

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 19th July 2018

H

Subject:

This is a full application relating to the off-site enabling works for neighbouring residential development site (planning ref: 17/05251/MAF); standard Yorkshire Water pumping station to be installed and levels at south west edge of site graded to provide embankment to residential site on land to the rear of Delph Terrace, Holts Lane, Bradford.

Summary statement:

There are two distinct elements of the proposal, firstly the undertaking of drainage works associated with the residential development currently being constructed on the adjacent site and secondly the creation of an earth mound located on the western edge of the site.

The drainage works involve the creation of a compound that will include 2 kiosks, 6 manholes, an access road and railings around it. An underground attenuation tank also forms part of the development. Should the works be undertaken by Yorkshire Water then they will be classed as permitted development under the terms of Schedule 2 Part 13 Class B (Development by or on behalf of a sewerage undertaker) of the Town and Country Planning (General Permitted Development) (England) Order 2015. However neither the Applicant nor the Council would have any control over the timing of the works or how they are carried out. This application will allow the Applicant to undertake the works whilst at the same time allowing the Council some degree of control through the imposition of conditions on a planning permission. The second element is that of the earth mound in the western section of the site which is being created to allow a softer and more gradual transition from the built development to the west into the Green Belt.

Whilst the site is located in the Green Belt it is not considered that the proposal would have an impact on the openness of the area and that there are special circumstances that warrant the works being undertaken on the site. Subject to the imposition of appropriate conditions the proposal is considered acceptable and complies with policy guidance.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Environment

1. SUMMARY

This is a full application relating to the off-site enabling works for neighbouring residential development site (planning ref: 17/05251/MAF); standard Yorkshire Water pumping station to be installed and levels at south west edge of site graded to provide embankment to residential site on land to the rear of Delph Terrace, Holts Lane, Bradford.

The impact of the proposal has been assessed against its location within the Green Belt, residential and visual amenity, and, highway safety and it is considered to be acceptable subject to the imposition of appropriate conditions as highlighted in the main body of the report included within Appendix 1.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

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

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected 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.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues raised. A modern school building to replace existing outdated school buildings offers the opportunity to improve fuel efficiency and create a more overall sustainable learning facility.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

A condition is recommended requiring the inclusion of electric vehicle charging points, in accordance with the Council’s Low Emissions Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications associated with the development.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

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

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

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

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations

10. RECOMMENDATIONS

The application is recommended for approval, subject to the conditions included with Appendix 1.

