

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

**AA**

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**Subject:**

Full planning application 17/04012/FUL for a material change of use from Use Class B1 (Business) to Use Class B2 (General Industrial) to allow the chemical treatment of metal parts including storage of chemicals at Unit 3A, Sapper Jordan Rossi Park, Otley Road, Baildon.

**Summary statement:**

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application ref. 17/04012/FUL, for a material change of use of Unit 3A, Sapper Jordan Rossi Park, from Use Class B1 (Business) to Use Class B2 (General Industrial), to allow the chemical treatment of metal parts including storage of chemicals, made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

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**Portfolio:**

**Regeneration, Planning and Transport  
Overview & Scrutiny Area:**

**Regeneration and Economy**

## **1. SUMMARY**

The proposal includes both a material change of use of the unit from B1 (Business) to B2 (General Industrial) and also minor external alterations, primarily comprising additional glazing and doors to the gable end elevation and the inclusion of a 1.8 metre high flue stack to the ridge. The purpose of the material change of use is to allow the unit to be used for the chemical treatment of parts produced in the adjacent unit operated by Produmax (the applicant). The documentation submitted in support of the application indicates that the use may include both Passivation using Nitric Acid and Anodisation using Sulphuric Acid.

The proposal site is within an allocated Employment Site as defined on the Development Plan Proposals Map. The proposed use is associated with an existing high technology manufacturing business operating at the site and will allow this business to increase its manufacturing capabilities and operating efficiency with a consequent increase in the amount of employment they generate.

Objectors, including the adjoining unit and other occupants of the business park, have raised strong objections to the proposal due to the adverse air quality, health and corrosion impacts which they are concerned that the proposed use will generate. However the application has been reviewed by both the Council's Environmental Health Service and the Environment Agency who have not raised any objections, subject to control under separate pollution control and health and safety legislation.

Taking development plan policies and other relevant material considerations into account, it is considered that the proposal is acceptable in principle and in terms of the potential environmental effects of the development, subject to the conditions recommended at the end of the report at Appendix 1, which seek to control the intensity and scope of the proposed use. Conditional approval of planning permission is therefore recommended.

## **2. BACKGROUND**

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

## **3. OTHER CONSIDERATIONS**

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

## **4. OPTIONS**

If the Committee proposes to follow the recommendation to grant planning permission then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional planning permission.

Alternatively, if the Committee decide that planning permission should be refused, they may refuse the application accordingly. Reasons for refusal should be given based upon development plan policies or other material planning considerations.

The Committee may also opt to grant planning permission subject to conditions which differ from those recommended in the report at Appendix 1. Reasons must be given for the imposition of each planning condition.

**5. FINANCIAL & RESOURCE APPRAISAL**

None relevant to this application.

**6. RISK MANAGEMENT & GOVERNANCE ISSUES**

None relevant to this application.

**7. LEGAL APPRAISAL**

The options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended).

**8. OTHER IMPLICATIONS**

**8.1 EQUALITY & DIVERSITY**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that either approving or refusing planning permission would be likely to lead to disproportionate impacts on any groups of people or individuals who possess protected characteristics.

Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are attached at Appendix 1.

**8.2 SUSTAINABILITY IMPLICATIONS**

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The proposal is for a material change of use which will allow the applicant to undertake manufacturing processes on site. Currently parts manufactured at Produmax are transported abroad for treatment. Reducing the need for off-site treatment of parts has obvious potential sustainability benefits.

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

The provision of a facility on site which reduces the need for the transportation of parts for processing abroad is likely to allow the greenhouse gas emissions associated with the overall manufacturing process to be reduced.

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

Adopted Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The previous planning permission for the development of the unit for B1 purposes, ref. 16/02348/MAF, included conditions requiring appropriate security measures to be implemented in terms of fencing, lighting and CCTV. Subject to such conditions being carried through to the new permission, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with adopted Core Strategy Policy DS5.

### **8.5 HUMAN RIGHTS ACT**

The Council must seek to balance the rights of applicants to make beneficial use of land with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that either granting or refusing planning permission will deprive anyone of their rights under the Human Rights Act.

### **8.6 TRADE UNION**

There are no implications for Trades Unions relevant to this application.

### **8.7 WARD IMPLICATIONS**

The proposal site is within the Baildon Ward. Ward Councillors and local residents have been made aware of the application and have been given opportunity to submit written representations through notification letters and site notices.

In response to this publicity representations have been received from 11 individuals including 5 objectors, 5 supporters and one neutral. The representations include two Ward Councillors one of whom has indicated that they are in objection to the application and one of whom raises queries but states a neutral position.

Baildon Town Council have stated that they have no comment on the change of use issue but are keen to ensure that all environmental issues have been properly and fully addressed. To this end the Council would support requests that the application be heard by the CBMDC Planning Committee.

The Technical Report at Appendix 1 summarises the material planning issues raised in the representations and the appraisal gives full consideration to the effects of the development upon the Baildon Ward.

**9. NOT FOR PUBLICATION DOCUMENTS**

None

**10. RECOMMENDATIONS**

To grant planning permission for a material change of use from Use Class B1 (Business) to Use Class B2 (General Industrial) to allow the chemical treatment of metal parts including storage of chemicals at Unit 3A, Sapper Jordan Rossi Park, Otley Road, Baildon for the reasons and subject to the conditions set out at the end of the Technical Report at Appendix 1.

**11. APPENDICES**

Appendix 1: Technical Report

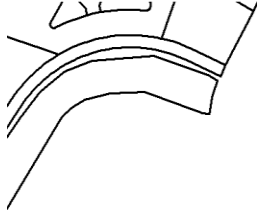
**12. BACKGROUND DOCUMENTS**

- Adopted Core Strategy
- National Planning Policy Framework
- Application file 17/04012/FUL

**17/04012/FUL**



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Unit 3A  
Sapper Jordan Rossi Park  
Baildon  
West Yorkshire  
BD17 7AX**

**Appendix 1**

07 December 2017

**Ward:** Baildon (ward 01)

**Recommendation:**

To Grant Planning Permission Subject to Conditions

**Application Number:**

17/04012/FUL

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

Full planning application 17/04012/FUL for a material change of use from Use Class B1 (Business) to Use Class B2 (General Industrial) to allow the chemical treatment of metal parts including storage of chemicals at Unit 3A, Sapper Jordan Rossi Park, Otley Road, Baildon.

