submission of the ground gas monitoring results.

The report also concluded that a programme of remediation and enabling works will be required to remove the extensive buried obstructions and cut/fill the site to suitable development platform levels. It also stated that the shallow made ground will not be suitable for use as top soil in the landscaped areas due to the presence of elevated heavy metals, PAHs, hydrocarbon compounds identified across the entire site and localised asbestos containing material. Therefore it is recommended that a suitable cover system will need to be provided, thereby removing any dermal contact/ingestion pathways and the risk to the identified receptors. Appropriate conditions are recommended in relation to these aspects.

Overall therefore, subject to the imposition of appropriate conditions, there are no significant land contamination issues that would impact on the proposal.

## 8. Safe and secure environment

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people’s lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer has objected to the inclusion of the drive thru restaurant within the wider development but would not object to the inclusion of a coffee bar/eating area. The Applicant has indicated that the unit will be occupied by a coffee bar.

Access control on the vehicle entrance: It is recommended that manual access control barriers on the main vehicle entrance are installed, these can be left open during operational hours but locked on an evening when the units are closed, which will prevent any vehicles from parking up and carrying out any forms of anti-social

behaviour outside operating hours – *due to the site being surrounded by residential development that could be affected by inappropriate and unauthorised use of the car park these comments are concurred with and an appropriate condition is recommended.*

Perimeter treatments: The submitted plans suggest that the existing 2.3 metre high concrete post and rail fence which secures the south and west boundaries will remain. If these fence panels are not closed boarded fencing and there are spaces between panels they should be filled in to provide a 'closed boarded fence' which provides more security. The proposed boundary treatments are generally acceptable for the remainder of the site, however, for the outer boundaries such as the 1800mm high fencing which borders residential properties on the south side of the site 'closed boarded fencing' which provides more security and privacy to both the delivery area and residential gardens should be used – *an appropriate condition is recommended in relation to the installation of the appropriate boundary treatment to ensure the provision of a safe and secure environment for both the future occupiers of the development and its customers.*

Public open space: In relation to the areas of public open space and greenery, there should be a management plan in place to ensure that the trees are pruned and grass is cut to keep the retail unit looking tidy – *these comments are concurred with and an appropriate condition is recommended.*

A number of comments have been raised in relation to physical security, i.e. doors and windows and CCTV. These are outside the control of the planning system and it is up to the developer as to whether or not the construction of the units meets the appropriate requirements recommended by the West Yorkshire Police.

## 9. Other issues

A number of other issues have been raised during the publicity exercise that have not been considered in the above sections of the report. These issues are addressed below:

The location could encourage the number of anti-social behaviour orders as well as drink driving incidents – *the proposal relates to a café/drive thru and will not sell alcohol and therefore will not encourage drink driving incidents. With regard to anti-social behaviour orders the site will be managed and a condition is recommended in relation to the installation of gates/barriers across the access/egress to prevent unauthorised access outside opening hours to prevent such behaviour.*

Hygiene is already an issue with missed bin collections and the addition of retail or food premises are going to add to the unclean streets and add to the rat population of Bradford – *this is not a material planning consideration and will be covered by Environmental Health legislation.*

A large retail outlet would only welcome a rodent infestation of a substantial amount which would result in local homes suffering – *the proposal doesn't relate to a large retail outlet and therefore this objection is not relevant. However in response to the comments raised the issue of a rat infestation would be covered by Environmental Health legislation.*

Think about the legacy of what we are leaving our children more green area in an urban concrete jungle is needed to clean our air not a carbon footprint that will step on our children – *the site is a brownfield site and is currently covered by concrete with there being very little grassed area. As part of the proposal the Applicant is proposing to incorporate some landscaping and this will enhance the site and improve on the amount of greenspace currently on the site.*

**Community Safety Implications:**

There are no other community safety implications other than those referred to in the main body of the 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 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.

**Reason for Granting Planning Permission:**

The scheme provides a retail scheme on previously-developed land. The layout of the proposal is acceptable and presents no concerns with regard to residential amenity and highway safety. The proposal is considered acceptable and, with the unilateral undertaking relating to off-site highway works and the attached conditions, satisfies the requirements of policies E6, CR1A, CR4A, and, TM10 of the adopted Replacement Unitary Development Plan, Policies PN1, P1, SC1, SC4, SC9, EC4, EC5, TR1, TR2, TR3, TR4, EN3, EN5, EN7, EN8, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of 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, and,
- ii) 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 Implementation

Prior to development commencing a ground gas investigation and risk assessment report, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

### 5. 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 EN8 of the Local Plan for Bradford.

### 6. Remediation verification

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 and to comply with policy EN8 of the Local Plan for Bradford.

### 7. 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 EN8 of the Local Plan for Bradford.

8. 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.