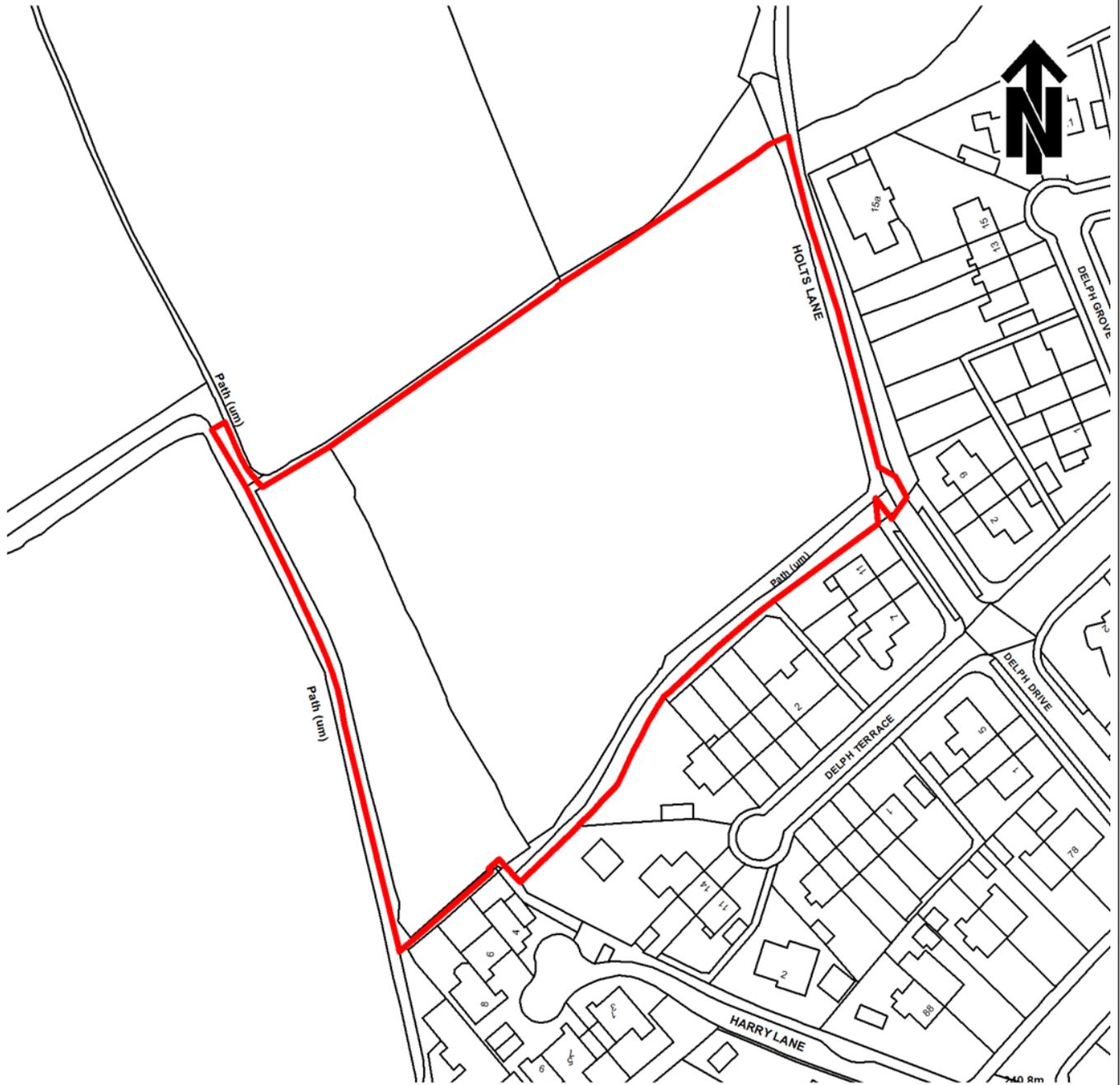
11. APPENDICES

Appendix 1 Technical Report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Replacement Unitary Development Plan

18/01745/MAF



1:1,250

© Crown copyright and database rights 2017 Ordnance Survey 0100019304

**Land to rear of Delph Terrace/Holts Lane
Bradford**

Appendix 1

19th July 2018

Ward: Clayton and Fairweather Green

Recommendation:

GRANT PLANNING PERMISSION

Application Number:

18/01745/MAF

Type of Application/Proposal and Address:

This is a full application relating to the off-site enabling works for neighbouring residential development site (planning ref: 17/05251/MAF); standard Yorkshire Water pumping station to be installed and levels at south west edge of site graded to provide embankment to residential site on land to the rear of Delph Terrace, Holts Lane, Bradford.

Applicant:

Mr Gavin Wilkinson (Barratt Homes Yorkshire West and David Wilson Homes)

Agent:

N/A

Site Description:

The site is located to the north of Delph Terrace and to the west of Holts Lane and comprises an open grassed field albeit in the western section of the site there is currently a mound of earth that has been moved from the adjacent site to the west. Public footpaths run along the boundaries of the site. Access to the site is taken from Delph Drive in the eastern corner of the site. The site is bounded to the north by open countryside, to the south and east by existing residential development and to the west by a field that is currently under construction for a residential development scheme.

Relevant Site History:

Planning permission was granted on the adjoining field to the west for the construction of a residential development scheme comprising 99 dwellings on the 12th February 2018 under reference 17/05251/MAF.

A planning application, under reference 18/01540/MAF, for the substitution of 76 dwellings approved under reference 17/05251/MAF and associated works 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 site is not allocated for any specific land-use in the RUDP but is located within the Green Belt. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

GB1 New Building in the Green Belt

Core Strategy Policies:

SC7 Green Belt

DS1 Achieving Good Design

DS2 Working with the Landscape

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

Parish Council:

Clayton Parish Council have objected to the proposal for the following reasons:

- That there are no special circumstances to grant this application.
- Inappropriate development that is detrimental to neighbours and greenbelt
- Concerns regarding adequate drainage
- Limited off street parking
- Upon a site a Government inspector held up an enforcement against building in a green belt

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 22nd June 2018.

As a result of the publicity exercise 72 representations have been received objecting to the proposal including one from a local Ward Councillor.

