

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 12 September 2019

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Subject:

This application seeks consent for the variation of condition 7 of planning permission 18/01540/MAF to allow the peak pumped foul water discharge to not exceed 5 litres per second on land at Grid Ref 411346 431859, Holts Lane, Bradford.

Summary statement:

This application seeks to vary condition 7 of planning permission 18/01540/MAF to allow the peak pumped foul water discharge to not exceed 5 litres per second.

The proposal will not alter the amount of foul water discharge as the scheme simply relates to an increase in the flow. The number of units will remain the same as the previous planning permission under reference 18/01540/MAF, i.e. 100 dwellings. The change has been agreed with Yorkshire Water who have not raised an objection to the proposal.

The previous permission was subject to a Section 106 Legal Agreement to secure the provision of 20 affordable houses. A Deed of Variation is to be secured as part of the new recommendation to grant planning permission.

Subject to the imposition of the recommended conditions it is considered that the proposal is acceptable.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Environment

1. SUMMARY

This application seeks to vary condition 7 of planning permission 18/01540/MAF to allow the peak pumped foul water discharge to not exceed 5 litres per second.

The principle of the residential development on the site has previously been accepted through the granting of planning permissions under references 17/05251/MAF and 18/01540/MAF. No other changes are proposed to the scheme.

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.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

A condition was attached to the previous planning permissions (17/05251/MAF and 18/01540/MAF) 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. Conditions are recommended in relation to matters such as boundary treatment to further enhance the security of the site. Building Regulations Approved Document Q relates to Secured by Design issues for the individual dwellings. This issue was considered as part of the schemes approved under references 17/05251/MAF and 18/01540/MAF.

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.