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 EN8 of the Local Plan for Bradford.

9. Surface water disposal

Notwithstanding the drainage details contained in the supporting information, 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 that no surface water discharges take place until proper provision has been made for its disposal and to accord with policy EN7 of the Local Plan for Bradford.

10. Surface Water Drainage Maintenance and Management

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 which shall be submitted to, and agreed in writing by the Local Planning Authority, within 6 months of the development hereby permitted commencing on site.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

11. Temporary drainage strategy

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: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

12. Surface water flow

Notwithstanding the drainage details contained in the supporting information, the drainage works shall not commence until the maximum pass forward flow of surface water from the development is agreed to be restricted to a rate approved with the Lead Local Flood Authority.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

13. Disposal of foul water drainage

Notwithstanding the drainage details contained in the supporting information, the drainage works shall not commence 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. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

14. Opening times

Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises shall be restricted to the hours from 06:00 to 23:00 Mondays to Sundays.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

15. Delivery times

No deliveries/servicing shall be taken in or dispatched from the site outside the hours of 07:00 to 19:00 Mondays to Saturdays and 09:00 to 18:00 on Sundays.

Reason: In the interests of the amenities of the neighbouring properties and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

16. Construction hours

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 policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

17. Details of any external lighting to be submitted

Notwithstanding the details shown on plan, within 6 months of the development hereby permitted commencing on site, full details of the type and position of down-lighting units for the buildings and car parking areas, including measures for ensuring that light does not shine directly on the adjacent public highways or is visible to highway users, shall first have been submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be carried out and maintained thereafter whilst ever the use subsists.

Reason: No suitable details have been submitted, to avoid road users being dazzled or distracted in the interests of highway safety and to accord with the policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

18. Construction Emission Management Plan

Prior to commencement of the development a Construction Emission 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)

#### 19. Root Protection Plan

The development shall not be begun, nor shall there be any 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 policy EN5 of the Local Plan for Bradford.

#### 20. Implementation of landscaping

All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme that has previously been agreed in writing with the Local planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of visual amenity and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

#### 21. Landscape management

Before the development hereby permitted is brought into use, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

#### 22. Travel Plan

Unless otherwise agreed in writing with the Local planning Authority, within 6 months of the first occupation of the building, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable

travel options for future occupants of the development and include measures and incentives to reduce their reliance upon the private car. The Travel Plan as approved shall be implemented within 3 months of its approval in writing. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: In the interests of promoting sustainable travel and to accord with policy PN1 of the Local Plan for Bradford.

23. Construct access before use

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 policies DS4 and DS5 of the Local Plan for Bradford.

24. Visibility splays

Before any part of the development is brought into use, the visibility splays 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 policies DS4 and DS5 of the Local Plan for Bradford.

25. Servicing areas

Before any part of the development is brought into use, the vehicle service areas for loading/unloading, including the turning and manoeuvring space, hereby approved shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan. They shall be retained for that purpose whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

26. Provision of car park before development brought into use

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 policy TR2 of the Local Plan for Bradford.

27. Gates to prevent access outside hours

Before the first occupation of the development hereby permitted, details of gates/barriers, or alternative means, to be installed across the access/egress to prevent unauthorised access to the site outside operating hours shall be submitted to and agreed in writing by the Local Planning Authority. The barriers shall then be installed in accordance with the approved details prior to the development first being brought into use.

Reason: In order to protect the site from unauthorised access and to provide a safe and secure environment outside operating hours and to accord with policies SC9 and DS5 of the Local Plan for Bradford.

28. 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 TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

29. Preventive measures: mud on highway

The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies DS4, and, DS5 of the Local Plan for Bradford.

30. Use of building

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, the premises shall be used for a drive thru coffee shop only and for no other purpose (including any other activity within Class A3 of the Order).

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to car parking provision and impact on adjacent occupiers and to accord with Policies UR3 and TM2 of the Replacement Unitary Development Plan.

**Report of the Strategic Director, Department of Place to the meeting of the Regulatory and Appeals Committee to be held on 10 August 2017**

**R**

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**Subject:**

**Revised Scheme of Charges to Meet the Cost of the Council's Building Regulations Service.**

**Summary statement:**

**The Council has the powers to set charges for the provision of its Building Regulations services. The regulations allow the council to make charges that are equitable with the costs of providing the service. The charges were last amended in 2011. This report sets out a revised scheme of charges to meet the anticipated costs of providing the service in the next few years.**

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**Portfolio:**

**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**

## **1. SUMMARY**

The provision of a Building Regulations service is a duty of each local authority under the provisions of section 91, Building Act 1984. To pay for those services the Building (Local Authority Charges) Regulations 2010 allow local authorities to individually set charges to recover the cost of providing the service.

