

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 29 July 2021 at 10.00 am in The Council Chamber, City Hall Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Warburton Wainwright Lee Shafiq	Ali Brown	Edwards

Alternates:

LABOUR	CONSERVATIVE	GREEN
Godwin Hussain Lal Salam	K Green Sullivan	Love

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- A legal briefing for all Members will take place at 0915 in the Council Chamber on the day of the meeting.
- Anyone wishing to speak to any of the business items on the agenda either as a Ward Councillor, applicant/agent, in support of or objecting to an application must register to speak by emailing the Governance Officer yusuf.patel@bradford.gov.uk by midday on Tuesday 27 July 2021. Please provide a telephone contact number, together with the relevant application details and explaining who will be speaking. They will then be advised on how you can participate in the meeting. If you have not registered you may not be able to speak.
- If anyone wishes to submit any accompanying photographs/plans they should not exceed four and must also be submitted in writing by midday on Tuesday 27 July 2021 to the following Governance Officers: yusuf.patel@bradford.gov.uk
- Please note that any representations will be allowed 5 minutes only and this will have to be shared if there is more than a single speaker.
- On the day of the meeting you are expected to wear a suitable face covering (unless you are medically exempt) and adhere to social distancing. Staff will be at hand to advise accordingly.

From:

To:

Parveen Akhtar

City Solicitor

Agenda Contact: Yusuf Patel

Phone: 07970 411923

E-Mail: yusuf.patel@bradford.gov.uk

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 meeting held on 24 June 2021 be signed as a correct record.

(Yusuf Patel – 07970 411923)

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.

(Yusuf Patel – 07970 411923)

B. BUSINESS ITEMS

5. **MEMBERSHIP OF SUB-COMMITTEES**

Recommended –

That the following membership change be approved:

- (i) That Councillor Humphreys replaces Councillor S Akhtar as a Member of the Area Planning Panel (Keighley & Shipley).**

Any further changes will be reported at the meeting.

(Yusuf Patel– 07970 411923)

6. **LAND AT THE FORMER SITE OF FORESIDE MILL, HALIFAX ROAD, DENHOLME, BRADFORD, BD13 4EZ - 19/01478/MAO**

1 - 40

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document “F”**) which sets out an application for Outline Planning Permission with all matters reserved for the residential development of up to 40 dwellings on land at the former site of Foreside Mill, Halifax Road, Denholme.

Recommended –

- (1) That outline planning permission be granted subject to the conditions set out at Appendix 1 to Document “F”, and subject to the completion of a Section 106 Legal Agreement to secure:**

**25% affordable housing provision
4,475m2 open space provision
£26,000 contribution for the provision of bus shelters at bus
stop references 23539 and 23540.**

- (2) That the application be referred to the Secretary of State for Housing Communities and Local Government under the provisions of the Town and County Planning (Consultation) (England) Direction 2021.**
- (3) If the Secretary of State confirms that he does not intend to intervene then the Assistant Director (Planning, Transportation and Highways) be authorised to issue the grant of planning permission.**

(Adam Cayton - 01274 43 4497)

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 29th July 2021

F

Subject:

An application for Outline Planning Permission with all matters reserved for the residential development of upto 40 dwellings on land at the former site of Foreside Mill, Halifax Road, Denholme, Bradford, BD13 4EZ.

Summary statement:

A full assessment of the application, relevant planning policies and material planning considerations are included in the report at Appendix 1.

The site is located within the settlement boundary of Denholme Gate and is washed over by Green Belt. The development would not cause substantial harm to the openness of the Green Belt and it would not conflict with the purposes of including land within it. The development would re-use previously developed land and would make a valuable contribution towards meeting identified unmet housing need, including affordable housing, within the area of the local planning authority. Accordingly, the development is considered to qualify as an exception to inappropriate development in the Green Belt under paragraph 145(g) of the National Planning Policy Framework.

The development will improve the appearance of a currently derelict site and provide a substantial amount of open space. The outline principles for open space and landscaping demonstrate that, through the approval of further details, a high quality landscaping scheme can be secured which is sympathetic to local character and ensures that the development is successfully integrated into its surroundings.

The development would not result in any unmitigated adverse impacts on the South Pennine Moors Special Protection Area/South Pennine Moors Special Area of Conservation and through the approval of further details the development will secure net gains for biodiversity.

The development would not result in any unmitigated adverse implications in respect of residential amenity, highway and pedestrian safety, drainage, land contamination, air quality or noise nuisance.

The application is recommended for approval subject to the conditions included within this report and the completion of a Section 106 agreement to secure 25% affordable housing provision, 4,475m² of open space provision and a contribution of £26,000 for the provision of bus shelters at bus stop references 23539 and 23540.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

Report Contact: Adam Cayton
Senior Planning Officer
Phone: 01274 43 4497
E-mail: adam.cayton@bradford.gov.uk

Portfolio:

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

Overview & Scrutiny Area:

Regeneration and Economy

1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application reference 19/01478/MAO made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

2. BACKGROUND

Attached at Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

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. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

6. 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).

7. OTHER IMPLICATIONS

All considerations material to the determination of the application are set out in the technical report at Appendix 1.

7.1 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 received 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 that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Full details of the process of public consultation undertaken and a summary of the comments made are attached at Appendix 1.

7.2 SUSTAINABILITY IMPLICATIONS

The site is located adjacent to A629 Halifax Road and is within the settlement of Denholme Gate. Denholme is located approximately 1.5 miles north of the site. There is a bus stop within 50 metres of the site with connections available to both Bradford city centre and Halifax town centre. The site is therefore considered to occupy a

sustainable location where the opportunity exists to access shops and services by public transport. No adverse sustainability implications are therefore foreseen.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings and land for residential purposes will invariably result in an increase in greenhouse gas emissions associated with both construction operations and the activities of future users of the site. Consideration should be given to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed development is such that the use of sustainable modes of travel would be best facilitated and future greenhouse gases associated with activities of the residents 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, where there is no availability of public transport.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points will be secured at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

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

7.5 HUMAN RIGHTS ACT

Article 6- the right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

The Technical Report at Appendix 1 summarises the material planning issues raised by representations and the appraisal gives full consideration to the effects of the development upon residents within Bingley Rural Ward.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application as per the recommendation contained in the main report, or refuse the application. If Members are minded to refuse the application then reasons for refusal need to be given.

10. RECOMMENDATIONS

That members resolve that outline planning permission should be granted subject to the conditions set out in the report attached at appendix 1 and subject to the completion of a Section 106 Legal Agreement to secure:

25% affordable housing provision

4,475m² open space provision

£26,000 contribution for the provision of bus shelters at bus stop references 23539 and 23540.

That the application is referred to the Secretary of State for Housing Communities and Local Government under the provisions of the Town and County Planning (Consultation) (England) Direction 2021.

If the Secretary of State confirms that he does not intend to intervene then the Assistant Director (Planning, Transportation and Highways) be authorised to issue the grant of planning permission.

11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework (2019)

Replacement Unitary Development Plan

Local Plan for Bradford



29th July 2021

Ward: Bingley Rural (ward 03)

Recommendation:

THAT MEMBERS RESOLVE THAT PLANNING PERMISSION SHOULD BE GRANTED SUBJECT TO CONDITIONS AS SET OUT IN THIS REPORT AND A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING, OPEN SPACE AND BUS SHELTER PROVISION.

THAT THE APPLICATION IS REFERRED TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT UNDER THE PROVISIONS OF THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2021.

