

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 5<sup>th</sup> March 2020**

**AF**

---

### **Subject:**

This application seeks the change of use of land and buildings from mixed B1, B2 and B8 use to B8 (storage & distribution) use with ancillary offices and associated car parking at Robert McBride Limited, Rook Lane, Bradford.

### **Summary statement:**

The proposal relates to the change of use of land and buildings from mixed B1, B2 and B8 use to B8 (storage & distribution) use with ancillary offices and associated car parking. There will be no significant changes to the appearance of the site, the only potential changes include the removal of some plant and machinery.

The application has been fully assessed against all relevant local and national planning policies and all public representations and consultation responses have been fully taken into consideration. The proposal will retain a significant amount of employment within the site with 60 jobs being created. It is proposed that these will all be for local people and the Applicants intentions are to seek to retain existing employees as part of their employment strategy. Concerns have been raised by the local residents in relation to the impact the HGV's currently have on their amenities through parking on Rook Lane. The implementation of a Traffic Regulation Order in relation to both residents only parking and restricting on-street parking on Rook Lane, particularly in the vicinity of the access to the site, is proposed and has been accepted by the Applicant. The precise location for the TRO will be agreed at the implementation stage.

Subject to the imposition of the recommended conditions together with a Section 106 Legal Agreement to secure the implementation of the Traffic Regulation Order it is considered that the proposal is acceptable.

---

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

**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

## **1. SUMMARY**

This application seeks the change of use of land and buildings from mixed B1, B2 and B8 use to B8 (storage & distribution) use with ancillary offices and associated car parking at Robert McBride Limited, Rook Lane, Bradford.

## **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 site is located within a very sustainable location in that it is located within walking distance of facilities including a defined retail centre, recreation, employment and education. . The site is well placed in close proximity to public transport (bus routes along Rooley Lane and Tong Street).

## **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. Conditions are recommended in relation to matters such as boundary treatment to further enhance the security of the site.

## **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 planning 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



5<sup>th</sup> March 2020

**Ward: Tong**

**Recommendation:**

**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 LEGAL AGREEMENT**

**Heads of Terms of the Legal Agreement:**

**Highways: Implementation of a Traffic Regulation Order to control on-street parking on Rook Lane and residents permit parking**

**Application Number:**

19/04973/MAF

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

This application seeks the change of use of land and buildings from mixed B1, B2 and B8 use to B8 (storage & distribution) use with ancillary offices and associated car parking at Robert McBride Limited, Rook Lane, Bradford.

**Applicant:**

Mr Denis Duggan (Royal Sanders (UK) Ltd)

**Agent:**

Mr Steven Grimster (Grimster Planning Ltd)

**Site Description:**

The site is located to the south of Rook Lane and is within a mixed-use area comprising both industrial/commercial uses and residential development. To the north (Rook Lane) and south (High Broom Close and Mills Hill Drive) is residential development whilst to the east and west are existing industrial/commercial uses. Vehicular access to the site is gained from the north western corner of the site and is taken from Rook Lane.

The site mainly comprises 2 large single storey buildings, one located along the northern boundary of the site and the second in the southern section of the site. The main car parking area is located within the western section of the site with a smaller car park located adjacent to the security gatehouse in the north western corner of the site. The loading/unloading areas located adjacent to the southern elevations of both buildings.

**Relevant Site History:**

Planning permission was granted on the 19<sup>th</sup> April 1989 under reference 89/00240/FUL for the construction of a factory for the manufacture of shampoos and hair gels with associated offices.

Various planning permissions have been granted on the site including the installation of two plastic granule aluminium storage silos (91/03648/FUL) and two granule silos and base (95/01270/FUL), and, the installation of a 1.8m high mesh style fence (17/05024/FUL).

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

The National Planning Policy Framework is 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 an Employment Zone (Ref: BS/E6.4 – Low Street/Dudley Hill). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

### **Replacement Unitary Development Plan Policies:**

E6 Employment zones

### **Core Strategy Policies:**

P1 Presumption in Favour of Sustainable Development

SC1 Overall Approach and Key Spatial Priorities

SC4 Hierarchy of Settlements

SC9 Making Great Places

EC4 Sustainable Economic Growth

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking

EN5 Trees and Woodland

EN7 Flood Risk

EN8 Environmental Protection

EN12 Minerals Safeguarding

DS1 Achieving Good Design

DS2 Working with the Landscape

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

**Parish Council:**

There is no Parish Council in the Tong Ward.

**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 17<sup>th</sup> January 2020.

As a result of the publicity exercise 2 representations have been received objecting to the proposal together with a petition comprising 25 signatures. The signatures on the petition are from the residents who reside at 75-107 (odd numbers) Rook Lane and 44-50 (even numbers) Melford Street.