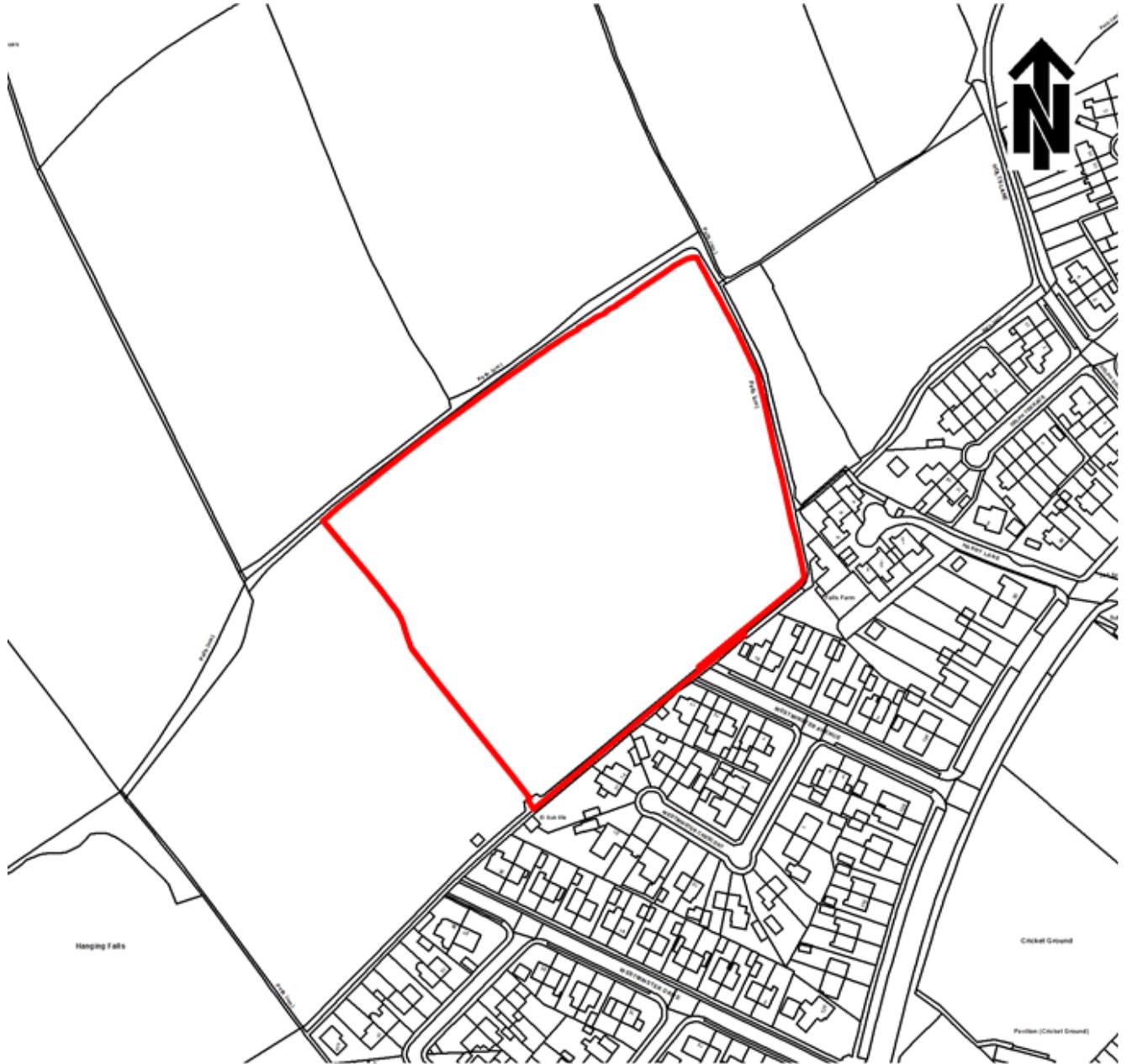
11. APPENDICES

Appendix 1 Technical Report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Replacement Unitary Development Plan

19/02483/VOC



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**Land At Grid Ref 411346 431859
Holts Lane
Bradford**

Appendix 1

12 September 2019

Ward: Clayton and Fairweather Green

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS A DEED OF VARIATION TO THE SECTION 106 LEGAL AGREEMENT ATTACHED TO PLANNING PERMISSION 18/01540/MAF

Heads of Terms of the Deed of Variation:

Affordable housing: The onsite provision of 20 affordable houses (Discount market sales units as secured in the Deed of Variation dated 20th March 2019)

Application Number:

19/02483/VOC

Type of Application/Proposal and Address:

This application seeks consent for the variation of condition 7 of planning permission 18/01540/MAF to allow the peak pumped foul water discharge to not exceed 5 litres per second on land at Grid Ref 411346 431859, Holts Lane, Bradford.

Applicant:

Mr Gavin Wilkinson (Barratt Homes)

Agent:

N/A

Site Description:

The site is currently under development for a residential scheme with a number of properties already built and occupied and others under construction. It is bounded by open fields to the north, east and west whilst to the south is residential development (Westminster Avenue, Westminster Crescent and Harry Lane). Access to the site is taken from Westminster Crescent. A public footpath runs along the south western boundary of the site.

Relevant Site History:

Planning permission was granted on the 12th February 2018 under reference 17/05251/MAF for the construction of a residential development scheme comprising 99 dwellings with associated works. This permission was subject to a Section 106 Legal Agreement securing the onsite provision of 20 affordable dwellings.

Planning permission was granted on the 2nd April 2019 under reference 18/01540/MAF for the substitution of dwellings approved under reference 17/05251/MAF and associated works with the addition of 1 extra dwelling.

Planning permission was granted on the 20th July 2018 under reference 18/01745/MAF for the provision of off-site enabling works for the 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 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 allocated as Safeguarded Land within the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

N/A

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
EN2 Biodiversity and Geodiversity
EN7 Flood Risk
EN8 Environmental Protection
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
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 has objected to the application for the following reasons:

- The council objects based on the Parish council's decision made on 7 December 2017, regarding the foul water discharge.
- The council objects as the limit of 4 litres per second has been exceeded and there is potential of raw sewage overspill down Delph Drive and the fields.
- The Council has concerns whether the existing drainage can cope with the changes.