The provision of such services is open to competition with private sector companies, registered by central government and called Approved Inspectors. Thus, the charges, set by each local authority must meet the cost of providing the service and be competitive with the fees charged by the Approved Inspectors.

The Council's charges were last amended in 2011 and have been held at that level to remain competitive with the fees charged by the private sector companies. It was possible to maintain the scheme of charges as efficiency savings within the service meant that some costs were reduced to offset low levels of pay increases and stabilise the overall cost.

Further data collection has meant that the mean cost of each category of building project can now be more accurately determined and that relevant cost recovered.

The cost of the Building Regulations compliance service generally represents only 1 to 2% or less of the overall cost of a building project.

## **2. BACKGROUND**

The Building Regulations charges, set by the council have not been amended since 2011.

For the last three years, it would appear that the fees charged by the private sector have been increasing but hard evidence of sensitive, commercial agreements is difficult to obtain.

The service to uphold compliance with the Building Regulations is one of the statutory functions of the Building Control unit. The Building Regulations charges form a significant income for the Building Control unit and the majority of the unit's work load arises from carrying out that function.

Some functions of the Building Regulations compliance service can not be charged for. The provision of the service where the building works are carried out for the comfort and greater convenience of disabled persons can not attract a charge. Further, the formal, legal enforcement of the regulations does not attract a charge but instead, must be financed from the public purse.

## **3. OTHER CONSIDERATIONS**

The Building Regulations charges can only be used to cover the costs of the compliance checking function. They can not be used to cover the cost of other functions such as Safety in Sports Grounds or the demolition of dangerous buildings..

## **4. FINANCIAL & RESOURCE APPRAISAL**

The Council has a statutory duty and must provide the Building Regulations compliance service. The service must be financed from the charges made for the provision of the service. The amended charges are designed to meet the service costs over the next financial year.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

As described in the Building (Local Authority Charges) Regulations 2010, the sum raised through the Building Regulations Charges should equate to the cost of providing that service. Annually, the chief financial officer of each local authority must state, in writing, that this has been achieved when a rolling three year period is taken into account.

## **6. LEGAL APPRAISAL**

It is the duty of the local authority, under the provisions of section 91, Building Act 1984 to enforce the Building Regulations in their areas.

To recover the costs incurred in carrying out the Building Regulations compliance function, Regulation 3, the Building (Local Authority Charges) Regulations 2010 states that a local authority may make charges to meet that cost, subject to various conditions. Under Regulation 6 of the same regulations, the amount raised by the Building Regulations charges should equate to the cost of providing those services.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

The Regulations do not provide for charges to be made when the proposed building works are for the comfort and convenience of disabled persons. Therefore, the service to alterations and extensions, to meet the specific needs of a disabled person must be provided free of charge. The proposed Scheme for the Recovery of Building Regulations Charges does not, therefore, affect disabled persons.

The increase in cost for the majority of smaller, domestic works is modest. The total charge for small domestic works represents about 1% of the cost of the works. The increases in charges represent an increase of less than 0.2% of the overall cost of the building work, minimising the effect on lower income households.

### **7.2 SUSTAINABILITY IMPLICATIONS**

The proposed new charges are required to maintain the sustainability of the service to carry out the council's regulatory duties.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The Building Regulations require the installation of energy efficient building services and set minimum standards of thermal efficiency when certain building works are undertaken. Compliance with the regulations contributes to the reduction of greenhouse gas emissions.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

The Building Regulations set minimum standards for health and safety in and around buildings. Compliance with the regulations promotes standards of health and safety when certain building works are undertaken.

### **7.5 HUMAN RIGHTS ACT**

There are no human rights implications.

### **7.6 TRADE UNION**

There are no trade union issues.

## **7.7 WARD IMPLICATIONS**

➤ Nil.

## **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

## **8. NOT FOR PUBLICATION DOCUMENTS**

## **9. OPTIONS**

- (i) The proposed scheme be adopted, to meet future costs of the service provided to each category of work. The proposed scheme seeks by modestly increasing the amounts charged
- (ii) The existing scheme be maintained. The existing scheme is currently competitive but will not meet the requirement to meet rising costs.

## **10. RECOMMENDATIONS**

**Recommended -**

**That the proposed Scheme of Recovery of Building Regulations Charges, as set out in the Appendix to Document “R” be adopted with effect from 4 September 2017.**

## **11. APPENDICES**

Appendix 1.

Proposed Scheme for the Recovery of Building Regulations Charges.

## **12. BACKGROUND DOCUMENTS**

The Building Act 1984.