**Applicant:**

Produmax Ltd

**Agent:**

J O Steel Consulting

**Site Description:**

The proposal site comprises a 0.15 hectare unit (Unit 3A) within a larger 5.1 hectare business park known as Sapper Jordan Rossi Park. The site is being developed on a former greenfield site, located between Otley Road and the River Aire at the eastern edge of the settlement of Baildon. The site masterplan involves the development of 7 industrial sheds on the site sub-divided into units of varying sizes. The first 4 sheds (accommodating units 2, 3A, 3B, 4, 5, 6, 8A, 8B and 9) have now been fully constructed and all but 3 of the units have been brought into occupation.

Sapper Jordan Rossi Park fronts onto Otley Road and incorporates a new signalised industrial standard access onto Otley Road. The site has been formed into a development platform gently sloping down towards the river from 66 metres AOD to 63 metres AOD. A 3.5m high embankment retains the level difference from Otley Road down to the development platform, with an approximately 1.5m high mortared stone wall marking the boundary of the site at the top of the embankment.

The 0.15 hectare area with which this planning application comprises unit 3A, which adjoins unit 3B, now occupied by GSM Aluminium and is adjacent to Unit 2, occupied by Produmax (the applicant). Adjacent land uses are the industrial and business related uses to the north, south and west, with a landscaped area, the River Aire and agricultural land located to the east. A footpath runs between the proposal site and the adjacent industrial unit to the south. The site is bounded by welded mesh security fencing.

**Relevant Site History:**

<b>Application ref.</b>	<b>Description</b>	<b>Decision</b>
99/01524/FUL	Construction of new production facilities for the manufacture of microwave components and sub systems for use in mobile telecommunications, cable and tv systems	Granted 11 August 1999
00/01378/FUL	Revised design for the construction of new production facilities for the manufacture of microwave components and sub systems for use in mobile telecommunications, cable and tv systems	Granted 18 July 2000
01/00380/FUL	Revised design for the construction of new factory for microwave components	Granted 27 March 2001
04/05698/OUT	Construction of access roads and buildings for use as B1 business, and B2 employment, C1 hotel , A1 retail and 60 residential apartments together with car parking and landscaping	Granted Subject to S106 02 April 2007
10/04330/OUT	Construction of science and technology based business park with Hi Tech manufacturing and construction of hotel/restaurant and retail outlet	Granted Subject to S106 16 February 2011
10/04112/FUL	Enabling Works to prepare this development site. Works to include site access to Otley Road, main spine road works, earth works for development site plateaux, retaining walls and mains drainage works	Granted Subject to S106 16 February 2011
13/01612/REG	Amendment to planning permission 10/04112/FUL to provide an additional bridleway linking Otley Road to Buck Lane	Granted 20 June 2013
13/04525/MAF	Construction of a spine road, a 2,811sqm (GEFA) unit with 49 no. parking spaces, vehicle and pedestrian access off the spine road and landscaping.	Granted 30 Jan 2014
14/01192/MAF	Adjoined units with a combined gross external floor area of 3332sqm, 56 parking spaces, landscaping and five vehicle and pedestrian access points off the park's spine road	Granted 08 July 2014
15/01887/FUL	New build single storey Morrison's Local food retail unit to southwest corner of the site, access road, service yard and 15 parking spaces including 2 accessible spaces	Granted 06 July 2015
15/02019/FUL	Spine road providing access to all units within Baildon Technology Park and creation of detention basin	Granted 24 Sept 2015



15/02528/FUL	Change of use of unit 8A to B8 use with associated uses for B1(a) B1(b) and ancillary showroom	Granted 13 Aug 2015
15/03268/VOC	Variation of condition 2 and deletion of condition 3 of permission 14/01192/MAF to change the consented car parking layout and access points. Subdivision of Unit 8 (without changes to elevations). Bicycle rack position changed. Change of hard landscaping material to car spaces from consented tarmacadam to concrete. Change of hard landscaping material from compacted gravel to tarmacadam.	Granted 24 Sept 2015
15/05877/MAF	Adjoined B1 light industrial use units with associated access yards, car parking and landscaping	Granted 28 Jan 2016
16/00102/VOC	Minor Material Amendment to planning permission 15/01887/FUL 'New build single storey Morrison's Local food retail unit', through a variation of condition 12 (inserted through Non-Material-Amendment ref. 15/01887/NMA01) to substitute revised drawings showing changes to the approved facing materials and the building footprint	Granted 24 Feb 2016
16/02348/MAF	Adjoined B1 light industrial use units with associated access yards, car parking and landscaping	Granted 27 June 2016
17/03564/MAF	Construction of light industrial unit for B1/B8 use with associated access yards, car parking and landscaping	Granted 12 Sept 2017
17/04364/MAF	Erection of light industrial unit for B1/B8 with associated access yards, car parking and landscaping	Granted 29 Sept 2017

**Replacement Unitary Development Plan (RUDP) Allocation:**

The proposal site is within Employment Site S/E1.3. The relevant constituency volume describes this site allocation as follows:

**S/E1.3      BUCK LANE, OTLEY ROAD, BILDON      6.31 ha**

*Employment site carried forward from the 1998 adopted UDP. A prime site located within the Airedale Corridor and Employment Zone. The site has planning permission for the manufacture of hi-tech components*

The site is also within Employment Zone S/E6.3, which is described as follows:

### **S/E6.3 SHIPLEY**

*Carried forward from 1998 adopted UDP. The area has been substantially reduced to exclude an area (west of Dock Lane and north of Briggate), now within the proposed Shipley/Saltaire Corridor Mixed Use Area. Further amendments have been made to exclude inaccessible and severely contaminated land to the north east of Walker Place (between the railway line and River Aire). An amended Employment Zone now covers the industrial area south of Otley Road along the Aire Valley bottom, extending southwards to include the industrial estate on Thackley Old Road.*

#### **Adopted Core Strategy Policies:**

The following policies of the adopted Core Strategy are considered to be most relevant to the proposal:

- BD1 City of Bradford including Shipley and Lower Baildon
- BD2 Investment priorities for the City of Bradford including Shipley and Lower Baildon
- EC1 Creating a successful and competitive Bradford District economy within the Leeds City Region
- EC2 Supporting Business and Job Creation
- EC3 Employment Land Requirement
- EC4 Sustainable Economic Growth
- TR2 Parking Policy
- EN8: Environmental Protection
- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban character
- DS4 Streets and Movement
- DS5 Safe and Inclusive Places

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

The NPPF sets out the government's national planning policies, which are a material consideration for all planning applications submitted in England. Detailed assessment of specific policies within the NPPF relevant to the proposed development is included in the report below; however, in general terms, the NPPF states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

#### **Parish Council:**

*Baildon Parish Council - Baildon Town Council had no comment on the change of use issue but was keen to ensure that all environmental issues had been properly and fully addressed. To this end the Council would support requests that the application be heard by the CBMDC Planning Committee.*

### **Publicity and Number of Representations:**

The application was initially advertised through the posting of site notices and neighbour notification letters. The period for making representations closed on 16 October 2017. In response to this publicity representations have been received from 11 individuals including 5 objectors, 5 supporters and 1 neutral. The representations include two Ward Councillors one of whom has indicated that they are in objection to the application and one of whom raises queries but states a neutral position.

