

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 9 February 2017 at 9.30 am in the Banqueting Hall - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Brown	Warburton Abid Hussain Wainwright Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis Miller	Azam S Hussain Lal Lee	R Ahmed

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0900 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.
- **INTERESTED PARTIES ARE ASKED TO NOTE THAT ITEMS 6 AND 7 WILL NOT BE CONSIDERED BEFORE 1400.**

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Sheila Farnhill
Phone: 01274 432268
E-Mail: sheila.farnhill@bradford.gov.uk

To:



A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.



Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

B. BUSINESS ITEMS

4. MEMBERSHIP OF SUB-COMMITTEES

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Sheila Farnhill – 01274 432268)

5. LAND TO THE EAST OF THE FORMER GAS WORKS, AIREDALE ROAD, KEIGHLEY 1 - 102 **Keighley East**

Previous references: Minutes 107 (2013/14) and 28 (2015/16)

A report will be submitted by the Assistant Director – Planning, Transportation and Highways (**Document “AF”**) in respect of a planning application for the development of two plants to recover energy from waste, including a materials reception, a waste bunker hall, a turbogenerator hall, a bottom ash hall, an education/visitors centre, offices and a workshop/warehouse for plant operatives with associated parking and landscaping, on land to the east of the Former Gas Works, Airedale Road, Keighley – 16/006857/FUL.

Recommended –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.**



- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:

the payment of a commuted sum of £8,200 for the undertaking of tree planting at East Riddlesden Hall,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

Interested parties are asked to note that the following item will not be considered before 14.00

6. **GREENHOLME MILLS, IRON ROW, BURLEY IN WHARFEDALE** 103 -
Wharfedale 180

Previous references: Minute 52 (2015/16)
6 October 2016

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “AG”**) in relation to a full planning application for alterations and extensions to existing mill buildings to create a mixture of residential and commercial uses including a crèche, spa/gym and restaurant together with 20 new build houses and 6 new build apartments and ancillary infrastructure at Greenholme Mills, Iron Row, Burley in Wharfedale – 15/03339/MAF.

The report explains that the application had been granted planning permission previously, in February 2016, further to consideration by this Committee, on 4 November 2015, and the completion of an associated Section 106 legal agreement. However, further to an application for a Judicial Review, a Consent Order had been made on 29 June 2016 which had the effect of quashing the permission thus necessitating its reconsideration.

The application had therefore been submitted to the meeting of this Committee held on 6 October 2016 when it had again resolved to approve the application. However, this decision had been made, in part, on the basis of policies set out in the emerging Local Plan Core Strategy (LPCS). The LPCS currently has no legal effect as a consequence of a ‘Holding Direction’ which was issued by the Minister



of State for Housing and Planning, under Section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by Section 145(5) of the Housing and Planning Act 2016), on 10 October 2016. The report now before the Committee therefore reflects the altered status of the LPCS.

The report also states that, as the site is within the Green Belt, the Secretary of State will have to be consulted to ensure that he is still content for the application to be determined by the Council as Local Planning Authority.

Recommended -

- (1) That the application be referred to the Secretary of State for Communities and Local Government under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009 and, subject to him deciding not to call-in the application for determination, it be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.**

- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**
 - (i) On-site affordable housing provision of 6 units at a level of discount on the open market value of the properties necessary to allow disposal of the properties to a Registered Social Landlord,**
 - (ii) The payment of a sum of £93,415 to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Menston Primary School or Burley Oaks Primary School,**
 - (iii) The payment of a sum of £120,660 to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Ilkley Grammar School,**
 - (iv) The payment of a sum of £21,334 to the Local Planning Authority for the purpose of improving recreational infrastructure; to be used either towards the delivery of a new Multi Use Games Area on land to the west of Iron Row or for drainage works, footpath works and fencing at Iron Row Recreation Ground and Burley Park,**



- (v) **On-site Recreation/Open Space Provision:**
- (a) **Provision of a ‘Public Plaza and Gardens’ in the area shown on the ‘Landscape Management Plan’, to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the Local Planning Authority;**
 - (b) **Provision of the ‘Riverside Walk’ in the area shown on the ‘Landscape Management Plan’ to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the Local Planning Authority;**
 - (c) **Approval of details and implementation of a plan for the management/maintenance of the Public Plaza and Gardens, Riverside Walk, Woodland Areas and Wildlife Meadows, as shown on the ‘Landscape Management Plan’,**

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

Interested parties are asked to note that the following item will not be considered before 14.00

7. BRIDGEHOUSE MILLS, BRIDGEHOUSE LANE, HAWORTH
Worth Valley

181 -
260

The Assistant Director – Planning, Transportation and Highways will submit a report (**Document “AH”**) in relation to a planning application for a mixed use development at Bridgehouse Mills, Bridgehouse Lane, Haworth – 15/07479/MAF and an associated application for Listed Building Consent for partial demolition and alterations to this Grade II Listed building complex – 15/07481/LBC.

The development would comprise the change of use for residential purposes; the alteration, conversion, extension and partial demolition of the existing mill buildings to develop 45 retirement living apartments; the construction of 77 new dwellings including associated access arrangements; the construction of an extension to the existing industrial building accommodating Airedale Springs; the construction of a new factory for Wyedean Weaving; junction improvement works; landscaping works; flood water storage works; provision of parking and links to public footpaths.



The report states that, as part of the site is within the Green Belt, if the Committee is minded to approve the planning application (15/07479/MAF) the Secretary of State will have to be consulted to allow him to call-in the application for determination if he considers this to be necessary.

Recommended –

(i) 15/07479/MAF

- (1) That the application be referred to the Secretary of State for Communities and Local Government under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009 and, subject to him deciding not to call-in the application for determination, it be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.**
- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**
 - (i) The provision of 5 units at a discount of 20% on the open market value of the properties, subject to occupancy restrictions (properties to be offered to people who have not previously been a home buyer and want to own and occupy a home and who are below the age of 40 at the time of purchase) and appropriate restrictions being put in place to ensure that these starter homes are not re-sold or let at their open market value for five years following the initial sale,**
 - (ii) The maintenance and management of the Public Open Space and Flood Storage Area provided as part of the development and described as Bridgehouse Beck Park, in accordance with details which shall be submitted to the Local Planning Authority for approval in writing,**

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.



(ii) 15/07481/LBC

Recommended –

That the application for Listed Building Consent be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.

(John Eyles – 01274 434380)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



Report of the Assistant Director of Planning, Transportation and Highways to the Regulatory and Appeals Committee meeting to be held on 9 February 2017

AF

Subject:

This full planning application -16/006857/FUL - seeks approval for two plants to recover energy from waste with materials reception, waste bunker hall, turbogenerator hall, bottom ash hall; construct education/visitor centre, offices, workshop/warehouse for plant operatives, with parking and landscaping. Land East of Former Gas Works Airedale Road Keighley West Yorkshire.

Summary statement:

The proposal involves two different processes for the management of waste which produce energy (electricity) and fuels through a series of interlinked buildings, with the tallest building at 35m in height and associated stack (60m) to the eastern part of the site in the proximity of existing gasometres.

The effect of the proposal on the surrounding landscape, Grade I listed East Riddlesden Hall and residential properties has been assessed. On balance, the proposal is considered acceptable, and provides overall benefits and public benefits that outweigh the identified harm.

Julian Jackson
Assistant Director
(Planning, Transportation &
Highways)
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Major Development Manager
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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Committee Area:
Regeneration and Economy



1. SUMMARY

In April 2014 planning permission was granted for three plants to recover energy from waste, with materials reception and feedstock building, offices, education/visitor centre, parking and landscaping (13/04217/FUL).

In 2015 a further application was submitted (15/01381/FUL) which was a material amendment to the proposal granted permission in April 2014, with the major differences being:

- a reduction of the number of energy facilities from three to two. Removing the tyre waste pyrolysis activity.
- a slimming of the stack from a 4m diameter to 2.2m diameter
- an increase in the height of the buildings, maximum by approximately 5m
- a change in the layout/footprint of several buildings
- an increase of the 'massing' of the buildings

At the Regulatory & Appeals Committee of the 18 August 2015, application 15/0131/FUL was refused permission for the following reasons

- 1) The proposal is contrary to Policies NE3, NE3A, UR3 and P11 of the Replacement Unitary Development Plan due to the detrimental impact on visual amenity and the adverse impact on the landscape character of the area by virtue of its height, massing and form.
- 2) The proposal is contrary to Policy D1 of the Replacement Unitary Development Plan by virtue of its industrial finish, design, scale and height.

This application seeks to address the reasons for refusal in 2015, by amending the height, massing, form, finish, design and scale of the buildings.

The processes, operations, HGV numbers, emissions, noise levels, hours of operation etc, remain as set out in 2015. Nevertheless all matters are considered again within this report and should be taken fully into consideration for the purposes of determination on this application.

The applicant states the key revisions to the 2015 refused scheme are:

- The volume of the visible buildings has reduced by 11.1%
- The total gross internal area (GIA) has reduced by approximately 2% and approximately 7% from that of the approved 2013 scheme
- The maximum height of the main building has been reduced to 35m (from just over 35m), with part of this building 'stepped down' to approx. 30m.
- The external materials and colour of the buildings have been modified

The main elements to the proposal are:

- A Refuse Derived Fuel (RDF) Power plant with an expected throughput of approximately 100,000 tpa, buildings up to 35m and a stack of 60 m in height above ground level. Power generation of approximately 10/11 MW of electricity net annual average;
- Waste plastics melting plant with a throughput of 30,000tpa. Forecast of 28.5 million litres per annum of biofuel for distribution;
- Grid connection cables, plant and equipment to enable electricity to be supplied to the public supply network and the Dalton Lane proposals, for a battery based energy storage centre (16/06851/MAO) Data Centre (16/06850/MAO)
- Infrastructure to enable Combined Heat and Power (CHP) including the potential for the provision of a steam off take connection to the Data Hotel site and Dalton Mill site;
- Two storey office building with capacity for 99 personnel for commercial let;
- Visitor Centre to promote education and greater awareness relating to waste issues (waste minimisation, re-use, recycling etc), including the role of EfW;
- Workshops, staff facilities and administrative building.

There are two main areas of the proposal which are considered in detail, as there are conflicts with policy; that is landscape/residential visual impact and impacts on heritage assets. These are set out in detail in the technical report appended. It is concluded that the benefits and public benefits of the proposals outweigh the harm.

Overall, the proposal is considered to be sustainable development which is in accordance with the National Planning Policy Framework, National Planning Policy for Waste, RUDP and emerging Waste DPD, but is in part contrary to policies on residential visual amenity for a small number of properties (4 properties).

On balance, the potential failure to comply, in part, with the residential visual amenity policies is not considered sufficient enough to outweigh the benefits the proposed development would bring. There is also potential in the future to achieve the aspirations of the Developer and for the proposed development to facilitate substantial public benefits - that is to revive the Dalton Mills area, provide Combined Heat and Power and bring the headquarters of the main operator of the plant to Keighley by the provision of Grade A office space in a highly accessible location. Additionally, the allocation of the site for employment uses (including industrial use) and the existence of an extant permission on the site cannot be ignored. The site is a suitable site for a waste facility.

It is recommended that planning permission is granted subject to conditions and a S106 agreement for continued funding of tree planting at East Riddlesden Hall.

2. BACKGROUND

Attached at Appendix 1 is a copy of the Assistant Director of Planning, Transportation and Highways report which identifies and appraises the material considerations of the proposal.

3. OTHER CONSIDERATIONS

None

4. OPTIONS

Grant permission

Refuse permission (in which case detailed reasons would need to be given based on planning policy)

Grant permission with alternate or additional conditions.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from matters associated with the report.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications

7. LEGAL APPRAISAL

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

8. OTHER IMPLICATIONS

8.1 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 this prohibit 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 age, disability, race and religion. In this particular case due regard has been paid to the section149 duty and is outlined in the report attached in appendix 1.

8.2 SUSTAINABILITY IMPLICATIONS

It is considered that the proposal meets the sustainability criteria outlined in established national and local policy. This is set out in the report attached in appendix 1.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The proposal provides an alternate to fossil fuels for the generation of electricity and also offsets greenhouse gas that would be produced at landfill sites if the waste was disposed of at landfill. The travel plan and utilisation of electric vehicles also contributes to a reduction in greenhouse gases. The report in appendix 1 gives due consideration to climate change impacts and greenhouse gas emissions.

8.4 COMMUNITY SAFETY IMPLICATIONS

None

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report forming Appendix 1.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

None.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

That planning permission is granted subject to a S106 agreement for continued funding of tree planting at East Riddlesden Hall and conditions as set out in the report attached as appendix 1.

11. APPENDICES

Appendix 1 – The report of the Assistant Director of Planning, Transportation and Highways

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2012

National Planning Policy for Waste 2014

The Replacement Unitary Development Plan for the Bradford District 2005

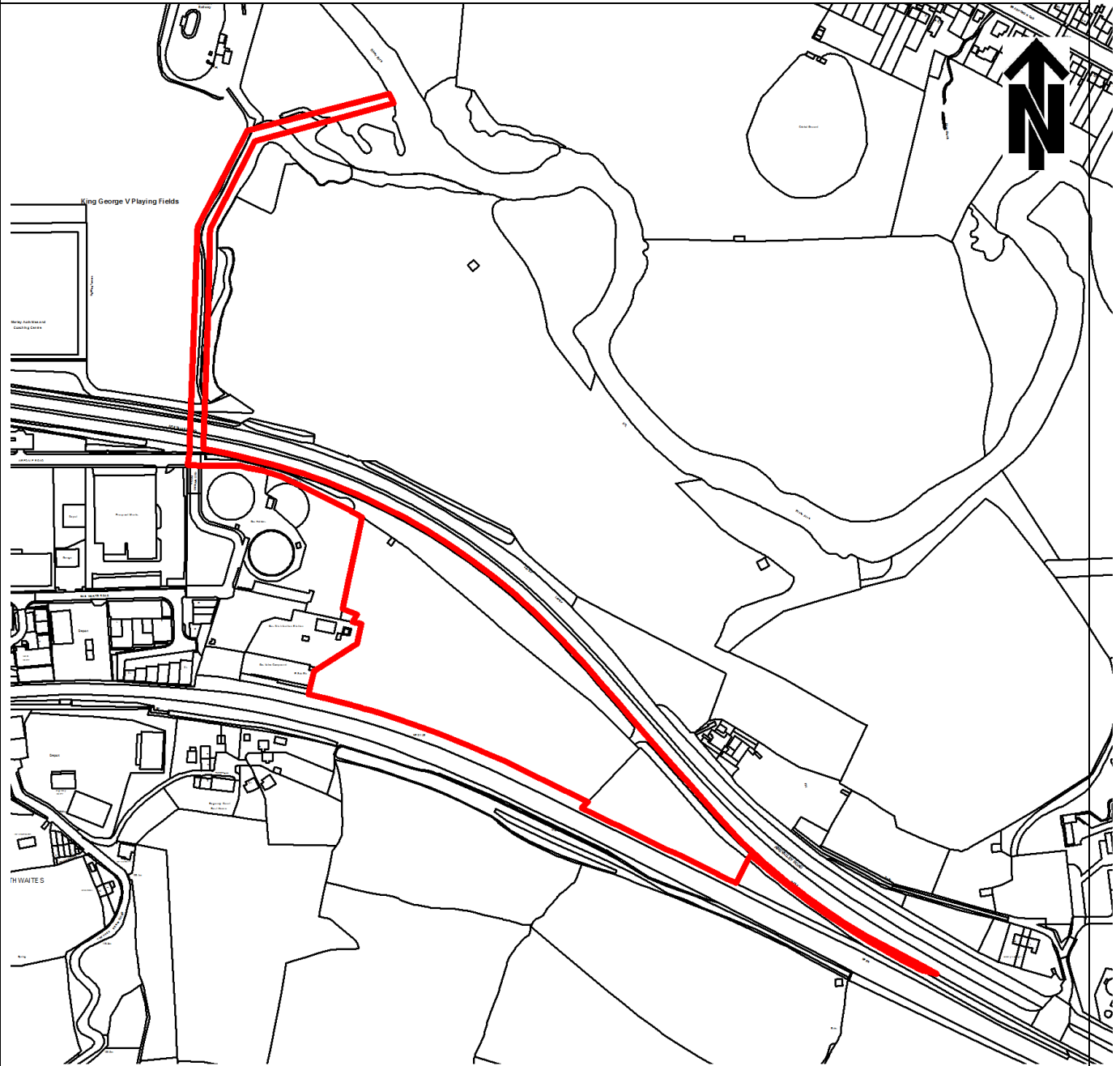
Core Strategy Publication Draft

Emerging Waste Development Plan Document

Planning Application file 13/04217/FUL.

Planning Application file 15/01381/FUL.

16/06857/FUL



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Land East Of Former Gas Works Site
Airedale Road
Keighley

9 February 2017

Appendix 1

Ward: Keighley East (ward 16)

Recommendation:

TO GRANT PLANNING PERMISSION subject to conditions and a S106 agreement for funding of tree planting at East Riddlesden Hall and conditions.

Application Numbers:

16/06857/FUL

Type of Application/Proposal and Address:

Full application for the development of two plants to recover energy from waste with materials reception, waste bunker hall, turbogenerator hall, bottom ash hall; construct education/visitor centre, offices, workshop/warehouse for plant operatives, with parking and landscaping

Land East Of Former Gas Works Airedale Road Keighley West Yorkshire

Applicant:

Endless Energy Ltd

Agent:

J O Steel Consulting

1.0 Site Description:

- 1.1 The site is approximately 3.5 hectares, located in the valley bottom on vacant brownfield land approximately 3km east of Keighley town centre and 12km north west of Bradford City Centre, The site is bound by the A650 (Aire Valley Road) to the north and east, a railway line to the south and industrial works to the west. The site is an allocated industrial site and green belt land is located to the north and south of the site.
- 1.2 Site access is located off the A650 (Aire valley Road). All above ground structures associated with the site's former use as a Gasworks have been removed and the site has been remediated. Adjacent to the site are two large empty Gasometres forming an adjacent skeletal structure of some 30m in height.
- 1.3 The topography of the site is generally flat, with self- seeded sapling scrub and an ephemeral pond. The site is bounded by fence lines; hedgerows; semi mature trees and mature trees. Some of the vegetation has recently been removed due to the erection of an acoustic fence.

- 1.4 There are a number of constraints on the site which restrict development, including public sewers and high pressure gas mains. These have impacted on the layout of the site.
- 1.5 To the north the Marley Activities Centre, Marley sewerage treatment works and beyond, approximately 500m, from the site the Grade 1 listed East Riddlesden Hall. To the south beyond the railway is green belt land, with 6 residential properties and an elderly care home at 'The Croft' to the south west, with a residential property just above 'The Croft' on Thwaites Brow. To the west is the Gasworks with Dalton Lane industrial estate beyond. Also located to the west and on Airedale Road is a nursery.
- 1.6 There are a number of smaller settlements within 3 km of the site, including Riddlesden at approx. 0.8km, Thawites Brow at approx. 1km, East Morton at approx. 2km, Micklethwaite at approx. 2.5km and Crossflatts at approx. 2.5km

2.0 Relevant Site History:

App. Ref.	Description	Decision
03/02062/OUT	Redevelopment of site to include offices and/or car showroom and/or fast food with associated car parking landscaping and highway works	Granted - Oct 2004
06/02936/REM	Mixed use development including car showroom, offices and associated parking and external works	Granted Dec 2006
13/04217/FUL	Development of three plants to recover energy from waste, with materials reception and feedstock building, offices, education/visitor centre, parking and landscaping - revised/replacement Environmental Statement, plans and layout.	Granted April 2014
15/01381/FUL	Development of two plants to recover energy from waste with materials reception, waste bunker hall, turbogenerator hall, bottom ash hall; construct education/visitor centre, offices, workshop/warehouse for plant operatives, with parking and landscaping	Refused August 2015

3.0 National, Regional and Local Policy Documents

National Planning Policy Framework

3.1 The National Planning Policy Framework (NPPF) states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

3.2 Therefore the proposal has been reviewed for consistency with the new (NPPF) and the overarching principal of a presumption in favour of sustainable development. Specific chapters of the NPPF which are most relevant to the proposal are

- Building a strong, competitive economy
- Promoting sustainable transport
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

National Planning Policy for Waste (NPPW)

3.3 The National Planning Policy for Waste 2014 and supporting planning practice guidance on waste (PPGW) were published on the 16th October 2014. The new policy replaces Planning Policy Statement 10 (PPS10) as the national planning policy for waste in England and sits alongside the NPPF and is a material planning consideration.

3.4 The National Planning Policy for Waste 2014 promotes

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;

- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

3.5 And states when determine planning applications:

- waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
- consider the likely impact on the local environment and on amenity and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;

Government Review on Waste Policy 2011:

3.6 The Government Review on Waste is not a policy document per se, but is a review of the direction the current Government wishes to take regarding the management of waste. The document reiterates the key objectives of sustainable waste management and the waste hierarchy, with guidance on pragmatic approaches to waste management.

The Waste (England and Wales) Regulations 2011

3.7 In exercising its planning functions in dealing with waste management applications; Local Planning Authorities must consider Articles 18 and 20 of The Waste (England and Wales) Regulations 2011. These impose a special duty to take account of the European Council Waste Framework Directive 2008/98EC and 1999/31/EC (The Landfill of Waste) in so far as it applies, and must be given weight when exercising their planning functions. Article 18 of the Regulations requires local planning authorities to take particular account of Articles 13 and 16 of the

Waste Framework Directive 2008/98/EC. Article 20 of the Regulations refers to Landfill Directive 1999/31/EC and is not considered further.

- 3.8 Article 13 of the Directive (Protection of human health and the environment) requires Member States to take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and in particular:
- (a) without risk to water, air, soils, plants or animals;
 - (b) without causing a nuisance through noise odours; and
 - (c) without adversely affecting the countryside or places of special interest.
- 3.9 Article 16 of the Directive (Principles of self-sufficiency and proximity) requires Member States to take appropriate measures to establish integrated and adequate network of waste disposal installations and installations for the recovery of mixed municipal waste. It requires Member States individually to move towards the aim of self-sufficiency, taking into account geographic circumstances or the need for specialised installations for certain types of waste, and that the network shall enable waste to be disposed or recovered in one of the nearest installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

National Policy Statement for Energy (2011) EN-1 and National Policy Statement (NPS) for Renewable Energy Infrastructure (2011) EN-3

- 3.10 These are National Policy Statements (NPS) setting out national policy for the energy infrastructure and renewable energy and are material planning considerations.

Replacement Unitary Development Plan (RUDP):

- 3.11 The site is allocated as an Employment Site K/E1.12 in the adopted Replacement Bradford Unitary Development Plan. K/E1.12 – states the site is in an Employment Zone and the Airedale Corridor, a prime location for B1, B2 and B8 employment provision in support of the 2020 Vision.

Relevant Policies are:

- UDP1 Promoting Sustainable Patterns of Development
- UDP3 Quality of Built and Natural Environment
- UDP4 Economic Regeneration
- UDP7 Reducing the Need to Travel
- UDP9 Management of Pollution, Hazards and Waste
- UR2 Promoting Sustainable Development
- UR3 The local impact of development
- E1 Protecting Allocated Employment Sites
- E3A Office Developments
- E6 Employment Zones

- D1 General Design Considerations
- D2 Energy Efficiency and Sustainable Design
- D4 Community Safety
- D5 Landscaping
- D8 Public Art
- D10 Environmental Improvement of Transport Corridors
- D12 Tall Buildings
- TM1 Transport Assessment
- TM2 Impact of Traffic and its Mitigation
- TM19A Traffic Management and Road Safety
- BH4A Setting of Listed Buildings
- NE3 Landscape Character Areas
- NE3A Landscape Character Areas
- NE11 Ecological Appraisals
- NE12 Landscape and wildlife Enhancement
- P1 Air Quality
- P7 Noise
- P8 Waste Management Facilities
- P11 Waste Incineration
- P12 Waste Management – operational matters

Core Strategy

- 3.12 The Core Strategy was submitted to a Government Inspector for examination and the hearing ran from the 4 March 2015 until the 20 March 2015. The Inspectors report was received in August 2016 which concluded that, with the proposed modifications the Core Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.
- 3.13 However, in October 2016 the Minister of State issued a direction to the City of Bradford Metropolitan Council not to take any step in connection with the adoption of the Core Strategy. The Holding Direction was triggered at the request of Philip Davies MP and was primarily related to the release of green belt for housing. The Holding Direction allows the Minister time to consider the issues raised by him before determining whether to formally intervene.
- 3.14 In terms of the Core Strategy policies for waste, there are two policies WM1 and WM2 which set out the overarching approach to sustainable waste management based on the NPPF 2012 and NPPW 2014. Although these waste Core Strategy policies are not referred to in the Holding Direction, nor form any part of Philip Davies concerns regarding the Core Strategy, the guidance and legislation is such that **any** policies in the Core Strategy shall have 'no effect' until the Holding Direction is lifted.

Waste Development Plan Document

- 3.15 The Waste DPD is an emerging document for which the Preferred Approach was released for consultation in 2011 and submitted for examination in May 2016. Examination was by written representation. The Inspector is considering the documents and on the 29 December 2016 stated *“At this stage of the examination, apart from the Proposed Modifications proposed by CBMDC and those recommended by me, my initial conclusion is that no other modifications are needed to the BWMDPD in the interests of legal compliance and soundness.”*
- 3.16 The NPPF states that decision takers can give weight accordingly to relevant policies in emerging plans, the more advanced, the greater the weight that may be given. The Waste DPD is in a significantly advanced stage and therefore it is appropriate to consider the relevant policies therein giving them appropriate weight.
- 3.17 In terms of the Waste DPD, the relevant policies are W1 where a vision is set out, including self-sufficiency (where appropriate), minimise waste to landfill and provide for needs of Bradford communities. Other relevant policies are W3 Bradford’s Future Waste Capacity Requirements, W4 Future Waste Management Sites in Bradford District, W5 Location of Waste Management Facilities and Sites, W6 Assessing MSW and Commercial & Industrial Waste Sites and WDM2 to site specific impacts. The application site has been identified through policy W5 as a suitable site for a range of waste management facilities, including Energy from Waste.

