

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 7 December 2017 at 10.00 am in Committee Room 1 - 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 Committee Room 1 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 13.30.***

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. MINUTES

Recommended –

That the minutes of the meetings held on 10 August 2017, am and pm, and 28 September 2017 be signed as a correct record.

(Sheila Farnhill – 01274 432268)

4. **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

5. **MEMBERSHIP OF SUB-COMMITTEES**

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

(Sheila Farnhill – 01274 432268)

6. **LAND AT HOLTS LANE, BRADFORD** **Eccleshill**

1 - 32

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “X”**) in relation to a full planning application for a residential scheme of 99 dwellings, with associated works, on land at Holts Lane, Bradford – 17/05251/MAF.

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 20 two bed houses, 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)

7. **UNION MILLS, HARROGATE ROAD, BRADFORD**
Bradford Moor

33 - 70

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**Document “Y”**) in respect of a full application for the demolition of existing buildings and infill of an existing mill pond and the construction of seven retail units including a discount food store (Class A1), five retail units (Class A1) and one sub-divisible unit (Class A1, A3, A5), with access, car parking, landscaping and associated works, at Union Mills, Harrogate Road, Bradford – 17/04007/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)

8. **LAND AT GAIN LANE AND WOODHALL ROAD, BRADFORD**
Bradford Moor

71 - 96

The report of the Assistant Director - Planning, Transportation and Highways (**Document “Z”**) considers an outline planning application for the construction of an employment development scheme comprising B1, B2 and B8 uses and including means of access on land at Gain Lane and Woodhall Road, Bradford – 17/02463/MAO.

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)

Interested parties are asked to note that the following item will not be considered before 1.30

9. **UNIT 3A, SAPPER JORDAN ROSSI PARK, OTLEY ROAD, BAILDON** 97 - 128
Baildon

A report will be presented by the Assistant Director - Planning, Transportation and Highways (**Document "AA"**) in respect of a full planning application for a material change of use of Unit 3A at the Sapper Jordan Rossi Park, Otley Road, Baildon from Use Class B1 (Business) to Use Class B2 (General Industrial) in order to allow the chemical treatment of metal parts and the storage of associated chemicals – 17/04012/FUL.

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)

Interested parties are asked to note that the following item will not be considered before 1.30

10. **LAND TO THE NORTH OF ROYD INGS AVENUE (BETWEEN THE A629 AND THE RIVER AIRE), KEIGHLEY** 129 -
Keighley Central 160

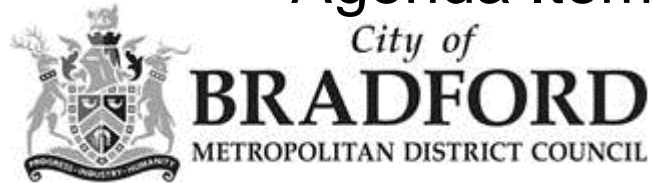
The Assistant Director - Planning, Transportation and Highways will submit a report in relation to a full planning application for the extension of Keighley Industrial Park through the formation of eight structures housing nine commercial units (B8 and B2 uses), with associated car parking, highways connection, drainage and landscaping, on land to the north of Royd Ings Avenue, Keighley – 17/05255/MAF (**Document "AB"**).

Recommended –

That the application be refused for the reasons set out in the Assistant Director - Planning, Transportation and Highways' technical report.

(John Eyles – 01274 434380)

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 7TH December 2017

X

Subject:

This is a full application for the construction of a residential development scheme comprising 99 dwellings with associated works on land at Holts Lane, Bradford.

Summary statement:

The proposal relates to the construction of a residential scheme of 99 dwellings of which 20 are to be provided as affordable dwellings. Access to the site will be taken directly from Westminster Avenue.

The site is allocated as a Safeguarded Site which accepts the principle of residential development on it. The layout of the development is such that it is not considered that it will have a significantly detrimental impact on the residential amenities of the occupiers of the adjacent dwellings whilst the design of the dwellings is considered to be in keeping with the overall character of the area. The access to the site will be taken from Westminster Avenue and the Highways Department have not raised any objection to this. The proposal will provide 20 affordable dwellings and this is in line with the policy guidance. There are not considered to be any significant issues in relation to either the drainage of the site or contamination.

Through the attachment of the proposed conditions and a Section 106 Legal Agreement to secure the affordable housing it is considered that the proposal is acceptable.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full application for the construction of a residential development scheme comprising 99 dwellings with associated works on land at Holts 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 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.

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. 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).

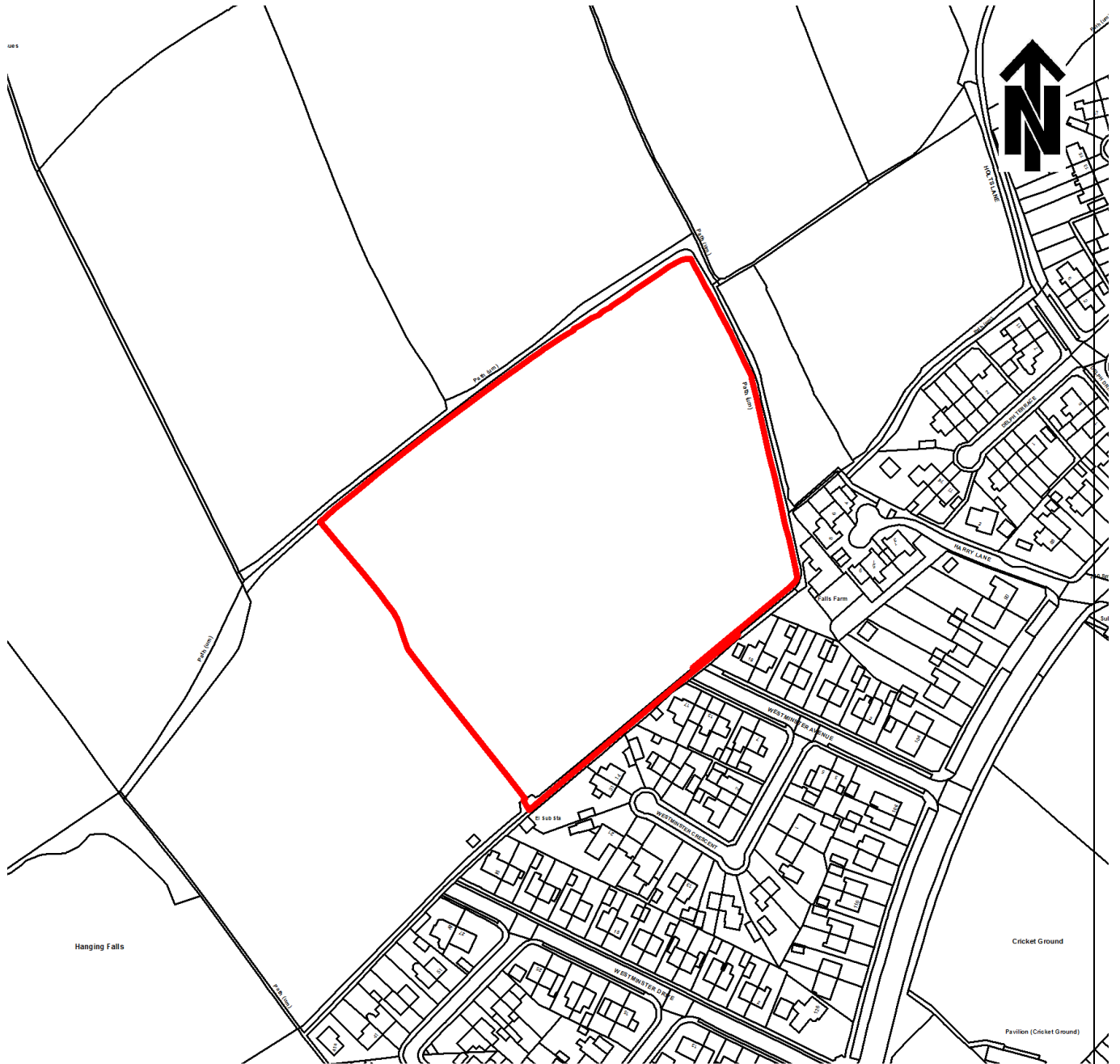
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/05251/MAF

17/05251/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Land at Holts Lane
Bradford**

7 December 2017

Ward: Eccleshill

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT TO SECURE THE PROVISION OF THE AFFORDABLE HOUSING UNITS

Application Number:

17/05251/MAF

Type of Application/Proposal and Address:

This is a full application for the construction of a residential development scheme comprising 99 dwellings with associated works on land at Holts Lane, Bradford.

Applicant:

Barratt David Wilson Homes (West Yorkshire)

Agent:

Richard Mowat (Johnson Mowat)

Site Description:

The site currently comprises an open field that is bounded by further open fields to the north, east and west whilst to the south is residential development (Westminster Avenue, Westminster Crescent and Harry Lane). Access to the site is taken from Westminster Crescent. A public footpath runs along the south western boundary of the site.

Relevant Site History:

There is no relevant planning history on the site

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 allocated as Safeguarded Land within the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

N/A

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC7 Green Belt
SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
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
ID2 Viability
ID3 Developer Contributions

Parish Council:

Clayton Parish Council has objected to the proposal on a number of grounds, these being as follows:

- No footpath for the public transport links from Thornton that is referred to.
- Access and egress to the site is poor especially from the main road.
- The 1.5 cars per household that is mentioned in the planning application report is unrealistic. Once householders mature this will only exacerbate the problem further.
- Concerned about the wildlife/bats/skylarks
- Drainage of the land is a big concern with flooding on Holts Lane.
- Significant impact to the areas public open spaces. A great deal of people use the right of way adjacent to the site. EG Dog walkers, horse riders.

- Local infrastructure cannot cope with such a sizeable development.
- Local children are already unable to obtain a place in the village school.
- Concerns that the high School children do not have a safe walking route to the schools in the neighbouring villages that they would attend. This is made more problematic as the number of children able to get the school bus has been cut. Children are simply unable to get a seat on the bus.
- The size of the development will mean that the demands on the current number of public open spaces will suffer.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 13th October 2017.

As a result of the publicity exercise 298 representations have been received objecting to the proposal together with a petition comprising 1302 signatures.

Summary of Representations Received:

Principle:

- A development of this size on a Greenfield site is wholly inappropriate especially when Bradford is full of Brownfield sites which are ripe for housing development but are obviously less attractive to developers who are seeking to maximise profit to the detriment of the environment and welfare of the local community
- With the large amount of housing up for sale in Clayton it is completely extortionate to ruin the green belt land of Clayton and spoil the views for the residents
- Clayton needs to be kept as a village and not turned into a town of concrete just for profit
- There's plenty more green belt available in much more spacious areas - use those
- The density of the proposed estate is not in keeping with the character of the surrounding areas and the number proposed is too many for the site
- There are other potential sites (top of The Avenue near Lidget Green & the former Fields printers site) less than a mile away towards Bradford that would have less of an environmental impact. If there is a housing shortage (which is the main argument for building on green fields) then these sites should be allocated for housing and not commercial development
- Losing precious green areas when Bradford has plenty of derelict mill/industrial sites ripe for the development of houses and apartments. Follow the example of Leeds and Manchester
- The UK's green areas provide a great deal of food for the country, by reducing green areas across the U.K. and increasing new home builds, an increased need to import is a guarantee
- On the site plan the affordable housing is placed in a corner of the development, therefore this is social apartheid. Is this the society we want to be in!
- An application has been refused planning for any kind of dwelling on a smallholding on Cockin Lane, so why should this be allowed?
- Bradford Council are not following their policy on Green Belt development
- This site was originally classed as green belt, but was downgraded to green field by the Council. What is the point in having green belt if it can be downgraded so easily?
- According to the "District Demographics" published by Bradford Council, 3,830 homes have been empty for more than 6 months so why is there a need to build new houses

- The inclusion of water tank to store surface water drainage in a field would conflict with the Councils Green Belt policy
- If the water tank is built it will require the moving of the existing pylon that runs across the field
- Is it necessary to ignore the heritage of this site as recreational land, and detrimental impact on the social well-being in this area?
- Is it the intention of the applicant to simply erect this development, sell the homes and ignore the lack of any open space for the occupants and further ignore the impact of their removal?
- The housing crisis is one of affordability, not simply land availability. Research by the Campaign to Protect Rural England showed that since 2009 only 16% of houses built on Green Belt were classed as affordable. Therefore releasing green belt and green field land such as the proposed site will not help to tackle the local housing need
- Clayton has borne its fair share of new building over the last ten to 20 years and indeed there is no specified numbers set for Clayton within the current local plan.

Highways:

- The roads cannot support any more people
- Access to the site has to cross a bridle way
- Westminster Avenue is too narrow to support large vehicles going constantly up it and this is the only access road
- There is nowhere for visitors to park safely on Westminster Avenue without blocking other residents and emergency vehicles would struggle to access the site
- Additional homes will have significant impact on the levels of traffic on Oxford Street and traffic counts do not appear to have taken this street into account
- 3 severe accidents have taken place at the junction of Oxford Street and the Avenue during the last 12 months and the likelihood of increased accidents is high
- Traffic at the roundabout at the bottom of The Avenue for traffic going in all directions tails back a minimum of 100 yards during rush hour traffic and waiting times at that junction are approximately 10 minutes per car. Buses are often stuck for longer periods as a result of traffic parked at the top of Bradford Road
- Section 32 of the NPPF states that a requirement for a safe and suitable access to a site also section 30 encourages development that reduces congestion. How is this going to be provided? Will developers pay to have the road infrastructure upgraded?
- Inadequate parking/loading/turning during building
- Clayton is high up and is guaranteed snow most winters which can block Westminster Avenue and make the Avenue very dangerous to drive on
- Concerns that the roads, Particularly Tea Pot Spout & public schooling transport, i.e. the bus service would not be able to cope with a further 200 cars etc.
- In winter the roads are often blocked by snow which will impact on the ability to access the site
- Barratt's estimate of an additional 104 cars using the road is an underestimation – due to the size of dwellings and average car ownership an estimation of 204 additional cars would be more accurate

Drainage:

- With the field being on a slope the public footpath already gets boggy at the bottom end, this surface water has to go somewhere so this problem will get worse if the field is built on

- the fields cannot cope with the volume of water, imagine if these fields were built on, what would happen
- There is a risk of flooding neighbouring land with the proposed development at Westminster Avenue
- Mud carried from the site will be washed into drains and culverts, causing blockages and potential flooding

Residential amenity:

- Loss of outlook for local residents
- Loss of privacy and overlooking
- Overshadowing/loss of light (NOT loss of acquired rights to light)

Visual amenity:

- The visual impact on the area will be detrimental
- The character of the new buildings is not in keeping with the area
- The proposed houses appear to be made of new stone as opposed to re-claimed stone and it is noted that none of plans show houses with chimneys which is very out of character for the local area
- The historic view from the Falls Farm will certainly change , this development could be argued as a change to the street-scene for Westminster
- When looking at the map showing Clayton and the areas for potential development, this development would be isolated and stick out from other residential areas. As the green fields surrounding this plot are privately owned there is no chance that one day the new houses would 'blend in' with other new houses so they will permanently be out of character.

Environment:

- The environmental impacts will be catastrophic and will allow similar developments along the whole length of the valley
- Many public footpaths will be lost
- Whilst housing is important it is also important that children and adults have green spaces to enjoy
- What about the amount of extra CO₂ that will be produced by the second most polluting form i.e. housing?
- Loss of trees/hedgerows
- Effect on listed building and conservation area
- Increase in noise pollution
- Railway tunnel and ventilation shafts under the site
- Although outside the Conservation Zone, care must be taken to ensure that appropriate building materials are used should the application be successful and no red brick should be used for any out-facing walls
- 1 to 3% of homes would be above the permitted level of Radon contamination and would require protection. This raises a question, would the disturbance of the site release extra Radon to unacceptable levels?
- There are many ramblers/dog walkers/horse riders who use the local bridleways around the proposed development
- The proposed development site is less than 5km from the South Pennines Moors, a special protection area, and therefore Barratts need to outline how they are going to ensure that the increased traffic in the area is not going to be detrimental. This is also something that Barratts have failed to do in their application.

Wildlife:

- Impact on local wildlife
- The developer has carried out a wildlife survey which was done in February when most of our wildlife is dormant or migrated
- There is a local population of Bats that roost In the vicinity of this proposed site
- The proposed development site is within 320m of Hanging Falls Wood, which is suggested to be a bat nesting site. This area has not been assessed by the applicant.

Others:

- The infrastructure, such as doctors/schools, cannot support additional development in the area
- There will be an impact on the health and well-being of local residents as the fields are used for walking and general well-being
- Local horse owners will suffer due to lack of grazing land thus having a detrimental effect on their health and wellbeing
- Anti-social behaviour will increase due to lack of facilities for younger people
- It is the duty of councils to protect the environment and the population it serves
- The majority of the new residents will not support local businesses. Instead they will use the internet and order on-line , which also increases traffic flow when the supermarket vans etc. deliver their goods
- There are now lots of designs and prototypes for eco-cities, vertical gardens, cob housing, self-sufficient homes and sustainable energy. We should be investing in this kind of thing, planning for the long-term future
- This land may be more profitable to the builders and council in the short term however the long term and wider impacts need to be considered
- Allowing this would be pandering to the greed of developers
- If this goes ahead the integrity of the planning process and indeed the local authority would be questioned
- As a village that is listed in the Domesday Book, meaning it dates back to at least the 11th century you would hope that everything would be done to preserve the size, personality and beauty of the village and not allow this to go ahead and be another step closer to merging with Thornton
- Barrett's in their published consultation meeting literature photos were used of local residents without their knowledge or permission (no notice at venue & not informed at the time). Therefore their privacy & data protection have been violated . Due to this how can the developers be trusted to carry out a build to the correct standards & work with community if the proposed housing development is granted.
- It's seems that without objections Councils & builders would have a free for all until there were no green areas left and if this application is passed then this will open the flood gates and make it even easier for builders to build on the last remaining green fields and Bradford will lose one of its last remaining villages and Clayton will lose its Village identity forever and become part of the urban sprawl.
- "I cannot believe in this day and age that money is STILL the driving force destroying beauty that you can never again replace"
- The loss of yet another green field could impact on mental illness of local residents as research at the University of Exeter has shown that people living in greener areas display fewer signs of depression or anxiety
- Many concerned residents are asking why full and detailed plans are not shared in the first instance upon which they can comment and feedback and they see this all as favouring the applicant and not the community – in particular the significant

material change that will be made to the site – the inclusion of an embankment with no scale or side elevations on plans which will also necessitate the moving of a lane

- It is clear the process is neither clear nor transparent to the layperson and heavily favours the planning applicant – there has been a clear lack of consultation with the community about what are significant changes to the original details on which people were asked to review and comment

Consultations:

Highways DC – No objection subject to the imposition of appropriate conditions

Rights Of Way – No objection to the principle of the development but seek the upgrading of public footpath 174 Bradford West abutting the northern boundary of the site to a bridleway. Public footpath 170 Bradford West abuts and crosses the eastern and southern edges of the site and where this footpath crosses Westminster Avenue dropped curbs and signage indicating the route of the footpath should be provided. All of the public footpaths abutting or crossing the site would benefit from surface improvements as part of the development.

West Yorkshire Combined Authority (Highways) – No objection to the principle of the development but seek the provision of a bus shelter at a nearby bus stop (cost of £10,000 to the developer), a Real Time Information display at the same bus stop (cost of £10,000 to the developer), and, a bus only Residential MetroCard Scheme (cost of £48,623.85p to the developer)

Drainage – No objection subject to the imposition of a condition relating to the disposal of foul water drainage

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

Yorkshire Water – No objection subject to the imposition of appropriate conditions relation to the disposal of foul and surface water drainage

Environment Agency Planning Liaison – No objection as the proposal falls outside the scope of issues on which the Environment Agency wish to comment

Conservation – No objection as it is not considered that the proposal will impact on the nearby heritage assets

Landscape Design Unit – Concerns regarding the layout of the development in that it appears to be poor regarding the landscaping proposals where a strong landscaped boundary should be proposed to mitigate the impact the development will have on the surrounding green belt landscape. Full details of the proposed landscaping will need to be submitted.

West Yorkshire Police – No objection to the principle of the development but comments made on specific aspects of it including connections to the public rights of way, boundary treatments, defensible space, parking bays, areas of open space, and, external lighting

Environmental Health Air Quality – No objection to the principle of the development subject to the imposition of conditions securing the provision of electric vehicle charging points and a Construction Environmental Management Plan

Environmental Health Land Contamination – No objection to the proposal based on the findings of the submitted Phase 1 and 2 Geoenvironmental Assessment Reports but seek the imposition of conditions relating to the discovery of unexpected contamination and the importation of materials

Education (Client Team) – No objection to the principle of the development but state that the proposal will lead to increased pressure on the educational infrastructure in the vicinity of the site

Sport & Leisure – The proposed development will significantly impact on the existing public open space. If open spaces are to be incorporated within the development the developer will need to maintain them or if they are seeking the Council to maintain them a commuted sum for a 25 year period will be required

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. Biodiversity issues
10. Affordable housing
11. Conservation
12. Community Infrastructure Levy
13. Other issues

Appraisal:

The proposal relates to the construction of a residential development scheme comprising 99 dwellings. Of these 99 dwellings there will be 20 that will be socially rented units. The breakdown on the proposed private market dwellings includes 4x2 bed, 43x3 bed and 32x3 bed whilst the socially rented dwellings are all 2 bed in size. The layout of the development is such that the private market dwellings are either detached or semi-detached dwellings whilst the socially rented units are a mix of semi-detached and terraces of 3 dwellings.

1. Principle of development

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the National Planning Policy Framework requires Local Planning Authorities to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The emerging Local Plan underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future Development of The District is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

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. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

The site is allocated as a Safeguarded Site (Ref: BW/UR5.7 Land at Westminster Drive, Clayton, Bradford) within the Replacement Unitary Development Plan. The policy intention of these allocations was to safeguard the sites for longer term development for housing or employment purposes and the policy did not allow redevelopment of the sites for purposes that would prevent their long term development for the uses identified. Whilst policy UR5 (Safeguarded Land) of the Replacement Unitary Development Plan has now been superseded by policy SC7 of the Core Strategy, the allocation still exists.

One of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City
- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

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. Densities should normally achieve at least a minimum density of 30 dwellings per hectare although higher densities would be possible in areas well served by public transport.

Policy HO6 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 the Council will give priority to the development of previously developed land and buildings. It also states that District wide there should be a minimum of 50% of total new housing development over the Local Plan period will be on previously developed land.

Policy HO8 of the Core Strategy 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 and the mix should be based on both market demand and evidence of local need within the District's SHMA.

Whilst the site is currently a green field it is not within the Green Belt as defined within the Replacement Unitary Development Plan as suggested by some objections. The site is actually allocated as a Safeguarded Site and as such does accept the principle of residential development on it with the proposal being subject to detailed consideration in the following sections of this report.

Policy HO5 of the Core Strategy seeks to ensure that residential developments achieve a minimum density of 30 dwellings per hectare on the site. The site measures 2.41 hectares and proposes 99 dwellings. This equates to a density of 41 dwellings per hectare which is considered to be acceptable in terms of making the most efficient use of the site.

Overall therefore it is considered that the principle of residential development on the site is acceptable.

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.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes.

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 application site is located in an area where existing residential development abuts the south eastern boundary and southern and eastern corners of the site. The remaining land abutting the site comprises open fields. The dwellings that abut the site and in its immediate locality are generally 2 storeys in height and in the form of detached, semi-detached and terraced dwellings. The principle materials used in their construction are natural stone and render/pebble dashing on the elevations.

The layout of the proposed development is such that it incorporates detached, semi-detached and terraced dwellings with them spread throughout the site. The dwellings will primarily be 2 storeys in height but there will be 17 dwellings that will be 2½ storeys in height. The 2½ storey dwellings will incorporate small dormer windows on the front elevations. Whilst no details of the proposed materials have been submitted a natural or good quality artificial stone would be acceptable on the elevations.

The site is located on the edge of Clayton and is therefore subject to views into it from the wider area. The Landscape Design Unit have stated that the site lies within the green belt of the Thornton and Queensbury Landscape Character Area and is located within the Landscape Type of “mixed upland pasture”. They state that the development proposals should respond to the sensitivity of the existing landscape character and should aim to conserve and enhance the important character. They have concluded that the layout of the development is generally poor in landscaping terms and that a stronger landscape scheme should be provided along the boundaries to help mitigate the impact the development would have on the surrounding green belt landscape.

With regard to the layout some landscaping is proposed along the northern and eastern boundaries. In designing the layout of the development care needs to be taken in relation to the boundaries along the north western, eastern and south eastern edge of the site as there are public footpaths running adjacent to them. In order to maintain safe routes for these public footpaths natural surveillance over them needs to be maintained. By incorporating a landscaped strip (minimum 10 metres to allow the planting to mature) along the site boundaries to provide a level of landscaping that would act as a natural screen to the development would severely restrict the level of surveillance along the public footpaths thus making them less safe. A landscaping scheme will need to be submitted to ensure that appropriate planting does take place in the areas shown.

Overall therefore it is not considered that the proposal will have a detrimental impact on the visual character and appearance of the 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 bounded to the south east by existing residential development on Westminster Avenue and Westminster Crescent and on the eastern corner of the site by residential development served off Harry Lane. The relationships between these dwellings and the proposed dwellings within the application site need to be assessed as does the relationship of the dwellings within the site itself.

The relationships of plot 8 to 29 Westminster Crescent and plot 7 to 14 Westminster Crescent is gable end to gable end with separation distances of 16½ metres and 10½ metres respectively which are considered acceptable and will not have a significantly detrimental impact on the residential amenities of the occupiers of the existing or proposed dwellings.

The relationship of plot 1 to 17 Westminster Avenue is gable end to gable end with a separation distance of 12 metres which is considered to be acceptable and will not have a significantly detrimental impact on the residential amenities of the occupiers of the existing or proposed dwellings.

The final external relationship to consider is that of plot 100 to Falls Farm adjacent to the eastern corner of the site. The separation distance from the nearest points of both dwellings is 5 metres the orientation of both dwellings is such that there is no direct overlooking from plot 100. The separation distance is greater than that of Fall Farms to numbers 8 and 9 which is at most 2 metres.

Within the site the separation distances are generally acceptable but there are instances where the separation distance is below the policy requirement. One such instance is plot 73 to plots 59/60 where the relation is main elevation to main elevation and the separation distance is 13 metres. However the future occupiers will know the relationship when moving into the dwellings (buyer beware) and as such it is considered that the relationship is acceptable.

Overall therefore it is not considered that the layout of the development will have a significantly detrimental impact on the residential amenities of the occupiers of either the existing or proposed 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.

Vehicular access to the site is to be taken directly from Westminster Avenue. Within the site there is a mixture of traditional estate road and shared services. Each dwelling has off-street car parking spaces serving it. A Transport Assessment has been submitted with the application which has assessed the suitability of the highway network to safely accommodate the additional traffic generated by the development.

A number of objections have been received to the proposal on highway grounds with the main ones being that the surrounding road network cannot accommodate the additional traffic likely to be generated by the development. One such objection relates to the Title Deeds of 17 Westminster Avenue being amended such that they extend to the centre of the road across the full frontage of that property. In amending the Title Deeds it does not impact on the status of Westminster Avenue as a public highway, it simply identifies the occupier of that property as the owner of the subsoil under the highway and not the owner of that section of the highway. The access rights to the application site have not therefore changed.

The Highways Department have fully considered the proposal in relation to the road layout within the development site, the level of parking provision to serve the proposed dwellings, the access to the site and the surrounding highway network in terms of its suitability and ability to accommodate the additional traffic, and, the Transport Assessment submitted with the application. They have not an objection to the proposal and are satisfied that it will not have a detrimental impact on highway safety on the road network within the vicinity of the site.

There are public footpaths that abut the application site including public footpath 174 Bradford West which abuts the northern edge of the site and public footpath 170 Bradford West which abuts and crosses the eastern and southern edges of the site. Improvements are sought to the footpath where it crosses Westminster Avenue in the form of dropped kerbs and signage indicating the route of the footpath. The Rights of Way Officer has also stated that all of the public footpaths abutting or crossing the site would benefit from surface improvements as part of the development and that it is pleasing to see new links established to the existing footpath network to the north and east of the development.

The Applicant has agreed to provide the dropped kerbs and signage at the point where the public footpath crosses Westminster Avenue as well as providing suitably designed links from the development to the adjoining footpaths. However with regard to upgrading the surfacing of the remainder of the footpaths no offer has been made by the Applicant to do this. Whilst it would be desirable to see the footpath surfaces improved it is not considered essential for the development to be able to proceed. As such it is recommended that the improved surfacing of the footpaths is not pursued in this instance.

West Yorkshire Combined Authority (Highways) have not raised an objection to the principle of the development but are seeking the provision of a bus shelter at a nearby bus stop (cost of £10,000 to the developer), a Real Time Information display at the same bus stop (cost of £10,000 to the developer), and, a bus only Residential

MetroCard Scheme (cost of £48,623.85p to the developer). It is considered that the site is in a very sustainable location within easy walking distance of public transport and shopping facilities. The Applicant has agreed to the provision of electric vehicle charging points within the scheme although not all dwellings allocated one. It is considered though that all dwellings should have one installed unless there are strong reasons why not, such as the parking space not being directly in front of the property. It is considered that the provision of electric vehicle charging points represents a betterment of the scheme as the charging points are in situ permanently rather than, for example, the Residential MetroCard Scheme which is only for 1 year and there being no guarantee the users will renew them at the end of that period.

Overall in highway terms it is considered that the proposal is acceptable and will not be detrimental to highway safety.

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.

With regard to the disposal of foul sewage the Applicant intends to connect to the mains sewer as well as utilising septic tanks whilst in relation to the disposal of surface water it is intended to connect to an existing watercourse and use sustainable drainage techniques. The supporting information submitted with the application has been fully considered by the appropriate consultees (Yorkshire Water and the Lead Local Flood Authority) and no objection has been raised subject to the imposition of appropriate conditions relating to the disposal of both foul sewage and surface water.

The submitted plans show that some of the sewage/foul water infrastructure will be located underground but in the adjacent field to the east. The works that are underground will be defined as permitted development and will not require planning permission.

A number of objections have been received on the grounds of the impact the proposal will have on drainage and flooding matters and a report prepared by JBA Consulting (Ref: CJS\2017s6711-S-L001-1) dated 6th October has been submitted which looked at the potential adverse drainage impacts of the development on land immediately to the north of the proposed development. This report has been assessed by the Lead Local Flood Authority and has addressed the concerns of the objection against the submitted proposals.