### **Summary of Representations Received:**

#### ***Objections***

- The site was advertised to us by Bradford Council as a high tech science park and manufacturing hub with B1 use giving a very clean site. Allowing B2 use will not only set precedence for others but will also in our opinion degrade the site in the future thus impacting the overall look and feel of the park.
- We were attracted to the site by the high quality of the buildings and site cleanliness/light industrial use and we believe allowing change of use for chemical treating on site will be detrimental to the high tech nature the park was and is still being advertised by the council as being.
- Our company shares a party wall with unit 3a which is currently seeking change of use. We are a stockholder of aluminium profiles and our concern is with the corrosive nature of the anodizing process, which the buyers wish to commence on the site.
- In anodizing plants, including our own at a different site, this creates corrosion of the building and structure and any stock in the vicinity. We have 25 years experience in this industry and of the effects of the anodizing process.
- Current Environmental checks by Bradford Council do not appear to address the use of chemicals in an open environment but only the storage of spare chemicals.
- The Pollution Control Officer does not appear to have fully considered the effects of these fumes on air quality management and the adjacent building, which we can attest to. A mix of acids are generally used in the process including:
  - 3.1 Chromic acid anodizing (Type I)
  - 3.2 Sulfuric acid anodizing (Type II & III)
  - 3.3 Organic acid anodizing.
  - 3.4 Phosphoric acid anodizing.
  - 3.5 Borate and tartrate baths.
  - 3.6 Plasma electrolytic oxidation.
- A restrictive covenant in our own deeds clearly states "2. Not to do anything on the Property which may be or become a legal nuisance or cause damage or disturbance to the Transferor or the owners or occupiers of any adjacent or adjoining properties". The anodization process causes corrosive fumes which would have a direct, detrimental affect, damaging to our property and goods and potentially the wider environment.
- Change of use opens future occupiers to undertake other processes which also have serious environmental consequences. The company are a specialist engineering company but have never undertaken this process previously, which requires expert and continued management. This site was passed for planning with substantial local objections, change of use to general industrial also detracts from the high quality business use B1, the site currently enjoys.

- I overlook this park and I already have an issue with the light pollution from Produmax. I feel that the nature of the park is not one if chemical treatment. I am also concerned about the possibility of a spill or air pollution that would go with this change to the operations at the unit in question.
- Concerns about the potential environmental and health & safety impact on air quality and potential degradation of the surrounding buildings raised by the independent report regarding the anodizing process. This does not seem to have been addressed by the Environmental Health department within the council, as there does not seem to be any report from the department regarding this application and there are also no plans illustrating where the ventilation stack/chimney would be to ventilate the building.
- Concern that the potential health and safety risks to both person and property of the proposed anodisation process are too great and have neither been investigated nor disclosed sufficiently.
- We have seen a report prepared by an independent expert who refers to actual damage to buildings and the environment in other anodiser plants, leakage of dangerous chemicals and even the possibility of explosion.
- These dangers have neither been adequately disclosed by the applicant nor properly investigated by the Council in considering the proposal.
- Only B1, B2 or B8 activities are permissible on Sapper Jordan Rossi Park. Part of the anodisation process requires B4 use. The application is defective in not applying for that use and, if that use were applied for, it should be denied on the basis of the restrictive covenants that already exist.
- Dangerous chemical usage with potential damage to neighbouring working areas, to nearby residential areas and to the River Aire and adjacent nature area is not suitable for an intended 'clean' site.
- The corrosive fumes created in the anodizing process could damage not only the building they originate from but could also damage adjacent buildings and pollute the surrounding air thus creating significant Health & Safety issues.
- Unacceptable shortcomings in appropriately communicating notice of this application to neighbouring properties.

***Summary of Issues Raised in a Statement by another Anodisation Business Submitted to Support Objection:***

- An anodising plant and any business that carries out the anodising process must conform to various regulations including COSHH.
- It is important that very tight controls of the use and the storage of the extremely hazardous chemicals is documented and policed to prevent harm to employees at the site and adjoining sites.
- Bi-products of the anodisation process must be controlled and monitored; build-up of hydrogen can cause explosions.
- Workplace Occupational Exposure Limits must be monitored.
- Release of air of chemicals from an anodising line requires stacks to be erected and in most cases scrubber systems to be implemented to reduce the release of any harmful chemicals.
- A consent to discharge must be obtained from the local water authority for any treatment of effluent due to the chemicals and composition of any water leaving the site and entering the sewers.

- A multi-stage PH effluent treatment plant with a filter process would be required if effluent were to be released to drains.
- Appropriate storage for waste filter cake is also required.
- The Environment Agency would usually require a baseline to be established by boreholes with further monitoring every 5 years to establish if land contamination is occurring.
- If the correct materials are not used in building construction, and maintained, anodisation chemicals such as sulphuric acid and sodium hydroxide can penetrate the floor and seep into the ground causing contamination of land and water.
- Given the risk, one of the most essential possessions for companies running an anodising line is experience, otherwise consequences could include contamination of land and the surrounding environment due to inadequate controls and harm to employees and surrounding public.
- Other buildings in the business park and even cars parked in the vicinity can be adversely affected by the emissions if not control properly.
- The B2 Use Class does not cover chemical treatment.
- Cleaning and resultant bi-product of the process must be undertaken outside of the building, where waste product is stored prior to removal, which is an extremely dirty process and will detrimentally affect the business park/ conflict with conditions.
- A trip to visit anodisers in Birmingham, for example, would show the detrimental effect to buildings and the environment when the process and controls are not strictly enforced.
- Inspection by the HSE is not sufficient, expertise is required to ensure 100% compliance.
- The adjacent unit are correct to be concerned about the risk of damage to their building and stock, which could happen quite easily.
- The anodisation process is completely at odds with the adjacent units holding of aluminium profiles, due to the corrosive nature of the gasses; anodising plants remove treated profiles as quickly as possible to prevent damage.
- The anodisation process is highly likely to cause damage to both the fabric of the building any goods stored within it.
- It is not a case of large amounts of chemicals being released, the chemicals are extremely dangerous and even small amounts can have big impacts.
- Even with lip extraction there is a risk of a build-up of hydrogen causing an explosion.
- Hydrogen could also build up in the adjacent unit without them knowing.
- The applicant will have an extraction system planned for their unit but the adjacent unit will have no extraction system and no way of monitoring gas levels in their building.
- The applicant should provide details of the proposed lip extraction system, ducting and stack. The stack may need to be as high as 25 feet above roof level.

