

## Agenda for a meeting of the Regulatory and Appeals Committee to be held on Friday, 15 September 2023 at 10.00 am in Council Chamber - City Hall, Bradford

### Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Salam Shafiq Alipoor Mullaney	Brown Sullivan	Edwards

### Alternates:

LABOUR	CONSERVATIVE	GREEN
Engel I Hussain S Hussain Lal	Pollard Glentworth	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 promptly at 0930 in the Council Chamber on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

### From:

Asif Ibrahim

Director of Legal and Governance

Agenda Contact: Yusuf Patel

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### To:

## A. PROCEDURAL ITEMS

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

The Director of Legal and Governance 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 must consider their interests, and act according to the following:*

<b>Type of Interest</b>	<b>You must:</b>
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest; not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being (a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and (b) a reasonable member of the public knowing all the facts would believe that</i>

*it would affect your view of the wider public interest; in which case speak on the item only if the public are also allowed to speak but otherwise do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.*

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *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.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. MINUTES**

**Recommended –**

**That the minutes of the meeting held on 1 June 2023 be signed as a correct record.**

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

### **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 / Jane Lythgow 07970 411623)

## B. BUSINESS ITEMS

### 5. MEMBERSHIP OF SUB-COMMITTEES

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

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

### 6. LAND WEST OF 177 THORNTON ROAD BRADFORD - 23/01541/MAF

1 - 42

The Assistant Director Planning, Transportation and Highways will submit a report (**Document “C”**) which sets out a proposal for construction of an energy centre with associated access and landscaping, and the temporary use of adjacent land for contractor activities and material storage at land West of 177 Thornton Road Bradford. - 23/01541/MAF.

**Recommended –**

**That the application be approved subject to the conditions set out in Appendix 1 to Document “C”.**

(Carole Howarth - 01274 434605)



## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 15 September 2023.**

**C**

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**Subject:**

Construction of an energy centre with associated access and landscaping, and the temporary use of adjacent land for contractor activities and material storage.

Ref : 23/01541/MAF.

Land West Of 177 Thornton Road Bradford.

**Summary statement:**

The proposal is for the construction of an energy centre, using Air Source Heat Pumps (ASHP) to provide heat energy. ASHPs work by transferring heat from the outside to water using a compressor circuit with evaporators on the roof of the energy centre, along with condensers inside the energy centre. This water will be stored in the thermal tanks before being circulated in an underground pipe network (the majority of which is subject to separate planning applications) across the city and is currently being installed.

The ASHPs will be supplemented by gas boilers to provide additional heat at times of peak demand.

A Section 106 agreement would provide a contribution towards improvements to Bradford Beck of £20,000 and a Biodiversity Net Gain contribution of £12,750.

The application is recommended for approval subject to the completion of the S106 and the imposition of the recommended conditions.

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Richard Hollinson  
Assistant Director (Planning,  
Transportation & Highways)  
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Principal Planning Officer  
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**Portfolio:**  
**Regeneration, Planning and Transport**

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

## **1. SUMMARY**

This is a planning application 23/01541/MAF for Full planning permission for:

Construction of an energy centre with associated access and landscaping, and the temporary use of adjacent land for contractor activities and material storage.

Land West Of 177 Thornton Road Bradford.

## **2. BACKGROUND**

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

## **3. OTHER CONSIDERATIONS**

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

## **4. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications for the Council arising from this application.

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

No implications.

## **6. LEGAL APPRAISAL**

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

## **7. OTHER IMPLICATIONS**

N/A

### **7.1 EQUALITY & DIVERSITY**

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

### **7.2 SUSTAINABILITY IMPLICATIONS**

The site is considered to be within a sustainable location due to its proximate to the city centre where existing and proposed buildings can be readily connected to the Energy Centre by means of pipework currently being laid. Providing for a sustainable District Heat Network (DHN).

### **7.3 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS**

One of the primary aims of this proposal is to reduce carbon emissions from buildings connected to the DHN connected buildings, improving air quality in the city centre and supporting the Clean Air Zone. There would initially be the removal of approximately

25MW of gas boilers from in and around the city centre, as the hot water generated by the Energy Centre ASHPs would provide the heating and hot water to buildings.

The buildings to benefit would be primarily public buildings in the first instance, but as the network expands businesses and residents of Bradford could link and assist in the transition to netzero.

The construction of an Energy Centre has the potential to speed up the achievement of carbon reductions by enabling a simpler route to zero carbon heat than a building-by-building approach (which requires each building owner to overcome the technical and commercial hurdles to decarbonisation by themselves and produces no benefit to others).

There is the potential to expand, as organisations and business note their own net zero targets and seek to connect to a heat network which provides a low-cost heat decarbonisation option.

#### **7.4 COMMUNITY SAFETY IMPLICATIONS**

Core Strategy Policy DS5, that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime, this is considered within the report in out in Appendix 1.

#### **7.5 HUMAN RIGHTS ACT**

Article 6 – 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. This is incorporated within the report attached as Appendix 1.

#### **7.6 TRADE UNION**

None.

#### **7.7 WARD IMPLICATIONS**

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

#### **8. NOT FOR PUBLICATION DOCUMENTS**

There are no 'not for publication' documents.

#### **9. OPTIONS**

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

If the Committee decide that planning permission should be refused, reasons for refusal will have to be given based upon development plan policies or other material considerations.

#### **10. RECOMMENDATIONS**

To approve subject to conditions included in Appendix 1.

#### **11. APPENDICES**

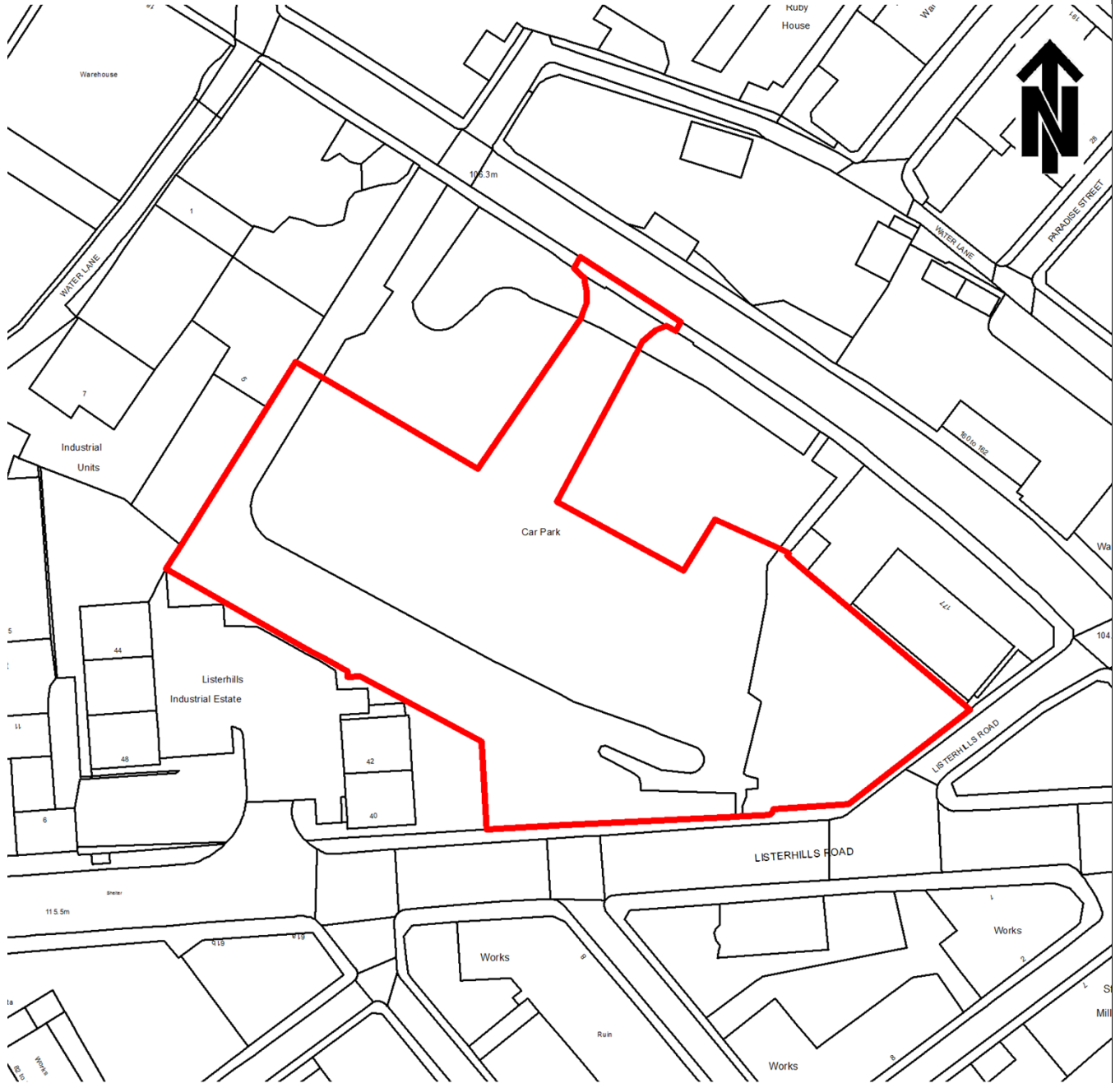
Appendix 1: Technical Report.

**12. BACKGROUND DOCUMENTS**

- National Planning Policy Framework
- The Replacement Unitary Development Plan for Bradford District
- Bradford City Centre Area Action Plan
- The Core Strategy Development Plan Document
- The Emerging Local Plan.



23/01541/MAF



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**Land West Of 177  
Thornton Road  
Bradford  
West Yorkshire**

Notes:

Thursday 31 August 2023

**Appendix 1.**

**Ward: City**

**Recommendation:**

TO GRANT PLANNING PERMISSION subject to conditions and a S106 agreement for a commuted sum for offsite woodland and commuted sum for offsite works to Bradford Beck.

Authority to be given to the Assistant Director Planning, Transportation and Highways to issue the grant of planning permission upon satisfactory completion of the s106.

