

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

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## Subject:

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

## Summary statement:

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

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

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

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

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

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

## **1. SUMMARY**

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

## **2. BACKGROUND**

There is no relevant background to this application.

## **3. OTHER CONSIDERATIONS**

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

## **4. OPTIONS**

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

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

There are no financial implications associated with this proposal.

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

No implications.

## **7. LEGAL APPRAISAL**

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

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

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

### **8.2 SUSTAINABILITY IMPLICATIONS**

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

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

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development against the previous industrial/commercial use. Consideration should also

be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

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

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

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

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

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

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

#### **8.6 TRADE UNION**

None.

#### **8.7 WARD IMPLICATIONS**

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

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

None.

#### **10. RECOMMENDATIONS**

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

#### **11. APPENDICES**

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

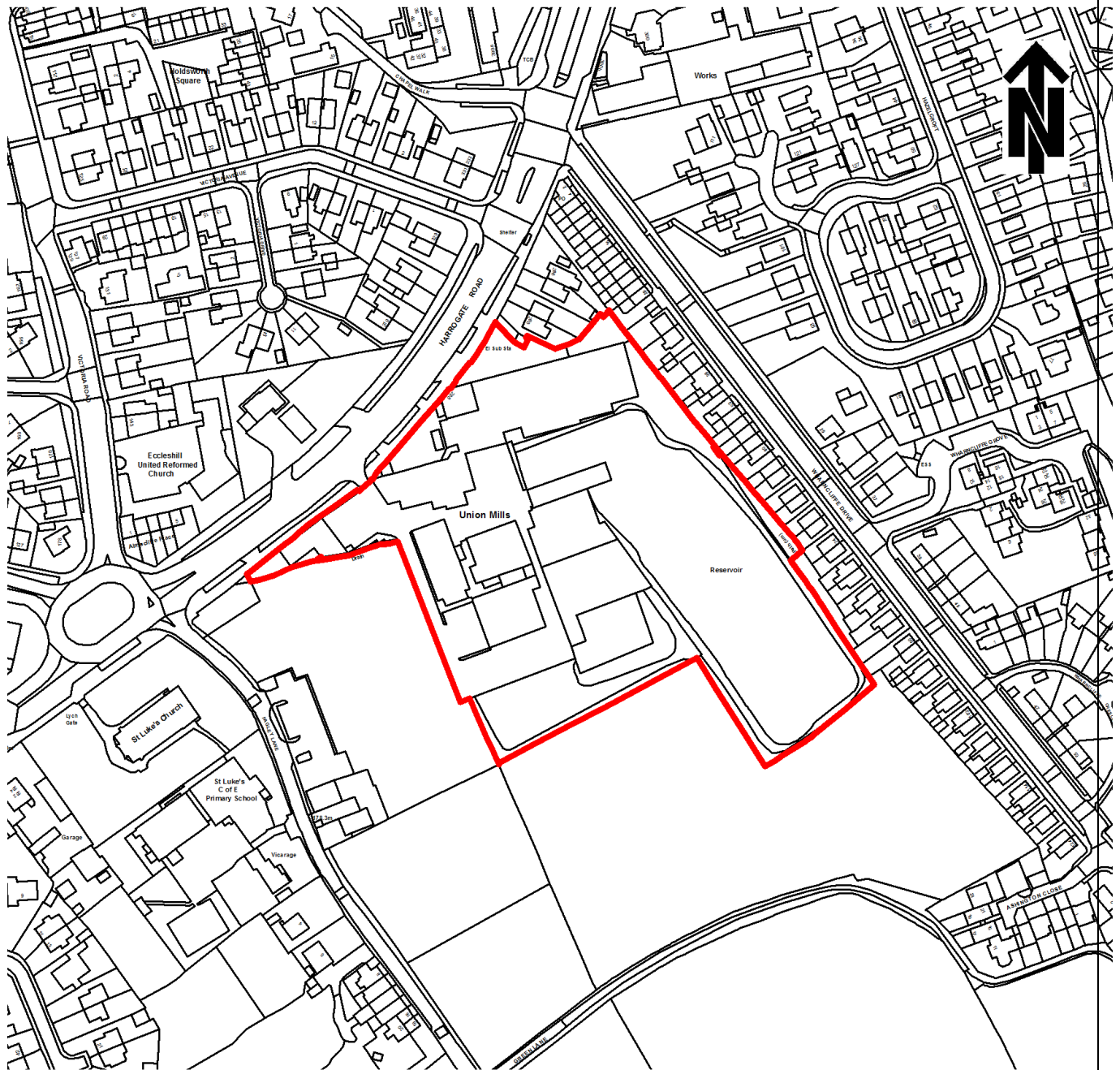
#### **12. BACKGROUND DOCUMENTS**

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

17/04007/MAF



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Union Mills**  
**Harrogate Road**  
**Bradford**

7 December 2017

**Ward: Bradford Moor**  
**Recommendation:**  
**GRANT PLANNING PERMISSION**

**Application Number:**  
17/04007/MAF

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

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

**Applicant:**  
Opus Land North (Union Mills) Ltd

**Agent:**  
Mrs Rachael Martin (ID Planning)

**Site Description:**

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

**Relevant Site History:**

There is no relevant planning history on the site

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

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

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

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

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The larger application site is not allocated for any specific land-use in the RUDP but is located within a Mixed Use Area. However, the western part of the site, fronting onto Harrogate Road, is allocated for highway improvements (Ref: BN/TM20.6). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

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

**Core Strategy Policies:**

PN1 Spatial Vision Diagram – Pennine Towns and Villages 2030  
P1 Presumption in Favour of Sustainable Development  
SC1 Overall Approach and Key Spatial Priorities  
SC4 Hierarchy of Settlements  
SC9 Making Great Places  
EC4 Sustainable Economic Growth  
EC5 City, Town, District and Local Centres  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
TR4 Transport and Tourism  
EN3 Historic Environment  
EN5 Trees and Woodland  
EN7 Flood Risk  
EN8 Environmental Protection  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places

**Parish Council:**

Not applicable in this instance.