4.0 Town Councils:

- 4.1 Keighley Town Council - Recommended for Refusal
- 4.2 Bingley Town Council - Initially recommended for **refusal** but when re-advertised/re-examined recommend for **approval**. At the time of writing this report it is understood that Bingley TC are reviewing their position.

5.0 Publicity and Number of Representations:

- 5.1 The application was first advertised in the press, by site notices and through neighbour notification letters as major application on the 1 September 2016. The statutory period for comment expired on the 22 September 2016.
- **446** individual representations were received
 - Philip Davies MP objected
 - A petition from ‘The Croft’ properties which includes 8 properties (including the Regency Court Care Home).
 - A organised online petition with **2989** signatures
 - and a representation from ‘United Kingdom Without Incineration Network’ (UKWIN)

5.2 Further substantive information was received on the 7, 8 and 9 December 2016 from the applicant and the application was re-advertised in the press, by site notices and through neighbour notification letters as major application on the 8 and 15 December 2016. The statutory period for comment expired on the 5 January 2017. At the time of writing this report there were:

- **257** individual representations were received at the time of writing this report,
- The organised online petition was updated with an additional **159** signatures – (overall total of **3147** signatures)

5.3 6 representations supporting the application were received overall, albeit one is likely to be an error in that it states object. Supporters consider the site is a suitable for the proposal and will divert waste from landfill.

5.4 The applicant undertook a 'drop in' session prior to the submission of the application on the 27th July 2016 at Keighley, Civic Centre, North Street.

6.0 Summary of Representations Received:

6.1 Comments received following first statutory notification period

A number of issues are raised by residents which are highlighted below, in particular, concerns regarding impacts on **health** and emissions from the plant appeared to be the **main concerns** of the individual representations. **Impact on the landscape, heritage and residential amenity** were also other comments of note, with a lesser number of comments on **need** for the facility, **HGVs/traffic** impacts and **questioning actual benefits to the community** (such as employment and electricity generated).

“The visual impact, noise, traffic pollution and pollution from the site would be unacceptable. To build such a facility at the bottom of a valley, surrounded by people’s homes and schools is an environmental disaster waiting to happen.”

“The scientific data does not lie in terms of the adverse effects of incinerators on health. That in combination with the lack of scientific evidence of the health and wider outcomes of incinerators being built in a valley, should be an easy decision for the planning department, not to approve this project.”

“We live directly above where the proposed incinerator is hoping to be built. No chimney will be high enough to be above our homes. There is a school in the area, also Druids Altar & St Ives Estate & Golf course. Local beauty spots, that walkers and families enjoy. The view across the Aire Valley is stunning .

It would be ruined by the site of the incinerator.”

“It is not possible to burn commercial waste in the quantities proposed without a corresponding deterioration in air quality, particularly when the proposed incinerator is to be sited - against the WHO's guidance - in a valley. People living nearby will be exposed to increased levels of harmful compounds such as dioxins, for which there is no safe level of exposure and which have been shown in published research to have serious effects on human and animal health. Respiratory problems locally will increase, putting increased strain on local health services and resulting in increased hospital admissions. The developers are currently stating that there will be no impact upon human health; however, this is an assurance they cannot give. There is no research to conclusively support their stance, and plenty to dispute it.”

“The excerpt from the World Health Organisation document "Best Practices for Incineration" (set out below) states that incinerators should not be sited in valleys, particularly where the area is residential. The Aire Valley is densely populated with several schools/pre-schools within a two mile radius of the proposed site.

Excerpt reference:

3.3 Siting The location of an incinerator can significantly affect dispersion of the plume from the chimney, which in turn affects ambient concentrations, deposition and exposures to workers and the community. In addition to addressing the physical factors affecting dispersion, siting must also address issues of permissions/ownership, access, convenience, etc. Best practices siting has the goal of finding a location for the incinerator that minimizes potential risks to public health and the environment (EPA 1997). This can be achieved by: - Minimizing ambient air concentrations and deposition of pollutants to soils, foods, and other surfaces, e.g., Open fields or hilltops without trees or tall vegetation are preferable. Siting within forested areas is not advisable as dispersion will be significantly impaired. Valleys, areas near ridges, wooded areas should be avoided as these tend to channel winds and/or plumes tend to impinge on elevated surfaces or downwash under some conditions. - Minimizing the number of people potentially exposed, e.g., Areas near the incinerator should not be populated, e.g., containing housing, athletic fields, markets or other areas where people congregate.”

“I strongly object to the plant. Our children go to school in the area, and the pollution will negatively affect the health of everyone in the area - as has already been documented. I do not want my children, friends and family to be exposed to these risks.”

“The size and position of the proposed incinerator would have a massive negative visual impact along a large portion of the Aire Valley. This will adversely affect many residential properties on both sides of the Aire Valley visually and with regard to the value of their houses. The National Trust Grade 1 listed property of East Riddlesden Hall is close to the site and any incinerator would impact badly on the character and setting of the hall.

Another major concern is the potential adverse impact on the health of many local people. Varying wind directions mean that any emissions could be spread over a wide and densely populated area.”

“I object to the proposed incinerator development on the following grounds: It will not benefit the local community, it will not generate many new jobs for local people, it will severely affect the environment and potentially damage the health of those living down wind of the plant, it will create any eyesore in one of the greener parts of the Aire Valley being visible from St Ives and Rombalds moor used regularly by thousands of local residents.”

“I sent you last week a video clip made that day (16/10/16) from my home in Long Lee, Keighley. It showed the Aire Valley shrouded in mist to the extent that the opposite side of the valley (Riddlesden and beyond) was not visible and demonstrated well how unsuitable the siting of a waste incinerator at Marley would be - its toxic emissions trapped locally for long hours.

Indeed, who in his right mind would recommend siting an incinerator in a valley - let alone a densely residential, wooded one, within a few hundred metres of several schools and nurseries?

As proof that this shrouding of the valley in mist is a regular occurrence, I am submitting further photographs (screenshots from video clips) of the same atmospheric conditions taken on days following the initial clip...

...I wish too to express anger that, given the undeniable health risks to the local communities and the great loss of amenity posed by this proposal, Bradford Council have met but the minimum requirement in informing those who stand to be most adversely affected by it.”

“In the initial presentation, the developers included construction staff, which was amended downwards and have continued to include the possibility of 99 staff who will not be employed by the plant (which is the figure that should be used) but who may "potentially" be employed if the commercially let office space is successfully let (reference Environmental statement 4.11.1 and 4.12.7) This is NOT employment created by the building of this plant, it is the capacity for any company wishing to relocate its staff next to an incinerator...”

Pro –forma response but sent individually by a number of residents

“I am very much against having an incinerator in the Aire Valley. The landscape and visual impact is unacceptable: The facility would be highly visible from most public viewpoints within this part of the Aire Valley and the proposed design, including the size, scale and layout of the buildings is vast, overbearing, ugly and totally out of keeping with the character of this location.

I am very worried about the negative health impact: The developers assure us that there is no health risk posed by the emissions from the proposed incinerator (although much published research contradicts this), however, this is dependent on the optimum operation of the facility supported by regular and robust monitoring of the emissions. What is clear is that the public perception of an incinerator is one of

negative connotations arising from the fear of pollution and the resultant adverse impact on the health of themselves and their family. Whether these fears are real or perceived, the end result will be a fall in property values and a downgrading of the area, resulting in all of the Aire Valley in sight of the incinerator becoming an undesirable place to live.

The need for this facility is not proven: The developers have stated that the proposed incinerator is not intended to process household waste, but will instead process commercial waste. They have not given any defined indication where this waste will be sourced or what method is used to dispose of it now. It is not unreasonable to conclude that the waste may have to be sourced from further afield than the Keighley area. Given that the site is not located adjacent to the motorway network, the transportation of such waste would involve 70 HGV's each day passing through already traffic congested villages such as Saltaire and Cowling to the detriment of householders, businesses and visitors to such locations.

The facility will impact on a Heritage Asset: I share the concerns of the National Trust and Historic England that the proposed incinerator will have a negative impact on the setting and significance of the nearby Grade 1 listed East Riddlesden Hall, a building of national importance where I work as a volunteer Room Guide. The character and setting of a heritage asset is greatly affected by its surroundings and the proposed incinerator and plume will adversely affect the visitor experience at East Riddlesden Hall.

The benefits of the facility do not outweigh the significant harm to the locality: The developer states that the facility will produce electricity from the waste; however, this power will be exported to the National Grid and will not benefit Keighley alone. The developer also states that when fully operational, the facility will provide a mere 76 permanent jobs. Consequently the benefits to Keighley are not outweighed by the significant harm to the community.

I conclude that the developer has not satisfactorily addressed the local concerns that contributed to the previous planning application being refused planning permission. Therefore, for myself and the many thousands of residents who would have to live in close proximity to this proposed incinerator, I ask that your recommendation is that this planning application be refused.”

Petition – from The Croft properties

“The massing of the EfW plant appears substantially increased from what was deemed unsatisfactory by the Council in the previous application. Also much of the noise emitting activities are still concentrated close to The Croft in the western portion of the application site. In our judgement the detrimental effect on the living conditions and residential amenity in respect of all the households in The Croft as well as the Regency Court Specialist Care Home significantly outweighs any benefits of the proposal.

By attempting to shoehorn the plant and associated facilities into an unsuitable and inappropriate site, the proposals are a clearly a massive over development of the site, that would detract from the character and appearance of the area and would adversely impact on the residential amenity of the existing dwellings, the visual amenity and economic viability of East Riddlesden Hall, the visual amenity of the nearby Land Character Areas, the visual amenity of Public Rights of Way as well as the adjacent Green Belt.

The siting of an incinerator in a valley, adjacent to residential area, agricultural land and sports facilities conflicts with advice provide by the World Health Organisation who stipulate that such areas and facilities should be avoided.

We also consider that the applicant, in an effort to gain support for the proposals, has grossly overstated the employment and economic benefits of the development to the Keighley area in their press releases. A development similar to the 2006 planning consent for offices and a car showroom would offer greater employment and far wider interactive ranging business opportunities because of the potential diversity of the businesses occupying the application site without the multi-faceted problematic impact of the present application.

It is also not morally right that nearly halfway through the second decade of the 21st century that we should, as a seemingly advanced and civilised nation, be even considering siting a massively sized 24 hour industrial process merely 100m away from a residential development for which planning consent was granted as recently as 2007.

The proposed development would result in a conspicuous and severely harmful encroachment into the open countryside to the south and east of the application site. The carrying out of the development would result in a stark, incongruous and highly visible industrial intrusion that would be unsympathetic to the open countryside to the south and east and views from the north. The proposed development would therefore be contrary to the core principles of land use planning set out in paragraph 17 of the National Planning Policy Framework.

For the reasons set out above the proposal does not represent sustainable development within the context of paragraph 7 of the National Planning Policy Framework.

For the purposes of the “planning balance” set out in paragraph 14 of the National Planning Policy Framework, the identified harms of the development would significantly and demonstrably outweigh the benefits of the proposal.

We request that the decision maker recommends that this application be refused and that the Regulatory and Appeals Committee acts positively on that recommendation and refuses planning consent.”

Online Petition

Our online petition now has **2989** signatures and so I am forwarding the additional names together with the additional comments.

Please find attached an online petition asking the Council to refuse planning permission for 16/06857/FUL because:-

- The proposal is contrary to Policies NE3, NE3A, UR3 and P11 of the Replacement Unitary Development Plan due to the detrimental impact on visual amenity and the adverse impact on the landscape character of the area by virtue of its height, massing and form.
- The proposal is contrary to Policy D1 of the Replacement Unitary Development Plan by virtue of its industrial finish, design, scale and height.
- It is not 'green' - The energy produced is not renewable; the incinerator will burn waste that could otherwise be recycled and it produces more CO2 than a traditional power station.
- The plant will release a cocktail of particulate matter, chemicals, metals, dioxins and furans - some of the most toxic chemicals known to science. There are currently 2988 signatures 96% living in the Aire Valley and the rest with friends or family in the area. The vast majority have addresses and postcodes. We have deleted/amended three comments which were offensive.

Their main concerns are:-

'eye sore', 'spoiling the valley', 'detrimental to the valley' – in reference to the size and appearance.

'object to siting', 'bad idea in a valley', - in reference to its location near to schools, housing, playing fields, farms and its geographical topography.

'studies show there is an increase in health problems when living near incinerators', 'poisoning everyone and everything', 'deadly dioxins', 'rudimentary research shows massive health implications' – in reference to emissions from the plant, given to us by the developers.

'more recycling', 'want increased recycling', - people want more recycling not burning.

'pollution from lorries', 'already congested', 'fumes from wagons' '16,000 journeys a year' – in reference to the increase in traffic through completely unsuitable road network.

'jeopardize our growing tourist and visitor trade', 'blot on the landscape' - with reference to the size and nature of the plant.

'not any major employment' - many people have made note that the downside far outweighs the few permanent jobs and even these cannot be guaranteed.

'lazy money making project at the expense of local residents', 'no thought for residents, just greed' – are some of the comments from signatories.

UK Without Incineration Network

Given the material differences between this application and the development consented in April 2014 (13/04217/FUL) it should not be assumed that the principle of this development has already been established. The planning balance of the

present application goes against the proposal, and should therefore be refused due to its conflicts with the local plan and national planning policies and objectives...

If the Tyre crumb melting plant is treated as a benefit, then its removal could alter the planning balance in relation to objections relating to the acknowledged harm, making the absence of the tyre crumb melting plant highly material to the planning balance, and thus to the acceptability of the scheme that is now being proposed.

If the original scheme had been proposed without the tyre crumb melting plant in the first instance, it is possible that the scheme would have been refused permission, on the basis that the anticipated benefits would not outweigh the anticipated harm.....Furthermore, due to the absence of the tyre crumb melting plant, the current proposal would reduce the power generation cited as a benefit at Paragraphs 1 and 9.4 ("Power generation of approximately 10 MW of electricity gross;") as well as Paragraph 10.19 ("The Developer has stated that benefits of the scheme are: ...The proposed EfW will generate 12 MW of electricity...") by around 2MW per annum."

Their remainder of their objection revolves around the application of the waste hierarchy and that a condition related to R1 formula and/or receipt of a Design Stage R1 classification by the Environment Agency should be imposed if permission is granted. Concluding that if such a condition is not imposed and accepted by the applicant that

".....the Waste Planning Authority should treat the proposal as one for a disposal facility and take account of all of the adverse planning implications associated with facilities proposed for the bottom of the Waste Hierarchy, and should refuse planning permission on the basis of inconsistency with the Development Plan."

6.2 Comments received following second statutory notification period

Representations were from those who had already objected, along with approx. 150 new representations primarily from the Crossflatts area.

The comments from those who had previously made representations, was primarily a repeat of their concerns highlighted above and **that the amendments made no difference to their original objection.**

The comments from the Crossflatts area primarily related to concerns regarding the proximity of the proposal to the Crossflatts Primary school, which is approximately 2.3km from the proposal.

A member of the public uploaded an e-mail they had received from the British Lung Foundation in which the BLF state "*...pollution can irritate your airways, make you feel out of breath and increase your chances of having an asthma attack. Breathing in polluted air for a long period of time has been shown to increase the occurrence of lung conditions, including cancer, and deaths from these conditions.*"

Online Petition

“There are currently 3077 signatures most living in the Aire Valley and the rest with friends or family in the area.

“Their main concerns are:-

The size and particularly the height will be excessive, conspicuous and ugly in an attractive landscape

The safety and well-being of the people and wildlife whom live in the surrounding area is under threat here.

It will ruin our Aire Valley scenery; it won't be healthy for the environment at all. The toxins it lets off will cause a lot of issues for the neighbouring community. The waste being disposed isn't even our waste it's industrial waste brought from outer counties and beyond! There is enough incinerators to dispose of the non-recyclable waste. Use the money on something that is quite obviously needed!”

7.0 Consultations:

Airedale Partnership – No Objection – stated that *“The Airedale Partnership is in support of this application with the benefits and development of the economy and employment opportunities it brings. However because of the nature of the operation and its location in Airedale it is vital that any adverse Environmental impacts are mitigated and continue to be monitored.”*

Air Quality officer – Environmental Health - No Objections

Process Emissions

“...It is usual practice for the EA to undertake a further detailed assessment of any new process emissions before issuing an environmental operating permit. This should take into consideration existing local air quality conditions within the vicinity of the source and the impact on local receptors. We will assist the EA in their further assessment of the process emissions by ensuring they have access to all the latest air quality data collected in the Bradford area.

Bradford MDC air quality officers will be provided with a consultation opportunity to comment on the permit application and will review any further modelling results at this point. Any remaining concerns about local air quality and/or the impact on individual receptor points will be raised with the EA before any final permitting decision is taken.

On the basis that an environmental permit for the proposed operation is likely to be obtainable from the EA it is considered that there are no planning grounds on which to recommend refusal of this application due to the local air quality impact of the stack emissions.”

Operational transport emissions

“... On the basis that the operational traffic generated by the scheme is unlikely to give rise to breaches of the current health based national air quality objectives within the vicinity of the site, it is considered that there are no grounds on which to recommend refusal of this application due to the local air quality concentration impact of the operational traffic.”

Construction and Demolition emissions

“... On the basis that emissions from the construction and demolition phase of the development can be adequately controlled and mitigated there are no grounds on which to recommend refusal of this application due to the local air quality impact of the construction and demolition works.”

A number of conditions are proposed – with it concluded that *“...Subject to compliance with the requirements of the conditions outlined above (which seek to minimise traffic emissions from the development as far as reasonably practicable) the Environmental Health Service considers that there are no grounds on which to recommend refusal of this application due to the impact of traffic emissions. “*

Children’s Services – No Objection – *“As this is for non-residential use and does not appear to be close to a school it will not affect school places in the area.*

Additional correspondence has been received following direct challenges to Children’s Services from the public regarding their response to which the Strategic Director of Children’s Services have stated that:

“As a statutory consultee, Children Services is notified of all major planning developments considered across Bradford District. The scope of Children Services’ consultation is to ascertain whether, as a result of any planning applications, there would be a need to expand local schools.

On this basis, I confirm that Children Services have commented upon the proposed development and appended to this correspondence is a copy of our feedback.

Please rest assured that, whilst Children Services does not comment upon the impact of any proposed developments on children’s health and well-being, other specialist statutory consultees (such as CBMDC’s Environmental Health team and the Environment Agency) have a duty to respond on these matters. I have also been informed that the responses of all consultees (for and against the applications) can be accessed online at <https://planning.bradford.gov.uk/online-applications/> and then enter the application’s reference (16/06857/FUL).”

Conservation/Heritage – No objection - please see section on Cultural Heritage for comments

Countryside/Biodiversity – No objection – subject to conditions

Drainage – No Objection subject to conditions

Economic Development – No Objections - *“The development will see the remediation and use of a brownfield site to provide an energy from waste plant. The plant will generate electricity for the grid and also, if approved, power an adjacent development of a data centre and battery based energy storage centre... The development will therefore regenerate a brownfield site, provide a more than acceptable level of jobs for the amount of development, contribute towards targets to reduce reliance on fossil fuels and generate significant business rate income over the life of the project. Based on these benefits Economic Development are supportive of the proposal.*

Environment Agency – No Objection – stating that:

“The proposed energy from waste facility and waste plastic processing plant will require an environmental permit from the Environment Agency.

It is noted that that operator proposes changes to the 2015 planning application in particular a reduced diameter stack and reduced maximum emissions of NO_x, SO₂ and Ammonia compared with IED emission limit values and benchmarks.

Our comments from the previous application still stand. For ease of reference these are repeated below. In addition to those comments, we wish to re-iterate the following:

- 1. The emissions from the plastics pyrolysis process have not been assessed as the applicant states that they are not significant. This statement will have to be qualified as part of the environmental permit application;*
- 2. The Operator has assessed the chromium VI emissions in line with the EA’s guidance and their assessment appears to be appropriate and show that the impact is insignificant. On the face of it we are in agreement with this conclusion but this will be assessed more thoroughly during the environmental permit determination stage.*

Previous comments

‘We have used our guidance for developments requiring planning permission and environmental permits and have established that there are no show stoppers or serious concerns relating to the location of the proposed development.

We have established that there are no show stoppers because:

- The site is not on a groundwater source protection zone 1.*

We have established that there are no serious concerns because:

- The site is not on a groundwater source protection zone 2 (nearest 3km away);*
- The site is not near on within an air quality management zone (nearest 28km away);*
- The site is not within 2km² of a SSSI (equivalent to radius of 0.7km, nearest in 2.9km away);*
- The site is not within 10km² of a SAC/SPA or Ramsar site (equivalent to radius 1.78km, nearest is 2.9km away).*

..... We cannot grant a permit until we are satisfied that the operation of the process will not cause significant pollution to the environment or harm to human health. If, as a result of reviewing of the risk assessment and taking account of any additional techniques that could be applied to limit emissions, we consider that emissions would cause significant pollution, the permit would be refused.

We cannot, at this stage, commit to how we would deal with this specific case, however the numbers presented in the report do suggest that although they are not insignificant in some cases, they do not lead to a breach of the EQS. At the levels presented, we will look in detail to make sure that the measures employed are BAT and this will include an assessment of all their control and abatement measures and also the stack dimensions.

We will also look at whether any emissions from the plastics depolymerisation process also need to be included in the model.

Also has been noted that

“The application for R1 status should be made to the Environment Agency. This is a separate and independent application to the Environmental Permit. We will consider the validity of the application for R1 status if and when an application is submitted to the Environment Agency.”

Environmental Health – No Objection, provided a number of conditions are attached including

- hours of operation restricted for demolition and construction activities – M-F 08:00 – 18:00, Sat 08:00 – 13:00 and no working on holidays.
- Acoustic fence adjacent to railway and to the west of the site to be constructed prior to demolition and/or engineering operations
- Noise not to exceed 45dB at nearest noise sensitive property
- Dust management plan for demolition/construction period
- Lighting scheme
- Contaminated land conditions – requiring adherence to scheme submitted and further submissions

It should be noted that Environmental Health comments relate primarily to the construction phase of the Development, as noise, odour, dust and emissions related to the operation of the site are controlled by the Environment Agency permit once the facility has been built and is operational.

Health and Safety Executive – No Objection - comments relate to the proximity of gas pipes on site. HSE does not advise against the granting of planning permission in this case.

Highways – No Objection - *“A similar proposal (15/01381/FUL) was refused in 2015 on planning grounds; there were no highway grounds for refusal.*

The access arrangements are same as those approved previously.

A Transport Assessment has been submitted which is accepted in terms of traffic generation and impact. A Travel Plan has also been submitted.

The proposal is acceptable in highway terms and I have no objections to raise subject to the following conditions which are same as those attached to approval 13/04217/FUL.

A S278 agreement will be required for any alterations to the adopted highway

Historic England – No Objection – they ask that their previous responses to applications in 2013 and 2015 are referred to in which they stated that *“We welcome the revisions to the proposals and acknowledge the reduction in the width of the chimney and the slight increase in massing to the EfW Plant. On balance therefore we consider the scheme is no more harmful than the previously submitted scheme.”*

“We have considered the revised proposals and in particular the photomontages illustrating the impact on views from within the setting of East Riddlesden Hall. On balance we consider the proposals are no more harmful than the previously submitted schemes.”

However they note that *“...we consider the development overall will result in harm to the setting of the designated heritage assets. Any harm requires clear and convincing justification (paragraph 132, NPPF). This harm should be weighed against the public benefits of the proposal (paragraph 134, NPPF).”,* concluding that *“We recommend that in determining this application your authority should be satisfied that there is a clear and convincing justification for the Energy from Waste plant to be built in this location and in its current form, as required by the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”*

Landscape – Some concerns are raised – please see appraisal section on Landscape impact for comments.

National Grid Company PLC – No Response

Natural England – No Objection, - *“Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the South Pennine Moors SSSI has been notified.*

Natural England seek biodiversity enhancements

Network Rail – No Objection. Seek a number of conditions/protection measures.

Northern Gas Networks – No Response –but no objection to previous application

Public Health England – No Objection – The Health Protection Agency (the HPA was a pre-cursor body to Public Health England) reviewed research to examine links between emissions from municipal waste incinerators and effects on health. The HPA study concluded that:

“While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants.”

PHE also note that they will provide detailed comments on the specifics of the proposed facility to the Environment Agency, as part of the requirements of the Environmental Permit Regime. It is noted by PHE that *“The Agency’s role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency.”*

PHE have also responded to a member of public's concerns regarding their response, which is referred to in the **Health, Emissions and Air Quality** section below.

The National Trust – Objection - *“We are extremely concerned about this development, principally from prominence of the chimney stack and its associated vapour plume. We consider this will have a substantially harmful effect on the setting of East Riddlesden hall.*

The hall is used twelve months of the year so tree planting will only provide limited screening during the summer. The remainder of the year the stack and the plume up to 80m will be very prominent from the gardens and the house.

..... It stands to reason that there will be a negative impact on the wedding business and associated economic benefits locally if this plant was to go ahead.

....there are health concern for those people working in such close proximity to the emissions from the plant, we have a duty of care for our staff and volunteers and the unknown nature of exposure to the emissions over time is a real concern for all those living and working in the area”

Urban Design Officer – No objection – comments in the appraisal section for design matters.