### **Support**

- Thousands of job losses have been announced at BAE Systems and the threat of many more looms over Bombardier. We should all congratulate and support the applicant on their proposals.

- The Applicant is a highly respected firm of substantial means and will undoubtedly undertake their process in a proper safe and controlled manner.
- As a Baildon resident I was vehemently opposed to the development of this industrial estate however, on reflection, would now admit that it is not the eyesore we were all concerned about and, more importantly has brought many real jobs to the area and I would wholeheartedly support the applicant in their continued investment in Baildon and the many real jobs it is creating in the area.

### ***Neutral***

- Given concerns from neighbouring businesses on the possible negative impact of anodising could an independent report be obtained from the Environment Agency?
- The original aim of this site was as a "high tech business park" whereas this application would alter part of the site's use from 'business' to 'general industrial' - if approved what safeguards will be in place to ensure this doesn't set a precedent for future changes of use for both existing businesses on site and those not yet constructed?

### **Consultations:**

#### ***Drainage/ Lead Local Flood Authority***

- This application is located within zone 2 of the 100 year indicative flood plain & should be referred to the Environment Agency for comment.

#### ***Environment Agency 1<sup>st</sup> Response***

##### Flood Risk

We note this is a change of use within flood zone 2. We also note there is to be no increase in vulnerability or size of development as part of the works. We also note the absence of a flood risk assessment (FRA). Due to the location within the flood zone, the proximity of the site to FZ3b and historic events, a full FRA will be required to identify the level of risk to the site and propose any mitigation that may be required.

##### Environment Agency position

In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

##### Reasons

The application site lies within Flood Zone 2 defined by the Environment Agency Flood Map as having a medium probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

##### Overcoming our objection

You can overcome our objection by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood

risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

Guidance on how to prepare a flood risk assessment can be found at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

#### Environmental Management - Land & Water

We provided a response to the prior approval application via email on 20/04/17. Our comments from that email are as follows:

“At this stage our main concern would be the risk of chemicals reaching a watercourse. We would need the following points to be addressed:

- How will the chemicals be stored?
- What security is there?
- Is there a secondary containment etc.
- Have all of the possible pollution pathways been considered?

We would need to see a drainage plan which shows where any surface and foul water drains are and also that clearly marks the location of any gulleys or manholes on the site and their proximity to the chemical store. The following needs to be considered in relation to this point:

- Will these be protected/ covered?
- What are the contingency plans in case of any spills or leaks? For example shut off valves on the drainage system to prevent any discharge off site.

We need there to be protective measures in place to remove the pathway between the chemicals and the watercourse and sewerage system. These chemicals may cause problems at the sewage treatment works if they were to enter the sewer system. This must be considered by the applicant.”

Some of these comments have not been addressed adequately:

- We would need to see a drainage plan which shows where any surface and foul water drains are and also that clearly marks the location of any gully's or manholes on the site;
- Contingency plans in case of any spills or leaks? E.g. shut off valves on the drainage system to prevent any discharge off site.

Although the full application states that all chemicals will be housed within the building and appropriately stored and banded, this doesn't preclude accidents and spills outside it. That is one of the reasons why we require a comprehensive drainage plan for the site as a whole and why infrastructure requirements such as shut off valves for the drainage system were stipulated. The full application doesn't provide either.

Given the storage and use of chemicals within the premises we want to see loading doors and others with external access to/from the storage and manufacturing areas provided with rubber door bunding.

On the basis of the above we object to the application

### ***Environment Agency 2<sup>nd</sup> Response***

#### **Flood Risk**

We note the submitted information relating to Flood Risk. We are now therefore in a position to remove our previous objection subject to the following comments and conditions.

We note the submission of an amendment (REF: LTR.12141.15A Dated: 24th May 2016) to the original FRA (REF: 211920 Dated: August 2010) with an assessment of the recent Boxing Day Floods 2015. We also note from drawing: Proposed Site Masterplan, this development appears to be outside the Flood Storage Area. Any works within 8 metres of this Flood Storage Area or the Main River will require a Flood Risk Activity Permit prior to works commencement.

We also note that the FRA and submitted amendment highlight the site to be within Flood Zone 1. As a result of the ground level threshold being 59.5mAOD and the 1 in 100 and 1 in 1000 event estimated at 58.61mAOD and 59.28mAOD respectively.

The 1 in 100cc level is also estimated to be 59.20mAOD. Please note that this assessment will not affect our flood maps.

#### **Environment Agency position**

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

#### **Condition**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (August 2010 / 211920 / ARUP) and Amendment (LTR.12141.15) Dated 24th May 2016 and the following mitigation measures detailed within the FRA and Amendment:

1. Finished floor levels are set no lower than 61.20m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

An access and egress plan should be developed.



Bradford Metropolitan District Council Drainage Department should be consulted on surface water management schemes.

#### Reason

1. To reduce the risk of flooding to the proposed development and future occupants.

#### Informatives

##### Emergency Planning

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

#### Services

It is recommended that services should be raised as high as practicable to avoid possible flood damage.

#### Flood Resilience

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommending when determining if flood proofing measures are effective.

#### Environmental Management – Land & Water

We note the submission of the revised drainage documents in the email to ourselves and the council dated 13/10/17. We are now in a position to remove our previous objection with the following comments:

1. The maintenance schedule often refers to 4-6 times annually. It needs to refer to regular intervals over the year, preferably bimonthly, or more as required.
2. These inspections need to be recorded in a site diary or maintenance log book.

#### Environment Permitting Regulations (EPR) – Industry Regulation

Sites carrying out activities such as this where the aggregated volume of the chemical treatment vats exceeds 30m<sup>3</sup> will need to apply for an environmental permit. It is

recommended that the applicant contact us to discuss the requirements for a permit at the earliest opportunity. For further information please contact Jessica Brown (Regulatory Officer - EPR Installations South Yorkshire) on 020 302 53942 or via email at [jessica.brown@environment-agency.gov.uk](mailto:jessica.brown@environment-agency.gov.uk)

We strongly recommend that the applicant has pre-application discussions with us regarding the permit at an early stage, and considers joint discussions and / or parallel tracking of the permit application alongside the planning application.