Summary of Representations Received:

Principle:

- The site is allocated as Green Belt and permission should only be granted in “very special circumstances”
- Why was the tank not included in the previous application?
- To site a pumping station with fencing, gates, 2 kiosks and electric fences will diminish the open aspect of this part of the green belt due to way and manner in which the site will be used in the future
- The construction of a road and gates with electric fences in the green belt are inappropriate and are not special circumstances
- The batter banking from the above site also encroaches into the green belt land and has already been constructed without the council relevant authority and deliberately flouts planning procedures
- This application is made as a result of the developer failing to make an application in the first instance and stating that the works were 'associated works' which does not constitute very special circumstances
- If this application is approved it will open up other sites for development
- Whilst the council are of the view that new homes need to be built, and safeguarded land can now be released, green belt land to which this land relates should be protected
- Concerns raised that the issue of carrying out the 'associated works on green belt land has been raised previously and this was deliberately ignored
- This development would have harmful implications for the green belt in terms of inappropriateness, erosion of openness and encroachment into the countryside
- Bradford Council had an obligation to exhaust brownfield sites and Safeguarded Land before looking at green belt sites or ones that were previous listed as one
- There is a simpler solution. Barratts could build fewer houses and have the pumping station on their site thus leaving the Greenbelt issue resolved
- Originally all the works were going to be underground but now it involves works above ground
- A recent very nearby application for a dog exercising area was rejected by the Planning Department and all the reasons for that rejection apply here. The openness of this space would be eroded, it would encroach in to green belt and be detrimental to the entire vista and it would involve a material change in the use of the land
- The development is in-fill and is contrary to guidance contained in the Village Protection and Communities policy of central government where it (paraphrases) the following guidance: that' development of village's has to leave a clear, open space of recognisable size between different villages. In-fill building can only be permissible in Towns/Cities where such building development can be demonstrated to have a positive impact
- The pumping station should be located within the boundaries of the current development, as the only reason to locate else where is the pure greed of a large developer
- We urge Planners and Elected Members to please follow national planning guidelines, to reject any development on Greenbelt and utilise Brownfield sites first, committing resources to areas of our great City of Bradford, which are so deserving of investment and regeneration

Highways:

- There are implications of the development on highway safety with particular reference to large tanker vehicles accessing the site in the green belt across a bridleway
- Delph Grove is already congested and cannot cope with any additional traffic
- Delph Grove is a narrow road and made worse by cars parking on there where off-street parking doesn't exist
- The developers closed the foot path which runs between the existing Westminster houses and the new development. That footpath has been closed since the development began meaning people hoping to follow this designated public footpath were unable to do so

Residential amenity:

- This development would have a harmful effect upon neighbours living conditions by reason of noise and general disturbance that would be caused by tankers coming into the field and noise created by the pumping station
- The station will be very noisy causing constant disturbance to local residents as well as being unsightly
- The pumping station is next to the bridleway. The pumping station is only the minimum distance from 15A Delph Grove and in this location the ambient sound levels are likely to be considerable low due to the character of the area. Sound emitted by the pumps is likely to be distinguishable as well as being noticeable to the human and equine ear

Visual amenity:

- Is the banking to block the view of the proposed pumping station from the buyers of their homes once they are built
- The public and residents of Clayton were lead to believe that this work would be carried out, and remain, underground; the original plans were passed on this basis. Suddenly this is to be overground, not only an eyesore for current residents, particularly on Delph Grove and Delph Terrace, but an eyesore for the new residents
- This will block views from the nearby footpaths

Drainage:

- Barratts and Bradford Council planning officers knew that drainage was an issue at the development site however this information appears to not have been shared with the planning committee for fear of them rejecting the planning application
- If this structure is needed to compensate for the flooding risk of building the proposed 99 houses, then this structure should be part of the actual building site, i.e. housed in the same field with the houses
- Surface Water Flood Risk Not Adequately addressed

Others:

- Did the Planning Department/Barratts mislead the committee at the discussion of application 17/05251/MAF in relation to what was happening/proposed on this site?
- What is the point of advertising the application when work has already started?