**Application Number:**

23/01541/MAF

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

Construction of an energy centre with associated access and landscaping, and the temporary use of adjacent land for contractor activities and material storage.  
Land West Of 177 Thornton Road Bradford.

**Applicant:**

Bradford Energy Limited (1 Energy Ltd)

**Agent:**

Mr John Brooks - WSP

**Site Description:**

The site sits within the former Thornton Road car park, off Thornton Road. There is a large area of hardstanding with areas of trees and scrub, primarily along the boundaries. The application site comprises the southern portion of the former Thornton Road car park and the main access to this proposal would be off Thornton Road via a strip of land from Thornton Rd to the southern part of the site.

The surrounding area predominantly comprises commercial uses, specifically related to vehicles, including car washes, vehicle rentals, auto parts stores, body shops and car dealerships. The nearest residential dwellings are c.90m to the south (Campus House) and c.100m to the north (Colonnade House and Summer Berry Residences). The surrounding area features a range of building heights from single to c.6-storeys in the immediate vicinity, as well as further c.6 and larger 9-storey blocks further afield to the north (Colonnade House and Summer Berry Residences).

The site was historically a gas works, and more recently in use as a car park, with the latter use ceasing c. 2010.

Bradford Beck is in culvert to the southwestern part of the application site.

The site is currently in use for the temporary storage of pipes and equipment associated with this proposed Energy Centre and the associated pipe network which is currently being laid.

The site is in the Clean Air Zone.

**Relevant planning History:**

<b>Description</b>	<b>Application Number</b>	<b>Date/Status</b>
Outline application for a mixed-use scheme comprising up to 307 apartments, petrol filling station, drive-thru and three retail units.	<b>22/00498/MAO</b>	Granted – 3 July 2023
Temporary Car Park	<b>96/02518/REG</b>	Granted - 20 Dec 1996

**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: -

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and,

an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and 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.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of the emerging Local Plan ‘One Local Plan’ for Bradford which will include the allocation of sites.

The following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

P1 Presumption in Favour of Sustainable Development

SC1: Overall Approach and Key Spatial Priorities

SC2: Climate Change and Resource Use  
SC3: Working together to make Great Places  
SC9: Making Great Places  
BD1: The Regional City of Bradford  
BD2: Investment Priorities for the Regional City of Bradford  
EC1: Creating a successful and competitive Bradford District economy within the Leeds City Region  
EC2: Supporting Business and Job Creation  
EC3: Employment Land Requirement  
EC4: Sustainable Economic Growth  
TR1: Travel Reduction and Modal Shift  
TR2: Parking Policy  
TR3: Public Transport, Cycling and Walking  
EN2: Biodiversity and Geo-diversity  
EN3: Historic Environment  
EN5: Trees and Woodland  
EN6: Energy  
EN7: Flood Risk  
EN8: Environmental Protection  
DS1: Achieving Good Design  
DS2: Working with the Landscape  
DS3: Urban Character  
DS4: Streets and Movement  
DS5: Safe and Inclusive Places  
ID1: Viability  
ID3: Developer Contributions

#### **Bradford City Centre Area Action Plan**

Site allocation V/1.2 former gas works and foundry - Thornton Road/Listerhills Road. Residential led mixed-use, minimum expected development threshold 400 units.

Policy BF4 - District Heat Networks  
Policy CL2: Flood Risk  
Policy M1: Walking, Cycling and Public Realm  
Policy M4: Impact of New Development upon the Transport Network.  
Policy M5: Biodiversity in the City Centre  
Policy BF1: The Nature of the Built Form  
Policy BF2: Tall Buildings  
Policy BF3: Built Form and the Environment

#### **Emerging Local Plan ('One Local Plan' for Bradford)**

The Council has published its draft Local Plan and the site is noted as a Strategic site for Housing (HO1).

Policy EN10: Energy

The Local Plan is at Preferred Options Stage.

#### **Bradford Clean Air Plan**

#### **West Yorkshire Low Emissions Strategy 2016–2021**

**Parish Council:**

None

**Publicity and Number of Representations:**

The application was advertised June 2023 by press notice, site notices and neighbour notification letters. The expiry date for the publicity exercise was the 30 June 2023.

As a result of the publicity exercise no representations have been received.

**Consultations:**

Some consultees have provided more than one response, as their initial response may have raised an issue or sought clarification – a summary of the relevant responses and updated responses (in alphabetical order) are set out below. The full responses of all consultees can be found at <https://planning.bradford.gov.uk/online-applications/> utilising the application reference number 23/01541/MAF.

**Biodiversity Officer**

18 July 2023:

*“We are aware that these proposals have the potential to provide significant reductions in carbon emissions in Bradford District through the production of clean energy and we are supportive of the scheme and keen to work through any issues. However, we are unable to support this application at this stage as the Biodiversity Net Gain Assessment is incomplete due to the omission of river habitat units and a failure to meet trading rules in area habitats.”*

Biodiversity Net Gain – noted did not comply

Bradford Beck – officer sought opening up/de-culverting of Beck

*“An overall loss of woodland also means the proposal fails to comply with Policy EN5 of Bradford’s Core Strategy which requires development to not result in net loss of woodland habitat.*

*.... bat roost and bird nest features should be provided within the new building if possible and on any retained trees or other features around the site which may be suitable.*

*A full invasive species survey of the site will be required... “*

15 Aug 2023:

*“Whilst we are disappointed that it has not been possible to reach an agreement about the opening up of Bradford Beck within the site and as such it has not been possible to secure 10% BNG Watercourse Units within the site, we are satisfied that an alternative solution to improve habitats within Bradford Beck has been identified further downstream on the watercourse. A commuted sum, secured via legal agreement will be paid to fund this work.*

*A fee to pay for the offsetting of woodland Biodiversity Units has also been agreed and a suitable council-owned site will be identified for the delivery of 0.51 habitat units.*

*We also acknowledge that the scheme is planned to provide an increase of 0.31 habitat units on site, an increase of 21.21%. With the payment of commuted sums and BNG offsetting units purchase, the scheme is positive for biodiversity as well as carbon reduction.*

*We are now satisfied with proposal and raise no objections, provided the following conditions are attached”.*

Conditions requested.

#### Drainage/LLFA

6 June 2023 & 28 June 2023 response

*“Flood Risk Assessment & Drainage Strategy, Ref No.: 70104194-FRA001, dated 19/04/2023. The LLFA does NOT have any objections to the proposed development, provided that the following conditions are included with any grant of planning permission:”*

Various detailed conditions requested: finished floor levels, protection of culvert/Beck, scheme foul & surface water, Maintenance Plan for the surface water drainage scheme.

#### 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 or for The Coal Authority to be consulted”.*

#### Environment Agency

*“As the site is located in FZ2 our flood risk standing advice should be followed. We have no other comments on the development.”*

#### Environmental Health – Air Quality/Clean Air Team

21 Aug 2023

AQ officer amended the recommendation (below) from combined flue diameter, to restriction of 900mm per flue diameter and no more than 3 gas boilers operating at any one time. Also noted that the amended stack design was acceptable.

19 July 2023

#### **“Recommendations**

*If the council is minded to approve the scheme it is recommended that the following controls are put in place to ensure the scheme delivered reflects that which has been proposed.*

*Stack height conditioned to a minimum of 30m and combined flue diameter of 1730mm*

*Maximum heat demand to be provided by gas boilers to be limited to a maximum of 26,000MW per annum with a requirement to provide a further air quality impact assessment if demand increases above this expected level in the future. Records*

*of annual energy generation from the gas boiler plant to be provided to the council on request.*

*All gas boilers provided to be low NOx with a maximum allowed emission rate at full load of 0.17788g/s. Product documentation to be provided to the council after installation to demonstrate the stated or equivalent boilers have been provided.*

*A construction emission management plan to be submitted and approved in writing by the council is put in place to control emissions to air during the development of the scheme*

*Subject to these emission controls being put in place we have no objection to the proposal.*

*The air quality and climate change benefits of the scheme for Bradford will be greatest where the use of air source heat pumps as a heat source are maximised. If approved the scheme should be operated as far as reasonably practicable in accordance with the projected energy use / generation profile provided in the proposal. A gas only scheme is not considered acceptable as it would not represent the best emission reduction option for the district.*

*On the basis of a predominantly air source heat pump based scheme being provided we have no objection to the proposal and welcome the wider NOx and carbon reduction benefits it will provide to the district.”*

#### Environmental Health - Land Contamination

*“Environmental Health agrees with the recommendations presented in the supplied Geo-Environmental Preliminary Risk Assessment report by WSP UK Ltd and therefore recommends that the following conditions are included on the decision notice.”*

Conditions requested.

#### Environmental Health - Nuisance

*I have read the acoustic report (reference 70104194-AC-R01) submitted by WSP on behalf of the applicant. I am happy that it has addressed all pertinent noise issues relating to this application. The predicted noise impact level associated with the simultaneous operation of the proposed 24x roof-mounted air source heat pumps is 37 dB at the nearest noise-sensitive premises. This value is -4dB below the measured background noise level. This being the case, I am happy to support the application on the condition that the applicant adopts all the recommendations contained with the report.*

#### Heritage/Conservation Officer

*“...The undeveloped site does not contain any known heritage assets and is not within a conservation area....*

*....I have no objections to the redevelopment of this site for a new industrial usage that has the potential to be environmentally beneficial to the city. The modern styled development is sufficiently offset from the Goitside conservation area as to not detract from its character or setting.*

*I share the views of the Landscape Officer that the mature trees on the site, which provide a positive green element in the streetscape, should not be removed for a*

*temporary storage area. This seems counterproductive to the green ethos of the project.*

*I have no objections to the design, scale and materials of the development but would request further clarification of material details for the chimney flue and what is meant by 'Lit behind?'*

*....."*

#### Highways DC

*"The overall site on which the energy centre will be located is subject to a 'live' outline planning application (22/00498/MAO) for up to 261 apartments, petrol filling station, drivethru and three retail units. The application only seeks consideration of access and scale, and the siting of the petrol filling station and drive-thru. The petrol filling station and drivethru would be located north of the energy centre and would share the proposed access road off Thornton Road. Notwithstanding this, it is not clear which developer will provide the site access and therefore an access condition is required to ensure the access road is provided by whichever development commences first.*

*A Construction Traffic Management Plan (CTMP) is required and should be conditioned. If the Council is minded to approve this planning application, then the following highway conditions should be included in the decision notice."*

Various standard highway conditions are requested.

