

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

# Q

---

## **Subject:**

This is an outline planning application with appearance and scale reserved for the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5), landscaping and all associated works at Scott Works, Hollingwood Lane, Bradford. Details of the access, landscaping and layout have been submitted for consideration at this stage.

## **Summary statement:**

The proposal relates to the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5), landscaping and all associated works. Vehicular access to the site will be taken from Clayton Road with a pedestrian access from Hollingwood Lane.

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

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

---

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

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

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

## **1. SUMMARY**

This is an outline planning application with appearance and scale reserved for the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5), landscaping and all associated works at Scott Works, Hollingwood Lane, Bradford. Details of the access, landscaping and layout have been submitted for consideration at this stage.

## **2. BACKGROUND**

There is no relevant background to this application.

## **3. OTHER CONSIDERATIONS**

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

## **4. OPTIONS**

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

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

There are no financial implications associated with this proposal.

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

No implications.

## **7. LEGAL APPRAISAL**

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

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

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

### **8.2 SUSTAINABILITY IMPLICATIONS**

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

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

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development against the previous use as an industrial building. Consideration should also be given as to whether the location of the proposed facility is such that sustainable

modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the main car park serving the development (planning condition).

#### **8.4 COMMUNITY SAFETY IMPLICATIONS**

There are no community safety implications other than those raised in the main body of the report.

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

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

#### **8.6 TRADE UNION**

None.

#### **8.7 WARD IMPLICATIONS**

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

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

None.

#### **10. RECOMMENDATIONS**

That planning permission is granted subject to the conditions set out in the report attached as appendix 1.

#### **11. APPENDICES**

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

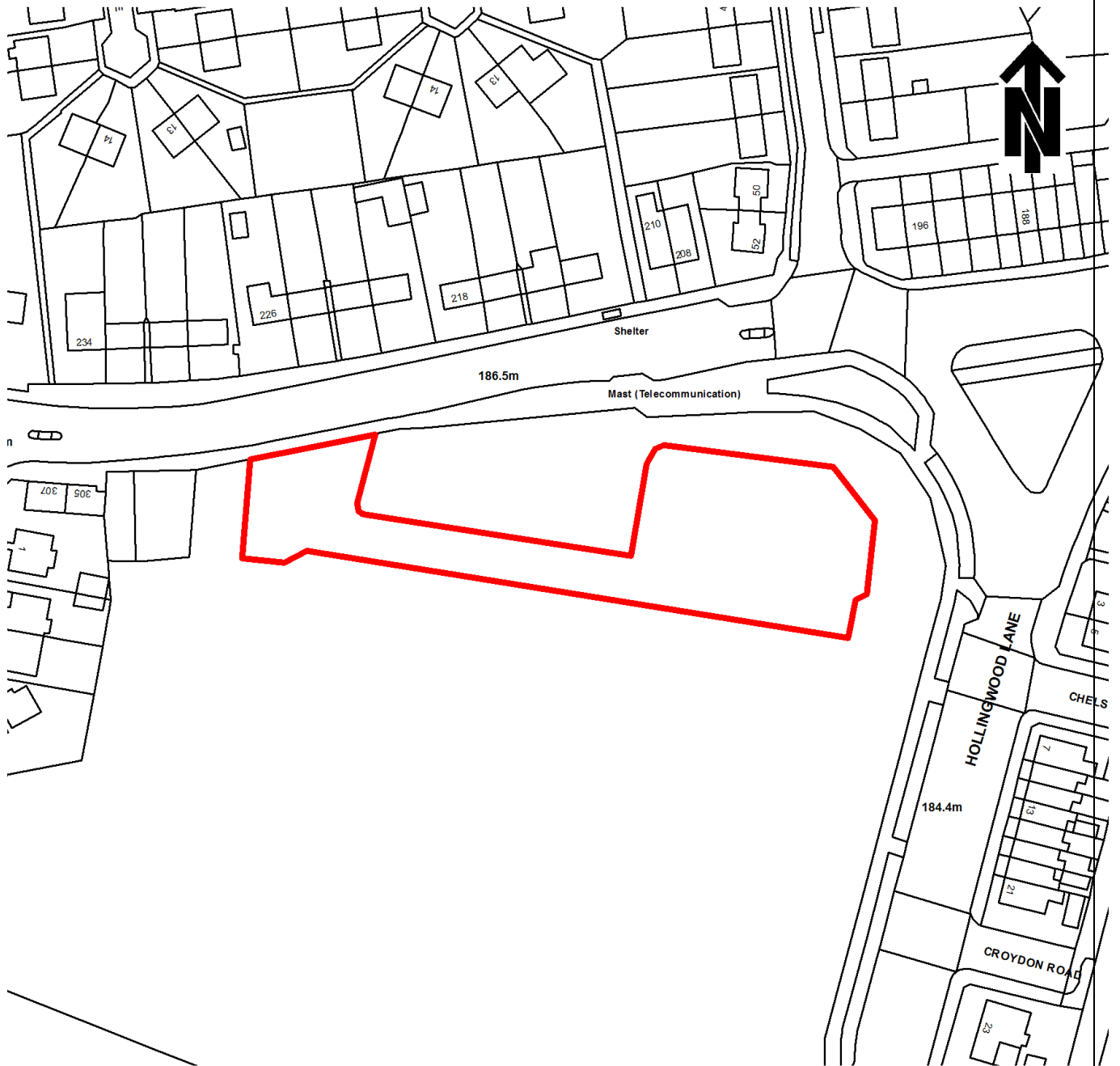
#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
The Replacement Unitary Development Plan  
Local Plan for Bradford  
Planning application 17/02473/OUT