Yorkshire Electricity - No Response

Yorkshire Water – No Objections, provided conditions are attached relating to stand off from YW infrastructure, surface water restrictions, and details of means of disposal of foul water

West Yorkshire Ecology – No response, but no objection to previous applications

West Yorkshire Police – No Objection - Originally raised some concerns, regarding security but the submission of additional information has overcome the issues.

West Yorkshire Fire and Rescue Authority - no response , but no objection to previous applications.

West Yorkshire Archaeological Advisory Service – no objection – *“.. although the proposed development is located with on the site of Bingley’s late 19th century gasworks there is currently no apparently significant archaeological implications to the proposed development.”*

8.0 Summary of Main Issues:

The main issues are:

Sustainable Development – including waste hierarchy and climate change.
Need

Regeneration, Community, Economy, Employment and other socio-economic effects

Health, Emissions and Air Quality

Transport - Highways

Environmental impacts – noise, vibration, dust, odour, contaminated land

Building and Design

Landscape Impact

Cultural Heritage impacts

9.0 Previous applications

- 9.1 In April 2014 planning permission was **granted** for three plants to recover energy from waste, with materials reception and feedstock building, offices, education/visitor centre, parking and landscaping (13/04217/FUL).
- 9.2 In 2015 a further application was submitted (15/01381/FUL) which was a material amendment to the proposal granted permission in April 2014, with the major differences being:
- a reduction of the number of energy facilities from three to two. Removing the tyre waste pyrolysis activity.
 - a slimming of the stack from a 4m diameter to 2.2m diameter
 - an increase in the height of the buildings, maximum by approximately 5m
 - a change in the layout/footprint of several buildings
 - an increase of the 'massing' of the buildings
- 9.3 At the R&A Committee of the 18 August 2015, application 15/0131/FUL was **refused** permission for the following reasons
- 1) The proposal is contrary to Policies NE3, NE3A, UR3 and P11 of the Replacement Unitary Development Plan due to the detrimental impact on visual amenity and the adverse impact on the landscape character of the area by virtue of its height, massing and form.
 - 2) The proposal is contrary to Policy D1 of the Replacement Unitary Development Plan by virtue of its industrial finish, design, scale and height.

- 9.4 This application **seeks to address the reasons for refusal in 2015**, by amending the height, massing, form, finish, design and scale of the buildings.
- 9.5 **The processes, operations, HGV numbers, emissions, noise levels, hours of operation etc, remain as set out in 2015.** Nevertheless all matters are considered again within this report and should be taken fully into consideration for the purposes of determination on this application.
- 9.6 The applicant states the key revisions to the 2015 refused scheme are:
- The volume of the visible buildings has reduced by 11.1%
 - The total gross internal area (GIA) has reduced by approximately 2% and approximately 7% from that of the approved 2013 scheme
 - The maximum height of the main building has been reduced to 35m (from just over 35m), with part of this building 'stepped down' to approx. 30m.
 - The external materials and colour of the buildings have been modified
- 9.7 Note should be made that activities have started on site, with the applicant notifying the Council in October 2016 that they are/have started works on site and have implemented the planning permission granted in April 2014 (13/04217/FUL).

10.0 Proposal

The main purpose of this proposal is for a variety of waste management options to treat residual **commercial and industrial waste** and **generate energy**.

10.1 The main elements to the proposal are:

- A Refuse Derived Fuel (RDF) Power plant with an expected throughput of approximately 100,000 tpa, buildings up to 35m and a stack of 60 m in height above ground level. Power generation of approximately 10/11 MW of electricity net annual average;
- Waste plastics melting plant with a throughput of 30,000tpa. Forecast of 28.5 million litres per annum of biofuel for distribution;
- Grid connection cables, plant and equipment to enable electricity to be supplied to the public supply network and the Dalton Lane proposals, for a battery based energy storage centre (16/06851/MAO) Data Centre (16/06850/MAO)

- Infrastructure to enable Combined Heat and Power (CHP) including the potential for the provision of a steam off take connection to the Data Hotel site and Dalton Mill site;
 - Two storey office building with capacity for 99 personnel for commercial let;
 - Visitor Centre to promote education and greater awareness relating to waste issues (waste minimisation, re-use, recycling etc), including the role of EfW;
 - Workshops, staff facilities and administrative building.
- 10.2 The proposal involves a series of buildings, with the tallest building at 35m in height and associated stack (60m) to the eastern part of the site adjacent to the gasometres.
- 10.3 The time table for the construction and commissioning of such projects usually takes just over 2 years to complete construction and become fully operational.
- 10.4 The following information in italics primarily reverts to extracts from the Developer's submission with regards to the description of the technologies and operations at the site:

Key Plant Technologies

Energy from Waste plant -Moving Grate Thermal Recovery

- 10.5 *The proposed energy facility offers the option of treating waste and recovering energy. The waste will be combusted and converted to carbon dioxide and water. Any non-combustible materials (metals and glass) remain as a solid known as Bottom Ash, which contains a small amount of residual carbon. Ferrous scrap will be sorted from the bottom ash and stored, and subsequently taken off site to be recycled.*
- 10.6 *The source of material for the plant will be source-separated commercial and industrial wastes that have had some of the recyclables removed to produce a specific refuse derived fuel (RDF). This RDF will be delivered in container handling vehicles as well as rigid and articulated bulk vehicles.*
- 10.7 *Wastes delivered to the facility will be received in the enclosed waste reception area and stored in an enclosed waste storage bunker. The bunker will facilitate the continuous operation of the plant as it enables materials delivered during the day to be stored and used on a 24 hour basis. The bunker will provide sufficient storage to allow weekend and bank holiday operation when there are no waste deliveries.*
- 10.8 *Wastes are transported from the storage bunker to the feed grate hopper by two travelling cranes equipped with mechanical grabs operating on tracks*

running across the width of the bunker building. The crane feeds waste into a water cooled hopper which guides the waste onto the first grate section. The boiler serves to transfer the energy in the flue gases to the water cooling circuit where steam is raised.

- 10.9 *The residual ash falls from the end of the grate and is quenched in a water bath situated under the grate. A conveyor takes the ash from the water bath and discharges it into a storage bunker prior to its treatment including the removal of metals and the production of an aggregate replacement.*
- 10.10 *The boiler produces high temperature steam at a high pressure which is fed into a steam turbine linked to a generator producing electrical power for export to the national grid. Connections will be built into the steam pipework to allow for the heat to be used locally where acceptable uses can be found.*
- 10.11 *The flue gasses are required to meet strict emission requirements. These include requirements for particulates as well as acids and chemical composition. Gas cleaning is required to enable the flue gasses to meet the emission standards.*
- 10.12 *An environmental permit will be required to operate this facility which will be applied for following planning consent. The environmental permit will set out a range of necessary conditions including the emission limit for releases to the atmosphere, operating and monitoring requirements.*

Waste Plastics Melting Plant

- 10.13 *The Fractional Depolymerisation plant will process plastic waste to produce oil. The process largely mimics the core processes found in the natural geological production of fossil fuels, by being a combination of heat and pressure. The process is suitable for treating long chain hydrocarbon plastics such as polyethylene, polypropylene and polystyrene.*
- 10.14 *Waste material will be delivered to the facility via HGV and will be stored in a dedicated waste storage bunker, capable of supporting 24 hour operation of the plant.*
- 10.15 *The waste material will arrive shredded as small pieces and fed into a mixing chamber to be mixed with water and form a type of slurry. The slurry is then screw fed into a reaction this creates crude hydrocarbons and solid minerals. The oil is then heated to a high temperature, in the reaction chamber to initiate the depolymerisation process. As the oil is heated it breaks down in to low chain hydrocarbon oils which enter a gaseous phase. The gases are distilled and refined via a condenser and drawn off in a liquid state as a diesel oil for storage. The separated diesel oils are transferred to diesel storage tanks for collection by tanker lorry. The waste gases from the condenser are cleaned in a scrubber unit and discharged.*

- 10.16 With regards to the size and footprint of the actual buildings, the total floor space equates to approx. 7, 280m², with the main building at 4, 210m², waste plastics plant at 564m², office at 625m² and visitor centre at 250m²
- 10.17 The height of the buildings vary with the largest at 35m, but with a step down to approx. 30m in height in part, waste plastics at 18m, offices at 10m and visitors centre at 12m. The stack height is as before, 60m in height.
- 10.18 Finishes proposed are 3D curtain walling panel system in a quilted grid pattern. The material is perforated, with the perforations increased towards the top of the main building, creating an artificial parapet, allowing high levels of light to pass through the top of the building.
- 10.19 The cladding has been darkened in tone to match the darker clad units and the immediate context of the site. Some of the cladding is perforated, which provides for a light and translucent parapet, but also provides solar shading to areas glazing to the visitor centre, office unit and staff accommodation levels within the main building.
Horizontal louvres have been added to the condenser unit, Trespa panel system and vertical kingspan to lower buildings.
- 10.20 In terms of staffing, there will be between up to 300 temporary jobs during the construction period. When the facility is fully operational the waste treatment plant will provide 75 permanent jobs with staff operating on a three shift system, i.e. 25 staff per shift. In addition there would be 4 staff in the Visitor and Education Centre. The office building which is proposed to be let on a commercial basis would be able to accommodate approximately 99 people. A total of 178 permanent jobs and 300 temporary.
- 10.21 The waste treatment plants will run on a 24 hour 7 days a week basis, however it is proposed that the site will only be open for receipt of waste by HGV between the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 12:00 on Saturdays. There are no proposals for receipt of waste on a Sunday. The offices and visitors centre hours are proposed from 09:00 to 17:00 hours and the offices 08:00 to 18:00.
- 10.22 The site will be accessed off the A650 Airevalley Road with the number of HGV movements at a maximum of 70 HGV movements per day, averaging 6.6 movements per hour. On Saturdays 38 HGV movements, averaging 8.4 movements per hour. The access will be re-configured and highway improvements made.
- 10.23 The site will be secured with a 2.4 m perimeter fence, with 3.5m acoustic fencing to the south and west of the site.

- 10.24 A visitor and education centre is proposed to the east of the site, near the entrance. Car parking for staff and visitors is proposed, along with provision for cyclists and electrical car charging points. Additionally, the travel plan has indicated that an electrical mini bus service will run to/from the site into Keighley town centre at peak hours. The visitors centre is split into two floors. Visitors will be by invite only and it is primarily aimed at being an education resource for schools, colleges etc.

Appraisal

11.0 Key Issues and associated Policies

Sustainable Development

- 11.1 The key overarching purpose of planning is to deliver sustainable development. The NPPF in particular promotes a presumption in favour of sustainable development at the heart of the NPPF; referred to as the 'golden thread' running through decision taking. The National Planning Policy for Waste, RUDP and the Waste Development Plan Documents also refer to sustainability objectives. Policies UDP1, UDP3, UDP7 and UDP9 in the RUDP are overarching principal policies relating to sustainable patterns of development, quality of built development and management of waste, and policy UR2 relates in particular to sustainable development. In the Waste DPD the vision, sets out to achieve sustainable patterns of waste management, with the reduction to landfill and waste as an energy source highlighted.
- 11.2 Each of the following sections in the 'key issues' has an element of sustainability attached and it is referred to appropriately; however in terms of the overall sustainability of the proposal there are a number of matters which should be considered, including the use of waste as a provider of energy, the waste hierarchy and carbon management to achieve sustainable objectives.

Waste as a provider of energy

- 11.3 The promotion of waste as a valuable resource in the production of energy has been actively encouraged by the Government for a number of years and more is referred to in the Government Review on Waste 2011, National Policy Statement for Energy (2011) EN-1 and National Policy Statement (NPS) for Renewable Energy Infrastructure (2011) EN-3. In particular it should be noted that the use of residual waste as a source of energy offsets fossil fuels and reduces green house gases from alternative forms of waste management, in particular landfill where considerable negative greenhouse gas impacts are present. Energy from Waste is a renewable source of energy and a low carbon option.
- 11.4 Additionally, there is a pressing need for energy security. The UK faces a growing dependency on imported fossil fuels. By 2020, the UK could be

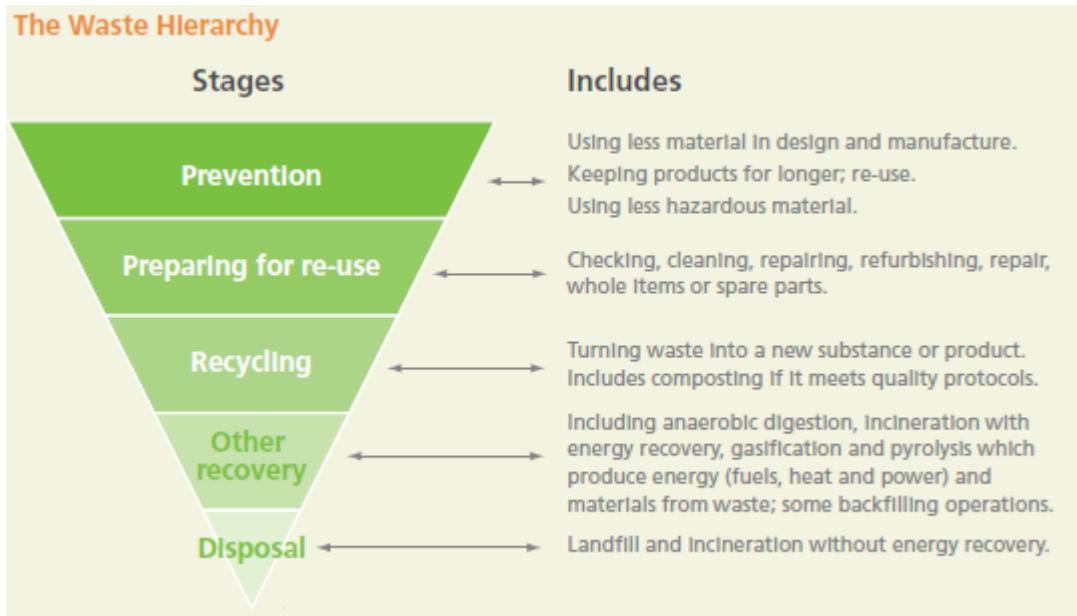
importing nearly 50% of its oil and 55% or more of its gas, with household electricity prices increasing mostly due to global fossil fuel prices. Generating energy from waste rather than from these fossil fuels, as with other renewables, provides a domestically derived energy source and gives the UK greater fuel security, greater energy independence and protection from fossil fuel price fluctuations. The gap between electricity supply (capacity) and demand is growing ever smaller, with many fossil fuel powered plants reaching the end of their useful life (the recent announcement that Ferrybridge coal power station will close next year is a prime example).

- 11.5 Renewable sources such as wind and solar are 'in the mix', but the intermittent nature of such technologies to generate electricity is an identified issue. Additionally, the recent announcement by the Government to withdraw subsidies for onshore wind turbines and introduce quite onerous planning legislation, means there is likely to be a significant reduction in such renewable technologies.
- 11.6 One of the governments overarching aims is to provide energy security, the proposal would provide towards energy security, through UK sourced, residual waste, lessening the dependency on imported fossil fuels for energy generation, providing the diversification the Government seeks on energy generation, moving away from the reliance on just the traditional fuels of coal, gas and nuclear.
- 11.7 The NPPF actively encourages *any* energy development, stating under Paragraph 98 *"that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable."*
- 11.8 The National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) 2011 states that the *"recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs. Where the waste burned is deemed renewable, this can also contribute to meeting the UK's renewable energy targets. Further, the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales."*
- 11.9 Energy from Waste is considered to be a renewable source of energy and a low carbon option. This proposal is in accordance with the Government objectives for the provision of energy from waste.

Waste Hierarchy

- 11.10 The waste hierarchy is derived from EU legislation and transposed into Government Legislation through The National Planning Policy for Waste

2014 and referred to in the Government Review on Waste. The following diagram illustrates the hierarchy.



Source: DEFRA Review of Waste Policy in England and Wales, 2011

- 11.11 Clearly prevention and preparation for re-use is at the top of the hierarchy, however this proposal is for the treatment of the residual waste that is not able to be prevented or prepared for re-use. The Council as a body encourages both prevention and re-use, however it recognises that recycling and other recovery are options must be considered. A sustainable option for the residual elements which cannot be recycled has to be considered.
- 11.12 Where the proposal falls in the waste hierarchy has been challenged by the group 'UK Without Incineration Network (UKWIN)', they have made a representation stating that a condition should be imposed requiring the development to achieve R1 status and if such a condition is not attached, then the proposal should be treated as a disposal facility at the bottom of the waste hierarchy and not a recovery operation ('other recovery' in the waste hierarchy). Consequently, the inference being that the proposal is no better than landfill (unless a condition is imposed requiring R1 status); at the bottom of the waste hierarchy and therefore failing to address a key objective of the EU.
- 11.13 To explain the issue further, The Waste Framework Directive (WFD) has contained a waste hierarchy since the 1st of April 1993. In the revised WFD (Directive 2008/98/EC) the hierarchy prioritises waste prevention followed by preparing for reuse, recycling, recovery and finally, least favourably, disposal.

- 11.14 The Revised Waste Framework Directive now specifies that incineration (Energy from Waste) facilities dedicated to the processing of municipal solid waste can be classified as R1 only where their energy efficiency is equal to or above:
- *0.60 - for installations in operation and permitted in accordance with applicable Community legislation before 1st January 2009.*
- 11.15 The applicant has stated that their proposal is a recovery operation and has provided a calculation showing an energy efficiency rating of 0.74 (without including any future Combined Heat and Power), therefore achieving the R1 status.
- 11.16 It is not a requirement for the determination of a planning application to have achieved a R1 certification or indeed achieve R1 status. The determination that a plant satisfies the R1 efficiency criteria is carried out by the Environment Agency.
- 11.17 The relevance for the determination of the planning application is where the proposal sits in the waste hierarchy. The EU, Government and Bradford Council seek to drive the management of waste up the hierarchy, Bradford Councils emerging documents are clear on this, within the vision in the Waste Management DPD being relevant. If the proposal is R1, then it is an 'other recovery' operation in the hierarchy and unequivocally it is driving the management of waste up the hierarchy. If the facility does not achieve R1 then it is a disposal operation.
- 11.18 Whichever is the case for this application, recovery or disposal, it has been demonstrated through the courts that energy from waste technologies, whether electricity only, heat only or heat and power combined, that they come higher in the waste hierarchy than disposal to landfill. The applicant maintains it is a R1 recovery operation (providing a calculation to demonstrate this) and this unequivocally drives the management of waste up the hierarchy. Even if the R1 status is questioned and the proposal falls into the bottom category of the waste hierarchy, i.e. disposal (for which there is no evidence that it does) it is still considered that it would result in the movement of waste up the hierarchy, away from the least sustainable option of all, landfill.
- 11.19 The suggestion of a condition being attached for R1 by UKWIN (with reference being made that such a condition has been imposed elsewhere in the country and by an Inspector in the Bilsthopre RDF plant in 2015) it is directly at odds with recent Government advice regarding the use of planning conditions. The Government have stated in December 2016 in the doc "*Government response to the consultation on improving the use of planning conditions*" that they intend, through secondary legalisation, to expressly prohibit certain conditions, including conditions which duplicate a requirement for compliance with other regulatory requirements. As

recognised by both the Inspector and Secretary of State in the Bilsthorpe case, the R1 status is a matter for the Environment Agency as part of their overall regulation of the scheme through the Environmental Permit arrangements. It is therefore not recommended that a condition is attached to any planning decision which requires R1 status.

- 11.20 However, the Environment Agency, in the previous application (13/04217/FUL) sought a condition to be attached to any grant of permission to ensure that only residual waste was submitted to the processes, through a Waste Management Plan. A condition requiring the submission of a Waste Management Plan was attached to the 2013 application; the details submitted and thereafter approved. This proposal includes within the submission an updated Waste Management Plan. To ensure that waste that is capable of being re-used/recycled is not inhibited by the facility and possibly address some of the concerns of UKWIN and residents, a condition requiring compliance with this updated Waste Management Plan is proposed to be attached to any permission which may be granted (condition number 17).
- 11.21 It is therefore considered that the proposal is in line with the common aims of the EU (through the Waste Framework Directive), the Government (through the National Planning Policy for Waste 2014) and the Council (through the emerging Waste DPD), in that it permits the movement of waste up the waste hierarchy with the reduction of waste to landfill. It is proposed that a similar condition to that previously attached to 13/04217/FUL, which the developer did not object to, is attached to ensure that this is achieved.

Climate Change, Greenhouse Gas Emissions & Carbon Management to achieve sustainable development.

- 11.22 The applicant states that the proposal provides resilience to climate change stating that:
- SuDS features including detention basins and balancing ponds are within the development design for the site.
 - Planting of trees and hedges to shade areas are a form of adaptation to increases in temperature
 - The proposal will result in a reduction in greenhouse gas emissions, by the reduction in haulage of waste to landfill, energy from the waste to offset greenhouse gas produced at landfill sites and/ or through use of fossil fuels. The travel plan and utilisation of electric vehicles also contributes.
 - The proposed facility will utilise waste as a fuel which would have otherwise been sent to landfill. Landfill gas emission contribute to about 40% of UK methane (CH₄) emissions and 3% of all UK Greenhouse Gas Emission (Defra 2007). Methane is about 23 times more potent than Carbon Dioxide as a greenhouse gas (IPPC 2001).

- For every ton of waste processed at an Energy from Waste facility, the release of approximately one ton of Carbon Dioxide equivalent emissions into the atmosphere is prevented due to avoidance of methane generation at landfills, the offset of greenhouse gases from fossil fuels electrical production and the recovery of metals.
- 11.23 Environmental Statements should include information to reasonably assess the environmental effects of the development including alternates and their environmental effects. The applicant has provided such information, but it is often challenged that the level of information is not sufficient enough.
- 11.24 The main thrust of the applicants argument is that the proposal provides a better option in terms of impacts than the current management of the residual waste (i.e. landfill), but there is the possibility that other alternate technologies could provide an overall better outcome in terms of carbon impact, climate change etc.
- 11.25 Consideration is needed as to whether or not it is reasonable and proportionate to require the applicant to produce detailed modelling over and above the submissions already made in order to show that the proposal is a better than landfill and that alternate technologies *may* provide a better outcome.
- 11.26 It is worth noting that there are modelling tools available such as the Waste and Resources Assessment Tool for the Environment (WRATE), which can be used to assess the environmental impacts of waste management activities during their whole lifetime, but this has also come under scrutiny in terms of its reliability and has also been previously questioned by UKWIN.
- 11.27 Landfill sits at the lowest level in the waste hierarchy and there are numerous studies to demonstrate that landfill is the least favoured option in terms of Greenhouse Gas (GHG) emissions, Global Warming Potential (GWP) and the Climate Change Impacts. One of the Governments key aims is the diversion of waste from landfill. Consequently, it is considered that it is not necessary for the purposes of determining this planning application that the applicant needs to demonstrate over and above that already submitted, (e.g. through any kind of modelling exercise) that their proposal provides a better outcome than landfill. It is noted that this is not an objection raised by UKWIN this time as it was to the 2015 application.
- 11.28 In terms of alternate technologies, there *may* be some technologies that provide a better outcome, but there has been case law associated with the need to address alternatives, where it has been established that the existence of an arguably better alternative cannot be considered a reason for refusal, if the proposal is considered acceptable in its own right. Rulings have stated that:
“The starting point is the extent of the harm in planning terms (conflict with policy etc) that would be caused by the application. If little or no harm would be caused by

*granting permission there would be no need to consider whether the harm (or lack of it) might be avoided. The less the harm the more likely it would be (all other things being equal) that the local planning authority would need to be persuaded of the merits of avoiding or reducing it by adopting an alternative scheme. At the other end of the spectrum, if a local planning authority considered that a proposed development would do really serious harm it would be entitled to refuse planning permission if it had not been persuaded by The Applicant that there was no possibility, whether by adopting an alternative scheme or otherwise, of avoiding or reducing that harm.” Sullivan L.J. in *Governing Body of Langley Park School for Girls v. Bromley*.*

- 11.29 Additionally, the 2011 EIA Regulations (Schedule 4, Part 2, Paragraph 4) require that an ES includes “An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.” It does not require an in depth analysis of the alternative technologies with regards to Greenhouse Gas (GHG) emissions, Global Warming Potential (GWP) and the Climate Change Impacts.
- 11.30 In *Frack Free Balcombe v West Sussex CC* the judge stated that:
“Many major developments, particularly of the kind that are listed in Annex I of the EIA Directive are not designated to the last detail at the environmental impact assessment stage. There will almost inevitably in any major projects, be gaps and uncertainties as to the details, and the competent authority will have to form a judgement as to whether those gaps and uncertainties mean that there is a likelihood of significant environmental effects ...”
- 11.31 Consequently, the applicant not submitting an in depth analysis of the alternative technologies with regards to Greenhouse Gas (GHG) emissions, Global Warming Potential (GWP) and the Climate Change Impacts, is not considered to be a matter that would present a situation where any potential gaps and uncertainties mean that there is a likelihood of significant environmental effects from the proposal, nor is the technology proposed one which is considered by any of the consultees to be one which would result in significant harm from the technology proposed that would justify the use of alternate technology. It is therefore not considered necessary for the determination of this planning application to require any further in depth analysis of Greenhouse Gas (GHG) emissions, Global Warming Potential (GWP) and the Climate Change Impacts.
- 11.32 The approach taken by the applicant on the assessment of technologies was the same as that undertaken for the Bradford Council Waste PFI application (12/01947/FUL) which was deemed sufficient for the purposes of addressing alternative technologies. The Bradford Council PFI did undertake a Waste and Resources Assessment Tool for the Environment (WRATE) exercise, but not as a requirement for planning, but as part of the PFI requirements.

