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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 7 August 2008 in the Council Chamber, Keighley Town Hall

Commenced 1000
Adjourned 1110
Reconvened 1125
Concluded 1520

PRESENT – Councillors

| CONSERVATIVE | LABOUR |
|--------------|--------|
| Greaves | Lee |
| Hill | Rowen |
| Ellis | |

Apologies: Councillor Shamin Akhtar

Councillor Greaves in the Chair

26. DISCLOSURES OF INTEREST

Councillor Lee disclosed a personal interest in Minute 31 for matters relating to Greenhead School, Greenhead Lane, Keighley as she had a grandchild who was attending the special school. As the interest was prejudicial she withdrew from the meeting during the discussion and voting on this item.

Councillor Hill disclosed a personal interest in Minute 34 for matters relating to Bridgehouse Mill, Bridgehouse Lane, Haworth as he had once lived opposite the Bridgehouse Mill and was also a member of the Parish Council but not a member of its Planning Committee, but as the interest was not prejudicial he took full part in the discussion and voting on this item.

ACTION: *Assistant Director, Corporate Services (City Solicitor)*

27. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



28. PUBLIC QUESTIONS

There were no questions submitted by the public.

29. DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS DISMISSED

(i) **BUILDING C, STOCKBRIDGE WHARFE, RIDDLESDEN** Keighley East

Refurbishment of a derelict redbrick warehouse into 42 residential units – 07/07517/FUL.

(ii) **GOFF WELL FARM, GOFF WELL LANE, KEIGHLEY** Keighley East

Outdoor ménage (private use only) – 07/07594/FUL.

(iii) **10 BARLEY COTE AVENUE, RIDDLESDEN** Keighley East

Conservatory to rear of house - 07/09933/FUL.

(iv) **THE PIGGERY, HADFIELD FARM, ILKLEY** Ilkley

Change of use of redundant agriculture building to office – 07/07278/FUL.

APPEALS ALLOWED

(v) **12 CRYER MEADOW, HAWORTH** Worth Valley

Decking to the rear garden area - 07/04893/FUL.

Resolved –

That the decisions be noted.

**30. DECISIONS MADE BY THE AREA PLANNING MANAGER –
AUTHORISATION OF LEGAL PROCEEDINGS**

(i) **MOSS CARR FARM, MOSS CARR ROAD, LONG LEE** Keighley East

Construction of an unauthorised dwelling – 07/01224/ENFUNA.

The owner of the property had demolished the original farmhouse and started new build on a larger footprint. Planning permission was refused – 06/04112/FUL on 12 December 2006 and a retrospective application – 07/09153/FUL was refused on 5 February 2008.

The Department of Legal and Democratic Services had been instructed to issue an Enforcement Notice.

Resolved –

That the Assistant Director Corporate Services (City Solicitor) and the Strategic Director of Regeneration be instructed to issue a Section 215 notice to have the land tidied up.

***ACTION: Assistant Director, Corporate Services (City Solicitor)/
Strategic Director, Regeneration***

31. GREENHEAD SCHOOL, GREENHEAD LANE, KEIGHLEY Keighley Central

Previous reference: Minute 23 (2008/2009)

Reserved matters application for a new two school campus for special educational needs children and mainstream secondary children with associated access, parking and sports facilities on the existing site of Greenhead High School and neighbouring playing fields, Greenhead Road, Utley, Keighley – 08/01592.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. The Panel had considered the planning application on 10 July 2008. They resolved that the application be deferred to allow the applicant to provide further information. He reported that Keighley Town Council had recommended approval of the application but had concerns regarding increased traffic and flooding issues. Fourteen representations had been received in respect of the application and the summary of representations received were as outlined in Document "E".

The Strategic Director, Regeneration reported that at the last meeting of the Panel in July the Panel had some concerns about the proposed vehicular access in and out of Greenhead Road; one of the main issues was also the materials that were to be used in the development. Samples of the materials to be used had been presented to the local planning authority. The colours had been changed from the original to the new scheme. The tone of the colours was more appropriate than the original colours proposed.