**Summary of Representations Received:**

Highways:

- Parking of vehicles coming or exiting the premises is already a problem, if they are early they park up overnight outside our houses with engines running and rubbish left
- Rook Lane is already busy with traffic will the new use of site make it worse
- What is needed is double yellow lines opposite properties 71-107 to stop this once and for all

**Consultations:**

Environmental Health Air Quality – No objection to the principle of the development but concerns raised regarding the air quality through the potential increase in the number of HGV movements

West Yorkshire Police – No objection to the principle of the development but comments are made on specific aspects of the proposal.

Environmental Health Land Contamination – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the importation of materials and the discovery of unexpected contamination

Lead local Flood Authority – No objection to the proposal subject to the imposition of a condition relating to the submission of a drainage strategy

Highways – No objection to the principle of the development subject to the implementation of a Traffic Regulation Order to control on-street parking on Rook Lane and residents permit parking

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Secured by design
8. Contaminated land
9. Air quality

**Appraisal:**

The proposal relates to the change of use of the existing buildings to B8 Use (storage and distribution).

1. Principle of development

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

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

The majority part of the site is allocated as an Employment Site (Ref: BS/E6.4 – Low Street/Dudley Hill) within the Replacement Unitary Development Plan and is subject to consideration against policy E6 of the Replacement Unitary Development Plan.

Policy E6 of the Replacement Unitary Development Plan has been superseded by Core Strategy Policy EC4 but has been saved until the adoption of the Core Strategy and the adoption of the Allocations Development Plan Document and Area Action Plans. The policy support proposals for employment development on sites shown on the proposals maps as employment sites and within employment zones.

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

The site is currently used for the self-contained manufacturing of personal products, predominantly on behalf of private retailers. These include the production of items such as shampoos, shower gels, mouthwash by way of example. This process operates in 2 of the buildings on the site (The Crestol Building and The Main Building). Alongside the two manufacturing buildings, the remaining buildings on the site comprise associated office space (as part of the Main Building) and the security gatehouse on entry to the Site off Rook Lane.

The current processes on the site comprise the shipment and storage of goods in, the manufacturing of products, and the storage and distribution of goods out. Across the site approximately 62% of the existing floorspace is used as storage space.

The proposal relates to the change of use of land and buildings from mixed B1, B2 and B8 use to B8 use with ancillary offices and associated car parking. The breakdown in floorspace of the proposed end use is 85% storage and distribution and 15%

associated office space and welfare areas including the security gatehouse. The prospective purchaser/occupier of the site is Touch Global (UK) Ltd who specialise in the selling and distribution of a wide variety of goods, and is a recognised leader in Ecommerce. Their main warehouse and offices are located in Lincoln and the site would serve as a new storage and distribution facility as part of their expanding business operations across the UK. A letter of intent from Touch Global (UK) Ltd to take over the premise has been submitted in support of the proposal. The site currently employs around 150 people but this will be reduced to 60 as part of the proposal. These jobs would all be new jobs and not be relocated jobs from their existing premises. The applicants have stated that in their discussions with the prospective new purchasers it is planned to seek retention of staff already working at the site where possible to assist in setting up the new venture but also to limit the number of current employee job losses.

It is considered that the principle of the proposed change of use is acceptable and satisfies the requirements of both policies E6 of the Replacement Unitary Development Plan and EC4 of the Core Strategy.

## 2. Visual amenity

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

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

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

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

The proposal will not require any changes to the external appearance of the buildings or any new development on the site. The Applicant has stated that some of the external plant and machinery associated with the current use of the site will be removed, including the existing water plants (excluding the tanks required for the sprinkler system), and the removal of waste oil and bund walls.

Overall therefore it is not considered that the proposal will have a detrimental impact on the visual character and appearance of either the streetscene or the wider locality and therefore satisfies the requirements of policies DS1 and DS2 of the Core Strategy.

### 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.

As part of the original planning permission for the construction of the building under reference 89/00240/FUL there were no conditions attached relating to the hours of operation of the building. As such it could be used throughout the day and night 7 days a week. This permission has accepted the principal of these hours of work.

The existing business operates between the hours of 06.00-20.00 Sunday to Friday with no Saturday working planned at present. However Saturday working may be required in the future if the business was to grow in line with the aspirations of the owners. The Applicant wishes to retain the flexibility for the proposed use (24 hour operation, 7 days a week) as opposed to them being restricted by planning condition. The proposed use of the site will solely be for storage and distribution and therefore there will not be any noisy activities occurring within the site that could cause disturbance to the local residents. An existing building is located along the Rook Lane frontage which shields the residents of those properties from the main loading/unloading areas which are located to the immediate south of that building. There is also a loading/unloading area located adjacent to the southern elevation of the other building within the southern section of the site. This part of the site is located on land much higher than the dwellings High Broom Close and Mills Hill Drive) to the south and is separated from these dwellings by a grass bank.