We promote the benefits of parallel tracking planning and permit applications as this provides the opportunity for any key issues of concern across both consenting regimes to be identified and resolved.

#### ***Environmental Health (Air Quality)***

- I have no objection to this application as it is unlikely to have any significant implications for local air quality management (LAQM).
- It is noted that the applicant has committed to the provision on an EV charging point at the site in line with the requirements of the Bradford / West Yorkshire Low Emission Planning Guidance. This should be conditioned if the Council is minded to approve the application.

#### ***Environmental Health (Nuisance) 1<sup>st</sup> Response***

- I have no comments to make regarding this application.

#### ***Environmental Health (Nuisance) 2<sup>nd</sup> Response***

- The primary legislation that is applicable to this application is the Health and Safety at Work Act 1974. This is the legislation that requires any undertaking to conduct its operations safely and without risks to the health of either its employees or any other third party.
- There are also numerous Regulations that support the 1974 Act and a particularly important one in this case is the Control of Substances Hazardous to Health Regulations 2002.
- The obligations of these Regulations can be extensive, but essentially they require an assessment of the process/chemicals used in a business to identify if inherently safer alternatives are possible, and if not, what control measures are required/ implemented, and, if applicable, what workplace monitoring and health surveillance is also required.
- The requirement to undertake the assessment falls to the employer, as it is recognised that many processes are very specialist in nature (as is the case with this application) and only persons that are very familiar with the details of the processes, the safety data of the chemicals used, control measures that are implemented and expected workplace exposures, are able to do this.
- It is not possible for any H&S enforcing agency to deliver this and this will be required of the operator if the application is approved. The underlying principle is that these Regulations are in force to ensure that processes involving chemical agents such as those in the application are operated safely and without risk to health.

- As a general principle the two pieces of legislation outlined above are enacted to ensure that all undertakings operate safely and without any health risk. The applicants must ensure that they comply with all health and safety requirements otherwise the H&S enforcing agency (in this case the Health and Safety Executive - the business would be classed as a manufacturer) could ultimately take enforcement action to ensure that compliance.
- The Environmental Health Service would also make the following comments.
  - 1) The specialist nature of the proposed undertaking means that it is not possible to make a judgement as to whether there is likely to be a statutory nuisance at the application stage. It is unlikely that any damage to buildings or stored stock, were it to occur, would be classed as a statutory nuisance and if there were to be an escape of fumes or chemicals that had the potential to compromise staff health, the resolution would be secured under Health and Safety legislation.
  - 2) One of the processes that is specified in the application (passivation) is such that the Environmental Health Service are not required to permit it under the Environmental Permitting (England and Wales) Regulations 2016. The statutory guidance available to Councils advises that as passivation does not result in the release of any acidic forming oxides of nitrogen, there is no requirement for it to be permitted. If the anodisation line were to be implemented or the treatment vats exceed 30 sq. metres, then this would require review and a permit to operate may be required. The permit would introduce additional controls necessary to ensure it was undertaken in a manner that met a detailed guidance note for enforcers.
  - 3) The Environmental Health Service assesses planning applications to ensure that they are compliant with the principles of the Councils low emission strategy. The comment that the application is unlikely to have any significant implications for local air management is in relation that strategy, i.e. consideration given as to whether the proposed development will be a significant source of nitrogen oxides, particulate matter and oxides of carbon. This comment does not apply to any possible release of process fumes.

### ***Highways Development Control***

- I have no objections to raise about the proposed development.

### ***Yorkshire Water***

- Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:
- Trade effluent
  - If planning permission is to be granted, the following condition should be attached in order to protect the local aquatic environment and YW infrastructure:
    - Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.  
(To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents)

- Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks. The applicant will require a trade effluent consent for any discharge of trade effluent. Waste materials such as oils, solvents and chemicals should be disposed of away from site.
- Given the nature of the application, I would suggest that the Environment Agency are consulted, if you haven't already done so.

**Summary of Main Issues:**

- 1) Principle
- 2) Environmental Effects of Proposed Use
- 3) Flood Risks/ Drainage
- 4) Design
- 5) National Planning Policy Framework (NPPF)
- 6) Community Safety Implications
- 7) Equality Act 2010, Section 149

**Appraisal:**

**1) Principle**

The proposal site (Unit 3A Sapper Jordan Rossi Park) is an industrial unit approved and authorised for B1 (Business) use under planning permission ref. 16/02348/MAF. The unit is part of a business park development project being undertaken on the site which is partially completed/ occupied. The business park has been developed on land which was allocated as an employment site on the Development Plan Proposals Map. The unit which is the subject of this application (Unit 3A) adjoins another unit (Unit 3B) which is now completed and occupied by an aluminium extrusion business. The proposal comprises alterations to unit 3A, including the provision of additional windows, doors, solar panels and a 1.8 metre high flue to the roof, and also a material change in the permitted use of the site from B1 (Business) to B2 (General Industrial).

Saved replacement Unitary Development Plan policy E1 supports employment development on Employment Sites. Sub-area policy BD1 of the Core Strategy sets out strategic planning policies for Bradford, Shipley and Lower Baildon. The policy indicates that within this area 100 hectares of new employment land should be delivered in the period up to 2030, and that the Regional City of Bradford, including Shipley and Lower Baildon, will be the principal focus for economic development growth. Core Strategy policy EC1 sets out the objective of delivering investment, economic growth, restructuring and diversification. The policy also specifically seeks to promote a modern manufacturing sector and modernisation of manufacturing industries within Bradford and Airedale.

Core Strategy policies EC2 and EC3 set the objective of supporting the delivery of at least 1,600 new jobs annually and planning for the supply of at least 135 hectares of developable employment land up to 2030 including 30 hectares in the Airedale Corridor. The identified primary source for new employment land allocations within the forthcoming

Allocations DPD are unimplemented but deliverable sites allocated within the RUDP (such as the proposal site). Core strategy Policy EC4 commits the Council to managing economic and employment growth in a sustainable manner and refusing planning permission for the alternative development of land and buildings currently or last in use for business or industrial purposes.

The NPPF sets out a presumption in favour of *Sustainable Development*. The NPPF clarifies that sustainable development has 3 aspects, economic, social and environmental and that the delivery of sustainable development involves contributing to a strong, responsive and competitive economy, supporting strong, vibrant and health communities and contributing to protecting and enhancing our natural, built and historic environment. At paragraph 9 the NPPF clarifies that pursuing sustainable development involves making it easier for jobs to be created in cities, towns and villages, moving from a net loss of biodiversity to achieving net gains for nature, replacing poor design with better design, improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes.

