

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

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Subject:

This application relates to the variation of conditions 16 (Sunday hours restrictions) and 17 (delivery/servicing hours) of permission 17/04007/MAF in order to remove Sunday hours restrictions for units 1A and 1B which are below Sunday hours trading restriction thresholds and extend the delivery/servicing hours of unit 7 to bring in line with the other units at Union Mills, Harrogate Road, Bradford.

Summary statement:

The proposal relates to amendments to 2 planning conditions relating to opening hours and delivery/servicing times. The proposed opening hours of units 1A/1B are not controlled by the Sunday Trade Act 1994 and therefore flexibility is being sought to be able to open beyond the normal Sunday trading hours. The amendment to the delivery hours of unit 7 is to bring it in line with the delivery hours of the other units within the development.

The proposal has been assessed in relation to the impact on the residential amenities of the occupiers of existing and proposed residential dwellings adjacent to and within the vicinity of the site. It is not considered that the amendments to the conditions will have a significantly detrimental impact on the residential amenities of the occupiers and these dwellings and the proposal is therefore considered to be acceptable.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Environment

1. SUMMARY

The proposal relates to a previously approved retail development and seeks amendments to conditions 16 (opening hours) and 17 (delivery/servicing times).

The impact of the proposal on the neighbouring properties needs to be fully considered. The changes have been proposed to bring all units in line with each other in relation to delivery times and to allow the smaller stores to open longer hours due to them not being restricted by the Sunday Trading Act 1994.

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. The scheme is located in an area close to residential properties which will encourage residents to walk to the site and there are also the provision of a number of electric vehicle charging points to further enhance the sustainability of the site.

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

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. This was considered during the assessment of planning application 17/04007/MAF which initially approved the scheme. Conditions were attached to that permission in relation to matters such as boundary treatment and the provision of a barrier across the site access to prevent unauthorised use of the car park outside opening hours.

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 ASSESSMENT

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.

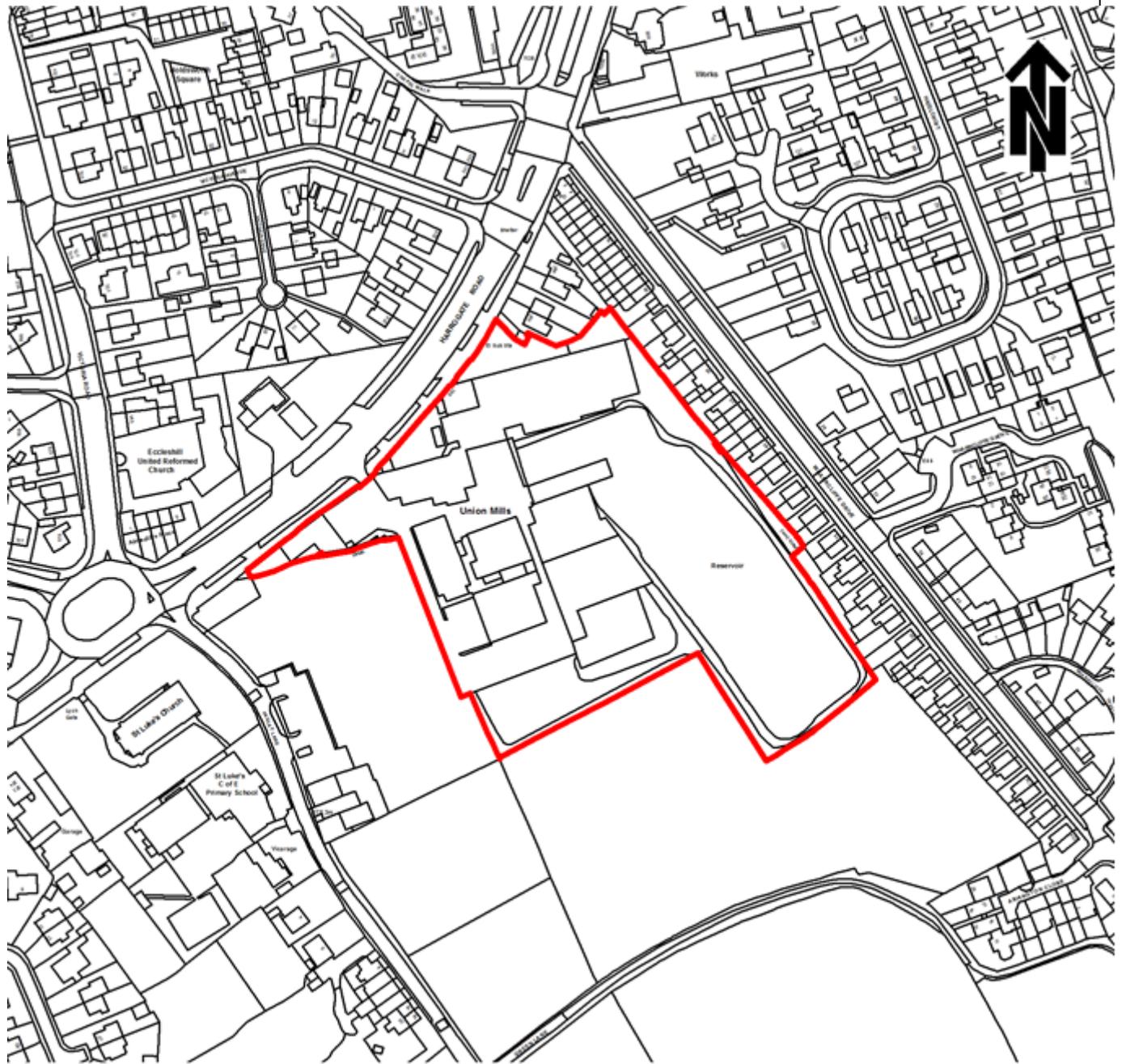
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Replacement Unitary Development Plan