Publicity and Number of Representations:

The application was publicised by site notice and neighbour notification letters. The expiry date for the publicity exercise was the 31st July 2018.

As a result of the publicity exercise 16 representations have been received objecting to the proposal including one from a local Ward Councillor.

Summary of Representations Received:

Drainage:

- Holts Lane already struggles with drainage, more foul water will exacerbate the problem;
- Why was the original planning application approved when the drainage was obviously inadequate or not fit for purpose;
- No improvements have been made to the current system to cope with the increase;
- Why the change so late in the development;
- There is no explanation as to why the change is required;
- Loss of natural drainage to the area through the redevelopment of the fields;
- Will the pumping station be 20% louder?;
- Have Drainage Services fully assessed the proposal as the consultation response is very short.

Other issues:

- This should not be a back door way to accommodate future houses on adjacent land;
- Adverse effect on wildlife;
- The CEMP for the off-site works - Construction information states the full works should take approximately 60 working days from site start - I would argue it has been approximately 6 months already and still not finished
- Traffic access to the site is poor.

Consultations:

Drainage – No objection to the proposal

Yorkshire Water – No objection to the increase in peak foul pumped rate to 5 litres per second

Summary of Main Issues:

1. Principle of development
2. Drainage
3. Other issues

Appraisal:

This application seeks to vary condition 7 of planning permission 18/01540/MAF to allow the peak pumped foul water discharge to not exceed 5 litres per second.

1. Principle of development

The principle of the redevelopment of the site for residential purposes has been previously accepted through the granting of planning permission under references 17/05251/MAF and 18/01540/MAF. This application does not impact on the principle of the development and only relates to the foul drainage element of it.

As part of the previous planning permissions under references 17/05251/MAF and 18/01540/MAF a Section 106 Legal Agreement was secured in relation to the provision of 20 affordable dwellings (Discount market sales). These dwellings have all been built with some of them occupied. To ensure that the occupation requirements are maintained for successors in title there is a requirement for a Deed of Variation to the Section 106 Legal Agreement which binds the land.

As such the principle of the development is acceptable subject to consideration in the following sections of the report.

2. Drainage

Paragraph 163 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

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

In considering the original proposal under reference 17/05251/MAF Yorkshire Water, in their consultation response dated 9th October 2017, stated that “foul water domestic waste should discharge to the 225 mm diameter public combined water sewer recorded in Delph Drive, at a point adjacent to the site. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 4 (four) litres per second”. Based on this advice a condition was imposed on that planning permission restricting the peak pumped foul water flow to not exceeding 4 litres per second. Condition 7 subsequently stated that “the site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 4 (four) litres per second”. This condition was carried forward onto planning permission 18/01540/MAF as Yorkshire Water considered their previous advice as still relevant.

This application now seeks to increase the flow such that it will not exceed 5 litres per second. The application was submitted following discussions between Yorkshire Water and the Applicant. The size of the sewer pipe will not change, i.e. it will remain at 225mm. The only change to the previously approved drainage system will be the rate at which it flows. The proposal has been considered by both the Councils Drainage Services and Yorkshire Water and neither have objected to the change.

Objections have been raised to the proposal with regards to why the change is needed, and, that there have been no improvements to the existing sewerage system and can it cope with any additional flow. The proposal doesn't mean there will be an increase in the level of foul water generated. The approved residential scheme is still for 100 dwellings and therefore the level of foul water generated will still be the same as per the consideration of the original proposal under reference 18/01540/MAF. It was considered at the time that the proposed flow of 4 litres per second was acceptable and would be satisfactorily accommodated within the existing wider sewerage system. As there will not be a change in the volume of foul water generated it is again considered that the existing sewerage system will be able to accommodate the proposed change in rate of flow.