The proposal site is a built, but currently unoccupied, B1 business unit within an allocated employment site and has therefore been determined to be a sustainable location for new employment development through the plan making process and will be the first priority for re-allocation in the forthcoming Allocations DPD. The principle of developing the site as a business park with a mix of uses including high tech manufacturing was established through outline approval 10/04330/OUT.

The proposal is essentially to allow unit 3A to be used to process and treat parts manufactured in the adjacent Unit 2, which is operated by the applicant. Because this processing may involve chemical treatment of parts, including anodisation and passivation, which could not readily be carried out in a residential area, the use class for the proposed use is B2 rather than B1, necessitating the need for this planning application. Objectors have stated that the B2 Use Class does not include chemical treatment; however this has not been the case since the revocation of the previous specialist industrial Use Classes.

Objectors have raised concerns that if a B2 Use Class were permitted for Unit 3A this could allow other B2 uses which would be incompatible with the operation of the business park to take place and also that the use could intensify beyond the level specified in the application. In response to this the applicant has confirmed that he would not object to planning conditions which both make the permission personal to the applicant and also restrict the chemical treatment use in-line with the details of chemical quantities submitted with the planning application. Such conditions are recommended at the end of this report.

Objectors have also raised concerns that the proposed use would be incompatible with the clean/ high tech character of the business park. Although this concern is understood, it should be noted that the employment site land use allocation for the site encompasses B2 land uses. Furthermore, subject to control under the relevant health and safety and pollution control frameworks, there are not considered to be any grounds to conclude that the proposed use would result in adverse environmental effects which would be incompatible with the character of the business park.

The proposal would allow an existing successful manufacturing business to increase their manufacturing capabilities, improve their efficiency and generate additional employment opportunities. It is not considered that there is any reasonable basis to conclude that the use would result in significant adversely effects on the functioning of the business park overall. Subject to conditions it is therefore considered that the proposed land use is consistent with the allocation of the site as an Employment Site and with the overall development of the site as a business park. It is therefore considered that the development is acceptable in principle in accordance with the provisions of adopted Core Strategy policy BD1, EC1, EC2, EC3 and EC4 of the Local Plan Core Strategy and the principles set out in Section 1 of the National Planning Policy Framework.

## **2) Environmental Effects of Proposed Use**

Core strategy policy EN8 indicates that in order to protect public health and the environment the Council will require 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.

The proposed land use involves the processing/ finishing of parts including chemical treatment which has the obvious potential for adverse environmental effects if uncontrolled. The applicant's supporting letter states:

'One of the processes that will take place is Passivation. Passivation of stainless steel may use nitric acid to build up an oxide layer on the surface of the metal to enhance corrosion resistance. Stainless steel is likely to be passivated in nitric acid at 20% at ambient temperature. Non-ferrous metals such as zinc may be passivated in proprietary solutions, containing 1-2% nitric acid prior to chromate conversion coating. These processes do not give rise to emissions of oxides of nitrogen to any other significant emissions which might warrant control.'

A further supporting letter from ATH NDT Limited is also submitted to support the application, which includes a document entitled Produmax Chemical Quantities which itemises:

Initial tank makeup:

- Passivate:
  - Nitric Acid: 400 litres = 600kg Passivate
  - Sodium dichromate 50 litres = 70kg
- Penetrant 200 litres = 250kg
- Mag ink 50 litres = 60kg
- Sulphuric Anodise
  - Sulphuric acid 240 litres = 438kg
  - Henkel aluminetch = 73kg

Stocked / replenishment chemical quantities:

- Nitric Acid = 150kg
- Sodium Dichromate = 25 kg
- Sulphuric Acid = 110 kg

- Henkel aluminetch = 25kg
- Penetrant = 50 litres
- Mag ink = 25 litres

Objectors have raised strong concerns in relation to the potential impacts of the proposed use including through air, land and water emissions, impacts on human health and potential for corrosion of buildings and property. In response to these concerns the applicant was asked to provide further details of the containment and extraction systems to be utilised. Consequently the applicant provided revised plans showing details of the internal bunded area which will be formed and also the flue and associated high velocity extraction equipment which will be installed.

The National Planning Policy Framework confirms that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Environmental Health initially raised no concerns in relation to the proposed use but reviewed their position and provided further advice in response to concerns raised by objectors. This further advice confirmed that the primary legislation that is applicable to this application is the Health and Safety at Work Act 1974. This is the legislation that requires any undertaking to conduct its operations safely and without risks to the health of either its employees or any other third party. Associated regulations essentially require an assessment of the process/chemicals used in a business to identify if inherently safer alternatives are possible, and if not, what control measures are required/ implemented, and, if applicable, what workplace monitoring and health surveillance is also required.

The requirement to undertake a detailed health and safety assessment of the use of chemicals falls to the employer, as it is recognised that many processes are very specialist in nature (as is the case with this application) and only persons that are very familiar with the details of the processes, the safety data of the chemicals used, control measures that are implemented and expected workplace exposures, are able to do this. The underlying principle is that these Regulations are in force to ensure that processes involving chemical agents such as those in the application are operated safely and without risk to health.

As a general principle the health and safety legislation was enacted to ensure that all undertakings operate safely and without any health risk. The applicants must ensure that they comply with all health and safety requirements otherwise the Health and Safety enforcing agency (in this case the Health and Safety Executive - the business would be classed as a manufacturer) could ultimately take enforcement action to ensure that compliance.

The Environmental Health Service have also confirmed that the specialist nature of the proposed undertaking means that it is not possible to make a judgement as to whether there is likely to be a statutory nuisance at the application stage. If there were to be an escape of fumes or chemicals that had the potential to compromise staff health, the resolution would be secured under Health and Safety legislation.

In terms of the pollution control framework, Environment Health have confirmed that, if only passivation were to be undertaken as part of the proposed use, an Environmental Permit would be unlikely to be required. The statutory guidance available to Councils advises that, as passivation does not result in the release of any acidic forming oxides of nitrogen, there is no requirement for it to be permitted. If an anodisation line were to be implemented or the treatment vats exceed 30m<sup>3</sup>, then this would require review and a permit to operate may be required. The permit would introduce additional controls necessary to ensure it was undertaken in a manner that met a detailed guidance note for enforcers.

The applicant understands that any approval would be subject to planning conditions prohibiting external storage or processing, limiting the quantities of chemicals stored at the site to those specified above and imposing the same operating restrictions as other units on the site in terms of deliveries being restricted after 10pm. The submission also indicates that the applicant is aware of the relevant health and safety and pollution control requirements and will obtain any necessary permits.