The Strategic Director, Regeneration reported that the proposal was for an educational establishment on land identified in the Replacement Unitary Development Plan as urban green space. The urban green space would be re-located rather than lost and the openness of the area as a whole would be retained. It was considered that the overall design and layout of the site both within and outside the urban green space would make a positive contribution to the character and amenity of the area and as such the development proposals would not conflict with Policy OS1 of the RUDP.

The proposal was for an educational establishment on land identified in the Replacement Unitary Development Plan as Recreation Open Space. The development proposals provided for alternative provision in the form of better quality and greater quantity of playing field and indoor and outdoor sport provision and in a suitable location. The proposal provided a good overall design and layout with appropriate landscaping which would improve the appearance of the site as a whole. As such the development proposals would not conflict with Policy OS1 of the RUDP.

The proposal had been assessed in relation to its impact on the local environment, neighbouring residents and highway safety. Consideration had also been given to how the development meets the needs of people with disabilities and provides security by

designing out crime. It was considered that the design and layout take into account the needs of users of the facilities and the local environment in which it was to be located without undue harm to interests of acknowledged importance. The proposal was considered to accord with the Policies UR2, UR3, TM1, TM2, TM8, TM11, TM18, TM19, TM19A, CF3, D1, D2, D3, D4, D5, D6, D7, BH7, BH10, NE4, NE5, NE10, NR15B, NR16, NR17, NR17A, OS1, OS2 and P4 of the Replacement Unitary Development Plan. He therefore recommended that subject to conditions the application be approved

Members made the following comments:

- There was a problem with the polycarbonates as they were not made of fireproof material, and fireproof material should be used.
- The available parking may not be sufficient to accommodate all staff at the school.
- They did not have any issues with the design but only with the materials to be used.
- It had been worth deferring in order to obtain more information from the applicant.

An objector was present at the meeting and made the following points:

- Why had the Skipton Road elevation not been shown to the Panel?
- It was not appropriate to have a three storey building in the area.
- Metal barriers should be installed to protect the trees during construction on Skipton Road.

The applicant was present at the meeting and made the following points:

- The polycarbonate cladding to be used had been selected in dialogue with building control and the fire authority. The materials would meet the requirements of the building control officer and had been used by the developer before.
- The applicant had listened to what was said at the previous Panel meeting and had taken appropriate measures.
- The building would be located on the lowest part of the site so the highest part of the building would also be in the lowest part of the site.
- Greenhead Road and Skipton Road trees would be screened during construction.
- The trees would be fenced off and excluded from the working area.
- All other issues had been covered by the planning officers.

The Strategic Director, Regeneration responded to Members' comments and those of the applicants made the following points:

- The building control officer had said that the polycarbonates to be used were appropriate.
- The building scheme had been toned down.
- Grey water recycling was not included in the work, however rain water run-off would be collected and used towards the playing fields and landscaping.
- The applicant had addressed all relevant issues.
- The scheme utilises land levels and the SEN school would be on one level with trees on that boundary. It was an acceptable proposal from the applicants.
- It would be necessary to include the condition in respect of the polycarbonate.
- Concerning parking issues discussions had been held and a condition had been included with the proposed travel plan.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report (Documents "C" and "E") and the following conditions:

- (i) **That if the polycarbonates to be used in the development are not suitable a substitute be submitted to and approved in writing by the local planning authority prior to commencement of development.**
- (ii) **The development should comprise only those materials approved in writing by the local planning authority.**

ACTION: Strategic Director, Regeneration

32. 34 EXLEY MOUNT, KEIGHLEY

Keighley West

Full application for two storey side extension at 34 Exley Mount, Keighley – 08/02817/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Keighley Town Council had recommended refusal of the application as there were no extensions on any of the houses at the side (some at the back). The Town Council had stated that it was a bad precedent and the proposed extension came completely up to the boundary. There had been three individual representations received and a letter with an attached petition with thirteen signatures from ten households. The summary of representations received were as outlined in Document "E". He reported that amended plans had been received which proposed an extra parking space at the front of the property and a bin storage area would be located in the recess area. There had also been an amendment to the window at the front elevation with the French patio doors not being appropriate for window design to the upstairs.

The Strategic Director, Regeneration reported that the proposed development would have no significant adverse effects on local amenity or neighbours and complied with Policies UR3 and D1 of the RUDP and relevant supplementary planning guidance relating to house extensions. He therefore recommended that subject to conditions the application be approved.