- This makes a mockery of the whole planning system because the developers do what they like and a total lack of communication is apparent between all council departments and the developers
- The matter should be referred to The Planning Inspectorate at Temple Quay, Bristol for them to make a legal and unbiased judgement on this whole development and its impact upon Green Belt Land and the local community
- It is not appropriate for the Council to allow the Developer to slip amendments under the radar. To do so would reinforce their obvious underestimation of your competence and our intelligence
- There is no Section 106 monies which are earmarked for social infrastructure such as schools, medical centres, new parks etc
- At the moment the proposed banking in the adjacent field seems to have already disrupted land further than is in the planning documents
- This needs to be looked at from a 3rd party council because it appears that Barrett's are continuing to work knowing they have already got this permission granted which has raised suspicion
- The Committee were not provided with the correct information when the previous decision was made and could not therefore make an informed decision
- Why are Bradford Council's Planning Department and Planning Committees too scared to say "no"?
- The fact that Barratt's have blatantly and criminally started work in this field is disgusting and they should not be allowed to get away with it. Anyone else would be prosecuted so why should they not be taken in to account for their actions
- The alteration to the social housing layout will compromise the surrounding open aspect of this area creating a solid barrier across the vista
- The attempt by the developer to change the original application will reduce the number of more affordable 3 bedroom houses in favour in more expensive 5 bedroom houses and appears to have been the plan all along
- Had the panel been aware of the proposed works they may have accepted the assertion that it is inappropriate on green belt
- Health concerns also remain a significant issue, with the increased traffic, congestion and emissions, disruption of footpaths, pollutants and noise in the atmosphere, child and vulnerable adult safety, unnecessary stress etc.
- Why have two separate planning permissions been submitted?

Consultations:

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

Yorkshire Water – No comments to make on the proposal

Highways Development Control (DC) (Non-transport Assessment) – No objection to the proposal subject to appropriate surface treatment where the access road crosses the public footpath/bridleway

Rights Of Way – no objection to the proposal but state that Public Bridleway 167 Bradford West (Holts Lane) and Public Footpath 168 Bradford West crosses and abuts the southern and eastern sides of the site, Public Footpath 170 Bradford West crosses the western side of the site and Public Footpath 174 Bradford West crosses

and abuts the northern side of the site. A condition is sought which ensures that all the public rights of way crossing and abutting the site are suitably surfaced

Minerals Section – No objection to the principle of the development however it is not clear where the excavated material will come from to make the mound and whether any additional material will be required. Details should also be provided as how the landform will be achieved. A landfill site is situated 110 metres to the north north east of the site for which the material deposited was primarily inert.

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Contaminated land
7. Other issues

Appraisal:

The proposal relates to the installation of off-site enabling works in support of the residential development approved under reference 17/05251/MAF. The works include a drainage compound comprising a concrete base and 2 kiosks above ground and 6 manholes/inspection chambers set into the surface, a 1.5 metre high retaining wall in stone, fence around the compound, and, a grasscrete road serving the compound. The proposal also includes an embankment running along the western boundary of the site.

1. Principle of development

The site is located within the Green Belt as identified within the Replacement Unitary Development Plan and as such policy GB1 is relevant. The policy states that "except in very special circumstances, planning permission will not be given within the Green Belt as defined on the Proposals Map for development for purposes other than:

- 1) Agriculture and forestry, essential facilities for outdoor sport and recreation, cemeteries; or,
- 2) For other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

The definition of development includes the construction of new buildings, engineering and other operations as well as the making of any material change in the use of land.

The National Planning Policy Framework attaches great importance to the Green Belt and the aim is to prevent urban sprawl by keeping land permanently open. As with previous Green Belt policy inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the

Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

The proposal involves 2 distinct elements, firstly the drainage compound and secondly the earth mound.

The drainage compound comprises a concrete base with 2 kiosks above ground, 6 manholes and inspection chambers set into the surface and a 1.5 metre stone retaining wall. Railings will surround the compound and access will be gained to it via a grass crete road leading from Delph Drive. An underground attenuation tank will also be incorporated within the scheme which will provide 1182 m³ of storage to cater for storm events upto 1 in 100 year plus 40% climate change. The proposed kiosks will be 1900mm in height, 2750mm in width and 1000mm in depth whilst the railings that surround the compound will be 1991mm in height. The drainage compound is required to serve the adjacent residential development and will help in preventing surface water run-off onto the adjacent land which does include existing residential properties by storing water within the attenuation tank and releasing it at a slow, steady rate.

The proposed works will serve the adjacent site that does benefit from planning permission for a residential development scheme. The works can be carried out either by the Applicant or by Yorkshire Water who would eventually adopt the system. If the latter were to undertake the works then under the terms of Schedule 2 Part 13 Class B (Development by or on behalf of a sewerage undertaker) of the Town and Country Planning (General Permitted Development) (England) Order 2015 the works would be classed as permitted development and would not require planning permission. However, the Applicant would not have control over when the works were done and the Local Planning Authority would not be able to impose conditions with regard to the finish of the kiosks/fencing/access road, the times works would be undertaken or ensuring that the surrounding road network is kept clean of mud. The Applicant is applying to do the works themselves in order to be able to tie them in with the timetable relating to the remainder of the building works and as such this will allow conditions to be imposed in relation to the works to minimise the impact on the residential amenities of the occupiers of the neighbouring dwellings.