IF THE SECRETARY OF STATE CONFIRMS HE DOES NOT INTEND TO INTERVENE THEN THE ASSISTANT DIRECTOR (PLANNING, TRANSPORTATION AND HIGHWAYS) BE AUTHORISED TO ISSUE THE GRANT OF PLANNING PERMISSION.

Application Number:

19/01478/MAO

Type of Application/Proposal and Address:

An application for Outline Planning Permission with all matters reserved for the residential development of upto 40 dwellings on land at the former site of Foreside Mill, Halifax Road, Denholme, Bradford BD13 4EZ.

Applicant:

Stirling Investment Properties LLP

Agent:

Mr Jeremy Good

ELG Planning

Site Description:

The site was formerly occupied by Foreside mill which has now been demolished. Following the demolition, the site was secured with wooden hoardings which have since fallen into disrepair. The interior of the site is visible through the dilapidated hoardings and has an appearance of dereliction with the remnant floor slab and some low level remnant walls of the mill visible amidst regenerated undergrowth.

The site sits within the settlement boundary of Denholme Gate, which is washed over by the Green Belt. The settlement of Denholme Gate is a small linear settlement which extends along Halifax Road to the south of Denholme.

Denholme Velvets continues trading from an industrial unit which has been retained to the south of the site. Further south there is a terrace of residential dwellings fronting onto Halifax Road. To the north is a farm/ farm shop with a further row of houses

Site address - page 7

fronting onto Halifax Road beyond. To the east is Halifax Road and Denholme Clough Cricket Club. The nearest local centre to the site is Denholme, located approximately 1.6 miles north on Halifax Road. A large farm shop is also located approximately 1 mile to the east on Brighthouse and Denholme Road.

Relevant Site History:

18/00024/APPFL2-Erection of 42 affordable dwellings-Appeal Dismissed-14.06.2018

17/05256/MAF-Erection of 42 affordable dwellings-Refused-04.01.2018

10/03362/MAF-Demolition of existing industrial buildings and construction of a residential development of 35 dwellings- Granted-05.07.2011

The National Planning Policy Framework (NPPF):

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

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

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 current Development Plan for the area is comprised of the Replacement Unitary Development Plan (RUDP) (2005) and the adopted Core Strategy (2017).

The emerging Local Plan is still at an early stage of preparation. Consultation on the Core Strategy Partial Review 'Preferred Options' was undertaken in July 2019. The council has recently consulted on The Draft Bradford District Local Plan – Preferred Options (Regulation 18) and supporting documents from 8 February to 24 March 2021. These documents continue to be afforded "very limited weight" given their stage of preparation. In this context it is considered that full weight should continue to be afforded to the policies of the adopted Core Strategy (2017) and the RUDP (2005) in accordance with the degree of conformity with current national planning policy.

Replacement Unitary Development Plan (RUDP):

GB1-New Building in the Green Belt

Proposals and Policies

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 relevant to the proposed development.

P1- Presumption in Favour of Sustainable Development
SC1- Overall Approach and Key Spatial Priorities
SC4- Hierarchy of Settlements
SC8- Protecting the South Pennine Moors and their Zone of Influence
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 Use of Previously Developed Land
HO8- Housing Mix
HO11- Affordable Housing
EN2- Biodiversity and Geodiversity
EN4- Landscape
EN5- Trees and Woodland
EN7- Flood Risk
EN8- Environmental Protection
DS1- Achieving Good Design
DS3- Urban Character
DS4- Streets and Movement
DS5- Safe and Inclusive Places
ID3- Developer Contributions

Parish Council:

Denholme Town Council have offered the following comments:

Whilst the Town Council would welcome developments on this site, we feel that this development is inappropriate and would cause significant harm to the openness of the Greenbelt. A similar application was submitted in 2017 which was refused. The decision was upheld by the Planning Inspectorate on 14th June 2018. There seems very little difference in this application, in fact some of the supplied documents are dated from 2017. These include; Flood Risk - 31/08/2017, Ecological Appraisal - 05/10/2017 and Transport Assessment - August 2017. Given the lack of difference, we feel the applicant has not demonstrated that special circumstances exist to allow a development within the Greenbelt. For this reason, we object to the application and ask you to consider refusing the application.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters.

A total of 35 objections were received in connection with the application.

Summary of Representations Received:

Objections:

Principle

- Denholme does not have the capacity to deal with further development
- A supermarket or shopping centre would be the most appropriate development in this location.
A health centre would be the best use of this site.
- Green Belt development is not necessary when there are brownfield sites available.
- The development would result in substantial harm to the openness of the Green Belt
- Denholme Gate is an unsustainable location
- There is sufficient cheap housing to buy and to let in this area.
- The site is too large to be classed as an infill development site
- The harm caused would be greater than any possible benefits from the scheme.
- The lack of a 5-year housing land supply within Bradford does not warrant the construction of new dwellings on open Green Belt sites.
- The case submitted is not sufficient to constitute very special circumstances that clearly outweigh the harm from the proposal.

Residential Amenity

- Neighbouring farm land will generate noise late at night which would conflict with the proposed residential use.

Highway and Pedestrian Safety

- The site is poorly served by bus services
- Increased traffic congestion
- Insufficient parking provision
- Unsafe access
- Occupants will be reliant on private transport which is unsustainable.

Biodiversity

- Harm to wildlife

Drainage

- The development will be flooded with water from the moorland.
- The sewage system is not adequate.

Healthcare

The Airedale NHS Foundation Trust has made the following comments:

A contribution of £3,724.13 should be made to the trust in order to provide additional services to meet patient demand.

General

- The local primary school is not big enough to accommodate additional pupils.
- The local doctor's surgery is not big enough to accommodate additional patients.
- Harm to air quality from increased traffic.
- Increased crime rate following the construction of new homes in the area.

- The development will harm the rural character of Denholme
- A recent affordable housing development located within the village of Denholme had to advertise for tenants from other areas, as there is such a lack of demand for affordable homes within Denholme.
- Case law clearly states that the need for affordable housing does not outweigh the harm caused to the Greenbelt.
- The number of units proposed is excessive in relation to the size of Denholme Gate
- The current poorly maintained visual impact of the site carries no weight, as the owners have simply created an eyesore in order to support redevelopment
- Approving the development would set a dangerous precedent for development in the Green Belt.
- Increased anti-social behaviour.

Consultations:

Landscape Design

The Proposed Housing site was occupied by Foreside Mill which has now been demolished. This previous use formed a built vertical buffer between Upland Pasture to the west and Mixed Upland Pasture to the east. The Landscape character as defined in the CBMDC Landscape Character supplementary planning document October 2008.

The current site character is poor following the demolition of the mill as it consists of a very intrusive ugly boundary hoarding, rubble, and a concrete hardstanding giving a general air of dereliction. This is significant visual detractor primarily from close proximity and to a lesser extent from some longer views from the B6145.

In an ideal situation the old footprint of the Mill would be reclaimed and restored to Upland Pasture. However, if this Brownfield site is to be developed for housing the outline application has been well considered with a landscape design that allows some undeveloped land to be restored to pasture, enabling some open aspect to be retained and improving on the current condition of the site.

The outline principles for open spaces and boundary treatments associated with the housing also are sympathetic with the local character. The opportunity to use a new scheme to reduce the impact of the adjacent warehouse is also beneficial.

The Frontage to the A629 will be visible from various locations but the buildings elevations are now much lower than the former Mill.