The Building (Local Authority Charges) Regulations 2010

Scheme of Recovery of Building Regulations Charges 2010





# **Scheme for the Recovery of Building Regulation Charges**

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**Scheme introduced 4 September 2017**

# Definitions

**The following definitions apply to the Charging Scheme and should be read in conjunction with the other clauses and tables which constitute the Charging Scheme:**

**'building work'** means:

- a) the erection or extension of a building;
- b) the provision or extension of a controlled service or fitting in or in connection with a building;
- c) the material alteration of a building, or a controlled service or fitting;
- d) work required by building regulation 6 (requirements relating to material change of use);
- e) the insertion of insulating material into the cavity wall of a building;
- f) work involving the underpinning of a building;
- g) work required by building regulation 4A (requirements relating to thermal elements);
- h) work required by building regulation 4B (requirements relating to a change of energy status);
- i) work required by building regulation 17D (consequential improvements to energy performance);

**'chargeable function'** means a function relating to the following:

- a) the passing or rejection of plans of proposed building work which have been deposited with the Council in accordance with section 16 of the Building Act 1984 (as amended).
- b) the inspection of building work for which plans have been deposited with the Council in accordance with the Building Regulation 2010 and with section 16 of the Building Act 1984 (as amended).

- c) the consideration of a building notice which has been given to the Council in accordance with the Building Regulations 2010.
- d) the consideration of building work reverting to the Council under the Building (Approved Inspectors etc). Regulations 2010.
- e) the consideration of a regularisation application submitted to the Council under regulation 21 of the Building Regulations 2010.

**'cost'** does not include any professional fees paid to an Architect, Quantity Surveyor or any other person.

**'dwelling'** includes a dwelling-house and a flat.

**'dwelling house'** does not include a flat or a building containing a flat.

**'flat'** means a separate and self-contained premises construction or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

**'floor area of a building or extension'** is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is not enclosing wall, by reference to the outermost edge of the floor.

**'relevant person'** means:

- a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building works is carried out;
- b) in relation to a regularisation charge, the owner of the building; and
- c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of 'chargeable advice'.

# Principles of this Scheme

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (referred to as the chargeable functions), namely;

- **A Plan Charge** - payable when plans of the building work are deposited with the Local Authority.
- **An Inspection Charge** - payable on demand after the Authority carry out the first inspection in respect of which the charge is payable.
- **A Building Notice Charge** - payable when the building notice is given to the Authority.
- **A Reversion Charge** - payable for building work in relation to a building:-
  1. Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20(2) (a) (i) of the Approved Inspectors Regulations, or
  2. In respect of which plans for further building work have been deposited with the Authority in accordance with the Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.
- **A Regularisation Charge** - Payable at the time of the application to the Authority in accordance with Regulation 21 of the Building Regulations.
- **Chargeable Advice** - Local Authorities can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (i.e. before an application or notice is received for a particular case), which is payable after the first hour of advice, on demand after the Authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (i.e. the charge has been confirmed in writing following an individual determination). This charge can be discounted from a subsequent applicant or notice received for the work in question.
- The above charges are payable by the relevant person (see page 2 for definition).
- Any charge which is payable to the Authority may, in a particular case, and with the agreement of the Authority, be paid by instalments of such amounts payable on such dates as may be specified by the Authority. If the applicant and an Authority are agreeable, an inspection charge can be fully or partly paid up front with the plans charge.
- The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council Officers' average

hourly rate stated in the charging scheme, multiplied by the time taken to carry out the functions/advice, taking the following factors into account, as applicable, in estimating the time required by Officers to carry out the function/advice.

1. The existing use of a building, or the proposed use of the building after completion of the building work;
2. The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations;
3. The floor area of the building or extension;
4. The nature of the design of the building work and whether innovation or high risk construction techniques are to be used;
5. The estimated duration of the building work and the anticipated number of inspections to be carried out;
6. The estimated cost of the building work;
7. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(5) or 20B(4) of the Building Regulations (i.e. related to competent person/self certification schemes);
8. Whether in respect of the building work a notification will be made in accordance with regulation 20A(4) of the Building Regulation (i.e. where design details approved by Robust Details Ltd have been used);
9. Whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other.
10. Whether an application or building notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority;
11. Whether chargeable advice has been given which is likely to result in less time being taken by a Local Authority to perform that function;
12. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.

## Principles of the scheme in respect of the erection of domestic buildings, garages, carports and extensions

- Where the charge relates to an erection of a dwelling the charge includes for the provision of a detached or attached domestic garage or carport providing it is construction at the same time as the dwelling.

- Where any building work comprises or includes the erection of more than one extension to the building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.

### Exemption from charges

The Authority has not fixed by means of its scheme, or intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely:

- a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The Council has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of:

- a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The Council has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of:

- a) the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- b) the provision of extension of a room which is or will be used solely:-
  - (i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any

- other room in the dwelling, or
- (ii) for the storage of medical equipment for the use of the disabled person, or
- (iii) to provide sleeping accommodation for a carer where the disabled person required 24 hour care.