- 11.33 There is a potential conflict with the sustainable objectives of policy UDP7 related to transport, in that HGV's are the primary transport method to the site. Alternative methods of transport have been considered by the Developer, in particular the transport of waste by rail due to the proximity of the railway line. However, it is understood that this was not practicable or feasible for a number of reasons, including the relatively low volume of waste which may be sourced from various outlets and physical space on site which is further restricted by the number of constraints/standoffs for Northern Gas Networks infrastructure and Yorkshire Water Infrastructure. However, a reasonably large strip of land (approx. 30m in width) adjacent to the railway line has no proposed built development due to the existing infrastructure, consequently there remains the possibility of alternate transport modes in the future if railway technology/capacity permits and it is permissible in the future to be closer to the existing infrastructure.
- 11.34 As the developer is therefore proposing access by road based vehicles, a number of mitigation methods to reduce the impacts have been proposed, including a detailed travel plan, an agreement to produce a Low Emission Strategy which will assist in reducing the impact of emissions from HGV's and an electric mini bus service at peak times.
- 11.35 In conclusion, it is considered that the overall sustainable objectives of the National Policy Statements EN-1 and EN-3, NPPF, National Planning Policy for Waste 2014, RUDP and emerging Waste DPD are being achieved through the proposal. Consequently, the proposal is in accordance with policies UDP1, UDP3, UDP9, UR2 of the RUDP; paragraph 14 of the National Planning Policy Framework; paragraph 1 of the National Planning Policy for Waste and W1 of the emerging Waste DPD.

Need for a Waste Management Facility

- 11.36 In assessing proposed waste developments, the 'need' for the waste management facility should be addressed, in line with National Planning Policy for Waste 2014 (NPPW). It should be noted that the National Planning Policy for Waste 2014 states that planning authorities should:
- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
 - recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;

- 11.37 The Bradford Waste Management DPD (Local Plan) is at an advanced stage, the evidence base for these documents support the 'need' for additional facilities within the Bradford District, indicating that a range of facilities are required and that a number of strategic sites are required. The evidence base documents assesses the waste generated within the Bradford, along with an assessment of the existing facilities available to treat waste and those facilities required. The Waste DPD includes the proposal site as a site suitable for waste management of the form proposed.
- 11.38 In view of the Waste DPD, it could be argued that the applicant is not required to demonstrate 'need', as the National Planning Policy for Waste 2014 is clear on this, however the document is not adopted yet and although it carries comparatively material weight as it is in its latter stages following examination by a Government appointed Inspector, it is still considered appropriate to provide a 'need' assessment.
- 11.39 The applicant has undertaken an assessment of 'Need', assessing the 'Need' for a facility for Commercial and Industrial Waste (C&I). In line with Government advice (set out in the Government Review on Waste 2011), this should also go beyond the assessment of facilities available within the District, as it maybe that existing infrastructure elsewhere provides the best environmental solution. However, the proximity of these facilities should be borne in mind; the principal of utilising facilities which are within a reasonable and sustainable distance should be considered.
- 11.40 The applicant has assessed the 'Need' on the basis of the waste to be treated, firstly against the facilities in Bradford and then within what they consider a reasonable and appropriate area, in this case the West Yorkshire sub-region, including Wakefield, Kirklees, Calderdale and Leeds.
- 11.41 The forecast in the emerging the Bradford Waste DPD (based on 2013 figures) is that Commercial & Industrial waste from Bradford will be 602,721pa by 2030.
- 11.42 What is clear is that there still remains little current operational capacity within Bradford to accommodate residual MSW and Commercial & Industrial waste. Following recycling, the residual is primarily dealt with by disposal at landfills outside the Bradford District. Although planning permissions has been granted for three facilities which may be capable of treating up to 496,000t pa of residual Commercial & Industrial Waste (Biogen Ripley Road, Gasification Plant for 160,000tpa and Waddington's, Buck Street an autoclave for 300,000tpa and a small amount through the Bowling Back Lane facility of 36,000tpa) none of these facilities have been built to date.
- 11.43 Within the other WY authorities, there are a number of facilities either already operational (e.g. Kirklees EfW facility, Leeds Waste PFI plant, Leeds MRF) or in the pipeline for treating Commercial & Industrial and Municipal

Waste. However, a number of these facilities have not come to fruition and/or the capacity has already been sold/identified for use. The assessment of 'need' has been clarified in 'The National Waste Management Plan 2014', in that only operational sites should be taken into account when assessing 'need', within Bradford operational sites for residual waste Commercial & Industrial waste do not exist. Bradford Commercial & Industrial waste is reused, recycled and then that which is not capable of being recycled is either sent for disposal (e.g landfill) or to other recovery operations elsewhere in the UK.

- 11.44 It should also be noted that one of the key underlying principals in the National Planning Policy for Waste 2014 is for communities and businesses to engage with and take more responsibility for the waste they generate, not to send it elsewhere. As indicated there are very few facilities within the Bradford District to manage waste, recycling facilities are being planned for, as are other facilities in the hierarchy (i.e. other recovery). Bradford will take responsibility for the waste it generates, but will also seek opportunities for businesses to utilise existing infrastructure elsewhere that provides the best environmental solution. This is borne out in the proposal in the emerging Waste DPD to utilise landfill capacity within the West Yorkshire and/or Yorkshire & Humber Region, but also, in taking responsibility for the waste generated, it is planning for 'other recovery', as sufficient capacity and a better environmental solution/sustainable options do not readily exist elsewhere. Consequently the Waste DPD has concluded that a number of sites are required to manage waste, including the proposal site.
- 11.45 There is a school of thought that all waste material should be recycled and that there should be no 'need' or requirement for facilities such as that proposed. However, the waste hierarchy does not require that everything is recycled, nor is it currently possible to achieve this. There currently remains residual waste, defined as waste that cannot be usefully reused or recycled. The waste that is to be received at the site would be Refused Derived Fuel (RDF) that is waste that has been pre-treated to remove the recyclates and the waste/material remaining is considered incapable of being re-used or recycled.
- 11.46 Currently, Bradford Council when treating Municipal/ Local Authority Collected Waste (LACW) achieves a recycling and composting rate of 41.5%, with 40.5% to value recovery (other recovery) and 17% to landfill. The applicant has stated that the material that will be taken to the proposal site would be RDF derived from Commercial and Industrial Waste (C&I) not MSW/LACW; and that it would be waste that would otherwise go to landfill.
- 11.47 The current landfill rate for Commercial & Industrial waste is 50% across the UK as set out in the DEFRA document "Energy from Waste – A guide to the debate 2014". However, the expectation is that recycling rates will increase for Commercial & Industrial and that at some point in the future recycling rates similar to Local Authority Collected Waste should be

achieved, with the percentage going to landfill reduced to similar levels, that is, 17- 20% of residual Commercial & Industrial to landfill rather than the current 50%.

- 11.48 Applying a landfill percentage rate of 50% to the Commercial & Industrial figures set out in Bradford's Waste DPD Evidence Base, would derive a figure of 269,163tpa of Commercial & Industrial waste that currently goes landfill (538,326tpa C&I generated in 2015). Applying a landfill percentage rate of 17- 20% to the Commercial & Industrial figure for future years (i.e 2030), would derive a figure of 102,463 -120,544tpa (602,721tpa generated by 2030).
- 11.49 The Energy from Waste facility on the proposal site is intended to receive 100,000tpa of residual Commercial & Industrial waste, consequently even by 2030, based on a reduction to a 17% landfill rate, the facility would not be receiving a level of waste that would compromise the 'need' for the facility or compromise the waste hierarchy. By 2030, the percentage of residual Commercial & Industrial waste taken to this Energy from Waste facility would equate to 16.6%, less than 17% and significantly less than the current 50% rate that currently goes to landfill. The most probable scenario by 2030 is that the level of recycling for C&I waste would be somewhere between 17% and 50%, a mid point (33%) gives a requirement for approx. 200,000tpa of residual C&I waste.
- 11.50 There are concerns raised by objectors that the proposal will inhibit recycling and consume materials which could otherwise be managed higher up in the waste hierarchy. This is not borne out by the figures above and is only really justifiable when opportunities are not taken to separate and remove recyclable materials from waste. The proposal intends to receive Refuse Derived Fuel, which has been pre-treated and this, coupled with the proposed condition already outlined in the section on the waste hierarchy, will inhibit material that is capable of being recycled being submitted to the process. However, regardless of this it is not incumbent on individual waste recovery facilities to also provide treatment facilities at higher levels. Compliance with the waste hierarchy is achieved across the waste industry and not singularly within individual management facilities.
- 11.51 Higher rates of recycling can and do co-exist with higher levels of recovery as in the case within Europe. The DEFRA documents "Energy from Waste – A guide to the debate" acknowledges this fact, identifying that in 2010 Austria achieved 70% recycling (including composting) alongside 30% waste which was incinerated; Germany achieved 62% recycling alongside 38% incineration. This compares to the UK with 39% recycling and 12% incineration. As indicated, this guide states that 'at present 50% of commercial and industrial waste goes to landfill presenting a significant opportunity for those authorities and plants to exploit it'. This

document also states that “*The Government considers there is potential room for growth in both recycling and energy recovery – at the expense of landfill.*”

- 11.52 If all the facilities which have been granted permission within Bradford were built, then it could be concluded that there is not a ‘need’ for a facility for commercial and industrial waste in the Bradford District, as the planned capacity (not built) for Commercial & Industrial amounts to approx. 496,000t. However, the likelihood of the schemes in Bradford being developed are currently very tenuous (some initial engineering works took place in 2010 on one site, but nothing has happened since, another renewed a 2009 permission in 2013 but there is no development on site and the Bowling Back Lane site is unlikely to proceed in its’ current form due to the removal of PFI credits). If none of these three identified schemes are built then there remains a significant shortfall in capacity, in Bradford, for residual Commercial & Industrial waste.
- 11.53 However, although the existing permissions in Bradford are noted above (and in the developers ‘needs’ assessment) the National Planning Policy for Waste 2014 makes it clear that only *operational* facilities should be considered when defining the capacity of facilities to satisfy any identified need. So the existing facilities with planning permission within Bradford should, in theory, be disregarded. None of the facilities are operational in Bradford and there remains an arguable need. In terms of facilities further afield, there is no evidence of operational capacity currently available in West Yorkshire, nor the Yorkshire & Humber Region, with the majority of facilities identified for LACW.
- 11.54 In conclusion, in line with para 7 of the National Planning Policy for Waste 2014, it is considered there is a ‘need’ for the proposed waste facility and that it will not undermine the objectives of the waste hierarchy. Additionally, the Bradford Council emerging Waste DPD also identifies the need for facilities within the Bradford District, to ensure new waste facilities support the planned growth and waste needs of the Bradford Community in line with policy W1 of the emerging Waste DPD.

Regeneration, Community, Economy, Employment and other socio-economic effects -

11.55 The Developer has stated that benefits of the scheme are:

- Capital investment of £135- £150 million;
- The proposed EfW will generate a min of 10 MW of electricity of which a small amount is used to power the plant itself while the vast majority is exported to the National Grid - enough to meet the domestic needs of circa 20,000 homes (80,000,000 KWh per

- year), equivalent to providing energy to 90% of the calculated residual electricity requirement for the town of Keighley;
- Regeneration of previously developed land;
 - Generate in the region of 300 jobs both directly and indirectly during construction; Employ 79 people directly during the operation of the facility and 99 within the office complex; Attract skilled workers into the area and help increase the proportion of Keighley's working age population with appropriate qualifications;
 - Provide an educational facility in order to encourage learning about waste in general, the facility and the wider context and importance of reducing, re-use and recycling of wastes;
 - Clean Energy Facility has also been designed with the potential to export surplus heat, thus making it a combined heat and power (CHP) plant. The heat generated will be utilised within the office buildings on site and the data hotel site proposed at Dalton Lane;
 - Provide electricity for a battery based energy storage centre (16/06851/MAO) and Data Centre (16/06850/MAO) proposed on Dalton Lane.
 - Provide landfill diversion performance in line with BMDC's requirements – being capable of recovering energy from over 130,000 tonnes of residual waste per year from commercial and industrial sources.
 - Increasing the income and revenue in the local area; and
 - The energy generated will facilitate the development of a data hotel on a nearby site owned by the applicant, and this is set to lever in a further £25m of capital.
 - The energy generated can be transferred over a wider area and still remain cost effective.

11.56 The proposal brings benefits in terms of regeneration, employment and the generation of electricity as confirmed by the Economic Development team. There have been criticisms by the public of the potential number of employees, that is has been exaggerated and the reality is there is little employment generated. This is discussed further in the report under the sections related to "Summary, conclusions and the balance", where it is identified the weight given to the proposed jobs. But for clarity at this point, the plant will create 79 permanent jobs, the office 99 permanent jobs and there will be 300 temporary jobs whilst construction/development of the site is undertaken.

11.57 There are additional identified benefits to those set out in the previous refused 2015 application, in that there are additional clearly defined route for the use of the electricity generated to the proposed data centre and battery based energy storage centre which are the subject of two applications off Dalton Lane (16/06851/MAO) and (16/06850/MAO).

- 11.58 These two applications are welcomed by the Council's Economic Development Team. With it stated that the battery based energy storage centre would be the first in the district and be an addition to the current development of battery farms throughout the UK to complement green energy projects. Electricity generated by the Energy from Waste proposal would feed directly into the battery storage facility and be released to the grid from the battery based energy storage centre at times of high electricity demand.
- 11.59 The Economic Development Team have confirmed that they received an enquiry from Leeds City Region business development officers demonstrating there is demand in the market, which is reinforced by the recent announcement of the development of 8 such projects elsewhere in the UK with an investment value of £66m.
- 11.60 The other application (for a data centre) would run exclusively off the proposed Energy from Waste facility. The Economic Development Team note that this data centre would add to the increasing need for such centres in the UK as it will provide additional data storage capacity to meet demand as the population becomes ever more connected to the internet and reliant on online services.
- 11.61 The Developers agent has made it clear that these two applications cannot and will not proceed if the Energy from Waste proposal does not materialise. Note should be made here that the 2013 permission, for which activities have started on site, should (in theory) be capable of providing the electricity for these two proposals on Dalton Lane.
- 11.62 The references to combined heat and power (CHP), although welcome, are not part of this proposal. The CHP part of the Energy from Waste facility are potential future developments if the EfW is built. Consequently, the references to use at Dalton Mills and at the office building for CHP is only related to future potential and do not form part of this application. Nevertheless, as set out in the DEFRA document "Energy from waste -A guide to the debate February 2014" *"Ensuring sites for energy from waste are available that allow potential connection to heat customers is an essential part of maximising the benefits."*
- 11.63 In terms of other impacts, several objectors, including The National Trust have noted that there will be negative impacts on tourism in the area, particularly related to East Riddlesden Hall. The impacts on East Riddlesden Hall are discussed in detail under the sections further in the report related to heritage assets. Additionally, there have been concerns raised that the proposal will negatively impact on other businesses, along with criticisms of the applicant's assessment of the Socio- Economic impacts of the proposal and of the responses from the Economic Development Team.

- 11.64 However, the applicants have followed a clear methodology and used a number of documents to source the socio-economic impacts, concluding that *“The proposed development makes an overall minor positive contribution to the local economy and community”* but will *“...maximise socio-economic impacts through the development of remediated land..”* and *“...will enable regeneration to bring benefits to the local area including: New investment into the regeneration of previously developed land; Increase in both direct and indirect employment; Increasing the income and revenue in the local area; Attract skilled workers into the area and increase the proportion of Keighley’s working age population with appropriate qualifications; Social and economic benefits at the community level; and Support local and regional economic growth.*
- 11.65 The applicant also cites Brexit stating that *“...in a time of national economic uncertainty following Brexit and decreasing construction output within Great Britain, private investment into the energy sector should be encouraged.”*
- 11.66 The RUDP indicates in overarching policy UDP4 that the Council will promote economic regeneration, economic growth and employment opportunities by the provision of suitable land. Although this policy relates to the Council provision of land to achieve these objectives, the proposal is on the whole in line with the objectives of policy UDP4.
- 11.67 The NPPF also advises in paragraphs 18 to 22 that planning system should do everything it can to support sustainable economic growth and significant weight should be placed on the need to support economic growth through the planning system. The National Planning Policy for Waste 2014 in para 1 expects the delivery of sustainable development, including the provision of modern infrastructure and local employment.
- 11.68 Taking the above into account, it is considered overall that the proposal accords with and supports the principles of policy UDP4 of the RUDP, paragraphs 18 to 22 of the NPPF and para 1 of the National Planning Policy for Waste 2014.

Health, Emissions and Air Quality

- 11.69 With regards to the proposal there are a number of factors which have the potential to affect health and the environment; these are primarily through emissions to air via the combustion process from the energy from waste facility (stack emissions) and to a lesser extent through the traffic that visits the site. Frequently the issue of emissions/air quality and impacts on human health are of a great concern to communities that live within the vicinity of the site and this is the case for this proposal. The emissions and impacts on air quality are by far the **main concern raised by residents** who are making objections to the proposal.
- 11.70 The applicant has submitted comprehensive information on air quality. The conclusions of the applicants air quality studies are that the proposed

development is forecast to have no significant effects on air quality during normal operating conditions, abnormal operating conditions or due to road traffic emissions, and no significant cumulative effects are forecast to occur.

11.71 A Human Health risk assessment has also been undertaken by the applicant. The conclusions of the study are that the emissions to air from the proposal will not pose unacceptable health risks to residential or farming locations in the vicinity of the proposed facility.

11.72 Although information on emissions and air quality has been submitted with the planning application, it should be noted that the responsibilities and consideration of emissions/air quality and impact on human health fall into various remits. This has previously been explained to the R&A Committee and the public in the previous reports on energy from waste facilities at this site. **The primary body responsible for emissions/air quality and control of impacts on human health and the environment is the Environment Agency through their Environmental Permitting regime.** The Council (through Environmental Health and Planning) has only a partial responsibility and remit, the roles are explained below.

11.73 In simple terms the Environment Agency are responsible for setting and enforcing emission limits from the **operational** energy from waste facility (e.g. the stack) and the overall day to day operations of the site. The Council are responsible for emissions when construction is taking place (before the plant is operational) and, in part, for impacts from HGV/traffic movements.

11.74 The role of the Council and the Environment Agency is set out in paragraph 122 of the NPPF :

'... local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.....'

11.75 Additionally, the National Planning Policy on Waste 2014 states under para 7

"...Impacts to the local environment and amenity should be considered but it is not necessary to carry out detailed assessment of epidemiological and other health studies on the basis that these controls would be provided through the pollution control regime."

and

"Planning authorities should - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter

for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”

11.76 The National Planning Guidance further reiterates this by stating that

“The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.”

11.77 Consequently, it is not for the Council in its role as a Local/Waste Planning Authority to consider in detail the impacts of the stack emissions and overall operations when considering the merits of the planning application. The control of the emissions from the stack and operations of the plant are fully within the remit of the Environment Agency through their Permitting process.

11.78 The Local Planning Authority role (to determine if the land is an acceptable use of the land with regards to emissions/air quality) is ascertained by the responses received from the relevant statutory health bodies, that is the Environment Agency and Public Health England.

11.79 If the Environment Agency and Public Health England consider that the air quality emissions will exceed permissible levels that would have an adverse impact on air quality, human health or the environment, **it can be considered that the site is not suitable for the intended use** and the Local Planning Authority (Council) is required to take this material matter into consideration when determining the planning application.

11.80 The Government’s position is clear, planning authorities should call on the advice of the relevant statutory bodies and work on the assumption that the relevant pollution control regime will be properly applied and enforced. They are also clear that refusing permission or requiring specific mitigation when the matter is within the remit of another relevant body is not appropriate. This approach would be consistent with the position set out in the National Policy Statement for Energy EN-1 that states that those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation, so that it is unlikely that health concerns will either constitute a reason to refuse planning permission or require specific mitigation.

11.81 The Environment Agency, Public Health England and Environmental Health have all been consulted and have commented on the application. Neither, the Environment Agency, Public Health England or the Environmental

Health have raised any objections, with the Environment Agency noting that it is their responsibility through the permitting process to manage emissions from the process (i.e. stack emissions/operations) and that there are no 'show stoppers' or serious concerns.

11.82 Public Health England refer to the 2009 study indicated above, stating that:

"While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants.

The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.

With Public Health England concluding that :

"The Agency's role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency."

11.83 Public Health England and the Environment Agency both make note of the Chromium VI levels, but note as a result of a refinement by the applicant it shows that the plant emissions are unlikely to lead to an exceedence of air quality guidelines for Cr VI. The Environment Agency note that

"We cannot, at this stage, commit to how we would deal with this specific case, however the numbers presented in the report do suggest that although they are not insignificant in some cases, they do not lead to a breach of the EQS (Environmental Quality Standards)."

Concluding that the Environment Agency will, when the permit application is considered,

"....look in detail to make sure that the measures employed are BAT (Best Available Techniques) and this will include an assessment of all their control and abatement measures and also the stack dimensions."

11.84 The role of Bradford Councils Environmental Health, as indicated above, is to consider the impacts of air quality from the construction phase and in part (along with the EA) impacts of traffic/HGV's. Environmental Health have noted that they will be consulted on the Environment Agency Permit.

11.85 Environmental Health have concluded that

a) Process emissions (main emission source)

“On the basis that an environmental permit for the proposed operation is likely to be obtainable (confirmed that it will be required by EA) from the EA it is considered that there are no planning grounds on which to recommend refusal of this application due to the local air quality impact of the stack emissions.”

b) Operational transport emissions – local impact

“On the basis that the operational traffic generated by the scheme is unlikely to give rise to breaches of the current health based national air quality objectives within the vicinity of the site, it is considered that there are no grounds on which to recommend refusal of this application due to the local air quality concentration impact of the operational traffic.”

c) Construction and Demolition emissions

“On the basis that emissions from the construction and demolition phase of the development can be adequately controlled and mitigated there are no grounds on which to recommend refusal of this application due to the local air quality impact of the construction and demolition works.”

11.86 Environmental Health have requested a number of conditions to ensure the proposals by the developer to reduce emissions from the construction and HGVs are enacted; these include electric charging, electric minibus, pedal cycle and a Low Emission Strategy to be submitted within six months of the development commencing. The purpose of the Low Emission Strategy is for the Developer to demonstrate how they will maintain and reduce emissions from the traffic that will visit and operate at the site.

11.87 Environmental Health are satisfied that all matters that relate to Environmental Health’s remit have been addressed and they are satisfied with the proposal as submitted. Environmental Health have raised a number of issues that they wish to be addressed through the Environment Agency’s Permitting regime and the Council, through Environmental Health will have the opportunity to feed into, influence and comment on the Environment Agency’s Permitting process. The Environmental Health officer states that

*“Bradford MDC air quality officers will be provided with a consultation opportunity to comment on the permit application and will review any further modelling results at this point. **Any remaining concerns about local air quality and/or the impact on individual receptor points will be raised with the EA before any final permitting decision is taken.**”*

11.88 The outcome of the relevant statutory technical experts is clear, they consider that there will not be any unacceptable emissions that will exceeded permissible levels and have an adverse impact on air quality, human health or the environment.

- 11.89 Nevertheless, the National Planning Policy for Waste 2014 para 7 states that authorities should
“...recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration”. The public’s concerns and/or perceptions in relation to health/environmental impacts and air quality are considerable for this application and a material consideration.
- 11.90 Public concern can sometimes be associated with the previous generation of incinerators, however the implementation of new EC Directives resulted in the closure of many old incinerators across Europe, including the UK, which could not comply with new standards. The UK Health Protection Agency’s (pre-cursor to Public Health England) Position Paper on Municipal Waste Incineration (2009) found that in most cases an incinerator contributes only a small proportion to the local level of pollutants and concluded that the effects on health from emissions to air from incineration are likely to be small in relation to other known risks to health.
- 11.91 This is in respect of modern incinerators as opposed to the previous generation of incinerators. The Health Protection Agency (now Public Health England) concluded that for modern incinerators there is little evidence that emissions make respiratory problems worse; similarly, there is no consistent evidence of a link between exposure to emissions from incinerators and an increased rate of cancer. This is the opinion of the relevant statutory body and one which the planning authority should rely upon.
- 11.92 It is not simply that the public concerns on this matter should be dismissed, but for them to carry significant weight within the planning application there would need to be reliable evidence to suggest that perceptions of risk are objectively justified, i.e. that the operation of the plant actually does pose an actual risk and that the relevant statutory bodies have erred in their commentary.
- 11.93 Quite a number of members of the public have specifically quoted a passage from a World Health Organisation (WHO) paper to demonstrate why they consider the actual proposal site is unsuitable. The quotes from the WHO paper are:
- “The location of an incinerator can significantly affect dispersion of the plume from the chimney, which in turn affects ambient concentrations, deposition and exposures to workers and the community. In addition to addressing the physical factors affecting dispersion, siting must also address issues of permissions/ownership, access, convenience, etc. Best practices siting has the goal of finding a location for the incinerator that minimizes potential risks to public health and the environment (EPA 1997). This can be achieved by:*
- *Minimizing ambient air concentrations and deposition of pollutants to soils, roads, and other surfaces, e.g.,*

- o Open fields or hilltops without trees or tall vegetation are preferable. Siting within forested areas is not advisable as dispersion will be significantly impaired.*
 - o Valleys, areas near ridges, wooded areas should be avoided as these tend to channel winds and/or plumes tend to impinge on elevated surfaces or downwash under some conditions.*
- *Minimizing the number of people potentially exposed, e.g.,*
 - o Areas near the incinerator should not be populated, e.g., containing housing, athletic fields, markets or other areas where people congregate.*
 - o Areas near the incinerators should not be used for agriculture purposes, e.g., leafy crops, grasses or grains for animals.”*

11.94 Although these points are noted, this WHO paper does not relate to, nor is written in relation to, large, modern, Energy from Waste facilities taking residual commercial and industrial waste. The WHO Paper is entitled “*Findings on an Assessment of Small-scale Incinerators for Health-care Waste - 2004*” and is “*....an analysis of low cost small-scale incinerators used to dispose of health-care waste in developing countries, specifically sharps waste (used and possibly infected syringes and needles)*”. The photo below, extracted from the paper shows an example of the incinerators to which the WHO paper relates. There is no know WHO paper which sets out the same issues for large, modern Energy from Waste facilities taking residual commercial and industrial waste.