Parks and Greenspaces

Whilst it is not possible for Parks & Greenspaces to secure financial contributions through Section 106 Agreements, the proposed development will have a moderate impact on the surrounding facilities due to 41 new residential units and a financial contribution will be sought from the CIL funds to help mitigate these impacts.

If the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process

If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

West Yorkshire Combined Authority

A contribution of £20,520.50 should be made towards the provision of a residential MetroCard scheme for residents. A contribution of £26,000 should be sought for the provision of bus shelters at bus stop references 23539 and 23540.

Natural England

Natural England is of the opinion that the proposal will not cause displacement to foraging birds that are functionally linked to the South Pennine Moors SPA.

The Moorland Bird Survey indicates the proposal may cause disturbance to foraging birds through additional lighting.

The Habitats Regulation Assessment (HRA) of the Bradford Core Strategy, identifies the potential for adverse effects with respect to new housing allocations in proximity to the South Pennine Moors SPA and SAC, particularly in relation to recreational disturbance/trampling.

The Moorland Bird Survey recommends a lighting scheme is designed for the site. Your HRA should determine whether this mitigation is sufficient to avoid an adverse effect or if an appropriately worded planning condition could mitigate for these impacts.

For impacts arising from recreational disturbance, mitigation measures have been identified by your Authority in Core Policy SC8 of the Core Strategy. It will be necessary to ensure consistency between the Core Strategy and any required avoidance and mitigation measures for this proposal. Given that evidence is already available in relation to the Core Strategy and the supporting Habitats Regulations Assessment this should assist your Authority in considering the need for any avoidance and mitigation measures under the requirements of the Habitats Regulations.

Coal Authority

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Environmental Health Nuisance

No objections are raised. It is recommended that a condition is imposed to reassess internal and external noise levels to ensure compliance with guideline noise levels once

the site and building layouts have been finalised, as is suggested in the submitted Noise Impact Assessment ref 7728.1 dated 6 August 2019.

Biodiversity

Net Gain for Biodiversity- A commitment to achieving net gain on the site should be made by the applicant. This should include a baseline metric and an estimation of how much biodiversity loss, if any, can be expected. An indication of where the loss will be offset should also be provided. This will enable the LPA to be certain that sufficient land will be retained as part of the development to ensure that net-gain can be achieved. Once this is confirmed a detailed Biodiversity Enhancement and Management Plan can be secured by a planning condition.

Impact on the SPA:

The updated information demonstrates that the proposal will not cause displacement to foraging birds that are functionally linked to the South Pennine Moors SPA.

The proposal is considered to be acceptable subject to a planning condition requiring details of any external lighting in order to prevent the disturbance of moorland birds. The recreational impacts of the development on the SPA must be considered and where necessary appropriately mitigated.

Drainage

The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal, flood risk and foul water disposal for the proposed development, against the requirements of the National Planning Policy Framework, Planning Practice Guidance and local planning policies.

According to the Environment Agency's maps, the site is considered to be at low risk from surface water flooding. The developer is proposing to reduce the risk of flooding to new dwellings by raising floor levels by 300mm above adjacent ground and to allow surface water runoff to flow through the development. However, given the density of the proposed layout it isn't immediately obvious how this will happen. It is therefore recommended that a surface water flow model is provided for the proposed housing layout, showing the maximum depth of water for the 1 in 1000-year rainfall event. This should be provided with the Reserved Matters application.

The maximum permitted surface water discharge rate for the site will be 96 L/s.

The developer is advised that watercourse consent will be required for any new connection to Denholme Beck and also for grubbing up the redundant land drain, which is recorded as a culverted watercourse on our records. It will need to be demonstrated that this is now defunct.

Environmental Health Air Quality

The development is required to provide electric vehicle charging facilities at the rates set out in the West Yorkshire Low Emission Planning Guidance (1 per dwelling with dedicated parking spaces, and 1 charging point per 10 undedicated parking spaces) and to adhere to the *London Best Practice / IAQM Guidance on the Control of Dust and*

Emissions from Construction and Demolition during all demolition, site preparation and construction activities at the site.

Exposure Assessment- An exposure assessment has not been provided with this application but based on knowledge of similar sites and the adequate opportunity for pollutant dispersal it is considered unlikely that health based objectives for pollutants will be breached. However, due to the proximity to Halifax Road the site will be subject to some traffic pollution and concentrations immediately adjacent to the roadside have the potential to be significantly elevated above background concentrations.

It is noted that some of the proposed new properties are shown on the plans as being located very close to the roadside (following the line of the existing terrace housing). Whilst this may be advantageous for aesthetic reasons it would be advisable to set the houses further back from the roadside to help minimise exposure to air pollutants of new residents. Pollutant concentrations drop off rapidly with distance from a roadside and setting back by a matter of meters can offer a much improved level of protection. It would also be advisable to ensure the primary source of natural ventilation for the properties fronting Halifax Road is provided from the rear (away from the roadside) and non-habitable rooms such as kitchens and bathrooms are placed facing the road, with habitable rooms such as sitting rooms and bedrooms at the rear.

Control of Construction Emissions- Minor developments are required to adhere to Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition (as issued by IAQM) during all demolition, site preparation and construction activities.

Prior to the commencement of any development a site specific dust risk assessment should be undertaken for the site and appropriate emission mitigation control measures put in place which are proportionate to the level of identified risk (as set out in the IAQM guidance). This plan will be subject to approval by the local authority and maintained on the site for inspection in the event of any complaints about air pollution being received.

Minerals and Waste

The site is in a Minerals Safeguarding Area for sandstone, that is the area has been identified as containing a potential mineral resource that should be considered for extraction prior to development in order to prevent the sterilisation of the mineral. In accordance with policy EN12 of the Local Plan for Bradford, it is a requirement for such developments to give due consideration to extraction prior to development. However, the historical uses associated with this site and the constraints/size of the proposal are likely to inhibit mineral extraction and it is unlikely that it will be viable to extract any minerals that maybe present. Nevertheless, the policy should be noted and addressed. If it is considered appropriate to extract minerals, a Minerals Resource Assessment will be required to demonstrate the viability of extraction.

There are no other apparent minerals or waste legacy issues that would have an adverse impact on the proposed development.

Rights of Way

Public right of way Denholme 200 abuts the site. The status of the public right of way is undetermined but is considered to be at least a bridleway. In addition, public footpath Denholme 88 lies to the south of the site.

It is positive to see two links to the public right of way are indicated from the proposed development. This will allow access from the estate to the wider footpath network without having to use the main road.

There appears to be a pedestrian route provided between the two northern blocks of housing fronting Halifax Road. If the estate road is to be adopted, both this path and the routes through the public open space should be included in the adoption.

Education

The development may cause concerns on where children of families coming to reside in the development might attend school. Parents also usually have an expectation that their children would be able to secure a school place at their local school and minimise the distance they may need to travel.

The following schools are within a reasonable distance of the proposed development:
Primary: Denholme, Keelham, Cullingworth, Thornton and possibly Wilsden and Harden
Secondary: Parkside and Beckfoot Thornton

Currently across these primary schools there are some spaces in each year group, but no school has space in every year. Denholme and Keelham primary schools are the closest to this development and have space in some year groups, with other year groups overfull. Therefore, additional pupils who may come to live in these school areas may not be able to secure a place in the closest school and so need to travel further to access primary school provision.

There are currently a small number of spaces available in each year group at Parkside School, and small numbers of spaces available in some year groups at Beckfoot Thornton. However if high numbers of secondary aged pupils come to live in this development, they may need to travel further to access secondary school provision.