The Council has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely:-

- a) for the purpose of providing means of access for disabled persons by way of entrance., or exit to or from the building or any part of it; or
- b) for the provision of facilities designed to secure the greater health, safety, welfare or disabled persons.

*Note: 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed.*

### Information Required to Determine Charges

If the Authority requires additional information to enable it to determine the correct charge the Authority can request the information under the provisions of regulation 9 of The Building (Local Authority Charges) Regulation 2010.

The standard information required for all applications is detailed on the Authority's Building Regulation application forms. This includes the existing and proposed use of the building and a description of the building work.

Additional information may be required in relation to:

- The floor area of the building or extension.
- The estimated duration of the building work and the anticipated number of inspections to be carried out.
- The use to which the building will be put.
- The use of competent persons or Robust Details Ltd.
- Any accreditations held by the builder or other members of the design team.

- The nature of the design of the building work and whether innovative or high-risk construction is to be used.
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge the 'estimate' is required to be such reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax chargeable).
- The use of the building.

## Establishing the Charge

The Authority has established standard charges using the principles contained within The Building (Local Authority Charges) Regulation 2010. Standard charges are detailed in the following tables. In the tables below any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative.

**If the building work that you are undertaking is not listed as a standard charge, it will be individually determined in accordance with the principles and relevant factors contained within The Building (Local Authority Charges) Regulation 2010.** If the Authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

When the charge is individually determined the Authority shall calculate the charge in the same way a standard charge was set by using the average hourly rate of officers' time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and taking into account the applicable factors listed in regulation 7(5) of the charges regulations.

Individually determined charges will be confirmed in writing specifying the amount of the charge and the factors that have been taken into account in determining the charge.

The building regulation charges for the following types of building work will be individually determined and the Authority will state which factors in regulation 7(5) of the charges regulations it has taken into account in establishing a standard or individually determine charge.

## Individually Determined Charges

Charges for the following types of work shall be determined on an individual basis:

- A reversion charge, or
- A regularisation charge, or

- The building work is in relation to more than one building, or
- Building work consisting of alterations to any use of building where the estimated costs exceed £20,000, or
- The work consists of a non-domestic extension or new build and the floor area exceeds 10m<sup>2</sup>, or
- The work consists of a domestic garage with a floor area of over 100m<sup>2</sup>, or
- The work consists of the erection or conversion of 20 or more dwellings, or
- The work consists of the erection or conversion of dwellings where the floor area of each dwelling exceeds 300m<sup>2</sup>, or
- Any other work when the estimated cost of work exceeds £20,000, or
- Where more than one standard charge applies to the building work and, with the agreement of the relevant person, the Authority will establish the charge by individually determining the charge.

## Other Matters Relating to Calculation of Charges

- In calculating these charges, refunds or supplementary charges, an officer's hourly rate of £55+ VAT per hour or part thereof has been used.
- Any charge payable to the Authority shall be paid with an amount equal to any value added tax payable in respect of that charge.
- Charges are not payable for the first hour when calculating an advice charge.
- The Authority accepts payment by instalment in respect of all building work where the total charge exceeds £10,000. The authority on request will specify the amounts payable and dates on which instalments are to be paid.

## Reductions

Reduced charges are shown in the tables of standard charges and reduced charges will also be made in relation to individually assessed charges when work, or the relevant part of the work, has been, or intends to be carried out by a person mentioned in regulation 12(5) or 20B(4) of the Principal Regulations in respect of that part of the work, (*i.e. competent person/self-certification schemes or other defined non-notifiable work*).

Any reduced charges that will be made in relation to individually assessed charges when a notification is made in accordance with regulation 20A(4) of the Principal Regulations, (*i.e. where, for the purpose of achieving compliance with Requirement E1 of the Principal Regulations, design details approved by Report Details Limited have been used*) are shown in

the tables of standard charges and will also be considered in calculating individually determined charges.

The Authority shall make a reduction in a standard or individually determined charge when chargeable advice has been given before receipt of an application or notice for proposed building work, which is likely to result in less time being taken by the Local Authority to perform the chargeable function for that work.

When it is intended to carry out additional building work on a dwelling at the same time that any of the work to which Tables B or C relate, then the charge for this additional work shall be determined as follows: The charge for the works with the highest combined Full Plans and Inspection Charges (or Building Notice Charge) Standard Charge is payable, with the charges for the additional work reduced by 50%. Alternatively, the charge may be individually determined, with the agreement of the applicant.