WHO “Findings on an Assessment of Small-scale Incinerators for Health-care Waste 2004”

11.95 A member of the public has also sent in an e-mail they have received from the British Lung Foundation, in which they highlight that the BLF have stated that

“You are right in saying that high levels of outdoor air pollution can irritate your airways, make you feel out of breath and increase your chances of having an asthma attack. Breathing in polluted air for a long period of time has been shown to increase the occurrence of lung conditions, including cancer, and deaths from these conditions.”

11.96 It is not clear in what context the BLF are commenting, or what they are responding to as the e-mails that preceded their comments have not been submitted, nevertheless the comments are noted. BLF have not sent any comments direct or contacted the Council direct and it should be noted they are a registered charity (not a statutory consultee). In the opinion of the statutory consultees, the 'pollution' levels for this proposal are such they do not lead to a breach of the Environmental Quality Standards – i.e. not breaching or creating the high level of pollution that BLF refer to in their e-mail. With Environment Agency stating that:

“.. We cannot grant a permit until we are satisfied that the operation of the process will not cause significant pollution to the environment or harm to human health. If, we consider that emissions would cause significant pollution, the permit would be refused.”

11.97 Public Health England have also reiterated their stance, including specifically addressing points raised by a members of the public regarding air inversions in the valley – stating:

“The supporting documentation for the proposal includes a detailed assessment of the dispersion of emissions to air from the installation, including the proposed stack height of 60 metres. This report also includes modelling of emissions and subsequent concentrations at the nearby receptors you are concerned about; assumed weather conditions for the modelling study were based on local conditions using daily data collected from 2010 - 2014. Local terrain data was also included within the dispersion modelling scenarios. Given the above, it is considered that the modelling was carried out using appropriate local data with regard to topography, weather conditions, predicted emissions and existing background pollution concentrations.

With regard to your concerns around the providence of the submitted supporting reports, we note that the author of the report is an established environmental consultancy and the report appears to have been peer-reviewed within that organisation. It is also worth considering that the supporting documentation, particularly the "Air quality, odour, dust and health impact assessment" report to which I have previously referred are also submitted to the Environment Agency as part of the process of applying for an Environmental Permit.

An Environmental Permit is also required for this type of installation to operate legally; this is enforced by the Environment Agency and will include controls on the process to protect human health and the environment.

Please note that at this second stage both Public Health England and the Environment Agency will look at the site impact in detail, and a decision will be made on whether a permit can be granted; even with planning permission the installation cannot function without a permit (from the Environment Agency) protective of human health and the environment.”

- 11.98 The public concerns are genuine, but the experts, from Public Health England and the Environment Agency do not conclude that the plant poses a risk and the Local Planning Authority is required to rely on the experts in this matter. This approach is particularly evidenced by planning case law (in *Gateshead MBC v Secretary of State for the Environment*) which indicates that if public concern could not be objectively justified then it could not constitute a material grounds for a refusal of planning permission.
- 11.99 The Permit granted by the Environment Agency is the arena in which the emissions from the operation/process/stack will be subject to **detailed scrutiny** and where the expertise lies and any other papers that are referred to by the public regarding incinerators, health impacts and emissions should be referred to this process by the public. The Local Planning Authority is required to stay within its remit, determine the application based on the statutory experts opinions and consider appropriate conditions to mitigate the impacts for which it is responsible, the construction phase and in part traffic/HGVs'. However, the Council must **fully engage** with the Environment Agency's Environmental Permitting process (through the Councils Environmental Health team) to ensure that any concerns regarding air quality, impacts on human health or the environment are thoroughly addressed through the Environmental Permitting process.
- 11.100 It should also be noted at this juncture that the proposal site has also been process, the Bradford Waste Management Development Plan (Waste DPD), which allocates land across the Bradford District through a consultation process with all statutory bodies and the public.
- 11.101 In conclusion the relevant statutory technical bodies, Public Health England and the Environment Agency have raised no concerns. Environmental Health officers equally have raised no specific concerns, stating they are satisfied that matters within their remit have been sufficiently addressed and appropriate measures will be in place.
- 11.102 As a reminder of the roles, case law, *Cornwall Waste Forum v SoS 2012*, in which the judge stated that:
- "It is not the job of the planning system to duplicate controls which are the statutory responsibility of other bodies...Nor should planning authorities substitute their own judgement on pollution control issues for that of the bodies with the relevant expertise and responsibility for statutory control over those matters"***
- 11.103 In accordance with the National Planning Policy on Waste 2014 the planning authority has taken appropriate technical advice from the relevant statutory bodies (Public Health England, The Environment Agency and Environmental Health) to satisfy itself that the operation would not result in any significant air quality, health impacts or environmental impacts and there is no reliable evidence to suggest that perceptions of risk are objectively

justified, i.e. that the operation of the plant actually does pose an actual health risk; none of the statutory consultees conclude that this would be the case. The concerns raised by residents regarding risk to human health and the environment are noted, but it is not considered as part of the planning process (in accordance with previous case law and guidance) that substantial weight can be attached to these concerns in the determination of this planning application.

11.104 With conditions suggested for a Low Emissions Strategy, EV charging points and electric mini bus, it is considered that the proposal is in accordance with policies UR3, P1, P8 and P11 of the RUDP in that it will not have an unacceptable effect on the environment and occupants of adjoining land in terms of air quality; Bradford Councils Low Emissions Strategy, in that a Low Emissions Strategy should assist in the reduction of emissions; policy WMD2 of the emerging Waste DPD in that it air pollution and human health have been considered and adverse effects are minimised; paragraph 30 of the NPPF in that solutions are sought to reduce greenhouse gas emissions and 120 of the NPPF in that air pollution is not creating unacceptable risk to human health; and paragraph 1 and 7 of the National Planning Policy on Waste in that it is not considered it is endangering human health or harming the environment.

Transport - Highways

11.105 As part of the submission a full Transport Assessment (TA) was undertaken and a Travel Plan submitted.

11.106 The Transport Assessment provides Information which satisfies the following matters:

- Demonstrates to Bradford Metropolitan District Council that the proposals are in accordance with current national and local transport policies.
- Provides details of sustainable transport within the area of the development.
- Demonstrates that the resultant traffic flows can be accommodated on the local road network.
- Demonstrates that the proposed access arrangements will not be detrimental to traffic flow or highway safety, particularly those of vulnerable road users.

11.107 The Developer has also proposed and acknowledged that a number of highway improvements and schemes will be required, including acceleration and deceleration lanes, a payment to facilitate a Traffic Regulation Order (TRO) and agreements regarding pipework under the highway for surface water drainage. The TRO relates to waiting restrictions around the end of Marley Road to prevent vehicles parking in the turning head.

- 11.108 Concern has been raised residents that the road network is not suitable; there is no capacity for the road network to take more traffic, with congestion already a problem in the area and the access to the site is poor. As the proposal proposes an improved access point off the main dual carriage way and detail studies have been undertaken regarding traffic flows, traffic impacts, capacity of the network etc, this is not borne out by any evidence. The **highway officers raise no concerns**, concurring with the studies and noting that the previous proposals on this site raised no concerns and responses for refusal on highway grounds. Some residents may possibly have thought that access was via the access road to the gas holders and it is agreed that if this was the case, it would have been a reason to express concern.
- 11.109 With a suite of highway conditions, it is considered that the proposal is in accordance with policies TM2 of the RUDP, in that the transport infrastructure is not adversely affected and necessary improvements will be undertaken, TM19 of the RUDP in that cycling spaces are provided, TM19A of the RUDP in that highway safety has been addressed by the proposed improvements, and P11 in that the site is safely accessible from the primary road network. Additionally it is in accordance with policy WMD2 of the emerging Waste DPD in that the adverse impacts have been considered and minimised; paragraph 32 of the NPPF in that safe access to the site is achieved and improvements proposed to limit the impacts of the development; and paragraphs 1 and 7 of the National Planning Policy on Waste 2014 in that transport has been considered alongside other spatial planning concerns.

Environmental impacts – noise, vibration, dust, odour, contaminated land.

- 11.110 The proposal has the potential to create other environmental impacts (particularly in the construction phase) with regards to noise, vibration, dust and odour and this has the potential to affect residential amenity, particularly for the residents of The Croft.
- 11.111 It should be noted, that as with emissions/air quality, the responsibility for managing noise, dust, vibration and odour lies with both the Environment Agency and the Council. In simple terms the Environment Agency are responsible for setting and enforcing noise, dust, vibration and odour limits for **operational** waste facilities and the Council are responsible for enforcing noise, dust, vibration and odour limits in the **construction phase**. The matters around contamination are connected with the construction phase and are therefore for the Council to consider.
- 11.112 Although, as with air quality, the Council as the Local Planning Authority can consider the potential impacts of the noise, vibration, dust and odour, for the *operational* waste management facilities, as these have the potential to impact directly on amenity; it has to be considered in light of the consultation response from the Environment Agency. The Environment

Agency should raise concerns if they do not consider that the *operational* facility can ever be mitigated in terms of noise, vibration, dust and odour through their Permitting process. If the Environment Agency considered that this is the case, then the site may be considered by the Council as not being suitable for the proposed development.

- 11.113 The Environment Agency have not raised any issues, or suggested any conditions to address noise, dust or odour as part of the planning process, confirming previously that these matters will be addressed as part of the Environmental Permitting process. However, as indicated it is not the Environment Agency's role to consider the impacts at the construction phase, nor the impacts of certain activities (e.g traffic/HGVs) and consequently these are considered in more detail below.
- 11.114 For noise and vibration the applicant has assessed the potential impacts at the construction phase and the operational stage, undertaking noise and vibration impact assessment.
- 11.115 A suite of mitigation measures have been proposed by the applicant for the construction phase including; when works are taking place within close proximity to those sensitive receptors identified, screening of noise sources by temporary screen may be employed; all plant and machinery should be regularly maintained to control noise emissions; adherence to any time limits imposed on noisy works by the Local Authority; implement set working hours during the week and at weekends; ensure engines are turned off when possible; site staff should be aware that they are working adjacent to a residential area and avoid all unnecessary noise due to misuse of tools and equipment, unnecessary shouting and radios.
- 11.116 The mitigation proposed for the construction and operational phase by the applicant is a 3.5m acoustic fence at the southern site boundary between the site and the existing sensitive receptors and to the western boundary, adjacent to the gasholders to prevent sound 'flanking' around the acoustic barrier and impacting on properties at The Croft.
- 11.117 Environmental Health have confirmed that this will provide an effective noise barrier and in particular for the movement of HGV's on the proposal site, which was a particular concern for residents.
- 11.118 Although the applicant's noise and vibration assessment concluded that with the mitigation proposed the noise in the demolition and construction phase was negligible/minor adverse, Environmental Health have still requested a number of conditions, including restriction on the hours. The proposed condition for hours of operation (whilst construction is undertaken) is as per the industry standard, that is a start at 07:00 hours and not 08:00 as suggested by Environmental Health, as there is no given reason why alternate hours should be applied to this construction site over any other construction site within Bradford.

- 11.119 With regard to dust and odour at the construction phase, Environmental Health have confirmed that the proposals set out in Chapters 13, 14 and 17 of the Environmental Statement and Appendix III of the Wardell Armstrong Remediation Strategy are acceptable. The Environment Agency will manage and control any dust and odour when the plant is in its operational phase through the Permitting process.
- 11.120 With regard to contamination, the site had a number of historical uses including a gas works which is identified as having a number of features that would have the potential to be sources of contamination. However, the site has been remediated in the past to a satisfactory level for the use intended (i.e industrial/employment) and no issues are raised by the contaminated land officer regarding this, bar the need to provide a remediation verification certificate on completion of the built development and provide details of any unexpected contamination.
- 11.121 With a suitable suite of conditions in place, it is considered that the proposal is in accordance with policies, UR3, P1, P7 P8 and P11 of the RUDP, in that odour, noise and dust will be addressed through management plans to mitigate any potential adverse impacts for that within the remit of the planning authority and that the permitting process will address the operational plant; policy WMD2 of the emerging Waste DPD in that the adverse impacts have been considered and minimised; paragraphs 121 and 123 of the NPPF in that land is remediated to ensure that it is not capable of being determined as contaminated land and adverse impacts mitigated; paragraphs 1 and 7 of the National Planning Policy for Waste 2014 in that human health and the environment are not endangered or harmed.

Biodiversity and Ecology

- 11.122 Although the site is a previous industrial site and has been remediated in the past, there is still the potential for there to be some ecological value on the site and the necessary assessment should be undertaken.
- 11.123 The countryside officer sought an update of the ecology study to that submitted with the application in August 2016. A revised and updated ecology chapter to the Environmental Statement was submitted in early December 2016.
- 11.124 The Countryside officer has confirmed they are satisfied with the revised and updated ecology chapter to the Environmental Statement was submitted in early December 2016. A number of conditions have been requested

- 11.125 A revised lighting scheme has also been submitted and the countryside officer and WY architectural liaison officer have confirmed that it is satisfactory and provides lighting of a level to protect bats in flight and is sufficient enough for security purposes.
- 11.126 With a suitable suite of conditions in place, it is considered that the proposal is in accordance with policies, NE10, NE11 and P11 of the RUDP, in that ecological matters have been addressed through management plans to mitigate any potential adverse impacts and there are proposed landscape and wildlife enhancement schemes; policy WMD2 of the emerging Waste DPD in that the adverse impacts have been considered and minimised; paragraphs 118 of the NPPF in that migration is proposed and biodiversity incorporated ; paragraphs 7 of the National Planning Policy for Waste 2014 in that impacts on the natural environment have been considered.

Building and Design

- 11.127 The applicant took the opportunity to have the 2013 earlier proposal reviewed by the Yorkshire Design Review Panel in July 2013, in which it was recommended by the Panel to explore options to establish the most appropriate response for Keighley, suggesting two options, to be 'honest' with the industrial functionality of the building or to drape the artwork/decorative screening across the functional elements to hide what is underneath.
- 11.128 This application follows the previous design principles of the scheme ref: 13/04217/FUL and 15/01381/FUL, in which the applicant is articulating the industrial nature of the site as well the function of the development, but this application has moved away from the Corten Steel cladding to a 3D cladding, initially bronzed 3D metal cladding. With the applicant noting that
- "... the Corten specification played a significant part in the decision to refuse the subsequent application (15/01381/FUL) and it was therefore decided to replace this material with a less industrial, yet bespoke quilted design which would provide a visual separation to the various building elements. Some of the smaller buildings on the site would be clad in a neutral, yet distinctive dark grey Kingspan system, and it was this combination of materials, colours and finishes which was queried as needing further attention to fully develop and enhance the potential of the overall design of the site."*
- 11.129 The National Planning Policy for Waste 2014 states that in determining planning applications planning authorities should ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- 11.130 The Councils urban design officer noted in his initial response that

“The applicant has sought to reduce the scale and cubic area of the scheme, including by stepping down the main Building J. It is appreciated that this is in response to the reason for refusal however, it is felt that the resulting mass and roofline of the building doesn’t really contribute to creating a distinctive feature. On the approved scheme for example the main building was a simple cube clearly distinct from the other elements. On the current scheme however this arrangement is less clear and the collection of buildings reads more randomly. It is appreciated that the plant requirements are what they are and have changed since the original approval but it is suggested that working within this the applicant could explore further how the composition could create a more positive feature on the skyline.

.....
“A concern is that there feels to be a lack of a unifying element between the different parts of the scheme. Many of the other buildings are quite basic grey metal clad structures with little visual interest or relationship to the main boiler facility building. This includes the treatment of the waste bunker facility, clad in light grey Trespa panels, which is a large building element in its own right.

This is not to suggest that the whole scheme should be clad in the bronzed 3D material but the applicant could consider further how to create more of a common visual language across the scheme exploring how the different elements combine together in terms of their form, appearance and materiality.”

11.131 The applicant has amended their proposal to reflect the Urban Design Officers comments above, and the Landscape officers and Conservation officer’s comments. The landscape officers comments are detailed further below, but the officer also sought change, as they felt *“...the overall visual appearance of the site confusing, and it may look like a collection of unrelated blocks stacked together in the valley bottom (albeit the largest block quite interestingly clad).”* The Conservation Officer raised concern regarding the 3D material and it’s reflective nature and colour.

11.132 The applicant responded to the comments, changing a number of elements including the colour of the cladding, which has been darkened removing the reflective elements. The 3D material also shows more perforation and in summary the following amendments were made following the officers comments. These changes contributed to the reason the application was re-advertised.

Changes:

- Quilted cladding system increased in location, to the office, visitor centre and tanker loading.
- The cladding has been darkened in tone to more appropriately match the darker clad units and the immediate context of the site.
- Some of the cladding is perforated, which provides for a light and translucent parapet to the top of the main building, but also provides solar shading to glazing to the visitor centre, office unit and staff accommodation levels within the main building.
- Horizontal louvres have been added to the condenser unit.

- The glazed staff access tower has been raised slightly to enhance the proportion and composition of the elevations as seen from the main A65 road.
- An area of exposed, studded, in situ cast concrete has been provided to a 2.4 metre high plinth around many of the buildings.

11.133 The Urban Design Officer acknowledged the changes, commenting that

“These changes help to provide a more coherent and distinctive form to the buildings. It is considered that the perforated cladding treatment works well and helps to provide interest on the roofline as well as giving the main building a simpler cube form.”

The use of the quilted 3D metal cladding has been extended to other building elements across the scheme including the office block and visitor centre. This helps to give more of an overall identity and sense of unity to the proposed development.

The colour of the 3D cladding is now a darker bronze or brown colour which should be more appropriate to the landscape setting...”

11.134 The applicant has updated the photomontages to reflect the changes, including some detailing of the finish, and supplied artist impressions/illustrations. The frontage to the Aire Valley Road has been addressed, with landscaping and the site entrance is in itself a feature with a proposed sculpture and ornamental pond

11.135 It is clear that the public do not consider the finish/design of the buildings to be acceptable, with frequent references in the objections to how 'ugly' the buildings are and that it is not in keeping with the area. That the changes proposed do not improve the situation or appearance and are still at odds with the surrounding environment.

11.136 Design can be subjective, the Members of the Yorkshire Design Review Panel and Urban Design Officer (who are qualified in such matters) concur with the applicants approach to an industrial finish/design, raising no particular objection to the finish/form. It should be noted that these comments primarily relate to the design/finish/form of the buildings, impact on landscape and residential amenity are dealt with in the next section.

11.137 Within the consideration of Design, the applicant has addressed Designing out Crime. The WY ALO initially raised concerns about some elements of the design in relation to Designing out Crime (including lighting), but the proposal has been amended and the ALO confirmed that they are satisfied that due consideration has been given to Designing out Crime.

11.138 With a condition to address a detailed landscaping scheme including the art installation, it is considered that the proposal is in accordance with policies

D1, D4, D5, D8 D10 and D12 of the RUDP in that the buildings make a positive contribution to the environment with good quality contemporary design which takes into account of its setting and provides innovative design, with a safe and secure environment and incorporates new landscape features. The proposal also accords with policy WMD2 of the emerging Waste DPD, in that the design, siting and external appearance have been addressed; and paragraphs 56 and 63 of the NPPF, in that good design has been achieved and an innovative design proposed which should be given great weight; and para 1 and 7 of the National Planning Policy for Waste 2014 in that waste management facility is well-designed, contributing positively to the character and quality of the area.

Landscape and Residential Visual Impact

11.139 A Landscape and Visual Impact (LVIA) study was submitted by the applicant with the application.

11.140 The applicants LVIA concludes that

“The proposed development would sit within a landscape currently characterised as a busy transport corridor together with significant industrial and commercial usage. The location and scale of the facility is therefore considered to be appropriate to the site and the surrounding land uses; the landscape effects of the scheme are assessed as at most slight to moderate adverse (not significant) with exception of seasonal effects on East Riddlesden Hall. The visual effects generated by the scheme are assessed as at most substantial adverse (significant) for a small number of residential properties close to the southern boundary of the site, and moderate to substantial adverse (significant) for a relatively small number of other residential properties and one park and garden particularly during the winter months. Views are generally from upper storey windows and will be softened somewhat by the proposed soft landscape works and good design of the facility itself. Effects are not considered significant from any other landscape areas or any other visual receptors.”

11.141 The conclusions by the applicant are not fully concurred with by the Councils Landscape Officer in their consultation response. In addition Historic England, National Trust and the Conservation Officer (which are detailed under the section on Cultural Heritage) do not fully concur with the conclusion of the applicants LVIA.

11.142 The landscape officer has stated that:-

“While to some extent the plant will be seen as part of the existing urban and industrial development of the valley floor, it will be particularly eye-catching due to its scale relative to other built form. The presence of a plume at least some of the time will attract attention to the built structures. Such a plume will move at varying speeds with the prevailing wind and will highlight the position of the plant.

When it is present, the plume has the potential to be a noticeable feature from receptors all over the Keighley area. This impact will potentially affect a number of Bradford's Landscape Character Areas and would include some areas of high sensitivity both near and far. Sensitive receptors several kilometres away may be impacted by the presence of a plume, with the ZTV study confirming that a plume could be visible from Haworth and from the top of Ilkley Moor..... Where the built form of the plant is evident in a view, any plume presence will draw attention to the stack and the plant."

11.143 The landscape officer has also queried the impacts of the temperature inversion on the plume and how it will act in such conditions. The applicant has stated that

".....temperature inversions are less of a concern with regard to emissions from elevated sources such as the proposed AV1 facility. If the source discharges above the inversion height, or close to the inversion height such that the buoyancy and momentum of emissions is high enough to allow released substances to pass through the inversion, then temperature inversion conditions are if anything beneficial, as they would tend to prevent emissions from returning to ground level. Even under conditions where the inversion layer is significantly higher than the stack height, a temperature inversion is not a significant concern for an elevated source, because the stratified atmospheric conditions would restrict vertical dispersion of the plume, and released substances would tend to stay at an elevated level."

The landscape officer has acknowledged and accepted this explanation, indicating that the behaviour of the plume (in terms of impacts on the landscape) are positive.

11.144 Whilst the landscape officer notes that the narrowing of the stack (to that previously approved under the 2013 application) creates a more beneficial impact and this element is now less conspicuous, he still notes that:

"....the building mass is so close to the houses that no variation of surface finish on the large box structures could mitigate for the significance of the change in the view. The plant cannot be screened, and although it has been made superficially interesting in terms of the proposed cladding, it will be extremely dominating in views from the Croft."

11.145 The landscape architect further states that

"The proposed development would be formidable in scale, large to the point of being the most substantial industrial development for several kilometres around."

and that

"....the changed massing of the built form in this proposal as compared to that approved is relatively insignificant given the overall scale of the complex and its various structures"

- 11.146 There are positive benefits noted by the landscape officer with this application, in that the
“The scheme is positive in bringing back into use of an untidy area of brownfield land that has been an uninspiring gateway alongside the main road into Keighley for many years. The landscape design for the areas around the plant has evolved from earlier iterations and will result in an interesting, high quality, quite diverse ‘park’ like environment that will become synonymous with the approach to Keighley.”
- and that
- “...A number of different ways of applying this cladding to the structures has been investigated by the applicant, and in my opinion the design work that has been done most recently does address the weakness in the previous iteration,..... The most recent update to the design provides coherence and visual interest to the built form the design has evolved and improved in terms of visual impact as far as it is possible to go given the previous constraints imposed by earlier design choices and planning decisions.*
- 11.147 There are concerns regarding the impact on The Croft properties, East Riddlesden Hall and the potential for the plume to be seen from a number of sensitive receptors such as Haworth and Ikley Moor (in terms of long distance views). However, it has been previously noted that in long distance views, only the plume would be seen in the sky, disassociated from the stack and the localised industrial nature of the site’s surroundings in the bottom of the valley.
- 11.148 There is no way of hiding the stack and mitigating the impacts beyond those already proposed. The applicant has done everything possible to minimise the impact of the stack and plume by retaining the stack in a position previously agreed as the most appropriate; that is further away from ‘The Croft’ properties and minimising views at East Riddlesden Hall; and agreeing to maximum moisture content of the waste which affects the frequency of the plume and its visibility. Additionally, the stack has now been slimmed considerably from that originally approved, further reducing the impact of the stack with the plume visible for a lesser period of time.
- 11.149 It is apparent that there still remain some issues regarding the impact of the revised proposals. The buildings envelopes the process and provides an alternate finish and form to that proposed in 2015, with the landscape officer acknowledging that the proposed cladding has in the officer opinion
“...evolved and improved in terms of visual impact as far as it is possible.” The previous landscape officer commentary in 2015 stated that *“...I do not believe that it will look comfortable within the landscape.”* However, it is clear from the landscape officer’s response that there still remains some negative impacts.
- 11.150 It could be considered that the proposal is still, in part, contrary to policies NE3, NE3A, D1,UR3 and P11 of the RUDP in that it is likely to affect the

appearance of the landscape areas of Airedale and Ilkley/Rombalds Moor by causing an unacceptable visual intrusion and would give rise to unacceptable adverse impacts on people and the environment in terms of visual amenity. The proposal could also be considered contrary, in part, to policy WMD2 of the emerging Waste DPD, in that there are adverse effects on visual and landscape amenity; and paragraph 109 of the NPPF, in that valued landscapes require protection; para 1 and 7 of the National Planning Policy for Waste 2014, in that it does not contribute positively to the character and quality of the area in which it is located. However, as with all planning applications, the balance has to be considered and this is discussed further under section 13.0 and 14.0, summary, conclusion and balance.