As such therefore there is no objection to the proposal on drainage grounds.

3. 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:

This should not be a back door way to accommodate future houses on adjacent land – The proposal simply relates to a change in the flow of pumped foul water discharge in an already approved drainage system which serves the residential development approved under reference 18/01540/MAF and not the adjacent fields. If planning applications are submitted on these sites they will be considered on their own merits.

Adverse effect on wildlife – The proposal will not impact on wildlife as it simply relates to a change in the flow of pumped foul water discharge in an already approved drainage system.

The CEMP for the off-site works - Construction information states the full works should take approximately 60 working days from site start - I would argue it has been approximately 6 months already and still not finished – This is not considered relevant to the proposal being considered as part of this planning application

Traffic access to the site is poor – The proposal will not impact on the access to the site as it simply relates to a change in the flow of pumped foul water discharge in an already approved drainage system.

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 this 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 relates to an amendment to the proposed drainage system of a residential scheme on a site that benefits from planning permission. The proposed amendment is considered to be acceptable and present no concerns with regard to the impact on the drainage system either within the site or the wider area. The proposal is considered acceptable and, with the attached conditions and Deed of Variation to the Section 106 Legal Agreement to secure the provision of the affordable housing, satisfies the requirements of policies P1, SC1, EN2, EN7, EN8, TR1, TR2, TR3, 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. Vehicular/pedestrian access

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

3. Off-street car parking

Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

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

4. No 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.

5. Wheel washing facilities

Before any development commences on site, full details of arrangements for wheel cleaning of construction vehicles and equipment, including the location of such a facility in relation to the highway and arrangements for disposal of contaminated surface water shall be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be installed, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles are leaving the site.

Reason: To prevent mud being taken on to the public highway in the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

6. 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 construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) 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;
- viii) 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.

7. Separate foul and surface water drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 5 (five) litres per second.

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

8. Means of disposal of surface water drainage

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any flow attenuation works and off-site works, have been submitted to and approved by the Local Planning Authority.

Discharge to public sewer shall be restricted to a maximum flow rate of 5 litres a second. Furthermore, unless otherwise approved 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 to accord with policy EN7 of the Local Plan for Bradford.

9. 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 which shall be submitted to, and agreed in writing by the Local Planning Authority, within 6 months of the development hereby permitted commencing on site.

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

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

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

12. 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.

13. 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.

14. Domestic Electric Vehicle Recharging Points

Unless otherwise agreed in writing with the Local Planning Authority, from the date of first occupation every property on the site with dedicated parking shall be provided with access to a fully operation 3 pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle. Every other property (with none dedicated parking) shall be provided with access to a communal EV charging point at a rate of 1 per 10 properties. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas or within dedicated garage space. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice.

Purpose: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the West Yorkshire Low Emission Strategy and the National Planning Policy Framework (NPPF)

15. 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.

16. Landscaping scheme

Within 6 months of the development hereby permitted commencing on site a detailed landscaping scheme shall be submitted for the areas along the northern and eastern boundaries shall be submitted to and agreed in writing by the Local Planning Authority.

The landscaping scheme shall be implemented in full accordance with the approved details prior to the completion of the development.

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

17. Biodiversity enhancements

The development shall be carried out in accordance with the biodiversity enhancement recommendations contained with the Brooks Ecological Preliminary Ecological Appraisal reference R-2812-01.1 and dated March 2017. A timetable for the implementation of the recommendations shall first be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences on site.

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

18. Retention of garages

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the integral garages within the dwelling(s) hereby permitted shall remain available for the purposes of garaging and no subsequent alterations to convert these garages to primary residential accommodation addition shall be carried out without the express written permission of the Local Planning Authority.

Reason: To ensure these facilities remain for parking purposes, in the interests of amenity and highway safety and to accord with Policies TR2, DS4 and DS5 of the Core Strategy Development Plan Document.

19. Construction hours

Construction work shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays, 08:00 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.