18/01622/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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Union Mills
Harrogate Road
Bradford

19th July 2018

Ward: Eccleshill

Recommendation:

GRANT PLANNING PERMISSION

Application Number:

18/01622/VOC

Type of Application/Proposal and Address:

This application relates to the variation of conditions 16 (Sunday hours restrictions) and 17 (delivery/servicing hours) of permission 17/04007/MAF in order to remove Sunday hours restrictions for units 1A and 1B which are below Sunday hours trading restriction thresholds and extend the delivery/servicing hours of unit 7 to bring in line with the other units at Union Mills, Harrogate Road, Bradford.

Applicant:

Mrs Rachael Martin (ID Planning)

Agent:

Mrs Rachael Martin (ID Planning)

Site Description:

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

Relevant Site History:

Planning permission was granted on the 8th December 2017 under reference 17/04007/MAF for the demolition of existing buildings and infill of existing pond. Construction of seven retail units including discount foodstore (class A1), five retail units (class A1) and one unit (subdivisible) (class A1, A3, A5) with access, car parking, landscaping and associated works.

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

The Local Plan for Bradford:

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

Replacement Unitary Development Plan Policies:

Not applicable

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development

SC1 Overall Approach and Key Spatial Priorities

SC4 Hierarchy of Settlements

SC9 Making Great Places

EC4 Sustainable Economic Growth

EC5 City, Town, District and Local Centres

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking

TR4 Transport and Tourism

EN3 Historic Environment

EN5 Trees and Woodland

EN7 Flood Risk

EN8 Environmental Protection

DS1 Achieving Good Design

DS2 Working with the Landscape

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

The application was publicised by neighbour notification letters. The expiry date for the publicity exercise was the 22nd May 2018.

As a result of the publicity exercise 1 representation has been received objecting to the proposal.

Summary of Representations Received:

- Concerns regarding the extended delivery hours as it could impact on the residential amenities of the occupiers of the future houses to be built on the Fagley Quarry site to the south

Consultations:

Environmental Health Nuisance – No objection to the proposal

Summary of Main Issues:

1. Principle of development
3. Residential amenity

Appraisal:

The proposal seeks to vary conditions 16 (Opening hours) and 17 (Delivery/servicing hours) attached to planning permission 17/04007/MAF in relation to units 1A/1B and unit 7 respectively.

1. Principle of development

The principle of retail use has previously been accepted on the site through the granting of planning permission under reference 17/04407/MAF for the demolition of the existing buildings on the site and the infilling of the existing pond followed by the construction of seven retail units including discount foodstore (class A1), five retail units (class A1) and one unit (subdivisible) (class A1, A3, A5) with access, car parking, landscaping and associated works.

Within that permission two conditions were incorporated which related to the opening hours and delivery/servicing hours. The times included within that permission were those requested by the Applicant. The application seeks to amend the 2 conditions as follows:

Condition 16:

Wording as approved:

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

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

Units 2, 3, 4, 5, 6, and, 7: 05:00 to 23:00 hours Monday to Saturday and 10:00 to 18:00 on Sundays

Wording as amended (highlighted in bold):

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

Units 1A and 1B: 05:00 to 23:00 hours Monday to Saturday and **07:00 to 23:00 on Sundays**

Units 2, 3, 4, 5, 6, and, 7: 05:00 to 23:00 hours Monday to Saturday and 10:00 to 18:00 on Sundays

Justification:

The Applicant has stated that the current wording of the condition is in line with the Sunday Trading Act 1994 which limits shop opening hours to 6 continual hours between 10.00 to 18.00. These restrictions only relate to large shops, i.e. those over 280 square metres in size and not to small shops under that threshold. Units 1A and 1B have gross floor areas of 186 square metres and 130 square metres respectively and therefore fall outside the restrictions imposed by the Sunday Trading Act 1994.