Cultural Heritage

11.151 The proposed development is within 500m of East Riddlesden Hall and grounds.. The hall is listed at Grade I which means that it is of exceptional interest; only 2.5% of listed buildings are Grade I. The associated structures are listed at Grade II. The site is owned by the National Trust and the Hall is significant as a seventeenth-century hall and agricultural complex owned by wealthy members of the landed gentry

11.152 A cultural heritage assessment was undertaken by the applicant which concluded that:
“It has been established that no designated cultural heritage designations would be physically impacted upon by the proposals. However one Grade I Listed Building reference 1283478), four Grade II Listed Buildings (references 1134065, 1200303, 1200752 and 1283458) and the Leeds Liverpool Canal Conservation Area may experience setting impacts. However no setting impacts are considered a ‘significant’ impact in terms of EIA assessment; significant impacts being those that exceed a score of ‘moderate’. No impacts are expected to exceed ‘slight’.

11.153 Historic England (formally English Heritage) The National Trust and the Council’s Conservation/Heritage officer all agree that there is harm to the setting of the listed buildings at East Riddlesden Hall. Consequently considerable weight and special regard should be attached to preserving the character and appearance of the setting of East Riddlesden Hall.

11.154 The statutory duties under s66 of the Listed Building and Conservation Act 1990 require the decision maker to have ‘special regard to the desirability of preserving the building or its setting’. Similarly with a Conservation Area, s72 requires that *“special attention be made to the desirability of preserving or enhancing the character and appearance of that area”*.

11.155 Section 66(1) provides: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

11.156 In their response to this application Historic England have asked that previous responses to the 2013 and 2015 application are referenced. In the previous application (13/04217/FUL) Historic England (English Heritage) acknowledged that the proposal, involving the re-positing of the stack, removed their previous objection to the proposal. In response to the 2015 application (15/01381/FUL), they stated that

“ We welcome the revisions to the proposals and acknowledge the reduction in the width of the chimney and the slight increase in massing to the EfW Plant. On balance therefore we consider the scheme is no more harmful than the previously submitted scheme.” and confirm again (as with the 2015 application) that *“...we consider the development overall will result in harm to the setting of the designated heritage assets. Any harm requires clear and convincing justification (paragraph 132, NPPF). This harm should be weighed against the public benefits of the proposal (paragraph 134, NPPF).”*

11.157 Historic England further confirmed in 2015 that

“Whilst we acknowledge there have been some changes to the design, Historic England considers that overall the degree of harm is the same (as 13/04217/FUL), this being ‘less than substantial’. It is correct therefore for the Council to conclude that Historic England consider that the impacts of the new proposal should be considered under paragraph 134 as ‘less than substantial harm’.

11.158 Historic England consider that there needs to be a clear and convincing justification for the Energy from Waste plant to be built, in this location and in its current form. If the location is correct, the harm that it presents (identified as less than substantial) to the heritage asset must be weighed against the resultant public benefits.

11.159 To assist in the assessment of whether the proposed location is an appropriate one (with regard to historic assets) the applicant has undertaken an assessment of alternate sites, demonstrating that potential harm to heritage assets is possible at all of the alternative sites, even those which are not operationally viable would result in the potential for some harm to the setting of a listed building to a degree. They refer to the specific design measures for this site and that these design measures have demonstrated that the harm can be minimised to a level which is acceptable to the statutory consultee, that is, Historic England. It is evident from the submitted information that any alternative sites do not appear to provide a solution that avoids harm to the setting of the listed buildings.

11.160 The National Trust, who manage and are the owners of the Hall have maintained their objection, stating that they remain extremely concerned about the position and prominence of the chimney stack and associated vapour plume and they consider that this will cause harm to the setting of East Riddlesden Hall. They have previously expressed concern (and note that they maintain these for the purposes of this application) in that the

impacts on iconic views within the Hall grounds, including those near the entrance which is extremely popular with visitors (including at weddings and functions) as a photo and/or backdrop, whereupon the stack with associated plume will introduce the only industrial feature into this view, highlighting that the plume is likely to break the skyline and draw the viewer's eye towards the development. They have previously welcomed the re-positioning of the stack and the slimming of the stack, agreeing that it has reduced the level of harm, but the National Trust still consider that the stack will be visible and combined with the plume will cause harm to the setting of East Riddlesden Hall.

11.161 The National Trust note that the hall is used twelve months of the year so tree planting will only provide limited screening during the summer. They maintain that for the remainder of the year the stack and the plume up to 80m will be very prominent from the gardens and the house, commenting that if this scheme was to go ahead any trees planted will take many years to grow before they provide some protection against the views of the stack, in this situation we may be left for ten or more years before any screening could have even minimal effect.

11.162 In previous comments, the National Trust have indicated that if the application is approved they would seek additional tree planting at East Riddlesden Hall to minimise the impact, and that the finish and colour of the stack is such to minimise the impact. The applicant has agreed previously and again, to fund such tree planting via a S106 agreement.

11.163 The Conservation/Heritage officer acknowledged that the degree of harm was reduced, when the stack was re-positioned through the 2013 application, although noting that harm still remains to the setting. Conservation/Heritage advice previously noting that although still substantially rural and undisturbed, the setting of the Hall visible from its environs has changed over time and is not historically pristine and now includes other intrusive elements such as electricity pylons. As such whilst the impact of the stack in particular will be significantly adverse, the adverse effect overall is considered to be less than substantial.

11.164 In response to this application the Conservation/Heritage officer considers that

"...from the south-eastern corner of the building and certain views from within the building, the impact would cause notable harm. The majority of the southern formal garden to the Hall is however predominantly enclosed by walls and planting, and the impact of the stack and main buildings would be partly diffused by these to result in less than substantial harm. Equally, although visible from the lower meadow, the impact of the stack and building would be less harmful and this location is less critical to the direct setting of the heritage assets. In all instances, the impact of the stack will be exacerbated by the vapour plume, which is expected to have a maximum regular height of some 80m, but as a constantly moving emission, will attract further attention and be a distracting feature. This increased

height over the previous approved specification is however offset to a degree by the appreciably slimmer stack.”

- 11.165 As noted above and by the Conservation/Heritage officer, when determining planning applications the decision maker should under s66 of the Listed Building and Conservation Act 1990 have ‘special regard to the desirability of preserving the building or its setting’.
- 11.166 Para.132 of the NPPF makes clear that ‘great weight’ should be given to the conservation of a heritage asset in the consideration of a proposed development and there should be a clear and convincing justification for the harm. Para.133 and 134 of the NPPF relate to the level of harm, where it is **substantial harm** the application should be refused unless there are **substantial public benefits**, however, where the harm is **less than substantial** then the **harm should be weighed against the public benefits** of the proposal.
- 11.167 Policies within the RUDP which are relevant to heritage matters are:- BH4A which states that proposals for development will not be permitted if they would harm the setting of a listed building; D12 (2), which states that planning permission will be granted for tall buildings provided they are in keeping with and do not detract from or damage important heritage assets; UDP3 which states that new development will need to ensure that the quality of the environment is maintained, in particular that development should maintain or enhance heritage assets.
- 11.168 Both Historic England, The National Trust and the Conservation/Heritage officer note there is harm, but acknowledge that the harm has been reduced by the re-positioning of the stack and slimming of the stack – the harm has been confirmed by Historic England as ‘**less than substantial**’. Historic England and the Conservation/Heritage officer do not object to this application, but the National Trust have maintained their objection.
- 11.169 Taking into account the above, the proposal could be considered, in part, to be contrary to policies BH4A, D12(2) and UDP3 of the RUDP in that it will cause harm and have an effect on the setting of a listed building; policy WMD2 of the emerging Waste DPD in that the impacts have not been adequately addressed to protect the heritage asset; paragraph 132 and 134 of the NPPF in that there would be harm to the heritage asset, which requires a clear and convincing justification for the facility to be built at this location and if this is demonstrated the harm weighed against the public benefits and para 7 of the National Planning Policy for Waste 2014 in that there are potential effects on the setting of the heritage asset . However, as with all planning applications, the balance has to be considered and this is discussed further under section 13.0 summary, conclusion and balance.

Flood Risk, Drainage and Stability

- 11.170 As part of the submission a Flood Risk Assessment and details showing the drainage layout have been submitted. With the original application 13/04217/FUL, there was an initial objection from Yorkshire Water as the proposal indicated that some of the buildings would encroach on Yorkshire Waters infrastructure. In addition, the proposal to discharge surface water to the combined sewer was deemed unacceptable by Yorkshire Water.
- 11.171 The applicant revised the layout of the site in the 2015 application to take these issues into account, moving the buildings so they did not encroach on the infrastructure and taking the discharge of surface water via a holding tank on site and through pipework to the River Aire. This will involve taking pipework under the Airevalley Road and along a track adjacent to the Marley Activities Centre before discharge into the River Aire. This solution also forms the basis of this application.
- 11.172 There are no objections or concerns raised by the Environment Agency, BMDC Drainage or Yorkshire Water with regards to flood risk or drainage matters; nor are there any objections from Highways and Sports & Leisure in terms of the pipework passing under the road and down the track. A condition requiring adherence to the FRA, a surface water drainage maintenance and management scheme and the proposed means of disposal of surface water drainage are requested.
- 11.173 Subject to conditions it is considered that the proposal is in accordance with policies UR3, P8, P11 and P6 the RUDP in that the development will not adversely affect ground water; policy WMD2 of the emerging Waste DPD in that the impacts of flood risk have been adequately addressed; paragraph 103 of the NPPF in that flood risk has been addressed and para 7 of the National Planning Policy for Waste 2014 in that the likely environmental impacts have been considered.

12.0 Equal Rights

- 12.1 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, age, disability, race and religion.
- 12.2 In this case it is clear that some or all of the persons living at the Care Home and children visiting the nursery school are persons who share one or more relevant protected characteristics as defined in section 149 and the same may apply in respect of some of the occupants of the nearby residential properties who have objected to the development. Members will note that

the proprietors of the Care Home have objected through the petition (but not individually) to the proposal for the same reasons, including air quality concerns, as the persons occupying the nearby residential properties. The nursery school have not objected directly, although comments have been made by objectors regarding impacts on the nursery. In considering the objections to the proposal the Council must in particular have due regard to the matters referred to in s149 in relation to persons living at the Care Home, the nursery and the occupants of the nearby residential properties insofar as they are or may be persons who share relevant protected characteristics.

- 12.3 Other parts of this report address the matters of concern raised in the objections and petitions signed by local residents including the proprietors of the Care Home. None of the consultees referred to in this report have expressed concerns about the proposed development with regard to health or any other issues relating to persons living at the Care Home, the nursery or the occupants of the nearby residential properties who have objected to the proposal and who may be persons who share relevant protected characteristics. In the context of overall public health issues and air quality, Public Health England were specifically asked to consider the proximity of the Care Home in previous applications and this application, they raise no concerns. Having regard to those comments and the other issues addressed in this report, it is considered that the issues in relation to planning merits and other considerations referred to in this report outweigh any concerns which might apply or be or have been expressed in relation to the proposed development by or on behalf of persons who share relevant protected characteristics under s149.

13.0 Summary, conclusions and the balance:

- 13.1 It is considered that the proposal is sustainable development and accords with the majority of the relevant policies in the National Planning Policy Framework 2012, National Planning Policy for Waste 2014, Bradford RUDP and emerging Waste DPD. It is acknowledged that there are a considerable number of representations from the public expressing significant concern about emissions (particularly from the stack), but as explained in detail in section 11, the control, monitoring and management of emissions from the operations at the plant are the primary remit of the Environment Agency through their Permitting process and the Local Planning Authority must not duplicate controls which are the statutory responsibility of other bodies, nor substitute their own judgement on pollution control issues for that of the bodies with the relevant expertise and responsibility for statutory control over those matters.
- 13.2 However, there are two main areas of this proposal which require further consideration, where there are conflicts, in part, with policy; that is **landscape/residential visual impact** and **impacts on heritage assets**.

Landscape and residential impact

- 13.3 The impacts are substantial to the residential **visual amenity** of nearby properties, but only visual amenity. As outlined in section 11, there is no evidence, nor any conclusions drawn by the experts and consultees that the proposed development will have an adverse effect on residents by means of other planning impacts.
- 13.4 In terms of the impact on the landscape from distant views, the adverse impacts on the landscape are primarily related to the stack and plume and there is concern regarding the potential impacts on Haworth and Ilkley/Rombalds Moor. It is considered the plume will draw the eye to the development. However, it is considered that the landscape impacts from distant views are relatively limited, the plume will only be visible (on average) 17% of the time, there is substantial development along the valley floor, including numerous industrial developments and as previously advised it is considered that the built form and plume associated with this development could be perceived as part of the wider urban sprawl and human activity of Keighley, and valley floor urbanisation.
- 13.5 Nevertheless, there remains concerns raised by the landscape officer, it is clear that the officer does not consider that the amendments to the scheme in 2015 have significantly changed the impacts of the massing, referring to the changes as 'insignificant' given the overall scale and complexity of the various structures.
- 13.6 It is also clear from the objections from residents in the Keighley, Riddlesden and Bingley areas that they consider the structure 'ugly', that it is slicing through the green belt and is not appropriate for the gateway into Keighley.
- 13.7 However, there are positive benefits that have been noted by officer, with the landscape officer, noting that there are improvements to this scheme over the previous refused 2015 scheme. In particular noting:
- "The scheme is positive in bringing back into use of an untidy area of brownfield land that has been an uninspiring gateway alongside the main road into Keighley for many years. The landscape design for the areas around the plant has evolved from earlier iterations and will result in an interesting, high quality, quite diverse 'park' like environment that will become synonymous with the approach to Keighley." and that the "...this cladding to the structures has been investigated by the applicant, and in my opinion the design work that has been done most recently does address the weakness in the previous iteration.... the design has evolved and improved in terms of visual impact as far as it is possible.."*
- 13.8 As for residential visual amenity, it is not possible to conclude that the impacts are limited, they are not. The building and stack will dominate the environ of The Croft hamlet, particularly for the recently constructed four detached properties nearest the proposal, with the developer themselves

concluding that it will be substantial adverse (significant). As for residents from Keighley, Riddlesden and Bingley who have expressed concern regarding the visual impact, it is not considered there is direct residential visual impacts to these residents. Riddlesden is over 0.5km from the site and although residents facing towards the site are likely to have view across the valley into the site, the views will be distant and not of the magnitude or level which would be considered to be significant, unlike The Croft.

- 13.9 The objectors from The Croft have quoted an appeal for wind turbines, Turncole Farm, Dengie, Southminster (APP/X1545/A/12/2174982) in which the Inspector concluded that *“This would result in an unpleasant feeling of being entirely surrounded by wind turbines and the experience would be akin to living, sleeping and relaxing within a wind farm, which would not be consistent with the proper planning of the area.”* The objectors from The Croft feel that this proposal would be similar, creating an environ that is akin to living, sleeping and relaxing with a waste incinerator. This is not considered to be the case as *most* windows of the residential properties do not overlook the site, the main windows and front elevations do not face the site and it is fair to say the majority of views from the inside of the properties would be oblique views from windows.
- 13.10 Even though there may be a perception of overshadowing by residents, there is no overshadowing to any residential properties or gardens due to the position of the properties to the proposed buildings and the sun. For the majority of the elderly residents of the nursing home there are limited visual impacts. This building does have five upper bedrooms which are to the front of the nursing home, but the majority of the bedrooms are to the lower floor and back of the home. Additionally, due to the position of the nursing home and for the majority of the bedrooms at the nursing home, it would mean that there are very limited/if any views of the proposal. For the five upper rooms of the nursing home the views would be very oblique with views over the tops of The Croft detached properties towards the proposed plant.
- 13.11 The repositioning and slimming of the stack although primarily undertaken to overcome the impact on East Riddlesden Hall has also created a positive impact for the residents of ‘The Croft’. The stack is now further away from the properties and although it will still dominate views from the car parking area and a small number of gardens, it is an improvement on the original submission in 2013.
- 13.12 An overarching consideration also has to be taken into account when balancing the impacts on the residential properties of The Croft, that is the allocation of the land on which the proposal is sited. The land is an allocated employment site for a range of uses and has been so for many years, confirmed in the original UDP (adopted in 1998) and the RUDP in 2005. This allocation pre-dates planning permission being granted in 2009 for the four detached properties that are considered to be the most affected by the proposal. It is acknowledged that residents consider that this proposed use

of the employment site is unacceptable, but there are no restrictions attached to the proposal site in terms of its employment use (including waste), the height of buildings or structures or the footprint of buildings and nor does it appear that any representations were made to its allocation in the original UDP in 1998, RUDP in 2005 and various consultation exercises of the emerging Waste DPD from 2011 to 2015; it is on the submission of the applications related to waste that representation objecting to the use/proposal have been first raised.

- 13.13 The site has for a considerable period of time been an allocated employment site and the residential properties primarily affected were granted permission and constructed sometime after the allocation was made. It is reasonable to assume that on consideration of the planning application for the four residential properties primarily affected by this proposal, that the potential for large industrial estate/units to be sited across the other side of the railway was part of the consideration by the applicant for the houses and the Local Planning Authority. It is assumed that on consideration of the application it was ensured that it was acceptable to locate residential properties in an area where it was not going to be incompatible with the future uses of the adjoining employment land which had **no restrictions** with regards to its use and size of buildings/structures. It is noted that The Croft petitioners would accept low level industrial buildings on this site, but there is nothing to support the restriction to low level industrial buildings, if large structures were not acceptable, then the policy documents should state this, they do not.
- 13.14 Commentary from residents regarding the adverse impacts on the Green Belt and the proposal slicing through the Green Belt are noted. However, the site is allocated for employment (including industrial use) and has been for some time. More importantly, the site is not in the Green Belt and therefore it is not considered acceptable to refer to policies that consider whether or not the development is inappropriate development in the Green Belt and requires that very special circumstances to be demonstrated. The land has historically been in use for industrial purposes (former gasworks/railway sidings) and the Council have allocated the land for an employment use (including industrial) for some time, with no restrictions on the employment/industrial use. It is bordered by a railway line and dual carriageway, albeit the RUDP allocates green belt land either side. The green belt policies in the NPPF, National Planning Policy for Waste 2014 and RUDP do not extend to consideration of impacts of development adjoining the green belt. Consequently the green belt policies are not considered relevant for consideration and determination of this application.
- 13.15 In conclusion, the impacts on residential visual amenity and wider landscape are evident and in some cases significant, but the allocation of the site is also important to this consideration.

- 13.16 It is clear that the stack, even in the revised position, will dominate views from the parking area and some gardens of The Croft, the slimmer stack proposed in 2015 and this application improving the situation, but it is the massing and height of the buildings that is considerably more dominating to The Croft than that previously approved in 2013. However, in terms of the refused 2015 application, the massing has been reduced by 11.1% and the maximum height of the main building has been reduced to 35m (from just over 35m), with the main change being a 'step down' of the main building to approx. 30m.
- 13.17 There is a clear attempt to reduce the massing and height of the buildings in this application, but it is evident that the building will still be significant and will dominate the views from some properties and gardens of The Croft, namely the four detached properties. The residential visual impacts, particularly for the four detached properties is improved by the amendments, but the amendments and impacts are not considered of a magnitude that would change the previous opinions for these four residential properties of 'The Croft', that is, it is considered that the visual residential amenity for these four properties is compromised.
- 13.18 Taking all the above into account it is considered that this application does have some adverse impacts on the landscape and on residential visual amenity, and is, in part, contrary to the objectives of policies NE3, NE3A, UR3 and P11 of the RUDP. However, overall, as with the 2015 application, it is considered that the proposal is not likely to affect the appearance of the landscape area of Airedale by causing an unacceptable visual intrusion and with the proposed amendments outlined in this application (namely the landscaping, finish, colour and cladding) it is considered it will mitigate further any perceived landscape impacts; and that it will not give rise to unacceptable adverse impacts to the majority of people and the environment in terms of visual amenity. The element that remains an issue is the impacts on The Croft, which are considered in section 14 of this report "Overall conclusion and balance". The proposal is also, in part, contrary to policy WMD2 of the emerging Waste DPD, in that there are adverse effects on visual amenity; para 7 of the National Planning Policy for Waste 2014 in that there are impacts on the local environment and amenity.

Heritage Assets

- 13.19 There is no question that from the perspective of all the consultees involved in commenting on historic assets that there is harm to the setting of the listed buildings at East Riddlesden Hall. The applicant also states that there is harm, but maintains that is slight adverse and that the harm is less than substantial. Historic England and the Conservation/Heritage officer have confirmed that they consider the harm is overall 'less than substantial'.
- 13.20 There has been varying case law in recent years which has brought historic assets to the forefront, in particular, the need for the decision maker to note the Listed Buildings and Conservation Act – in that if there is harm to the

setting of a Listed Building, the decision maker is required to give special regard to the desirability of preserving the setting of the building and considerable weight when undertaking the planning balance. This was the case with the previous applications, in which the Listed Buildings and Conservation Act was noted.

- 13.21 The importance of the Listed Buildings and Conservation Act is particularly noted in the Forge Field case which concluded that: *“When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give harm considerable importance and weight”*
- 13.22 The Court of Appeal decision on Barnwell Manor, [2014] EWCA Civ 137 *“It does not follow that if the harm to such heritage assets is found to be less than substantial, the balancing exercise ... should ignore the overarching statutory duty imposed by section 66(1), which properly understood requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings. That general duty applies with particular force if harm would be caused to the setting of a Grade I listed building, a designated heritage asset of the highest significance. If the harm to the setting of a Grade I listed building would be less than substantial that will plainly lessen the strength of the presumption against the grant of planning permission (so that a grant of permission would no longer have to be “wholly exceptional”), but it does not follow that the “strong presumption” against the grant of planning permission has been entirely removed.”*
- 13.23 In terms of applying the weight and special regard, there has been consideration in the High Courts in relation as to how it can be demonstrated whether special regard or special attention to the preservation of the setting of a listed building or the character and appearance of a Conservation Area has been applied.
- 13.24 The most recent instance where this has been scrutinised, Howell J QC [CO/4123/2014], found that:-
- ‘a decision maker who follows the guidance given in paragraphs 132 and 134 of the NPPF (when dealing with a case in which the proposed development will result in less than substantial harm to the value of a listed building (for example by development within its setting)) will comply with the obligation imposed by section 66(1) of the Listed Buildings Act as interpreted by the Court of Appeal in the East Northamptonshire case [Barnwell] (CO4123/2014 paragraph 53).*
- 13.25 In conclusion, the decision maker has to be in no doubt that it is their duty under Section 66 of the Listed Buildings and Conservation Act to give weight and special regard to preserving the setting on a Listed Building. In demonstrating whether a decision maker has applied appropriate weight to any harm to the designated heritage asset, the application of the guidance with paragraph 132 of the NPPF, is deemed to be the appropriate vehicle as

well noting the statutory duties under s66 and s72 of the Listed Buildings Act and Conservation Act 1990.

- 13.26 By the movement of the stack to a new position, Historic England removed the objection they first raised to the proposal in 2013. However, Historic England still remain of the opinion that there is harm (but not substantial harm) and they have stated that any harm to a listed building requires a clear and convincing justification in accordance with paragraph 132 of the NPPF. In accordance with paragraphs 134 of the NPPF any harm should be weighed against the public benefits of the proposal. The National Trust maintain their objections, but have acknowledged previously that the relocation of the stack has improved the situation. It should be noted that it is the stack and associated plume that is of the greatest concern to the National Trust.
- 13.27 Policies within the RUDP which are relevant are BH4A which states proposals for development will not be permitted if they would harm the setting of a listed building; D12 (2), whereupon it is stated that planning permission will be granted for tall buildings provided they are in keeping with and do not detract from or damage important heritage assets; UDP3 where it is stated that new development will need to ensure that the quality of the environment is maintained, in particular that development should maintain or enhance heritage assets.
- 13.28 The site is currently shown as a potential site in the emerging Waste DPD. It is considered acceptable to have a waste management facility at this site, but the impacts of the 60m stack of this particular proposal on the heritage asset makes the application challenging. The availability of other sites is in itself not a reason to refuse planning permission if the proposal is considered acceptable in its own right, and this has been tested in case law
- 13.29 It is considered that the applicant has sufficiently considered alternative sites to assess whether there is any possibility of avoiding or reducing the harm to the heritage asset by adopting an alternative site, demonstrating that the site is suitable and alternate sites in themselves could create harm to heritage assets. This is not disputed by the Historic England, the National Trust or the Conservation/Heritage Officer.
- 13.30 Additionally, the applicant has done everything they can to minimise the harm. Historic England considered there was substantial harm before the stack was repositioned, they no longer consider this to be the case and no longer raise an objection, stating that there is still harm but it is no longer substantial. The retention of a slim stack in the 2015 and this application has helped further, but the stack still remains and coupled with the massing of the buildings the level of harm remains the same as in 2013, that is 'less than substantial'. The applicant has agreed as with previous applications to provide monies to undertake a planting scheme in the grounds of East Riddlesden Hall (as requested by The National Trust) to assist in minimising

the harm/impact. The repositioning of the stack from that shown in the original 2013 application (and to some extent the planting regime) is considered to have achieved a significant improvement and a reduction in harm to the heritage asset of East Riddlesden Hall.