17/02473/OUT



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2017 Ordnance Survey 0100019304

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

10 August 2017

**Ward: Great Horton**

**Recommendation:**

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

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

**2. TROs:**

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

**Application Number:**

17/02473/OUT

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

This is an outline planning application with appearance and scale reserved for the construction of a cafe/ drive-thru (Use Class A1, A2, A3, A4, A5), landscaping and all associated works at Scott Works, Hollingwood Lane, Bradford. Details of the access, landscaping and layout have been submitted for consideration at this stage.

**Applicant:**

Quora Bradford Ltd

**Agent:**

Mr Steve Buckley (Peacock & Smith)

**Site Description:**

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

**Relevant Site History:**

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

17/02462/MAF – Full planning application relating to the construction of three individual retail units (Use Class A1) and a family pub restaurant (Use Class A3) with associated car parking, landscaping and associated works

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

### **The National Planning Policy Framework (NPPF):**

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

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

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

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

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

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

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

### **Core Strategy Policies:**

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

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

**Parish Council:**

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

**Publicity and Number of Representations:**

The proposal was publicised by site notice and neighbour notification letters. The expiry date for the publicity exercise was the 15<sup>th</sup> May 2017.

As a result of the publicity exercise 6 representations have been received objecting to the proposal and 2 representations have been received in support. One of the representations received in support of the proposal is from a local Ward Councillor.

**Summary of Representations Received:**

**Objections:**

Principle of development:

- The inclusion of a pub is not coherent with the Council Policy of a healthier population of Bradford. Given that there is a public park within 400 meters and a school this application should be rejected
- A cafe and drive through is possibly the worst decision for this area. The obesity levels are ridiculously high in the city and yet we find more artery blocking businesses given the green light to desecrate our area
- Tesco, Asda and the Co-op is a short drive away which doesn't explain the need for additional retail units that will destroy local businesses in the same sector
- The retailers in question already have many outlets across the city adding to unnecessary outlets
- Not enough information has been communicated to the residents in the surrounding affected streets and the council should be updating residents on the benefits and drawbacks before any decision is made
- This plot should only be considered for residential and landscape development given the shortage of properties in Bradford and the poor physical image of the area
- Would prefer the site be used for a secondary school as the nearest school is in Queensbury
- A pub has only just closed down on nearby Pasture Lane so how does the council expect opening another one is justified?
- The need for housing and good nurseries or schools is required for our future generations
- A pub is not in tune with the local people
- There is no local place of worship that is walking distance and that is something to be considered

Highways:

- Traffic is already a major issue on Hollingwood Lane and Clayton Road with pedestrians affected. The application would create more traffic funnelling into Clayton backing all the way back into the city centre
- Traffic lighting or a mini roundabout would create more chaos and potentially more accidents for the dance school where children attend

Other:

- The location could encourage the number of anti-social behaviour orders as well as drink driving incidents
- Hygiene is already an issue with missed bin collections and the addition of retail or food premises are going to add to the unclean streets and add to the rat population of Bradford
- A large retail outlet would only welcome a rodent infestation of a substantial amount which would result in local homes suffering
- Think about the legacy of what we are leaving our children more green area in an urban concrete jungle is needed to clean our air not a carbon footprint that will step on our children

Support:

- It is an excellent proposal for the area providing local employment opportunities and long overdue retail development

**Consultations:**

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

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

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

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

Landscape Design Unit – No objection to the principle of the development but seek the inclusion of additional planting in the car parking areas to improve the visual character of the area

Trees Section – No objection on the grounds that the majority of the trees are being retained and will serve to enhance and screen the site

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

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees



7. Secured by design
8. Contaminated land
9. Other issues

**Appraisal:**

The proposal relates to the construction of a café/drive-thru (Use Class A1, A2, A3, A4, A5) and the building will create 338 square metres of net additional gross internal floorspace. Details of access to the site, landscaping and layout have been submitted for consideration at this stage.

