

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

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Subject:

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

Summary statement:

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

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

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

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

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

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

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

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

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with this proposal.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

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

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

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

8.2 SUSTAINABILITY IMPLICATIONS

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

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

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

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

8.4 COMMUNITY SAFETY IMPLICATIONS

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

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

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

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

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

11. APPENDICES

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

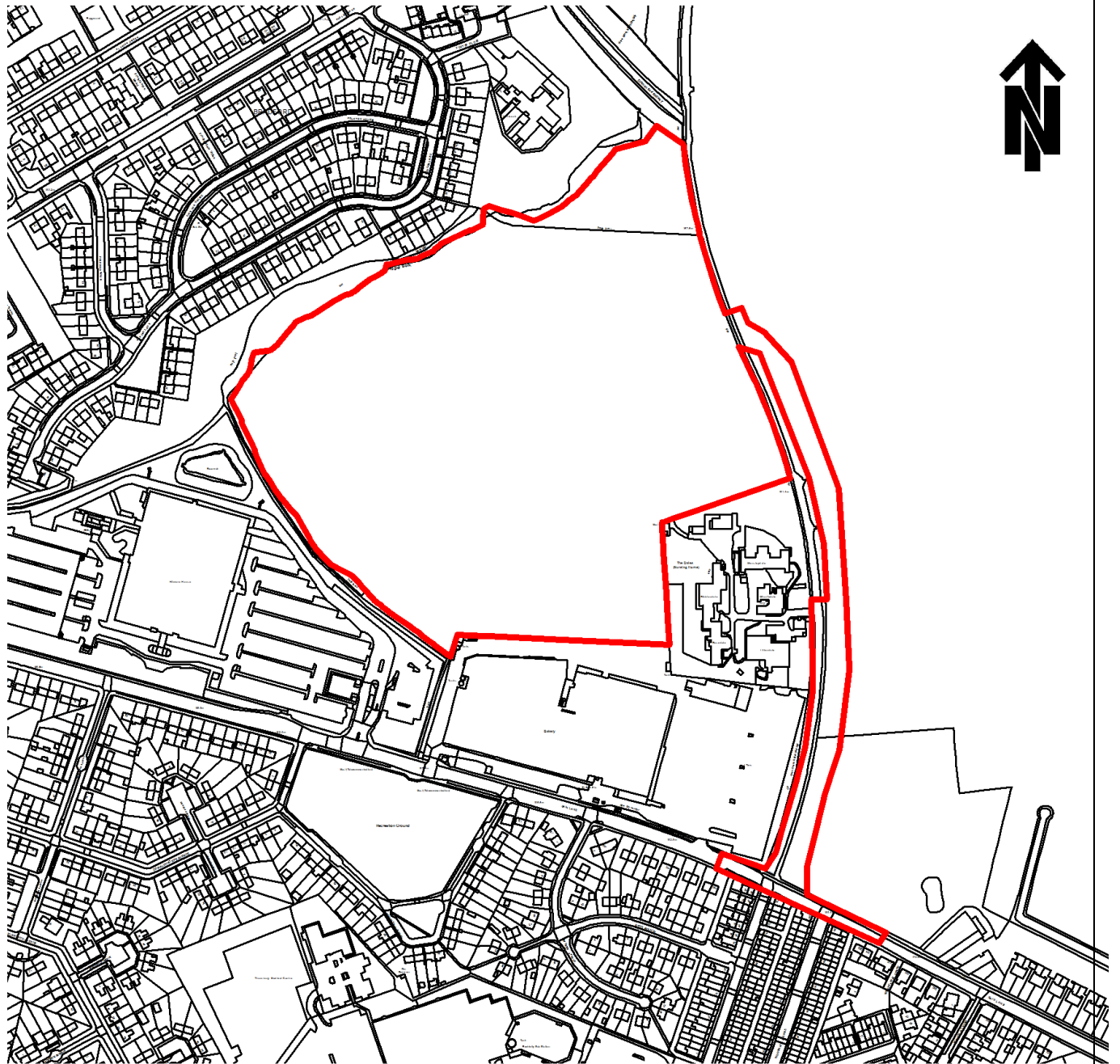
12. BACKGROUND DOCUMENTS

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

17/02463/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:5,000

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

7 December 2017

Ward: Bradford Moor

Recommendation:

GRANT PLANNING PERMISSION

Application Number:

17/02463/MAO

Type of Application/Proposal and Address:

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

Applicant:

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

Agent:

N/A

Site Description:

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

Relevant Site History:

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

The National Planning Policy Framework (NPPF):

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

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

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

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The majority part of the site is allocated for as an Employment Site (Ref: BN/E1.17) whilst the northern strip of the site is allocated as a New Site for Recreation Open Space and Playing Fields (Ref: BN/OS4.17) in the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

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

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC9 Making Great Places
EC4 Sustainable Economic Growth
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
EN1 Protection and improvements in provision of Open Space and Recreation Facilities
EN2 Biodiversity and Geodiversity
EN3 Historic Environment
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection
EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

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

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

Summary of Representations Received:

Principle:

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

Residential amenity:

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

Traffic/highways:

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

Drainage:

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

Other:

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

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

Consultations:

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

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

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

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

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

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

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

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

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

Highways DC – No objection

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

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

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

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Secured by design
8. Contaminated land
9. Ecological issues
10. Archaeology
11. Other issues

Appraisal:

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

1. Principle of development

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

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development though the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

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

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

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

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

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

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

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

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

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

In principle it is considered that the proposal meets the requirements of both Policies E1 and OS4 of the Replacement Unitary Development Plan and Policies EC4 and EN1 of the Core Strategy and therefore in land-use terms the proposal is considered to be acceptable subject to detailed consideration in the following sections of the report.

2. Visual amenity

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

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

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

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

The site is located within an area whereby it is bounded by both residential and industrial/commercial uses. Fronting onto Gain Lane to the south of the site are a 3 storey brick built office block comprising Morrisons Headquarters together with a 2 storey bakers constructed of a mix of brickwork and cladding.

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

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

Overall therefore, at this stage, it is not considered that the proposal will impact on the visual character and appearance of the area but careful consideration will need to be given to the design of both the layout of the development and the buildings to ensure it does compliment rather than detract from the locality.

3. Residential amenity

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

The site is bounded to the north and north west by existing residential development (Foston Lane) and it is important therefore to assess the impact the proposal will have on the residential amenities of the occupiers of this dwellings.

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

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

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

4. Highway safety

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

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

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

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

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

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

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

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

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

Overall therefore there is no highways objection to the proposal.

5. Drainage

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

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

6. Trees

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

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

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

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

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

7. Secured by design

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

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

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

8. Contaminated land

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

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

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

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

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

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

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

9. Biodiversity issues

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

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

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

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

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

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

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

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

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

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

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

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

10. Archaeology

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

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

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

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

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

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

11. Other issues

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

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

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

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

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

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

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

Community Safety Implications:

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

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The scheme provides a development on an allocated site that no concerns with regard to highway safety. Issues of visual and residential amenity will be considered at the Reserved Matter stage. The proposal is considered acceptable and, with the proposed conditions, satisfies the requirements of policies E1, E2, TM10, and, OS4 of the Replacement Unitary Development Plan and policies P1, SC1, SC4, SC9, EC4, TR1, TR2, TR3, EN1, EN2, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time scale

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

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

2. Time scale

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

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

3. Reserved Matters

Before the commencement of each phase of the development is begun plans showing the:

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

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

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

4. Separate system foul and surface water

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

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

5. No piped discharge of surface water

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

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

6. Approved drainage strategy

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

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

7. Use of SUDS

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

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

8. Temporary drainage strategy

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

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

9. Maximum flow of surface water

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

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

10. Site Investigation Scheme

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

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

11. Site Investigation Implementation

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

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

12. Remediation strategy

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

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

13. Remediation verification

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

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

14. Unexpected contamination

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

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

15. Materials importation

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

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

16. Means of access

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

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

17. Construction Plan

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

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

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

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

18. Preventive measures: mud on highway

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

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

19. Travel Plan

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

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

20. Electric Vehicle Charging Points

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

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

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

21. Construction Emission Management Plan

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

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

22. Ecological enhancements

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

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

23. Root protection plan

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

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

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

24. Archaeological recording

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

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

25. Construction hours

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

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

26. Hours of use

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

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