N.B The site is located in a nil CIL area and therefore a financial contribution cannot be sought for Education infrastructure expansion.

Highways

Visibility splays of 2.4m x 120m will be required at the site entrance and there should be no obstructions within the splays so formed. A new TRO is required to restrict parking along the site frontage on Halifax Road due to the presence on individual gates onto this road. The Council's Legal Services have raised concerns conditioning such a requirement and have suggested that this would be best covered under a unilateral undertaking. Planning should take the necessary steps to ensure this done.

The internal layout as shown is unacceptable and should be laid out to meet adoptable standards.

Parking is required at the following levels:

- o Up to two-bed dwellings should provide at least one parking space
- o Three-bed and over should have two parking spaces.
- o Visitor parking will be required at 1 space per 4 units.

Visitor parking should be laid out contiguous to the highway (in the form of a lay-by on shared surface roads) and will form part of the highway to be adopted. VP spaces at the end of a road are unacceptable and the ones shown on plan have no facility to turn around easily

N.B- The internal highway layout of the site is not under consideration and will be subject to assessment as part of a future reserved matters submission.

Environmental Health Land Contamination

Environmental Health has considered the application and the supplied document.

The Phase 1 contaminated land main report does not appear to have been included in the submission, only the appendices. The previous proposal on the site in 2017 (17/05256/MAF) included the same contaminated land report by FWS Consultants Ltd.

It was noted at the time that the report was compiled in 2008 therefore the data had not been reviewed in light of current legislation and guidance.

The report confirmed the presence of contamination on site. However, it is not clear whether further potentially contaminative activities have taken place in the eleven years since the investigation was completed. Nor is it apparent whether groundworks have been carried out which may have moved the contamination around the site, creating issues that were not present when the report was issued.

Taking the above into account it is recommended that an additional Phase 2 ground investigation is submitted. This should be submitted prior to development commencing.

Planning conditions are required in order to secure an updated Phase 2 Site Investigation Report, Remediation Strategy, Remediation Verification, details of how any unexpected contamination will be dealt with and a methodology for the quality control of any materials brought to the site.

Yorkshire Water

Waste Water- If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site.(In the interest of satisfactory and sustainable drainage)

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority .(To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network)

The Flood Risk and Drainage Strategy (prepared by Adept - Report 08.16011 dated 31/08/2017) is acceptable. In summary, the report states that foul water will discharge to public foul water sewer and surface water is proposed to be drained to culverted watercourse through the site. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.

Summary of Main Issues:

Background

Principle

Landscape Character

Housing Land Supply

Biodiversity

Density

Visual Amenity

Residential Amenity

Highway and Pedestrian Safety

Drainage

Land Contamination

Noise Nuisance

Affordable Housing

Community Safety

Further Issues Raised by Representations

Community Infrastructure Levy

Section 106 Planning Obligations

Appraisal:

Background

Planning permission for the demolition of Foreside Mill and the construction of 35 dwellings was granted in 2011. The planning permission lapsed and the mill building was subsequently demolished leaving only the floor slab and some low level remnant walls.

In 2018 an application for the erection of 42 dwellings was refused for the following reason:

The proposal is for inappropriate development within the Green Belt. The factors in favour of the development are not considered to clearly outweigh the harm the development would cause to the Green Belt. The proposal is contrary to saved policies GB1 and GB3 of the replacement Unitary Development Plan and Section 9 of the National Planning Policy Framework.

An appeal was subsequently dismissed on 14th June 2018, with the planning inspector reaching the following conclusion:

The proposal would be inappropriate development in the Green Belt which is harmful by definition. Whilst it would not conflict with the purposes of including land within the

Green Belt, the proposal would result in a reduction in openness, and there is a degree of harm arising from this as well. According to the Framework (paragraph 88) substantial weight has to be given to any harm to the Green Belt. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policies GB1 and GB3 of the RUDP.

The appeal was assessed and determined under paragraph 89 of the Framework (2012), which provided the following exception to inappropriate development in the Green Belt:

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The application site is cleared of all buildings and since the above exception did not permit a development to have a greater impact on openness than the existing development, and in the absence of very special circumstances, the inspector dismissed the appeal.

Principle

Green Belt Policy

The National Planning Policy Framework has been updated since the determination of the appeal and the current Framework (2019) differs in how it considers exceptions to inappropriate development within the Green Belt.

Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 145 goes on to list certain categories of development which form an exception to the general policy of restraint. Part (g) of paragraph 145 is relevant to the proposed development and it relates to development involving the partial or complete redevelopment of previously developed land.

The Replacement Unitary Development Plan (RUDP) for the Bradford District was adopted in 2005 and pre dates the Framework. Paragraph 213 of the Framework requires that in such circumstances due weight should be given to existing policies in accordance to their degree of consistency with the Framework.

Saved policy GB1 deals with new development in the Green Belt. Unlike paragraph 145(g) of the Framework the policy does not specifically refer to proposals involving the redevelopment of previously developed land. Policy GB1 states that the Local Planning Authority will need to be satisfied that the proposals do not conflict with the purposes of including land in the Green Belt and that they preserve the openness of the Green Belt. This differs from paragraph 145(g), which does not refer to Green Belt 'purposes' and addresses effects on openness in relation to whether or not a proposal would have a 'greater impact' or would cause 'substantial harm', depending on the circumstances.

The justification for policy GB1 is set out at paragraph 13.2 of the RUDP and it is apparent that the policy was formulated in the context of 'Planning Policy Guidance 2: Green Belts' (PPG2) which has since been superseded by the Framework.

The tests set out in Annex C of PPG2, relating to the redevelopment of major developed sites, are framed in different terms to the Framework. PPG2 prescribed height and footprint limitations for new development in the context of existing buildings, paragraph 145(g) of the Framework, and bullet point 2 which refers to 'substantial harm' requires the decision-maker to exercise discretion in assessing impacts on openness.

Accordingly, policy GB1 is inconsistent with paragraph 145(g) of the Framework and for the purposes of this application with the Framework as a whole. For this reason, policy GB1 is afforded limited weight and the application is assessed with reference to the Framework.

Whether the proposal would be inappropriate development

Paragraph 145 of the Framework sets out a number of exceptions where new buildings should not be regarded as inappropriate development within the Green Belt.

The exception relevant to this proposal is set out in the second bullet point of paragraph 145(g) which allows for the limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary building) which would not cause substantial harm to the openness of the green belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The site is comprised of the remnant floor slab, low level walls and hard standing of a demolished mill building. The site is therefore considered to constitute previously developed land as it is defined by Annex 2 of the Framework.

The development would deliver 25% of the units as affordable housing and the developer has committed to entering into a Section 106 Agreement to secure this obligation. Policy HO11 of the Core Strategy identifies that access to affordable housing is a major issue across the district and that there is a net annual requirement to provide approximately 587 new affordable homes. The development would therefore contribute towards meeting an identified need for affordable housing within the Bradford District.

Finally, for the proposal as a whole not to be considered as inappropriate development it must be considered as to whether or not the development would cause 'substantial harm' to the openness of the Green Belt.

Impact on Openness and Purposes of the Green Belt

The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.

In terms of the spatial impact of the proposal it is evident that whilst the site includes remnant low level walls and dilapidated hoardings there are no buildings on the site and it is therefore intrinsically open.