1. Principle of development

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

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

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

Criterion 2, 3 and 4 of the above policy require the Applicant to demonstrate that there are no sequentially preferable sites within or on the edge of the surrounding centres

and that the proposal will not have an adverse impact on the vitality and viability of surrounding centres.

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

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

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

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

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

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

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

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

time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'

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

#### Sequential Test:

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

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

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

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

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

#### The Impact Test:

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

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

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

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

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

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

destinations to 80% in both instances and it is considered that these figures better reflect what could happen in practice, particularly given the types of operators likely to be occupying units at the application site and the type of operators in the defined centres.

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

The wider scheme has been assessed in terms of the proposed end-uses, i.e. Use Classes A1, A3 and A4/AA. The Town and Country Planning (Use Classes) Order 1987 (as amended) does permit changes from one Use Class to another and this could result in changes to the balance of the uses within the development. It is permissible to change from Use Class A3 to A1 without planning permission and therefore it is recommended that a condition be imposed on a planning permission restricting the use of the drive thru to a drive thru coffee shop and no other use within that Use Class or any other without the need for consent. If, in the future, the use of the building is to be changed to, for example A1 retail, then the impact of the use on the existing retail centres can be further assessed.

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

## 2. Visual amenity

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

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute

positively to making places better for people. Planning decisions should aim to ensure that developments:

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

The site is located at the junction of Clayton Road and Hollingwood Lane and is within the north eastern corner of the larger site. It is therefore located in a very prominent position within the context of the streetscene and wider locality. The application is in outline form with details of the appearance and scale reserved for consideration at a later stage. The footprint of the building is not considered excessive for its location and there is landscaping proposed in the immediate vicinity of the building which will help screen it from views from the surrounding area. The design of the building is important and it is considered that an appropriate design can be achieved that would be considered acceptable for the sites location.

Overall therefore, subject to an appropriate design of the building being achieved, it is not considered that the proposal would have a detrimental impact on the visual character and appearance of either the streetscene or wider locality.

### 3. Residential amenity

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

The site is located within a residential area with dwellings facing onto the site from both the north (Clayton Road) and east (Hollingwood Lane). To the south and west are parts of the larger site and comprise retail proposals under application references 17/02462/MAF and 17/02466/OUT.

To the north of the site are dwellings fronting onto Clayton Road and onto the site itself. The separation distance between the dwellings and the proposed drive thru is 46 metres. The separation distance is considered acceptable in that it is sufficient enough such that the residential amenities of the occupiers of the dwellings will not be significantly affected.

To the east of the site are dwellings which front onto Hollingwood Lane and onto the site itself. The separation distance between the dwellings and proposed drive thru is 60 metres. The separation distance is considered acceptable in that it is sufficient enough such that the residential amenities of the occupiers of the dwellings will not be significantly affected.

The requested opening hours for the proposed drive thru are between 06:00–23:00 7 days a week. Deliveries to the unit will be between 07:00 to 19:00 Monday to Saturday

and 09:00 to 18:00 Sunday. It is acknowledged that these opening/delivery times are in line with those of similar developments and are similar to those of the proposed public house/restaurant forming part of application reference 17/02462/MAF. It is not considered that the operating times will significantly impact on the residential amenities of the occupiers of the neighbouring dwellings. Appropriate conditions are recommended in relation to opening and delivery times.

Overall therefore it is not considered that the siting of the proposed drive thru will significantly impact on the residential amenities of the occupiers of the adjacent dwellings.

#### 4. Highway safety

Policies TM2 and TM19A of the Replacement Unitary Development Plan support proposals for new development providing that, amongst other things, the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking and cycling facilities, in the vicinity of the site or the local environment. Policy TM11 requires the provision of parking in accordance with the Councils adopted standards.

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

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

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

There are 3 separate applications on the larger site (see Relevant Site History section of the report) and all the units forming this larger development will be served by the same vehicular access and the single large car park. As such in highway terms the 3 applications have not been considered separately but as a single scheme.

The Replacement Unitary Development Plan parking standards for the various proposed uses would equate to 426 car parking spaces. The proposed level of car parking provision is 216 spaces, including 15 disabled spaces and 11 parent & child

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

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

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

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

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

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

TRO is required for yellow box markings at the new access on Clayton Road and at the Hollingwood Lane and Scholemoor Lane junctions.



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

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

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

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

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

## 5. Drainage

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

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

## 6. Trees

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

The Tree Officer has not raised an objection to the proposal as the majority of the trees are to be retained. The layout of the development is such that there are adequate separation distances between the proposed buildings and the existing trees such that

they will not be directly impacted upon. An appropriate condition is recommended in relation to the provision of the root protection prior to the development commencing.