In principle therefore there is no objection to the changing of the wording of the condition to include the revised opening times subject to detailed consideration in the following sections of the report.

Condition 17:

Wording as approved:

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

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

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

Unit 7: 06:00 to 23:00 hours

Wording as amended (highlighted in bold):

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

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

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

Unit 7: 05:00 to 23:00 hours

Justification:

The amendment is sought to bring the deliveries for unit 7 in line with those for the remainder of the units within the development thus making the operation of the site access barrier system required under condition 35 more efficient.

As deliveries are allowed as early as 05.00 the principle of that time has been established and is therefore acceptable subject to detailed consideration in the following sections of this report.

2. Residential amenity

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

The main issue to consider with regard to the amendments sought to conditions 16 and 17 by the Applicant is the potential impact on the residential amenities of the occupiers of dwellings in the vicinity of the site.

Units 1A/1B are located in the north western corner of the site fronting onto Harrogate Road. The nearest dwellings to the proposed units are on the northern side of Harrogate Road, separated from the site by the road itself. It is very unlikely therefore that additional activity created by the extended opening hours proposed through the rewording of condition 16 will have a detrimental impact on the residential amenities of the occupiers of the existing dwellings. No objection has been made to the proposal by the Environmental Health Department.

Unit 7, which is subject to the rewording of condition 17, is located in the western part of the site with the delivery bay located adjacent to the southern elevation of the building in the south western corner of the site. The distance from the delivery area to the southern boundary is a minimum of 13½ metres and some planting is proposed in the area to minimise the impact on both visual and residential amenity. At present this is adjacent to open fields that were formerly used for grazing purposes. The fields do form part of the planning permission for the redevelopment of the Fagley Quarry site which currently has outline planning permission for residential development and 2 reserved matters applications are currently under consideration for the detailed layout of the larger site. The layout of the proposed residential development shows the gable ends of 3 plots facing onto the application site. There are windows incorporated within the gable ends but these serve wc's/bathrooms and a secondary window to a living area.

The main issue to consider is whether the potential movement of delivery vehicles at the earlier delivery time will impact on the residential amenities of the occupiers of these dwellings should they be built. A Noise Assessment was submitted with the original application (17/04007/MAF) which did support deliveries at 5.00 am and in fact the other units do benefit from being allowed deliveries from this time. No objection has been raised to the proposal from the Environmental Health Department and therefore it is not considered that the proposal will have a detrimental impact on the residential amenities of the occupiers of these proposed dwellings.

Overall therefore it is considered that the proposed amendments to conditions 16 and 17 are acceptable and will not significantly impact on the residential amenities of the occupiers of both existing and proposed dwellings.

Community Safety Implications:

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

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

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

Conditions of Approval:

1. Time limit

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

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

2. Site Investigation Implementation

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

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

3. Remediation strategy

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

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

4. Remediation verification

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

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

5. Unexpected contamination

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

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

6. Materials importation

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

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

7. Separate foul/surface water drainage

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

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

8. Use of oil interceptors

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

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

9. Disposal of surface water drainage

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

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

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

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

10. Surface Water Drainage Maintenance and Management

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

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

11. Flow of surface water

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

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

12. Temporary drainage strategy

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

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

13. Disposal of foul water drainage

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

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

14. Drainage of Mill Pond

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

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

15. Siting of Mill Pond pump

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

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

16. Opening times – retail units

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

Units 1A and 1B: 05:00 to 23:00 hours Monday to Saturday and 07:00 to 23:00 on Sundays

Units 2, 3, 4, 5, 6, and, 7: 05:00 to 23:00 hours Monday to Saturday and 10:00 to 18:00 on Sundays

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

17. Delivery times – retail units

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

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

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

Unit 7: 05:00 to 23:00 hours

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

18. Construction hours

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

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

19. Electric Vehicle Charging Points

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

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

20. Construction Emission Management Plan

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

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

21. Details of any external lighting to be submitted

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

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

22. Root Protection Plan

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

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

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

23. Boundary treatment

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

fencing. The approved details shall be implemented in full prior to the first occupation of the development.

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

24. Submission of landscaping scheme

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

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

25. Implementation of landscaping

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

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

26. Materials

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

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

27. No signs

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

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

28. Travel Plan

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

reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

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

29. Highway Improvement Before Use

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

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

30. Means of access

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

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

31. Closure of existing vehicular access

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

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

32. Provision of car park

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

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

33. Highway boundary wall

Before any development commences on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the

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

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

34. External lighting

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

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

35. Gates to prevent access outside hours

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

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

36. Construction Plan

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

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

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

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

37. Preventive measures: mud on highway

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

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

38. Sub-division/amalgamation of units

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

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

39. Restriction on comparison/convenience floorspace

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

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

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

40. Use of units 1A and 1B

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

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

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

41. Ventilation systems

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

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