The proposal is for the construction of upto 40 dwellings with a maximum height of 2.5 storeys (9.7 metres). The indicative master plan illustrates a layout of terraced and semi-detached properties. Landscape buffer zones are provided at the northern and western edges of the site and a landscaped area of public open space is proposed within the western limb. An unsurfaced informal parking area currently forms the northern most aspect of the site and it is proposed that this is returned to pasture land. A developable areas plan indicates that the layout of 40 dwellings and associated infrastructure would occupy an area of 8339m² whilst an area of 4475m² would be dedicated to landscaped open space.

The development of upto 40 dwellings with a maximum height of 2.5 storeys would result in a significant spatial increase in built form. However, whilst there would be a perceptible increase in built form it would be viewed within the context of the existing settlement of Denholme Gate, the boundary of which the site falls wholly within. The development would be sited entirely within the footprint of the previously developed site in between an existing industrial building and dwellings to the south and a farm shop and dwellings to the north. Accordingly, whilst there would be a significant spatial increase in built form on the site the overall impact on openness would be moderate.

In visual or perceived terms, the openness of the Green Belt derives from an absence of built development. The existing site is free from buildings and therefore the proposed dwellings would result in an appreciable visual reduction in openness primarily in views from Halifax Road and at close range from the extensive public rights of way network to the west. The proposed landscaped buffer zone and boundary planting would assist with partially screening and filtering views of the development but it would remain visible from the surrounding area particularly during times of the year when trees are not in leaf and overnight, when domestic lighting would be conspicuous.

Whilst the development would be visible it would be located within the Denholme Gate settlement boundary and it would occupy a location between existing buildings, maintaining the existing linear form of the settlement, and not encroaching into open countryside. It is also evident that whilst the existing site is free from development its previously developed state means that it is entirely lacking in the tranquillity and other characteristics commonly associated with Green Belt land. Accordingly, whilst the development would have an appreciable visual impact the impact on the openness of the Green Belt would be moderate.

Paragraph 134 of the Framework advises that the Green Belt serves the following five purposes:

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

The site is located entirely within the settlement boundary of Denholme Gate and the development would be positioned in between existing buildings to the north and south. The development is therefore not considered to result in unrestricted sprawl, coalescence of settlements, or encroachment into open countryside, nor would it result in harm to the setting and special character of a historic town. The development would contribute towards urban regeneration facilitating the recycling of derelict previously developed land. Accordingly, the proposed development is not considered to conflict with the five purposes of Green Belt.

Green Belt Balance

The development would consist of the redevelopment of previously developed land and it would contribute towards meeting an identified affordable housing need in the Bradford District. The development would not result in substantial harm to the openness of the Green Belt and, in accordance with the provisions of paragraph 145(g) of the Framework, it is considered to constitute an exception to inappropriate development in the Green Belt. The development would not conflict with any of the five purposes of including land within the Green Belt.

Landscape Character

At the national level the site is located within National Character Area 36- Southern Pennines. Given the limited scale of the development and the fact that the site consists of previously developed land within an existing settlement the development is considered to have a negligible impact on the national landscape character area.

At the local level Policy EN4 of the Core Strategy requires that development proposals should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District. Policy DS2 requires that development proposals should take advantage of existing features, integrate development into the wider landscape and create new quality spaces.

The site is located within the Thornton and Queensbury landscape character area and the approach to the preservation of this area is set out in Landscape Character Supplementary Planning Document Volume 6: Thornton and Queensbury.

The SPD identifies that the site is predominantly located within the Mixed Upland Pasture character area, with the exception of the western limb which protrudes marginally into the Upland Pasture Character Area.

The Bradford Council Landscape Team have reviewed the submitted information and have advised that the derelict appearance of the site is currently a significant visual detractor. The landscape proposals included in the outline submission are well considered and allow for some undeveloped land to be restored to pasture enabling an open aspect to be retained and improving on the current condition of the site. The outline principles for open spaces and boundary treatments associated with the development are considered to be sympathetic with the local character and the development would assist with reducing the visual impact of the existing adjacent warehouse.

In conclusion, subject to securing the quantum of greenspace and ensuring that landscaping and boundary treatments are in accordance with the outline principles

contained in the Landscape Materplan the proposal is considered to have an acceptable impact on landscape character and accords with the requirements of policies DS2 and EN4 of the Core Strategy.

Housing Land Supply

Paragraph 59 of the Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. The adopted Core Strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030. Policy HO3 of the Core Strategy identifies the need to accommodate 3,400 dwellings within the South Pennine Towns and Villages upto 2030.

The Bradford Council Five Year Housing Land Statement (2018-2023) indicates that the 5-year deliverable supply currently stands at 2.06 years. Under these circumstances paragraph 11d of the Framework confirms that the relevant policies for the supply of housing should not be considered up-to-date and the 'tilted balance' is engaged.

In light of the record of persistent under-delivery and the chronic housing land supply shortfall relative to the requirements of the Framework, there is an urgent need to increase the supply of housing land in the District. The contribution that this development would make towards addressing both market housing and affordable housing need is therefore a significant benefit of the proposal and one which is afforded significant weight.

Biodiversity

Impact on Habitats and Species Outside Designated Sites

Policy EN2 seeks to protect biodiversity within the District and to identify principles for enhancing the overall biodiversity resource and stemming losses.

The site is not specifically locally designated for its biodiversity value and in such areas policy EN2(d) requires that proposals that may have an adverse impact on important habitats and species outside designated sites need to be assessed according to the following criteria

1. The potential for adverse impact on important/priority habitats that occur outside designated sites
2. The potential for adverse impact on species of international, national and local importance
3. The extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out
4. As a last resort, the extent to which appropriate measures to compensate any potentially harmful impacts can be identified and carried out.

The site is currently comprised of hard surfacing from the previously demolished mill building and access, ruderal and scattered scrub, and areas of semi-improved grassland. The development of the site is therefore not considered to have any adverse impacts on important or priority habitats.

Given the existing site characteristics the site is not considered to provide suitable habitat for species of international, national or local importance. The submitted Moorland Bird Survey indicates the proposal may cause disturbance to foraging birds through additional lighting. However, it is considered that this can be effectively mitigated by a planning condition requiring the submission of details of all external lighting in order to minimise the degree light spillage emanating from the site.

Impact on South Pennine Moors SPA and SAC

The impact of the development on the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) requires consideration in accordance with policy SC8 of the Core Strategy. In terms of the aforementioned policy the Zone B and C impacts of the development require consideration. Zone B is the zone in which potential impacts on “functionally linked” land (i.e. land used as foraging for the SPA bird species within 2.5kms of the SPA) need to be considered. The site is predominantly comprised of hard surfacing from the previously demolished mill building and its access. Ruderal and scattered scrub vegetation are evident in areas of broken ground and there are areas of poor semi-improved grassland landscaping and immature trees. The site is therefore not considered to provide functionally linked foraging habitat for SPA bird species.

Zone C impacts are the impacts that would arise from the development as a result of increased recreational pressure on the SPA and SAC. The proposed development would benefit from on-site greenspace provision the quantum of which will be required to be incorporated into any subsequent reserved matters application. It is considered that the provision of on-site greenspace would be sufficient to ensure that the recreational pressures of the proposed development on the SPA and SAC would be effectively mitigated.

The proposed development is therefore considered to accord with the requirements of policy SC8 of the Core Strategy.

Enhancement

The Framework requires that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity. At the local level policy EN2 of the Core Strategy requires development proposals to contribute positively towards the overall enhancement of the District’s biodiversity resource.

The application is in outline form with all matters reserved and as such, at this stage, it is only necessary to determine if net gains can be achieved whilst accommodating a development of upto 40 dwellings.