## 7. Contaminated land

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

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

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

The application site only comprises a small part of the larger site on which other applications have been submitted in relation to a comprehensive redevelopment of the larger site. A Phase I and Phase II Geo-Environmental Site Investigation Report has been submitted with the application and assessed by the Environmental Health Department. This report does relate to the larger site and is no site specific to the application site. However the conclusions of the report are relevant to the site.

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

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

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

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

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

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

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

## 8. Safe and secure environment

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

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

The West Yorkshire Police Architectural Liaison Officer has objected to the inclusion of the drive thru restaurant within the wider development but would not object to the inclusion of a coffee bar/eating area. The Applicant has indicated that the unit will be occupied by a coffee bar.

Access control on the vehicle entrance: It is recommended that manual access control barriers on the main vehicle entrance are installed, these can be left open during operational hours but locked on an evening when the units are closed, which will prevent any vehicles from parking up and carrying out any forms of anti-social

behaviour outside operating hours – *due to the site being surrounded by residential development that could be affected by inappropriate and unauthorised use of the car park these comments are concurred with and an appropriate condition is recommended.*

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

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

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

## 9. Other issues

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

The location could encourage the number of anti-social behaviour orders as well as drink driving incidents – *the proposal relates to a café/drive thru and will not sell alcohol and therefore will not encourage drink driving incidents. With regard to anti-social behaviour orders the site will be managed and a condition is recommended in relation to the installation of gates/barriers across the access/egress to prevent unauthorised access outside opening hours to prevent such behaviour.*

Hygiene is already an issue with missed bin collections and the addition of retail or food premises are going to add to the unclean streets and add to the rat population of Bradford – *this is not a material planning consideration and will be covered by Environmental Health legislation.*

A large retail outlet would only welcome a rodent infestation of a substantial amount which would result in local homes suffering – *the proposal doesn't relate to a large retail outlet and therefore this objection is not relevant. However in response to the comments raised the issue of a rat infestation would be covered by Environmental Health legislation.*

Think about the legacy of what we are leaving our children more green area in an urban concrete jungle is needed to clean our air not a carbon footprint that will step on our children – *the site is a brownfield site and is currently covered by concrete with there being very little grassed area. As part of the proposal the Applicant is proposing to incorporate some landscaping and this will enhance the site and improve on the amount of greenspace currently on the site.*

**Community Safety Implications:**

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

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

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

**Conditions of Approval:**

**1. Time scale**

Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

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

**2. Time scale**

The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

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

### 3. Reserved Matters

Before any development is begun plans showing the:

- i) appearance, and,
- ii) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

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

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

### 4. Site Investigation Implementation

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

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

### 5. Remediation strategy

Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

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

### 6. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

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

### 7. Unexpected contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

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

#### 8. Materials importation

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

#### 9. Surface water disposal

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

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with policy EN7 of the Local Plan for Bradford.

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

The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document which shall be submitted to, and agreed in writing by the Local Planning Authority, within 6 months of the development hereby permitted commencing on site.

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

#### 11. Temporary drainage strategy

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

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

#### 12. Surface water flow

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

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

13. Disposal of foul water drainage

Notwithstanding the drainage details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of foul water drainage, have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

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

14. Opening times

Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises shall be restricted to the hours from 06:00 to 23:00 Mondays to Sundays.

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

15. Delivery times

No deliveries/servicing shall be taken in or dispatched from the site outside the hours of 07:00 to 19:00 Mondays to Saturdays and 09:00 to 18:00 on Sundays.

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

16. Construction hours

Construction work shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays, 07:30 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

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

17. Details of any external lighting to be submitted

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

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

18. Construction Emission Management Plan

Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the



site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. It must include a site specific dust risk assessment and mitigation measures that are proportional to the level of identified risk.

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

#### 19. Root Protection Plan

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

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

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

#### 20. Implementation of landscaping

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

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

#### 21. Landscape management

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

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

#### 22. Travel Plan

Unless otherwise agreed in writing with the Local planning Authority, within 6 months of the first occupation of the building, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable

travel options for future occupants of the development and include measures and incentives to reduce their reliance upon the private car. The Travel Plan as approved shall be implemented within 3 months of its approval in writing. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

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

23. Construct access before use

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

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

24. Visibility splays

Before any part of the development is brought into use, the visibility splays shown on the approved plan shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

25. Servicing areas

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

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

26. Provision of car park before development brought into use

Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

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

27. Gates to prevent access outside hours

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

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

28. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

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

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

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

29. Preventive measures: mud on highway

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

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

30. Use of building

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, the premises shall be used for a drive thru coffee shop only and for no other purpose (including any other activity within Class A3 of the Order).

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to car parking provision and impact on adjacent occupiers and to accord with Policies UR3 and TM2 of the Replacement Unitary Development Plan.