#### Landscape Officer

25 May 2023

*"I am concerned about the extent of tree removal, especially in the area that is not actually developed as part of the scheme. I understand this may be developed later but an attempt should be taken to retain some trees. It is acknowledged that the trees are not good specimens but any tree that has established in the City Centre should be retained if possible.*

*I would request at least some tree planting be carried out along the remaining empty frontage to Listerhills Road, to continue the roadside planting. We would be looking for a similar treatment when the sites fronting Thornton Road are developed.*

*If the development is recommended for approval, we would request that a planning condition be imposed to include the submission a Landscape Management Plan."*

26 June 2023

*"Additional works ref dwg 70104194-WSP-LA-MO-002, rev03 dated June 2023.*

*The additional planting, all be it a later phase, does address the removal of existing trees and responds to the request to add additional trees along the frontage to Listerhills Road"*

#### Policy – Local Plan

Note contrary to allocation CCAAP for a residential-led mix use scheme.

*"It would result in no residential development coming forward on the wider allocated site, given the other consented uses on the remaining portion, and would not*



*confirm with several key elements of the vision for the Goitside, and the site itself set out in the CCAAP.*

*“...consideration will need to be given to whether or not the potential wider public and regeneration benefits of the proposed energy centre would outweigh the loss of an allocated housing site and the subsequent issues that may arise from it....*

Conclude

*“Having given due consideration to the matters set out above, on balance it is concluded that the provision of an energy centre in this location would have wider benefits which would outweigh the loss of an allocated housing site.”*

#### Public Health

*“The Public Health team comments on planning applications in Bradford district to reduce the potential for developments to have a negative impact on health and wellbeing, and to increase the positive contribution of each development to our population’s health and wellbeing.”*

The Public Health team note a number of matters they would seek to be incorporated including:

- safe, pedestrian entry to/exit from the site
- mitigating noise nuisance
- boundary treatments -boundaries should have some greenery
- seek to increase the level of cycle parking
- minimise AQ impacts
- smoking free environment

#### Urban Design Officer

5 July 2023:

*Scheme could “...potentially play a positive role in the sustainable regeneration of Bradford City Centre. However, the design of the scheme could do more to support this. The following issues are raised regarding design quality.*

Masterplan – one required

Siting of the building – seeks frontage on Listerhills Road addressed and better layout of the site

Moots possibility of a visitor centre to bring wider community and educational benefits.

Notes Landscape design is poor – potential to widen footways on Listerhills Road and Thornton Road and add street trees, rain gardens and diverse grass verges, separating pedestrians from the traffic.

Building Design – no clear narrative - more interest could be added on public facing elevations

Materials & colours - noted further consideration could be given to the choice of materials and their environmental performance in support of the green ethos of the scheme.

Boundary treatments - green mesh fencing creates an unattractive frontage to the street and sets a poor context for any future development on the wider site – a more positive boundary treatment is needed.

Access –appears large and overengineered.

1 August 2023:

UDO concentrates on stack and boundary treatments.

Stack is seen as “ ... *one of the least memorable parts of the design....*” noting “*The stack will be the most visible feature on the city skyline and it needs to offer more interest than this.*”

On boundary treatments – noted that “*wire mesh fencing is a standard boundary treatment product and is not considered to be appropriate for a landmark site on the edge of the city centre*”

#### WYCA

No objections – but seek a bus shelter and real time information (RTI) unit at stop 23174, and an RTI at stop 23172 at a cost of £33,000.

#### WY Police ALO

31 May 2023:

Concerns regarding accidental vehicle collision within the site and/or by a hostile actor from the exterior via breaching of the fence line in a vehicle as a weapon attack (VAW). Seeks the inclusion of Hazardous Vehicle Mitigation(HVM) measures around the base of the thermal tanks and gas kiosk.

Seeks more details. Various detailed general recommendations made.

26 June 2023:

*“I have noted the fencing and gate details and the planned cctv design. These appear proportionate to the risk.*

*In respect of the vehicle protection bollards, if these are to be HVM rated, I would advise the following - BOLLARDS (CTSA ADVICE to be sought if considering Hostile Vehicle Mitigation)*

*We would recommend that the bollards be sited 1.2m apart, the measurement is taken from the furthest point of the bollard this distance between each one. (At no point should the gap /space between each bollard exceed 1.2m).”*

#### Yorkshire Water

No Objections – request conditions for wastewater

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

1. Principle, Economy, Energy and Climate Change
2. Design & Landscape
3. Air Quality, Nuisance and Land Quality
4. Biodiversity
5. Flood Risk & Drainage
6. Highways and Public Rights of Way
7. Heritage
8. WY Police
9. Other matters - WYCA

### **The Proposal**

The proposal is the construction of an energy centre, using Air Source Heat Pumps (ASHP) to provide heat energy. ASHPs work by transferring heat from the outside to water using a compressor circuit with evaporators on the roof of the energy centre, along with condensers inside the energy centre. This water will be stored in the thermal tanks before being circulated in an underground pipe network (the majority of which is subject to separate planning applications) across the city and which is currently being installed.

The ASHPs will be supplemented by gas boilers to provide additional heat at times of peak demand. The ASHPs have a high Coefficient of Performance – i.e. they are able to convert 1kw of electricity into 3kw of thermal energy. The ASHPs are designed to operate at up to 80°C flow temperature (i.e. the temperature that the water will be heated to) but have the flexibility in their operation to fluctuate temperatures to meet demand and improve overall efficiency. The agent states networks develop, and operating conditions change over time, therefore the ASHPs have been chosen to provide flexibility in both operation and future proofing as the network evolves.

Once fully operational the scheme is predicted to remove >5,500 tonnes of annual NOx emission from older city centre boiler plant, balanced by an input of ~710 tonnes from the operation of the Bradford Energy centre. Significant carbon savings are also anticipated of around 8,000t/yr.

One gas boiler will be a reserve plant only. Under normal operation only a maximum of 3 gas boilers should be operating at any one time. Of the 26,000MWh expected annual demand only 8900MWh is expected to be provided by 'top up' gas boiler plant, the majority of the heat demand being intended to be supplied by zero emission air source heat pumps. The majority of the gas boiler operation is expected to arise in winter months when energy demand is highest.

The proposal also involves new access points and landscaping, as well as the temporary use of adjacent land for the storage of pipes and equipment to support the pipe-laying process, a contractor's yard. The use of the contractor's yard would cease after 3 years and additional planting would take place along the Listerhills Road boundary. The energy centre will be located on the southwestern part of the site and will comprise the main energy centre building, three thermal storage tanks and a flue.

Land to the southeast of the energy centre is proposed to be utilised for the storage of pipes and other equipment, as well as the contractor's compound for a temporary period to support the delivery of the energy centre and associated pipe network.

The energy centre building is a rectangular building approx. 70m long x16.5m wide x 15m high, it will have two floors and a raised platform above the roof where Air Source Heat Pumps (ASHPs) will sit, providing heat energy. The ASHPs will be the main source of heat generation for the Bradford Energy Network (BEN) and are located above roof level to allow a substantial fresh air supply. Noise attenuation will be provided by acoustic panels around the ASHP platform.

Three thermal storage tanks and a gas kiosk will sit to the northwest of the building. The thermal tanks are to store the heated water that is then distributed via a pipe network (currently being installed) to city centre buildings. There are flues associated with the proposal are for gas boilers, which are required as a 'top up' and back-up system to the main heat energy system of ASHPs. The flues for these gas boilers and surrounding windshield will be 26m in height.

The eastern end of the energy building as well as the mid-section of the building (i.e. first floor level) will be covered in a timber effect cladding. Composite aluminium panels cover the majority of the lower part of the building (i.e. ground floor level) with intermittent roller shutters and louvres. The gas kiosk will be housed within a GRP enclosure painted anthracite grey to match the lower level louvres on the building. The flues will be enclosed within a steel cylinder windshield that will be orange in colour, with an external decorative mesh. The ASHPs will be encased within an exposed steel frame 'goal post' type structure painted orange to match the flue and thermal stores.

Parts of the building (including soffits and reveals, doors and signage) will be finished in green to match the 1Energy and Bradford Energy Network branding, and the tip of the stack will be green to tie the whole development together.

Steel galvanised fencing is proposed around the site, with climbing plants/green living wall to the frontage of the building within the steel fence. Landscaping is proposed of various other areas of the site, with additional planting once the use of the contractors yard ceases.

An access road is proposed through the middle of the former Thornton Road car park site, running northeast – southwest to provide access from Thornton Road to the energy centre and pipe storage sites. The applicant notes that this road is anticipated to be shared with other developments coming forward on the northern part of the site, including a potential petrol filling station and drive-thru unit. A secondary access to the site is provided from Listerhills Road.

Five full time and five part time jobs are to be created. The associated pipework laying, and construction of the energy centre will generate temporary jobs.

## **Appraisal:**

### **The Principle**

#### **Spatial a policies and allocation**

- 1.This proposal sits well with the relevant objectives of the Spatial Vision set out in the Core Strategy and the relevant Strategic Core Strategy Policies SC1 and SC2 as set out below.