**Publicity and Number of Representations:**

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

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

## **Summary of Representations Received:**

### **Objections:**

#### Principle:

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

#### Highways:

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

#### Residential amenity:

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

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

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

Visual amenity:

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

Drainage:

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

Ecology:

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

Others:

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



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

**Support:**

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

**Consultations:**

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

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

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

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

Drainage – No objection subject to the imposition of appropriate conditions

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

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

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

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

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

Environment Agency – No objection to the proposal

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

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

**Summary of Main Issues:**

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

**Appraisal:**

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

## 1. Principle of development

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

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

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

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

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

The Core Strategy was adopted in July 2017 and contains policy EC5 which is considered relevant to the proposal. The policy sets out the hierarchy of defined centres for the District and provides policy guidance in respect of the sequential and impact tests. In terms of the sequential test the policy states that it will apply to all planning applications for main town centre uses not in an existing centre and not in accordance with Development Plan Documents. With regard to the impact test the policy states that “when assessing applications for retail, office and leisure development not in accordance with the Development Plan Documents and in an edge

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

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

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

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

Paragraph 26 sets out a ‘twin’ impact test stating that “when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres). This should include assessment of:

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

### Sequential test

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

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

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

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

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

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

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

#### Impact test

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

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

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

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

- The impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and,
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, upto 5 years from the time the application is made.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

## 2. Visual amenity

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

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

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

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

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

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

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

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

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

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

Overall it is considered that the design of the buildings and the layout of the site is appropriate for the end use and will not have a detrimental impact on the visual character and appearance of the streetscene or wider locality.

### 3. Residential amenity

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

The site is located in an area where the predominant land-use is residential with existing dwellings being sited to the north (Harrogate Road), east (Wharnccliffe Drive) and south east (Ashington Close) of the site. To the south and west of the site are open fields that do benefit from having outline planning permission for residential development and a local retail centre. As yet this planning permission has not progressed through to a Reserved Matters application.

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

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

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

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

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

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

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

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

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

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

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

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

#### 4. Highway safety

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

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

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

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

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

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

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

## 5. Drainage

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

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

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

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

## 6. Trees

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

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

## 7. Safe and secure environment

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

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

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding specific aspect of it, these are as follows:

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

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

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

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

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

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

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

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

## 8. Contaminated land

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

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

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

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



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

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

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

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

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

## 9. Conservation

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

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

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

## 10. Biodiversity

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

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

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

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

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

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

## 11. Other issues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Community Safety Implications:**

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

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The scheme provides a retail scheme on previously-developed land. The scale, form, layout and design of the proposal are acceptable and present no concerns with regard to residential amenity and highway safety. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies UR7A, CR1A, CR4A, and, TM20 of the adopted Replacement Unitary Development Plan, Policies PN1, P1, SC1, SC4, SC9, EC4, EC5, TR1, TR2, TR3, TR4, EN3, EN5, EN7, EN8, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

**Conditions of Approval:**

1. Time limit

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

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

## 2. Site Investigation Implementation

Prior to development (excluding demolition of the existing buildings and drainage of the Mill Pond) commencing on site, the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

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

## 3. Remediation strategy

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

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

## 4. Remediation verification

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

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

## 5. Unexpected contamination

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

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

#### 6. Materials importation

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

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

#### 7. Separate foul/surface water drainage

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

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

#### 8. Use of oil interceptors

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

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

#### 9. Disposal of surface water drainage

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

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

Furthermore, unless otherwise agreed in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

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

The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.

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

11. Flow of surface water

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

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

12. Temporary drainage strategy

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

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

13. Disposal of foul water drainage

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

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

14. Drainage of Mill Pond

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

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

15. Siting of Mill Pond pump

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

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

**16. Opening times – retail units**

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

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

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

Unit 7: 07:00 to 22:00 hours Monday to Saturday and 10:00 to 18:00 on Sundays

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

**17. Delivery times – retail units**

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

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

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

Unit 7: 06:00 to 23:00 hours

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

**18. Construction hours**

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

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

**19. Electric Vehicle Charging Points**

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

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).



#### 20. Construction Emission Management Plan

Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. It must include a site specific dust risk assessment and mitigation measures that are proportional to the level of identified risk.

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

#### 21. Details of any external lighting to be submitted

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

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

#### 22. Root Protection Plan

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

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

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

#### 23. Boundary treatment

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

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

24. Implementation of landscaping

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

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

25. Landscape management

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

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

26. Materials

Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with policy DS1 of the Local Plan for Bradford.

27. No signs

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

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

28. Travel Plan

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

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

29. Highway Improvement Before Use

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

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

30. Means of access

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

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

31. Closure of existing vehicular access

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

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

32. Provision of car park

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

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

33. Highway boundary wall

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

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

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

#### 34. External lighting

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

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

#### 35. Gates to prevent access outside hours

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

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

#### 36. Construction Plan

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

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

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

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

37. Preventive measures: mud on highway

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

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

38. Sub-division/amalgamation of units

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

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

39. Restriction on comparison/convenience floorspace

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

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

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

40. Use of units 1A and 1B

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

any use within Class A1 of that Order or as a coffee shop or café operator only and for no other purpose or other activity within Class A3 of the Order.

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

41. Ventilation systems

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

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