Members made the following comments:

- Would Yorkshire Stone be used in the development?
- With the second parking space on the amended plans it seemed that a vehicle could not get in and out if the first car was on the drive.
- If the Panel was minded to approve the application then the whole wall would need to be removed.
- Some of the objections referred to access to the rear garden?
- The car parking spaces within the development should only be used for car parking.
- Concerned about it being up to the boundary, could it be out of character?
- This could turn semi-detached houses into terraces.
- All refuse bins should be stored in the area between the extension and the original dwelling as indicated on the amended plan.

An objector was present at the meeting and made the following points:

- He lived at 36 Exley Mount which was adjacent to the extension and he was opposed to the application.
- He was informed by the building manager that the drains could be damaged during construction work.
- It was not correct that no trees would be affected by the construction work.
- He would not allow access to his land and the gable end would then have to be built without scaffolding.
- The applicant would not be able to clean his window without trespassing on the objector's property.

A second objector was present at the meeting and made the following points:

- He had not been party to the new plans and was now speaking on behalf of residents.
- The planning application was misleading.
- There would be approximately a four to five metre gate to the new building.
- A number of trees would be affected by construction work.
- Other residents do not want this development to damage the environment.
- The side and front extension was not appropriate.
- He was concerned about materials to be used in the development. The 1.2 metres step-back from the front would be pebble-dashed and would the local planning authority look at these materials?
- He was concerned about the refusal of the owner of No. 36 to allow access to the property during construction.
- There were health and safety issues as well.

The Strategic Director responded to Members and objectors' comments and made the following points:

- The gateway pillar would be removed from the development.
- There was a condition that no wall that was removed would be replaced.
- A similar application had been approved before and access to the rear garden was an issue to be negotiated.
- The local planning authority had asked for one metre set back which does comply with the policy.
- It was necessary to consider the needs of residents and the occupiers of the property.
- When considering the application it was necessary to look at the Council policy, the development plan and the house extensions policy.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report and the following conditions:

- (i) **That the car parking spaces within the development shall at all times be used solely for that purpose and in connection with the use of the dwelling house, No. 34 Exley Mount.**

- (ii) **That upon implementation of the permission all refuse bins shall be stored in the area between the extension and the original dwelling as indicated on the amended plan and shall be retained in that location thereafter.**

ACTION: Strategic Director, Regeneration

33. EBOR MILLS, EBOR LANE, HAWORTH

Worth Valley

Full application for the change of use, alteration and extension of existing industrial buildings to create 102 residential units and construction of 18 houses with car parking and access road at Ebor Mills, Haworth – 08/02224/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that the Parish Council had no objections in principle and had made a number of comments as outlined in Document "F". Ten letters of representation had been received including a petition of concern (with five signatures) regarding building impacts of the next 2-3 years. The summary of representations received was as outlined in Document "F".

The Strategic Director, Regeneration reported that the change of use, alteration and extension of this Grade II listed complex of buildings to form a well conceived residential scheme was considered to appropriately preserve the listed building and its setting. Moreover, it was considered that the proposal would have a positive impact on the buildings and surrounding landscape and thus maintain the special interest. The effect of the proposal on the surrounding locality and the nearby neighbouring properties had been assessed and was acceptable. The provision of an access in the manner and location proposed was appropriate and parking provision had been made to accord with adopted standards. As such, the proposal was in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it was considered that the proposal complied with Policies UDP1, UDP3, UDP7, UR2, UR3, H5, H7, H8, TM2, TM12, TM19A, D1, D4, BH1, BH4, BH4A, BH7, BH9 and P4.

An analysis and verification of the submitted financial appraisal for the proposed scheme had been undertaken and indicated that the development – in association with applications at Bridgehouse Mill (08/03781/FUL) and Land at Bridgehouse Mill (08/01477/FUL) – would not be viable if the local planning authority were to pursue planning infrastructure contributions in the usual manner. The applicants had however agreed to enter into a planning obligation to offer an overage agreement (to be delivered via a Section 106 legal agreement) to the Council in the event that profit returns were in excess of an agreed percentage. Any profits over this level were offered to the Council to fund, to its priorities, the usual community benefits of any development scheme that were discussed in the above report. The Council's solicitor advised against the effectiveness of using an overage agreement to secure financial contributions as there was a strong possibility that no funds might be forthcoming. It was nevertheless considered that, provided an overage agreement was successfully concluded, the proposal was acceptable.