The Highways Section below explains how local residents have raised concerns about the potential for disturbance from HGV vehicles parked close to their properties, including a request for TRO's to prevent continued loss of residential amenity.

Overall it is not considered that the operations of the site will have a detrimental impact on the residential amenities of the occupiers of the dwellings which are located to both the north and south of the site. As such the proposal satisfies the requirements of policy DS5 of the Core Strategy.

### 4. Highway safety

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

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

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

The site is served by 3 potential access points which comprise the existing main access off Rook Lane (at the site's north-western corner), a further access off Rook Lane (adjacent to the Crestol Building) along the site's northern boundary, and a third access from Law Street along the site's eastern boundary. They are all capable of providing access for all vehicles and there are no operational restrictions on the use of these access points. At present the only access in operation is that off Rook lane in the north western corner of the site and this also serves as the access for pedestrians and cyclists. Access is controlled at all times through the security gate located adjacent to the access. It is intended to continue with this as the main access point through the new use of the site.

There are two surface car parks on the site for use by employees and visitors. The car park adjacent to the security gatehouse has capacity for approximately 50 vehicles, and the main car park located to the west of the associated office space/Main Building has capacity for approximately 178 vehicles.

The main objection to the proposal from the local residents has been the previous impact that the HGV's currently have on the residential amenities of the occupiers of the adjacent dwellings particularly on Rook Lane and Melford Street. The petition has been signed by the occupiers of 75-107 (odd numbers) Rook Lane and 44-50 (even numbers) Melford Street, which comprise the "hot spot" of where the HGV issues occur. The concerns from the residents relate mainly to the engines idling when the vehicles are parked on Rook Lane, the fumes from the exhausts, noise from air brakes, doors slamming, litter being left and highway safety concerns. The residents are seeking double yellow lines to continue from Law Street to number 75 Rook Lane (from numbers 107-75) and for all vehicles leaving the site to turn left towards Rooley lane thus not passing residents homes at all hours of the day.

The Highways Department have not objected to the principle of the development but have stated that there may be a change in the numbers of car borne trips to and from the site and also an increase and change in the pattern of HGV movements. In order to protect the amenities of the local residents the Highways Department have stated that there should be a review of the parking restrictions on the highways around the perimeter of the site and the entrances in order to stop indiscriminate parking by the HGV's. This will be in the form of a Traffic Regulation Order and parking permits for the local residents. The implementation of the Traffic Regulation Order will be secured through a Section 106 Legal Agreement.

As such therefore it is considered that the proposal is acceptable in highway terms and satisfies the requirements of policies TR1 and TR2 of the Core Strategy.

#### 5. Drainage

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

In term of the drainage of the site for both foul and surface water it is intended to utilise the existing system that currently serves the existing buildings. No objections have been received to this subject to the imposition of appropriate conditions requiring the Developer to submit details of the proposed drainage scheme to shows a betterment for the site as a whole and the submission of a maintenance plan for the future drainage of the site.

Overall therefore, subject to the imposition of the conditions requested, there is no objection to the proposal on drainage grounds and the proposal satisfies the requirements of policies EN7 and EN8 of the Core Strategy.

#### 6. Trees

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

Whilst there are a number of trees located along the boundaries of the site the proposal will not result in any significant alterations to the site that would impact on these trees and therefore no objection is raised.

As such there is no objection to the proposal will regards to the impact on the existing trees in the vicinity of the site and the proposal therefore satisfies the requirements of policy EN5 of the Core Strategy.

#### 7. Secured by design

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

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

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but initially raised a number of site specific issues.

Access control: It is suggested that any access gates or barriers are closed/locked and include some form of access control measures such as swipe card or key fob access which are security encrypted to prevent unauthorised copying, will allow authorised persons to access the site and the building/s. This allows the company to control whom has access into the building and where they can access. Access control should also be applied on the access doors provide entry/exit into the buildings – *the existing security gatehouse at the main entrance to the site will be retained and as such this will control who enters the site. It will be the responsibility of the end user of the site to determine whether or not access controls are installed on the doors to the buildings as this is outside the control of the planning system.*

Lighting: Including good lighting levels within the car park that cover pedestrian routes and all access doors or delivery areas around the buildings and car parking will illuminate these locations – *it will be the responsibility of the developer to determine what levels of lighting are proposed internally within the site as this is outside the control of the planning system as it will not impact on the local highway network.*

CCTV: There is no mention of whether there is CCTV installed already? If not, CCTV should cover the same areas noted above including any internal entrance areas, such as entrance/lobby or offices which have any sensitive information or IT/portable equipment/cash stored – *it will be the responsibility of the developer to determine whether or not a CCTV system is installed on the site as this is outside the control of the planning system.*

As such therefore there is no objection to the proposal will regards to the provision of a safe and secure environment for the future residents and the proposal therefore satisfies the requirements of policy DS5 of the Core Strategy.