The submission includes a developable areas plan which indicates that a development of upto 40 dwellings would be accommodated in an area of 8339m² and an area of 4475m² would be dedicated to landscaped open space provision. A Net Gain Analysis has been carried out which demonstrates that, given the current poor biodiversity value of the site, the development provides the potential for substantial biodiversity gains to be achieved through habitat creation primarily within the newly created open space.

In the event that planning permission is granted the developable areas plan will be required to form part of any subsequent reserved matters submission for consideration of layout. The submission of a Biodiversity Enhancement and Management Plan will be required by a planning condition to ensure that the specific details of how net gain will be achieved are secured once available.

In conclusion it is considered that subject to planning conditions the development will enable net gains to be achieved for biodiversity. This aspect of the proposal is considered to accord with the requirements of the Framework and policy EN2 of the Core Strategy.

Density

Policy HO5 of the Core Strategy advises that residential development should usually achieve a minimum density of 30 dwellings per hectare. This submission has all matters reserved but it includes an indicative site layout plan which illustrates a potential arrangement of 40 dwellings. Approval is not sought for this layout, as all matters are reserved, but it is considered that the indicative layout demonstrates that 40 residential units could be accommodated on the site. The site has an area of 1.27 hectares and the development of 40 dwellings would provide a density of 31 dwellings per hectare.

Visual Amenity

The indicative site layout plan illustrates the provision of 40 dwellings with terraced properties sited adjacent to Halifax Road and semi-detached properties across the remainder of the site. The design, layout and appearance of the properties are subject to detailed approval at the reserved matters application stage, with only the number of units and the maximum height determined at this stage. However, subject to the approval of details it is considered that upto 40 two and a half storey units can be accommodated on the site without resulting in any adverse visual amenity implications and in accordance with the requirements of policies DS1 and DS3 of the Core Strategy.

Residential Amenity

Policy DS5 requires that the design of the development should ensure that amenity of existing or prospective residents is not compromised. The detailed layout of the development is not under consideration and will form the subject of a future reserved matters application at which point it will be ensured that the development meets with standards set out in the Homes and Neighbourhoods Design Guide Supplementary Planning Document. The indicative site layout indicates that the required separation distances are achievable with the quantum of development proposed.

Highway and Pedestrian 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.

As this is an outline application with all matters reserved, at this stage, it is only necessary to consider the impact of the development in terms of capacity and congestion and if suitable access into the site is achievable. The internal highway layout of the site is not under consideration and will be considered as part of a future reserved matters submission.

The proposed development of upto 40 dwellings would not result in a significant number of additional vehicle trips in the locality and therefore the development would not have a significant impact on the surrounding highway network in terms of capacity and congestion.

The development includes the provision of new bus shelters at bus stop references 23539 and 23540, and Electric Vehicle Charging points at a rate of one per dwelling. The EV charging provision can be secured by a planning condition whilst the bus shelter provision will be secured as part of a Section 106 Agreement.

A new access with pedestrian footways is to be provided into the site from Halifax Road. The existing footpath along the site frontage is to be widened to 2 metres. The submitted information demonstrates that the new access would benefit from sufficient visibility to ensure that safe and suitable access into the site can be achieved for all users.

In order to ensure that suitable visibility is retained at the site access the Highways Development Control Department have requested that a Traffic Regulation Order (TRO) is promoted along the site frontage with Halifax Road. This can be ensured by a planning condition in the event that permission is granted.

The internal highway layout of the development is not under consideration. However, the indicative master plan demonstrates that the site is of a sufficient size to accommodate off street car parking for 40 dwellings in accordance with the requirements of policy TR2 and Appendix 4 of the Core Strategy. The internal highway layout and detailed proposals for off-street car parking will be considered as part of a future reserved matters application.

In conclusion it is considered that appropriate opportunities have been taken to promote sustainable transport modes, safe and suitable access can be achieved into the site for all users and the development would not have a significant impact on the surrounding highway network in terms of capacity and congestion. Accordingly, the development is considered to accord with paragraphs 108 and 109 of the Framework.

Drainage

Paragraph 163 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient;

- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165 of the NPPF sets out the importance of the use of sustainable drainage systems for Major developments and requires that the systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits

At the local level the objectives of the NPPF are reflected in Environment policy EN7 of the Core Strategy which states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that 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.

The Councils Drainage Unit (acting as Lead Local Flood Authority) have advised that they have no objection to the proposed development subject to the imposition of planning conditions requiring the submission of full details and calculations relating to the proposed means of foul and surface water drainage; a requirement for the development to be drained using separate foul and surface water drainage systems; a Maintenance Plan for the surface water drainage scheme and details of the finished ground floor levels, road levels and finished land levels.

The proposed development is considered to be appropriately flood resistant and flood resilient. Through the imposition of the suggested planning conditions the development will be served by acceptable drainage infrastructure based on SuDS principles and suitable maintenance arrangements will be put in place to ensure an acceptable standard of operation for the lifetime of the development. The proposal is therefore considered to accord with the requirements of policy EN7 of the Core Strategy and paragraphs 163 and 165 of the NPPF.

Land Contamination

Paragraph 178 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and any application should ensure that adequate site investigation information, prepared by a competent person, is available to inform these assessments.

At the local level the requirements of the NPPF are set out in Environment policy EN8 (B) which requires that proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment.

The Environmental Health Department have reviewed the submitted and have advised that they have no objections to the development subject to the imposition planning conditions requiring the submission of a Phase 2 site investigation and risk assessment, a detailed remediation strategy, a remediation verification report and a methodology for the quality control of any material brought to site for use in filling, level raising, landscaping and garden soils. A further condition is required detailing how any unexpected contamination will be dealt with should any arise once development commences.

It is considered that subject to the aforementioned conditions suitable remedial measures can be identified and carried out to ensure that the development will not pose a risk to human health, public safety, or the environment. The proposal is therefore considered to accord with policy EN8 of the Core Strategy and paragraph 178 of the NPPF.

Noise Nuisance

Paragraph 180 of the Framework requires decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Noise pollution is one such consideration and there is a requirement to mitigate and reduce, to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

At the local level policy EN8 of the Core Strategy requires that proposals for development must identify potential nuisance issues (including noise, vibration, odour, light and dust) arising from the nature of the proposal and address impacts on that development from existing land uses.

A Noise Impact Assessment of the site has been carried out which identifies the primary existing noise risks on site as road traffic noise from the A65 Halifax Road and noise from the commercial operations of the neighbouring Denholme Velvets site to the immediate south of the development site.

As the layout of the development is not under consideration at this stage the specific impact in terms of noise on each individual unit proposed cannot be calculated. However, the Noise Impact Assessment has considered the impact of existing sources of noise on the site as a whole and it is concluded that through appropriate layout and orientation of the properties, acoustic screening to the southern boundary of the site, and the inclusion of high acoustic performance glazing and ventilation a residential development can be achieved which would provide internal and external noise levels below guideline values.

Accordingly, a condition will be imposed to ensure that any future application for consideration layout will be formulated to include the noise mitigation proposals contained within the submitted Noise Impact Assessment. Subject to the aforementioned condition the residential development of the site is considered to be acceptable and in accordance with the requirements of the Framework and policy EN8 of the Core Strategy.

Affordable Housing

The NPPF sets out the need to provide affordable housing as part of major residential development proposals. Paragraph 64 of the NPPF states that where affordable housing is required the expectation is that it will be provided on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities.