The following statements explain how the Lead Local Flood Authority has assessed the concerns of the objection against the submitted proposals:

Surface Water Flood Risk: A surface water flow path exists on the site and is classified by the Environment Agencies surface water flood maps as low risk having a statistical chance of occurring between 0.1% and 1% chance in any given year. The flow path runs down an existing public right of way then tracks in a northerly direction across land within the blue line boundary of the application. The alterations to the public right of way and adjacent land will not alter the pre-existing surface water flow path at the

boundary of the site, and as a result, flood risk from this source will not be increased as a consequence of development.

Furthermore, the introduction of development will reduce the amount of surface water runoff from land within the red line boundary that contributes to the surface water flow path. New impermeable areas such as roofs and highway will now drain in a controlled manner, through a new drainage system serving the development, before discharging to the public sewerage system. By intercepting this runoff, the surface water flood risk will actually be reduced by the introduction of the development.

In addition, in order that surface water flows are not altered throughout the construction period, the Lead Local Flood Authority have recommended a condition be attached to any permission that requires the developer to submit, for approval, a temporary surface water drainage strategy prior to the commencement of any works.

Surcharging of Public Sewerage System: A concern has been raised to whether the existing public sewerage system has the capacity to accept the agreed 5 litres per second of surface water from the development. Yorkshire Water are the organisation responsible for the management and maintenance of the public sewerage system within the Bradford District to ensure it operates effectively without causing flood risk. It is therefore Yorkshire Waters responsibility to assess whether their sewerage system has the capacity to receive additional flows and to what rate of flow is acceptable. The additional 5 litres per second of surface water has been agreed by Yorkshire Water and therefore the Lead Local Flood Authority are content that the public sewerage system has the capacity to accept the additional runoff from the development.

In addition, the Lead Local Flood Authority have recommended a condition be attached to any permission that requires the developments peak surface water runoff rate to not exceed 5 litres per second.

Development Layout and Levels: The applicant has submitted an engineering feasibility drawing (Ref: E17/6912/001-02A) which indicates the proposed site layout arrangement, finished levels, and preliminary drainage positions. The Lead Local Flood Authority uses this information to assess whether the preliminary drainage proposals can be achieved. The Lead Local Flood Authority considers the proposals offer a suitable platform for the new drainage system to be designed and installed effectively. To ensure a suitably designed drainage system is achieved, the Lead Local Flood Authority have recommended conditions be attached to any permission that requires the developer to submit, for approval, full detailed designs including calculations, of the final proposed foul and surface water drainage system, prior to the commencement of any drainage works.

Detailed Flood and Drainage Design Drawings: The applicant has submitted an engineering feasibility drawing (Ref: E17/6912/001-02A) that supports the preliminary drainage calculations within the submitted flood risk assessment. This level of assessment is acceptable to allow the Lead Local Flood Authority to consider the flood risk at this stage. It is proposed that the surface water system will have an underground attenuation tank, the likely size of this tank is shown to be easily accommodated within the land without any above ground storage structures. The Lead Local Flood Authority therefore considers the risk of flooding from the new system as low. To ensure a suitably designed drainage system is achieved, the Lead Local Flood Authority have recommended conditions be attached to any permission that requires the developer to

submit, for approval, full detailed designs including calculations, of the final proposed foul and surface water drainage system, prior to the commencement of any drainage works.

Exceedance flows: It is a requirement of the proposals to ensure that exceedance flows are considered in the design of the development. This exercise assesses whether any failures within the drainage system could inadvertently cause a flood risk to either new or existing properties and infrastructure. It will be required by the Lead Local Flood Authority that the new storm water drainage system to be designed to accommodate storms up to and including the 1% annual probability with an allowance for climate change and urbanisation. This will ensure that the drainage system has a large amount of capacity to accommodate failures. There is a commitment to have the new drainage system adopted by Yorkshire Water therefore the risk of blockages will be managed through the sewer authorities' asset performance programmes. In the unlikely event that the drainage system surcharges due to failure the levels of the site have been set so that water is directed in a similar direction to the runoff of the pre developed site. The flood risk associated with exceedance flows is therefore considered low.

Pumping Failure: The applicant has submitted an engineering feasibility drawing (Ref: E17/6912/001-02A) that includes the location of the foul and surface water pumping compound. The pumping station is proposed to be adopted by Yorkshire Water under a Section 104 Agreement of the Water Industry Act. Yorkshire Water will require the pumping station to be designed in accordance with 'Sewers for Adoption' and this will ensure the system will be in full accordance of the latest guidance, including necessary duty stand by systems in the event of pump failures. The Lead Local Flood Authority therefore considers the risk of flooding from the new pumping system as low. To ensure a suitably designed drainage system is achieved, the Lead Local Flood Authority have also recommended conditions be attached to any permission that requires the developer to submit, for approval, full detailed designs including calculations, of the final proposed foul and surface water drainage system, prior to the commencement of any drainage works.

The Lead Local Flood Authority has carefully assessed the drainage report submitted in support of the objection and is satisfied that, subject to the implementation of a series of recommended conditions on any future planning permission, the development can be satisfactorily drained such that it will not impact on any of the surrounding land. The conditions suggested by the Lead Local Flood Authority are therefore incorporated within the recommendation section of this report.

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 no trees of any value within the site and very few located adjacent to it. Where there are trees adjacent to the site these will need to be protected during the construction phase and therefore a condition is recommended requiring the installation of appropriate root protection.

7. Secured by design

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to peoples' 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 raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it, these being as follows:

Connection links to public rights of way: There appear to be two proposed links from the existing public rights of way which provide access into the development. From a crime perspective the links are very damaging to what could otherwise be a secure environment. Introducing the two footpath links permits access and legitimises the presence of any strangers or potential offenders where they can wander into an area, familiarise themselves with the layout and exit routes, commit crime and leave – *There is only one connection to the adjacent footpath, this being located adjacent to plot 69 on the north western boundary. The link is well overlooked by that plot and actually leads onto the estate road in what is a relatively open area. It does allow permeability of the site and access to the surrounding footpath network for the residents of the development. The comments of the Police are noted but it is not considered that it will have a significant impact on the potential level of crime within the development.*

Boundary treatments: The rear boundaries for a number of plots are shown as an existing stone wall. If this is less than 1800mm the height should be increased or fencing installed along the top to increase the overall height to 1800mm to provide more security for the rear gardens. In relation to the other proposed boundary treatments these are fine, with the exception of the 1800mm high wall with combined fencing. The fencing appears to curve within the middle which reduces the overall height, the fence should remain at the same height so that the overall boundary height remains at 1800mm – *The low level dry stone wall along the boundaries will be retained and a 1800mm high timber fence will be installed on the inside of the wall.*

Defensible space: Plots 100 and the garage for plot 84 don't appear to have any defensible space along the east boundary which could allow any stranger to access the space around the side of the buildings or create desire lines onto the next road. From the residents point of view it reduces defensible space and privacy if strangers can walk directly past the side elevation windows – *the area is seen as a landscaped area to reduce the visual impact of the dwellings. It will be allocated to each of the dwellings rather than being an open area of land and will therefore be well managed and looked after. The comments of the Police are noted but it is considered that the scheme as submitted is acceptable.*

Gates brought forward: A number of plots appear to have shared pathways with gates positioned near the end of the pathways. Shared pathways which have gated access near the rear or rear gated access are not features that are supported by the Police or Secured by Design. As the majority of burglaries occur at the rear of the property where surveillance is reduced, having gates positioned within these locations can make the rear of the properties more vulnerable to crime – *By having individual gates at the end of the shared pathway it gives ownership to the gates for each property. If the gates were located at the front end of the shared pathway there are issues that would arise over ownership and responsibility over making sure the gates are closed. Providing that the gates are lockable and of an adequate height then it is not considered that they would impact on the security of the dwellings they serve.*

Parking bays: There are a number of spaces where it is considered that there isn't sufficient natural surveillance and the positioning of them should be altered to include the level of surveillance – *the comments are noted however it is not always possible to accommodate the parking spaces at the front of the properties, for example the dwellings located on the junctions. Providing suitable boundary treatment is provided along the boundaries it is considered that an adequate degree of natural surveillance can be provided.*

Areas of public open space: Will there be a management plan to upkeep and tidy the areas of public open space opposite plots 62 to 68, 79 to 82 and 98 to 100 – *the areas of open space will be allocated to individual properties and therefore no management plan will be required.*

Other issues: Further comments have been made on issues such as external lighting, doors and windows, and, intruder alarms but these are covered by Buildings Regulations Approved Document Q.

8. 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.

Stage 1 and 2 Geoenvironmental Reports have been submitted in support of the application and state that from 1852 onwards, “the site has remained undeveloped field/farm land, likely to be associated with fall farms historically situated to the south east of the site.” Intrusive investigations have taken place within the site and the report confirms that following the assessment of these works no contamination sources which are considered to pose a risk in relation to human health or plant life have been identified on-site.

As such there is no objection subject to the imposition of appropriate conditions relating to the discovery of unexpected contamination and the importation of materials.

9. Biodiversity issues

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

A Preliminary Ecological Appraisal has been submitted with the application and was undertaken in February 2017. The assessment used a 2 km area of search around the site for records of protected and notable species and locally or nationally designated wildlife sites. Whilst the report was not carried out at the optimum time it does still allow the habitat type and likelihood of supporting notable species or communities to be still assessed at this time.

The Appraisal concluded that the habitats on the site are of relatively low ecological value and do not represent a significant constraint to the development. The Site is not likely to support any protected or otherwise notable faunal groups, or species. Any clearance of significant vegetation should be carried out outside the nesting season (September -February) or else preceded by a nesting bird survey. Any active nests will require protection throughout development.

In terms of fauna on the site there was no evidence of roosting bats within the building but the Appraisal states that there may be occasional incidental activity of common and widespread bat species. However the site is unlikely to support significant activity, especially given the lack of significant boundary vegetation, and paucity of high vale habitat well connected to the site. No records of amphibians, badgers, reptiles, or, hedgehogs was found on the site.

In terms of ecological enhancements the following are recommended:

- Use of native canopy forming and understory trees within the soft landscaping.
- Sow and manage areas of wildflower rich grassland within appropriate areas of Public Open Space.
- Installation of bird and bat boxes in or on new housing or garages etc.

Overall therefore it is not considered that the proposal will have a significantly detrimental impact on wildlife in the locality. In order to secure the ecological enhancements recommended in the Appraisal an appropriate condition is recommended.

10. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 20% in towns, suburbs and villages.

The site is located in an area where the affordable housing requirement is up to 20% of the number of units to be provided to a Registered Provider. The Applicant has offered the provision of 20 x 2-bed socially rented houses which meets the policy guidance. These dwellings will be secured through a Section 106 Legal Agreement.

11. Conservation

Policy EN3 of the Core Strategy states that the Council will preserve, protect and enhance the character, appearance and historic value and significance of the Districts designated and undesignated heritage assets and their settings.

The application site is located to the west of Clayton conservation area and within the distant setting of a number of listed buildings. It is considered that the inter-visibility, physical and historical relationships between the application site and the nearby heritage assets is extremely limited and therefore the proposal will not impact on the setting of these assets to any greater extent than that of the existing situation.

As such, therefore, from a heritage point of view there is no objection to the proposal.

12. Community Infrastructure Levy (CIL)

The site is located within a nil CIL area and therefore will not generate any monies towards infrastructure provision under the CIL legislation.

13. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the earlier sections of this report. These issues, together with the response, are as follows:

The infrastructure, such as doctors/schools, cannot support additional development in the area – *unfortunately the issues of doctors/dentists being full is not a material planning consideration and they will generally respond to demand in regard to providing additional spaces. With regard to the educational infrastructure monies will be available through the Community Infrastructure Levy (CIL) which can be used towards expanding schools*

There will be an impact on the health and well-being of local residents as the fields are used for walking and general well-being – *the public footpaths that run along the boundaries of the site will still be available for use allowing the local residents to walk along them*

Local horse owners will suffer due to lack of grazing land thus having a detrimental effect on their health and wellbeing – *at the time of the site visit no horses were in the field and there are no stables within it either. There are plenty of other fields within the vicinity of the site that can be used for the grazing of horses*

Anti-social behaviour will increase due to lack of facilities for younger people – *the site is not used for facilities for young people and through its redevelopment it is not considered that it will have any impact whatsoever on anti-social behaviour*

It is the duty of councils to protect the environment and the population it serves – *the site is an allocated Safeguarded Site which permits future development on it subject to the details of the design which have been considered in the above sections of this report*

The majority of the new residents will not support local businesses. Instead they will use the internet and order on-line, which also increases traffic flow when the supermarket vans etc. deliver their goods – *it has been agreed by the Highways Department that the surrounding highway network can satisfactorily accommodate the additional traffic that will result from the development and this includes delivery vehicles, supermarket vans etc. As to where people do their shopping this is not a material planning consideration.*

There are now lots of designs and prototypes for eco-cities, vertical gardens, cob housing, self-sufficient homes and sustainable energy. We should be investing in this kind of thing, planning for the long-term future – *The application has to be judged on the basis of the information submitted and whilst there are innovative designs for dwellings, gardens and cities this cannot be used as a justification for refusing the application as it is considered that the scheme as submitted is acceptable as highlighted in the earlier sections of this report.*

This land may be more profitable to the builders and council in the short term however the long term and wider impacts need to be considered – *the impacts of the development have been fully considered both when the site was first allocated as a Safeguarded Site and now through the detailed assessment in the above sections of this report. It is not considered that the proposal will have a detrimental impact on the area as concluded for the reasons outlined in the report.*

Allowing this would be pandering to the greed of developers – *the site is allocated as a Safeguarded Site which accepts the principle residential development on the site. The "greed of developers" is not a material planning consideration.*

If this goes ahead the integrity of the planning process and indeed the local authority would be questioned – *the site is allocated as a Safeguarded Site which accepts the principle residential development on the site. The application has been assessed against the relevant Development Plan documents and in line with current guidance such as the National Planning Policy Framework.*

As a village that is listed in the Domesday Book, meaning it dates back to at least the 11th century you would hope that everything would be done to preserve the size, personality and beauty of the village and not allow this to go ahead and be another step closer to merging with Thornton – *the site is allocated as a Safeguarded Site which accepts the principle residential development on the site. The village of Clayton has changed considerably from when it was listed in the Domesday Book and will continue to grow to meet the growing population needs.*

Barrett's in their published consultation meeting literature photos were used of local residents without their knowledge or permission (no notice at venue & not informed at the time). Therefore their privacy & data protection have been violated. Due to this how can the developers be trusted to carry out a build to the correct standards & work with community if the proposed housing development is granted – *the supporting information was amended following the initial concerns raised by the public about the photographs. Should planning permission be granted it would be subject to a number of conditions which would need to be adhered to.*

It's seems that without objections Councils & builders would have a free for all until there were no green areas left and if this application is passed then this will open the flood gates and make it even easier for builders to build on the last remaining green fields and Bradford will lose one of its last remaining villages and Clayton will lose its Village identity forever and become part of the urban sprawl – *whilst the site currently comprises a green field it is allocated as a Safeguarded Site which accepts the principle residential development on the site subject to detailed consideration against the layout and design of the dwellings.*

"I cannot believe in this day and age that money is STILL the driving force destroying beauty that you can never again replace" – *the site is allocated as a Safeguarded Site which accepts the principle residential development on the site.*

The loss of yet another green field could impact on mental illness of local residents as research at the University of Exeter has shown that people living in greener areas display fewer signs of depression or anxiety – *The field is not currently used for recreational purposes. The public footpaths that run along the boundaries of the site will still be available for use allowing the local residents to walk along them.*

Many concerned residents are asking why full and detailed plans are not shared in the first instance upon which they can comment and feedback and they see this all as favouring the applicant and not the community – in particular the significant material change that will be made to the site – the inclusion of an embankment with no scale or side elevations on plans which will also necessitate the moving of a lane – *Amended plans are frequently submitted during the processing of a planning application which seek to overcome concerns raised either by local residents or statutory consultees. The plans are only re-advertised if the changes are substantial and will raise new issues on which further comments are sought. The embankment referred to in this case is outside the application site and therefore there is no need to reconsult residents or statutory consultees as it doesn't form part of the planning application.*

It is clear the process is neither clear nor transparent to the layperson and heavily favours the planning applicant – there has been a clear lack of consultation with the community about what are significant changes to the original details on which people were asked to review and comment – *An amended plan has been received to the application but relates to minor changes to the internal layout, such as the location of the parking spaces serving the dwellings. As they were minor it was not deemed necessary to readvertise the plan. The changes referred to in the objection relate to the land to the east of the site which does not form part of the application*

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 residential development on an allocated safeguarded site. The layout of the proposal is acceptable and presents no concerns with regard to visual or residential amenity and highway safety. The proposal is considered acceptable and, with the proposed Section 106 Legal Agreement securing the affordable housing, and the attached conditions, satisfies the requirements of policies P1, SC1, SC4, SC7, SC9, TR1, TR2, TR3, HO5, HO6, HO8, HO9, HO11, EN2, EN3, EN5, EN7, EN8, DS1, DS2, DS3, DS4, DS5, ID2, and, ID3 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. Vehicular/pedestrian access

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

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

3. Off-street car parking

Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy Policy TR2 of the Local Plan for Bradford.

4. No 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.

5. Wheel washing facilities

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 policies DS4, and, DS5 of the Local Plan for Bradford.

6. 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 construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) 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;
- viii) 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.

7. Separate foul and surface water drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 4 (four) litres per second.

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

8. Means of disposal of surface water drainage

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any flow attenuation works and off -site works, have been submitted to and approved by the Local Planning Authority. Discharge to public sewer shall be restricted to a maximum flow rate of 5 litres a second. 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 and to accord with policy EN7 of the Local Plan for Bradford.

9. 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.

10. 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.

11. Disposal of foul water drainage

Notwithstanding the 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. 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.

13. 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.

14. Domestic Electric Vehicle Recharging Points

Unless otherwise agreed in writing with the Local Planning Authority, from the date of first occupation every property on the site with dedicated parking shall be provided with access to a fully operation 3 pin socket on a dedicated 16A circuit, capable of providing a '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 or within dedicated garage space. 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.

Purpose: 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 West Yorkshire Low Emission Strategy and the National Planning Policy Framework (NPPF)

15. Construction Environmental Management Plan

Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation, construction and demolition phases of the development 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 Control of Dust and Emissions from Construction and Demolition and include a site specific dust risk assessment and mitigation plan. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

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

16. Root protection plan

The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with policy EN5 of the Local Plan for Bradford.

17. 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.

18. Landscaping scheme

Within 6 months of the development hereby permitted commencing on site a detailed landscaping scheme shall be submitted for the areas along the northern and eastern boundaries shall be submitted to and agreed in writing by the Local Planning Authority. The landscaping scheme shall be implemented in full accordance with the approved details prior to the completion of the development.

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

19. Biodiversity enhancements

The development shall be carried out in accordance with the biodiversity enhancement recommendations contained with the Brooks Ecological Preliminary Ecological Appraisal reference R-2812-01.1 and dated March 2017. A timetable for the implementation of the recommendations shall first be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences on site.

Reason: To enhance the biological value of the site and to accord with policy EN2 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 7th December 2017

Y

Subject:

This is a full application relating to the demolition of existing buildings and infill of existing pond. Construction of seven retail units including discount foodstore (class A1), five retail units (class A1) and one unit (subdivisible) (class A1, A3, A5) with access, car parking, landscaping and associated works at Union Mills, Harrogate Road, Bradford.

Summary statement:

The proposal relates to the demolition of the existing buildings on the site and the construction of a retail development scheme comprising seven retail units for uses including A1, A3 or A5. Access to the site will be taken directly from Harrogate Road and leads to a car park comprising 221 spaces and the service areas for the units.

The site is not located within a defined Retail Centre and therefore 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 Assessment looks at the existing Greengates, Thornbury and Five Lane Ends retail centres and accepts that there will be an impact on them but not significant enough to have a detrimental impact on their function as a retail centre. The Assessment also assessed other sites that could potentially accommodate the development but the identified sites were considered to be unsuitable or too small to accommodate the amount of development proposed. The conclusions of the Assessment have been concurred with by the Council. The layout of the development is such that it is not considered that it will have a significantly detrimental impact on the visual amenity of the area or the residential amenities of the occupiers of the existing and proposed neighbouring residential dwellings.

Through the attachment of the proposed conditions it is considered that the proposal is acceptable.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: 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 demolition of existing buildings and infill of existing pond. Construction of seven retail units including discount foodstore (class A1), five retail units (class A1) and one unit (subdivisible) (class A1, A3, A5) with access, car parking, landscaping and associated works at Union Mills, Harrogate Road, 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 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.

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 industrial/commercial use. 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).

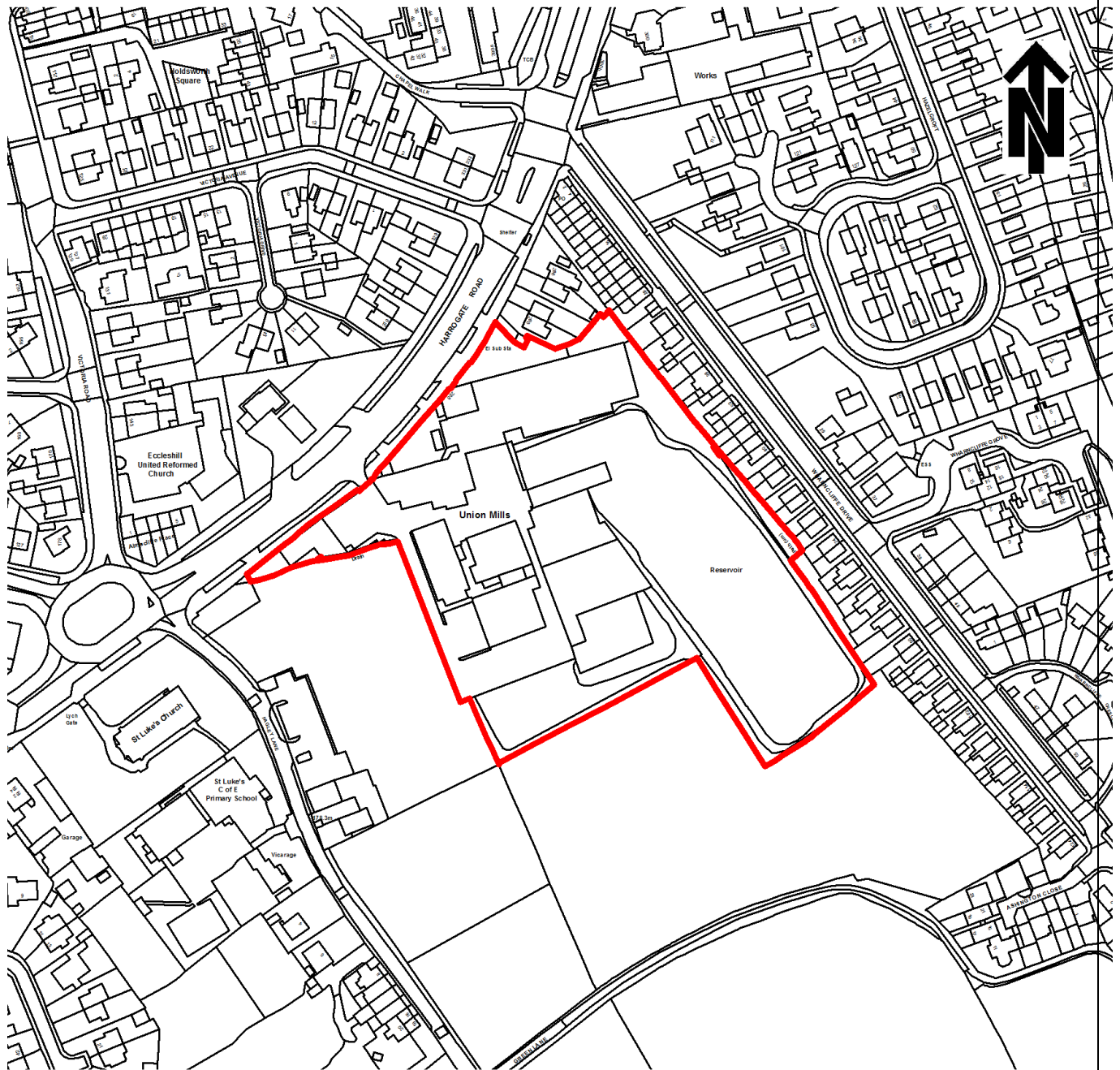
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/04007/MAF

17/04007/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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Union Mills
Harrogate Road
Bradford

7 December 2017

Ward: Bradford Moor
Recommendation:
GRANT PLANNING PERMISSION

Application Number:
17/04007/MAF

Type of Application/Proposal and Address:

This is a full application relating to the demolition of existing buildings and infill of existing pond. Construction of seven retail units including discount foodstore (class A1), five retail units (class A1) and one unit (subdivisible) (class A1, A3, A5) with access, car parking, landscaping and associated works at Union Mills, Harrogate Road, Bradford.

Applicant:
Opus Land North (Union Mills) Ltd

Agent:
Mrs Rachael Martin (ID Planning)

Site Description:

The site is located to the south east of Harrogate Road and currently comprises a mix of a number of buildings together with a large mill pond located within the eastern section of the site. The buildings, mainly of stone construction, vary in height from single to three storeys in height. Access to the site is taken directly from Harrogate Road. The site is located within a predominantly residential area with dwellings bounding the site to the north and east whilst to the south and west are open fields.

Relevant Site History:

There is no relevant planning history on the site

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 larger application site is not allocated for any specific land-use in the RUDP but is located within a Mixed Use Area. However, the western part of the site, fronting onto Harrogate Road, is allocated for highway improvements (Ref: BN/TM20.6). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

UR7A Mixed Use Areas
CR1A Retail Development within Centres
CR4A Other Retail Development
TM20 Transport and Highway Improvements

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.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 1st September 2017.

As a result of the publicity exercise 79 representations have been received. Of these 38 representations are objecting to the proposal whilst 29 are in support and there are 12 general comments.

Summary of Representations Received:

Objections:

Principle:

- The development would have a detrimental effect on the quality of life for the existing homes there already
- Just how many retail outlets do Bradford Council think is needed – there is already an abundance of units within walking distance of the site
- There are a number of empty retail units in the locality (Enterprise 5, Bolton Junction, Undercliffe & Fagley) that should be occupied first before new units are built
- Permission already exists for some retail units as part of the development on Fagley Quarry
- Why destroy a nice bit of landscape to make the area busier and more polluted for the people that live in that area already
- This city is turning into a corporate waste land as every last bit of beauty in the city is being destroyed for housing/shops/supermarkets
- There are so many run down old but beautiful buildings in the city that could be revamped and saved from demolition being burned down. Target development where it really needs to be
- A number of retail units stand empty at Bolton junction, Five Lane Ends and Greengates
- The proposal will result in the existing businesses occupying the buildings closing down
- The mill is big enough to be restored and could house a market
- The proposal will result in the loss of important Blue infrastructure which is contrary to the Core Strategy which places an importance on Blue and Green infrastructure
- The development having an impact on the vitality and viability of nearby district centres and the planned investment of a local centre at Fagley Quarry:
- The development failing the sequential test given that there is available and suitable floorspace at the Five Lane Ends District Centre;
- The proposal is contrary to the Development Plan; and,
- It will undermine the Councils recently adopted retail strategy and retail hierarchy as set out in the Core Strategy

Highways:

- There will be an increase of traffic on what is already a busy road
- More changes to the highway network should be made to make it easier for all
- Will pedestrian crossing be incorporated in the scheme?
- What changes will be made to the roundabout?
- This development together with that on Fagley Quarry will have a cumulative impact on the amount of traffic in the area and should be taken into account within the Transport Assessment

Residential amenity:

- The siting and height of the buildings will impact on the residential amenities of the occupiers of the neighbouring dwellings through overshadowing and dominance
- As the noise from demolition and construction will be considerable, and is adjacent to residential properties, we would like assurances that under the terms of any planning permission being granted, the acoustic barrier should be put in place as soon as any works to strengthen the embankment and retaining wall between the

Union Mills site and neighbouring properties on Wharncliffe Drive has been completed

- Night-time light pollution from car headlights and shop signage. Light pollution would be directly in-line with the bedrooms at the rear of our property

Visual amenity:

- What is happening to the landscaping to the rear of units 2-5 – the area needs to be cleaned up and replanted in a way that is easy to be maintained

Drainage:

- The proposal could result in flooding of the area
- The dam on the site has not been filled with water by accident – a good supply of water must have been the result of it in the first place - where will this amount of water go in the future
- Neither the Environmental Impact Assessment nor the Flood Risk Assessment make any reference to water run-off into the grounds of neighbouring properties on Wharncliffe Drive

Ecology:

- There are protected newts on the site
- The proposal will impact on the wildlife in the area
- The dam, a unique environment in a city is irreplaceable, requires a full and comprehensive study before anything else is even considered
- How are the buildings going to be demolished when there are bats living in them
- What happens to the fish currently in the dam pond?

Others:

- Not enough infrastructure in the area to accommodate this kind of development further impacting on schools, roads, doctors etc
- The plans appear different to what the neighbours were told particularly in relation to the siting of the buildings and their heights
- The retaining wall to the embankment is in a poor state of repair and any works to it may cause it to collapse
- There is currently no report from a structural engineer assessing the viability of the stone retaining wall to retain the additional loads that will be imposed upon it
- The proposal will ruin an area that the community enjoys
- Why have Lidl UK applied for an alcohol licence – there is no Lidl store on Harrogate Road as there is neither a building for them to sell from nor do they have permission to build one
- There are other areas where further housing would be more appropriate without destroying one of the last green spaces left
- The site is near a primary school
- Nice bit of heritage to be destroyed
- There is not a lot for local children to do in the area, by removing the local fishing facility it may lead the local youngsters into drugs and crime
- The plans do not give exact dimensions or distances, whilst at the same time state both 'Do not scale from this drawing' and 'Only work to written dimensions'. This makes it impossible for those consulting the proposed plans to have access to accurate and detailed measurements upon which to make any comment. Distances to properties and heights of buildings need to be known
- What is proposed as infill material for the site of the drained mill pond

- No tree survey has been submitted and this should be done due to the number of trees on and adjacent to the site
- Potential damage to drystone walls on the boundaries
- Destruction of mature plants that climb the dry stone wall
- Loss of tv reception
- Why not make a feature of the dam and make it an area people want to visit
- I'm sick of Bradford's greedy builders, councillors and developers. It's disgusting. When will it end?