2. Policy SC1 seeks to provide sustainable development, supporting growth of the economy and ensuring that the required amount of development is delivered by 2030, along with ensuring resilience and adaptation to environmental threats and to minimise the District's exposure to those threats.
3. Policy SC2, specifically relates to climate change and resource use, seeking to adapt and provide development resilient to climate change and with carbon reduction, incorporating energy efficiency, address fuel poverty and to stimulate the local energy sector to deliver carbon saving measures, maximise opportunities from the move to a low-carbon economy, to raise awareness of increasing future costs of energy and to minimise potential disruption to local infrastructure. Along with supporting the Councils carbon reduction targets, by locating development where it will support opportunities for the delivery of renewable and low carbon energy.
4. The application seeks to provide an energy centre that will provide an alternate and low carbon source of hot water to be utilised in the district heating network that will; improve air quality overall, the delivery of low carbon energy and will assist in create sustainable and resilient communities,
5. The proposal is in accordance with overarching Core Strategy spatial policies SC1 and SC2.
6. Within the adopted City Centre Area Action Plan (CCAAP) the proposal site is part of the Goitside Neighbourhood Spatial Framework, which sets out the broad vision for the area including the type/form of development that will take place. This includes:
  - A new gateway development including a landmark building at the junction of Thornton Road and Listerhills Road/Grattan Road.
  - Environmental enhancements to Thornton Road with improved pedestrian provision, tree planting, and new developments providing activity at ground floor level.
7. The (CCAAP) allocates the site under Policy GN1: Goitside Neighbourhood Site Allocations for residential development (Site Ref: V/1.2). The allocation statement for the site states it has a minimum expected development threshold of 400 residential units with ancillary retail and leisure floorspace.
8. The applicant has provided a residential market report (viability assessment) for that part of the site for which this application relates (i.e approx. half the CCAAP allocated site), which concludes that "*...there appears to be no circumstances under current market conditions whereby a residential scheme would be considered a commercially viable option on the subject site, either by a developer, investor, or lending institution.*"
9. An independent assessment of this report concurs with this view. However, it should be noted that such assessments are 'at point in time' assessments and not for the duration of the Local Plan. It is plausible that at some point in the future a

residential scheme could be viable. Additionally, the recent application 22/00498/MAO for a residential led development across the whole CCAAP allocated site, demonstrated that residential was plausible, provided enabling development was permitted (i.e petrol station and drive thru).

10. Regardless of these assessments, the proposal is not in accordance with this CCAAP allocation, and the Local Plan Team note that it could potentially lead to incompatible neighbouring uses for any future mixed-use development and reduce the potential for achieving sustainable growth and regeneration in the City Centre including loss of a key housing site. There is also some concern that the proposal represents a piecemeal development that could constrain future opportunities on the wider site in terms of uses, built form, levels, access/movement, green infrastructure, quality of place and its potential as a prime gateway location.

11. This proposal takes up about half the allocated site, with the remainder shown as being for the location of a petrol station and drive thru granted under 22/00498/MAO. If this was progressed, this would mean that no residential development would be provided on this allocated site.

12. The Local Plan Team note that:

*“Had significant and viable residential development come forward since the adoption of the CCAAP on other sites in the immediate area then there would have been a strong case against the development of the site for non-conforming uses. It will need to be determined whether the public and wider regeneration benefits of the proposed energy centre outweigh the residential allocation of the site whilst consideration will also need to be given to whether the scheme as proposed (including the elements from the adjacent outline planning permission – the Petrol Filling Station and Drive Through Coffee Shop) will deliver the “iconic gateway” building of a distinctive design define under CCAAP site allocation V1.2.”*

13. The matter of the iconic gateway building and other design issues are discussed below under the section on ‘Design and Landscape’, but the other noted matters by the Local Plan Team, regarding other material considerations outweighing the current policy stance and wider public benefits is key and noted directly below in Economy, Energy and Climate Change.

### **Economy, Energy and Climate Change**

14. The principle relevant policies in the Core Strategy associated with the Economy are policies of EC1, EC2, EC3 and EC4.

15. Policy EC1 is the overarching policy that brings together the various mechanisms which the Council expect will lead to the creation of a competitive local economy for Bradford as part of the Leeds City Region.

16. Policy EC2: Supporting Business and Job Creation states that the Council will support the delivery of at least 1,600 new jobs annually in the District in the period to 2030. This will be achieved through, a supply of at least 135 ha of developable employment land and implementing major regeneration initiatives and proposals across the District.

17. Policy EC3 notes the sites to be within the Economic Growth areas and EC4 seeks sustainable economic growth.
18. Although the proposal is not always considered a traditional function for economic growth, it clearly fits within the policies for economic growth within the Core strategy, by; assisting in providing sustainable economic growth; by providing resilient heat energy infrastructure; by providing a more economical option to the developers/economy to achieve the transition to net zero - thus retaining function and ensuring the continuation to provide job opportunities for the District's residents as well as investment potential for the District. It will assist in providing the right conditions and opportunities for sustainable economic growth.
19. It is considered that the economic benefits of the proposal are substantial, that the outcomes by 2030 noted in the Core Strategy will be achieved by this proposal, and that the proposal is in-line with the relevant economic policies set out in the Core Strategy, that is EC1, EC2, EC3 and EC4.
20. The principal policies in the Core Strategy associated with Energy and Climate change are EN6 and SC2 (as noted above). A number of other policies within the Core strategy reference within parts of the need for 'reliance to climate change', 'minimising the effects of climate change', 'renewable energy', 'energy efficiency', 'low carbon energy' etc.
21. Policy EN6 is the specific policy in the Core Strategy related to Energy. It notes that the Council will seek to maximise energy efficiency, support development of renewables and low carbon sources of energy. Although there is no explicit reference to this type of heat energy generation within this policy, it is a relatively new to the UK and evolving. It is accepted that the purpose of such heat energy generation is to maximise efficiency, provide infrastructure to assist in providing alternatives to fossil fuel heating and providing a low carbon source of heat energy.
22. The emerging policy EN10 builds upon EN6, seeks to improve the District's energy conservation and efficiency, and the decarbonisation of energy sources in order to meet their net zero carbon emissions. The policy is explicitly supportive of initiatives to develop district heating networks, provided that a full assessment of the environmental, economic and social impacts has been undertaken and measures taken to minimise impacts where necessary.
23. Policy BF4 of the CCAAP relates to District Heat Networks explicitly – noting that development of District Heat Networks would help the Council achieve targets set in 2010, to reduce its carbon emission from its own activities and for the District by 40% by 2020 and achieve 20% for energy for delivery of its own functions to come from renewable sources.
24. There are also a number of Bradford, West Yorkshire Combined Authority and other Government documents that reference Climate Change – the documents are noted below.
25. Bradford: Declaring a Climate Emergency - motion in January 2019 to declare a climate emergency and commit to a green economy. With Bradford being part of The Leeds City Region Climate Coalition which is aiming for a net zero carbon region by 2038.

26. The West Yorkshire Combined Authority (WYCA) has prepared the Climate and Environment Plan (2021-2024) which sets out the roadmap for the city region to meet the target of net-zero by 2038
27. Net Zero – The UK’s Contribution to Stopping Global Warming - May 2019 the Committee on Climate Change published Net Zero – The UK’s Contribution to Stopping Global Warming. The report recommends a new target for the UK of achieving net zero greenhouse gas emissions by 2050. The Report highlights the falling cost of key renewable technologies and advises that flexibility in the energy supply should be encouraged by policy and regulatory frameworks.
28. Reducing UK Emissions – 2020 Committee on Climate Change Report to Parliament. This Report highlights that the UK is not on course to meet the 2050 Net Zero commitment and is not making adequate progress in preparing for climate change.
29. UK Clean Growth Strategy: Leading the Way to a Low Carbon Future The UK Clean Growth Strategy (2017). The report conveys the Government’s objective of achieving clean growth, whilst ensuring an affordable energy supply for businesses and consumers.
30. The UK’s Draft Integrated National Energy and Climate Plan (‘NECP’) The UK NECP was produced in January 2019 and sets out the UK Government’s climate and energy objectives, targets, policies and measures covering the five dimensions of the Energy Union. The NECP makes clear that in order to meet the UK’s 2050 climate change target, improvements in energy efficiency and energy management are required.
31. Also, a more recent document - *Powering up Britain – Energy Security Plan (March 2023)* – has been released by the Government, which is an update to Net Zero which maintains the principles of Net Zero.
32. All of these above documents are clear, there is a need to deliver improvements to energy efficiency and energy management. Although these documents are not specifically planning documents, they are high level strategic Government documents, with a clear intention within, and therefore are considered to be material in the decision-making process.
33. The agent/applicant has also provided a summary of the economic and climate change benefits and these are noted and concurred with below.

The proposal will provide:

- *Reduce carbon emissions from connected building by approximately 8,000t/yr (equivalent to approximately 36 million car miles of CO2 emissions) dramatically improving air quality in the city centre and supporting the Clean Air Zone. Phase 1 of the BEN, if fully implemented, would see the removal of approximately 25MW of gas boilers from in and around the city centre.*
- *Make a major contribution to the Council's objective to decarbonise the city by reducing Scope 2 carbon emissions from heat in connected buildings to zero.*
- *Present the businesses and residents of Bradford with a more economical option to decarbonise heat than by any other means (BEN will be*



*approximately 25% cheaper than the cheapest building-based Air Source Heat Pump solution), thus reducing the cost of the transition to netzero for Bradford businesses and citizens.*

- *Speed up the achievement of carbon reductions by enabling a simpler route to zero carbon heat than a building-by-building approach (which requires each building owner to overcome the technical and commercial hurdles to decarbonisation by themselves and produces no benefit to others).*
- *Deliver new skills, new jobs and social value to Bradford in delivery and operational phases.*
- *Initially deploy c.£40m of capital into building the first phase of the cornerstone of Bradford's Net Zero Infrastructure, and this will rise substantially over coming years as the network expands.*
- *Enable developers to meet planning conditions regarding low carbon more cheaply than nonDistrict Heating served cities, promoting investment in Bradford, and fostering growth and regeneration in Bradford.*
- *Heat networks are long term infrastructure that provide an opportunity to aggregate heat sources that are uneconomic to access by a single or group of buildings. The BEN will expand significantly in years to come, driven particularly by organisations' net zero targets and the heat networks zoning policy, which will mandate connection to heat networks where they are the lowest cost heat decarbonisation option. To meet the future demand, BEL will utilise both existing and emerging technologies, for example geothermal energy, natural waste heat sources such as abandoned coal mines, and other waste heat sources such as industrial waste heat to maximise the low carbon heat generation.*

34. In conclusion it is considered the proposal is fully in line with the principle policies in the Core Strategy associated with the supporting the Economy, Energy and Climate change, and with National Planning Policy and other National Policy noted above.