At the local level housing policy HO11 of the Core Strategy sets out the affordable housing requirements and aims to ensure that a sufficient supply of good quality affordable housing is delivered to meet the affordable housing needs of the District.

The development site is located in Bingley Rural ward where, subject to viability 20% of units are required to be provided as affordable housing.

The developer has committed to entering into a Section 106 Agreement to provide 25% of the units as affordable housing. The proposal would therefore marginally exceed the affordable housing requirements of policy HO11 of the Core Strategy. Given the lack of a five-year housing land supply for the district as identified in the Bradford Council Five Year Housing Land Statement April 2018-March 2023 and the shortfall in affordable housing provision identified in the Bradford Strategic Housing Market Assessment 2019 it is considered that the provision of both market housing and a level of affordable housing that exceeds current policy requirements should be afforded substantial weight in favour of the proposal.

Community Safety

Policy DS5 requires that development proposals are designed to ensure a safe and secure environment and reduce opportunities for crime.

The detailed layout of the site is not under consideration as part of this application as it will be considered as part of a future reserved matter submission, as which time comments on the proposed layout will be sought from the Police Architectural Liaison Officer. At this stage there is no reason to anticipate that a layout cannot be achieved which would incorporate secure by design principles and which would be suitable crime resistant in accordance with the requirement of policy DS5 of the Core Strategy.

Further Issues Raised by Representations

The development will increase the risk of surface water flooding from the moors.

The proposed development has been reviewed by the Lead Local Flood Authority and no objections are raised subject to planning conditions, including conditions requiring the submission of a detailed surface water drainage strategy and maintenance plan. The conditional details will be reviewed by the Lead Local Flood Authority and will only be accepted where the proposals minimise run-off and do not increase flood risk elsewhere, in accordance with the requirements of policy EN7 of the Core Strategy.

There are not enough places available in local schools and at GP surgeries.

The site is located within CIL 'Residential Zone 4' and therefore a contribution towards off-site infrastructure provision cannot be sought from this development. Contributions are collected from other developments in CIL charging areas across the district and funds are allocated towards areas of need, including expanding education infrastructure, on an annual basis. In terms of NHS services eg. GP', this is a matter for the NHS, not the Council and it would be for the NHS to plan for any increased demands on its services.

The development will result in excessive traffic.

The development of upto 40 dwellings is not considered to result in a sufficient number additional vehicle trips to have a severe adverse impact on the surrounding highway network in terms of capacity or congestion.

The site is poorly served by public transport.

The site is located within the recommended 400m from the nearest bus routes that operate on Halifax Road. Bus services which operate on Halifax Road include the 67/68 which operate between Bradford and Keighley. The development would also improve local public transport infrastructure by providing a contribution of £26,000 to the provision of bus shelters at bus stop references 23539 and 23540 on Halifax Road.

The development will result in increased pollution from vehicles.

It is accepted that the proposed development would result in some additional 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 will be secured by a planning condition at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy.

There are already enough houses in Denholme.

The Core Strategy sets out a requirement to provide 42,100 new residential units in the Bradford District by 2030. This includes the provision of 3,400 new dwellings within the South Pennine Towns and Villages, which include the settlement of Denholme Gate. A five year supply of housing land cannot currently be demonstrated in the Bradford District and the proposed development would make a valuable contribution towards meeting unmet housing need.

The proposed residential development is not compatible with the farm land located immediately to the west of the site.

The farm land to the west of the site is not considered likely to constitute a source of noise nuisance which would compromise the residential amenity of the future occupants of the site.

Increased risk of crime.

The application is currently in outline form with all matters reserved. However, the design and layout of the development will be assessed as part of future reserved matters applications and the development will be required to be designed to ensure a

safe and secure environment which reduces opportunities for crime in accordance with the requirements of policy DS5 of the Core Strategy.

The development will spoil an attractive rural area.

The site is previously developed land and is devoid of any characteristics that could reasonably be said to constitute an attractive rural area. The Landscape Architect has reviewed the submission and confirmed that the site is a significant visual detractor. The proposed development provides the opportunity to regenerate the site and secure a substantial amount of managed greenspace with high quality landscaping and biodiversity enhancements.

Case law clearly states that the need for affordable housing does not outweigh the harm caused to the Greenbelt.

It is a fundamental principle of the planning system that the weight to be afforded to each issue is solely a matter for the decision maker. The provision of affordable housing is a single material consideration in favour of the development which, along with any other benefits of the scheme, are required to be weighted accordingly against any harm incurred to the Green Belt and any other harm arising from the development.

If the application is approved, it would set a dangerous precedent for development within the greenbelt.

Each application is examined on its own merits taking into account the individual circumstances of the site and the specific material considerations pertaining to it. It is for the decision maker in each case to undertake the planning balancing exercise before reaching a conclusion. Accordingly, this application is not considered to set a precedent for development within the Green Belt.

The lack of a 5-year housing land supply within Bradford does not warrant the construction of new dwellings on open Green Belt sites.

Meeting unmet housing need is a single material consideration. In the absence of a five year supply of housing land the provision of new housing is afforded significant weight in favour of the proposal. This benefit, along with all other benefits of the scheme, has been balanced against any harm incurred to the Green Belt and any other harm arising from the development. It should also be noted that Planning Practice Guidance advising that unmet housing need is unlikely to clearly out harm to Green Belt has now been removed.

An application for a single infill dwelling, on a site located 200 yards from this, was refused by the council and dismissed by the planning inspectorate because of harm to openness.

Each application is examined on its own merits taking into account the individual circumstances of the site and the specific material considerations pertaining to it. It is for the decision maker in each case to undertake the planning balancing exercise before reaching a conclusion.

By approving this application, the LPA would be leaving itself wide open to a judicial review.

The judicial review process is intended to focus on the legality of decision making rather than to act as a review of the merits of a decision.

The development should not be considered as infill development under policy GB3 of the Replacement Unitary Development Plan.

The development has not been assessed against the requirements of policy GB3 of the Replacement Unitary Development Plan as the proposal is not an infill development.

The case submitted is not sufficient to constitute very special circumstances that clearly outweigh the harm from the proposal.

The proposed development is considered to constitute an exception to inappropriate development in the Green Belt and therefore very special circumstances do not need to be demonstrated in the instance.

The nearest supermarket is 8 miles away.

The nearest supermarket is located 1.6 miles from the site in Denholme. There is also a large farm shop located within approximately 1 mile of the site which sells a broad range of products.

The fact that affordable homes are being proposed carries little weight in planning terms, when homes can be rented for £400 a month within Denholme.

The Bradford Strategic Housing Market Assessment (2019) indicates that there is a net annual shortfall of 441 affordable dwelling across the Bradford District. Policy HO8 of the Core Strategy identifies the delivery of a sufficient amount of affordable housing as a key strategic priority for the council. The provision of 25% of the units on an affordable basis is therefore considered to constitute a significant benefit of the scheme and one which should be afforded substantial weight.

The current poorly maintained visual impact of the site carries no weight, as the owners have simply created an eyesore in order to support redevelopment. The council should take legal action to make the site safe and visually pleasant as is the case at the former Jacobs Well building which has recently been demolished in the town centre.

It is acknowledged that the council can serve an 'amenity' notice on the owner of any land which is in an unreasonably untidy condition under section 215 of the Town and Country Planning Act. The expediency of such action would require assessment by Planning Enforcement. The current visual appearance of the site is not a determinative factor in the assessment of the application. However, the development does provide the opportunity to secure high quality landscaping and biodiversity enhancements at the site, which could not be secured through the Section 215 process.