The impact of the proposed development on the occupants of surrounding land has been considered and, subject to the imposition of the conditions recommended at the end of this report, and separate control through the statutory health and safety and pollution control frameworks, it is not considered that there are any grounds to reasonably conclude that the proposed development would be likely to have an unacceptable adverse impact through emissions to air, land or water or any other form of disturbance. The proposal is therefore considered to accord with Core Strategy policy EN8.

### **3) Flood Risks/ Drainage**

Core Strategy policy EN7 states that the Council will manage flood risk pro-actively and in assessing proposals for development will:

- 1) Integrate sequential testing into all levels of plan-making
- 2) Require space for the storage of flood water within Zones 2 and 3a
- 3) Ensure that any new development in areas of flood risk is appropriately resilient and resistant
- 4) Safeguard potential to increase flood storage provision and improve defences within the Rivers Aire and Wharfe corridors
- 5) Manage and reduce the impacts of flooding within the beck corridors, in a manner that enhances their value for wildlife
- 6) Adopt a holistic approach to flood risk in the Bradford Beck corridor in order to deliver sustainable regeneration in LDDs and in master planning work
- 7) Require that all sources of flooding are addressed, that development proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is taken into account
- 8) Seek to minimise run-off from new development; for Greenfield sites run off should be no greater than the existing Greenfield overall rates
- 9) Require developers to assess the feasibility of implementing and maintaining SUDS in a manner that is integral to site design, achieves high water quality standards and maximises habitat value



- 10) Use flood risk data to inform decisions made about Green Infrastructure. Only support the use of culverting for ordinary water courses, and additional flood defence works that could have adverse impacts on the environment, in exceptional circumstances.

The proposal site which is the subject of this application is outside of the floodplain. Therefore the main issue is ensuring that the site drainage system is designed such that it will not increase off-site flood risks. The application is supported by a Surface Water drainage scheme which proposes discharge of surface water to the River Aire via the site attenuation and flow control system with a restricted outfall off 15 l/s. It is understood that this drainage system has already been constructed under the previous planning permission for the development of Unit 3A

The Environment Agency and CBMDC Drainage have been consulted on the application. The Drainage team raised no concerns or objection. The Environment Agency initially raised concerns in relation to a lack of flood risk information and information on how the chemicals which are associated with the proposed use will be contained and controlled. Following the submission of further information in relation to both flood risk assessment and chemical containment, including bunding and secondary containment, the Environment Agency removed their objection, subject to the continued imposition of a planning condition requiring a minimum floor level of 61.2m.

Subject to the imposition of the conditions recommended at the end of this report requiring the proposed drainage system to be implemented prior to the units being brought into use, and the specified minimum floor level to be maintained, it is considered that the development is acceptable in relation to flood risk and drainage issues, in accordance with policy EN7 the Core Strategy and section 10 of the NPPF.

#### **4) Design**

The National Planning Policy Framework (NPPF) 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;
- 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 NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. At the local level adopted Core Strategy Policy DS1 states that planning decisions should contribute to achieving good design and high quality places through (amongst other things) putting the quality of the place first, being informed by a good understanding of the site/area and its context, working with local communities and key stakeholders to develop shared visions for the future of their areas, taking opportunities to improve places, including transforming areas which have the potential for change and supporting the regeneration aspirations of the District and taking a comprehensive approach to redevelopment.

Core Strategy Policy DS2 states that Planning Decisions should take advantage of existing features, integrate development into the wider landscape and create new quality spaces, including by retaining existing landscape and ecological features and integrating them within developments as positive assets, working with the landscape to reduce the environmental impact of development, taking opportunities to link developments into the wider landscape and green space networks, ensuring 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 and using plant species which are appropriate to the local character and conditions.

Core strategy policy DS3 confirms that development proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials and in particular should (amongst other things) respond to the existing positive patterns of development or be based upon strong ideas, create attractive streetscapes and spaces which are defined and animated by the layout, scale and appearance of the buildings and display architectural quality or tailor standard solutions to the site. Core strategy policy DS4 sets out a set of policies to ensure that development proposals take opportunities to encourage people to walk cycle and use public transport and policy DS5 sets out policies for promoting the development of safe and inclusive places through.

The proposal is primarily to change the use of an existing business unit but also includes external alterations, including much greater fenestration to the gable end facing onto the adjacent footpath and also the erection of a 1.8 metre high flue to the ridge of the roof. The design implications of these changes have been fully considered. It is considered that, given its limited height, the inclusion of the flue to the roof will not significantly detrimentally affect the appearance of the unit.

It is further considered that the additional fenestration to the gable end of the unit will have a positive impact on the design quality and provide more interest and animation to the building as viewed from the footpath. In terms of external features, the servicing, parking provision, boundary treatments and landscaping arrangements would not be detrimentally altered as part of the proposal. It is therefore considered that the proposal is acceptable in design terms in accordance with Core Strategy policies DS3, DS4 and DS5.

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

The NPPF states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

Therefore the proposal has been reviewed for consistency with the NPPF. In general the NPPF advises Planning Authorities that significant weight should be placed on the need to support economic growth through the planning system (paragraph 19). In relation to the local environmental effects of development paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 120 confirms that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

As assessed above, it is considered that the proposed development represents appropriate employment generating development and will not adversely affect the local environment or the occupants of surrounding land. Therefore the proposal is considered to be consistent with the policy advice set out in the NPPF as well as the Council's adopted Core Strategy.

**6) Community Safety Implications:**

Adopted Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The previous planning permission for the development of the unit for B1 purposes, ref. 16/02348/MAF, included conditions requiring appropriate security measures to be implemented in terms of fencing, lighting and CCTV. Subject to such conditions being carried through to the new permission, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with adopted Core Strategy Policy DS5.

**7) Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for the Grant of Planning Permission:**

1) The proposed development represents appropriate employment development of an allocated employment site. Subject to the imposition of the conditions and appropriate control through the separate health and safety and pollution control regulatory frameworks,

it is considered that the proposal will facilitate sustainable economic growth without significantly adversely affecting the surrounding environment or the occupants of adjoining land.