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### **Conclusion on principle**

35. The site is allocated within the CCAAP for a residential-led mix use scheme, the proposal is contrary to the allocation and therefore a departure from the adopted Local Plan. As noted by the Local Plan Team, it would result in no residential development coming forward on the wider allocated site, given the other consented/proposed uses on the remaining portion, and would not confirm with several key elements of the vision for the Goitside area, and the site itself set out in the CCAAP.

36. However, the need to locate this Energy Centre in close proximity of the City Centre to ensure a robust and viable District Heat Network is key. Although the CCAAP and Core Strategy support District Heat Networks and carbon reduction/net zero, they do not provide allocated sites for the infrastructure that is needed to provide such District Heat Networks. It is arguable that employment sites could be used, however, these employment sites are allocated for general employment uses and for maximising employment – they are not for development such as energy centres, solar farms, wind farms and electricity/battery storage. The pipework for a District Heat Network is currently being laid and delivered – it needs to connect to a suitable and sustainable Energy Centre, in a suitable and sustainable location. This proposal (Energy Centre) and this site provide this.

37. The wider benefits of the Energy Centre of providing renewable low carbon energy; comprehensive delivery of the District Heat Network; the economic benefits noted above; contributing to net-zero/climate change targets and improving air quality are considered (with the locational need) to outweigh the partial loss of the allocated housing site. The 'at point in time' residential viability assessment is noted, but for the reasons outlined above, it is not considered significantly material to the balance.
38. The possible loss of the remainder of the residential CCAAP site (to a petrol station and drive thru) are not a consideration for this application, but it should be noted that if the Energy Centre is delivered, it will prevent the delivery of the noted 200+ residential units of 22/00498/MAO, as the Energy Centre is located where these 200+ residential units would be. It should also be noted that it will likely inhibit the delivery of the small pockets of residential in the two peripheral sites under 22/00498/MAO (i.e 88 residential units), the petrol station and drive thru, as the conditions/phasing noted in the decision notice for 22/00498/MAO require that it is demonstrated how the *residential* part of the development (which is primarily the 200+ residential units (in the location of this proposed Energy Centre)) will be brought forward.
39. In conclusion, the proposal for an Energy Centre on approx. half the residential allocated CCAAP site is, on balance, considered acceptable in principle. However, for the proposal to be fully acceptable, it also needs to demonstrate that all other relevant planning matters have been considered, such as design, that there would not be unacceptable adverse impacts on people or the environment and if there are impacts, that they can be mitigated. These other matters and technical issues are considered in the remainder of the report below.

### **Design and Landscape**

40. Several policies within the Core Strategy and the CCAAP address Design and landscape impacts these include:
41. Policy D1 of the Bradford Core strategy seeks to achieving good design and high quality places.
42. Policy DS2 of the Bradford Core strategy seeks to integrate development into the wider landscape, working with the landscape to create visually attractive and fit for purpose development.
43. Policy DS3 of the Bradford Core strategy relates to urban character and seeks innovative and contemporary approaches to design which respond to and complement the local context will be supported, display architectural quality and create original architecture, and ensure that tall buildings are appropriate to their location, are of high quality design and that they do not detract from key views or heritage assets or create unacceptable local environmental conditions.
44. DS4 related to Streets and Movement and DS5 safe an inclusive places, which design out crime.

45. Policy BF1 of the CCAAP requires development proposals to be of high-quality design which respects the site and setting and enhances the character of the surrounding area.
46. Policy BF2 of the CCAAP relates to tall buildings and requires development proposals: to have a positive relationship with the surrounding context, for the top of the building to be a positive feature and an integral part of the overall design and to be of the highest quality in terms of architecture and materials.
47. The Urban Design Officer (UDO) noted a number of issues with the scheme in early July 2023, noting the lack of a masterplan for the site, that the building did not provide a frontage to either Thornton Road or Listerhills Road, the landscape design was poor, the ethos of the design not explained, and the highway access appeared large and overengineered. The Landscape officer shared these concerns in their response in May 2023, but noted in particular the loss of trees and sought more planting on the Listerhills Road frontage.
48. In response to UDOs and landscape officers comments, the applicant provided a masterplan; noted that the building could not be located elsewhere, as there is insufficient space to safely locate the building and provide the required maintenance access to the plant; refenced additional landscape planting and gave further commentary on the principles behind the design, noting that the large access was not only for the energy centre but the other two uses (i.e petrol station and drive thru).
49. However, it was apparent that the UDO did not consider that his comments and suggested changes had been taken fully on board, but noted on 1 August 2023 *"...in the interests of progressing the scheme and helping the applicant achieve their aim for a landmark development with a strong green ethos the following practical and deliverable proposals are made.."*. These practical and deliverable proposals from the UDO included a request for a much-improved stack design and improved boundary treatments.
50. It is without doubt that the stack will be one of the most visible elements of the proposal and the building itself will also be prominent.
51. The CCAAP allocation for this site is for residential with ancillary uses and as noted earlier within this report, the whole site (if the petrol station and drive thru elements of 22/00498/MAO progress) could lose the residential element. The masterplan submitted through this application shows a petrol station and drive thru to the frontage of Thornton Road, with the Energy Centre sitting behind these. As the petrol station and drive thru will be one story buildings the Energy Centre and the stack will be very visible, so the design needs to be a considered and well thought through.
52. The CCAAP text for this allocated site seeks a design on this site that creates an iconic gateway to the city centre, including a landmark building at the corner of Thornton Road/ Listerhills Road; it notes that the site is suitable for tall buildings of high quality, distinctive design; that any development should respond to the aspiration to create a linear green park along the Thornton Road corridor; and the buildings should provide positive frontages to the surrounding streets, particularly to Thornton Road and Listerhills Road and a Masterplan will be required to establish the design framework and principles for the site.

53. The CCAAP design principles are based on the whole site being residential, and it is noted by the applicant it is not possible to achieve a number of these design principles, due to the needs of the Energy Centre and existing permissions. The positive frontage to Thornton Road and the design elements of a liner green park are lost to the petrol station and drive thru if they progress, which as noted, sits under a separate planning permission and are not in the control of the applicant of the Energy Centre.

54. The applicant for the Energy Centre noted the UDOs further comments on 1 August 2023 and the CCAAP allocation design principles, seeking to address as many elements as they were able to, including an iconic landmark building, with a high quality, distinctive design, along with improved boundary treatments. This involved a full and due consideration of the design of the stack, which now includes a graded mesh windshield with a distinctive design element to the top of the stack, along with improved boundary treatment including additional tree planting to the Listerhills Road frontage and the addition of climbing plants/green wall to the front facing fencing to the Energy Centre site.

55. The design is now described by the applicant's architect below:

*"....the external appearance creates a built form which relates to Bradford's industrial heritage and robust materiality. The elevations offer a sculptural and varied enclosure whilst still meeting the client's renewable aspirations and overall green ethos.*

*A combination of timber-effect cladding panels, aluminium composite profiled panels, doors and louvres and the exposed rooftop steel structure, provide a robust, simple and contextual palette of materials. The timber effect cladding panels feature on the full height architectural goal post and create a wrap around the building at high level. Below is a recessed dark band of composite cladding which also includes the louvres and access doors in the same dark anthracite colour.*

*The suspended deck is visually 'achored' to the building below with the exposed steel structural goal posts. These are expressed in an oxidised orange/red colour. The staircases – which provide maintenance access to the first floor and roof – will be clad in solid panels in the red-orange colour.*

*Similarly, the flue and the thermal stores will be finished in the same orange-red colour providing continuity to the overall scheme and with the external individual structures.*

.....

*The Flue*

*.....To provide a sense of cohesion within the overall proposal and a reference back to Bradford's industrial heritage, the flue is wrapped with architectural aluminium mesh panels finished in PPC red-orange. This provides design and material continuity with the rest of the Energy Centre. The mesh panels will wrap around the wind shield at a 45-degree angle. Three different sized mesh panels - smallest at the lower level, medium sized in the middle and largest at the higher level - allows the mesh panels to become more transparent and lighter as one's 'eye' is drawn up to the top of the flue. Moulded seams enhance the diagonal mesh*

*panels. The tip of the windshield will be painted in the feature green used elsewhere on the building and gives further interest and enhancement to the diagonal mesh panels.*

*The flue design adds a distinctive and unique structure to the overall Energy Centre whilst being an integral and fundamental part of the scheme.”*

56. It is clear that the applicant for the Energy Centre has attempted to address as many elements of policy and concerns of the UDO and landscape officers as they are able, presenting a design that is innovative and notable.

57. However, there is no shying away from the lack of robust master planning and overall design for this CCAAP allocated site. There is not the comprehensive approach for the site to avoid piecemeal development that Policy D1 F of the Core Strategy seeks, nor are the full aspirations for the site met. There are no linear greenways as set within the CCAAP allocation and Policy M6, and it is questionable that positive frontages sought in the CCAAP will be achieved along Thornton Road. But the applicant for the Energy Centre has sought to mitigate and address as much as possible matters they are able to control, in particular, by providing an innovative and notable design, additional planting on site, bolstering boundary treatments, offsite biodiversity net gain for the loss of the small woodland and a commuted compensatory sum for works to Bradford Beck further downstream.

58. In conclusion on design, the proposal is, on balance, primarily in accordance with the above design and landscape policies. However, it cannot achieve the full ambitions of the design principles for this CCAAP allocated site or all design policies, due to the piecemeal development of the site and the probable alternate developments granted, which are also unlikely to achieve the allocated sites design principle objectives.