Support:

- Regeneration of the area would be a good thing as it has been neglected for so long
- It will provide a great new opportunity for jobs
- The scheme will provide different shops locally
- With the new dwellings proposed on Fagley Quarry it will be a welcome addition that will serve these dwellings
- The dam is not as popular as it previously was for fishing and its loss would not be great
- The objectors to the proposal will likely use the shops should permission be granted and the development built
- Residents on the new Fagley Quarry development will walk to the shops rather than drive so will not significantly impact on the level of traffic on Harrogate Road
- The pond is always full of rubbish, bins tipped over, fly tippers, kids lighting fires and cutting the fences and it's not used that much by local fishers with exception to the few in summer but most of the time it isn't used at all
- The developers have been good in regularly communicating with the local residents
- The pond/dam is an area where people congregate and cause problems to the local residents through noise and drinking

Consultations:

Highways DC – No objection subject to the provision of a pedestrian crossing on Harrogate Road and to the imposition of conditions

Rights Of Way – No objection as the proposal will not impact on any adopted or claimed right of way

West Yorkshire Combined Authority (Highways) – No objection to the principle of the development subject to the provision of a new bus shelter at local bus stop 18128 at a cost of £10,000

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

Drainage – No objection subject to the imposition of appropriate conditions

Lead Local Flood Authority – No objection subject to the imposition of appropriate conditions

Yorkshire Water – No objection to the principle of the development and appropriate conditions are sought relating to the disposal of foul and surface water. Whilst they consider that the Flood Risk Assessment is not currently acceptable they are happy that it can be controlled via a planning condition

Landscape Design Unit – A tree survey is required, there are trees that appear to be within the existing site that should be retained as important landscape features, in particular when looking towards the site from the west. The scheme should include a wetland/pond design to replace the existing water body and perhaps linked with a SUDs design. This has not been carried out and should be introduced as requested as part of the mitigation measures for the loss of the existing mill pond. The scheme should also include more native tree planting introduced into the proposed native hedges especially along the southern and western boundaries.

Environmental Health Land Contamination – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the carrying out of further Phase 2 Site Investigation works and where appropriate the necessary remediation works

West Yorkshire Ecology – No objection to the principle of the development but recommend that a wildlife pond complex be required within the proposed development and should be designed largely for amphibians. A management plan should also be provided covering grassland and hedgerow management

Environment Agency – No objection to the proposal

Environmental Health Nuisance – No objection to the principle of the development but seeks the imposition of conditions on a planning permission that will minimise the impact on the residents of existing and proposed residential dwellings located adjacent to the site

Planning Highways Access Forum – It would be an improvement if the location of the disabled parking bays could be swapped with the parent and child bays

Summary of Main Issues:

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

Appraisal:

The proposal relates to the construction of seven retail units including discount foodstore (class A1), five retail units (class A1) and one unit (subdivisible) (class A1, A3, A5). The gross new internal floorspace to be provided by the development equates to 4,950 square metres. Access to the site will be taken from Harrogate Road.

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 main body of the site is not allocated for any specific purpose however the site is located within a defined Mixed-Use Area (Ref: BN/UR7.2 – Fagley) .

The proposal relates to the construction of seven retail units including discount foodstore (class A1), five retail units (class A1) and one unit (subdivisible) (class A1, A3, A5). The gross new internal floorspace to be provided by the development equates to 4,950 square metres.

Policy CR4A of the Replacement Unitary Development Plan is a relevant consideration to the proposal and has been saved until the adoption of the Allocations Development Plan Document and the Area Action Plans Development Plan Document. The policy states that retail development will only be permitted outside of any of the defined retail areas in policy CR1A if all of the following criteria are satisfied:

- i) The developer is able to demonstrate a need for the additional retail floorspace;
- ii) 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;
- iii) Where the relevant shopping area is the city centre, or a town centre, there are no alternative sites on the edge of that centre;
- iv) The development, together with recent and potential development arising from other unimplemented current planning permissions, would be likely to have an adverse effect on the vitality and viability of the city centre or any named town, district or local centre;
- v) There would be convenient access to the proposed development for customers reliant on forms of transport other than the private car;
- vi) 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,
- vii) The development would not undermine the retail strategy of the plan.

The Core Strategy was adopted in July 2017 and contains policy EC5 which is considered relevant to the proposal. The policy sets out the hierarchy of defined centres for the District and provides 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 not in an existing centre and not in accordance with Development Plan Documents. With regard to the impact test the policy states that “when assessing applications for retail, office and leisure development not in accordance with the Development Plan Documents and in an edge

of centre or out of centre location, the Council will require an impact assessment if the development is over:

1. 1,500 square metres gross floorspace for Bradford City Centre
2. 1,000 square metres gross floorspace for Keighley, Shipley, Bingley & Ilkley
3. 500 square metres gross floorspace for District Centres
4. 200 square metres gross floorspace for Local Centres”

The proposed development is substantially greater than the above thresholds and therefore an impact assessment is required to support the application.

The National Planning Policy Framework also provides guidance with regard to out of centre retail developments. In relation to the sequential approach paragraph 24 states that the first preference for development for main town centre uses will be to locate in the town centres, followed then by edge of centre locations, and only if no other suitable sites are available should out of centre sites be considered. Paragraph 24 indicates that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 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.”

Sequential test

With regard to the sequential test policy guidance is given in saved policy CR4A of the Replacement Unitary Development Plan, policy EC5 of the Core Strategy Development Plan Document and paragraph 24 of the National Planning Policy Framework. Additional guidance is also provided by the Government’s Ensuring the Vitality of Town Centres Planning Practice Guidance (NPPG). Paragraph 010 of this guidance note provides a checklist for the application of the sequential test in decision making and indicates the following considerations:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly;

- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal; and,
- If there are no suitable sequentially preferable locations, the sequential test is passed.

The application site measures 2.2 hectares in size and in relation to other sites the Applicant has looked at sites of 2 hectares. This does provide some reduction and degree of flexibility but it is considered that sites smaller than 2 hectares should be assessed if they are available.

In terms of the alternative sites within the defined centres that have been considered these include the following:

- 2 units within the Five Lane Ends district centre – the largest being the former Wickes unit measuring 1,065 square metres which the Applicant states is under offer and therefore not available
- 2 out of centre locations in Idle (Westfield Lane and Thackley Grange) both of which the Applicant states are under offer and not therefore available
- A site on Cavendish Road that has an extant planning permission for residential development and is therefore not available
- A site on Harrogate Road and Ravenscliffe Avenue and measures 0.45 hectares in size and is therefore considered to be of an insufficient size to accommodate the development even when applying a greater degree of flexibility

Based on the evidence submitted the Local Planning Authority are satisfied that there are no sequentially better sites available that could accommodate the quantum of development proposed.

Impact test

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.

Guidance contained within the Government's Ensuring the Vitality of Town Centres Planning Practice Guidance is also relevant and states in paragraph 017 that "a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact".

The 2 key impact tests identified by saved policy CR4A of the Replacement Unitary Development Plan, policy EC5 of the Core Strategy and paragraph 26 of the National Planning Policy Framework are as follows:

- The impact of the proposal on existing, committed and planned public and private sector 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, upto 5 years from the time the application is made.

In assessing the proposals impact the Applicant assesses 5 commitments, these being as follows:

Broadway in Bradford city centre – it is suggested by the Applicant, and agreed with, that the proposal is sufficiently advanced and of a different nature and scale to this proposal and this scheme will not impact on the realisation or letting of this investment.

Quora Retail Park, Idle – this relates to the subdivision of the former Dunnes store to be occupied by Home Bargains and Aldi. Both of these operators are open and trading and therefore the proposal cannot impact on the realisation of this investment

Extant residential planning permission for Fagley Quarry (which includes a local centre) – part of the planning permission for the redevelopment of the Fagley Quarry site for residential development includes a new local centre of up to 2,000 square metres comprising 7 small units. It is suggested by the Applicant that this form of development would provide more of a service function than those who are intended to occupy the application scheme and as such would not significantly impact on the planned investment. This proposed local centre is not allocated within any development plan and it is important to note that the relevant retail policy test is the impact on investment 'within defined centres'. There is also no guarantee that the proposed retail development on the Fagley Quarry site will go ahead. Therefore if the proposed redevelopment of the application site were to jeopardise the proposed 'local centre' from progressing it will not have an impact in planning policy terms.

Land at Stanley Road – this comprises a proposed local centre to support new housing to the north west of Bradford and it is suggested that this proposed local centre will serve a different catchment to that proposed as part of this application and this is agreed with

Former Hillmore House, Thornton Road – this is an extant planning permission for 4 retail units and it is suggested that it is very similar in size to the Stanley Road proposal and both have Aldi promoting the development. Again it is suggested that the application proposal will serve an entirely different catchment and will not impact on the realisation of the Hillmore House development. Again this is agreed with.

In terms of the impact on and the current health of existing retail centres the Applicant has considered a number of them including Idle, Eccleshill and Undercliffe local centres, and, Thornbury, Five Lane Ends, and, Girlington district centres. All the centres are currently operating well and do not have significantly high vacancy rates.

It is considered that the highest convenience cumulative impacts are likely to be felt by the Co-op on Harrogate Road. The store is, however, located outside the defined retail centres and therefore has no protection under the relevant planning policies.

The Morrisons store in the Five Lane Ends district centre will also be expected to feel a relatively high cumulative impact (-15.4%) but this is principally as a result of the trade diversion from the commitments. The likely impact as a result of the proposal alone is expected to be approximately -8.1% which is not considered to be significantly adverse. It is important to recognise that the store is currently overtrading (by £4.0 million) and that it is located within a relatively large district centre which attracts a large number of shoppers who link their trips to other services and it is unlikely that the shoppers will transfer their trips to the application site given the wider offer of Five Lane Ends centre. Furthermore a proportion of the cumulative trade diversion impact is expected to be as a result of the Aldi commitment at Quora Retail Park which is now open and trading and there is no evidence to suggest that Morrisons is struggling as a result of the opening of the Aldi store.

At Five Lane Ends there is a wide range of convenience and comparison retailers and leisure operators and the impact will not be significant in terms of the impact on the viability and vitality of the centre particularly when considering the retail park style format of the centre and that there are a number of operators who have signed up to take vacant units there. It is unlikely that the Morrisons store will close as a result of the redevelopment of the application site particularly given the wider non Class A1 offer of the centre and the attraction to shoppers to benefit from linked trips.

In terms of the Thornbury district centre the cumulative convenience trade diversion and impact on the Iceland foodstore is particularly high (-12.8%) but this is principally due to existing commitments and the actual level of diversion from the proposed development is relatively low at -4.3%. Again the fact that Aldi and Home Bargains have opened and are operating at Quora Retail Park needs to be considered and there are no signs that Iceland is struggling because of this. Overall therefore it is not considered that the proposal will have a significantly adverse impact that would lead to the closure of the Iceland foodstore.

The final district centre to consider is Greengates where the identified cumulative convenience impact on the Farmfoods store is relatively high at -9.9%. This loss needs to be considered in the context of the turnover and scale of the wider district centre which includes a range of national multiple retailers and the relatively good existing health of the centre. Overall it is not considered that the proposal would have a significant adverse impact on the centre and would not result in the closure of the Farmfoods store within the centre.

Specific objections have been received from the owners of Enterprise 5 (at Five Lane Ends) and from Morrisons located within both the Five Lane Ends and Thornbury defined retail centres. The gist of the objections relate principally to the following:

- the development having an impact on the vitality and viability of nearby district centres and the planned investment of a local centre at Fagley Quarry;
- the development failing the sequential test given that there is available and suitable floorspace at the Five Lane Ends District Centre;
- the proposal is contrary to the Development Plan; and,

- it will undermine the Councils recently adopted retail strategy and retail hierarchy as set out in the Core Strategy

The issues raised in these two objections have been fully addressed in the above paragraphs of this section of the report and it is considered that they have been satisfactorily addressed.

However, in response to the objection from the owner of Enterprise 5 further comment is offered in relation to the sequential test in that a recent Secretary of State decision at Tollgate is considered relevant for the following reasons:

1. The Inspector acknowledges at paragraph 12.3.4 of the decision that:

“The sequential test within the NPPF should be interpreted without the reference to old policy and guidance which mentioned disaggregation. Those references were not carried forward and neither the NPPF nor the PPG make any reference to disaggregation, or sub-division”.

Current planning policy does not require disaggregation. This has been established in the Courts (such as Tesco Dundee, Aldergate Properties/Mansfield) and by the Secretary of State (such as Rushden Lakes, Scotch Corner and Exeter SOS decisions).

2. The Inspector highlights at paragraph 12.3.11 a number of specific points that were relevant to the Tollgate Village case. These are set out below and how they do not apply to Union Mills:

- *‘Whilst the proposal is in outline not a single retailer has been identified’* – clearly the application is in full and Lidl has been named.
- *‘It is difficult to conceive of a more open ended proposal’ and ‘As the scheme is one of the most fluid scheme promoted, the sequential tests should also be flexible’* (paragraph 12.3.12) – the application defines the exact level of town centre floorspace proposed and how this will be appropriately controlled by the proposed conditions. It is clearly defined and justified and isn’t a ‘fluid’ scheme.
- *‘Most importantly the Appellants have themselves disaggregated within the appeal site with 3 distinct zones. DZ1 and DZ3 are some distance apart’.* – in this case the whole site is proposed and there are no ‘distinct’ zones. The scheme will come forward as a whole.
- *‘In these circumstances disaggregation within the sequential approach would be justified.’* – It is therefore clear, that the Inspector (not the Secretary of State) concluded that in the Tollgate Village case that only when all of the above circumstances exist would disaggregation be acceptable. None of the above matters apply to Union Mills.

3. Further the Inspector goes on at Paragraph 12.3.20 that:

“The sequential test therefore means that whilst a sequentially preferable site need not be capable of accommodating exactly the same as what is proposed, it must be capable of accommodating development which is closely similar to what is proposed” –

This is the Council’s position on the proper application of the sequential approach and how it has been applied to Union Mills. It is not therefore considered that disaggregation is necessary.

Finally, it is worth noting that the Secretary of State in dealing with the sequential test (paragraphs 13-16) does not expressly endorse the Inspector’s approach advocated at paragraph 12.3.11. As a result, retail policy and its proper interpretation remains the same.

Further comment is also offered on the impact test. The objection refers to an impact test of -15% on the Five Lane Ends retail centre. The -15% impact figure is the convenience impact figure only and will principally be felt due to the extant commitments on the Morrisons store. The impact as a result of the proposal alone is expected to be -8.1% which is not considered to be significant adverse. Whilst the impact is at the higher end of what would normally be acceptable it is not considered that it would have a significant adverse impact on the basis that the Five Lane Ends centre comprises a number of additional commercial uses which add to the overall vitality and viability and which would not be directly impacted upon as a result of the proposal. Consideration should also be given to the fact that the Morrisons is likely to be performing above benchmark (as identified by Morrisons own consultants in their objection). Therefore, it is highly unlikely that the proposal could cause the Morrisons to close or divert trips from the wider centre which could result in a significant adverse impact.

Morrisons have also submitted an objection on the grounds that the proposal will impact on both of the stores (Enterprise 5 and Thornbury) and the wider centres at a level which could be considered to be significantly adverse. The impact on these centres has been previously discussed in earlier paragraphs of this report. It is worth noting that the agent acting on behalf of Morrisons is the same agent who recently submitted 3 applications for retail development at Scott Works which were considered by this Committee earlier this year. The Scott Works development is an out of centre development that will also likely divert trade from established centres. The agent also queries the reliability of the latest Bradford Retail Study, published in 2013. However, in justifying the acceptability of the proposal at the Scott Works site, the agent also relied on this data within their own retail impact assessment, which must therefore mean that they do consider the evidence base to be reliable.

The agent also states that the applicant has overstated the performance of the Morrisons at Five Lane Ends but also concludes that it is performing at or above benchmark. The objection does not however confirm at what level the store is trading at nor does the correspondence state that the result of the proposal would be to force the closure of either of the identified existing Morrisons stores.

It is acknowledged that there will be an impact on the defined centres. However, as stated in this section of the report, it is not considered that this would be at a level which could cause a significant adverse impact. This is based on the current performance, health check indicators, the wider offer of the centres (commercial leisure, cafes and services) and the offer of national multiple operators. The Tollgate

Secretary of State decision referred to by both consultants also usefully acknowledges that the consideration of whether a proposal would have a significant adverse impact must be undertaken considering the wider offer of the centre.

In conclusion therefore it is not considered that the level of impact of the proposal on the defined retail centres within the catchment area due to the qualitative different offer and the lack of direct competition from the proposed development will be significant.

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 one unit is located in the western corner of the site fronting onto Harrogate Road, the large anchor unit located backing onto the western boundary, and, an L-shaped block of 5 units located backing onto the eastern boundary. The car park is located in the northern and central sections of the site. The southernmost part of the site comprises an ecological area.

The design of unit 1 is such that it has a mono pitch roof in 3 parallel sections with the highest part of the roof being at 6 metres. The building will be constructed using principally coursed natural stone on the elevations with a band of render just below the roof. There is a difference between the levels of Harrogate Road and the site itself and this will reduce the overall impact of the unit on Harrogate Road. The design of the

building is considered to be innovative particularly in relation to the design of the roof and will enhance the visual character of this part of the site.

The building comprising units 2-6 is L-shaped and flat-roofed in design. The height of the building will be 7.6 metres. The building will be constructed using white render on the bottom half of the elevations with light grey composite cladding on the top half. Full height glazed shop fronts within dark grey powder coated frames will also be incorporated in the elevations with a feature louvered signage frame above. The design is traditional for this form of development and it is not considered that it will have a detrimental impact on the visual character and appearance of the area.

Building 7 comprises the anchor store for the site and the footprint measures approximately 75 metres by 31 metres with a height of 6.8 metres on the front elevation sloping down to 5.6 metres on the rear elevation. The design of the building does comprise a flat roof behind a small parapet wall constructed of insulated metal panels. Below the parapet wall the northern elevation of the building will be principally glass whilst the other 3 elevations will be rendered (white). Again the design of the building is traditional for this type of A1 foodstore and is considered suitable for the location and will not have a detrimental impact on the visual character and appearance of the area.

With regards to the overall layout of the site it is proposed to undertake some tree planting particularly along the eastern boundary of the site where the residential dwellings are at a significantly lower level than the application site. The planting will also help to break up the built form of the development.

Overall it is considered that the design of the buildings and the layout of the site is appropriate for the end use and will not have a detrimental impact on the visual character and appearance of 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 in an area where the predominant land-use is residential with existing dwellings being sited to the north (Harrogate Road), east (Wharnccliffe Drive) and south east (Ashington Close) of the site. To the south and west of the site are open fields that do benefit from having outline planning permission for residential development and a local retail centre. As yet this planning permission has not progressed through to a Reserved Matters application.

To the north of the site a number of houses are located on the northern side of Harrogate Road and it is not considered that these dwellings will be significantly affected by the proposal due to them being separated by Harrogate Road which is a significant road in terms of its width and the level of traffic generated. The front elevations of the dwellings will be sited a minimum of 30 metres from the Harrogate Road boundary of the site and the nearest proposed building.

Adjacent to the northern corner of the site are dwellings that front onto Harrogate Road. The dwellings have rear garden lengths of between 12.5-18.0 metres. The layout of the development is such that there will be a small landscaped strip separating the rear

garden from the car park serving the retail units. At present one of the Mill buildings occupying the site is located at the bottom of the gardens and as such the proposal will result in a more open aspect for the occupiers of those dwellings. Through the incorporation of appropriate landscaping and boundary treatment in the vicinity of these dwellings it is not considered that the residential amenities of the occupiers of these dwellings will be significantly affected.

To the east of the site are dwellings fronting onto Wharnccliffe Drive. The separation distance between the rear elevations of both the dwellings and the proposed retail units is 25 metres with the buildings being located 14 metres from the joint boundary. One significant point to note however is that there is a significant difference in the land levels between the application site and the adjacent dwellings. The submitted plans show that the internal finished floor level of the units 2-5 will be 170.85 whilst the eaves and ridge levels of the adjacent dwellings will be 170.59 and 173.67 respectively. The level of the application site immediately adjacent to the rear gardens of the adjacent dwellings is 169.52. Whilst the separation distance of 25 metres is acceptable the buildings will be noticeable from the rear windows of the adjacent dwellings. The visual impact of the buildings can be lessened through appropriate boundary treatment and the planting of appropriate landscaping along the joint boundary.

In order to further minimise the impact on the residential amenities of the occupiers of these dwellings the retail units will not be served via the rear elevation but from the front elevation for units 2-4 and the side (southern) elevations for units 5-6. No objections have been received to these proposals from the Councils Environmental Health Department but they are seeking a condition restricting the hours of servicing of the units and an appropriate condition is recommended.

To the south east of the site are dwellings fronting onto Ashington Close. The dwelling immediately adjacent to the site has its gable end facing onto the site. The proposed layout of the development shows the southernmost part of the site is to contain a new ecology area to enhance the biodiversity value of the site. The buildings and service yard are sited 35 metres and 61 metres respectively from the joint boundary and these distances are considered such that the impact on the residential amenities of the occupiers of the adjacent dwellings will not be significantly impacted upon.

To the west and south of the site are open fields that currently benefit from having outline planning permission although to date no Reserved Matters planning application has been submitted so it is not known where the dwellings will be sited. Unit 7 is sited such that it is between 7.5-14.0 metres from the joint boundary but is it proposed to accommodate some landscaping along the joint boundary. As such, due to there being no approved layout for the development of the adjacent site, the layout is considered to be acceptable.

The site is currently occupied by buildings and should planning permission be granted for the proposal these buildings will need to be demolished. In order to minimise the potential impact on the residential amenities of the occupiers of the adjacent dwellings through the demolition of the buildings and subsequent construction of the new buildings a condition is recommended that restricts the hours for the works.

One of the units maybe used as a proposed A3/A5 use (Restaurants and cafes/hot food takeaways) which may require the installation of a ventilation system to prevent odours from being emitted from the building. At present no details of whether this is

required have been submitted and therefore it is proposed to recommend a condition requiring the submission of details of the ventilation system, if required, to ensure an appropriate system is installed such that the use of the building will not impact on the amenities of nearby residential properties or other users of the site and area.

The proposal does incorporate a large car park which could result in anti-social behaviour when the retail units are not occupied. Both the West Yorkshire Police and the Councils Environmental Health department are seeking the provision of some form of barrier across the access that will prevent unauthorised access to the site outside operational times. Again an appropriate condition is recommended.

Overall therefore it is not considered that the proposal will have a significant impact on the residential amenities of the occupiers of the adjacent residential 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.

It is proposed to access the development from a single access directly off Harrogate Road and this will serve a car parking area of 221 spaces together with the servicing areas for the units. To improve the access arrangements for the site in relation to pedestrians the Applicant is proposing to install a pedestrian crossing on Harrogate Road with the precise location to be agreed as part of a Section 278 Agreement.

A Transport Assessment has been submitted with the application and has been fully considered by the Highways Department. The Highways Department are satisfied that the local highway network can safely accommodate the additional traffic likely to be generated by the development without being detrimental to highway safety. The provision of the pedestrian crossing will result in a safer environment for pedestrians accessing the site from the residential development to the north and west of Harrogate Road.

A number of objections have been received to the proposal on highway grounds and again these have been considered by the Highways Department in their assessment of the application.

Overall therefore, it is not considered that the proposal will be detrimental to highway safety and is therefore considered to be acceptable.

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 discharge of both surface water and foul sewage the Applicant intends to connect to the main sewer. No objections have been raised to these proposals.

A Flood Risk Assessment has been submitted with the application which states that sub-soil conditions are not thought to support the use of soakaways and the site is remote from an existing watercourse. It therefore suggests that the surface water will discharge to the public sewer via storage with restricted discharge of 77 litres/second but no evidence has been submitted of positive connectivity and neither has it been demonstrated which point of connection to the sewer the discharge will be directed or how it will be divided between the two existing points of connection. Yorkshire Water have considered the Flood Risk Assessment and state that the conclusions are not currently acceptable but are happy that the concerns raised can be controlled via conditions should planning permission be granted. Appropriate conditions are therefore recommended.

Whilst the drainage of the site will be satisfactorily addressed through the conditions recommended to be attached to a planning permission there is also the issue of the emptying of the Mill Pond to consider. The Applicant has stated that agreement has been reached with Yorkshire Water to drain the Mill Pond into the local main sewer but at a very restricted rate such that it does not overburden the function of the sewers in their current capacity. It is understood that the water levels in the Mill Pond are maintained by rainfall directly filling the pond and water run-off from the buildings and hardstandings. An overflow pipe in the pond connects to the public sewer in Wharncliffe Drive which ensures that the pond remains at or below the overflow pipe level. The amount of water in the Mill Pond comprises approximately 15000 cubic metres and will be removed by pumping it into the public sewer on Harrogate Road. Yorkshire Water have agreed discharge rates into the sewer and these will be 5 litres per second (06:00-00:00) and 10 litres per second (00:00-06:00). Based on these rates it will take approximately 30 days to drain the Mill Pond, without doing overnight pumping the period would extend to approximately 50 days. The proposed pump will be a diesel driven one and the noise range will be between 58dB(A)-62dB(A) at a distance of 1 metre. In order to protect the residential amenities of the occupiers of the neighbouring dwellings a condition is recommended that seeks to agree the siting of the pump together with any noise mitigation measures that can be installed during the hours of use.

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 small number of trees located along the boundaries of the site but these are not of any particular value. A landscaping scheme has been submitted which shows some additional tree planting throughout the site and a condition is recommended in relation to its implementation.

7. 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 raised an objection to the principle of the development but has raised a number of comments regarding specific aspect of it, these are as follows:

Boundary treatments: The 2 metre high palisade fence is acceptable to secure the rear boundary of the retail unit 7. It is recommended that the acoustic fencing is to the same height (2 metres) which will provide more security to the rear of units 2 to 6 – *the revised plan submitted for the boundary treatments does show the inclusion of a 2 metre high acoustic barrier to the rear of the units 2-6 to meet the requirements of the Police.*

It is recommended that lockable gates are also installed in certain areas, such as delivery areas, to restrict access to these areas – *where possible this has been done by the Applicant but where the delivery areas are open it is much more difficult and could lead to problems with regard to circulation around the car park*

Access control into the site: It is recommended that some form of access control on the vehicle entrance such as manual gates or manual access barrier is installed such that it can be closed/locked when the units are closed which will prevent any forms of anti-social behaviour from occurring in the car park – *an appropriate condition is recommended to ensure this barrier is incorporated in the scheme.*

External lighting and monitored CCTV: There is no mention on the plans or with the design and access statement of any external lighting or monitored CCTV – *an appropriate condition is recommended requiring the submission of an external lighting*

scheme however the installation of CCTV is outside the control of the planning system and whether this is installed will be upto the Developer.

Bicycle racks: The location of the bicycle storage appears to have good natural surveillance and it is recommended that they should be certified to Sold Secure Silver Standard or LPS 1175 issue 7.2 (2014) SR1 – *no details have been submitted in relation to the type of bicycle racks to be installed and therefore an appropriate condition is recommended.*

Green areas of public open space: A management plan should be put in place to ensure that any planting or areas of green space within the site are regularly maintained and kept tidy – *an appropriate condition is recommended in relation to the provision of a management plan, to be agreed by the Local Planning Authority, in relation to the future maintenance of the landscaped areas*

Other comments relate to the inclusion of bollards in front of the parking bays where they are adjacent to glazed areas of the buildings and the installation of appropriate standards of doors, windows, roller shutters and intruder alarms. All these issues are outside the control of the planning system unless, for example, the roller shutters are installed post occupation.

8. 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 Geoenvironmental Desk Study Report has been submitted with the application which has identified that historically the site “has been occupied by Union Mills (Woollen) since 1852. Additional buildings were added in the south of the site. Two separate ponds were shown on the maps: The smaller northern pond was later filled once a building constructed in this area. The larger pond was later shown as a reservoir and remains to date. A tank and an electrical substation were marked in 1974 on the northern boundary.” The report goes on to state that the current land uses identified within the site include four separate businesses on site including a lubricant and lubricating

equipment business, an office and shop equipment business, a special purpose machinery and equipment business, and a general construction supply business. The report identifies that on the basis of the proposed end use and known history of the site there may be a number of potential pollutant linkages present including the following:

- Development and maintenance workers and site end users, e.g. employees, could come into contact with soils containing elevated concentrations of potential contaminants and hazardous gases.
- Any underlying groundwater or surface water could become contaminated due to the leaching and, migration of mobile contaminants from within the made ground.
- Buildings and services could be affected by potential contaminants in the made ground; and
- Planting in landscape areas could be affected by phytotoxic elements within the made ground.”

As a result of these potential pollutant linkages the report goes on to recommend that further site investigative works should be carried out once the buildings have been demolished to enable the site in its entirety to be investigated. This is in order to assess the potential environmental and geotechnical constraints to the proposed development. The recommendations relating to contamination are as follows:

- Chemical analysis of soil and water samples in order to determine the concentrations of potential contamination on the site.
- Monitoring of gas and groundwater wells for hazardous gases, methane, carbon dioxide, and oxygen and flow rate to the requirements of the Local Authority.

The Environmental Health Department in assessing the submitted report concurs with these recommendations and recommends that the additional works required, including any necessary remediation works, are secured through attaching appropriate conditions to a planning permission.

9. 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 buildings on the site are neither listed nor are they located within a Conservation Area. Whilst the buildings may hold some local significance in relation to their historical uses there is no policy protection for them. A photographic recording of the buildings has been submitted with the application which highlights the areas of interest within them and provides a permanent record.

As such therefore there is no objection to the loss of the buildings from a historical significance point of view.

10. Biodiversity

Policy EN2 of the Core Strategy states that development proposals should contribute positively towards the overall enhancement of the Districts biodiversity resource.

Objections have been received to the proposal on the grounds of the loss of the existing mill pond and the impact on the wildlife. The mill pond is a large body of water that is not functional for the uses on the site and has been used in the past for recreational uses such as fishing. It should be pointed out that the mill pond has not been designated as a site of ecological value within the Replacement Unitary Development Plan and is not located within a Bradford Wildlife Area. The nearest allocated Bradford Wildlife Area is to the east of the site and comprises a narrow strip of land that forms the disused railway line. It is separated from the application site by the residential development on Wharncliffe Drive.

A number of ecological reports have been submitted with the application including a bat survey, a crayfish survey and a great crested newt survey.