The second part of the proposal relates to the earth mound that is proposed in the western section of the site adjacent to the adjoining field. This mound comprises earth that has been scraped off the adjacent site during the construction works and will provide a much softer and gradual edge for the transition from the residential development site into the open field. It is proposed to grass over the mound and incorporate the public footpath running along the top of it.

Policy GB1 of the Replacement Unitary Development Plan does allow development within the defined Green Belt which preserve the openness of the Green Belt and which would not conflict with the purposes of including land in it. It is considered that the proposed works will not have a significant impact on the openness of the Green Belt in this location and whilst it will change the context of the site it is considered that in principle it is 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.

As stated previously in the report there are 2 main aspects to consider with the proposal and therefore the potential visual impact on the area. The first of these is the drainage compound and the second is the earth bund.

The drainage compound is located in the northern corner of the site and is visible from the adjacent residential properties, the footpath that runs along the northern boundary of the site and the unmade-up track that runs along the eastern boundary. There is limited boundary treatment to protect the site from public views. The main aspects of the compound that will be visible are the 2 kiosks (1900mm in height, 2750mm in width and 1000mm in depth, the railings that surround the compound (1991mm in height) and the access road which is to be constructed using grass crete. Neither the kiosks nor the railings are considered to be dominant in terms of their visual impact and a condition can be imposed on a permission to secure them being painted in a colour, such as green, that will further limit their impact. The access road will be constructed using grass crete rather than tarmac and this will allow the grass to grow through it thus again minimising the visual impact.

The second element of the proposal is the earth mound in the western part of the site. The purpose of the mound is to create a more gradual transition from the residential development to the application site. The mound will be grassed over and whilst it will raise the levels of the land it will not be to the detriment of visual amenity of the area.

Overall therefore it is not considered that the proposal will be significantly detrimental to the visual character and appearance of the area subject to a condition in relation to the colour finish of both the kiosk and the railings.

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.

There are existing residential dwellings location to the east and south of the site. The use of the site is one that will neither generate significant vehicular movements nor result in noise sensitive activities on the site. The kiosks that will exist on the site are control panels for the drainage compound and will not create any significant noise that would impact on the residents of the neighbouring dwellings.

Overall therefore it is not considered that the proposal will have a detrimental impact on the residential amenities of the occupiers of the neighbouring 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.

The Highways Department haven't raised an objection to the principle of the development but have stated that a grass access road serving the site would not be acceptable. The Applicant has confirmed that the road will be constructed in grass crete which will provide an adequate hard surface whilst at the same time allowing the existing grass to grow through it thus retaining a relatively natural appearance. The Highways Department are generally happy with the use of grass crete within the site but state that it wouldn't be acceptable where it crosses the public footpath and bridleway and a more appropriate surface treatment will be required. A condition is therefore recommended in relation to agreeing this surfacing before work commences on site.

Objections have been raised with regards to Delph Grove and its ability to accommodate additional traffic generated by the development. The drainage compound will not generate a significant amount and will involve the occasional tanker and small maintenance vans. It is considered that the amount of additional traffic generated can be accommodated satisfactorily within the surrounding highway network.

The Rights of Way Officer has stated that Public Bridleway 167 Bradford West (Holts Lane) and Public Footpath 168 Bradford West crosses and abuts the southern and eastern sides of the site, Public Footpath 170 Bradford West crosses the western side of the site and Public Footpath 174 Bradford West crosses and abuts the northern side of the site. It is also stated that the hard standing tanker access will affect the drainage of Holts Lane along the southern side of the site and Holts Lane must be suitably surfaced along its length as part of these proposals and an appropriate condition is recommended with regard to this surfacing.

A request is made that all the public rights of way crossing and abutting the site should be suitably surfaced. Whilst this request is noted it is difficult to justify

securing the resurfacing of the footpaths as part of this scheme as the proposal will generate any additional use of them. As such in this instance it is recommended that this request not be secured.

Overall it is not considered that the proposal will have a significant detrimental impact on highway safety in the vicinity of the site.

5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk proactively 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.