Where in accordance with Regulation 7(5)(i) of the charges regulations one application or building notice is in respect of two or more buildings or building works, all of which are substantially the same as each other a 50% reduction in the standard plan, building notice or inspection charge will be made.

Where in accordance with Regulation 7(5)(i) of the charges regulations an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same Local Authority, a 50 % reduction in the plan charge will be made.

### **Refunds and Supplementary Charges**

If the basis on which the charge has been set or determined changes, the Local Authority will refund or request a supplementary charge and provide a written statement setting out the basis of the refund/ supplementary charge and also state how this has been calculated. In the calculation of refunds/supplementary charges no account shall be taken of the first hour of an officer's time.

### **Non - Payment of a Charge**

Your attention is drawn to Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010, which explains that plans are not treated as being deposited for the purposes of Section 16 of the Building Act or Building Notices given unless the Council has received the correct charge. In other words, relevant timescales do not start until the agreed payment has been made. The debt recovery team of the Authority will also pursue any non-payment of a charge.

### **Complaints about Charges**

If you have a complaint about the level of charges you should initially raise your concern with the relevant

officer. The Council has a comprehensive complaint handling process. If your complaint is not satisfactorily responded to by the officer concerned, details of how to resolve your complaint is available on request and can be viewed on the Council's web site: [www.bradford.gov.uk](http://www.bradford.gov.uk)

### **Transitional Provisions**

The Council's scheme for the recovery of charges dated 1st January 2010 continues to apply in relation to building work for which plans were first deposited, a building notice given, a reversion charge becoming payable, or a regularisation application was made, between 1st January 2010 and 30th September (inclusive).

## **Standard Charges**

**Standard charges includes works of drainage in connection with the erection or extension of a building or buildings, even where those works are commenced in advance of the plans for the building(s) being deposited.**

These standard charges have been set by the Authority on the basis that the building work does not consist of, or include, innovative or high risk construction techniques (details available from the Authority) and/or the duration of the building works from commencement to completion does not exceed 12 months.

The charges have also been set on the basis that the design and building work is undertaken by a person or company that is competent to carry out the design and building work referred to in the standard charges tables, that they are undertaken, if not, the work may incur supplementary charges.

If chargeable advice has been given in respect of any of the work detailed in these tables and this is likely to result in less time being taken by the Authority, then a reduction to the standard charge will be made.

### **Plan and Inspection Charges**

The plan charge and inspection charge are listed in the following tables.

### **Building Notice Charge**

Where building work is of a relatively minor nature the Building Notice charge is the same as the total plan and inspection charge.

### **Reversion Charge**

These charges will be individually determined.

### **Regularisation Charge**

These charges will be individually determined.

**TABLE A: STANDARD CHARGES FOR THE CREATION OR CONVERSION TO NEW HOUSING**

Number of units	FULL PLAN CHARGE			INSPECTION CHARGE			BUILDING NOTICE CHARGE		
	Charge £	VAT @ 20% £	Total £	Charge £	VAT @ 20% £	Total £	Charge £	VAT @ 20% £	Total £
1	165.00	33.0	198.00	220.00	44.00	264.00	385.00	77.00	462.50
2	330.00	66.00	396.00	440.00	88.00	528.00	770.00	154.00	924.00
3	453.75	90.75	544.50	536.25	107.25	643.50	990.00	198.00	1,188.00
4	594.00	118.80	712.80	715.00	143.00	858.00	1,309.00	261.80	1,570.80
5	742.50	148.50	891.00	893.75	178.75	1,072.50	1,636.25	327.25	1,963.50
6	891.00	178.20	1,069.20	1,072.50	214.50	1,287.00	1,963.50	392.70	2,356.20
7	1,039.50	207.90	1,247.40	1,251.25	250.25	1,501.50	2,290.75	458.15	2,748.90
8	1,188.00	237.60	1,425.60	1,430.00	286.00	1,716.00	2,618.00	523.60	3,141.60
9	1,336.50	267.30	1,603.80	1,608.75	321.75	1,930.50	2,945.25	589.05	3,534.30
10	1,375.00	275.00	1,650.00	1,787.50	357.50	2,145.00	3,162.50	632.50	3,795.00
11	1,512.50	302.50	1,815.00	1,966.25	393.25	2,359.50	3,478.75	695.75	4,174.50
12	1,650.00	330.00	1,980.00	2,145.00	429.00	2,574.00	3,795.00	759.00	4,554.00
13	1,787.50	357.50	2,145.00	2,323.75	464.75	2,788.50	4,111.25	822.25	4,933.50
14	1,925.00	385.00	2,310.00	2,502.50	500.50	3,003.00	4,427.50	885.50	5,313.00
15	1,980.00	396.00	2,376.00	2,681.25	536.25	3,217.50	4,661.25	932.25	5,593.50
16	2,112.00	422.40	2,534.40	2,860.00	572.00	3,432.00	4,972.00	994.40	5,966.40
17	2,244.00	448.80	2,692.80	3,038.75	607.75	3,646.50	5,282.75	1,056.55	6,339.30
18	2,376.00	475.20	2,851.20	3,217.50	643.50	3,861.00	5,593.50	1,118.70	6,712.20
19	2,508.00	501.60	3,009.60	3,396.25	679.25	4,075.50	5,904.25	1,180.85	7,085.10
20	2,640.00	528.00	3,168.00	3,575.00	715.00	4,290.00	6,215.00	1,243.00	7,458.00