A contribution of £3,724.13 should be made to the Airedale NHS Foundation trust in order to provide additional services to meet patient demand.

Having reviewed the submitted information, it is considered that there is no evidence that the development will produce demands above and beyond the health demands planned for by population growth. The submitted information does not provide clear

evidence that the trust cannot currently meet the demand (and the nature of that demand) that the development might generate. In addition, the contribution is not related to the infrastructure or services that correlate to the demand requirement(s) of the development. Furthermore, it is not considered to be reasonable to require the developer to supplement an NHS running costs funding regime, which is set by Government and can only be assumed is set to be adequate and reasonable to meet health needs.

Community Infrastructure Levy

The site is located in CIL Zone 4 which is a nil charging zone.

Section 106 Obligations

Planning permission would be subject to a Section 106 agreement for the delivery of:

-25% affordable housing provision on-site;

-Open Space Obligation

- Obligation to Provide the Public Open Spaces shown on drawing reference 103 Rev A, to a minimum area of 4,475m², as open spaces [containing no buildings] in perpetuity;

-A contribution of £26,000 to provide bus shelters at bus stop references 23539 and 23540

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 received 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 that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics.

Reason for Granting Planning Permission:

The proposal is considered to represent a sustainable form of development which would provide much needed new housing, including affordable housing, whilst not resulting in a substantial adverse impact on the openness of the Green Belt or the purposes of including land within it. The proposed development is not considered to result in any adverse implications in respect of landscape character, biodiversity, residential amenity, visual amenity, highway and pedestrian safety, sustainable drainage, land contamination, noise nuisance, or air quality. Accordingly, the development is considered to accord with the requirements of policies P1, SC1, SC4, SC8, SC9, TR1, TR2, TR3, HO5, HO6, HO8, HO11, EN2, EN4, EN5, EN7, EN8, DS1, DS3, DS4, DS5 and ID3 of the adopted Core Strategy and the National Planning Policy Framework.

Conditions:

1. Timescale

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. Timescale

The development to which this notice relates must be begun no later than the expiration of 2 years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

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

3. Reserved Matters

Before any development is begun plans showing the:

- i) access,
- ii) appearance
- iii) Landscaping
- iv) layout,
- v) and scale

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

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

4. Approved Plans

The development hereby approved shall only be carried out in accordance with the approved plans and information listed below:-

J787 access fig 1-dated- 08.08.2019
3226-103 REV C-dated- 14.07.2021

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

5. Building Height Limit

No building on any part of the development shall exceed 9.7 metres in height, 8.8 metres in width or 10 metres in depth.

Reason: To ensure that the development is of a scale which is in keeping with the character of the surrounding area and to accord with policy DS3 of the Core Strategy.

6. Unit Number Limit

The development hereby approved shall not exceed a maximum of forty (40) dwellings, the details of which shall be submitted as part of the application(s) for the approval of reserved matters.

Reason: To ensure that the development conforms with the approved outline Planning Permission and stays within the maximum assessed level of development from an openness and landscape character perspective.

7. Biodiversity Enhancement Plan

Any application for approval of reserved matters with respect to layout and landscaping shall include a Biodiversity Enhancement Plan, prepared by a suitably qualified ecologist, which demonstrates biodiversity net gain and includes details of the management and maintenance arrangements. The agreed enhancement measures shall be implemented, and retained thereafter, in accordance with the approved details.

Reason: In the interests of ecological protection and biodiversity, in accordance with policy EN2 of the Core Strategy.

8. Noise Mitigation

Any reserved matters application requesting consideration of layout shall be formulated in accordance with the recommendations made in sections 8 and 9 of the Apex Acoustics Noise Impact Assessment ref 7728.1, dated 6 August 2019.

Reason: To ensure that the amenity of future residents will not be compromised and that the on-going operation of the existing neighbouring commercial use will not be prejudiced in accordance with the requirements of policy DS5 and EN8 of the Core Strategy.

9. Landscaping

Any reserved matters application requesting consideration of landscaping shall be formulated in accordance with the mitigation proposals contained in section 9.1 of the Landscape and Visual Impact Appraisal Rev B- dated March 2021- by tpm landscape.

Reason: In the interests of visual amenity and maintaining the character of the Thornton and Queensbury Landscape Character Area in accordance with policies DS2 and EN4 of the Core Strategy.

10. Foul and Surface Water Drainage Details

The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The maximum surface water discharge rate, to Denholme Beck, shall not exceed 96 (ninety-six) litres per second. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of effective drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

11. Surface Water Drainage Maintenance Plan

The development shall not begin until a Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Lead Local Flood Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved Plan.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of effective drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

12. Drainage Levels

The development shall not begin until a plan showing the ground floor levels, road levels and finished ground levels has been submitted to and approved in writing by the Lead Local Flood Authority. The development shall be built in accordance with the approved plan.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of effective drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

13. Drainage on Separate Systems

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

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies Policy EN7 of the Core Strategy Development Plan Document

14. Electric Vehicle Charging

Before the date of first occupation every household on the development shall be provided with access to a purpose built EV charging point. The charging points shall be provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- o A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) provided at every residential unit that has a dedicated parking space
- o One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces
- o Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational.
- o Charging points installed shall be retained thereafter.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

15. Dust Risk Assessment

A site specific dust risk assessment shall be undertaken for all construction, demolition and earthworks undertaken at the site and an appropriate dust control plan put in place for all relevant stages of work. The dust risk assessment and control measures shall be developed in accordance with the IAQM guidance on the assessment of dust from demolition and construction. Plans will be subject to approval by City of Bradford MDC and should be maintained on site for inspection throughout the duration of the project. All works on site shall be undertaken in accordance with the approved dust management plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity and health of surrounding residents in line with the Council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

16. Site Investigation Implementation

Prior to construction of the houses, a Phase 2 site investigation and risk assessment, in addition to that already submitted, must be submitted. 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.

Reason for pre-commencement: It is necessary to identify appropriate remedial measures before commencement, to ensure that the development will not pose a risk to human health, public safety and the environment.

17. Remediation Strategy

Prior to commencement of the development 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.

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.

Reason for pre-commencement: It is necessary to identify appropriate remedial measures before commencement, to ensure that the development will not pose a risk to human health, public safety and the environment.

18. Remediation Verification

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.

19. 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.

20. Material 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.

21. Construction Hours

Construction work shall not be undertaken outside the following hours:

Monday to Friday	8.00 a.m. to 6 p.m.
Saturday	8.00 a.m. to 1 p.m.
Sundays, Public/Bank Holidays	No working.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policy DS5 of the Core Strategy Development Plan Document.

22. Permitted Development Rights Removed A-E

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

23. Visibility Splays

Before any part of the development is brought into use or occupation, the visibility splays shown on Drawing reference J787 access fig 1 shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with paragraph 108 of the National Planning Policy Framework.

24. Traffic Regulation Order: Halifax Road

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

Reason: In the interest of highway and pedestrian safety and to accord with paragraph 108 of the National Planning Policy Framework.

25. External Lighting Scheme

Details of the location, height, design, and luminance of any external lighting, which shall be designed to minimise light spillage onto land outside of the site boundary, shall be submitted to and approved in writing by the Local Planning Authority before any external lighting is used on site.

Reason: To ensure that adequate measures are taken to protect wildlife and habitats in accordance with policy EN2 of the Core Strategy.

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