The Strategic Director, Regeneration recommended approval of the application subject to the conditions as outlined in Document "F" and a Section 106 agreement to provide for an overage agreement which secures contributions towards affordable housing, public open space and educational contributions, and metro cards subject to the Council covenanting that no contribution shall become payable by the developer unless and until the developer has achieved a certain percentage of profit in the scheme as a whole.

Members made the following comments:

- Condition 22 of the report should be amended to include the words "except for" after the words "no construction".
- There should be an additional condition requiring that a plan detailing the proposed works to Ebor Lane and access to the site should be submitted to and approved in writing by the local planning authority.
- There should be an agreement under Section 278 of the Highways Act 1980 to enable a traffic regulation order to be made extending the existing yellow lines on Ebor Lane to a new position outside of the existing listed cottages at Ebor Lane.
- That the education and recreation contributions required as set out in the report as amended be recovered simultaneously in accordance with the following percentage split, sixty per cent for education, forty per cent for recreation.
- When both the education and recreation contributions have been fully paid any excess of this amount should go towards meeting the commuted sum due for affordable housing until this is fully paid.
- That no Metro element of contributions be sought from the applicant.

An agent for the applicant was present at the meeting and made the following points:

- It was an excellent presentation given by officers.
- Eighty five of the existing employees lived close to Bridgehouse Mills. It was important for the wellbeing of the business to have modern offices which were based locally.
- There was a relocation of two firms in Bridgehouse Mills.
- All the applications were linked.
- There was a great value in retaining existing staff.
- The planning system was fairly complex today and there were competing and conflicting matters that needed to be taken into account.
- In respect of Ebor Mills there were forty UDP policies related to this application.
- The Parish Council had some reservations in respect of the failure to offer upfront planning obligations with the application.
- The workforce of the company had decreased.
- The planning permission should be granted in order to secure the future of the companies in question.
- The Parish Council had referred to a lack of a transport assessment and this was usually done on a development by development basis.
- The comments in respect of heritage could be accommodated.
- It was a good modern design.
- Just because the Ebor Mills development would be different it did not mean that it was bad and this type of design building should be acceptable in the 21st century.
- Parts of the development that were in a bad state would be restored.
- The wetland area would be an asset to the valley area.
- The applicant had responded positively in respect of comments made by the Heritage Officer.
- The junction would allow vehicles to turn.
- All three reports had outlined what was required in respect of planning obligations.
- There was recognition these days that the planning system had to achieve more than ten years ago.
- PPS1 – paragraph 5 duties had been imposed on local authorities to contribute a

sustainable economic development and he trusted that the Panel would have regard to this in considering the application.

- Approval would safeguard the local manufacturing jobs and enable grants to be obtained from Yorkshire Forward.
- The future of two companies and of a listed building were at stake and he recommended the Panel approve all five applications.

Resolved

(1) That the application be approved for the reasons set out in the Strategic Director, Regeneration's technical report ("the Report") subject to the following:

(A) The conditions set out in the Report, save that condition 22 of the Report be amended to read as follows:

" Hours of Operation - no construction except for between the following 0700-1800 Mondays to Fridays and 0730-1300 Saturdays. No activities except for emergency repairs shall be carried out at all on Sundays, Bank Holidays and/or Public Holidays"

(B) An additional condition requiring that a plan detailing the proposed works to the Ebor Lane, access to the site be submitted to and approved in writing by the local planning authority prior to the commencement of development and thereafter implemented as approved.

(C) That an agreement under Section 278 of the Highways Act 1980 be entered into to enable a traffic regulation order to be made extending the existing yellow lines on Ebor Lane to a new position outside of the existing listed cottages at Ebor Lane.