2) The proposal accords with the policies set out in the National Planning Policy Framework, in particular those set out in Section 1 and paragraphs 19, 109 and 120, and the adopted policies within the Council's Core Strategy, in particular policies BD1 (City of Bradford including Shipley and Lower Baildon), BD2 (Investment priorities for the City of Bradford including Shipley and Lower Baildon), EC1 (Creating a successful and competitive Bradford District economy within the Leeds City Region), EC2 (Supporting Business and Job Creation), EC3 (Employment Land Requirement), EC4 (Sustainable Economic Growth), TR1 (Travel Reduction and Modal Shift), TR2 (Parking Policy), EN7 (Flood Risk), EN8 (Environmental Protection), DS1 (Achieving Good Design), DS2 (Working with the Landscape), DS3 (Urban character), DS4 (Streets and Movement) and DS5 (Safe and Inclusive Places).

**Proposed Planning Conditions:**

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

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

2) Unit 3A, as outlined in red on drawing AL(2-)P1 Rev. E, shall only be used for the alteration, finishing and despatch of articles by the applicant.

Reason: Because the rationale behind allowing the proposed is partly reliant upon its association with the applicant's adjacent high tech manufacturing unit, in the interests of the proper planning of the business park in accordance with Core Strategy Policy BD2.

3) Unit 3A, as outlined in red on drawing AL(2-)P1 Rev. E, shall not be used for chemical treatment other than in accordance with the details set out within the letter from Jordan Heaton (ATH NDT Limited) and the quantities of chemicals stored at Unit 3A shall not exceed the quantities specified on the attached schedule of chemical quantities.

Reason: As the application has been assessed on the basis of the stated chemical quantities, in the interests of protecting the occupants of surrounding land from unacceptable adverse impacts, in accordance with Core Strategy Policy EN8.

4) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, the drainage, bunding, tanking and threshold seal provisions detailed on drawings ref. 12141-C-99 Rev K, 17090-C-50 Rev. A and AL(2-)P3 Rev. D shall be implemented in full in accordance with the details shown on those drawings, or in accordance with any alternative details which have been submitted to and approved in writing by the Local Planning Authority. 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 the document entitled 'Surface water drainage maintenance and management plan', ref. 12141/CR/01A, dated December 2016.

Reason: In the interests of ensuring the appropriate and sustainable drainage of the site, in accordance with Core Strategy Policy EN7.

5) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (August 2010 / 211920 / ARUP) and Amendment (LTR.12141.15) Dated 24th May 2016 and the following mitigation measures detailed within the FRA and Amendment:

- Finished floor levels are set no lower than 61.20m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Core Strategy Policy EN7.

6) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, the lighting provisions detailed on drawing ref. B8582-AEW-XX-XX-DR-A-0003 P2 shall be implemented in full. The approved lighting provisions shall thereafter be maintained whilst ever the building remains in use in accordance with the approved details or in accordance with any alternative details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is suitably crime resistant without causing a light nuisance to adjacent occupants or harming the adjacent natural environment, in accordance with the provisions of policies EN2, EN8 and DS5 of the Core Strategy.

7) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, the landscaping details shown on drawing ref. 3954-07 REV D shall be implemented in full, including the planting of all of the trees, shrubs and hedges shown on that drawing. The landscaped areas shall be maintained whilst ever the building remains in use in accordance with the details set out in the submitted Maintenance Schedule (Annual), ref. RE3954 March 2016.

Reason: In the interests of visual amenity, ecological enhancement and maintaining the character of the adjacent river valley landscape, in accordance with policies EN2 and DS2 of the Core Strategy.

8) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, the CCTV details shown on drawing ref. B8582-AEW-03-XX-DR-A-0509 P1 shall be implemented in full, with all CCTV units shown on that drawing being installed. The CCTV units shall be maintained in a working condition whilst ever the building remains in use.

Reason: To ensure that the site is suitably crime resistant, in accordance with the provisions of policy DS5 of the Core Strategy.

9) Either prior to the use commencing or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority, 2.2 metre high paladin fencing and associated gates shall be erected in the locations shown on drawing ref. B8582-AEW-ZZ-00-DR-A-0504 P3, unless details of alternative fencing arrangements have been submitted to and approved in writing by the Local Planning Authority. The fencing and gates shall be maintained in a working and secure condition whilst ever the building remains in use.

Reason: To ensure that the site is suitably crime resistant, in accordance with the provisions of policies DS1, DS3 and DS5 of the Core Strategy.

8) Prior to the use commencing the building shall be fully constructed and faced in the materials shown on drawing ref. AL(2-)P4 Rev. E and the flue and associated extraction equipment shown on that drawing shall be installed. The facing materials, flue and extraction equipment shall be maintained in a working condition whilst ever the building remains in use.

Reason: In the interests of visual amenity and mitigating the environmental effects of the development, in accordance with policies DS1, DS3 and EN8 of the Core Strategy.

9) Prior to the use commencing the vehicle service area for loading/unloading, including the turning and manoeuvring space, hereby approved shall be laid out, hard surfaced, sealed and drained within the site, in accordance with the details shown drawing ref. AL(2-)P1 Rev. E. The vehicle service area for loading/unloading, including the turning and manoeuvring space shall be retained and kept available for use by vehicles whilst ever the building remains in use.

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy.

10) Prior to any of the buildings hereby approved being 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 and the proposed cycle shelters shall be installed in accordance with the details shown drawing ref. AL(2-)P1 Rev. E. The car park and cycle shelters shall be kept available for use whilst ever any of the buildings hereby approved remain in use.

Reason: In the interests of highway safety and the promotion of sustainable transportation to accord with Policies TR1, TR2 and DS4 of the Core Strategy.

11) No industrial process shall take place, and no materials, goods or containers shall be stored, outside of the Unit 3A building shown on drawing ref. AL(2-)P1 Rev. E, other than in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that no external storage and processing takes place, in the interests of amenity and maintaining adequate parking and vehicle manoeuvring space, in accordance with saved policies TR1, TR2, EN8 and DS4 of the Core Strategy.

12) There shall be no deliveries to the premises/uses hereby permitted outside the hours of 0700 to 2200 Mondays to Sundays.

Reason: In the interests of the amenities of the neighbouring properties and to accord with Policy EN8 of the Core Strategy.

13) The Travel Plan Measures set out in Section 6 of the submitted Travel Plan, Report Ref: 9234-002-01, dated March 2016, shall be implemented in full whilst ever the development subsists.

Reason: To ensure that sustainable modes of transportation are promoted, to minimise the adverse environmental impacts associated with the proposal, in accordance with policy TR1 of the Core Strategy.

14) In the event that contamination is found at any time when carrying out the approved development, which has not been previously identified and risk assessed, it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing; following completion of measures identified in the approved remediation scheme and prior to the commencement of the use of the approved development a verification report must be prepared and submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policy EN8 of Core Strategy and paragraph 121 of the National Planning Policy Framework.

15) Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason: To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.