With regard to the bat survey it concluded that the pond is used as a foraging resource but the range of species using it is limited with it being mainly common pipistrelles. The survey identified that whilst high numbers of bats were observed at the site the majority of these were seen arriving from off site or leaving following dawn surveys. Only a single roost was identified on the site with a single bat seen entering it. Whilst the pond is not being retained and therefore the foraging resource will be lost it is intended to replace it with an ecological area in the southern section of the site. The survey accepts that the ponds loss will be compensated for through the creation of the ecological area with the potential to attract bat prey species.

Two other surveys were submitted in support of the application and related to great crested newts and crayfish. Both surveys did not find any evidence that either species existing within the pond.

Overall therefore it is not considered that the loss of the pond will have a significant impact on the ecological value of the site. The loss of the pond is being compensated for through the provision of the ecological area in the southern section of the site. Whilst the proposed area is of a different nature to the existing pond it will, if designed correctly, serve the same purpose in ecological terms.

11. 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 infrastructure in the area to accommodate this kind of development further impacting on schools, roads, doctors etc – *the form of development being proposed will not put any additional pressure on the existing infrastructure in the relation to schools and doctors and there is no objection from the Highways Department in relation to the impact on the highway network*

The plans appear different to what the neighbours were told particularly in relation to the siting of the buildings and their heights – *plans may change from those shown at a community consultation exercise undertaken prior to the application being submitted as the Applicant may take on board comments raised at that exercise to try and overcome potential objections*

The retaining wall to the embankment is in a poor state of repair and any works to it may cause it to collapse – *the retaining wall to the embankment cannot fully be assessed at present because of the existence of the Mill Pond. Once that has been drained then the wall can be fully examined to assess its structural stability*

There is currently no report from a structural engineer assessing the viability of the stone retaining wall to retain the additional loads that will be imposed upon it – see *comments above*

The proposal will ruin an area that the community enjoys – *the site is privately owned and comprises a number of buildings together with the Mill Pond. Whilst the Mill Pond may be used by recreational fishermen it is not done so on a regular basis by large numbers of people*

Why have Lidl UK applied for an alcohol licence – there is no Lidl store on Harrogate Road as there is neither a building for them to sell from nor do they have permission to build one – *whilst the application has not been determined yet there is nothing to stop potential end-users of the development applying for appropriate licences. The fact that Lidl have applied for an alcohol licence will have no bearing on the assessment of the application*

There are other areas where further housing would be more appropriate without destroying one of the last green spaces left – *the application is not for the construction of a housing development*

The site is near a primary school – *there is a primary school located close by but it is considered sufficient distance away such that the impact on it will not be significant*

There is not a lot for local children to do in the area, by removing the local fishing facility it may lead the local youngsters into drugs and crime – *it is not considered that the loss of the Mill Pond, which is occasionally used for recreational fishing will result in an increase in drug use and crime*

The plans do not give exact dimensions or distances, whilst at the same time state both 'Do not scale from this drawing' and 'Only work to written dimensions'. This makes it impossible for those consulting the proposed plans to have access to accurate and detailed measurements upon which to make any comment. Distances to properties and heights of buildings need to be known – *the submitted plans are drawn to scale and accurate dimensions can be measured on the plans to enable appropriate distances to be calculated*

What is proposed as infill material for the site of the drained mill pond – *The overall site will be subject to a cut and fill engineering exercise to form the required development plateau levels. Once the pond has been emptied of water, silt and any unsuitable materials, it will be infilled using on site selected suitable materials arising from the cut and fill exercise and/or crushed granular material arising from the demolition of the existing buildings and hardstandings. Any shortfall in fill materials will be made up using imported materials which will be either naturally occurring aggregates or recycled aggregates subject to the relevant contamination testing to determine suitability for use on the development. The pond infill materials will be placed and compacted in layers to an agreed engineering specification and tested to demonstrate compliance with the specification*

Potential damage to drystone walls on the boundaries – *if any damage is done to the boundary walls and they are to remain as boundary treatment to the development then they will need to be repaired*

Destruction of mature plants that climb the dry stone wall – *the plants are not protected by an preservation orders and therefore do not benefit from any form of protection. New planting is proposed as part of the development and this will compensate for the loss of any trees/plants required to accommodate the new development*

Loss of tv reception – *unfortunately this is not a material planning consideration but it is not considered that it will happen due to the distances proposed between the buildings and the residential properties*

Why not make a feature of the dam and make it an area people want to visit – *the Mill Pond cannot be retained as part of the development due to its size as well as health and safety concerns. The proposal for the retails development has been submitted and has to be considered in that form. An ecological area is being created as part of the development to compensate for the loss of the Mill Pond*

I'm sick of Bradford's greedy builders, councillors and developers. It's disgusting. When will it end? – *this is not a material planning consideration*

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 attached conditions, satisfies the requirements of policies UR7A, CR1A, CR4A, and, TM20 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 (excluding demolition of the existing buildings and drainage of the Mill Pond) commencing on site, 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 EN8 of the Local Plan for Bradford.

3. Remediation strategy

Unless otherwise agreed in writing with the Local Planning Authority, prior to development (excluding demolition of the existing buildings and drainage of the Mill Pond) commencing on site, 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. Separate foul/surface water drainage

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 of the site and to accord with policy EN7 of the Local Plan for Bradford.

8. Use of oil interceptors

Surface water run-off from hardstanding areas (equal to or greater than 800 square metres) and/or communal parking areas of more than 49 spaces must run through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network and to accord with policy EN7 of the Local Plan for Bradford.

9. Disposal of surface water drainage

No development shall take place on site until details of the proposed means of disposal of surface water drainage have been submitted to and approved in writing by the Local Planning Authority, these details shall include but not exclusive to:

- a) Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) Evidence of existing positive drainage to public sewer and the current points of connection; and,
- c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change,

Furthermore, unless otherwise agreed 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 and in the interest of sustainable drainage 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 to be submitted to the Lead Local Flood Authority for approval.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

11. Flow of surface water

The maximum pass forward flow of surface water from the development shall be agreed with the Lead Local Flood Authority prior to the commencement of the drainage works on site.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

12. 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: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

13. Disposal of foul water drainage

Notwithstanding the 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: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

14. Drainage of Mill Pond

Notwithstanding the details contained in the supporting information, the drainage works shall not commence until a report is submitted to confirm the operation of any present inlet and outlet arrangements of the existing Mill Pond, further to the withdrawal of water within it.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

15. Siting of Mill Pond pump

Before the draining of the Mill Pond commences details of the siting of the pump together with any noise attenuation measures shall be submitted to and agreed in writing by the Local Planning Authority. Any agreed noise attenuation measures shall be put in place before the draining of the Mill Pond commences and shall stay in situ whilst ever the pump is in use.

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.

16. Opening times – retail units

Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises shall be restricted to the following hours:

Units 1A and 1B: 05:00 to 23:00 hours Monday to Saturday and 10:00 to 18:00 on Sundays

Units 2, 3, 4, 5, and, 6: 05:00 to 23:00 hours Monday to Saturday and 10:00 to 18:00 on Sundays

Unit 7: 07:00 to 22:00 hours Monday to Saturday and 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.

17. Delivery times – retail units

No deliveries/servicing shall be taken in or dispatched from the site outside the hours of:

Units 1A and 1B: 05:00 to 23:00 hours

Units 2, 3, 4, 5, and, 6: 05:00 to 23:00 hours

Unit 7: 06:00 to 23:00 hours

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.

18. 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.

19. 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).

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. 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.

22. Root Protection Plan

The development (excluding demolition of the existing buildings and drainage of the Mill Pond) 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.

23. 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 together with details of the acoustic fencing. The approved details shall be implemented in full prior to the first occupation of the development.

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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. Highway Improvement Before Use

Within 6 months of the development (excluding demolition of the existing buildings and drainage of the Mill Pond) starting on site full details and specifications of the works associated with Harrogate Road, as shown indicatively on drawing number 1118-SK-101 Rev P03 dated November 2017, shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and to accord with Policy TR2 and Appendix 4 of the Local Plan for Bradford.

30. Means of access

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

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

31. Closure of existing vehicular access

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

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

32. Provision of car park

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.

33. Highway boundary wall

Before any development commences on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling to shall be submitted to and approved in writing by the Local

Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety and to accord with Policies TR1, TR3, DS4 and DS5 of the Local Plan for Bradford.

34. External lighting

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

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

35. 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.

36. 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.

37. 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.

38. Sub-division/amalgamation of units

The units shall neither be amalgamated with other units to create larger units nor shall they be 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.

39. 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:

Units 2, 3, 4, and, 6 shall have no more than 61 square metres net convenience sales floorspace and 1,163 square metres net comparison sales floorspace; and,
Unit 7 shall have no more than 1,126 square metres net convenience floorspace and 281 square metres net comparison sales 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.

40. Use of units 1A and 1B

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, Units 1A and 1B shall be restricted to

any use within Class A1 of that Order or as a coffee shop or café operator only and for no other purpose or 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.

41. Ventilation systems

Before the occupation units 1A & 1B details of any ventilation systems to be incorporated within those units shall be submitted to and approved in writing by the Local Planning Authority. The ventilation system shall be installed in full accordance with the approved details before the units are first brought into use.

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.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 7th December 2017

Z

Subject:

This is an outline planning application including means of access for the construction of an employment development scheme comprising B1, B2 and B8 uses on land at Gain Lane and Woodhall Road, Bradford.

Summary statement:

The proposal relates to the construction of an employment development scheme comprising B1, B2 and B8 uses on land at Gain Lane and Woodhall Road, Bradford. The application is in outline form with details of the means of access submitted for consideration at this stage.

Details of the layout of the development have not been submitted for consideration but an indicative layout has been submitted which shows how the site could be developed. The plan shows that the site could potentially be occupied by 8 separate units ranging in size from 15,000-75,000 square feet footprint. A landscaped area will be incorporated along the northern boundary of the site screening the development from the dwellings on Foston Lane. Vehicular access to the site will be taken from a new access road from Gain Lane. This access road is located within the administrative area of Leeds City Council and is subject to a planning application currently being considered by that Council.

It is considered that the site is of an adequate size such that a development could be accommodated without having a significantly detrimental impact on the residential amenities of the occupiers of the dwellings to the north.

Through the attachment of the proposed conditions it is considered that the proposal is acceptable.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is an outline planning application including means of access for the construction of an employment development scheme comprising B1, B2 and B8 uses on land at Gain Lane and Woodhall Road, 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 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.

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. 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).

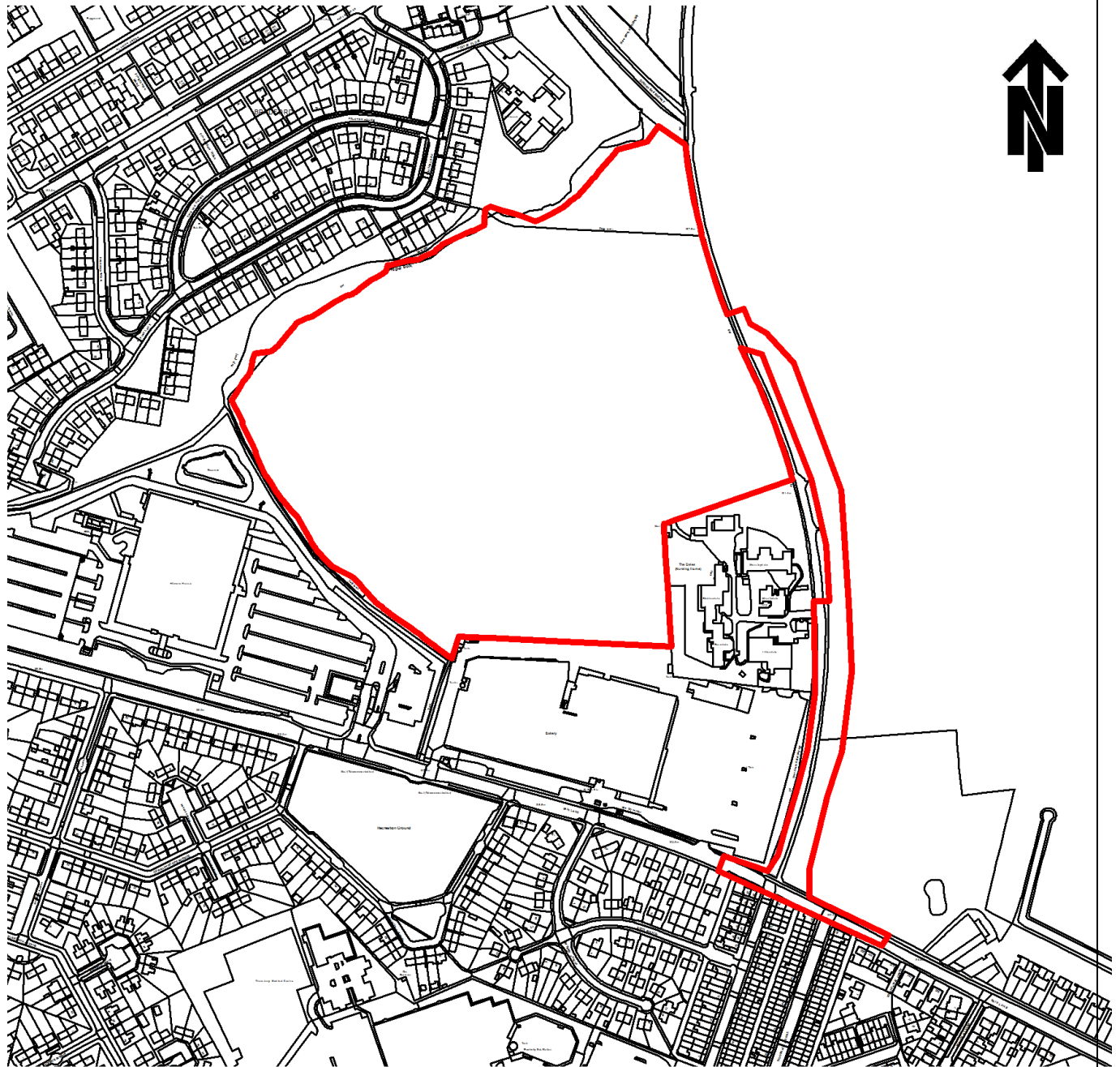
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/02463/MAO

17/02463/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:5,000

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**Land at Gain Lane and Woodhall Road
Bradford**

7 December 2017

Ward: Bradford Moor

Recommendation:

GRANT PLANNING PERMISSION

Application Number:

17/02463/MAO

Type of Application/Proposal and Address:

This is an outline planning application including means of access for the construction of an employment development scheme comprising B1, B2 and B8 uses on land at Gain Lane and Woodhall Road, Bradford.

Applicant:

Miss Miranda Steadman (Commercial Development Projects Limited (CDP Ltd) and The Trustees of the Alfred Vint (deceased) Will Trust)

Agent:

N/A

Site Description:

The site is located to the north of Gain Lane and currently comprises open grassed fields. To the north and north west of the site are residential properties (Foston Lane). To the south and south west are offices (Morrisons Headquarters) and a bakery, whilst to the east are open fields and a vacant building that was formerly in use as a nursing home. Vehicular access to the site is taken from Woodhall Road to the east of the site. The site slopes quite considerably with the highest point being towards the southern part of the site and the lowest point being adjacent to the northern boundary. Some trees are located along the boundaries of the site.

Relevant Site History:

There is no relevant planning history on the site. However a planning application has been submitted to Leeds City Council for the creation of a new access to this site. The application is currently under consideration.

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 majority part of the site is allocated for as an Employment Site (Ref: BN/E1.17) whilst the northern strip of the site is allocated as a New Site for Recreation Open Space and Playing Fields (Ref: BN/OS4.17) in the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

E1 Protecting Allocated Employment Sites
E2 Protecting Large Employment Sites
TM10 National and local cycle network
OS4 New Open Space Provision

Core Strategy Policies:

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
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
EN1 Protection and improvements in provision of Open Space and Recreation Facilities
EN2 Biodiversity and Geodiversity
EN3 Historic Environment
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection
EN12 Minerals Safeguarding
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.

Publicity and Number of Representations:

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

As a result of the publicity exercise 13 representations have been received objecting to the proposal.

Summary of Representations Received:

Principle:

- It will result in the loss of Green Belt land
- It will remove the last significant available amount of land available for children to play on and for dog walkers to enjoy
- There is no clear plan for the site just “expressions of interest” from companies looking to locate to the site
- Impact on residents in terms of health risks as there will be an increase in both air and noise pollution
- The Government is trying to encourage exercise but the proposed development would drastically reduce access to areas of natural beauty that have been enjoyed by the public for generations
- There is a broad expanse of wasteland on Dick Lane – why can’t this be used instead

Residential amenity:

- Concerns regarding the level of noise that will be generated once the development is built and during the construction phase
- The proposal is unfair and directly affects neighbouring properties

Traffic/highways:

- The proposal will result in an increase in the level of traffic in the area in addition to that created by Morrisons and Hovis
- There are no parking plans for the new employees on the site which is a concern as there are already parking restrictions in the area
- The roads are already narrow due to the creation of the cycle superhighway
- The closure of Woodhall Road (north) to vehicles and reinstate it as a footpath and cycleway will impact on the community as it will restrict access to Gain Lane and extend journey times
- It is wrong to claim that there is good access to the site from Leeds Road, Barkerend Road, Gain Lane or the motorway as the roads are constantly gridlocked
- Residents cars parked on Gain Lane, Woodhall Road and Woodhall Avenue have been damaged due to the heavy commercial traffic using the roads
- Woodhall Road and Woodhall Avenue are used as “rat runs” by commercial traffic to avoid the heavy traffic on Gain Lane
- Gain Lane will be difficult for local residents to cross with the proposed increase in traffic

Drainage:

- There are no details with regard to how foul sewage will be dealt with

Other:

- Do the plans incorporate areas to store and aid the collection of waste or have arrangements been made for the separate storage and collection of recyclable waste as there is already an issue with litter in the area
- There has been a clear lack of consultation with residents
- Impact on the residents in terms of accessibility to their properties
- The proposal will result in the devaluation of existing dwellings in the area

- A clinical survey of residents should be carried out to show that the health of the residents is suffering due to increased traffic and this will get worse if the development goes ahead

Consultations:

Environmental Health Nuisance – No objection to the principle of the development but seek the imposition of conditions limiting the operating hours of the units and noise levels outside the buildings

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

Trees Section – No objection to the principle of the development but concerns regarding the potential loss of trees through the widening of the access. Should the proposal be approved a robust landscaping scheme would be required to ensure the amenity these trees provide is not permanently lost

Yorkshire Water – No objection subject to the imposition of appropriate conditions relating to the discharge of foul and surface water

West Yorkshire Combined Authority – No objection to the proposal. The site is identified as a Spatial Priority Area (SPA) within the SEP and is also designated as an Enterprise Zone; one of ten sites within our LCR Enterprise Zones programme.

The Coal Authority – No objection to the proposal on the grounds that whilst records indicate that there is a coal outcrop which just encroaches into the western boundary of the site the risk to the shallow coal mining works is low

Drainage – No objection to the principle of the development subject to the imposition of an appropriate condition requiring the development to be carried out in accordance with the approved Drainage Strategy

Rights Of Way – No objection to the principle of the development but it is pointed out that there are a number of public footpaths that will be affected by the proposal and these will require improvements or diversions

Environmental Health Land Contamination – No objection to the principle of the development subject to the imposition of conditions requiring the carrying out of further site investigations together with the submission of a remediation statement and subsequent verification report

Highways DC – No objection

Environmental Health Air Quality – No objection to the principle of the development but concerns that an exposure and emissions assessment has not been submitted with the application

West Yorkshire Archaeology Advisory Service – No objection to the principle of the development but advise that preferably, permission is granted, given activity in the vicinity from a wide range of periods the site's archaeological potential should be fully evaluated prior to development of the site. Alternatively an appropriate condition can be attached to a permission requiring the evaluation to take place.

Yorkshire Wildlife Trust – Object to the proposal on the grounds of the loss of local wildlife site habitats

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. Ecological issues
10. Archaeology
11. Other issues

Appraisal:

The application relates to the construction of an employment development comprising B1, B2 and B8 uses. Whilst the application is in outline form details of the access have been submitted for consideration at this stage. An indicative layout plan has been submitted that shows potentially 8 separate units ranging in size from 15,000-75,000 square feet footprint.

1. Principle of development

Paragraph 18 of the National Planning Policy Framework state that the Government is committed to securing economic growth in order to create jobs and prosperity and building on the country's inherent strengths whilst paragraph 19 states that the planning system should do everything it can to support sustainable economic growth and therefore significant weight should be placed on the need to support economic growth through the planning system.

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. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

The Framework also states in paragraph 111 that the planning system should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. It goes onto state that Local Planning Authorities may make allowance for windfall sites in the five-year

supply if there is evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

The majority part of the site is allocated as an Employment Site within the Replacement Unitary Development Plan under reference BN/E1.17 (Woodhall Road, Thornbury) and is subject to consideration against policy E1 of the Replacement Unitary Development Plan. The requirement within the site description states that extensive landscaping is required around the periphery of the site to provide an amenity and visual buffer between the development and the open countryside.

Policy E1 of the Replacement Unitary Development Plan has been superseded by Core Strategy Policy EC4 but it has been saved until the adoption of the Core Strategy and the adoption of the Allocations Development Plan Document and Area Action Plans. The policy supports proposals for employment development on sites shown on the proposals maps as employment sites.

Policy EC4 of the Core Strategy seeks to support economic and employment growth in a sustainable manner.

The northernmost strip of the site is allocated as New Sites for Recreation Open Space and Playing Fields under reference BN/OS4.17 and is subject to consideration against Policy OS4 of the Replacement Unitary Development Plan. The policy is superseded by Core Strategy Policy EN1 but is saved until the adoption of the Allocations and Area Action Plan Development Plan Document.

Policy OS4 states that new sites for playing fields and recreation open space are identified on the proposals map and permission will not be granted for the development or use of these areas for any other purpose.

Policy EN1 of the Core Strategy states that land identified as recreation open space, or which is currently or was formerly used for recreation open space will be protected from development.

The proposal is in outline form with only details of the access submitted for consideration at this stage. The end uses of the development include B1, B2 and B8. An indicative layout plan has been submitted with the application that shows potentially 8 separate units ranging in size from 15,000-75,000 square feet footprint.

In principle it is considered that the proposal meets the requirements of both Policies E1 and OS4 of the Replacement Unitary Development Plan and Policies EC4 and EN1 of the Core Strategy and therefore in land-use terms the proposal is considered to be acceptable subject to detailed consideration in the following sections of the 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 site is located within an area whereby it is bounded by both residential and industrial/commercial uses. Fronting onto Gain Lane to the south of the site are a 3 storey brick built office block comprising Morrisons Headquarters together with a 2 storey bakers constructed of a mix of brickwork and cladding.

The application is in outline form with details of the layout, scale and appearance reserved for consideration at a later stage. However, the application has been supported by an illustrative masterplan that shows how the site could potentially be developed. The plan shows potentially 8 separate units ranging in size from 15,000-75,000 square feet footprint. A landscaped buffer zone is indicated along the northern boundary separating the proposed buildings from the adjacent residential dwellings.

Whilst the site slopes down considerably from the south to the north, and will require a great deal of re-levelling, it is considered that the layout, and buildings, could be designed in such a way to minimise the visual impact on the area. The site also offers the potential to incorporate appropriate landscaping to further minimise the impact.

Overall therefore, at this stage, it is not considered that the proposal will impact on the visual character and appearance of the area but careful consideration will need to be given to the design of both the layout of the development and the buildings to ensure it does compliment rather than detract from the 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 bounded to the north and north west by existing residential development (Foston Lane) and it is important therefore to assess the impact the proposal will have on the residential amenities of the occupiers of this dwellings.

The application is in outline form with details of the layout, scale and appearance being reserved for consideration at a later stage. An Illustrative Masterplan has been submitted to show how the site could be developed and shows a layout of potentially 8 separate units ranging in size from 15,000-75,000 square feet footprint. The plan shows that the proposed buildings are located at least 60 metres from the nearest dwellings with a landscaped area located between the 2 uses. The indicative finished floor levels show a gradual lowering as the development moves from south to north with a difference of 8 metres.

In order to further minimise the impact of the adjacent residential dwellings appropriate conditions are recommended in relation to the operating hours of the buildings to ensure that they do not operate during anti-social hours.

In terms of the layout of the development and the design of the buildings these will be considered at a later stage but it is considered that the site is of a size whereby a development of the size proposed can be satisfactorily accommodated without being significantly detrimental to the residential amenities of the occupiers of the neighbouring residential 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.

Details of the access arrangements have been submitted for consideration with the application and show that it will be accessed from a new road taken from Gain Lane that runs along a similar line to Woodhall Road. The new access road is located within the administrative area of Leeds City Council and is subject to a planning application currently being considered by them. At the time of writing this report that application is still pending determination and Members will be verbally updated on the progress of the application. As part of the new road works will include the relocation of the existing bus

stop on Gain Lane that will be affected by the new access onto Gain Lane, the City Connect Cycleway will be extended across the junction, the introduction of a 3 metre wide 'horse track' running alongside the new road, and, the introduction of a new 3 metre wide shared footway/cycleway running alongside the road.

The route of the access road runs along the eastern boundary of the application site and turns into the application site just beyond the former nursing home located adjacent to the south eastern corner of the site.

Following initial concerns from the Highways Department an amended Transport Assessment was submitted which overcame the concerns. The application relates solely to the point of access to the site with the internal access being considered at a later stage. The Highways Department therefore have no objection to the proposal.

The Rights of Way Officer has stated that their records indicate that Bradford North Public Footpath 70 abuts the site and Bradford North Public Footpath 65 crosses the site whilst an additional unrecorded footpath route also abuts the site. Any required upgrades of the footpaths or diversions will be dealt with at Reserved Matters stage when the layout is submitted for consideration. Whilst the illustrative masterplan submitted with the application does suggest some works are being undertaken to the existing footpaths the plan is only illustrative and the layout may be subject to change.

The Environmental Health (Air Quality) Officer has not raised an objection to the principle of the development but has raised concerns that an exposure and emissions assessment has not been submitted with the application. Since the submission of the application an Air Quality Assessment has been submitted which examines the impact of the proposal on the air quality in the locality and concludes that the proposal will not have a material adverse impact on local air quality. The conclusions of the report are concurred with by the Local Planning Authority and conditions are recommended in relation to the provision of electric vehicle charging points and a Construction Emission Management Plan.

Overall therefore there is no highways objection to the proposal.

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.

With regard to the proposed methods of drainage of the development for both foul and surface water no objections have been received by the appropriate organisations subject to the imposition of 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.

Although there are no protected trees within the site, directly adjacent to the site within The Dales Nursing Home is a Tree Protection Order. The site can be laid out to ensure that none of the protected trees are affected by the development.

Where any trees are to be lost as a result of either the access improvements or the layout of the development itself then replacement planting should take place and a robust landscaping scheme would be required to ensure the amenity these trees provide is not permanently lost. This would form part of a Reserved Matters application where "landscaping" is a matter that has been reserved for future consideration.

Although not being considered at outline stage, the indicative layout shows Balancing ponds are to be located in close proximity to offsite, "A" category trees in the northern section of the site. It is unclear whether this would require the removal of the trees or the extent of the damage that would occur from the excavations. The trees team would not support the removal or damage of these trees. This is an area where a landscaped area will be provided to screen the development from the neighbouring residential development and through the drawing up of a landscaping scheme these issues will be duly addressed and the concerns of the Tree Officer taken into account.

In order to protect the retained trees during the construction phase of the development a condition is recommended that will require the installed of root protection measures for the duration of the construction phase.

7. Secured by design

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.

Details of the layout will be assessed at Reserved Matters stage and it will be at that time when details of issues such as boundary treatment, external lighting, landscaping etc will be assessed. The layout of the development together with the design of the buildings can be developed so as to take on board issues with regard to providing a safe and secure environment for the users of the site.

8. 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 Desk Study Report has been submitted in support of the application. Taking into account the history of the site and its immediate surroundings the report concludes that the site has mainly been open fields and therefore with a low to negligible risk of contamination and that there may be isolated 'hotspots' of contamination associated with localised fly tipping in the east of the site and in the area of infilled ground in the southeastern corner adjacent to the hospital and bakery.

The report goes on to recommend that an intrusive site investigation be undertaken prior to the commencement of any groundworks to assess the ground conditions across the site and obtain samples for relevant environmental and geotechnical testing. Due to the presence of historic landfill areas around the site, the installation of ground gas monitoring standpipes and subsequent gas monitoring is also recommended. The investigation and assessment should establish any areas of contamination and what appropriate remediation and mitigation measures may be required. As potential specific sources of contamination have been highlighted in the form of the fly tipped material and the area of infilled ground, then targeted exploratory holes, locations and sampling will need to be employed adjacent to the source with non-targeted sampling used on the remainder of the site."

Based on this appropriate conditions relating to the further site investigative works and necessary remediation works are recommended.

The Coal Authority have confirmed that parts of the site fall within the defined Development High Risk Area in that there is a coal outcrop which just encroaches into the western boundary of the site and it may have been subject to historic unrecorded coal workings at shallow depth. As part of the Desk Study Report this issue has been considered and the Report concludes that the risk to the site from the potential shallow mine workings is low and that no further works or investigations in this respect are proposed. The Coal Authority are satisfied with the findings of the report and that it meets the requirements of the National Planning Policy Framework in demonstrating that the site is, or can be, made safe and stable for the proposed development and therefore raise no objection.

9. Biodiversity issues

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to

which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

Paragraph 9 of the National Planning Policy Framework states that in pursuing sustainable development positive improvements should be sought in the quality of the built, natural and historic environment, as well as in people's quality of life, including, amongst other things, moving from a net loss of bio-diversity to achieving net gains for nature. Paragraph 118 states that when determining planning applications Local Planning Authorities should aim to conserve and enhance biodiversity.

A Bat Survey has been submitted in support of the application and the results of the study show that bat activity across the site was relatively low with a peak in activity around mid-summer. Foraging is largely restricted to boundary features. The Illustrative Masterplan submitted with the application shows the buildings to be located in the centre of the site with the existing boundary habitats being retained and enhanced. Any new landscaping should focus on strengthening the northern boundary with opportunities for new planting along the eastern boundary and throughout the site. Appropriate planting could lead to a gain for local bat populations by strengthening green corridors and increasing the amount of available foraging habitat. The site would also benefit from the incorporation of artificial bat boxes incorporated into a number of suitable new builds or erected on suitable mature trees. It is recommended that an Ecological Management Plan is produced for the site and this is appropriately conditioned.