(D) That a section 106 agreement be entered into to provide for an overage agreement which will require that certain commuted sums be paid to the council once the profit return from the development exceeds 20% and that authority be delegated to the Assistant Director Corporate Services (City Solicitor) and the Assistant Director (Planning) to formulate the detailed terms of the overage agreement with the applicant and that such agreement shall provide as follows:

(i) That the Education and Recreation contributions required as set out in the Report as amended be recovered simultaneously in accordance with the following percentage split: 60% for education, 40% for recreation.

(ii) That when both the Education and Recreation contributions have been fully paid any excess of this amount should go towards meeting the commuted sum due for Affordable Housing until this is fully paid.

(iii) That no Metro element of contributions as set out in the Report be sought from the applicant.

***ACTION: Strategic Director, Regeneration/Assistant Director (Planning)
Assistant Director Corporate Services (City Solicitor)***

34. **EBOR MILLS, EBOR LANE, HAWORTH****Worth Valley**

Listed building application for the part demolition, extension, internal and external alterations of Grade 11 listed industrial buildings to form 102 residential units at Ebor Mills, Ebor Lane, Haworth – 08/02209/LBC.

The Strategic Director, Regeneration reported that the Parish Council had no specific comments regarding this application. Six representations had been received and the summary of representations received were as outlined in Document "F".

The Strategic Director, Regeneration reported that the duty of the local planning authority was to preserve the listed building and its setting. It was considered that the alteration and extension of this Grade II listed mill would have a positive impact on the building and subject to a sympathetic and accurate approach to conversion, the special interest would be maintained. As such, the proposal complied with Policies BH1, BH4 and BH4A of the Replacement Unitary Development Plan. He therefore recommended that subject to conditions listed building consent be granted to the applicant.

The agent for the applicant was present at the meeting and he made the comments as outlined in Minute 33.

Resolved –

That listed building consent be granted for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report.

ACTION: Strategic Director, Regeneration

35. **BRIDGEHOUSE MILL, BRIDGEHOUSE LANE, HAWORTH****Worth Valley**

Full application for the proposed refurbishment and extension to the existing employment building (B2), construction of a new employment building (B2 and B1 use), construction of 40 dwellings (C2) and eight live work units and highway improvements at the junction of Station Road and Bridgehouse Lane at Bridgehouse Mills, Bridgehouse Lane, Haworth - 08/01477/FUL.

The Strategic Director, Regeneration gave a presentation setting out proposals and plans detailing the layout. He reported that the Parish Council had stated that the supporting documentation sought to "join" another development (Ebor Mills) with this development. The arguments that no Section 106 agreement should be applied were not considered justified. Whilst combining the two developments for the above purpose the travel plan specifically excluded any vehicle movement from what would be a large development. This clearly conflicted with the developers' justification for the Section 106 agreement.

The Parish Council were not against development on this site, nor the type and mix (provided they match the vernacular, both in terms of size and materials) but was seriously concerned about the travel/transport assessment. The evidence within these was considered poor and did not take into account the actual topography of the areas (including Halifax Road) nor the inadequacies of the roads and pavements in the immediate vicinity.

The only improvements proposed were an island at the junction of the Brow and

Bridgehouse Lane, this area was currently used by large HGV's as a turning point, they could not access Ebor Lane when travelling downhill from Crossroads and had to turn round to approach from Mill Hey. Even if Ebor Mills was re-developed as a residential site, the occupiers would still need deliveries. It should be noted that the Parish Council have detailed specific issues with regard to the supporting statement, travel plan and transport assessment.

Three letters of representation had been received. The summary representations received was as outlined in Document "F".

The Strategic Director, Regeneration reported the re-development of this site in the mixed use manner proposed was considered a beneficial reuse of an under-utilised and visually unattractive site that gives the opportunity to provide bespoke industrial units on an existing commercial site for existing local employers, to provide sustainable live-work units and to provide residential accommodation which had been designed to protect and enhance the adjacent Grade II listed mill and the views from the adjoining conservation area. The effect of the proposal on the conservation area, the surrounding locality and the nearby neighbouring properties and uses had been assessed and was considered acceptable. The provision of junction improvements to form a suitable access was appropriate and parking provision had been made to accord with adopted standards. As such, the proposal was in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it was considered that the proposal complied with Policies UDP1, UDP3, UR2, UR3, UR4, E4 H5, H7, H8, TM1, TM2, TM11, TM12, TM19A, D1, D4, BH4A, BH7, NE10, NR15B, NR17 and P4.