### **Air Quality, Nuisance and Land Quality**

59. Policy EN8 of the Bradford Core Strategy states that the Council will take a proactive approach to maintaining and improving air quality within the District and development proposals must not exacerbate air quality beyond acceptable levels. Additionally, EN8 notes that potential nuisance matters (noise, light, vibration etc.) should be addressed. Policy EN8 also seeks to ensure that where land is identified that may be contaminated or unstable, appropriate investigation and remedial measures must be identified.

60. BF3 of the CCAAP requires new development to minimise environmental impact and appropriately consider and mitigate against potential sources of pollution. The policy requires development to adhere to a Construction Environmental Management Plan (CEMP) which specifies how dust and noise emissions will be mitigated. Proposals are also required to assess and remediate (where necessary) ground contamination.

61. Bradford Clean Air Plan provides for a Clean Air Zone (CAZ) – the site is in the CAZ.

62. The Councils Air Quality Officer notes that significant carbon savings are anticipated from the proposal, and it will reduce the overall NO<sub>x</sub> and CO<sub>2</sub> emissions in the Bradford District, but the use of the gas boilers as a 'top up' (expected in winter months when demand is high) will mean a new point source of emissions in the city and CAZ. However, the AQ Officer concludes that on balance the wider NO<sub>x</sub> and CO<sub>2</sub> reduction benefits of the energy centre scheme are far more significant than any localised air quality impacts in the immediate vicinity of the scheme (from the gas boilers). Whilst there will be some localised increases in pollutant concentrations as a result of the scheme, these are not of a level that are considered to be a risk to health, or which would result in further exceedances of air quality standards or objectives.
63. The AQ Officer seeks to ensure that the energy centre is operated as noted in the submitted AQ assessment, as changes to any of the parameters noted in the assessment (e.g flue stack height, assumed boiler emission rates and gas exit velocities) could considerably change the predicted concentration of pollutants arising from the scheme. Consequently, they have noted that planning conditions should be put in place to ensure the scheme delivered reflects that which has been proposed.
64. The AQ officer has been awaiting the final design of the stack to provide final comments, as some of the design iterations of the stack may have affected how the emissions dispersed. A final response on the 21 August 2023, from the AQ officer, concluded that the stack design was acceptable and would not impact of the dispersal of the emissions.
65. Conditions requested are to include windshield stack height; flue diameters; max heat demand of the gas boilers; low NO<sub>x</sub> gas boilers; construction emission management plan. The applicant has agreed to such conditions.
66. In terms of nuisance, this relates primarily to noise for this proposal. Lighting is also a potential issue, with policy DS5 of the Core Strategy requiring that development proposals should not harm the amenity of existing and prospective users. The details of the general lighting of the site can be addressed through a condition.
67. With regards to noise, a comprehensive noise assessment report was submitted with the proposal. It notes that in a worst-case scenario (i.e. all 24 ASHPs running at once) the resultant noise level will be L<sub>Ar,15mins</sub> 34 dB at the nearest existing noise sensitive receptor, and L<sub>Ar,15mins</sub> 37 dB at the nearest plot proposed for future residential development on Listerhills Road. The agent states that both of these rating levels fall comfortably below the existing background sound levels during the day (L<sub>Ar,15mins</sub> 45dB) and night (L<sub>Ar,15mins</sub> 41dB) and therefore meet the Council's specified criteria.
68. The EH Nuisance Officer concurs with the findings of the submitted noise assessment report, noting that he is happy to support the application on the condition that the applicant adopts all the recommendations contained with the noise assessment report. This can be required by a planning condition.
69. The noise assessment report does not assess the impacts of construction noise and although construction noise is somewhat unavoidable, the impacts can be

mitigated by setting construction hours by condition, as with many other developments.

70. As noted, Policy EN8 also addresses land contamination and stability. The submission includes various reports regarding this and notes significant and variable depth of Made Ground; Relict construction, most notably the former gas holders; and Possible damage to structures on boundaries, with it recommending enabling works to the site prior to development including ground improvement or piling and a supplementary intrusive ground investigation (i.e. Phase II Site Investigation).
71. The EH Contaminated Land/Land Quality Officer has noted that the site has a considerable history and that he agrees with the recommendations presented in the supplied Geo-Environmental Preliminary Risk Assessment report by WSP UK Ltd, recommending conditions to require further investigation, necessary remediation, and remediation verification.
72. Subject to the requested conditions, it is considered that the application adequately deals with air quality, nuisance and land quality (contamination and stability) issues in accordance with Core Strategy policies EN8 and DS5, and BF3 of the CCAAP.

### **Biodiversity**

73. Core Strategy policy EN2 states that proposals should contribute positively towards the overall enhancement of the district's biodiversity resource. They should seek to protect and enhance species of local, national, and international importance and to reverse the decline in these species. The Council will seek to promote the creation, expansion, and improved management of important habitats within the district and more ecologically connected patchworks of grasslands, woodlands, and wetlands. Policy M5 of the CCAAP notes that all developments will be expected to contribute to and aid the delivery of the Key Biodiversity Interventions.
74. Opportunities for specific habitat creation within development proposals should be sought, including provision for future management. Development that would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted.
75. A Preliminary Ecological Appraisal was supplied with the application, and proposals to enhance Biodiversity, by the creation of amenity (modified) grassland, wildflower (other neutral) grassland, mixed scrub, and urban trees. An area of other neutral grassland and urban trees has been set aside to be created 5 years into the development when the temporary compound area to the east is no longer needed.
76. Biodiversity Net Gain has been demonstrated at 21.21%, which is in excess of the requested Biodiversity Net Gain +10% that is sought by the Councils Biodiversity Team. However, a small woodland on site that would be lost by the development cannot be replaced by a similar woodland on site, or in the vicinity of the site, consequently the applicant is providing a commuted sum of £12,750 to the Council to permit woodland/tree planting on a suitable council-owned site.

77. The Biodiversity Team as part of their assessment also sought to deculvert Bradford Beck, but the applicant has noted that from an engineering perspective it's not practical or safe to open up the Beck, as a large proportion of the beck runs below retaining walls supporting adjoining properties and even the small section (that could possibly be opened up) is at a depth (5 -6m below ground) that could create a health and safety hazard and would involve costly civil engineering works. However, a commuted sum of £20,000 for works elsewhere on Bradford Beck has been agreed with the applicant and will be paid via the s106 legal agreement. These works to Bradford Beck would include surveys and the creation of a fish pass at Shipley Field Weir.

78. Detailed conditions are requested, to include a Biodiversity construction environmental management plan, Biodiversity Gain Management Plan and bat/bird boxes, with these conditions, is it considered that the proposed development with the BNG contribution for woodland and commuted sum for Bradford Beck is in accordance with policies EN2 of the Core Strategy and M5 of the CCAAP.

### **Flood Risk and Drainage**

79. Core Strategy policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively and CL2 of the CCAAP seeks to control flood risk.

80. A flood risk assessment and drainage strategy report was submitted with the application.

81. The site is located in Flood Zone 1 and Flood Zone 2. The Flood Risk Assessment was undertaken via informed discussions with the LLFA, and flood modelling has been undertaken to meet the LLFA's design criteria.

82. The Flood Risk Assessment concludes, in terms of flooding and flood risk the site is deemed to be safe for its lifetime, taking into account users of the site and that it would not increase flood risk elsewhere.

83. A Drainage Strategy has also been developed in liaison with the LLFA. The agent notes that the drainage hierarchy is followed, and it is recommended that surface water is discharged into the Bradford Beck culvert, with the combined sewer identified as the preferred point of discharge for foul drainage disposal. The agent notes that to deal with trade effluent, it is recommended that the use of internal gullies and slot drains connected to a separate trade waste network and storage tank, or as an alternative, discharge to a public sewer (subject to trade effluent consent).

84. The Drainage/LLFA Officer raises no objections and list a number of conditions.

85. Yorkshire Water have been consulted and raise no objections, requesting a standard condition on surface water.

86. Subject to the LLFA/Drainage Officers and YW conditions, the proposal is in line and in accordance with Policy EN7 of the Core Strategy and CL2 of the CCAAP.



## **Highways**

87. The NPPF requires that in assessing planning applications it should be ensured that safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
88. The NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe'.
89. At the Local Plan level Core Strategy policy TR1 indicates that through planning decisions the Council will aim to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability through (amongst other things) ensuring that development is appropriately located to ensure that the need to travel is reduced, the use of sustainable travel is maximised, and the impact of development on the existing transport networks is minimal.
90. Core Strategy Policy DS4 sets out design criteria for streets, indicating that development should take an approach to highway design which supports the overall character of the place and to take a design led approach to car parking and to encourage people to walk cycle and use public transport.
91. Core Strategy policy TR2 sets out parking standards. TR3 requires safeguarding and improvement of public transport, walking and cycling infrastructure.
92. Policy M4 of the CCAAP requires development proposals to be accompanied by appropriate transport assessments, considering the potential impacts of the scheme on the existing and planned enhancements to the Strategic Road Network.
93. A Transport Statement (TS) was submitted with the application to determine the impacts of the energy centre on the surrounding transport network. The TS indicates that only 4 trips per day (2 in and 2 out) are likely to be generated by maintenance staff. The main impact of the development on the surrounding highway network will be during its construction phase. The energy centre construction and longer-term pipe laying throughout Bradford would generate higher levels of traffic, but as noted by the highway, this also would be modest. The Highway Officer concludes that is therefore unlikely that the proposals will generate a significant number of vehicle trips that would have a severe impact on public highway safety, or on the operation or capacity of the local highway network.
94. The proposals do not include the provision of dedicated car parking bays, however as the proposals will generate a very limited and infrequent number of vehicle trips there would be sufficient space provided to the frontage of the building for these vehicles to park; the access road will be wide enough to allow parking and manoeuvring. The highway officer confirms that the design of this access road ensures that all maintenance vehicles can enter and exit the site in a forward motion, with sufficient space available within the site for all vehicles to turn.