An Ecological Survey has also been submitted in support of the application and states that the majority of the site species-poor, semi improved neutral grassland which is a common habitat both locally and nationally and as such is considered to be of generally low ecological value. There are several pockets of species-rich grassland within the northern half of the site and ideally this should, where possible, be retained in site and brought back into good condition through in-perpetuity management. However, given the fragmented nature of this grassland it is unlikely to be feasible but there is the opportunity to replace and increase its extent on the site and this can be achieved through the landscaping scheme.

Overall with the Survey suggests that the development does provide opportunities to allow ecological enhancements to be made and these include:

- through a mix of appropriate annual management and seeding/plug planting, the green buffer created along the site's northern boundary could be restored to species-rich grassland aiming to replicate MG5 - Lowland Meadow type habitat in good condition. Areas of existing species-rich grassland, especially those scheduled to be lost, could be used as sources of plant material for collecting seed or taking plug plants; and,
- native species should be used throughout landscaping wherever possible, this includes trees and shrub beds planted alongside new access roads and car parking; and,
- the site's connectivity could be enhanced through tree and hedgerow planting along the site boundaries, especially along the northern boundary where tree planting could strengthen Fagley Becks value as a green corridor; and,
- useful wildlife habitat could be provided in the form of bat boxes, nesting boxes and deadwood and rubble piles which should be targeted at the periphery of the site.

Yorkshire Wildlife Trust has objected to the proposal on the loss of Local Wildlife Site Habitats. The Trust welcomes the high quality Ecological Appraisal submitted with the application and states that it identifies 0.32 hectares of MG5 grassland which is of Local Wildlife Site quality. Such areas are considered to be a vital part of protecting and enhancing biodiversity nationally but they are not afforded protection like Sites of Special Scientific Interest or National Nature reserves. Developments which lead to detrimental impacts on Local Wildlife Sites, is therefore likely to damage the biodiversity value of the Local Wildlife Site and lead to net losses in biodiversity. The proposal will result in the loss of 80% (0.26 hectares) of the MG5 grassland on the site. As such the Trust suggests that the proposal is in contradiction of Paragraphs 9 and 118 of the National Planning Policy Framework.

The inclusion of the SUDS system within the development is welcomed but if the siting of the ponds could be amended to avoid the areas of MG5 grassland, and the area of grassland protected during the construction phase, then this would be a preferred option to losing the habitats and recreating them. The compensation for other areas of MG5 grassland to be lost to the building/ car park footprint will still have to be undertaken in the northern section of the site, along with the long term management of all MG5 grassland on site.

If the re-positioning of the SUDS ponds to avoid biodiversity losses is not possible then we advise that an ecological compensation and management plan is drawn up for the losses of MG5 grassland onsite. Such a plan should include where compensation habitat creation will be undertaken, a figure for the amount of MG5 grassland to be created as part of the compensation scheme and details for the long term management of the habitats onsite. This should be secured by an appropriately worded condition

As stated previously within the report the application is in outline form with only details of the access submitted for consideration at this stage. In designing the final layout of the scheme the Applicant can examine the possibility of relocating the SUDS ponds in line with the Trusts comments.

Whilst the comments from the Trust are noted it is recommended that a condition be imposed on a planning permission that seeks to secure the appropriate ecological enhancements recommended in the Ecological Appraisal submitted in support of the application together with any other improvements required if the MG5 grassland is lost.

10. Archaeology

Policy EN3 of the Core Strategy states that through development decisions the Council will seek to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the Districts designated and undesignated heritage assets and their settings.

The National Planning Policy Framework states in paragraph 128 that 'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'. The requirement to carry out subsequent works and building recording is supported by paragraph 141 which states that 'Local planning authorities should ... require developers to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their

importance and the impact, and to make this evidence (and any archive generated) publically accessible’.

West Yorkshire Archaeology Advisory Service have stated that the site encompasses an area of previously undeveloped land to the east of Bradford. The site is located on high ground with an elevation of approximately 180 metres falling to the north and east. Finds of Neolithic stone axe and prehistoric flint arrow heads are known from 20th century development and quarrying to the north and east at a distance of 400 to 600 metres. The finds spots of Roman coins are known a similar distance to the south-west. The most prominent of these being the intriguing Low Moor Hoard which predates the Roman Conquest of Britain and was discovered in 1828 (West Yorkshire Historic Environment PRN 1752, 1890, 2020, 3908 and 3909). Given activity in the vicinity from a wide range of periods the site’s archaeological potential should be fully evaluated prior to development of the site.

Whilst the West Yorkshire Archaeology Advisory Service would ideally like to see an evaluation of the archaeological potential of the site before determination of the application they are satisfied that if this cannot be done an appropriate condition can be attached to a planning permission that would secure the works be carried out before work commences on the development itself.

A condition is therefore recommended that will secure the submission of an archaeological recording of the site.

11. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the earlier sections of this report. These issues, together with the response, are as follows:

Do the plans incorporate areas to store and aid the collection of waste or have arrangements been made for the separate storage and collection of recyclable waste as there is already an issue with litter in the area – *the application is in outline form with details of the layout and appearance reserved for consideration at a later stage. It is at this stage that these issues will be addressed.*

There has been a clear lack of consultation with residents – *the application has been publicised in conjunction with the Councils protocol for the publicity of planning applications.*

Impact on the residents in terms of accessibility to their properties – *the proposal will not impact on the residents ability to access their properties. Where the adjacent dwellings have gates in the rear boundary fences to allow access to the site these could be retained as the area of land to the rear of these dwellings will be a landscaped area.*

The proposal will result in the devaluation of existing dwellings in the area – *unfortunately the issue of devaluation of the adjacent dwellings is not a material planning consideration.*

A clinical survey of residents should be carried out to show that the health of the residents is suffering due to increased traffic and this will get worse if the development

goes ahead – *the site is allocated as an Employment Site and as such has always been earmarked for employment use. The scheme will incorporate a landscaped area that will retain a green corridor between the development and the residential properties and will allow the residents to make use of it. An Air Quality Assessment has been submitted which shows that the air quality of the area will not be significantly affected by the proposal.*

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 development on an allocated site that no concerns with regard to highway safety. Issues of visual and residential amenity will be considered at the Reserved Matter stage. The proposal is considered acceptable and, with the proposed conditions, satisfies the requirements of policies E1, E2, TM10, and, OS4 of the Replacement Unitary Development Plan and policies P1, SC1, SC4, SC9, EC4, TR1, TR2, TR3, EN1, EN2, EN5, EN7, EN8, EN12, 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 the commencement of each phase of the development is begun plans showing the:

- i) appearance,
- ii) landscaping,
- iii) layout, and,
- iv) 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. Separate system foul and surface water

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 and to accord with policy EN7 of the Local Plan for Bradford.

5. No piped discharge of surface water

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and to accord with policy EN7 of the Local Plan for Bradford.

6. Approved drainage strategy

The drainage aspects of the development shall proceed in strict accordance with the approved Drainage Strategy document reference AMF/DFS/4892.v1 dated March 2017.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

7. Use of SUDS

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

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

8. Temporary drainage strategy

The development for each phase of 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: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

9. Maximum flow of surface water

The maximum pass forward flow of surface water from the development shall be restricted to 5.86 litres/ second/ hectare.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

10. Site Investigation Scheme

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy EN8 of the Local Plan for Bradford.

11. Site Investigation Implementation

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

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

12. 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.

13. 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.

14. 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.

15. 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.

16. Means of access

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

17. 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, commencement of each phase of the development 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.

18. 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 the commencement of each phase of the development 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.

19. Travel Plan

Unless otherwise agreed in writing with the Local planning Authority, within 6 months of the first occupation of each individual 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.

20. Electric Vehicle Charging Points

Within 6 months of the commencement of work on site for each phase of the development, a scheme showing the provision of parking bays with direct access to electric vehicle charging points shall be submitted to, and agreed in writing, by the Local Planning Authority. These must be fully operational from the first occupation of

the building which they serve. 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).

21. 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)

22. Ecological enhancements

Notwithstanding the details submitted, a scheme, including a timetable for its implementation, to secure the ecological enhancements incorporated within the Ecological Appraisal prepared by Brooks Ecological (Reference R-2822-01) dated March 2017, together with any other enhancements to overcome the loss of the areas of MG5 grassland, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To enhance the ecological value of the development and to accord with policy EN2 of the Local Plan for Bradford.

23. 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.

24. Archaeological recording

No development to take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: In order to secure the satisfactory recording of the site and to accord with policy EN3 of the Local Plan for Bradford.

25. 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.

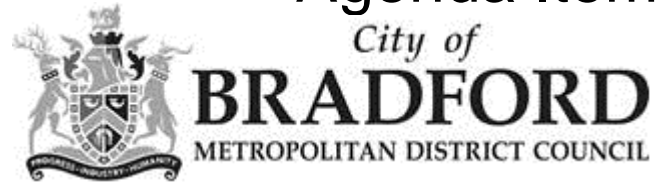
Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

26. Hours of use

Before the occupation of each building details of the proposed hours of use of the building and servicing times should be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on Thursday 7th December 2017.

AA

Subject:

Full planning application 17/04012/FUL for a material change of use from Use Class B1 (Business) to Use Class B2 (General Industrial) to allow the chemical treatment of metal parts including storage of chemicals at Unit 3A, Sapper Jordan Rossi Park, Otley Road, Baildon.

Summary statement:

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application ref. 17/04012/FUL, for a material change of use of Unit 3A, Sapper Jordan Rossi Park, from Use Class B1 (Business) to Use Class B2 (General Industrial), to allow the chemical treatment of metal parts including storage of chemicals, made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
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Major Development Manager
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Portfolio:

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

Regeneration and Economy

1. SUMMARY

The proposal includes both a material change of use of the unit from B1 (Business) to B2 (General Industrial) and also minor external alterations, primarily comprising additional glazing and doors to the gable end elevation and the inclusion of a 1.8 metre high flue stack to the ridge. The purpose of the material change of use is to allow the unit to be used for the chemical treatment of parts produced in the adjacent unit operated by Produmax (the applicant). The documentation submitted in support of the application indicates that the use may include both Passivation using Nitric Acid and Anodisation using Sulphuric Acid.

The proposal site is within an allocated Employment Site as defined on the Development Plan Proposals Map. The proposed use is associated with an existing high technology manufacturing business operating at the site and will allow this business to increase its manufacturing capabilities and operating efficiency with a consequent increase in the amount of employment they generate.

Objectors, including the adjoining unit and other occupants of the business park, have raised strong objections to the proposal due to the adverse air quality, health and corrosion impacts which they are concerned that the proposed use will generate. However the application has been reviewed by both the Council's Environmental Health Service and the Environment Agency who have not raised any objections, subject to control under separate pollution control and health and safety legislation.

Taking development plan policies and other relevant material considerations into account, it is considered that the proposal is acceptable in principle and in terms of the potential environmental effects of the development, subject to the conditions recommended at the end of the report at Appendix 1, which seek to control the intensity and scope of the proposed use. Conditional approval of planning permission is therefore recommended.

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 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.

Alternatively, if the Committee decide that planning permission should be refused, they may refuse the application accordingly. Reasons for refusal should be given based upon development plan policies or other material planning considerations.

The Committee may also opt to grant planning permission subject to conditions which differ from those recommended in the report at Appendix 1. Reasons must be given for the imposition of each planning condition.

5. FINANCIAL & RESOURCE APPRAISAL

None relevant to this application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

7. LEGAL APPRAISAL

The 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 (as amended).

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 either approving or refusing planning permission would be likely to lead to disproportionate impacts on any groups of people or individuals who possess 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 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.

The proposal is for a material change of use which will allow the applicant to undertake manufacturing processes on site. Currently parts manufactured at Produmax are transported abroad for treatment. Reducing the need for off-site treatment of parts has obvious potential sustainability benefits.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The provision of a facility on site which reduces the need for the transportation of parts for processing abroad is likely to allow the greenhouse gas emissions associated with the overall manufacturing process to be reduced.

8.4 COMMUNITY SAFETY IMPLICATIONS

Adopted Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The previous planning permission for the development of the unit for B1 purposes, ref. 16/02348/MAF, included conditions requiring appropriate security measures to be implemented in terms of fencing, lighting and CCTV. Subject to such conditions being carried through to the new permission, 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, in accordance with adopted Core Strategy Policy DS5.

8.5 HUMAN RIGHTS ACT

The Council must seek to balance the rights of applicants to make beneficial use of land 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 Baildon Ward. Ward Councillors and local residents have been made aware of the application and have been given opportunity to submit written representations through notification letters and site notices.

In response to this publicity representations have been received from 11 individuals including 5 objectors, 5 supporters and one neutral. The representations include two Ward Councillors one of whom has indicated that they are in objection to the application and one of whom raises queries but states a neutral position.

Baildon Town Council have stated that they have no comment on the change of use issue but are keen to ensure that all environmental issues have been properly and fully addressed. To this end the Council would support requests that the application be heard by the CBMDC Planning Committee. **Page 100**

The Technical Report at Appendix 1 summarises the material planning issues raised in the representations and the appraisal gives full consideration to the effects of the development upon the Baildon Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To grant planning permission for a material change of use from Use Class B1 (Business) to Use Class B2 (General Industrial) to allow the chemical treatment of metal parts including storage of chemicals at Unit 3A, Sapper Jordan Rossi Park, Otley Road, Baildon for the reasons and subject to the conditions set out at the end of the Technical Report at Appendix 1.

11. APPENDICES

Appendix 1: Technical Report

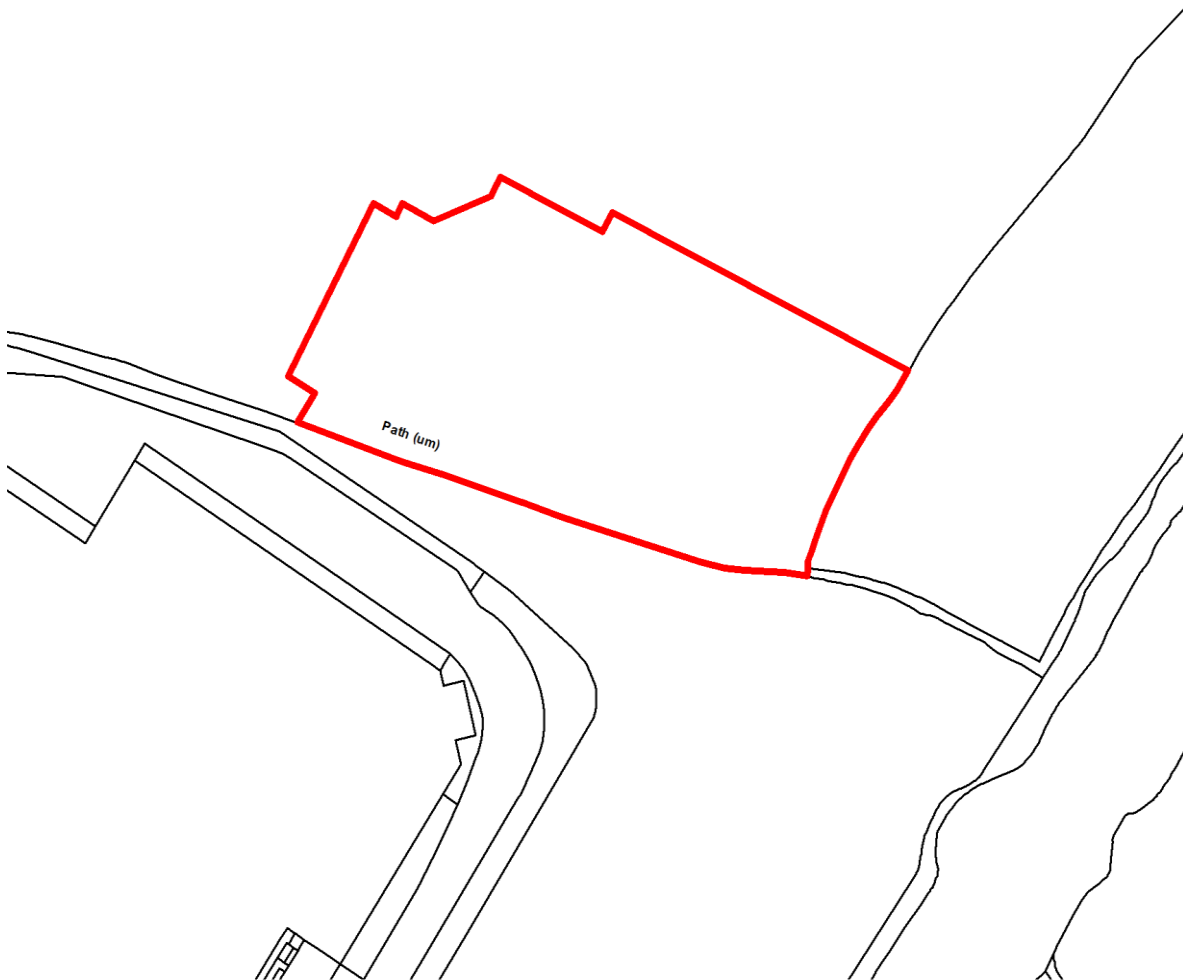
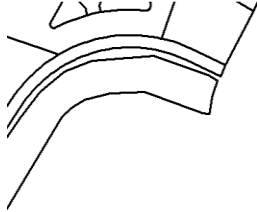
12. BACKGROUND DOCUMENTS

- Adopted Core Strategy
- National Planning Policy Framework
- Application file 17/04012/FUL

17/04012/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**Unit 3A
Sapper Jordan Rossi Park
Baildon
West Yorkshire
BD17 7AX**

07 December 2017

Ward: Baildon (ward 01)

Recommendation:

To Grant Planning Permission Subject to Conditions

Application Number:

17/04012/FUL

Type of Application/Proposal and Address:

Full planning application 17/04012/FUL for a material change of use from Use Class B1 (Business) to Use Class B2 (General Industrial) to allow the chemical treatment of metal parts including storage of chemicals at Unit 3A, Sapper Jordan Rossi Park, Otley Road, Baildon.

Applicant:

Produmax Ltd

Agent:

J O Steel Consulting

Site Description:

The proposal site comprises a 0.15 hectare unit (Unit 3A) within a larger 5.1 hectare business park known as Sapper Jordan Rossi Park. The site is being developed on a former greenfield site, located between Otley Road and the River Aire at the eastern edge of the settlement of Baildon. The site masterplan involves the development of 7 industrial sheds on the site sub-divided into units of varying sizes. The first 4 sheds (accommodating units 2, 3A, 3B, 4, 5, 6, 8A, 8B and 9) have now been fully constructed and all but 3 of the units have been brought into occupation.

Sapper Jordan Rossi Park fronts onto Otley Road and incorporates a new signalised industrial standard access onto Otley Road. The site has been formed into a development platform gently sloping down towards the river from 66 metres AOD to 63 metres AOD. A 3.5m high embankment retains the level difference from Otley Road down to the development platform, with an approximately 1.5m high mortared stone wall marking the boundary of the site at the top of the embankment.

The 0.15 hectare area with which this planning application comprises unit 3A, which adjoins unit 3B, now occupied by GSM Aluminium and is adjacent to Unit 2, occupied by Produmax (the applicant). Adjacent land uses are the industrial and business related uses to the north, south and west, with a landscaped area, the River Aire and agricultural land located to the east. A footpath runs between the proposal site and the adjacent industrial unit to the south. The site is bounded by welded mesh security fencing.

Relevant Site History:

Application ref.	Description	Decision
99/01524/FUL	Construction of new production facilities for the manufacture of microwave components and sub systems for use in mobile telecommunications, cable and tv systems	Granted 11 August 1999
00/01378/FUL	Revised design for the construction of new production facilities for the manufacture of microwave components and sub systems for use in mobile telecommunications, cable and tv systems	Granted 18 July 2000
01/00380/FUL	Revised design for the construction of new factory for microwave components	Granted 27 March 2001
04/05698/OUT	Construction of access roads and buildings for use as B1 business, and B2 employment, C1 hotel , A1 retail and 60 residential apartments together with car parking and landscaping	Granted Subject to S106 02 April 2007
10/04330/OUT	Construction of science and technology based business park with Hi Tech manufacturing and construction of hotel/restaurant and retail outlet	Granted Subject to S106 16 February 2011
10/04112/FUL	Enabling Works to prepare this development site. Works to include site access to Otley Road, main spine road works, earth works for development site plateaux, retaining walls and mains drainage works	Granted Subject to S106 16 February 2011
13/01612/REG	Amendment to planning permission 10/04112/FUL to provide an additional bridleway linking Otley Road to Buck Lane	Granted 20 June 2013
13/04525/MAF	Construction of a spine road, a 2,811sqm (GEFA) unit with 49 no. parking spaces, vehicle and pedestrian access off the spine road and landscaping.	Granted 30 Jan 2014
14/01192/MAF	Adjoined units with a combined gross external floor area of 3332sqm, 56 parking spaces, landscaping and five vehicle and pedestrian access points off the park's spine road	Granted 08 July 2014
15/01887/FUL	New build single storey Morrison's Local food retail unit to southwest corner of the site, access road, service yard and 15 parking spaces including 2 accessible spaces	Granted 06 July 2015
15/02019/FUL	Spine road providing access to all units within Baildon Technology Park and creation of detention basin	Granted 24 Sept 2015

15/02528/FUL	Change of use of unit 8A to B8 use with associated uses for B1(a) B1(b) and ancillary showroom	Granted 13 Aug 2015
15/03268/VOC	Variation of condition 2 and deletion of condition 3 of permission 14/01192/MAF to change the consented car parking layout and access points. Subdivision of Unit 8 (without changes to elevations). Bicycle rack position changed. Change of hard landscaping material to car spaces from consented tarmacadam to concrete. Change of hard landscaping material from compacted gravel to tarmacadam.	Granted 24 Sept 2015
15/05877/MAF	Adjoined B1 light industrial use units with associated access yards, car parking and landscaping	Granted 28 Jan 2016
16/00102/VOC	Minor Material Amendment to planning permission 15/01887/FUL 'New build single storey Morrison's Local food retail unit', through a variation of condition 12 (inserted through Non-Material-Amendment ref. 15/01887/NMA01) to substitute revised drawings showing changes to the approved facing materials and the building footprint	Granted 24 Feb 2016
16/02348/MAF	Adjoined B1 light industrial use units with associated access yards, car parking and landscaping	Granted 27 June 2016
17/03564/MAF	Construction of light industrial unit for B1/B8 use with associated access yards, car parking and landscaping	Granted 12 Sept 2017
17/04364/MAF	Erection of light industrial unit for B1/B8 with associated access yards, car parking and landscaping	Granted 29 Sept 2017

Replacement Unitary Development Plan (RUDP) Allocation:

The proposal site is within Employment Site S/E1.3. The relevant constituency volume describes this site allocation as follows:

S/E1.3 BUCK LANE, OTLEY ROAD, BILDON 6.31 ha

Employment site carried forward from the 1998 adopted UDP. A prime site located within the Airedale Corridor and Employment Zone. The site has planning permission for the manufacture of hi-tech components

The site is also within Employment Zone S/E6.3, which is described as follows:

S/E6.3 SHIPLEY

Carried forward from 1998 adopted UDP. The area has been substantially reduced to exclude an area (west of Dock Lane and north of Briggate), now within the proposed Shipley/Saltaire Corridor Mixed Use Area. Further amendments have been made to exclude inaccessible and severely contaminated land to the north east of Walker Place (between the railway line and River Aire). An amended Employment Zone now covers the industrial area south of Otley Road along the Aire Valley bottom, extending southwards to include the industrial estate on Thackley Old Road.

Adopted Core Strategy Policies:

The following policies of the adopted Core Strategy are considered to be most relevant to the proposal:

- BD1 City of Bradford including Shipley and Lower Baildon
- BD2 Investment priorities for the City of Bradford including Shipley and Lower Baildon
- EC1 Creating a successful and competitive Bradford District economy within the Leeds City Region
- EC2 Supporting Business and Job Creation
- EC3 Employment Land Requirement
- EC4 Sustainable Economic Growth
- TR2 Parking Policy
- EN8: Environmental Protection
- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban character
- DS4 Streets and Movement
- DS5 Safe and Inclusive Places

The National Planning Policy Framework (NPPF):

The NPPF sets out the government's national planning policies, which are a material consideration for all planning applications submitted in England. Detailed assessment of specific policies within the NPPF relevant to the proposed development is included in the report below; however, in general terms, the NPPF states that development proposals which accord with the development plan should be approved 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:

Baildon Parish Council - Baildon Town Council had no comment on the change of use issue but was keen to ensure that all environmental issues had been properly and fully addressed. To this end the Council would support requests that the application be heard by the CBMDC Planning Committee.

Publicity and Number of Representations:

The application was initially advertised through the posting of site notices and neighbour notification letters. The period for making representations closed on 16 October 2017. In response to this publicity representations have been received from 11 individuals including 5 objectors, 5 supporters and 1 neutral. The representations include two Ward Councillors one of whom has indicated that they are in objection to the application and one of whom raises queries but states a neutral position.

Summary of Representations Received:

Objections

- The site was advertised to us by Bradford Council as a high tech science park and manufacturing hub with B1 use giving a very clean site. Allowing B2 use will not only set precedence for others but will also in our opinion degrade the site in the future thus impacting the overall look and feel of the park.
- We were attracted to the site by the high quality of the buildings and site cleanliness/light industrial use and we believe allowing change of use for chemical treating on site will be detrimental to the high tech nature the park was and is still being advertised by the council as being.
- Our company shares a party wall with unit 3a which is currently seeking change of use. We are a stockholder of aluminium profiles and our concern is with the corrosive nature of the anodizing process, which the buyers wish to commence on the site.
- In anodizing plants, including our own at a different site, this creates corrosion of the building and structure and any stock in the vicinity. We have 25 years experience in this industry and of the effects of the anodizing process.
- Current Environmental checks by Bradford Council do not appear to address the use of chemicals in an open environment but only the storage of spare chemicals.
- The Pollution Control Officer does not appear to have fully considered the effects of these fumes on air quality management and the adjacent building, which we can attest to. A mix of acids are generally used in the process including:
 - 3.1 Chromic acid anodizing (Type I)
 - 3.2 Sulfuric acid anodizing (Type II & III)
 - 3.3 Organic acid anodizing.
 - 3.4 Phosphoric acid anodizing.
 - 3.5 Borate and tartrate baths.
 - 3.6 Plasma electrolytic oxidation.
- A restrictive covenant in our own deeds clearly states "2. Not to do anything on the Property which may be or become a legal nuisance or cause damage or disturbance to the Transferor or the owners or occupiers of any adjacent or adjoining properties". The anodization process causes corrosive fumes which would have a direct, detrimental affect, damaging to our property and goods and potentially the wider environment.
- Change of use opens future occupiers to undertake other processes which also have serious environmental consequences. The company are a specialist engineering company but have never undertaken this process previously, which requires expert and continued management. This site was passed for planning with substantial local objections, change of use to general industrial also detracts from the high quality business use B1, the site currently enjoys.

- I overlook this park and I already have an issue with the light pollution from Produmax. I feel that the nature of the park is not one if chemical treatment. I am also concerned about the possibility of a spill or air pollution that would go with this change to the operations at the unit in question.
- Concerns about the potential environmental and health & safety impact on air quality and potential degradation of the surrounding buildings raised by the independent report regarding the anodizing process. This does not seem to have been addressed by the Environmental Health department within the council, as there does not seem to be any report from the department regarding this application and there are also no plans illustrating where the ventilation stack/chimney would be to ventilate the building.
- Concern that the potential health and safety risks to both person and property of the proposed anodisation process are too great and have neither been investigated nor disclosed sufficiently.
- We have seen a report prepared by an independent expert who refers to actual damage to buildings and the environment in other anodiser plants, leakage of dangerous chemicals and even the possibility of explosion.
- These dangers have neither been adequately disclosed by the applicant nor properly investigated by the Council in considering the proposal.
- Only B1, B2 or B8 activities are permissible on Sapper Jordan Rossi Park. Part of the anodisation process requires B4 use. The application is defective in not applying for that use and, if that use were applied for, it should be denied on the basis of the restrictive covenants that already exist.
- Dangerous chemical usage with potential damage to neighbouring working areas, to nearby residential areas and to the River Aire and adjacent nature area is not suitable for an intended 'clean' site.
- The corrosive fumes created in the anodizing process could damage not only the building they originate from but could also damage adjacent buildings and pollute the surrounding air thus creating significant Health & Safety issues.
- Unacceptable shortcomings in appropriately communicating notice of this application to neighbouring properties.

Summary of Issues Raised in a Statement by another Anodisation Business Submitted to Support Objection:

- An anodising plant and any business that carries out the anodising process must conform to various regulations including COSHH.
- It is important that very tight controls of the use and the storage of the extremely hazardous chemicals is documented and policed to prevent harm to employees at the site and adjoining sites.
- Bi-products of the anodisation process must be controlled and monitored; build-up of hydrogen can cause explosions.
- Workplace Occupational Exposure Limits must be monitored.
- Release of air of chemicals from an anodising line requires stacks to be erected and in most cases scrubber systems to be implemented to reduce the release of any harmful chemicals.
- A consent to discharge must be obtained from the local water authority for any treatment of effluent due to the chemicals and composition of any water leaving the site and entering the sewers.

- A multi-stage PH effluent treatment plant with a filter process would be required if effluent were to be released to drains.
- Appropriate storage for waste filter cake is also required.
- The Environment Agency would usually require a baseline to be established by boreholes with further monitoring every 5 years to establish if land contamination is occurring.
- If the correct materials are not used in building construction, and maintained, anodisation chemicals such as sulphuric acid and sodium hydroxide can penetrate the floor and seep into the ground causing contamination of land and water.
- Given the risk, one of the most essential possessions for companies running an anodising line is experience, otherwise consequences could include contamination of land and the surrounding environment due to inadequate controls and harm to employees and surrounding public.
- Other buildings in the business park and even cars parked in the vicinity can be adversely affected by the emissions if not control properly.
- The B2 Use Class does not cover chemical treatment.
- Cleaning and resultant bi-product of the process must be undertaken outside of the building, where waste product is stored prior to removal, which is an extremely dirty process and will detrimentally affect the business park/ conflict with conditions.
- A trip to visit anodisers in Birmingham, for example, would show the detrimental effect to buildings and the environment when the process and controls are not strictly enforced.
- Inspection by the HSE is not sufficient, expertise is required to ensure 100% compliance.
- The adjacent unit are correct to be concerned about the risk of damage to their building and stock, which could happen quite easily.
- The anodisation process is completely at odds with the adjacent units holding of aluminium profiles, due to the corrosive nature of the gasses; anodising plants remove treated profiles as quickly as possible to prevent damage.
- The anodisation process is highly likely to cause damage to both the fabric of the building any goods stored within it.
- It is not a case of large amounts of chemicals being released, the chemicals are extremely dangerous and even small amounts can have big impacts.
- Even with lip extraction there is a risk of a build-up of hydrogen causing an explosion.
- Hydrogen could also build up in the adjacent unit without them knowing.
- The applicant will have an extraction system planned for their unit but the adjacent unit will have no extraction system and no way of monitoring gas levels in their building.
- The applicant should provide details of the proposed lip extraction system, ducting and stack. The stack may need to be as high as 25 feet above roof level.