An analysis and verification of the submitted financial appraisal for the proposed scheme had been undertaken and indicated that the development – in association with applications at Bridgehouse Mill (08/03781/FUL) and Ebor Mill (08/01477/FUL) – would not be viable if the local planning authority were to pursue planning infrastructure contributions in the usual manner. The applicants had however agreed to enter into a planning obligation to offer an overage agreement (to be delivered via a Section 106 legal agreement) to the Council in the event that profit returns were in excess of an agreed percentage. Any profits over this level were offered to the Council to fund, to its priorities, the usual community benefits of any development scheme that were discussed in the above report. The Council's solicitor advised against the effectiveness of using an overage agreement to secure financial contributions as there was a strong possibility that no funds might be forthcoming. As such, it was considered that, provided an overage agreement was successfully concluded, the proposal was acceptable.

Permission was recommended accordingly subject to conditions as outlined in Document "F" and a Section 106 agreement to provide for an overage agreement which secures contributions towards affordable housing, public open space and educational contributions, and metro cards subject to the Council covenanting that no contribution shall become payable by the developer unless and until the developer has achieved a percentage of profit in the scheme as a whole.

Members made the following comments:

- Condition 60 should be amended to include the words “except for” after the words “no construction”.
- An additional condition requiring that a plan of the proposed highways works to the junction of Station Road/Brow Road and Stationhouse Lane should be submitted to and approved in writing by the local planning authority.
- The education and recreation contributions required as set out in the report as

amended should be recovered simultaneously in accordance with the following percentage split: 60% for education, 40% for recreation.

- That when both the education and recreation contributions have been fully paid any excess of this amount should go towards meeting the commuted sum due for affordable housing until this was fully paid.
- That no Metro element of contributions be sought from the applicant.
- A Section 106 Agreement should be entered into to provide for an overage agreement which will require that certain commuted sums be paid to the Council once the profit return from the development exceeds 20% and that authority be delegated to the Assistant Director Corporate Services (City Solicitor) and the Assistant Director (Planning) to formulate the detailed terms of the overage agreement with the applicant.

The legal representative advised that if the application was a departure from the Replacement Unitary Development Plan it should go to the Regulatory and Appeals Committee for consideration.

An agent for the applicant was present at the meeting and made the same comments as outlined in Minute 33.

Resolved —

- (1) That authority be delegated to the Assistant Director (Planning) to approve the application following the expiry of the publicity period (“the Period”) in the event that no new issues are raised from any representations received within the Period; for the reasons set out in the Strategic Director, Regeneration’s technical report (“the Report”) and subject to the following:**
 - (A) The conditions set out in the Report, save that condition 60 of the Report be amended to read as follows:**

“Hours of Operation – no construction except for between the following 0730-1800 Mondays to Fridays and 0730-1300 Saturdays. No activities except for emergency repairs shall be carried out at all on Sundays, Bank Holidays and/or Public Holidays”
 - (B) An additional condition requiring that a plan of the proposed highways works to the junction off Station Road/Brow Road and Stationhouse Lane be submitted to and approved in writing by the local planning authority prior to the commencement of development and thereafter implemented as approved.**
 - (C) That an agreement under Section 278 of the Highways Act 1980 be entered into to secure the proposed highways works to the junction off Station Road/Brow Road and Station Road Lane and a raised roundabout with signage at Station Road/Brow Road. The works carried out under item B shall also form part of the Section 278 works agreement if the access works are on an adopted highway, if the highway is not adopted it will form part of an agreement under Section 38 of the Highways Act 1980.**
 - (D) That a section 106 agreement be entered into to provide for an overage agreement which will require that certain commuted sums be paid to the council once the profit return from the development exceeds 20% and that authority be delegated to the Assistant Director Corporate Services (City**

Solicitor) and the Assistant Director (Planning) to formulate the detailed terms of the overage agreement with the applicant and that such agreement shall provide as follows:

- (i) That the Education and Recreation contributions required as set out in the Report as amended be recovered simultaneously in accordance with the following percentage split: 60% for education, 40% for recreation.**
- (ii) That when both the Education and Recreation contributions have been fully paid any excess of this amount should go towards meeting the commuted sum due for Affordable Housing until this is fully paid and**
- (iii) That no Metro element of contributions as set out in the Report be sought from the applicant.**

**ACTION: Strategic Director, Regeneration/Assistant Director (Planning)
Assistant Director Corporate Services (City Solicitor)**

36. WYEDEAN WEAVING, BRIDGEHOUSE LANE, HAWORTH Worth Valley

Full application for the change of use of mill from employment use (B2) to residential use (43 flats), re-instatement of original floor above existing arch, removal of external fire escapes and toilet blocks, replacement of windows and roof glazing, improvement of existing car park and construction of new car park at Bridgehouse Mill, Bridgehouse Lane, Haworth – 08/03781/FUL.

The Strategic Director, Regeneration gave a presentation setting out proposals and plans detailing the layout. He reported that the Parish Council was mindful to recommend approval subject to a re-think on the low number of parking spaces and the layout of the car park. They had also asked if a condition could be made to encourage public transport such as free Metro cards. This was now the fourth site in the village (all within half a mile of each other) by this developer and yet not one full and detailed traffic survey had been done. Collectively had this been just one development such a survey would have been required. The Parish Council had also enquired whether any Section 106 Agreements had been reached, what they were and if not why not?

The Strategic Director, Regeneration reported that no comments had been received from the West Yorkshire Archaeology Advisory Service. No representations had been received to date and members were informed that the expiry date for consultation responses would expire after the date of this meeting. The change of use and extension/alteration of this Grade II listed mill in the manner proposed was considered to appropriately preserve the listed building and its setting. Moreover, it was considered that the proposal would have a positive impact on the building and thus maintain the special interest. The effect of the proposal on the conservation area, the surrounding locality and the nearby neighbouring properties and uses had been assessed and was acceptable. The provision of junction improvements to form a suitable access was appropriate and suitable parking provision had been made. As such, the proposal was in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it was considered that the proposal complied with Policies UDP1, UDP3, UDP7, UR2, UR3, H5, H7, H8, TM2, TM12, TM19A, D1, D4, BH1, BH4, BH4A, BH7, BH9 and P4 of the Replacement Unitary Development Plan.

An analysis and verification of the submitted financial appraisals for the proposed scheme had been undertaken and indicated that the development, in association with applications at Ebor Mill (08/02224/FUL) and Land at Bridgehouse Mill (08/01477/FUL) would not be viable if the local planning authority were to pursue planning infrastructure contributions in the usual manner. The applicants had however agreed to enter into a planning obligation to offer an overage agreement (to be delivered via a Section 106 legal agreement) to the Council in the event that profit returns were in excess of an agreed percentage. Any profits over this level were offered to the Council to fund to its priorities, the usual community benefits of any development scheme that were discussed in the above report. The Council's solicitor advised against the effectiveness of using an overage agreement to secure financial contributions as there was a strong possibility that no funds might be forthcoming. It was nevertheless considered that, provided an overage agreement was successfully concluded, the proposal was acceptable.

The Strategic Director, Regeneration recommended approval of the application subject to the conditions as outlined in Document "F" and a Section 106 agreement to provide for an overage agreement which secures contributions towards affordable housing, public open space and educational contributions and Metro cards subject to the Council covenanting that no contribution shall become payable by the developer unless and until the developer has achieved a percentage of profit in the scheme as a whole.

Members made the following comments:

- Condition 85 should be amended in respect of hours of operation to include the words "except for" after "no construction".
- A Section 106 Agreement should be entered into to provide for an overage agreement which would require that certain sums be paid to the Council once the profit return from the development exceeds 20% and authority should be delegated to the Assistant Director Corporate Services (City Solicitor) and the Assistant Director (Planning) to formulate the detailed terms of the overage agreement.
- In relation to the overage agreement the education and recreation contributions required as set out in the report should be amended to be recovered simultaneously in accordance with the following percentage split: 60% for education, 40% for recreation.
- When both the education and recreation contributions have been fully paid any excess of this amount should go towards meeting the commuted sum due for affordable housing until this is fully paid.
- No Metro element of contributions should be sought from the applicant.