Additional charge of £200 + Vat = £240.00 where work e.g. electrical or Gas fittings work is not to be certified as compliant with the Building Regulations by a person or body competent and registered to do so\*.

Note – for 20 or more dwellings or if the floor area of a dwelling exceeds 300m<sup>2</sup> the charge is individually determined.

\* An additional charge is for work when the relevant building work, or part thereof, has not been carried out by a person referred to in regulation 7(5) (g) or (h) of the Building (Local Authority Charges) Regulations 2010 applies. It is additional to the inspection charge, building notice charge or regularisation charge.

# Standard Charges for other Building Work

## Table B: Domestic Extensions to a Single Building

	PLAN CHARGE			INSPECTION CHARGE			BUILDING NOTICE CHARGE		
	Charge £	VAT @ 20% £	Total £	Charge £	VAT @ 20% £	Total £	Charge £	VAT @ 20% £	Total £
<b>Single Storey Extensions</b>									
Small extension < 10m <sup>2</sup>	150.00	30.00	<b>180.00</b>	166.24	33.25	<b>199.49</b>	316.25	63.25	<b>379.50</b>
Medium Extension 10m <sup>2</sup> < but < 40m <sup>2</sup>	150.00	30.00	<b>180.00</b>	303.75	60.75	<b>364.50</b>	455.75	90.75	<b>544.50</b>
Larger Extension 40 to 100 m <sup>2</sup>	150.00	30.00	<b>180.00</b>	358.75	71.75	<b>430.50</b>	508.75	101.75	<b>610.50</b>
<b>Multi Storey Extension</b>									
Multi Storey Extension < 40m <sup>2</sup>	150.00	30.00	<b>180.00</b>	331.25	66.25	<b>397.50</b>	481.25	96.25	<b>577.50</b>
Multi Storey extension > 40 <200m <sup>2</sup>	150.00	30.00	<b>180.00</b>	400.00	80.00	<b>480.00</b>	550.00	110.00	<b>660.00</b>
<b>Other works to dwellings</b>									
Loft conversion with <b>no</b> dormer window(s)	150.00	30.00	<b>180.00</b>	251.50	50.30	<b>301.80</b>	401.50	80.30	<b>481.80</b>
Loft conversion with dormer window(s)	150.00	30.00	<b>180.00</b>	345.00	69.00	<b>414.00</b>	495.00	99.00	<b>594.00</b>
Conversion of Garage to habitable room	150.00	30.00	<b>180.00</b>	15.00	3.00	<b>18.00</b>	165.00	33.00	<b>198.00</b>
Erection of extension of a non exempt Garage up to 100m <sup>2</sup>	150.00	30.00	<b>180.00</b>	42.50	8.50	<b>51.00</b>	192.50	38.50	<b>231.00</b>
Extension or creation of a basement up to 100m <sup>2</sup>	<b>Based on estimated cost</b>						<b>Based on estimated cost</b>		

Additional charge of £200 + Vat = £240 where work e.g. electrical work is not to be certified as compliant with the Building Regulations by a person or body competent and registered to do so\*.

\*An additional charge is for work when the relevant building work, or part thereof, has not been carried out by a person referred to in regulation 7(5) (g) or (h) of the Building (Local Authority Charges) Regulations 2010 applies. It is additional to the inspection charge, building notice charge or regularisation charge.