Support

- Thousands of job losses have been announced at BAE Systems and the threat of many more looms over Bombardier. We should all congratulate and support the applicant on their proposals.

- The Applicant is a highly respected firm of substantial means and will undoubtedly undertake their process in a proper safe and controlled manner.
- As a Baildon resident I was vehemently opposed to the development of this industrial estate however, on reflection, would now admit that it is not the eyesore we were all concerned about and, more importantly has brought many real jobs to the area and I would wholeheartedly support the applicant in their continued investment in Baildon and the many real jobs it is creating in the area.

Neutral

- Given concerns from neighbouring businesses on the possible negative impact of anodising could an independent report be obtained from the Environment Agency?
- The original aim of this site was as a "high tech business park" whereas this application would alter part of the site's use from 'business' to 'general industrial' - if approved what safeguards will be in place to ensure this doesn't set a precedent for future changes of use for both existing businesses on site and those not yet constructed?

Consultations:

Drainage/ Lead Local Flood Authority

- This application is located within zone 2 of the 100 year indicative flood plain & should be referred to the Environment Agency for comment.

Environment Agency 1st Response

Flood Risk

We note this is a change of use within flood zone 2. We also note there is to be no increase in vulnerability or size of development as part of the works. We also note the absence of a flood risk assessment (FRA). Due to the location within the flood zone, the proximity of the site to FZ3b and historic events, a full FRA will be required to identify the level of risk to the site and propose any mitigation that may be required.

Environment Agency position

In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

Reasons

The application site lies within Flood Zone 2 defined by the Environment Agency Flood Map as having a medium probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

Overcoming our objection

You can overcome our objection by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood

risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

Guidance on how to prepare a flood risk assessment can be found at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

Environmental Management - Land & Water

We provided a response to the prior approval application via email on 20/04/17. Our comments from that email are as follows:

“At this stage our main concern would be the risk of chemicals reaching a watercourse. We would need the following points to be addressed:

- How will the chemicals be stored?
- What security is there?
- Is there a secondary containment etc.
- Have all of the possible pollution pathways been considered?

We would need to see a drainage plan which shows where any surface and foul water drains are and also that clearly marks the location of any gulleys or manholes on the site and their proximity to the chemical store. The following needs to be considered in relation to this point:

- Will these be protected/ covered?
- What are the contingency plans in case of any spills or leaks? For example shut off valves on the drainage system to prevent any discharge off site.

We need there to be protective measures in place to remove the pathway between the chemicals and the watercourse and sewerage system. These chemicals may cause problems at the sewage treatment works if they were to enter the sewer system. This must be considered by the applicant.”

Some of these comments have not been addressed adequately:

- We would need to see a drainage plan which shows where any surface and foul water drains are and also that clearly marks the location of any gully's or manholes on the site;
- Contingency plans in case of any spills or leaks? E.g. shut off valves on the drainage system to prevent any discharge off site.

Although the full application states that all chemicals will be housed within the building and appropriately stored and banded, this doesn't preclude accidents and spills outside it. That is one of the reasons why we require a comprehensive drainage plan for the site as a whole and why infrastructure requirements such as shut off valves for the drainage system were stipulated. The full application doesn't provide either.

Given the storage and use of chemicals within the premises we want to see loading doors and others with external access to/from the storage and manufacturing areas provided with rubber door bunding.

On the basis of the above we object to the application

Environment Agency 2nd Response

Flood Risk

We note the submitted information relating to Flood Risk. We are now therefore in a position to remove our previous objection subject to the following comments and conditions.

We note the submission of an amendment (REF: LTR.12141.15A Dated: 24th May 2016) to the original FRA (REF: 211920 Dated: August 2010) with an assessment of the recent Boxing Day Floods 2015. We also note from drawing: Proposed Site Masterplan, this development appears to be outside the Flood Storage Area. Any works within 8 metres of this Flood Storage Area or the Main River will require a Flood Risk Activity Permit prior to works commencement.

We also note that the FRA and submitted amendment highlight the site to be within Flood Zone 1. As a result of the ground level threshold being 59.5mAOD and the 1 in 100 and 1 in 1000 event estimated at 58.61mAOD and 59.28mAOD respectively.

The 1 in 100cc level is also estimated to be 59.20mAOD. Please note that this assessment will not affect our flood maps.

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (August 2010 / 211920 / ARUP) and Amendment (LTR.12141.15) Dated 24th May 2016 and the following mitigation measures detailed within the FRA and Amendment:

1. Finished floor levels are set no lower than 61.20m AOD.

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.

An access and egress plan should be developed.

Bradford Metropolitan District Council Drainage Department should be consulted on surface water management schemes.

Reason

1. To reduce the risk of flooding to the proposed development and future occupants.

Informatives

Emergency Planning

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Services

It is recommended that services should be raised as high as practicable to avoid possible flood damage.

Flood Resilience

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommending when determining if flood proofing measures are effective.

Environmental Management – Land & Water

We note the submission of the revised drainage documents in the email to ourselves and the council dated 13/10/17. We are now in a position to remove our previous objection with the following comments:

1. The maintenance schedule often refers to 4-6 times annually. It needs to refer to regular intervals over the year, preferably bimonthly, or more as required.
2. These inspections need to be recorded in a site diary or maintenance log book.

Environment Permitting Regulations (EPR) – Industry Regulation

Sites carrying out activities such as this where the aggregated volume of the chemical treatment vats exceeds 30m³ will need to apply for an environmental permit. It is

recommended that the applicant contact us to discuss the requirements for a permit at the earliest opportunity. For further information please contact Jessica Brown (Regulatory Officer - EPR Installations South Yorkshire) on 020 302 53942 or via email at jessica.brown@environment-agency.gov.uk

We strongly recommend that the applicant has pre-application discussions with us regarding the permit at an early stage, and considers joint discussions and / or parallel tracking of the permit application alongside the planning application.

We promote the benefits of parallel tracking planning and permit applications as this provides the opportunity for any key issues of concern across both consenting regimes to be identified and resolved.

Environmental Health (Air Quality)

- I have no objection to this application as it is unlikely to have any significant implications for local air quality management (LAQM).
- It is noted that the applicant has committed to the provision on an EV charging point at the site in line with the requirements of the Bradford / West Yorkshire Low Emission Planning Guidance. This should be conditioned if the Council is minded to approve the application.

Environmental Health (Nuisance) 1st Response

- I have no comments to make regarding this application.

Environmental Health (Nuisance) 2nd Response

- The primary legislation that is applicable to this application is the Health and Safety at Work Act 1974. This is the legislation that requires any undertaking to conduct its operations safely and without risks to the health of either its employees or any other third party.
- There are also numerous Regulations that support the 1974 Act and a particularly important one in this case is the Control of Substances Hazardous to Health Regulations 2002.
- The obligations of these Regulations can be extensive, but essentially they require an assessment of the process/chemicals used in a business to identify if inherently safer alternatives are possible, and if not, what control measures are required/ implemented, and, if applicable, what workplace monitoring and health surveillance is also required.
- The requirement to undertake the assessment falls to the employer, as it is recognised that many processes are very specialist in nature (as is the case with this application) and only persons that are very familiar with the details of the processes, the safety data of the chemicals used, control measures that are implemented and expected workplace exposures, are able to do this.
- It is not possible for any H&S enforcing agency to deliver this and this will be required of the operator if the application is approved. The underlying principle is that these Regulations are in force to ensure that processes involving chemical agents such as those in the application are operated safely and without risk to health.

- As a general principle the two pieces of legislation outlined above are enacted to ensure that all undertakings operate safely and without any health risk. The applicants must ensure that they comply with all health and safety requirements otherwise the H&S enforcing agency (in this case the Health and Safety Executive - the business would be classed as a manufacturer) could ultimately take enforcement action to ensure that compliance.
- The Environmental Health Service would also make the following comments.
 - 1) The specialist nature of the proposed undertaking means that it is not possible to make a judgement as to whether there is likely to be a statutory nuisance at the application stage. It is unlikely that any damage to buildings or stored stock, were it to occur, would be classed as a statutory nuisance and if there were to be an escape of fumes or chemicals that had the potential to compromise staff health, the resolution would be secured under Health and Safety legislation.
 - 2) One of the processes that is specified in the application (passivation) is such that the Environmental Health Service are not required to permit it under the Environmental Permitting (England and Wales) Regulations 2016. The statutory guidance available to Councils advises that as passivation does not result in the release of any acidic forming oxides of nitrogen, there is no requirement for it to be permitted. If the anodisation line were to be implemented or the treatment vats exceed 30 sq. metres, then this would require review and a permit to operate may be required. The permit would introduce additional controls necessary to ensure it was undertaken in a manner that met a detailed guidance note for enforcers.
 - 3) The Environmental Health Service assesses planning applications to ensure that they are compliant with the principles of the Councils low emission strategy. The comment that the application is unlikely to have any significant implications for local air management is in relation that strategy, i.e. consideration given as to whether the proposed development will be a significant source of nitrogen oxides, particulate matter and oxides of carbon. This comment does not apply to any possible release of process fumes.

Highways Development Control

- I have no objections to raise about the proposed development.

Yorkshire Water

- Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:
- Trade effluent
 - If planning permission is to be granted, the following condition should be attached in order to protect the local aquatic environment and YW infrastructure:
 - Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.
(To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents)

- Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks. The applicant will require a trade effluent consent for any discharge of trade effluent. Waste materials such as oils, solvents and chemicals should be disposed of away from site.
- Given the nature of the application, I would suggest that the Environment Agency are consulted, if you haven't already done so.

Summary of Main Issues:

- 1) Principle
- 2) Environmental Effects of Proposed Use
- 3) Flood Risks/ Drainage
- 4) Design
- 5) National Planning Policy Framework (NPPF)
- 6) Community Safety Implications
- 7) Equality Act 2010, Section 149

Appraisal:

1) Principle

The proposal site (Unit 3A Sapper Jordan Rossi Park) is an industrial unit approved and authorised for B1 (Business) use under planning permission ref. 16/02348/MAF. The unit is part of a business park development project being undertaken on the site which is partially completed/ occupied. The business park has been developed on land which was allocated as an employment site on the Development Plan Proposals Map. The unit which is the subject of this application (Unit 3A) adjoins another unit (Unit 3B) which is now completed and occupied by an aluminium extrusion business. The proposal comprises alterations to unit 3A, including the provision of additional windows, doors, solar panels and a 1.8 metre high flue to the roof, and also a material change in the permitted use of the site from B1 (Business) to B2 (General Industrial).

Saved replacement Unitary Development Plan policy E1 supports employment development on Employment Sites. Sub-area policy BD1 of the Core Strategy sets out strategic planning policies for Bradford, Shipley and Lower Baildon. The policy indicates that within this area 100 hectares of new employment land should be delivered in the period up to 2030, and that the Regional City of Bradford, including Shipley and Lower Baildon, will be the principal focus for economic development growth. Core Strategy policy EC1 sets out the objective of delivering investment, economic growth, restructuring and diversification. The policy also specifically seeks to promote a modern manufacturing sector and modernisation of manufacturing industries within Bradford and Airedale.

Core Strategy policies EC2 and EC3 set the objective of supporting the delivery of at least 1,600 new jobs annually and planning for the supply of at least 135 hectares of developable employment land up to 2030 including 30 hectares in the Airedale Corridor. The identified primary source for new employment land allocations within the forthcoming

Allocations DPD are unimplemented but deliverable sites allocated within the RUDP (such as the proposal site). Core strategy Policy EC4 commits the Council to managing economic and employment growth in a sustainable manner and refusing planning permission for the alternative development of land and buildings currently or last in use for business or industrial purposes.

The NPPF sets out a presumption in favour of *Sustainable Development*. The NPPF clarifies that sustainable development has 3 aspects, economic, social and environmental and that the delivery of sustainable development involves contributing to a strong, responsive and competitive economy, supporting strong, vibrant and health communities and contributing to protecting and enhancing our natural, built and historic environment. At paragraph 9 the NPPF clarifies that pursuing sustainable development involves making it easier for jobs to be created in cities, towns and villages, moving from a net loss of biodiversity to achieving net gains for nature, replacing poor design with better design, improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes.

The proposal site is a built, but currently unoccupied, B1 business unit within an allocated employment site and has therefore been determined to be a sustainable location for new employment development through the plan making process and will be the first priority for re-allocation in the forthcoming Allocations DPD. The principle of developing the site as a business park with a mix of uses including high tech manufacturing was established through outline approval 10/04330/OUT.

The proposal is essentially to allow unit 3A to be used to process and treat parts manufactured in the adjacent Unit 2, which is operated by the applicant. Because this processing may involve chemical treatment of parts, including anodisation and passivation, which could not readily be carried out in a residential area, the use class for the proposed use is B2 rather than B1, necessitating the need for this planning application. Objectors have stated that the B2 Use Class does not include chemical treatment; however this has not been the case since the revocation of the previous specialist industrial Use Classes.

Objectors have raised concerns that if a B2 Use Class were permitted for Unit 3A this could allow other B2 uses which would be incompatible with the operation of the business park to take place and also that the use could intensify beyond the level specified in the application. In response to this the applicant has confirmed that he would not object to planning conditions which both make the permission personal to the applicant and also restrict the chemical treatment use in-line with the details of chemical quantities submitted with the planning application. Such conditions are recommended at the end of this report.

Objectors have also raised concerns that the proposed use would be incompatible with the clean/ high tech character of the business park. Although this concern is understood, it should be noted that the employment site land use allocation for the site encompasses B2 land uses. Furthermore, subject to control under the relevant health and safety and pollution control frameworks, there are not considered to be any grounds to conclude that the proposed use would result in adverse environmental effects which would be incompatible with the character of the business park.

The proposal would allow an existing successful manufacturing business to increase their manufacturing capabilities, improve their efficiency and generate additional employment opportunities. It is not considered that there is any reasonable basis to conclude that the use would result in significant adversely effects on the functioning of the business park overall. Subject to conditions it is therefore considered that the proposed land use is consistent with the allocation of the site as an Employment Site and with the overall development of the site as a business park. It is therefore considered that the development is acceptable in principle in accordance with the provisions of adopted Core Strategy policy BD1, EC1, EC2, EC3 and EC4 of the Local Plan Core Strategy and the principles set out in Section 1 of the National Planning Policy Framework.

2) Environmental Effects of Proposed Use

Core strategy policy EN8 indicates that in order to protect public health and the environment the Council will require 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.

The proposed land use involves the processing/ finishing of parts including chemical treatment which has the obvious potential for adverse environmental effects if uncontrolled. The applicant's supporting letter states:

'One of the processes that will take place is Passivation. Passivation of stainless steel may use nitric acid to build up an oxide layer on the surface of the metal to enhance corrosion resistance. Stainless steel is likely to be passivated in nitric acid at 20% at ambient temperature. Non-ferrous metals such as zinc may be passivated in proprietary solutions, containing 1-2% nitric acid prior to chromate conversion coating. These processes do not give rise to emissions of oxides of nitrogen to any other significant emissions which might warrant control.'

A further supporting letter from ATH NDT Limited is also submitted to support the application, which includes a document entitled Produmax Chemical Quantities which itemises:

Initial tank makeup:

- Passivate:
 - Nitric Acid: 400 litres = 600kg Passivate
 - Sodium dichromate 50 litres = 70kg
- Penetrant 200 litres = 250kg
- Mag ink 50 litres = 60kg
- Sulphuric Anodise
 - Sulphuric acid 240 litres = 438kg
 - Henkel aluminetch = 73kg

Stocked / replenishment chemical quantities:

- Nitric Acid = 150kg
- Sodium Dichromate = 25 kg
- Sulphuric Acid = 110 kg

- Henkel aluminetch = 25kg
- Penetrant = 50 litres
- Mag ink = 25 litres

Objectors have raised strong concerns in relation to the potential impacts of the proposed use including through air, land and water emissions, impacts on human health and potential for corrosion of buildings and property. In response to these concerns the applicant was asked to provide further details of the containment and extraction systems to be utilised. Consequently the applicant provided revised plans showing details of the internal bunded area which will be formed and also the flue and associated high velocity extraction equipment which will be installed.

The National Planning Policy Framework confirms that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Environmental Health initially raised no concerns in relation to the proposed use but reviewed their position and provided further advice in response to concerns raised by objectors. This further advice confirmed that the primary legislation that is applicable to this application is the Health and Safety at Work Act 1974. This is the legislation that requires any undertaking to conduct its operations safely and without risks to the health of either its employees or any other third party. Associated regulations essentially require an assessment of the process/chemicals used in a business to identify if inherently safer alternatives are possible, and if not, what control measures are required/ implemented, and, if applicable, what workplace monitoring and health surveillance is also required.

The requirement to undertake a detailed health and safety assessment of the use of chemicals falls to the employer, as it is recognised that many processes are very specialist in nature (as is the case with this application) and only persons that are very familiar with the details of the processes, the safety data of the chemicals used, control measures that are implemented and expected workplace exposures, are able to do this. The underlying principle is that these Regulations are in force to ensure that processes involving chemical agents such as those in the application are operated safely and without risk to health.

As a general principle the health and safety legislation was enacted to ensure that all undertakings operate safely and without any health risk. The applicants must ensure that they comply with all health and safety requirements otherwise the Health and Safety enforcing agency (in this case the Health and Safety Executive - the business would be classed as a manufacturer) could ultimately take enforcement action to ensure that compliance.

The Environmental Health Service have also confirmed that the specialist nature of the proposed undertaking means that it is not possible to make a judgement as to whether there is likely to be a statutory nuisance at the application stage. If there were to be an escape of fumes or chemicals that had the potential to compromise staff health, the resolution would be secured under Health and Safety legislation.

In terms of the pollution control framework, Environment Health have confirmed that, if only passivation were to be undertaken as part of the proposed use, an Environmental Permit would be unlikely to be required. The statutory guidance available to Councils advises that, as passivation does not result in the release of any acidic forming oxides of nitrogen, there is no requirement for it to be permitted. If an anodisation line were to be implemented or the treatment vats exceed 30m³, then this would require review and a permit to operate may be required. The permit would introduce additional controls necessary to ensure it was undertaken in a manner that met a detailed guidance note for enforcers.

The applicant understands that any approval would be subject to planning conditions prohibiting external storage or processing, limiting the quantities of chemicals stored at the site to those specified above and imposing the same operating restrictions as other units on the site in terms of deliveries being restricted after 10pm. The submission also indicates that the applicant is aware of the relevant health and safety and pollution control requirements and will obtain any necessary permits.

The impact of the proposed development on the occupants of surrounding land has been considered and, subject to the imposition of the conditions recommended at the end of this report, and separate control through the statutory health and safety and pollution control frameworks, it is not considered that there are any grounds to reasonably conclude that the proposed development would be likely to have an unacceptable adverse impact through emissions to air, land or water or any other form of disturbance. The proposal is therefore considered to accord with Core Strategy policy EN8.

3) Flood Risks/ 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 proposal site which is the subject of this application is outside of the floodplain. Therefore the main issue is ensuring that the site drainage system is designed such that it will not increase off-site flood risks. The application is supported by a Surface Water drainage scheme which proposes discharge of surface water to the River Aire via the site attenuation and flow control system with a restricted outfall off 15 l/s. It is understood that this drainage system has already been constructed under the previous planning permission for the development of Unit 3A

The Environment Agency and CBMDC Drainage have been consulted on the application. The Drainage team raised no concerns or objection. The Environment Agency initially raised concerns in relation to a lack of flood risk information and information on how the chemicals which are associated with the proposed use will be contained and controlled. Following the submission of further information in relation to both flood risk assessment and chemical containment, including bunding and secondary containment, the Environment Agency removed their objection, subject to the continued imposition of a planning condition requiring a minimum floor level of 61.2m.

Subject to the imposition of the conditions recommended at the end of this report requiring the proposed drainage system to be implemented prior to the units being brought into use, and the specified minimum floor level to be maintained, it is considered that the development is acceptable in relation to flood risk and drainage issues, in accordance with policy EN7 the Core Strategy and section 10 of the NPPF.

4) Design

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 adopted Core Strategy Policy DS1 states that planning decisions should contribute to achieving good design and high quality places through (amongst other things) putting the quality of the place first, being informed by a good understanding of the site/area and its context, working with local communities and key stakeholders to develop shared visions for the future of their areas, taking opportunities to improve places, including transforming areas which have the potential for change and supporting the regeneration aspirations of the District and taking a comprehensive approach to redevelopment.

Core Strategy Policy DS2 states that Planning Decisions should take advantage of existing features, integrate development into the wider landscape and create new quality spaces, including by retaining existing landscape and ecological features and integrating them within developments as positive assets, working with the landscape to reduce the environmental impact of development, taking opportunities to link developments into the wider landscape and green space networks, ensuring 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 and using plant species which are appropriate to the local character and conditions.

Core strategy policy DS3 confirms that development proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials and in particular should (amongst other things) respond to the existing positive patterns of development or be based upon strong ideas, create attractive streetscapes and spaces which are defined and animated by the layout, scale and appearance of the buildings and display architectural quality or tailor standard solutions to the site. Core strategy policy DS4 sets out a set of policies to ensure that development proposals take opportunities to encourage people to walk cycle and use public transport and policy DS5 sets out policies for promoting the development of safe and inclusive places through.

The proposal is primarily to change the use of an existing business unit but also includes external alterations, including much greater fenestration to the gable end facing onto the adjacent footpath and also the erection of a 1.8 metre high flue to the ridge of the roof. The design implications of these changes have been fully considered. It is considered that, given its limited height, the inclusion of the flue to the roof will not significantly detrimentally affect the appearance of the unit.

It is further considered that the additional fenestration to the gable end of the unit will have a positive impact on the design quality and provide more interest and animation to the building as viewed from the footpath. In terms of external features, the servicing, parking provision, boundary treatments and landscaping arrangements would not be detrimentally altered as part of the proposal. It is therefore considered that the proposal is acceptable in design terms in accordance with Core Strategy policies DS3, DS4 and DS5.

5) National Planning Policy Framework (NPPF):

The NPPF states that development proposals which accord with the development plan should be approved 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.

Therefore the proposal has been reviewed for consistency with the NPPF. In general the NPPF advises Planning Authorities that significant weight should be placed on the need to support economic growth through the planning system (paragraph 19). In relation to the local environmental effects of development paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 120 confirms that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

As assessed above, it is considered that the proposed development represents appropriate employment generating development and will not adversely affect the local environment or the occupants of surrounding land. Therefore the proposal is considered to be consistent with the policy advice set out in the NPPF as well as the Council's adopted Core Strategy.

6) Community Safety Implications:

Adopted Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The previous planning permission for the development of the unit for B1 purposes, ref. 16/02348/MAF, included conditions requiring appropriate security measures to be implemented in terms of fencing, lighting and CCTV. Subject to such conditions being carried through to the new permission, 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, in accordance with adopted Core Strategy Policy DS5.

7) 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. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for the Grant of Planning Permission:

1) The proposed development represents appropriate employment development of an allocated employment site. Subject to the imposition of the conditions and appropriate control through the separate health and safety and pollution control regulatory frameworks,

it is considered that the proposal will facilitate sustainable economic growth without significantly adversely affecting the surrounding environment or the occupants of adjoining land.

2) The proposal accords with the policies set out in the National Planning Policy Framework, in particular those set out in Section 1 and paragraphs 19, 109 and 120, and the adopted policies within the Council's Core Strategy, in particular policies BD1 (City of Bradford including Shipley and Lower Baildon), BD2 (Investment priorities for the City of Bradford including Shipley and Lower Baildon), EC1 (Creating a successful and competitive Bradford District economy within the Leeds City Region), EC2 (Supporting Business and Job Creation), EC3 (Employment Land Requirement), EC4 (Sustainable Economic Growth), TR1 (Travel Reduction and Modal Shift), TR2 (Parking Policy), EN7 (Flood Risk), EN8 (Environmental Protection), DS1 (Achieving Good Design), DS2 (Working with the Landscape), DS3 (Urban character), DS4 (Streets and Movement) and DS5 (Safe and Inclusive Places).

Proposed Planning Conditions:

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) Unit 3A, as outlined in red on drawing AL(2-)P1 Rev. E, shall only be used for the alteration, finishing and despatch of articles by the applicant.

Reason: Because the rationale behind allowing the proposed is partly reliant upon its association with the applicant's adjacent high tech manufacturing unit, in the interests of the proper planning of the business park in accordance with Core Strategy Policy BD2.

3) Unit 3A, as outlined in red on drawing AL(2-)P1 Rev. E, shall not be used for chemical treatment other than in accordance with the details set out within the letter from Jordan Heaton (ATH NDT Limited) and the quantities of chemicals stored at Unit 3A shall not exceed the quantities specified on the attached schedule of chemical quantities.

Reason: As the application has been assessed on the basis of the stated chemical quantities, in the interests of protecting the occupants of surrounding land from unacceptable adverse impacts, in accordance with Core Strategy Policy EN8.

4) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, the drainage, bunding, tanking and threshold seal provisions detailed on drawings ref. 12141-C-99 Rev K, 17090-C-50 Rev. A and AL(2-)P3 Rev. D shall be implemented in full in accordance with the details shown on those drawings, or in accordance with any alternative details which have been submitted to and approved in writing by the Local Planning Authority. 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 the document entitled 'Surface water drainage maintenance and management plan', ref. 12141/CR/01A, dated December 2016.

Reason: In the interests of ensuring the appropriate and sustainable drainage of the site, in accordance with Core Strategy Policy EN7.

5) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (August 2010 / 211920 / ARUP) and Amendment (LTR.12141.15) Dated 24th May 2016 and the following mitigation measures detailed within the FRA and Amendment:

- Finished floor levels are set no lower than 61.20m AOD.

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.

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

6) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, the lighting provisions detailed on drawing ref. B8582-AEW-XX-XX-DR-A-0003 P2 shall be implemented in full. The approved lighting provisions shall thereafter be maintained whilst ever the building remains in use in accordance with the approved details or in accordance with any alternative details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is suitably crime resistant without causing a light nuisance to adjacent occupants or harming the adjacent natural environment, in accordance with the provisions of policies EN2, EN8 and DS5 of the Core Strategy.

7) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, the landscaping details shown on drawing ref. 3954-07 REV D shall be implemented in full, including the planting of all of the trees, shrubs and hedges shown on that drawing. The landscaped areas shall be maintained whilst ever the building remains in use in accordance with the details set out in the submitted Maintenance Schedule (Annual), ref. RE3954 March 2016.

Reason: In the interests of visual amenity, ecological enhancement and maintaining the character of the adjacent river valley landscape, in accordance with policies EN2 and DS2 of the Core Strategy.

8) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, the CCTV details shown on drawing ref. B8582-AEW-03-XX-DR-A-0509 P1 shall be implemented in full, with all CCTV units shown on that drawing being installed. The CCTV units shall be maintained in a working condition whilst ever the building remains in use.

Reason: To ensure that the site is suitably crime resistant, in accordance with the provisions of policy DS5 of the Core Strategy.

9) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, 2.2 metre high paladin fencing and associated gates shall be erected in the locations shown on drawing ref. B8582-AEW-ZZ-00-DR-A-0504 P3, unless details of alternative fencing arrangements have been submitted to and approved in writing by the Local Planning Authority. The fencing and gates shall be maintained in a working and secure condition whilst ever the building remains in use.

Reason: To ensure that the site is suitably crime resistant, in accordance with the provisions of policies DS1, DS3 and DS5 of the Core Strategy.

8) Prior to the use commencing the building shall be fully constructed and faced in the materials shown on drawing ref. AL(2-)P4 Rev. E and the flue and associated extraction equipment shown on that drawing shall be installed. The facing materials, flue and extraction equipment shall be maintained in a working condition whilst ever the building remains in use.

Reason: In the interests of visual amenity and mitigating the environmental effects of the development, in accordance with policies DS1, DS3 and EN8 of the Core Strategy.

9) Prior to the use commencing the vehicle service area 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 the details shown drawing ref. AL(2-)P1 Rev. E. The vehicle service area for loading/unloading, including the turning and manoeuvring space shall be retained and kept available for use by vehicles whilst ever the building remains in use.

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy.

10) Prior to any of the buildings hereby approved being 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 and the proposed cycle shelters shall be installed in accordance with the details shown drawing ref. AL(2-)P1 Rev. E. The car park and cycle shelters shall be kept available for use whilst ever any of the buildings hereby approved remain in use.

Reason: In the interests of highway safety and the promotion of sustainable transportation to accord with Policies TR1, TR2 and DS4 of the Core Strategy.

11) No industrial process shall take place, and no materials, goods or containers shall be stored, outside of the Unit 3A building shown on drawing ref. AL(2-)P1 Rev. E, other than in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that no external storage and processing takes place, in the interests of amenity and maintaining adequate parking and vehicle manoeuvring space, in accordance with saved policies TR1, TR2, EN8 and DS4 of the Core Strategy.

12) There shall be no deliveries to the premises/uses hereby permitted outside the hours of 0700 to 2200 Mondays to Sundays.

Reason: In the interests of the amenities of the neighbouring properties and to accord with Policy EN8 of the Core Strategy.

13) The Travel Plan Measures set out in Section 6 of the submitted Travel Plan, Report Ref: 9234-002-01, dated March 2016, shall be implemented in full whilst ever the development subsists.

Reason: To ensure that sustainable modes of transportation are promoted, to minimise the adverse environmental impacts associated with the proposal, in accordance with policy TR1 of the Core Strategy.

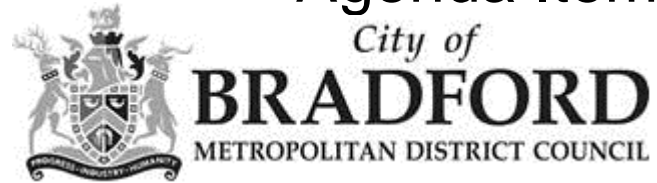
14) In the event that contamination is found at any time when carrying out the approved development, which has not been previously identified and risk assessed, it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing; following completion of measures identified in the approved remediation scheme and prior to the commencement of the use of the approved development a verification report must be prepared and submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policy EN8 of Core Strategy and paragraph 121 of the National Planning Policy Framework.

15) Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason: To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on Thursday 7th December 2017

AB

Subject:

Full planning application 17/05255/MAF for the extension of Keighley Industrial Park through the formation of 8 structures housing 9 commercial units (B8 & B2 usage) with associated car parking, highways connection, drainage and landscaping on land north of Royd Ings Avenue, between the A629 and the River Aire.

Summary statement:

The Regulatory and Appeals Committee are asked to consider the recommendation for the determination of planning application ref. 17/05255/MAF, for the formation of 8 structures housing 9 commercial units (B8 & B2 usage), made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

The proposal is essentially for the extension of Keighley Industrial Park through the development of 8 industrial sheds and associated infrastructure on a greenfield area of land which is partly within the Green Belt and entirely on a floodplain. No compelling case has been set out either that very special circumstances exist sufficient to justify Green Belt development or that the sequential test is passed i.e. the development could not be accommodated on area at lower risk of flooding. Furthermore the development would destroy a local wildlife site and the application is not considered to sufficiently address rights of way, highways or landscape issues.

The potential benefits of providing additional industrial buildings and storage and distribution warehouse space in this location are acknowledged. However these benefits are not considered to outweigh the harm the development would cause. Furthermore the site is not considered to be suitable for employment land allocation taking account of the criteria set out in Core Strategy Policy EC3. Taking development plan policies and other relevant material considerations into account it is therefore recommended that planning permission is refused.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
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Portfolio:

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

Regeneration and Economy

1. SUMMARY

The proposal is for an extension to Keighley Industrial Park onto an approximately 10.7 hectare of greenfield land to the north of the existing developed area. The land is set at a lower level than the adjacent industrial park and comprises generally boggy land including, grassland, hedgerows a watercourse and an ox-bow wetland and adjoins the Rive Aire. The proposal is to re-grade the land through a cut and fill exercise to achieve a uniform ground level of 84 metres AOD. A 300m long access road, 8,615m² of hard standing to be used for parking and servicing and 8 industrial sheds with a combined footprint of 43,960m² would then be constructed on the land.

The applicant proposes to raise the sheds and access road up on stilts with an open void beneath secured with mesh grills which are intended to allow flood water and wildlife to pass beneath. The car parking and loading areas would be provided at the lower flood level. Proposed landscaping includes native trees and shrubs to the northern and eastern boundaries of the site and trees around the parking areas.

The Environment Agency have confirmed that the site lies within the functional floodplain for the River Aire (flood zone 3B). The functional floodplain comprises land where water has to flow or be stored in times of flood and where no development should be permitted other than essential infrastructure or water compatible uses (which the proposed development is not). The majority of the site is also within the Green Belt (8.7ha out of the full 10.7ha planning application area). Additionally the site also includes the Beechcliffe Ox Bow wetland, which is designated as a Local Wildlife Site and the site is also transected by a public footpath.

A number of representations have been made both in support of and in objection to the application with the objections principally relating to green belt, flood plain and wildlife issues and the support principally relating to the need for, and the local economic benefits of, the provision of additional employment buildings in Keighley. Notwithstanding the acknowledged potential economic benefits of the provision of additional employment land within Keighley the proposal site, as floodplain within the Green Belt, is not considered to be a suitable location for this type of development.

The proposed development is contrary to the national and local development restraint policies applicable to the green belt and the functional floodplain and the benefits of the development are not considered to outweigh the harm the development would cause in terms of Green Belt, Flood Risk, Ecology, Landscape, Rights of Way and Highways issues. Taking development plan policies and other relevant material considerations into account it is therefore recommended that planning permission is refused, for the detailed reasons set out in the report at Appendix 1.

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 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 refuse planning permission then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice refusing planning permission either for the reasons set out in this report or for any other valid planning reasons which the Committee consider to apply.

Alternatively if the Committee decide that planning permission should be approved, they may resolve that planning permission should be granted either unconditionally or subject to conditions. Reasons for approval should be given based upon development plan policies or other material planning considerations.

The Consultations Direction 2009 directs that, where a local planning authority does not propose to refuse an application for planning permission for the development of new buildings in the Green Belt of over 1,000m² floorspace or major development in a flood risk area to which the Environment Agency object, the authority shall first consult the Secretary of State for his decision not whether to call in the application.

5. FINANCIAL & RESOURCE APPRAISAL

None relevant to this application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

7. LEGAL APPRAISAL

The 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 (as amended), subject to consultation with the Secretary of State, to allow him opportunity to call in the application if he so wishes under the provisions of the Consultations Direction, if the Committee resolved to approve planning permission.

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 either refusing or approving planning permission would be likely to lead to disproportionate impacts on any groups of people or

individuals who possess 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 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.

The proposal is for the development of a 10.7 hectare area of previously undeveloped (greenfield) land with industrial/ storage and distribution buildings and associated infrastructure. The development of 30 hectares of new employment land within Airedale is identified within the Core Strategy as being necessary to contribute to building a strong, responsive and competitive economy. However the report at Appendix 1 explains why the proposal site is not the right place for this development in terms of green belt, flood risk, ecology, landscape, rights of way and highways issues. It is therefore not considered that the proposal represents Sustainable Development within the meaning of the NPPF.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings and land to accommodate industrial uses will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. The proposed development will generate substantial additional HGV traffic (up to an additional 30 vehicle trips through Beechcliffe roundabout and up to 78 vehicle trips through Bradford Road roundabout in the morning peak hour) which has the potential to worsen air quality and greenhouse gas emissions impacts on the District.

The Council's Low Emissions Strategy sets out mitigation measures which are required to mitigate such adverse impacts, including through low emissions travel plans, electric vehicle charging and emissions damage cost calculation/ offsetting. Although the application does include a Transport Assessment and Travel Plan framework these documents do not adequately provide for measures to off-set or mitigate the adverse air

quality and greenhouse gas emissions impacts of the development contrary to Core Strategy Policy EN8(A). Further details of site sustainability considerations and air quality issues relevant to the proposed development are set out in the Technical report at Appendix 1.

8.4 COMMUNITY SAFETY IMPLICATIONS

Adopted Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, CCTV and lighting provisions being implemented, 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, in accordance with adopted Core Strategy Policy DS5.

8.5 HUMAN RIGHTS ACT

The Council must seek to balance the rights of applicants to make beneficial use of land 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 Keighley Central Ward. Ward Councillors and local residents have been made aware of the application and have been given opportunity to submit written representations through notification letter, site notices and an advertisement in the press.

In response to this publicity 19 written representations have been received 11 of which object to the application and 8 of which support the application. Keighley Town Council have not commented upon the application. The Technical Report at Appendix 1 summarises the material planning issues raised in the representations and the appraisal gives full consideration to the effects of the development upon the Keighley Central Ward.

In terms of the community consultation undertaken by the applicant, this comprised a pre-application consultation event at Temple Chambers, Russell Street, Keighley, on 22nd February 2017, which was publicised in the Keighley News beforehand. The applicant states that 15 people attended this event and that various queries were raised including queries relating to jobs, wildlife, flooding, design, footpaths and traffic. The applicant has further indicated that the scheme was modified following this consultation to provide for additional loading bays to be directly accessed from the raised spine road to allow products to continue to be loaded/ unloaded during flood events.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To refuse planning permission for the formation of 8 structures housing 9 commercial units (B8 & B2 usage) with associated car parking, highways connection, drainage and landscaping on land north of Royd Ings Avenue, between the A629 and the River Aire for the reasons set out at the end of the Technical Report at Appendix 1

11. APPENDICES

Appendix 1: Technical Report

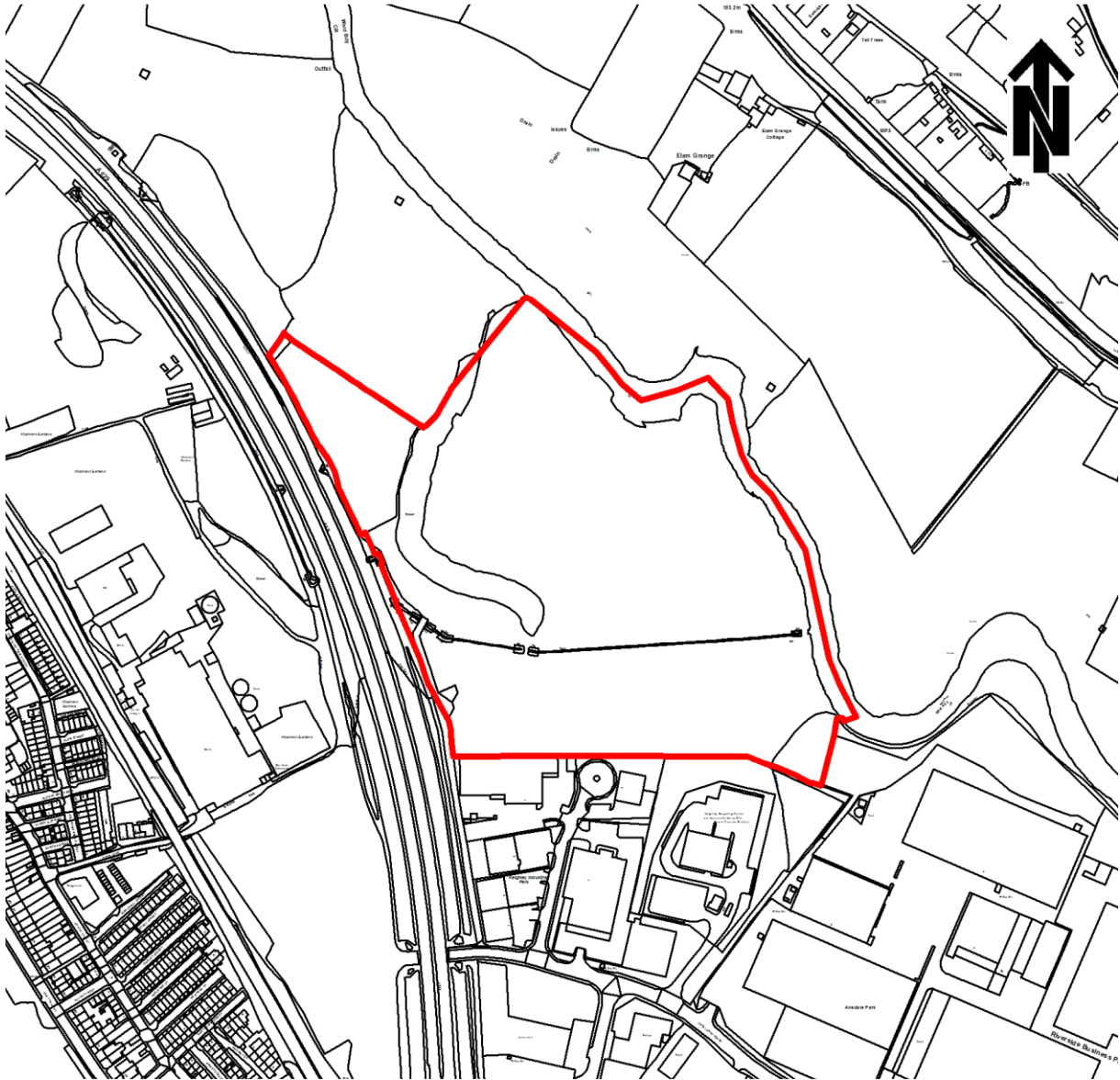
12. BACKGROUND DOCUMENTS

- Adopted Core Strategy
- National Planning Policy Framework
- Application file 17/05255/MAF

17/05255/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:5,000

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**Land At Keighley Industrial
Park
Keighley
West Yorkshire**

07 December 2017

Ward: Keighley Central (ward 15)

Recommendation:

To Refuse Planning Permission

Application Number:

17/05255/MAF

Type of Application/Proposal and Address:

Full planning application for the formation of 8 structures housing 9 commercial units (B8 & B2 usage) with associated car parking, highways connection, drainage and landscaping on land north of Royd Ings Avenue, between the A629 and the River Aire.

Applicant:

Mr Horrell: PH Holdings

Agent:

Mr Michael Ainsworth: MADP

Site Description:

The 10.7 hectare area of land to which this planning application relates is a relatively flat greenfield area set at a 2 – 3 metre lower level than the adjacent industrial park forming part of the functional floodplain of the River Aire. The land includes boggy grassland, hedgerows/ copses, watercourses/ drainage channels and an oxbow wetland. The land is also transected by a public footpath. Adjacent land uses include the existing extent of the approximately 40 hectare Keighley Industrial Park to the south and south-east. The River Aire and agricultural land is situated on the floodplain to the east. A further stretch of floodplain is situated to the north. The A629 is situated to the west, raised up above the level of the site with a raised embankment separating the site from the road.

Relevant Site History:

- No Development Control History.
- The Site was previously allocated for employment use under the pre-2015 Unitary Development Plan but was removed from the RUDP Proposals Map primarily for reasons associated with flooding.

Development Plan Proposals Map Allocation:

- The proposal site is within the Green Belt as defined by the Proposals Map.
- The proposal site is within Washlands as defined by the Proposals Map.
- The proposal site includes the Beechcliffe Ox-bow lake Local Wildlife Site.

Proposals and Policies

As the site is within the Green Belt saved policy GB1 of the replacement Unitary Development Plan (RUDP) is relevant. The majority of non-allocation related policies

within the RUDP have now been superseded by those set out in the Core Strategy. The following adopted Core Strategy policies are considered to be particularly relevant to the proposed development:

- AD1 - Airedale
- EN2 - Biodiversity and Geodiveristy
- EN4 - Landscape
- EN7 - Flood Risk
- EN8 - Environmental Protection Policy
- DS1 - Achieving Good Design
- DS2 - Working with the Landscape
- DS3 - Urban character
- DS4 - Streets and Movement
- DS5 - Safe and Inclusive Places
- TR1 - Travel Reduction and Modal Shift
- TR2 - Parking Policy
- TR5 - Improving Connectivity and Accessibility
- EC4 - Sustainable Economic Growth

The National Planning Policy Framework (NPPF):

The NPPF sets out the government's national planning polices, which are a material consideration for all planning applications submitted in England. Detailed assessment of specific policies within the NPPF relevant to the proposed development is included in the report below.

Parish Council:

Keighley Town Council – No Comments Received

Publicity and Number of Representations:

The application was advertised as a major planning application through the posting of site notices and neighbour notification letters and the publication of a notice in the Telegraph and Argus newspaper. The date specified on these initial notices, by which representations should be submitted, was 09 November 2017. In response to this publicity 19 written representations have been received 11 of which object to the application and 8 of which support the application.

In terms of the community consultation undertaken by the applicant, this comprised a pre-application consultation event at Temple Chambers, Russell Street, Keighley, on 22nd February 2017, which was publicised in the Keighley News beforehand. The applicant states that 15 people attended this event and that various queries were raised including queries relating to jobs, wildlife, flooding, design, footpaths and traffic. The applicant has further indicated that the scheme was modified following this consultation to provide for additional loading bays to be directly accessed from the raised spine road to allow products to continue to be loaded/ unloaded during flood events.

Summary of Representations Received:

Support

- I am in support of the development.
- I work in units next to the site and have done for the last 10 years. I have seen the site being developed over the years, recently the magnet factory which has been successfully occupied. I couldn't emphasise enough the need for industrial space in Keighley and the need for job prosperity. With this scheme I feel both objectives can be achieved.
- I am in support of this scheme and any other schemes that increase employment.
- Over the next few years Bradford council has earmarked house building on a massive scale around 5000 I believe. So where are we going to make employment available for these households.
- For Keighley to be able to grow and prosper we must make available new areas where business can thrive. There are many businesses that would like new premises so they can employ local people.
- No one has the universal right to a view. Admittedly no one wants an industrial building on their doorstep however this is far enough away from houses. For the prosperity I implore the council to give this proposal a fair view and let Keighley prosper.
- If the council lets this planning application happen there should be conditions attached which ensures we are not left with the same hole we had in Bradford for so many years.
- Keighley desperately needs more industrial space.
- The location of the proposed development is one which should have been looked at before now, the idea of mitigating the flood risk by developing the units on stilts is applaudable.
- I hope Bradford council look positively at this proposal as this would be a welcomed addition to Keighley. I can't understand those that prefer the landscape in comparison to our dying town. Surely if we want the next generations to prosper in Keighley in terms of employment and business it is our responsibility to ensure we do everything we can.....
- I read the article in the local papers and was so please to hear that something is being done in Keighley, especially if we don't want this town to become a ghost town.
- Clever idea building on stilts, the engineering has been well thought out.
- An idea that sounds fantastic on paper and one that Keighley could do with working out to help bring well needed employment into the town.
- Being a local business man, over the years industrial space in Keighley has become short in supply. The cost to buy or lease a decent industrial unit is immensely over priced in Keighley. The issue has been a lack of space for business to grow into. This can only be due to the lack of space available or developed over the last 50 years. We seem to have huge targets for housing to be achieved however the industrial units have been forgot for too long.
- This scheme is a breath of fresh air and something Keighley has been crying out for many decades.
- I couldn't support this development enough.

- Great idea and a perfect location, let's hope the units have a knock on effect on the prices and allow business to expand.
- As long as the flooding issue can be resolved I strongly support this application.
- I run a large fleet of heavy goods vehicles more industrial units will mean more goods moving in and out of Keighley.
- I know from talking to businesses there is a shortage of units like this.
- I hope our politicians come out and support this!

Objection

- Other more suitable brownfield sites exist... The council should proactively find brownfield-sites that are close to all transport networks and make it affordable and appetizing to developers.
- Bradford Council should follow its own Core Strategy and refuse the application.
- I can only object to this being carried out on the grounds that this is a flood plain which a few years ago was under 3 feet of water and floods every year although not always as bad. It also contains a lot of wildlife such as frogs, toads, newts and deer to name but a few. Keighley Angling Club own the fishing rights down there so what will happen to them? It is also a public right of way so what will also happen to that?
- This development lies in an area which must be protected for the wildlife that exists there and also utilizes the area. The very fact that it is also on the floodplain as identified in the environment agency report must mean that permission is refused. There are plenty of brown field sites in Keighley which could be used for this development.
- The area immediately affected by the proposed developments is a sensitive ecological area of which more than half lies within the green belt area. The ecological survey confirms this is an important site for mammals and birds. Indeed it lies on the Aire Valley migration corridor. Within the near area there are several bat species, frogs, toads and newts. In my garden there is a breeding colony of slow worms. These creatures are increasingly threatened by the gradual reduction of their habitat. I can easily see the proposed sight from my house. There is a canal and a river between my house and the site. Slow worms are well documented as strong swimmers.
- The Leeds Liverpool canal conservation area is in place to protect the environment and views from the canal. This proposed development does not comply with this, indeed it actively contradicts this. Unless of course it only applies to domestic properties who must comply with a conservation area. My garden borders the canal and over the last few years I have seen an increase in the number of people who use the canal and towpath for leisure. Canal boat holidays appears be on the increase. Most noticeable is the increase in bicycle traffic. The Tour de Yorkshire promoted cycling very successfully - not only to "serious" cyclists but to families who use the towpath as a safe, attractive, clean way to spend healthy, environmentally family time together. It appears counter productive to promote the beautiful countryside of the area and then build industrial units on it.
- The proposed development represents a significant increase of the existing site. What is now a relatively small industrial estate would become a very different proposition if the site is further developed. There are several sites within a relatively small area which could each accommodate one or two units without having such a negative environmental and visual impact.

- The proposed site allows for 361 parking spaces. This is a significant increase in traffic, all of which would have to queue to join larger roads. The negative impact on the environment of standing traffic is well known. Given that there are plans to build an incinerator on the bypass, the "double whammy" of these two proposed developments pose a significant threat to the health and wellbeing of the population and the environment.
- The proposed development is on a site which floods. This is well known. Building the units on artificially raised land may prevent the new buildings from flooding but will only contribute towards increased water going into the river. Any land which has a hard surface on it will not absorb rainwater. The water will run off and enter the river thus placing houses and businesses downstream at increased risk of flooding. In addition, any flood water from upstream will have less land to overflow, thus resulting in more water flooding a smaller area downstream, for example, nearby Stockbridge, which has already experienced serious floods in recent times. The financial costs of this could be serious, but the emotional costs would be devastating to those affected.
- There is not a single brownfield site left available in Keighley. The site off Dalton lane has been sold to developers. The site off east parade behind the Sainsbury's petrol station has been also sold to developers. I'm not aware of any more sites in Keighley.
- It will result in the loss of precious natural river bank habitat. Despite the findings of the Industrial report included with the application, the fact remains that either within or near to Keighley there are several large derelict brownfield sites that could be brought back into commercial use if the will was there - the sites off Dalton Lane and at Beechcliffe are mentioned in the report and there is also land off Gresley Road, as well as Castlefields at Crossflatts. In any case as the units are to be let separately, there is no need for all to be sited together, totalling 44,000 sq m; they could be sited elsewhere within the town in smaller concentrations .
- The proposal represents an over intensive development of the land; there are an excessive number of buildings for the site area and this will result in the impression being given of one huge roof when viewed from West Riddlesden, where we live. Worse, this over intensive development will be emphasised by the buildings being raised above the flood plain; the drawings suggest a ground level to eaves height of 13 metres (or 42 feet in Imperial measure). Compared with a normal industrial unit height of 10.5 metres, this means these warehouses will be 2.5 m (over 8ft) higher - and this adjacent to open country and the river. Houses in West Riddlesden are built on the hillside and therefore look down onto the river and the fields of the flood plain. The proposed development would therefore be excessively dominant and detrimental to our outlook and view.
- The landscape plan shows trees to be planted adjacent to the river, yet this ceases towards the eastern edge of the development for some reason, leaving the end of one unit totally exposed, this being the one unit that would be most prominent for us.
- The submission claims that "only" 54% of the development is within the greenbelt. The fact that more than half is admitted to be in the greenbelt should be enough for the application to be refused, but a quick study of one of the Key Consideration plans, without the benefit of CAD, suggests that the figure must be considerably

greater than 54%, unless the measurement only takes in the buildings footprint rather than the full site area, in which case the figure is at best disingenuous and at worst simply false.

- Another Key Consideration plan shows that the area is entirely outside the Urban Renaissance Employment Zone, so it cannot claim that as a justification for permission being granted. It does, however, result in the loss of an oxbow lake, with the consequent loss of all the natural habitat that this provides. In this context, I am puzzled as to why the site map at Appendix 4 of the Habitat Survey is headed "Phase 1" and specifically excludes the oxbow lake from the survey, whereas the site map in the Planning Application includes it, the cut and fill plan shows that it will be filled in, and the key considerations plan confirms that most of it will thereby be lost. This must inevitably be the most bio-diverse part of the site and surely it is essential that a full Habitat Survey of it should be carried out to establish the degree of harm to wildlife habitat that would be caused by its loss. The present survey report refers to it only as being "adjacent" to the proposed works, which is incorrect.
- The plan includes provision for 361 parking spaces. The Transport Assessment suggests that the majority of evening peak time traffic will mostly leave the site via Royd Ings Avenue, Alston Road and into Bradford Road roundabout, with 76 peak hour movements (plus 16 into Beechcliffe roundabout - total 92). This does not reconcile either with the number of parking spaces of 361, or with the 150 jobs said to be created and I suggest is therefore rather on the low side. Whilst there may be a small number of cyclists, the likelihood of anyone walking the full length of Royd Ings Avenue in order to catch a bus on Bradford Road is surely negligible, in which case car usage to and from the site will be almost universal.
- The assessment also doesn't consider movements throughout the day - which will presumably mostly be of LGVs serving the warehouse units - nor does it consider the difficulties of entering Bradford Road roundabout from Alston Road with an LGV, given that this particular entry point is not signalled, unlike the rest of the roundabout - a point not brought out in the TA. Realistically, however, departing vehicle movements - both car and LGV - are at least as likely to take the shortest route to the A629, using Royd Way where, after overcoming the difficulty of joining the major road they will add to the existing congestion by travelling down Hard Ings Road towards Bradford Road roundabout. The matter of Beechcliffe roundabout being signalised as part of the Hard Ings Road highways improvements is almost irrelevant to this application since there is no direct access to it for outgoing traffic from the site. It is regrettable that the full Highways Consultation assessment will not be available for public scrutiny prior to the closing date for public comment.
- There is plenty of underused brownfield space around this areas, it is far preferable to develop these areas and protect the greenfield space which can never be replaced once lost, and appears to be disappearing fast in this area and increasing amounts of development and housing are approved.
- We moved to Riddlesden (from Shipley) two years ago, and were delighted to find a long stretch of riverside flower meadows, with kingfishers and other hard-to-find birds, just a walk away. A flood plain wildlife habitat that should be preserved as it is. And now they want to build on it. Castlefields Industrial Estate appears underused - please correct me if wrong - and would be even better.

- The environmental report states that this area is a site where a variety of wildlife species feed and hunt - some of which are on the UK's protected species list. The site is directly next to a pond housing several rare plants and opposite an area set aside for breeding wild birds. The development will negatively influence, perhaps even destroy these areas.
- As the spread of development increases in size from urban areas I feel we should be very, very careful when destroying though developing in such natural 'hinterlands'. Does this need to be situated here? Why on an undeveloped green site? The adjacent industrial estate has several empty units currently being advertised. As an allotment owner in a nearby site for over 6 years, I have seen vacancies in the existing industrial estate that could support the additional business proposed in this planning application.
- Our town can be seen to be on a borderline between the less developed land further up the Aire Valley and the more developed areas towards Leeds and Bradford. Our area has a responsibility to not negatively interfere with the flood plain and influence drainage to waterways. The localised floods in Stockbridge and near Beechcliffe in the past years (not to mention those in Leeds) have shown that this relationship is very sensitive balance.
- As a house owner in Beechcliffe where one waterway already runs, I feel scared that the route of the water runs though this site due for development. The environmental report states that the proposed site is under a high risk of flooding, and should it be developed it would negatively influence the water table in neighbouring areas.
- I have significant concerns about this development, particularly from an ecological viewpoint. The ecological survey report identifies the proposed site as having importance for mammals and birds. As a near neighbour to the site, I am aware of the presence of several bat species, including Daubenton's and pipistelles, sparrowhawks, tawny owls, jays, woodpeckers and a wide range of small birds. The land is also used by wintering geese of various species. Toads and frogs are common on the land the other side of the river and there is an active Toad patrol group in Riddlesden. The Aire Valley corridor is a well know migration route in Spring and Autumn and I am aware that an osprey was seen flying over the valley in recent years. Any development that reduces the amount of open green space and foraging/ hunting/ resting spaces would, in my view be significantly detrimental to the ecology of the area.
- The Leeds Liverpool Canal Conservation Area is designed to protect the environment and views from the canal, and this development would have a significant impact on this.
- No consideration seems to have been given to the impact of the outlook from the houses that overlook the site i.e those in Riddlesden on High Cote, Scott Lane West, Scott Lane, Dunkirk Rise, Western Avenue and nearby roads.
- I am on the committee of a local Angling Club, (Keighley Angling Club) who own the stretch of the River Aire to the rear of this proposed development. The stretch was purchased in 1982 on behalf of its members from George Hattersley and Sons. The conveyance concludes it is a sole and several fishery, with fishing rights and profit a prendre in the said River Aire and in the land over which the river runs.

- It is a real shame that we have not been consulted on this as we manage this bank of the river from Utley to Stockbridge and only found out when we were contacted by one of our extremely concerned members?
- Also I'd like to draw your attention to the ecology report attached to the application item:4.2.3 which states "Efforts should be made to retain and protect this habitat, particularly as any negative effects on this area could have adverse effects on the River Aire."
- Any storage of water which is discharged once the levels reduce could affect our rights to fish unhindered.

Consultations:

Biodiversity

The proposal is immediately adjacent to Bradford Wildlife Area Beechcliffe Oxbow which was re-surveyed in July 2017 and qualifies under the West Yorkshire Local Site criteria as species –rich swamp and will therefore be designated as such.

The Phase 1 Habitat Survey submitted by the applicant also confirms that the site contains habitats of moderate to high ecological value (section 5.1).

It is clear that the proposal, although seemingly excluded from the development site in the Phase 1 Habitat report, actually does include the oxbow site in its entirety. The cut and fill plan submitted shows that not only is the oxbow included within the development site, but is actually to be obliterated as part of the cut and fill operation.

Given the local ecological importance of the site, Bradford Development Plan Core Strategy policy EN2 comes into play, in relation to locally designated sites as follows:

Locally Designated Sites

C. Development likely to have direct or indirect adverse effect on a site of ecological/geological importance (SEGIs and RIGS) or a site of local nature conservation value (Bradford Wildlife Areas) will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site.

Proposals that are likely to have an impact on such sites will be assessed according to the following criteria;

- 1. Whether works are necessary for management of the site in the interests of conservation.*
- 2. Whether appropriate mitigation measures, which could include adequate buffer strips, have been incorporated into the proposals to protect species and habitats for which the Locally Designated Site has been designated.*
- 3. The development would be expected to result in no overall loss of habitat, through avoidance, adequate mitigation or, as a last resort, the provision of compensatory habitats adjacent to or within the vicinity of any losses proposed. Existing habitats and proposed mitigation or compensatory measures should be quantified.*

Given that the oxbow feature is unique it is difficult to envisage how such a proposal could be supported, and impossible to envisage how the impact on it could be mitigated or compensated for.

In addition to the above concerns, the Habitat report submitted, although confirming that the site supports both lapwing and curlew, does not make any reference to the Core Strategy policy SC8, which seeks to protect the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) from adverse impacts. This policy identifies a zone (Zone B) extending 2.5km from the boundary of the SPA/SAC, within which impacts on supporting habitat should be avoided. Given that the development site lies just under 2km from the SPA/SAC and supports lapwing and curlew – both of which are qualifying bird species for the SPA – there is a possibility that the site could be used for foraging and feeding by these species and therefore be regarded as supporting habitat. In order to confirm this, foraging bird surveys would be required (as also recommended by the Phase 1 Habitat report) and if confirmed as supporting habitat, the proposal would lead to an adverse effect which could not be effectively mitigated. The wording of policy SC8 is included here:

Subject to the derogation tests of Article 6(4) of the Habitats Directive, in all Zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or the SAC

and;

In Zone B it will be considered, based on such evidence as may be reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA.

The recommendation included in the Phase 1 Habitat report summarises the issue adequately;

“Efforts should be made to protect this site from any development that occurs here.”
(Section 5.4)

In conclusion, given the significant impact that this proposal appears to have on a designated Local Site and, potentially on supporting habitat of the South Pennine Moors SPA; and the absence of any detail as to how these impacts will be avoided or mitigated, it is not possible to support this application in its current form and, from an ecological and biodiversity viewpoint have no option but to object to the proposal.