## 8. Contaminated land

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

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

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

The Design and access statement submitted with the application indicates that limited ground disturbance is likely to take place during the course of development. The proposal is for a "change of use buildings on site". Should the proposals include any additional landscaping we would recommend the inclusion of appropriate conditions relating to the importation of materials and the discovery of unexpected contamination.

The Applicant has stated in the Design and Access Statement that no new boundary treatments are proposed as these are already in place and the proposed use of the site will not result in an intensification of its use thereby not requiring any strengthening of the boundary treatment. As such it is not considered that the conditions requested by the Environmental Health Department are warranted.

Overall therefore there is no objection to the proposal with regards to ground conditions and it is considered that the proposal satisfies the requirements of policy EN8 of the Core Strategy.

### 9. Air quality

Paragraph 181 of the National Planning Policy Framework states that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Policy EN8 of the Core Strategy states that "in liaison with partner organisations, the Council will take a proactive approach to maintaining and improving air quality within the District in line with National Air Quality Standards, the European Union limit values and the principles of best practice. Through a range of actions, it will seek to secure a reduction in emissions from sources which contribute to poor air quality".

The Air Quality Officer has raised concern in relation to the impact on air quality in the area. This is based on the potential number of vehicular movements to and from the site being anywhere between 0-60 per day which in air quality terms is a very large range. A condition is sought to control the emission standard of any new HGV traffic to Euro 6 or a % of the total fleet accessing the overall site to be Euro 6. In planning terms this is not possible to control through a condition. It needs to be stressed that the site is currently in use for employment purposes and there is no restriction on the level of HGV movements to and from the site and the consultation response does not take into account current vehicular movements of HGV's to and from the site. The overall difference is not likely to be significant and whilst there is a concern it is not one that could justify a refusal.

In order to try and improve the air quality within the air quality a condition is recommended that will secure the provision of a number of electric vehicle charging points to serve the site.

Overall therefore it is not considered that the proposal will significantly impact on the air quality in the locality and it satisfies the requirements of policy EN8 of the Core Strategy.

### **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 provides a development scheme on an unallocated site. The scale, form, layout and design of the proposal are acceptable and present no concerns with regard to residential amenity, visual amenity and highway safety. The proposal is considered acceptable and, with the attached conditions and legal agreement, satisfies the requirements of policy E6 of the Replacement Unitary Development Plan together with policies P1, SC1, SC4, SC9, EC4, TR1, TR2, TR3, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

**Conditions of Approval:**

1. Time 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. Approved plans

The development hereby approved shall only be carried out in accordance with the following plans:

Drawing showing the Site Boundary Plan and received by the Local Planning Authority on the 2<sup>nd</sup> December 2019;

Drawing showing the Main Building Floor Plans (Crestol Buildings) and received by the Local Planning Authority on the 2<sup>nd</sup> December 2019;

Drawing showing the East Side Tank Farm and received by the Local Planning Authority on the 2<sup>nd</sup> December 2019;

Drawing showing the West Side Tank Farm and received by the Local Planning Authority on the 2<sup>nd</sup> December 2019;

Drawing Number DR/0001 Rev 0 showing the Drainage Plan Layout and received by the Local Planning Authority on the 2<sup>nd</sup> December 2019;

Drawing Number SP/0001 Rev 0 showing the Detailed Site Plan (Drainage Detail) and received by the Local Planning Authority on the 2<sup>nd</sup> December 2019;

Drawing Number SP/0002b showing the Ground Floor Plan and received by the Local Planning Authority on the 2<sup>nd</sup> December 2019; and,

Drawing Number SP/0002c showing the Mezzanine, First Floor and Plant Room Plans and received by the Local Planning Authority on the 2<sup>nd</sup> December 2019.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

### 3. Foul and surface water drainage scheme

The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles agreed with the Lead Local Flood Authority. The scheme so approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of effective drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

### 4. Surface water Maintenance Plan

The development shall not begin until a Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Lead Local Flood Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved Plan.

Reason : In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of the maintenance provisions for the drainage system, before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

### 5. Electric vehicle charging points

Prior to the date of first occupation, details of and a timetable for the implementation of fully operational, purpose-built electric vehicle charging points across 10 parking bays shall be submitted to the Council for approval. Details will include the type of charging points, their location on the site and arrangements for access, upkeep and maintenance (for a minimum of five years). The charging points must be capable of providing a mode 3 fast charge to electric vehicles, and must be accessible from the parking bays using a charging cable no longer than 3 metres in length. The electric vehicle charging points shall be implemented in accordance with the approved details and timetable, and no later than 12 months from the date of first occupation.

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).