An agent for the applicant was present at the meeting and he made the same points as outlined in Minute 33.

Resolved —

(1) That authority be delegated to the Assistant Director (Planning) to approve the application following the expiry of the publicity period ("the Period") in the event that no new issues are raised from any representations received within the Period; for the reasons set out in the Strategic Director, Regeneration's technical report ("the Report") and subject to the following:

(A) The conditions set out in the Report, save that condition 85 of the Report be amended to read as follows:

“Hours of Operation – no construction except between the following 0730-1800 Mondays to Fridays and 0730-1300 Saturdays. No activities except for emergency repairs shall be carried out at all on Sundays, Bank Holidays and/or Public Holidays”

(B) That a section 106 agreement be entered into to provide for an overage agreement which will require that certain commuted sums be paid to the council once the profit return from the development exceeds 20% and that authority be delegated to the Assistant Director Corporate Services (City Solicitor) and the Assistant Director (Planning) to formulate the detailed terms of the overage agreement with the applicant and that such agreement shall provide as follows:

(i) That the Education and Recreation contributions required as set out in the Report as amended be recovered simultaneously in accordance with the following percentage split: 60% for education, 40% for recreation.

(ii) That when both the Education and Recreation contributions have been fully paid any excess of this amount should go towards meeting the commuted sum due for Affordable Housing until this is fully paid and

(iii) That no Metro element of contributions as set out in the Report be sought from the applicant.

***ACTION: Assistant Director Corporate Services (City Solicitor)
Strategic Director, Regeneration / Assistant Director (Planning)***

37. WYEDEAN WEAVING, BRIDGEHOUSE LANE, HAWORTH Worth Valley

Listed building application for the alteration of the mill to create a residential use comprising 43 flats, re-instatement of original floor above existing arch, removal of external fire escapes and toilet blocks and replacement of windows and roof glazing at Bridgehouse Mill, Bridgehouse Lane, Haworth – 08/03782/LBC.

The Strategic Director, Regeneration reported that the Parish Council's views were as those outlined in Minute 36. No representations had been received to date in respect of this application.

The Strategic Director, Regeneration reported that the duty of the local planning authority was to preserve the listed building and its setting. It was considered that the change of use, alteration and extension of this Grade II listed mill would have a positive impact on the building and subject to a sympathetic and accurate approach to conversion the special interest would be maintained. As such, the proposal complied with Policies BH1, BH4 and BH4A of the Replacement Unitary Development Plan. He therefore recommended that subject to conditions listed building consent be granted to the applicant.

The agent for the applicant was present at the meeting and made the comments as outlined in Minute 33.

Resolved –

That authority be delegated to the Assistant Director (Planning) to grant listed building consent subject to the conditions set out in the report of the Strategic Director, Regeneration, following the expiry of the publicity period and provided that no new issues have been raised from any representations received within the relevant period.

ACTION: Strategic Director Regeneration/Assistant Director (Planning)

EXCLUSION OF THE PUBLIC

Resolved –

That the public be excluded from the meeting during discussion of the item relating to Ebor Mills, Ebor Lane; Bridgehouse Mill, Bridgehouse Lane and Wyedean Weaving, Bridgehouse Lane, Haworth on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if they were present exempt information within Paragraph 3 (financial or business affairs) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and it was considered that, in all the circumstances, the public interest in allowing the public to remain is outweighed by the public interest in excluding public access to the relevant part of the proceedings for the following reason:

As it is in the overriding interests of proper administration that Members are made fully aware of the financial implications of any decision without prejudicing the financial confidentiality of the applicants.

38. EBOR MILLS, EBOR LANE; BRIDGEHOUSE MILL, BRIDGEHOUSE LANE AND WYEDEAN WEAVING, BRIDGEHOUSE LANE, HAWORTH

The Panel considered the information contained in the report (**Not for Publication Document “G”**) relating to the planning applications for Ebor Mills, Ebor Lane; Bridgehouse Mill, Bridgehouse Lane and Wyedean Weaving, Bridgehouse Lane, Haworth before they made any resolutions in respect of the above items.

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Panel.