- 13.31 Consequently, it is considered that the location of a waste management facility at this site remains valid and further consideration of an alternate site is not necessary. The applicant has done everything they can to mitigate the impacts of the stack and it could be agreed that the stack would have some form of negative impact at any site within the District and on other heritage assets. It is considered a suitable site for a waste management facility, with it being the only site in the emerging Waste DPD that is located to the north part of the Bradford District. Furthermore the site performs very well in terms of the key issues of flood risk/sustainable drainage and highway infrastructure/access.
- 13.32 However, there still remains the duty under section 66 of the Listed Buildings Act to give weight and special regard to preserving the setting of a Listed Building, even if the location is deemed to be an acceptable location. With this duty in mind under section 66, the decision maker should refer to paragraphs 132 to 134 of the NPPF to further guide and conclude on the matter.
- 13.33 Historic England have confirmed that they consider it 'less than substantial harm' to the heritage asset. As the statutory consultee and key authority on heritage assets, Historic England's statement that it is 'less than substantial harm' should be given considerable weight. With this in mind para 134 of the NPPF should be referred to which states

*"Where a development proposal will lead to **less than substantial harm** to the significance of a designated heritage asset, this harm should be weighed against the **public benefits** of the proposal, including securing its optimum viable use."*

- 13.34 The public benefits are outlined in section 11 and are, in short, employment, regeneration, landfill diversion and the generation of electricity. There are additional benefits that were previously not proposed or part of the consideration in the 2013 in the 2015 applications, that is, the use of the electricity generated directly for nearby specific proposals, that is the Dalton Lane proposals, for a battery based energy storage centre (16/06851/MAO) and Data Centre (16/06850/MAO). These are noted by the Conservation/Heritage officer and accepted as secured delivery benefits off site. The use of Combined Heat and Power (CHP) at Dalton Mills and the office block are welcome, but are not part of this application and are aspirational rather than definitive.
- 13.35 There is no question that the proposal assists in diverting waste from landfill and that the generation of electricity from the waste is a sustainable option. It is also not questionable that 79 permanent jobs will be created by the

energy from waste facility, with up to 300 temporary jobs whilst the construction is undertaken and a brownfield site bought back into use. These are in themselves public benefits which are not questionable, however the location of the office and office jobs created needs further consideration.

- 13.36 In terms of the 99 office jobs, it is a public benefit, but only if the office becomes occupied and fully let. The office is proposed to be a commercial let and although it has been indicated that it may be used by the senior management of the operators of the energy from waste facility, and possibly the headquarters in the future, this is an aspiration and although welcome, it is only an aspiration and there is no firm commitment to this.
- 13.37 Consequently, the test of the suitability of commercial let offices at this location is necessary. Para 24 of the NPPF requires that a sequential test is applied to planning applications for main town centre uses (which included offices) and that applications for such uses should be located in the town centre, then in edge of centre locations (edge of centre is defined as 500m of a public transport interchange).
- 13.38 This application site is neither town centre nor edge of centre, consequently the applicant has been asked to demonstrate why it would be acceptable to site a commercial let office, away from the centre of Keighley and justify why more office space is required in this area. The response and assessment by the applicant has stated that none of the other sites identified in the RUDP or Airedale Masterplan are suitable for offices for varying reasons and none of these sites, or existing vacant sites (such as the former Keighley college site in Keighley town centre), work from a financial point of view. Additionally, the office building is not just another commercial let, as the office would be high spec grade A office building, complementing the other proposals on site and utilising the electricity generated on site.
- 13.39 The applicant has not necessarily undertaken a sequential test in the traditional form, however they have presented evidence to demonstrate that there are difficulties with some of the sites noted in the RUDP and Airedale Masterplan, and that this site presents a suitable site for Grade A offices, which is also in accordance with the allocation of the site for employment in the RUDP. Additionally, officers from the Airedale Partnership raise no specific issues regarding the office buildings, this was not the case with the previous applications. Consequently, it is considered that there is a case for the location of Grade A offices at the proposal site in line with para 24 of the NPPF.
- 13.40 However, at present, the public benefits related to employment opportunities from the office are questioned, would the office actually create the employment opportunities indicated? Without a firm commitment by the operator of the waste facility and/or a commercial party there is no guarantee that the offices would be built and and/or fully let. As the offices

are not ancillary to the main use of the site they are arguably just another commercial let and would compete with other office sites.

- 13.41 In conclusion, on employment, it is the 79 full time jobs which could be created from the operational waste facility and 300 temporary construction jobs that can be the only assured job opportunities that could be fully attributed to this development and therefore primarily relate to public benefit. The remaining 99 jobs are dependent on the commercial let of the office block.
- 13.42 Jobs are important for this area a Bradford Council Study “BMDC (2011) Bradford District Economic Strategy 2011-2013” notes high levels of unemployment, overdependence on public sector jobs and a need to address this. Particular note is made of the opportunities that the Airedale may present, centred around Keighley, and that it could be a significant area for business and employment, and a driver of the prosperity for the District.
- 13.43 Although the number of permanent assured jobs are limited to 79, they are still considered important to the area and in line with the above study. The applicant has stated that “...in order to ensure the local population benefit from the jobs created during construction and operational phases, a local employment policy will be included within the building contract and implemented as part of the scheme. This policy will encourage the contractor to employ local people / sub-contractors wherever reasonable possible. Measures will be put in place to ensure that local people are encouraged to apply for the jobs available through advertisements in local newspapers and job centres.”
- 13.44 As such, it can be concluded that there are some public benefits from the proposal from employment, but it is questionable as to whether or not it is substantial public benefit. For the purposes of the impacts on heritage assets, such substantial public benefit is *only* required if there is *substantial harm* to the heritage asset. There is not *substantial* harm to the heritage assets therefore it is not necessary to demonstrate *substantial* public benefits. However, there is still a need to demonstrate public benefit as there is some harm (less than substantial) to the setting of a listed building.
- 13.45 There have been a number of objections that have questioned the public benefits of the proposal, with the majority of these centralised around the number of jobs created, but the clarity on jobs has been given several times by the Local Planning Authority, including previous reports on this site.
- 13.46 There are clearly other benefits and public benefits as outlined above and by the developer in paragraph 11.55, that is capital investment of 135 million pounds, regeneration, landfill diversion and the generation of electricity, these are not questionable and lean towards being substantial public benefits. It is too simplistic to rely on just the employment opportunities, it is the regeneration of a derelict site and area, the diversion from landfill and generation of electricity that is proposed to be used locally through the

Dalton Lane applications (reducing the reliance on fossil fuels) that are equally important.

- 13.47 Furthermore, there is the potential for there to be benefits which would almost certainly be considered to be *substantial* public benefits, that is the connectivity with Dalton Mills, the evolution/ use of Combine Heat and Power (CHP) and the office building becoming the headquarters of the energy from waste operators. As set out in 'Energy from Waste -A guide to the debate' February 2014 "*Ensuring sites for energy from waste are available that allow potential connection to heat customers is an essential part of maximising the benefits.*" Therefore, although the connectivity is currently not part of the proposal note should be made of the potential.
- 13.48 In conclusion on heritage assets, it is considered that the location is an appropriate location for a waste facility of this type. There is harm to the setting (but not the building itself) of the listed buildings at East Riddlesden Hall and it is the decision maker's duty under section 66 of the Listed Buildings Act to give weight and special regard to preserving the setting of a Listed Building. In giving this special due regard and weight, guidance is given in paragraphs 132 to 134 of the NPPF that is, what is the level of harm to the heritage assets and what are the public benefits from the proposal. In short the level of harm is considered by the statutory experts to be 'less than substantial' and there are various demonstrated public benefits within the scheme, which could amount to substantial public benefits if the office space is occupied and the connectivity to Dalton Mills achieved.
- 13.49 The harm to East Riddlesden Hall, due to the cooperation and continued dialogue by the applicant with Historic England and the National Trust, has been appropriately minimised and mitigated by the movement of the stack and by means of a commuted sum of £8,200 via a S106 for tree planting at East Riddlesden Hall.
- 13.50 In accordance with paragraphs 132 and 134 of the NPPF, it is considered therefore that there is a clear and convincing justification for the Energy from Waste plant to be built in this location and in its proposed form. It is considered that the '**less than substantial harm**' to the setting of the listed building is outweighed by the public benefits (which are not required to be substantial), notwithstanding the requirements of section 66 of the Listed Buildings and Conservation Act and the need to give special regard to the preservation of the setting of a Listed Building.
- 13.51 Consequently, the proposal takes into account policies BH4A and BH7 of the RUDP and policy WMD2 of the emerging Waste DPD and is in accordance with paragraphs 128,129, 132 and 134 of the National Planning Policy Framework; in that the heritage assets have been identified and taken into consideration, no substantial harm will result and the harm that does result has been weighed against the public benefits and found to, on balance, to outweigh the harm.

14.0 Overall conclusion and the balance

- 14.1 The primary purpose of this application by the Developer is revised proposals to attempt to overcome the reasons for refusal in August 2015 by the R&A Committee of the previous application in 2015 (15/01381/FUL).
- 14.2 The reasons for refusal by the R&A Committee centred around the detrimental impact on visual amenity and the adverse impact on the landscape character of the area by virtue of its height, massing and form, along with concerns regarding the industrial finish and design.
- 14.3 The main changes outlined in this proposal in order to attempt to overcome the 2015 reasons for refusal are
- The volume of the visible buildings has reduced by 11.1%
 - The total gross internal area (GIA) has reduced by approximately 2% and approximately 7% from that of the approved 2013 scheme
 - The maximum height of the main building has been reduced to 35m (from just over 35m), with part of this building 'stepped down' to approx. 30m.
 - The external materials and colour of the buildings have been modified
 - A clear connectivity and use of the electricity with the Dalton Lane proposals for a battery based energy storage centre (16/06851/MAO) and Data Centre (16/06850/MAO).
- 14.4 There are no proposals to change (to that set out in the 2015 application) the operations of the plant, the emissions, HGV movements, access, waste accepted, hours of operation, drainage etc.
- 14.5 It is considered that the proposal is in accordance with all policies set out in the NPPF 2012, National Planning Policy for Waste 2014, RUDP 2005 and emerging Waste DPD, with the exception of those parts of certain policies which relate to impact on residential visual amenity. That is paragraph 7 of the National Planning Policy for Waste 2014, policies UR3 and P11 of the RUDP and policy WMD2 of the emerging Waste DPD.
- 14.6 It is not considered that the impacts are severe in terms of the impacts on the far reaching landscape views. With regard to Haworth and the Ilkley/Rombalds Moor, it is arguable that impacts are limited, the plume will only be visible (on average) 17% of the time, there is substantial development along the valley floor, including numerous industrial developments and as previously advised it is considered that the built form and plume associated with this development could be perceived as part of the wider urban sprawl and human activity of Keighley, and valley floor urbanisation.

- 14.7 Although the landscape architect still considers that :
“The proposed development would be formidable in scale, large to the point of being the most substantial industrial development for several kilometres around.” and that *“...the changed massing of the built form in this proposal as compared to that approved is relatively insignificant given the overall scale of the complex and its various structures”*
his comments are somewhat tempered to those given in 2015 when the conclusion was that: *“I am not convinced that this has elegance, and I do not believe that it will look comfortable within the landscape.”*
- 14.8 Additionally, there are some positive comments from officers, with the landscape officer stating:

“The scheme is positive in bringing back into use of an untidy area of brownfield land that has been an uninspiring gateway alongside the main road into Keighley for many years. The landscape design for the areas around the plant has evolved from earlier iterations and will result in an interesting, high quality, quite diverse ‘park’ like environment that will become synonymous with the approach to Keighley.” and that the *“...this cladding to the structures has been investigated by the applicant, and in my opinion the design work that has been done most recently does address the weakness in the previous iteration.... the design has evolved and improved in terms of visual impact as far as it is possible..”*
- 14.9 The Urban Design officer also notes that :
“The colour of the 3D cladding is now a darker bronze or brown colour which should be more appropriate to the landscape setting...”
- 14.10 With the Conservation/Heritage officer noting:
“The latest colour choice for the quilted cladding, with a darker matt finish to reduce glare is welcomed, and should assist in tempering the visual impact of the structures...” and *“The latest colour, texture and cladding amendments are considered to complement the form, massing and coherence of the buildings on the site from a design perspective.”*
- 14.11 Consequently, it is considered that this proposal does not have an overall negative impact on the landscape and is not contrary to policy with regards to the elements relating to impacts on the landscape. This was not the officer conclusion with the 2015 application, where it was concluded that *some* negative impacts remained on the ‘closer’ landscape views. It is considered that these have now, on the whole been addressed.
- 14.12 In terms of residential visual amenity, the impacts to ‘The Croft’ properties remains as in 2015. It is primarily limited to impacts to the four detached residential properties at ‘The Croft’, as it is considered the impact and views for the other properties are limited. For the four residential properties of ‘The Croft’ it considered that the visual residential amenity for these properties will be compromised by the proposal. As noted in the report above, the views from these four properties are (on the whole) not directly into the site, but it is still considered that the massing of the buildings and proximity to these four properties is such that it shifts the balance. It is

considered that this proposal will have, even with the amendments, an adverse impact on the residential visual amenity for these four properties.

- 14.13 In short, it is considered that there are adverse impacts on the residential visual amenity impacts for the four properties at The Croft are sufficiently adverse to be contrary to established policy. Consequently the proposal is, in part, contrary to paragraph 7 of the National Planning Policy for Waste 2014, policies UR3 and P11 of the RUDP and policy WMD2 of the emerging Waste DPD.
- 14.14 However, being contrary to policy has to be balanced against the benefits of the proposal; the allocation of the site; the fact that the proposal is not contrary to the majority of the policies set out in the NPPF, National Planning Policy for Waste 2014, RUDP and emerging Waste DPD; and that an extant permission for an energy from waste facilities exists on the site.
- 14.15 The benefits of the proposal are outlined in para 11.55, in short it will generate electricity for the wider grid network, divert waste from landfill, provide 79 permanent jobs (with the office an additional 99 jobs) and 300 temporary jobs, regenerating what is currently a brownfield site and provide specific electricity for supported proposals on Dalton Lane. The site is allocated employment (including industrial uses) and no matter what the opinion of objectors, it has no restrictions regarding the industrial use or the size/height of the buildings and the four properties primarily affected were constructed in the knowledge of the proximity of an allocated industrial site. There is an extant permission for a similar energy from waste facility, the proposal granted permission in April 2014 was for 3 energy from waste facilities, including a pyrolysis (EfW) for tyre crumb, which has now been removed.
- 14.16 The 2013 application was considered acceptable and was granted planning permission in April 2014 with conditions and a S106 legal agreement. The 2015 was refused (against officer recommendation for approval) due to adverse impact on visual amenity and the adverse impacts on the landscape character.
- 14.17 The landscape and residential visual amenity impacts are now different, with it considered that the overall landscape impacts no longer (in part) contrary to policy. However, the residential visual amenity impacts still, in part, are contrary to policy.

On balance though, the potential failure to comply, in part, with the residential visual amenity policies is not considered sufficient enough to outweigh the benefits the proposal brings. There is also potential in the future to achieve the aspirations of the applicant and to produce substantial public benefits by the revival of the Dalton Mills area, provide Combined Heat & Power and bring the headquarters of the main operator of the plant to Keighley. Additionally, the allocation of the site through the Bradford

Waste DPD and extant permission cannot be ignored, the site is a suitable site for a waste facility for which there are no allocation restrictions.

14.18 Residents main concerns and objections have related to the emissions from the operations and the potential adverse impacts on health and the environment. Their concerns have not been dismissed and are genuine and real concerns. However, the planning system and the decision by the Local Planning Authority/Committees (i.e. the Council) is not the arena for which detailed consideration of these matters and a final decisions on these impacts are made, that lies with the Environment Agency through their Permitting process. The statutory experts from Public Health England and the Environment Agency do not conclude that the plant poses a risk - the Local Planning Authority is required to rely on the statutory experts in this matter and is required to stay within its remit in determining this application. **However, the Council must fully engage with the Environment Agency's Permitting process (through the Councils Environmental Health section) to ensure that any concerns regarding air quality, impacts on human health and/or the environment are thoroughly addressed through the Environment Agency's permitting process.**

14.19 As a reminder of the roles, case law, *Cornwall Waste Forum v SoS 2012*, in which the judge stated that:

"It is not the job of the planning system to duplicate controls which are the statutory responsibility of other bodies...Nor should planning authorities substitute their own judgement on pollution control issues for that of the bodies with the relevant expertise and responsibility for statutory control over those matters"

14.20 In taking account all the matters outlined within this report, the policies and the requirements of the EU Waste Framework Directive, it is considered the proposed development will be a facility to provide a specialised means of treating industrial and commercial waste. The development proposed is specifically to reduce the dependence on landfill as a means of managing the final residual waste, and will provide for an adequate network of facilities to manage such waste within the geographic region that the waste is generated in. The waste delivered to the site will have already been subject to a high degree of pre-sorting to remove materials for recycling and recovery. It is only the residual waste in the form of refuse derived fuel which will be supplied to the proposed facility and the proposed facility is designed to move the overall management of waste up the hierarchy. At the present time there is no alternative facility for the thermal treatment of residual Commercial & Industrial waste in the Bradford District and the majority of the residual waste is currently exported to landfill. The design of the facility and a high level of process and operational control will provide safeguards to ensure a high level of protection for the environment and public health and will assist in the Bradford District becoming more self-sufficient in the treatment of residual Commercial and Industrial waste.

14.21 Consequently, it is recommended that subject to a S106 agreement for the continued funding of tree planting at East Riddlesden Hall that planning permission is granted subject to the conditions and the reason for granting permission set out below.

15.0 Recommendation

Planning permission is **granted** subject to a S106 agreement, the conditions and the reason for granting permission set out below.

Reason for Granting Planning Permission

- 1) The proposal is sustainable development, in that it meets the needs of the district by locating development in an urban employment area; enshrines sustainable design and enhances the quality of the environment; contributes to the sustainable management of waste and promotes recycling; provides a source of renewable energy offsetting fossil fuels and reducing green house gases from alternative forms of waste management, in particular landfill; and is in accordance with the principles of the waste hierarchy set out in the National Planning Policy for Waste. The proposal is in accordance with the overall sustainable objectives of the National Policy Statements EN-1 and EN-3, NPPF, National Planning Policy for Waste 2014, RUDP and emerging Waste DPD, policies UDP1, UDP3, UDP9, UR2 of the RUDP and paragraph 14 of the National Planning Policy Framework, paragraph 1 of the National Planning Policy for Waste, policy W1 of the emerging Core Strategy and W1 of the emerging Waste DPD.
- 2) The proposal is in accordance with the National Planning Policy for Waste and policy W1 of the emerging Waste DPD, in that it will provide a waste management facility which best meets the environmental, economic and social needs and ensuring new waste facilities support the planned growth and waste needs of the Bradford Community in proximity of the waste arisings.
- 3) The proposal promotes economic regeneration, economic growth and employment opportunities by the provision of suitable land in accordance with the objectives of Policy UDP4 of the Replacement Unitary Development Plan and supports sustainable economic growth in accordance with the objectives of paragraphs 18 and 22 of the National Planning Policy Framework and para 1 of the National Planning Policy for Waste.
- 4) The proposal is in accordance with policies UR3, P1, P8 and P11 of the Replacement Unitary Development Plan in that it will not have an unacceptable effect on the environment and occupants of adjoining land in terms of air quality; policy WMD2 of the emerging Waste DPD in that air pollution and human health have been considered and adverse effects are minimised; and paragraph 30 of the National Planning Policy Framework in that solutions are sought to reduce greenhouse gas emissions; paragraph 120 of the National Planning Policy Framework in that air pollution is not creating unacceptable risk to human health;

and para 1 and 7 of the National Planning Policy on Waste 2014 in that it is not considered it is endangering human health or harming the environment.

5) The proposal is in accordance with policies TM2 of the Replacement Unitary Development Plan, in that the transport infrastructure is not adversely affected and necessary improvements undertaken; TM19 of the Replacement Unitary Development Plan in that cycling spaces are provided; TM19A of the Replacement Unitary Development Plan in that highway safety has been addressed by the proposed improvements and P11 in that the site is safely accessible from the primary road network; policy WMD2 of the emerging Waste DPD in that the adverse impacts have been considered and minimised; paragraph 32 of the National Planning Policy Framework in that safe access to the site is achieved and improvements proposed to limit the impacts of the development and para 1 and 7 of the National Planning Policy on Waste in that transport has been considered alongside other spatial planning concerns.

6) The proposal is in accordance with policies UR3, P1, P7 P8 and P11 of the Replacement Unitary Development Plan, in that odour, noise and dust will be addressed through management plans to mitigate any potential adverse impacts; policy WMD2 of the emerging Waste DPD in that the adverse impacts have been considered and minimised; paragraphs 121 and 123 of the National Planning Policy Framework in that land is remediated to ensure that it is not capable of being determined as contaminated land and adverse impacts mitigated; and paragraph 1 and 7 of the National Planning Policy on Waste in that human health and the environment are not endangered or harmed.

7) The proposal is in accordance with policies D1, D4, D5, D8 D10 and D12 of the Replacement Unitary Development Plan in that the buildings make a positive contribution to the environment with good quality contemporary design taking into account its setting providing innovative design, it provides a safe and secure environment and existing and new landscape features are incorporated and proposed; policy WMD2 of the emerging Waste DPD in that the design, siting and external appearance have been addressed and are appropriate for the location; paragraphs 56 and 63 of the National Planning Policy Framework in that good design has been achieved and an innovative design proposed; and para 7 of the National Planning Policy on Waste, in that waste management facility is well-designed, contributing positively to the character and quality of the area.

8) The proposal takes into account policies BH4A and BH7 of the Replacement Unitary Development Plan and policy WMD2 of the emerging Waste DPD; and is in accordance with paragraphs 128,129, 132 and 134 of the National Planning Policy Framework; and para 7 of the National Planning Policy on Waste in that there are potential effects on the setting of the heritage asset in that the heritage assets have been identified and taken into consideration, that no substantial harm will result and that the harm that does result has been weighed against the public benefits and found, on balance, to outweigh the harm.

9) The proposal is in accordance with policies UR3, P8, P11 and P6 of the Replacement Unitary Development Plan in that ground water will not be impacted upon; policy WMD2 of the emerging Waste DPD in that the impacts of flood risk have been adequately addressed; and paragraph 103 of the National Planning Policy Framework in that flood risk has been addressed; and para 1 and 7 of the National Planning Policy on Waste in that the likely environmental impacts have been considered.

Conditions

1. 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).

Plans

2. The development hereby approved shall only be carried out in accordance with the following documents:-

- i) Environmental Statement - dated August 2016
- ii) Environmental Statement Revised Chapter 6, 11 and 18 – submitted 7 and 9 December 2016
- iii) Drawing and Plan Numbers

548.02(--)	400	Site Boundaries
548.02(--)	105	Entrance Sculpture
548.02(--)	500	REV E PROPOSED SITE PLAN
548.02(--)	510	BUILDING A - GA PLANS
548.02(--)	511	REVA BUILDING A
548.02(--)	512	REVA BUILDING A
548.02(--)	520	BUILDING B - GA PLANS
548.02(--)	521	REVA BUILDING B
548.02(--)	530	BUILDING C - PLANS & ELEVATIONS
548.02(--)	540	BUILDING D - GA PLAN
548.02(--)	541	BUILDING D - ELEVATIONS
548.02(--)	550	BUILDING E – Floor Plans
548.02(--)	560	BUILDING J - GROUND FLOOR PLAN
548.02	(--)	562 Building J South West Elevations – REV B
548.02	(--)	563 Building J South East Elevations REV B
548.02	(--)	564 Building J North East Elevations REV B
548.02	(--)	565 Building J North West Elevations REV B
548.02(--)	570	BUILDING M - FLOOR PLAN & ELEVATIONS
548.02(--)	580	REV A BUILDING O - PLANS & ELEVATIONS
548.02	(--)	650 North Site Elevation REV B

548.02 (-) 660 REV A SITE SECTION

Save where measures are required by the conditions set out elsewhere on this permission, which shall take precedence over the above documents.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted and in the interest of highway safety in accordance with policies TM2, TM19A and P8(4) of the Replacement Unitary Development Plan; paragraph 32 of the National Planning Policy Framework; and para 1 and 7 of the National Planning Policy on Waste.

Environmental Health

Acoustic Barrier

3. Prior development commencing (other than those required for the erection of the acoustic fence) an acoustic barrier shall be erected on the southern and western site boundaries of the site. The acoustic barrier must be erected on the southern and western boundaries of the site as identified on DWG No 548.02(-) 106 and 548.02(-)500 REV E PROPOSED SITE PLAN. The acoustic barrier shall be maintained and retained for as long as the use subsists.

Reason: In the interests of residential amenity and to accord with policies UR3, P7, P8 and P11 of the Replacement Unitary Development Plan; paragraph 123 of the National Planning Policy Framework; and para 1 and 7 of the National Planning Policy on Waste.

Hours of construction and HGVs

4. Demolition, engineering operations, construction operations and HGV movements during site preparation and construction shall be restricted to the following times:

- Monday to Friday 07.00 to 18.00 hours
- Saturday 07.00 to 13.00 hours
- Sundays, Public Holidays No working

At no time shall the noise level from the construction phase of the development be taken to exceed 45 dB(A) at the nearest noise sensitive property. In the event of complaints of noise outside of the permitted hours and/or at the request of the Local Planning Authority, a scheme to reduce the impact of noise shall be submitted to and approved by the Local Planning Authority within seven days and shall include noise measurements undertaken in accordance with BS4142: 2014 and appropriate mitigation measures.