No objections are raised to the proposal as the means of drainage relates to the adjacent site which is currently under construction for a residential development scheme. Whilst conditions have been requested by the Council's Drainage Services they are not considered appropriate in this instance as the residential development approved under reference 17/05251/MAF, and to which these drainage works will serve, had a number of conditions attached to it relating to the drainage of the development. Details have been submitted as part of an application to discharge the appropriate conditions.

Concerns have been within the objections that the issue of surface water flood risk has not properly been addressed. The creation of the mound will not have a significant impact on surface water run-off in that it will still be greenfield rates and will not result in any additional flooding of the public footpath.

As such no objections are proposed in relation to matters associated with drainage.

6. 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.

As the proposed end use of the site is no more sensitive than it currently is there are no significant issues with regard to potential contamination on site and its impact on the end use.

However, during the works that have been carried out on the site through the creation of the mound unknown buried farm buildings were encountered. Following this discovery site investigations were undertaken around the former barn building and potential asbestos bound cement sheeting were discovered and further testing of the soil samples found that no asbestos traces were identified within the soil and that it is all confined to the sheeting and bound cement. Because of this discovery and the need to remove it a condition is recommended with regard to the remediation of the site and how the asbestos will be removed.

Subject to the removal of the asbestos there are no objections to the proposal with regard to land contamination.

7. 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:

Did the Planning Department/Barratts mislead the committee at the discussion of application 17/05251/MAF in relation to what was happening/proposed on this site? – *The Committee were not misled when application 17/05251/MAF was discussed and the information associated with that application was satisfactorily related to the Members*

The Committee were not provided with the correct information when the previous decision was made and could not therefore make an informed decision – *The Committee were provided with the correct information that was available when considering the previous application under reference 17/05251/MAF*

Why are Bradford Council's Planning Department and Planning Committees too scared to say "no"? – *The application is assessed against both local and national policy guidance and a decision is made based on that assessment. An application can only be refused where there are sufficient grounds to do so based on this assessment.*

What is the point of advertising the application when work has already started? – *Work was commenced on the site and has subsequently been stopped pending the decision of the planning application*

This makes a mockery of the whole planning system because the developers do what they like and a total lack of communication is apparent between all council departments and the developers – *Following the commencement of work on the site discussions did take place between the Developer and the Council and work was subsequently stopped on the site that doesn't benefit from planning permission pending a decision being made on the application*

The matter should be referred to The Planning Inspectorate at Temple Quay, Bristol for them to make a legal and unbiased judgement on this whole development and its impact upon Green Belt Land and the local community – *The Planning Inspectorate only get involved with appeals against the refusal of a planning application, they don't formally determine applications so this cannot happen*

It is not appropriate for the Council to allow the Developer to slip amendments under the radar. To do so would reinforce their obvious underestimation of your competence and our intelligence – *No amendments are slipped under the radar. Where amendments are received to an application they are made available for comment on the Councils website*

There is no Section 106 monies which are earmarked for social infrastructure such as schools, medical centres, new parks etc – *The proposal is not one where money will be generated through the Community Infrastructure Levy*

At the moment the proposed banking in the adjacent field seems to have already disrupted land further than is in the planning documents – *Should planning permission be granted for the proposal it will need to be carried out in accordance with the approved details*

This needs to be looked at from a 3rd party council because it appears that Barrett's are continuing to work knowing they have already got this permission granted which has raised suspicion – *The application cannot initially be determined by a 3rd party, it can only be considered by a 3rd party following a decision being made on it by the Council*

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 proposal provides an infrastructure scheme to serve a neighbouring residential development which is considered to be acceptable and presents no concerns with regard to residential or visual amenity and highway safety. The proposal is not considered to have an impact on the openness of the Green Belt and there are very special circumstances to warrant the siting of the development in its proposed location. The proposal is considered acceptable and with the attached conditions, satisfies the requirements of policies GB1 of the Replacement Unitary Development Plan and SC7, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time limit

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

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

2. Colour of kiosks/railings

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site, details of the colour and finish of the kiosks and the railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details prior to it being first brought into use.

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

3. 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 EN7 of the Local Plan for Bradford.

4. 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 EN7 of the Local Plan for Bradford.

5. Surfacing of access road

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site, details of the proposed surfacing of the access road where it crosses the existing public footpath/bridleway shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details prior to it first being brought into use.

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 and Appendix 4 of the Core Strategy.

6. Treatment of earth mound

Notwithstanding the details submitted, within 6 months of the development hereby permitted commencing on site, details of the proposed landscaped treatment of the earth mound and the timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full in accordance with the approved timetable.

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