**Table C: Domestic alterations to a single building**

	PLAN CHARGE			INSPECTION CHARGE			BUILDING NOTICE CHARGE		
	Charge £	VAT @ 20% £	Total £	Charge £	VAT @ 20% £	Total £	Charge £	VAT @ 20% £	Total £
Renovation of a thermal element to single dwelling	60.00	12.00	72.00	0.00			60.00	12.00	72.00
Formation of a dormer window	150.00	30.00	180.00	70.00	14.00	84.00	220.00	44.00	264.00
Formation of two dormer windows	150.00	30.00	180.00	180.00	36.00	216.00	330.00	66.00	396.00
Alterations up to a value of £2000	55.00	11.00	66.00	55.00	11.00	66.00	110.00	22.00	132.00
Alterations with a value of £2001 to £5000	55.00	11.00	66.00	110.00	22.00	132.00	165.00	33.00	198.00
Alterations with a value to £5001 to £10000	150.00	30.00	180.00	97.50	19.50	117.00	244.50	49.50	297.00
Alterations with a value of £10001 to £15000	150.00	30.00	180.00	125.00	25.00	150.00	275.00	55.00	330.00
Alterations with a value of £15001 to £20000	150.00	30.00	180.00	207.50	41.50	249.00	357.50	71.50	429.00
<b>Window &amp; glazed door replacement (Grouped by number of units)</b>									
Up to 5	55.00	11.00	66.00	00.00	00.00	00.00	55.00	11.00	66.00
6 to 10	55.00	11.00	66.00	27.50	5.50	33.00	82.50	16.50	99.00
11 to 20	55.00	11.00	66.00	82.50	16.50	99.00	137.50	27.50	165.00
Over 20	<b>Request a quotation</b>			<b>Request a quotation</b>			<b>Request a quotation</b>		
Controlled Electrical Works	220.00	44.00	264.00				220.00	44.00	264.00

Additional charge of £220 + Vat = £264.00 where work e.g. electrical work is not to be certified as compliant with the Building Regulations by a person or body competent and registered to do so\*.

\*An additional charge is for work when the relevant building work, or part thereof, has not been carried out by a person referred to in regulation 7(5) (g) or (h) of the Building (Local Authority Charges) Regulations 2010 applies. It is additional to the inspection charge, building notice charge or regularisation charge but does not apply where the Building Regulations application is solely for controlled electrical works, in which case, the charges from Table C should be used.

**Table D: Other Non Domestic Work – Extensions and New Build**

Building Type	PLAN CHARGE			INSPECTION CHARGE		
	Charge £	VAT @ 20% £	Total £	Charge £	VAT @ 20% £	Total £
<b>Other Residential</b> Up to 10 m <sup>2</sup>	150.00	30.00	<b>180.00</b>	200.00	40.00	<b>240.00</b>
<b>Assembly and Recreation</b> Up to 10 m <sup>2</sup>	150.00	30.00	<b>180.00</b>	200.00	40.00	<b>240.00</b>
<b>Industrial and Storage</b> Up to 10 m <sup>2</sup>	150.00	30.00	<b>180.00</b>	110.00	22.00	<b>132.00</b>
<b>All Other Use Classes</b> Up to 10 m <sup>2</sup>	150.00	30.00	<b>180.00</b>	150.00	30.00	<b>180.00</b>

New build and extensions over 10m<sup>2</sup> please use estimated cost table (Table E) below

The amount of time to carry out the building regulation functions varies, dependent on the different use categories of buildings.

The amount of time to check and inspect a building used for industrial and storage use is less than that for other use, same size buildings and the charge for an assembly or other residential use building is higher due to the additional time in respect of this type of work. The use of a building is different under the provisions of the Building Regulations 2000.

Note: A basement is considered to be a storey and there is an additional charge of £50.00 + VAT (=£60.00) if the work is in relation to a basement.

**Table E: All Other Non Domestic Work – Alterations**

All Other non-Domestic Work - Alterations	PLAN CHARGE			INSPECTION CHARGE		
	Charge £	VAT @ 20% £	Total £	Charge £	VAT @ 20% £	Total £
Installation of controlled fitting(s) Ancillary to the works	Included in estimated cost based charge.			Included in estimated cost based charge.		
<b>Other alterations extensions and new build</b>						
£0 to £2000	150.00	30.00	<b>180.00</b>	60.00	12.00	<b>72.00</b>
£2001 to £5000	150.00	30.00	<b>180.00</b>	110.00	22.00	<b>132.00</b>
£5001 to £10000	150.00	30.00	<b>180.00</b>	140.00	28.00	<b>168.00</b>
£10001 to £15000	150.00	30.00	<b>180.00</b>	170.00	34.00	<b>204.00</b>
£15001 to £20000	150.00	30.00	<b>180.00</b>	220.00	44.00	<b>164.00</b>
<b>More than £20000 please ask for a quote</b>						
Installation of mezzanine floor			<b>Base on estimated cost</b>			
Office fit out UP to 300m <sup>2</sup>	150.00	30.00	<b>180.00</b>	300.00	60.00	<b>360.00</b>
Shop fit out Up to 300m <sup>2</sup>	150.00	30.00	<b>180.00</b>	300.00	60.00	<b>360.00</b>

Additional charge for the change of use of a building.

The charge is £100 + VAT and all associated building work will be subject to the additional charges detailed above.

This additional charge does not apply in relation to a building used for residential purposes that is altered to create more or fewer dwellings.

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