Canal and River Trust

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

Drainage/ Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) is a statutory consultee on matters relating to surface water management on all major developments only. The LLFA also has a role to monitor and manage flood risk from other sources of flooding. As such, the LLFA has reviewed the submitted documentation of the planning application, against the requirements of the National Planning Policy Framework, Planning Practice Guidance,

Local Planning Policy and other relevant regulations with regards to flood risk from all sources. Further to this assessment the LLFA OBJECT to the proposals because the application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary to Tables 1 and 3 of the Practice Guide to the National Planning Policy Framework. The proposals are classified as 'Less Vulnerable' and as such are not permitted within Flood Zone 3b. Furthermore, the proposals conflict with policy EN7: Flood Risk of the Councils Core Strategy Publication Draft in that it fails to safeguard potential to increase flood storage provision and improve defences within the Rivers Aire corridor. The LLFA therefore recommends the application is refused based on these fundamental National and Local planning policy contraventions.

Environment Agency

- We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.
- Practice Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application site lies within Flood Zone 3b (functional floodplain) defined by the Practice Guide to the NPPF as having a high probability of flooding.
- The development type in the proposed application is classified as 'Less Vulnerable' in accordance with table 2 of the Practice Guide to the NPPF. Tables 1 and 3 of the Practice Guide to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

Highways Development Control

- Having reviewed the details submitted there are a couple of points that need clarification before a full highway assessment is can be made.
- The Transport Assessment (TA) describes the planning application as 'outline' in nature where 'the exact land use mix for the development has not been fully confirmed', however the planning application is listed as a 'Full' application. The quantum of development on both the application form and TA do appear to be the same.
- The TA states that the level of car parking provision has been considered in accordance with council's current guidelines as set out in 'Appendix C of the Replacement Unitary Development Plan'.
- It should be noted that the current guidance now is Appendix 4 of the Core Strategy although the parking requirements for the proposed B2 and B8 uses have not changed.
- The TA also goes on to say that 'The exact level of car parking provision will be considered as a reserved matter as part of a future detailed planning application once the exact quantum and details of site occupiers are known'.
- Given that this appears to be a full planning application then the quantum of development, and appropriate levels of parking, need to be agreed now.
- If the end occupiers are not yet known then a worst case scenario should be applied i.e. a greater B2 Use.

- Clarification to the above should be provided in the form of a Technical Note as an addendum to the TA.

Landscape Design

- The site lies within the Airedale Landscape Character Area (see CBMDC SPD: Landscape Character SPD Volume 1: Airedale) and is located mostly within the green belt landscape type of “floodplain pasture”, the bottom part of the site is located within the landscape type of “industrial corridor”. Relevant policies include GB1, EN4.
- The overall description in the above SPD of the “floodplain pasture” landscape type states that.....*“The floodplain features as a prominent expanse of flat land covered with fields and hedges with distinctive perpendicular elements of Lombardy poplars. The river is marked by a sinuous line of trees meandering slowly across the plain whilst the canal follows the contours around its northern edge. The transport corridor is visible stretching across the floodplain. The railway passes close in to the valley side along the southern edge of the pastures and the A629 cuts up the areas of pasture and passes on a wide raised embankment straight through from Keighley to Sipton. The landform gives a very definite boundary to the area, and the lack of development illustrates the direct and uncomplicated link that still exists between the physical landscape and the land use.”* The visual prominence and enclosure is described as prominent and open.....*“The large area of flat land is prominent from all the major transport routes running through it as well as from the valley sides. Though surrounded by valley slopes the landscape has an open character.”*
- In the above SPD the strength of character of the “floodplain pasture” is described as strong.....*“Large, flat, hedgerow-bounded fields are very distinctive within this landscape.”* and the condition noted as declining, the policy guidelines for the area are to conserve and restore the landscape character.....*“Conserve this unique area of distinctive open floodplain pasture. Prevent development of this landscape and the encroachment of urban influences such as lights, road ‘improvements’ etc.....Conserve the farmed land use, traditional agricultural practices and field pattern.....Conserve and restore hedgerows with management and replanting.....Enhance corridor of A629 through sensitive, low key, tree and hedgerow planting.....Encourage low intensity farming which could allow for creation or restoration of meadows.”*
- The SPD policy guidelines regarding the potential for development also state that.....*“With strong character, high historic continuity and being prominent and open this landscape is very sensitive to change; and the fact that there is virtually no historic pattern of development here would indicate that any development could only be detrimental to the landscape character. In addition there are no other expansive areas of floodplain in the District and once its open, undeveloped character is breached, this distinctive landscape will be lost forever. Should further development be required within this area, it could best be accommodated within a wooded setting on the higher ground south of the railway adjacent to Steeton, Eastburn and Keighley. In this way the principle of building on the valley slopes is continued, and the canal and railway are retained as effective boundaries to the main area of floodplain pastures.”*

- Any proposals within the “floodplain pasture” landscape type would therefore need to look to conserving and restoring the distinctive landscape character of the area and would need to be sympathetic to this important character. We believe that the proposed development would neither conserve nor restore the sensitive landscape character and qualities of the area and that it would contribute to the deterioration of this unique landscape.
- However, if the proposed development is to be considered further at this location, a full Landscape and Visual Impact Assessment would need to be submitted with the planning application in order to fully assess the impact of the proposed development on the Airedale Landscape Character Area green belt and the surrounding environment.

Natural England

- Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the South Pennine Moors SPA and SAC have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites’ conservation objectives.¹
- In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the South Pennine Moors SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.
- We have not assessed this application and associated documents for impacts on protected species.
- If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Rights of Way

- Records indicate a number of public footpaths will be affected by these proposals as marked purple, blue and red on the plan below. Routes marked purple (namely Keighley Public Footpaths 11 and 12) are legally recorded on the Definitive Map. Routes marked blue (Keighley 718 and 699) are non-definitive in that while they may not be legally recorded they are routes that have been accepted by landowners as being public and are regularly used by footpath users. The red route to the west is also known to be un-adopted public highway (which also extends further to the north and south) and the red route to the east is known to have been used predominately in recent years to access the riverside path towards Stockbridge.

- The proposals as submitted will require a legal order to realign the Definitive paths (purple) onto a new route running around and between the commercial units (and along the line of the new proposed drainage channel). Such a legal order is open to public consultation and possible objection and the applicant would be advised to discuss specific requirements at an early stage as such legal orders, once commenced can take in excess of 6 months to process. Please note that at this stage no guarantee can be made that such an order will be successful. The proposals as submitted appear to indicate that the new section of path will run in a narrow corridor in-between the buildings.
- Such a proposal is not something that the Rights of Way Section or footpath users would accept as being a suitable replacement for the existing public right of way. The applicant is requested to either amend the plans to make any use of the path more appealing i.e. to redesign the site layout so that the path runs through a wide landscaped green corridor or alternatively looks to divert the route fully around the perimeter of the site i.e. along the western and northern edge of the site. This would connect the end of Keighley 718 with the river side path Keighley 699 at the north eastern edge of the site.
- This proposal should be designed to allow the path to run in a green corridor in conjunction with revised landscape proposals. Other than the section alongside the bypass the path should feel more open on at least one side and in-turn should allow the applicant to address any site security measures as already raised by the Police. Any new section of path should be provided at a minimum width of 2m running with in the green corridor (minimum width of 5m) and ideally should include a surface of crushed stone.
- As regards the proposed development we are aware that parts of the land already flood and this helps form part of an area up the valley that is used as a flood plain. Access to the existing paths in the area can at times be restricted due to the flooding and while it is noted that the development will look to address some flooding/drainage issues through design there is a concern that any building on this site, is going to add to flooding problems.
- This is likely to cause further problems to the footpaths as well as adding to flooding issues in the Stockbridge area. There is also a concern that proposals to cut and fill will add to the problems as existing low level areas tend to retain flood water for some time after river levels elsewhere have dropped. This in turn may create flooding issues on sections of path not currently affected by flood water. It should also be noted that flooding in previous years has caused damage to the river bank both within the site boundary and along the stretch of path towards Stockbridge.
- In places this has required minor realignment of the path, tree planting to help stabilise the river bank and revetment work to the footpath. Again building on this flood plain and any subsequent alterations to the flow of water is likely to have an adverse impact on the river bank and subsequently the footpath. Many years ago the Environment Agency had looked at doing works to the river bank to the rear of Royd Ings Avenue but due to the costs the works were never carried out. As such the Rights of Way Section would also request that the developer contributes a financial sum towards the upkeep of the river bank and footpath both within the site and along the footpath link to Stockbridge. This funding will go towards works to include, vegetation clearance, riverbank stabilisation works including tree planting, revetment and minor surfacing.

- In addition it is noted that the walked line of K699 does not follow the top of the river bank but is currently some 10-15m in land and while it is noted that the proposed units will be stepped back from the river it is essential that a buffer strip is retained to ensure that access to the path can remain in the event of further river erosion or future changes to the line of the river. It is suggested therefore that a buffer strip of at least 20m is retained along the edge of the existing riverbank.
- At this stage the Rights of Way Section are unable to support these proposals but would be willing to discuss our requirements further if required.
- If planning permission is granted please ensure that the applicant is made aware of the need to adhere to the standard requirements during the period of any works on site.

West Yorkshire Police

- Looking at the site plan, this appears very permeable in that there is unrestricted access around all of the units and parking areas, with no defensible space for each individual unit.
- I would recommend that any rear boundary treatments for each unit are to a height of 2m in order to provide more security and to restrict access around the rear of the units. These could be a closed welded mesh fencing which allows surveillance into the site and the surrounding area, (suitable standards are to LPS 1175 security rating 2 or above). Defensible planting such as hawthorn, blackthorn can also provide boundaries to certain areas of the site where more greenery or natural borders are required.
- I don't know what the intention will be for this industrial area, such as opening hours or the types of business. I would recommend that there be access control on the entrance to each site such as manual lockable gates. Gates can be left open during operational hours but locked when the businesses are closed which will prevent any strangers or potential offenders from accessing the car park and attempting crime or anti-social behaviour activities within the parking area.
- Where parking is directly adjacent to the units or entrance doors it would be prudent to install knee railing fencing along the fronts of the parking bays to prevent any vehicles from either accidentally or deliberately driving into the front of the units or doors to gain entry.
- External lighting should be installed to cover the parking bays, footpath routes leading to the building and each entrance into the units. Suitable types of lighting are photo cell or dusk until dawn lighting which are energy efficient and cost effective to use. I would ensure that lighting levels are good enough to allow for visibility and surveillance but are not excessively bright which could cause light overspill.
- PIR / sensor lighting is not recommended as sensors can be knocked off balance which can disable the lights from working allowing an offender an opportunity to commit crime and remain unseen. If there is a constant light there is more chance to see any person acting suspicious or loitering in the area which can be reported to the Police.
- I would recommend installing monitored CCTV to cover the areas above, including any internal areas where required. CCTV should work in unison with the proposed lighting plan and provide good quality evidential images which are worthy for identification purposes.

- Any doors or windows should look to achieve security standards; PAS 24:2012, LPS 1175 issue 7 SR2 and STS 201 / STS 202 Issue 3 BR2. Aluminium door sets and windows can achieve PAS 24 standards in addition to BS 4873:2009.
- Any shutters that cover delivery areas should look to achieve standards; LPS 1175 issue 7 security rating 1 or STS 202 issue 3 SR 1 or above.
- Bradford District are still experiencing a high level of euro cylinder crimes where the lock is snapped or the area around the locking mechanism is melted to expose the lock barrel, which is then snapped by the offender allowing entry into a building. Some of the standards that are recommended by Building regulations can include euro cylinder locks which are 1 star rated which can be breached. If there are any doors being installed which include a euro cylinder lock, the lock should be checked to ensure that it is 3 star rated and achieves TS007 or Sold Secure Diamond Standard which offer more resistance to these types of attacks.
- Depending on the use of the units or how many staff will work within each unit (there are no floor plans at this stage to view), it may be that access control is required on the main entrance doors such as swipe card or key fob access this should be security encrypted to prevent any unauthorised copying. If an external intercom system is required, these should be vandal resistant and include colour CCTV and audio capabilities to allow visitors to contact any staff.
- The plans show that there are voids underneath the units which have mesh grill which are fitted to address flooding issues. What is the height / width of the grill and how will this be fixed? From a crime perspective I would want to ensure that any potential offender could not gain access underneath the units by removing the mesh grills which causes damage or types of criminal damage such as arson.
- I would recommend installing intruder alarms within each unit which have door contacts fitted to entrance doors or delivery doors / shutters, this will provide additional security for each unit. Suitable standards are to NSI (National Security Inspectorate) or SSAIB (Security System and Alarms Inspection Board). BS EN 50131 or PD6662 (wired alarm system) or BS 6799 (wire free alarm system).
- Alternatively if intruder alarms are not being provided by the Developer, installing a 13 amp spur point is a cost effective measure to apply and will allow any tenant the option of purchasing their own intruder alarm.
- Whilst there is no objection in principle to the application West Yorkshire Police are unable to support the proposal in its present form.

Yorkshire Water

- It appears from the submitted site layout that buildings will be sited over the public sewerage system located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore OBJECT to the development layout as currently shown. I strongly advise that, prior to determination of this application, the site layout is amended to allow for adequate protection of the sewers.
- The details submitted on drawing 207 dated September 2017 that has been prepared by MADP are NOT acceptable to Yorkshire Water. The following points should be addressed:

- the submitted drawing appears to show a building proposed to be built-over the line of public sewer crossing the site the submitted drawing should show the site-surveyed position of the public sewer crossing the site the submitted drawing should show the required building stand-off from public sewer -- or an agreed alternative scheme
- If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
- On the Statutory Sewer Map, there is a 750mm diameter public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.
- In this instance, a stand-off distance of 4 (four) metres is required at each side of the sewer centre-line.

Summary of Main Issues:

- 1) Green Belt
- 2) Floodplain
- 3) Landscape
- 4) Local Wildlife Site
- 5) Rights of Way
- 6) Access and Highways
- 7) Community Safety Implications
- 8) Equality Act 2010, Section 149

Appraisal:

1) Principle

The majority of the proposal site is within the Green Belt - 8.7ha out of the full 10.7ha planning application area. Section 9 of the NPPF sets out a national framework for assessing the acceptability of proposals for the development of land within the Green Belt. At paragraphs 89 and 90 the NPPF defines types of development which can be treated as appropriate development within the Green Belt. The proposal cannot be considered to be covered by any of the exceptions set out in paragraphs 89 or 90 and must therefore be treated as inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt.

In terms of the provisions of the RUDP, saved policy GB1 provides the local policy basis for assessing the appropriateness of proposals for new development within the Green Belt. The proposed development does not meet any of the exceptions stated within saved policy GB1 and therefore the proposal must also be treated as inappropriate development in terms of the local Green Belt policy framework, which should only be approved in very special circumstances.

The NPPF confirms at paragraphs 87 and 88 that:

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposed development would harm the Green Belt by reason of its inappropriateness, by reason of the harm to the openness of the Green Belt which would be caused by the development of 6 large industrial sheds and associated infrastructure in the Green Belt (only 2 of the 8 proposed sheds being outside of the Green Belt), and by reason of the elements of the development which conflict with the stated purposes of including land within the Green Belt.

In relation to the harm the development would cause to the purposes of including land within the Green Belt, it should be noted that the NPPF sets out these purposes as follows:

- To check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The stated purpose of including land in the Green Belt which is considered to be most relevant to the proposed development is the purposes of assisting in safeguarding the countryside from encroachment. It is considered that the proposed development of 6 industrial sheds in the Green Belt would represent significant urban encroachment into the countryside.

Overall, therefore, it is considered that the development would result in significant harm to the Green Belt in terms of inappropriateness, in terms of loss of openness and in terms of urban encroachment. Paragraph 88 of the NPPF advises that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

This report finds that the development will also cause significant harm to the functional floodplain, to a designated local wildlife site, to a public footpath and to the character of the landscape. Therefore it is the harm to the Green Belt and the other harm identified in this report which are the subjects of the very special circumstances test. The considerations

which are put forward in support of the application are the need for additional employment land and buildings in Keighley and the economic benefits of providing 9 new industrial units to be used for B2 and B8 purposes in Keighley.

In relation to these factors it is acknowledged that Policy AD1(C1) of the Adopted Core Strategy confirms that: Keighley and Bingley will be the principal focus for indigenous economic development including starter units for small and medium sized businesses, business park premises for larger digital, design and knowledge, financial and service sectors at Dalton Lane Business Innovation Zone and Royd Ings.

Core Strategy Policy EC1 sets out an aspiration for planning decisions to (amongst other things) deliver economic growth, restructuring and diversification, including through the development of a modern manufacturing sector and modernisation of manufacturing industries within the City of Bradford and the Airedale Corridor. Policy EC2 sets out the objective of delivering at least 1,600 new jobs annually in the District in the period to 2030 by planning for a supply of at least 135 hectares of developable employment land over the Local Plan period and protecting such land for employment uses. Core Strategy policy EC3 plans for the distribution of 30 hectares of new employment land in Airedale.

Core Strategy Policy EN4 sets out a policy for supporting economic growth and protecting existing employment sites from alternative uses. Policy EN4 also requires new developments of more than 1000 sq metres of non-residential floorspace to meet 'BREEAM Very Good' standards on buildings and by 2019 will meet 'BREEAM EXCELLENT' unless, having regard to the type of development involved and its design, this is not feasible or viable.

The proposed development would provide for approximately 1/3rd of the total amount of new employment land proposed for Airedale in the period up to 2030. However this planning application is made in advance of the preparation of the Allocations DPD, which will allocate the land considered suitable for employment uses and will include a full Green Belt review. Policy EC3 indicates that the required employment land to be identified in the Allocations DPD will be met from the following sources:

1. Unimplemented but deliverable sites allocated within the RUDP;
2. Other committed sites with planning permission for employment use;
3. Sites already identified in existing regeneration strategies for Bradford City Centre and Airedale.
4. Sites identified in current and emerging masterplans including that for the Shipley and Canal Road Corridor (including Manningham), City Plan for Bradford City Centre and the Leeds Bradford Corridor.
5. New sites which are considered suitable for employment use.

The proposal site is partly within the Green Belt and entirely within the functional floodplain, it is also transected by a public right of way and contains a local wildlife site. There is no reason to conclude that the site would be likely to be considered to be a suitable site for allocation as employment land, due to the significant harm the development of this land would cause to the Green Belt, to the functional floodplain, to the

public right of way network, to the character of the landscape and to a local wildlife site. In any event, without a full review of all available alternative land within Airedale, it is not possible to come to a conclusion on whether it will be necessary to release any land in Airedale from Green Belt for employment use or (if so) what sites would be most suitable for Green Belt release. In this context the weight which can be put on the economic benefits of developing the land for employment use is considered to be limited.

Conversely substantial weight should be given to the harm the development will cause to the Green Belt. Inappropriate development in the Green Belt can only be approved in very special circumstances. Very special circumstances can only be considered to exist where the harm the development will cause to the Green Belt and any other harm is clearly outweighed by other considerations. In coming to a decision on this planning application members of the Regulatory and Appeals Committee must consider whether any considerations in favour of the development, particularly in terms of economic factors, clearly outweigh the harm the development will cause to the Green Belt and all other harm associated with the development.

After giving due consideration to, and placing substantial weight upon, the harm the development would cause to the Green Belt, as described above, the advice of Planning Officers to the Regulatory and Appeal's Committee is that, the benefits of developing the land for employment purposes do not clearly outweigh the harm the development would cause to the Green Belt, either when considering Green Belt harm in isolation or in combination with the harm the development would cause to the functional floodplain, to the public right of way network, to the character of the landscape and to a local wildlife site. Therefore the development is considered to be unacceptable in principle.

2) Floodplain

The NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. A sequential test must be applied to development proposals involving land at risk of flooding and, if necessary, the exception test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The applicant has not supplied any information which would lead the Local Authority to the conclusion that the development would pass the sequential test. Therefore the feasibility of the applicant's proposed flood mitigation measures and consideration of whether the development could pass the exceptions test is irrelevant to the consideration of the application, as this initial stage sequential test is not passed.

Notwithstanding the failure of the application against the sequential test the Environment Agency and the Council's Drainage Team (acting as lead local flood authority) have confirmed that the proposal site is in fact functional floodplain (Flood Zone 3B). This zone comprises land where water has to flow or be stored in times of flood. Planning Practice Guidance states that the only development which can be permitted within functional floodplain is essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses. The proposed development is neither essential infrastructure nor a water compatible use (which is narrowly defined) and therefore is unacceptable on functional floodplain.

The Council's Drainage Team (acting as lead local flood authority) have confirmed that they object to the proposals because the application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary to Tables 1 and 3 of the Practice Guide to the National Planning Policy Framework. The proposals are classified as 'Less Vulnerable' and as such are not permitted within Flood Zone 3b. Furthermore, the proposals conflict with policy EN7: Flood Risk of the Councils adopted Core Strategy in that it fails to safeguard potential to increase flood storage provision and improve defences within the Rivers Aire corridor. The LLFA therefore recommends the application is refused based on these fundamental National and Local planning policy contraventions.

The Environment Agency also confirm that they object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The Environment Agency recommend that the application should be refused planning permission on this basis. It is therefore considered that the development is also unacceptable in principle in relation to national and local policies pertaining to developing land at risk of flooding and in particular to developing land defined as functional floodplain.

3) *Landscape*

Core Strategy policy EN4 states that Development Decisions as well as Plans, policies and proposals should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District. The site lies within the Airedale Landscape Character Area and is located mostly within the landscape type of "floodplain pasture", the bottom part of the site is located within the landscape type of "industrial corridor".

The overall description in the above SPD of the "floodplain pasture" landscape type states that....."The floodplain features as a prominent expanse of flat land covered with fields and hedges with distinctive perpendicular elements of Lombardy poplars. The river is marked by a sinuous line of trees meandering slowly across the plain whilst the canal

follows the contours around its northern edge. The transport corridor is visible stretching across the floodplain. The railway passes close in to the valley side along the southern edge of the pastures and the A629 cuts up the areas of pasture and passes on a wide raised embankment straight through from Keighley to Skipton.

The landform gives a very definite boundary to the area, and the lack of development illustrates the direct and uncomplicated link that still exists between the physical landscape and the land use.” The visual prominence and enclosure is described as prominent and open.....”The large area of flat land is prominent from all the major transport routes running through it as well as from the valley sides. Though surrounded by valley slopes the landscape has an open character.”

In the above SPD the strength of character of the “floodplain pasture” is described as strong.....”Large, flat, hedgerow-bounded fields are very distinctive within this landscape.” and the condition noted as declining, the policy guidelines for the area are to conserve and restore the landscape character.....” Conserve this unique area of distinctive open floodplain pasture. Prevent development of this landscape and the encroachment of urban influences such as lights, road ‘improvements’ etc.....Conserve the farmed land use, traditional agricultural practices and field pattern.....Conserve and restore hedgerows with management and replanting.....Enhance corridor of A629 through sensitive, low key, tree and hedgerow planting.....Encourage low intensity farming which could allow for creation or restoration of meadows.

The SPD policy guidelines regarding the potential for development also state that.....”With strong character, high historic continuity and being prominent and open this landscape is very sensitive to change; and the fact that there is virtually no historic pattern of development here would indicate that any development could only be detrimental to the landscape character. In addition there are no other expansive areas of floodplain in the District and once its open, undeveloped character is breached, this distinctive landscape will be lost forever. Should further development be required within this area, it could best be accommodated within a wooded setting on the higher ground south of the railway adjacent to Steeton, Eastburn and Keighley. In this way the principle of building on the valley slopes is continued, and the canal and railway are retained as effective boundaries to the main area of floodplain pastures.

Any proposals within the “floodplain pasture” landscape type would therefore need to look to conserving and restoring the distinctive landscape character of the area and would need to be sympathetic to this important character. The Council’s Landscape Design team have advised that the proposed development would neither conserve nor restore the sensitive landscape character and qualities of the area and that it would contribute to the deterioration of this unique landscape. The proposed development is therefore considered to unacceptably affect the character of the landscape and to be contrary to policy EN4 of the Core Strategy.

4) Local Wildlife Site

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.

The proposal site includes an Ox-bow wetland which is identified on the Proposals Map as a Bradford Wildlife Area. The site was re-surveyed in July 2017 and qualifies under the West Yorkshire Local Site criteria as species –rich swamp and will therefore be designated as such. The Habitat Assessment submitted with the planning application includes a study area which does not include the full proposal site and specifically does not include the Ox-bow wetland. The Habitat Assessment confirms that the site contains habitats of moderate to high ecological value.

It is clear that the proposed development site, although seemingly excluded from the development site in the Phase 1 Habitat report, actually does include the oxbow site in its entirety. The cut and fill plan submitted shows that not only is the oxbow included within the development site, but is actually to be obliterated as part of the cut and fill operation. Given the local ecological importance of the site, Bradford Development Plan Core Strategy policy EN2 comes into play, in relation to locally designated sites. Given that the oxbow feature is unique it is difficult to envisage how such a proposal could be supported, and impossible to envisage how the impact on it could be mitigated or compensated for.

In addition to the above concerns, the Habitat report submitted, although confirming that the site supports both lapwing and curlew, does not make any reference to the Core Strategy policy SC8, which seeks to protect the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) from adverse impacts. This policy identifies a zone (Zone B) extending 2.5km from the boundary of the SPA/SAC, within which impacts on supporting habitat should be avoided. Given that the development site lies just under 2km from the SPA/SAC and supports lapwing and curlew – both of which are qualifying bird species for the SPA – there is a possibility that the site could be used for foraging and feeding by these species and therefore be regarded as supporting habitat. In order to confirm this, foraging bird surveys would be required (as also recommended by the Phase 1 Habitat report) and if confirmed as supporting habitat, the proposal would lead to an adverse effect which could not be effectively mitigated.

The Council's Biodiversity team have advised that, given the significant impact that this proposal appears to have on a designated Local Site and, potentially on supporting habitat

of the South Pennine Moors SPA, and the absence of any detail as to how these impacts will be avoided or mitigated, it is not possible to support this application in its current form and, from an ecological and biodiversity viewpoint. The development is therefore considered to be contrary to Core Strategy Policy EN2.

5) *Rights of Way*

One of the objectives set out in Strategic Core Policy SC6 of the Core Strategy is improving opportunities for walking, cycling and horseriding, establishing strategic green links and enhancing the rights of way network in urban and rural parts of the district. Policy AD1 carries this objective through with a stated policy to improve public rights of way and canal towpaths in Airedale. Core Strategy Policy DS4 confirms that the design of new development should integrate existing footpaths/cycle routes on the site into the development.

Records indicate a number of public footpaths will be affected by these proposals. Keighley Public Footpaths 11 and 12 are legally recorded on the Definitive Map. Routes Keighley 718 and 699 are non-definitive in that while they may not be legally recorded they are routes that have been accepted by landowners as being public and are regularly used by footpath users. A route to the west of the site is also known to be un-adopted public highway (which also extends further to the north and south) and a route to the east of the site is known to have been used predominately in recent years to access the riverside path towards Stockbridge.

The proposals as submitted will require a legal order to realign the Definitive paths onto a new route running around and between the commercial units (and along the line of the new proposed drainage channel). Such a legal order is open to public consultation and possible objection and the applicant would be advised to discuss specific requirements at an early stage as such legal orders, once commenced can take in excess of 6 months to process. Please note that at this stage no guarantee can be made that such an order will be successful.

The proposals as submitted appear to indicate that the new section of path will run in a narrow corridor in-between the buildings. Such a proposal is not something that the Rights of Way Section or footpath users would accept as being a suitable replacement for the existing public right of way. Therefore the proposal is considered to unacceptably detrimentally affect the rights of way running through the site contrary to Core Strategy Policies SC6, AD1 and DS4.

6) *Access, Highways and Air Quality*

Adopted Core Strategy policy TR1 indicates that through planning decisions the Council will aim 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 through (amongst other things) ensuring that development is appropriately located to ensure that the need to travel is reduced, the use of sustainable travel is maximised, and the impact of development on the existing transport networks is minimal. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Council's Highways Development Control team have been consulted on the application and have raised a number of queries regarding the quantum of development and the parking levels to be provided. The Highways Development Control team have confirmed that until this information is provided a full highway assessment is cannot be made. Therefore as it stands insufficient information has been provided to make a full highway assessment of the application contrary to Core Strategy Policies TR1 and TR2.

The development of new buildings and land to accommodate industrial uses will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. The proposed development will generate substantial additional HGV traffic (up to an additional 30 vehicle trips through Beechcliffe roundabout and up to 78 vehicle trips through Bradford Road roundabout in the morning peak hour) which has the potential to worsen air quality impacts for the District.

The Council's Low Emissions Strategy sets out mitigation measures which are required to mitigate such adverse impacts, including through low emissions travel plans, electric vehicle charging and emissions damage cost calculation/ offsetting. Although the application does include a Transport Assessment and Travel Plan framework these documents do not adequately provide for measures to off-set or mitigate the adverse air quality and greenhouse gas emissions impacts of the development contrary to Core Strategy Policy EN8(A).

7) Community Safety Implications:

Adopted Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, CCTV and lighting provisions being implemented, 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, in accordance with adopted Core Strategy Policy DS5.

8) 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 either refusing or approving planning permission would be likely to lead to disproportionate impacts on any groups of people or individuals who possess protected characteristics.

Reasons for Refusing Planning Permission:

- 1) The proposal is for inappropriate development within the Green Belt. The economic benefits which may result from the development are not considered to counterbalance the harm the development would cause to the Green Belt, either when considered in isolation or in combination with the other harm the development would cause. The proposal is contrary to saved policy GB1 of the replacement Unitary Development Plan and Section 9 of the National Planning Policy Framework.
- 2) The proposal is for development within the functional floodplain which is not essential infrastructure and is not a water compatible use. Neither the sequential test nor the exceptions test are passed. The proposal is contrary to Core Strategy policy EN7 and Section 10 of the National Planning Policy Framework.
- 3) The development would unacceptably harm the character of the local landscape contrary to Core Strategy Policy EN4.
- 4) The development would result in the destruction of an Ox-bow wetland, which is designated as a locally important nature conservation site, and contains insufficient information to demonstrate that the development would not adversely affect the South Pennine Moors SPA through loss of supporting habitat, contrary to Core Strategy Policy EN2.
- 5) The proposal would unacceptably detrimentally affect the rights of way running through the site contrary to Core Strategy Policies SC6, AD1 and DS4.
- 6) Insufficient information has been provided to make a full highway assessment of the application contrary to Core Strategy Policies TR1 and TR2.
- 7) The proposals do not adequately provide for measures to off-set or mitigate the adverse air quality and greenhouse gas emissions impacts of the development contrary to Core Strategy Policy EN8(A).