95. The proposal also comprises an area to the southeast which will be used as contractor site compound and this area will be accessed off the Listerhills Road link road via a dropped footway crossing. This area and the access could be required for up to 3 years following completion of the energy centre. The contractors site compound is temporary and will be restricted by condition to a temporary use, with additional planting proposed on completion of its use. The Highway Officer also seeks the closure of this entrance to this contractors yard following cessation of its use and reinstatement of the footway on Listerhills Road.
96. In conclusion it is considered, with conditions, that the proposal is in accordance with all the relevant highway, and Public Right of Way policies within the Core Strategy, including policies TR1, TR3, and DS4, and Policy M4 of the CCAAP.

### **Heritage**

97. Policy EN3 of the Core Strategy seeks to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the District's designated heritage assets and their settings. The policy requires that that all proposals for development conserve and where appropriate, enhance the heritage significance and setting of Bradford's heritage assets.
98. The nearest heritage asset is Goitside Conservation Area which is located within close proximity on the opposite side of Thornton Road, approx. 40m from the boundary. The conservation area includes a cluster of listed buildings along and off Sunbridge Road, which reflect the area's industrial heritage. There is considerable intervening development, which restricts intervisibility between these listed buildings and the proposed Energy Centre.
99. The City Centre Conservation Area is located to the south-east of the proposed Energy Centre, about 530 metres away at the closest point. Approximately 430 metres to the south of the site is the Little Horton Lane Conservation Area.
100. The proposed flue may be visible from nearby conservation areas and listed buildings, but the Conservation Officer considers the modern styled development is sufficiently offset from the Goitside conservation area (nearest conservation area) as to not detract from its character or setting.
101. There is some commentary from the Conservation officer regarding clarification on the materials for the stack and associated lighting – this has been provided and it is not considered there are any adverse impacts/issues.
102. The Conservation Officer notes they have no objections to the redevelopment of this site for a new industrial usage that has the potential to be environmentally beneficial to the city.
103. Consequently, the proposal does not conflict with the NPPF and Policy EN3 of the Core Strategy and the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been adhered to and fully considered.

### **WY Police**

104. Bradford Core Strategy Policy DS5 sets out policies for promoting the development of safe and inclusive places.
105. The site is proposed to be surrounded by a closed welded mesh fence and gates.
106. The building will be un-manned the majority of the time. However, the applicant notes remote monitoring capability and maintenance staff will visit the site around once a week.
107. The building will have a CCTV and intruder alarm system. CCTV will be provided to cover all internal plant area entry and exit points, as well as the building perimeter. It will also cover the external gas kiosk and main entrance. An intruder alarm system will be provided to cover all entry and exit points. Access to roof level will be limited via an access control system.
108. The police noted potential Vehicle as a Weapon (VAW) and Hazardous Vehicle Mitigation (HVM) issues. The agent in response noted that the thermal stores will only contain warm water that has been heated by the energy generated by ASHPs. They will not contain any hazardous substances and are not at risk of explosion. It is also noted that the proposals include the provision of a crash barrier and posts to the side of the thermal stores, with vehicle protection bollards to the thermal stores and along the building frontage. As such, the agent considers the building and thermal stores are well protected from vehicular damage.
109. WY Police acknowledge the above and raise no further issues. To ensure the most effect protection, HMV bollards are to be requested and details supplied via condition.
110. Taking the information supplied into account and the consultee responses, it is considered that proposal, with conditions, is in accordance with Policy DS5 of the Core Strategy and all relevant safety measures have been met.

### **Other matters – WYCA**

111. WYCA have requested a contribution for bus shelters and real time information (RTI) unit at stop 23174, and an RTI at stop 23172 at a cost of £33,000 to encourage the use of public transport.
112. The applicant's agent has responded, noting that the building will be un-manned the majority of the time, with remote monitoring capability; maintenance staff will visit the site around once a week; and the existing public transport links to the site are appropriate for the small number of infrequent trips required to the site. They consider the WYCA request disproportionate.
113. The LPA notes the agent's assessment of the request by WYCA and concur that the request by WYCA is disproportionate and not necessary.

**Community Safety Implications**

As noted within the report and above under WY Police section.

**Community Infrastructure Levy**

N/A for this type of development

**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 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.

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**Reason for Granting Planning Permission:**

The principle of such development is accepted, the layout of the proposal is acceptable and presents no significant adverse impacts with regard to visual or residential amenity, highway safety, drainage, flood risks and land contamination/stability and crime, subject to the imposition of the conditions listed below.

The proposed development would meet the requirements of the Core Strategy Development Plan Document policies P1, SC1, SC2, SC3, SC9, BD1, BD2, EC1, EC2, EC3, EC4, TR1, TR3, EN2, EN3, EN4, EN5, EN6, EN7, EN8, DS1, DS2, DS3, DS4, DS5 and ID3 of the RUDP; and CL2, M1, M4 M5, BF1, BF2, BF3 and BF4 of the CCAAP and the relevant policies of the NPPF.

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**Conditions:**

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

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

2. The development hereby approved shall only be carried out in accordance with the following drawings:

- i. SITE LOCATION Ref: ECBR-NOR-XX-ZZ-DR-A-90001 -Rev P02 – 3 May 2023
- ii. SITE LAYOUT Ref: ECBR-NOR-XX-ZZ-DR-A-90002 -Rev PO5 – 22 Aug 2023
- iii. DRAINAGE AND LEVELS STRATEGY PLAN Ref: 70104194-WSP-00-00-DR-C-

- 0002 Rev P02 - 3 May 2023
- iv. EXTERNAL ELECTRICAL SERVICES LAYOUT Ref: ECBR-WSP-XX-ZZ-DR-EY-000008 Rev P01 - 15 June 2023
- v. GA PLAN - LEVEL 00 Ref: ECBR-NOR-XX-00-DR-A-00001- Rev P06 – 21 Aug 2023
- vi. GA PLAN – LEVEL 01 Ref: -ECBR-NOR-XX-01-DR-A-00001- Rev P06 -21 Aug 2023
- vii. GA PLAN - LEVEL ROOF Ref: ECBR-NOR-XX-RF-DR-A-00001 – Rev P04 -21 Aug 2023
- viii. ELEVATIONS - SHEET 1 Ref: ECBR-NOR-XX-ZZ-DR-A-00101 – Rev P07 – 21 Aug 2023
- ix. ELEVATIONS - SHEET 2 Ref: ECBR-NOR-XX-ZZ-DR-A-00102 – Rev P07 -21 Aug 2023
- x. GAS KIOSK AND THERMAL STORES (Elevations) Ref: ECBR-NOR-XX-ZZ-DR-A-00103 -Rev P01 - 21 Aug 2023
- xi. FLUE DETAILS - PLAN AND ELEVATIONS Ref: ECBR-NOR-XX-ZZ-DR-A-00132 -Rev P02 - 21 Aug 2023
- xii. GA SECTIONS - SHEET 1 Ref: ECBR-NOR-XX-ZZ-DR-A-00201 – Rev P010 – 21 Aug 2023
- xiii. GA SECTIONS - SHEET 2 Ref: ECBR-NOR-XX-ZZ-DR-A-00202 – Rev P010 - 21 Aug 2023
- xiv. FENCING AND GATES DETAILS Ref: ECBR-NOR-XX-ZZ-DR-A-90003 – Rev P04 - 21 Aug 2023
- xv. SOFT LANDSCAPE GENERAL ARRANGEMENT PHASE 1 Ref: 70104194\_WSP\_LA\_MO\_001 – MAY -Rev PO3 – 22 Aug 2023
- xvi. LANDSCAPE GA (+5 YEARS) Ref: 70104194\_WSP\_LA\_MO\_002 – Rev P04- - 22 Aug 2023
- xvii. CCTV/SECURITY LAYOUT Ref: ECBR-WSP-XX-ZZ-DR-EY-000019 REV. P03

Save where measures are required by the conditions set out elsewhere on this permission, which shall take precedence over the above documents.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. The use of the land as a temporary contractor's yard to southwest of the site, as shown on drawing ECBR-NOR-XX -ZZ-DR-A-90002 Rev P05, shall cease within 3 years of implementation of this planning permission and the additional planting shown on drawing 70104194\_WSP\_LA\_MO\_002 Rev P04 shall be completed in accordance with the details shown on 70104194\_WSP\_LA\_MO\_002 Rev P04 and in the first tree planting season (i.e November to March) to after cessation of the use of the land as a contractors yard.

Reason: To provide for the completion of temporary operations and restoration, in the interests of amenity, minimising the duration of adverse impacts.

4. The development hereby permitted shall be constructed using external facing and roofing materials as specified on the hereby approved drawing numbers.

- i. GA PLAN - LEVEL 00 Ref: ECBR-NOR-XX-00-DR-A-00001- Rev P06 – 21 Aug 2023
- ii. GA PLAN – LEVEL 01 Ref: -ECBR-NOR-XX-01-DR-A-00001- Rev P06 -21 Aug

- 2023
- iii. GA PLAN - LEVEL ROOF Ref: ECBR-NOR-XX-RF-DR-A-00001 – Rev P04 -21 Aug 2023
  - iv. ELEVATIONS - SHEET 1 Ref: ECBR-NOR-XX-ZZ-DR-A-00101 – Rev P07 – 21 Aug 2023
  - v. ELEVATIONS - SHEET 2 Ref: ECBR-NOR-XX-ZZ-DR-A-00102 – Rev P07 -21 Aug 2023
  - vi. GAS KIOSK AND THERMAL STORES (Elevations) Ref: ECBR-NOR-XX-ZZ-DR-A-00103 -Rev P01 - 21 Aug 2023
  - vii. FLUE DETAILS - PLAN AND ELEVATIONS Ref: ECBR-NOR-XX-ZZ-DR-A-00132 -Rev P02 - 21 Aug 2023
  - viii. GA SECTIONS - SHEET 1 Ref: ECBR-NOR-XX-ZZ-DR-A-00201 – Rev P010 – 21 Aug 2023
  - ix. GA SECTIONS - SHEET 2 Ref: ECBR-NOR-XX-ZZ-DR-A-00202 – Rev P010 - 21 Aug 2023

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

5. Before any development comprising construction of the building commences, details of the exact colour and external finish shall be submitted to and approved in writing by the Local Planning Authority before any development comprising construction of the building commences, and the development shall then be constructed in the approved materials.

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

6. The provisions to minimise noise from the site set out in the document Entitled BRADFORD ENERGY CENTRE, THORNTON ROAD Environmental noise survey report (reference 70104194-AC-R01) by WSP shall be implemented for the duration of the development, including the construction phase.

Reason: For the protection of the environment and amenity in accordance with Policy EN8 of the Core Strategy Development Plan Document.

7. All construction operations associated with the development shall only be carried out between and not outside these periods:

- |   |                          |                      |
|---|--------------------------|----------------------|
| • | Monday to Friday         | 07.30 to 18.00 hours |
| • | Saturday                 | 08:00 to 13.00 hours |
| • | Sundays, Public Holidays | No working           |

Reason: In the interests of residential amenity in accordance with Policy DS5 and EN8 of the Core Strategy Development Plan Document.

8. Prior to Development commencing details of the vehicle protection bollards shown on Drawing No: ECBR-NOR-XX ZZ-DR-A-90002 Rev PO5 shall be submitted for approval by the Local Planning Authority.

The approved details shall be implemented prior to operations commencing and shall be maintained and retained thereafter.

Reason: To ensure a safe and secure environment and reduce the opportunities for crime in accordance with Policy DS5 of the Core Strategy Development Plan Document.

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

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with policies DS4 and DS5 of the Core Strategy Development Plan Document.

10. Prior to development commencing, full details of the highway works associated with any Section 278 Agreement shall be submitted to and approved in writing by the Local Planning Authority. The plans so approved as well as appropriate timescales for the delivery of these highway improvements shall be implemented in accordance with the approved specifications.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Core Strategy Development Plan Document.

11. Before any part of the development is brought into use, the visibility splays shown on the approved plan ECBR-NOR-XX -ZZ-DR-A-90002 Rev P05 shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with policies DS4 and DS5 of the Core Strategy Development Plan Document.

12. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority.

The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers and visitors;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site;

- viii) identification of the routes to site for general construction traffic and the associated workforce, and details of the number and type of vehicle movements anticipated on these routes during the construction period;
- ix) measures to ensure that all construction traffic to the site follows approved routes to avoid any impacts on the minor road network;
- x) proposed measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;
- xi) details of any proposed traffic management measures on the routes to site for construction traffic such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs;
- xii) procedures for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- xiii) measures to ensure that all affected public roads are kept free of mud and debris arising from the development, and that effective wheel/vehicle cleansing is undertaken;
- xiv) measures to ensure a mechanism for identifying and mitigating any potential cumulative highway impacts, should the construction of the project coincide with the construction of any other major projects in the area;
- xv) a detailed protocol for the delivery of any abnormal loads, prepared in consultation and agreement with interested parties, including National Highways, the Local Highway Authority and the Police.
- xvi) measures to control emissions to air during the construction.

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

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policies TR1, TR3, EN8, DS4, and DS5 of the Core Strategy Development Plan Document.

13. Concurrently with the construction of the new access and prior to it being brought into use, the redundant vehicular accesses to the site from Thornton Road and from Listerhills Road (following completion of pipe laying) shall be permanently closed off with a full kerb face, and the footways returned to full footway status, in accordance with a scheme that first shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies DS4 and DS5 of the Core Strategy Development Plan Document.

13. Before any part of the development is brought into use an external lighting scheme shall be submitted for approval by the Local Planning Authority and it shall ensure that no light shall shine into or toward residential properties or directly on to the highway.

The scheme should include the following information:-

- i) The type of luminaries to be installed showing for each unit, the location, height, orientation, light source type and power.



- ii) The proposed location of each illumination unit.
- iii) The predicted vertical illumination (lux) levels.
- iv) The proposals to minimise or eliminate glare from the use of lighting installation when viewed from aspect of the residential properties in the vicinity of the site.

The approved scheme shall be implemented before the Development is brought into use and maintained and retained thereafter.

Reason: In the interests of residential amenity and to comply with policy EN8 of the Core Strategy Development Plan Document.

14. Finished floor levels shall be set no lower than 106.70m Above Ordnance Datum (AOD). Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk.

Reason: To accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document and CL2 of the City Centre Area Action Plan.

15. Prior to Development commencing construction details for any new building(s) located with 5 (five) metres of Bradford Beck shall be submitted to and approved in writing by the Local Planning Authority. The construction details shall illustrate how no additional load will be imposed on the existing Bradford Beck Structure and include a Construction Method Statement. The buildings shall, thereafter, be constructed in accordance with the approved details.

Reason : To protect the Bradford Beck culvert and in the interests of effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document and CL2 of the City Centre Area Action Plan.

16. Prior to Development commencing details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the Flood Risk Assessment & Drainage Strategy, Ref No.: 70104194-FRA001, dated 19/04/2023. The scheme so approved shall thereafter be implemented in accordance with the approved details.

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 and CL2 of the City Centre Area Action Plan.

17. 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.

Reason: In the interests of the amenity of future occupiers, pollution prevention, the effective management of flood risk and in order to prevent overloading, in accordance with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document and CL2 of the City Centre Area Action Plan.

18. Prior to Development commencing a Maintenance Plan for the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved timings for provision and all other matters in 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 and CL2 of the City Centre Area Action Plan .

19. The height of the flue stacks and windshields shall be as set out in drawing ECBR-NOR-XX - ZZ-DR-A-00132 Rev P02 and shall not exceed or be below the heights noted in the approved drawing. The four flues shall not exceed or be below 900mm in diameter, as shown on drawing ECBR-NOR-XX - ZZ-DR-A-00132 Rev P02.

Reason: To ensure that the air quality is maintained, in accordance with policy EN8 of the Core Strategy Development Plan Document.

20. The maximum heat demand to be provided by gas boilers shall be limited to a maximum of 26,000MW per annum with a requirement to provide a further air quality impact assessment if demand increases above this expected level in the future. Records of annual energy generation from the gas boiler plant shall be provided to the council on request.

Reason: To ensure that the air quality is maintained, in accordance with policy EN8 of the Core Strategy Development Plan Document.

21. All gas boilers provided to be low NO<sub>x</sub> with a maximum allowed emission rate at full load of 0.17788g/s. Product documentation shall be provided to the council within two weeks of installation to demonstrate the stated or equivalent boilers have been provided.

Reason: To ensure that the air quality is maintained, in accordance with policy EN8 of the Core Strategy Development Plan Document.

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

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

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Core Strategy Development Plan Document .

24. Prior to construction 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Core Strategy Development Plan Document.

25. 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 Core Strategy Development Plan Document.

26. 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 land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Core Strategy Development Plan Document

27. 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. The approved methodology shall thereafter be complied with.

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 Core Strategy Development Plan Document.

28. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall put in place measures to retain and protect the 0.03 Biodiversity River Units as shown in Biodiversity Gain Assessment Report Ref ER-665002D (Brooks Ecological, 21/07/2023) and include the following.

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including but not limited to avoidance of impacts on breeding birds and eradication of and prevention of spread of Invasive Species (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to ensure the protection of existing biodiversity features in accordance with the Core Strategy Development Plan Document Policy EN2, M5 of the City Centre Area Action Plan, the NPPF and BS 42020:2013.

29. A Biodiversity Gain Plan (BGP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The Plan shall deliver a minimum of 1.77 Biodiversity Units on land identified in Biodiversity Gain Assessment Report Ref ER-665002D (Brooks Ecological, 21/07/2023) and include the following.

- a) Description and evaluation of features to be managed and enhanced
- b) Extent and location/area of proposed habitats and Biodiversity Units on scaled maps and plans
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management to include Target Biodiversity Units and Condition Criteria.
- e) Appropriate management options for achieving aims and objectives.
- f) An annual work programme (to cover an initial 5 year period)
- g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- h) The BGP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- i) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period
- j) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BGP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: to ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Development Plan Document Policy EN2, M5 of the City Centre Area Action Plan, NPPF and BS 42020:2013.

30. The development hereby permitted shall not be brought into use until bat and bird boxes have been installed/constructed in accordance with details agreed in advance with the Local Planning Authority.

Reason: To ensure appropriate enhancements for species are provided by the development in accordance with Core Strategy Development Plan Document Policy EN2, M5 of the City Centre Area Action Plan, NPPF and BS 42020:2013

31. Prior to development commencing a full invasive species survey of the site, with appropriate actions and timescales, shall be submitted and approved in writing by the Local Planning Authority as specified in the Preliminary Ecological Appraisal Report, to identify if any other INNS or more cotoneaster is present on site. The approved actions shall be implemented in accordance with the approved details and timescales.

Reason: To ensure invasive species are appropriately controlled so as not to impact on biodiversity and any biodiversity enhancements, in accordance with Core Strategy Development Plan Document Policy EN2 and M5 of the City Centre Area Action Plan.

32. The development hereby permitted shall not be brought into use until a scheme has been submitted and approved in writing by the Local Planning Authority, which details the planting to the proposed Trellis Security Fence shown on drawing ECBR-NOR-XX - ZZ-DR-A-90003 Rev P04 to provide for a green living wall. The scheme shall include

- i) location of the planting
- ii) species to be planted
- iii) timescales for planting
- iv) maintenance and replacement planting schedules

The approved scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to accord with Policies DS2, DS3 and DS 5 of the Core Strategy Development Plan Document.

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

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

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS 5 of the Core Strategy Development Plan Document.

## **Informatives**

### **EH informatives**

The applicant should have regard to the following documents:

- YALPAG (formerly YAHPAC) 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
- YALPAG 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
- YALPAG (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.

Current editions of these documents are available on the Bradford MDC website <https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-application-forms/>.

The applicant may find it useful to have regard to the 'Definition of Waste: Development Industry Code of Practice' (DoWCoP). It may be useful to consider using a Materials Management Plan to enable sorting and retention of suitable material, which would also ensure that only unusable material is taken off site as recyclate or waste.

### **YW Informative**

The site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk) ) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers', as supplemented by Yorkshire Water's requirements.