Reason: In the interests of residential amenity and to accord with policies UR3, P7, P8 and P11 of the Replacement Unitary Development Plan; paragraph 123 of the National Planning Policy Framework and para 1 and 7 of the National Planning Policy on Waste;

HGV hours when facility operational

5. Heavy goods vehicles, including those for the transportation of waste, biofuel

and any other materials, including Incinerator Bottom Ash (IBA) into and out of the Site shall only take place 07:00 to 18:00 hours, no transportation shall take place on bank or public holidays.

Reason: In the interests of residential amenity and to accord with policies UR3, P7, P8 and P11 of the Replacement Unitary Development Plan; paragraph 123 of the National Planning Policy Framework; and para 1 and 7 of the National Planning Policy on Waste.

Noise

6. Best Practical Means to minimise noise impact on local residents shall be utilised as set out in section 13.6 of the Environmental Statement dated April 2015.

Reason: In the interests of residential amenity and to accord with policies UR3, P7, P8 and P11 of the Replacement Unitary Development Plan; paragraph 123 of the National Planning Policy Framework; and para 1 and 7 of the National Planning Policy on Waste.

Dust and Odour

7. The proposal shall be undertaken in accordance with Chapters 13, 14 and 17 of the Environmental Statement dated August 2016 and Appendix III of the Wardell Armstrong Remediation Strategy therein to prevent any nuisance from dust and odour in the construction phase.

Reason: In the interests of residential amenity and to accord with policies UR3, P7, P8 and P11 of the Replacement Unitary Development Plan; paragraph 123 of the National Planning Policy Framework; and para 1 and 7 of the National Planning Policy on Waste

Lighting

8. (a) Lighting on site during demolition, engineering or construction works shall be managed in accordance with a lighting management scheme submitted on completion of the acoustic fence and prior to any other development commencing and for approval by the Local Planning Authority. The demolition, engineering or construction works shall thereafter only proceed in accordance with the approved scheme.

The scheme shall include:

- i)* full details of the type and position of any lighting, showing down lighting units including measures for ensuring that light only shines on the operational areas access road and parking areas;
- ii)* type, position and angle of glare of the floodlights (including measures for ensuring that light does not shine directly into residential properties, the adjacent public highway and the adjacent

rail track; or is visible to highway users to the detriment of highway safety);

(b) Before the Development is brought into use, the approved lighting management scheme for the operational phase shall be completed in accordance Drawing EJ912/6001 External Lighting and Control Measures Layout and the External Lighting Assessment Report (Environmental Services Design 2016)

Site lighting shall be implemented in accordance with the schemes and maintained whilst ever the use subsists

Reason: To ensure light pollution does not affect neighbouring properties and bats; and in the interests of highway safety, in accordance with policies UR3, P8, P11 and TM19A of the Replacement Unitary Development Plan; paragraph 118 of the National Planning Policy Framework; and para 1 and 7 of the National Planning Policy on Waste.

Air Quality, Dust & Low Emissions

9. A Low Emission Strategy for the operations at the site and its associated road transport shall be submitted for approval in writing by the Local Planning Authority 12 months from implementation of the planning decision notice.

The Low Emission Strategy shall include amongst other matters;

- i. An assessment of all opportunities for the use of low emission / alternatively fuelled vehicles and technologies at the site (e.g. electric, CNG, hydrogen vehicles and associated infrastructure). The assessment shall include a review of available incentives to encourage behavioural change in relation to the purchase and use of lower emission vehicles (e.g. dedicated and/or preferential parking for car sharers / low emission vehicle purchase loan schemes etc)
- ii. An assessment of fleet emission specification and current best practice – this would be the current or previous Euro standard vehicles as a minimum. This should include all vehicles forming part of the operation that access the site, such as refuse collection vehicles, bulk transfer vehicles, forklifts, heavy goods vehicles, staff vehicles etc.
- iii. Assessment of Procurement policy (including planned vehicle replacement and suppliers of other goods and services)
- iv. Measures such as eco-driving (driver training and technological aids to eco-driving, membership of fleet recognition schemes), and policies regarding vehicle idling. In addition, the applicant shall investigate and review the need for business travel to off-site meetings and reduce this through the provision and use of on-site video and teleconferencing facilities

The Low Emission Strategy shall have targets and associated timescales for emission reduction with pollution savings quantified in line with the most recent

DEFRA IGB damage costs. At the end of each calendar year (for a five year period following the first LES submission) an implementation plan shall be submitted for approval in writing by the Local Planning Authority, which on approval shall be fully implemented in accordance with the details and measures so approved. The Low Emission Strategy shall take into account future changing standards and after the initial 5 year period will require updating at a rate to be agreed with the Local Planning Authority. In setting the timescale for future updates the Local Planning Authority will have due regard to air quality conditions within the district at that time and the need for further emission reduction.

Reason: In the interests of improving air quality, reducing greenhouse gases and ensuring that the effects of the of environment and occupants of adjoining land is minimised, in accordance with policies UR3, P1, P8 and P11 of the Replacement Unitary Development Plan; paragraphs 30 and 120 of the National Planning Policy Framework; and paragraph and 7 of the National Planning Policy on Waste.

10. On completion of the acoustic fence and prior to any other development commencing a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions from the site operations and associated transport movements shall be submitted to, and approved in writing by the Local Planning Authority. The CEMP should be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of improving air quality, reducing greenhouse gases and ensuring that the effects of the of environment and occupants of adjoining land is minimised, in accordance with policies UR3, P1, P8 and P11 of the Replacement Unitary Development Plan; paragraphs 30 and 120 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

11. A minimum of 9 fully operational electric vehicle recharging bays shall be provided on the site for use by staff and visitors to the site prior to first occupation of the site. Electricity for use at these points must be made available at a below commercial rate. In addition to the operational EV charging points enabling cabling should also be provided for an additional 4 EV recharging bays. Demand for the EV charging bays should be monitored on site as part of the site Travel Plan and the enabling works upgraded to provide fully functional charging points as demand increases. All EV charging points and parking bays shall be clearly marked as such and their purpose fully explained to new employees during their site induction and within any travel planning literature that is distributed.

Reason: In the interests of improving air quality, reducing greenhouse gases and ensuring that the effects of the of environment and occupants of adjoining land is minimised, in accordance with policies UR3, P1, P8 and P11 of the Replacement

Unitary Development Plan; paragraphs 30 and 120 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

12. A car park management plan shall be developed which encourages the use of low emission vehicles through the inclusion of preferential parking arrangements for car sharers, electric vehicle and plug-in hybrid vehicle users. The car park management plan shall be submitted for approval by Bradford MDC within six months of the first occupation of the development and must be reviewed on an annual basis as part of the travel plan monitoring for the site. In addition, the applicant shall investigate and review the need for business travel to off-site meetings and reduce this through the provision and use of on-site video and teleconferencing facilities.

Reason: In the interests of improving air quality, reducing greenhouse gases and ensuring that the effects of the of environment and occupants of adjoining land is minimised, in accordance with policies UR3, P1, P8 and P11 of the Replacement Unitary Development Plan; paragraphs 30 and 120 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

13. Type 3 air quality mitigation will be provided in the following ways;

i) An electric mini bus with on site charging facilities shall be provided by the developer to operate as a minimum within peak hours (7.30am to 9.30am and 16.30pm to 18.30pm) to assist users of public transport to access the site. This will operate for a minimum of five years from the date of first occupation of the site and will be free for the end user.

ii) A pool pedal bike will be provided for staff on the application site and cycle parking will be provided on site. This shall be maintained throughout the lifetime of the development.

These measures shall be implemented fully and adhered to throughout the lifetime of the development.

Reason: In the interests of improving air quality, reducing greenhouse gases and ensuring that the effects of the of environment and occupants of adjoining land is minimised, in accordance with policies UR3, P1, P8 and P11 of the Replacement Unitary Development Plan; paragraphs 30 and 120 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste..

Contaminated land – Remediation Strategy

Remediation verification

14. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to occupation of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan; paragraph 121 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Previously unidentified contamination

15. 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 UR3 of the Replacement Unitary Development Plan; paragraph 121 of the National Planning Policy Framework and paragraphs 1 and 7 of the National Planning Policy on Waste.

Materials importation

16. Should any clean infill material be required, a methodology for quality control of any material to be imported shall be submitted for approval in writing by the Local Planning Authority prior to materials being brought to site. Unless otherwise agreed in writing with the Local Planning Authority relevant evidence must be included in the verification report.

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 UR3 of the Replacement Unitary Development Plan; paragraph 121 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Waste hierarchy

17. The proposal shall be undertaken in accordance with the documents entitled "Waste Management Plan" by Wardell Armstrong dated August 2016. The approved Waste Management Plan shall be adhered to at all times whilst the development is in operation.

Reason: To ensure the waste hierarchy is considered and implemented fully, and that waste accepted is residual waste only, in accordance with the National Planning Policy on Waste.

18. The residual waste moisture content for the Energy from Waste facility shall not exceed 12.5%. A scheme shall be submitted for approval prior to the operation of the Energy from Waste facility detailing how the moisture content will be managed and monitored. On approval the scheme shall be implemented fully and adhered to throughout the lifetime of the development.

Reason: In the interest of visual amenity and policies NE3, NE3A, D1,UR3 and P11; paragraph 109 of the NPPF; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Highway conditions

Construct access before commencement

19. On completion of the acoustic fence and prior to any other development commencing, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with the approved plan numbered and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of Replacement Unitary Development Plan; paragraph 32 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Turning area to be provided before use

20. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered 548.02(--)-500 REV E PROPOSED SITE PLAN and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan; paragraph 32 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Service vehicle area - provide before use

21. Before any part of the development is brought into use, the vehicle service area for loading/unloading, including the turning and manoeuvring space, hereby approved shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan(s) numbered 548.02(--)-500 REV E PROPOSED SITE PLAN. It shall be retained for that purpose whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan; paragraph 32 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Visibility Splays to be Provided

22. The access shown on 548.02(--)-500 REV E PROPOSED SITE PLAN shall be provided and the sight lines retained without obstruction to a visibility exceeding

0.9m in height above the adjacent highway, before the development is brought into use and shall thereafter be retained as such to the satisfaction of the Local Planning Authority.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and policies TM19A, P8 and P11 of the Replacement Unitary Development Plan; paragraph 32 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

TRO

23. The development shall not be brought into use until all reasonable endeavours have been undertaken to implement a Traffic Regulation Orders (TRO) for waiting restrictions around the end of Marley Road to prevent vehicles parking in the turning head.

Reason: In the interest of highway and pedestrian safety and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan; paragraph 32 of the National Planning Policy Framework and paragraph 32 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Construction site management: details required

24. 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) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) 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;
- ix) 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 TM2 and TM19A of the Replacement Unitary Development Plan; paragraph 32 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Preventive Measures - Mud on Highway:

25. 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 TM19A, P8 and P11 of the Replacement Unitary Development Plan; paragraph 32 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Landscape & Biodiversity

26. The submitted landscaping and biodiversity scheme and revised landscape and biodiversity management plan by Wardell Armstrong dated December 2016 shall be fully implemented

Reason: In the interests of visual amenity and to ensure proper management and maintenance of the landscaped areas to accord with Policies UR3, D5 and NE12 of the Replacement Unitary Development Plan; paragraph 118 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

27. On completion of the acoustic fence and prior to any other development commencing, a scheme shall be submitted and approved in writing by the Local Planning Authority showing the details, location, construction and maintenance of the bat and bird boxes. On approval the scheme shall thereafter be implemented and maintained whilst ever the use subsists.

Reason: In the interests of visual amenity and to ensure proper management and maintenance of the landscaped areas to accord with Policies UR3, D5, NE10 and NE12 of the Replacement Unitary Development Plan; paragraph 118 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

28. On completion of the acoustic fence and prior to any other development commencing, a scheme shall be submitted and approved in writing by the Local Planning Authority showing the details of an interceptor system to deal with surface water run-off from the car park. On approval the scheme shall thereafter be implemented and maintained whilst ever the use subsists.

Reason: In the interests of visual amenity and to ensure proper management and maintenance of the landscaped areas to accord with Policies UR3, D5, NE10 and NE12 of the Replacement Unitary Development Plan; paragraph 118 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Art installation

29. Details of the colour, finish and timescales for erection and maintenance of the Entrance Sculpture as shown on plan '548.02 (--)105 Entrance Sculpture' shall be submitted to the Local Planning Authority for approval in writing on completion of the acoustic fence and prior to any other development commencing and thereafter be implemented and maintained whilst ever the use subsists.

Reason: To ensure appropriate materials in the interests of visual amenity and to accord with Policy D8 of the Replacement Unitary Development and paragraph 7 of the National Planning Policy on Waste.

Details colour finish etc

30. Notwithstanding any details shown on the permitted plans, on completion of the acoustic fence and prior to any other development commencing details of the colours and finishes to be used on all the buildings and stack shall be submitted for approval in writing by the Local Planning Authority before construction commences, and the development shall thereafter be constructed in the approved colours and finishes. The details shall include future maintenance of the colour, finishes and materials.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3, D1 BH4A and BH7 of the Replacement Unitary Development Plan; paragraphs 128, 129 and 132 of the National Planning Policy Framework and paragraph 7 of the National Planning Policy on Waste.

Drainage conditions

31. The development must be carried out in accordance with Chapter 12, Hydrology and Drainage, of the submitted Environmental Assessment; the submitted Flood Risk Assessment and drawings SH11087 2016-12.1 and Drainage Drawings SH11087-010, SH11087-020 and SH11087-021.

Reason: To ensure sustainable drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan; paragraph 103 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

32. On completion of the acoustic fence and prior to any other development commencing a scheme showing full details and calculations of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. The scheme shall include a full landscape reinstatement plan for drainage development to the north of the dual carriageway on Marley playing fields. On approval the scheme shall be implemented and maintained whilst ever the use subsists.

Reason: To ensure sustainable drainage of the site, to ensure that no foul water discharges take place until proper provision has been made and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan; paragraph 103 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

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

Reason: To ensure sustainable drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan; paragraph 103 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Yorkshire Water conditions

34. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction, including landscaping features and trees, shall be located over or within 3 metres either side of the centre line of the public water supply main (a total protected strip width of 6 metres that cross the site) or located over or within 6.5 metres either side of the centre line of the public sewers (a total protected strip widths of 13 metres per sewer that cross the site).

Reason: To avoid damage to the Yorkshire Water infrastructure in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan; paragraph 120 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

35. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction, including landscaping features and trees, shall be located over or within 6.5 metres either side of the centre line of the public sewers i.e. total protected strip widths of 13 metres per sewer that cross the site.

Reason: To avoid damage to the Yorkshire Water infrastructure in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan; paragraph 120 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

36. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan; paragraphs 103 and 120 of the National Planning Policy Framework and paragraphs 1 and 7 of the National Planning Policy on Waste.

37. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority on completion of the acoustic fence and prior to any other development commencing before the built development commences.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan; and paragraphs 103 and 120 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

38. The proposed secure perimeter fence must be sited so that it does not prevent access to the water main or associated apparatus.

Reason: In order to protect the existing Yorkshire Water mains infrastructure and ensure that the site has an adequate supply of water to accord with Policy UR3 of the Replacement Unitary Development Plan; paragraph 120 of the National Planning Policy Framework; and paragraphs 1 and 7 of the National Planning Policy on Waste.

Network Rail

39. All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property.

Reason: In order to protect Network Rail infrastructure and ensure the retention/function of the District Railway lines in accordance with TM5 of the Replacement Unitary Development Plan.

40. All excavations/earthworks carried out within 20m of Network Rail property/structures must be designed and executed such that no interference with the integrity of the property/structure can occur. Prior to commencement of any excavation and earthworks to be carried out near the railway undertakers boundary fence shall be submitted for the approval of the Local Planning Authority and the works shall only be carried out in accordance with the approved details.

Reason: In order to protect Network Rail infrastructure and ensure the retention/function of the District Railway lines in accordance with TM5 of the Replacement Unitary Development Plan.

41. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority and the works shall only be carried out in accordance with the approved method statement.

Reason: In order to protect Network Rail infrastructure and ensure the retention/function of the District Railway lines in accordance with TM5 of the Replacement Unitary Development Plan.

42. The Armco barriers shall be erected as detailed in e-mail from Jo Steel Consulting 5 December 2016 prior to operations commencing on site and shall be retained and maintained for the duration of the development.

Reason: In order to protect Network Rail infrastructure and ensure the retention/function of the District Railway lines in accordance with TM5 of the Replacement Unitary Development Plan.

Designing out Crime

43. Any ground floor accessible door sets and windows should utilise best practical means to achieve Secure by Design standards and include laminated glazing to 6.8mm or attack resistant glazing to BS EN 356 P1A.

Reason: In order to ensure a safe and secure environment and reduce the opportunities for crime in accordance with Policy D4 of the Replacement Unitary Development Plan; paragraph 58 of the National Planning Policy Framework

44. Security Shutters should utilise best practical means to achieve LPS 1175 issue 7 SR1 or STS 202 issue 1, BR1 standards, whilst Intruder Alarms should look to NSI (National Security Inspectorate) or SSAIB (Security System and Alarms Inspection Board) standards.

Reason: In order to ensure a safe and secure environment and reduce the opportunities for crime in accordance with Policy D4 of the Replacement Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

Footnote:

The applicant will need to apply to the Highway Authority for a permit to allow construction works to start under Section 171 of the Highways Act 1980 Temporary Excavations (Permit to Dig) for the new surface water drain under the highway

A S278 agreement will be required to carry out the proposed alterations to the adopted highway shown on the approved plans.

TRO's; the applicant or his agent is advised to contact the Council's Traffic Team in the development of such schemes. It must be noted that the cost of processing and implementing the TRO shall be borne by the Applicant.

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**Report of the Assistant Director (Planning, Transportation & Highways)
to the meeting of the Regulatory and Appeals Committee to be held on
9 February 2017.**

AG

Subject:

Planning application 15/03339/MAF: Full planning application for alterations and extensions to existing mill buildings to create a mixture of residential and commercial uses including crèche, spa/gym and restaurant together with 20 new build houses and 6 new build apartments and ancillary infrastructure at Greenholme Mills, Burley In Wharfedale.

Summary statement:

The committee is asked to consider a full planning application for a mixed use mill conversion and associated new build residential development on the site of Greenholme Mills in Burley-in-Wharfedale. A full assessment of the application against all relevant Development Plan policies and material planning considerations is included in the report at Appendix 1.

The same planning application was previously granted planning permission on 26 February 2016 following the resolution of the Regulatory and Appeals Committee Meeting of 04 November 2015 and the completion of the requisite S106 legal agreement. However a Consent Order was made on 29 June 2016 which had the effect of quashing the planning permission, necessitating the application's re-consideration.

Subsequently the Regulatory and Appeals Committee resolved (again) to approve the planning application at the Committee Meeting of 06 October 2016; however this resolution was made partly on the basis of policies set out in the emerging Local Plan Core Strategy (LPCS). The LPCS currently has no legal effect as a consequence of a Holding Direction which was put in place by the Minister of State for Housing and Planning on 10 October 2016. This current report has been revised to reflect the altered status of the LPCS.

For the reasons set out in detail in the report at Appendix 1, taking development plan policies and other relevant material considerations into account, it remains the recommendation of Planning Officers to the Regulatory and Appeals Committee that conditional planning permission is granted.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application ref. 15/03339/MAF made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

It is recommended that planning permission is granted, subject to the conditions recommended at the end of the Technical Report at Appendix 1 and the following Planning Obligations, secured through a legal agreement under S106 of the Act:

- **On-site Affordable Housing provision:** The provision of 6 units at a level of discount on the open market value of the properties necessary to allow disposal of the properties to a Registered Social Landlord.
- **Education (Off-site Primary School Expansion Contribution):** The sum of £93,415 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Menston Primary School or Burley Oaks Primary School.
- **Education (Off-site Secondary School Expansion Contribution):** The sum of £120,660 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Ilkley Grammar School.
- **Recreation (Off-site):** The sum of £21,334 will be paid to the Local Planning Authority to be used either towards the delivery of a new Multi Use Games Area on land to the west of Iron Row or on drainage works, footpath works and fencing at Iron Row Recreation Ground & Burley Park.
- **Recreation (On-site Public Open Space):**
 - Provision of the 'Public Plaza and Gardens' in the area shown on the 'Landscape Management Plan', to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the LPA;
 - Provision of the 'Riverside Walk' in the area shown on the 'Landscape Management Plan', to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the LPA;
 - Approval of Details and Implementation of a Plan for the Management/Maintenance of the Public Plaza and Gardens, Riverside walk, Woodland Areas and Wildflower Meadows, as shown on the Landscape Management Plan;

2. BACKGROUND

Planning application 15/03339/MAF was previously granted planning permission on 26 February 2016; however on 23 March 2016 a pre-action letter was received putting the Council on Notice that CEG Land Promotions Ltd intended to apply for a Judicial Review of the Decision to Grant Planning Permission. This was followed up by a full Judicial Review application citing a number of grounds upon which CEG claimed that the decision to grant planning permission was legally flawed.

After receiving legal advice from a Barrister the Council decided to consent to judgement on the Judicial Review Application, on the basis that the arguments put forward in relation to the Green Belt assessment in the previous Committee Report had a reasonable chance

of success. Following a period of negotiation, a Consent Order was made on 29 June 2016 which had the effect of quashing the planning permission, necessitating its re-consideration.

On 12 July 2016 the applicant was requested to provide further information in respect of the employment situation at the site and the green belt impacts of the development. This information was provided on 10 August 2016. A full re-consultation exercise was undertaken. The revised report below identifies the main grounds for the Judicial Review application, summarises the issues raised in the recent further consultation exercise and addresses the relevant issues. The report has also been revised to reflect the altered status of the Local Plan Core Strategy following the Holding Direction of 10 October 2016.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

If the Committee proposes to follow the recommendation to grant planning permission then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional planning permission for alterations and extensions to existing mill buildings to create a mixture of residential and commercial uses including crèche, spa/gym and restaurant together with 20 new build houses and 6 new build apartments and ancillary infrastructure on the site, subject to the prior engrossment of the relevant legal agreement under S106 of the Act.

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

5. FINANCIAL & RESOURCE APPRAISAL

A number of teams and agencies have requested the developer to make contributions towards meeting off-site infrastructure and other needs associated with the development. These contributions include the provision of funding towards the expansion of educational facilities to meet the increased demand for school places, a contribution to fund the delivery of increased recreational provision to meet the future recreational needs of residents, the provision of funding for a Residential Metrocard Scheme and providing for on-site footpath improvements. In addition, in compliance with the benchmark figures referenced by saved RUDP policy H9, the provision of up to 40% of the proposed houses as affordable dwellings, to be managed by a Registered Social Landlord, would normally be required.

The applicant has generally accepted the need to meet the requested infrastructure contribution levels in full. The only exception to this is in relation to the requested Residential Metrocard (RMC) Contribution and meeting the full quota of Affordable Housing. In respect of the RMC, the applicant has indicated that meeting this contribution may prejudice the viability of the scheme. It is accepted that providing funding for such a RMC scheme is not necessary to make the development acceptable, taking consideration of the advice set out in paragraphs 203 to 206 of the NPPF. Specifically it is considered

that the applicant's proposals for cycle storage facilities, footpath provision, electric vehicle charging points and their commitment to introduce site travel plans are sufficient to make the development acceptable in relation to sustainable travel and air quality issues.

In relation to Affordable Housing, through discussion with the Council's Housing team the applicant has established that it would not be viable to include housing provision within the mill conversion, due to the magnitude of the maintenance & management fee which will be required to maintain the converted buildings and associated private roads, parking areas, public gardens, landscaping and Riverside Walk. Instead the applicant has agreed to dedicate one of the new build units to Affordable Housing which would enable the delivery of 3 accessible 1-bed ground floor apartments and 3 2-bed apartments.

The Council's housing service have confirmed that they would support this level of provision, given the specific circumstances of the development, and have further confirmed that the provision of one and two bedroom units is consistent with the affordable housing need in the locality. Notwithstanding this agreement, it is acknowledged that the proposed level of Affordable Housing provision, at 6.5% of the total number of residential units, falls significantly below the Joint Housing Strategy benchmark figures, which indicated a potential need to provide 40% Affordable Housing in Wharfedale.

Nonetheless it should be noted that saved RUDP policy H9 does not prescribe generic affordable housing provision quotas. As the Council's Housing Team advise that the delivery of 6 one and two bedroom flats as Affordable Housing would be an acceptable level of Affordable Housing in terms of the specific circumstances of this development, it is considered that the proposed 6.5% Affordable Housing provision level is acceptable in this instance.

To cater for the additional demands which would be placed upon the area's schools by the proposed development the applicant has agreed to meet the level of funding calculated to be required by the Council's Education Service in full (£93,415 Primary; £120,660 Secondary). Menston Primary School and Ilkley Grammar School have been identified as the recipients of this funding. During the previous Committee Meeting it was agreed to extend this funding to Burley Oaks Primary School. Consequently the Council can be confident that the provisions made by the applicant will allow the educational needs of future residents to be adequately met without adversely affecting the area's existing communities.

Likewise, in-addition to on-site provision of a Public Garden and Riverside Walk, the applicant has agreed to the level of off-site recreational infrastructure funding requested by the Council's Sport and Leisure Service. It has been agreed that this funding can be used towards either the delivery of a new Multi Use Games Area on land to the west of Iron Row or on drainage works, footpath works and fencing at Iron Row Recreation Ground & Burley Park (in the event that the MUGA isn't delivered within 5 years).

It is therefore considered that the planning obligations proposed by the applicant are sufficient to address the affordable housing obligations and infrastructure requirements necessary to make the development acceptable in planning terms. The agreed Planning Obligations have been tested against the new pooled funding restrictions introduced

through Regulation 123 of the Community Infrastructure Levy Regulations and found to be compliant. The proposed obligations are also clearly directly related to the development and are considered to be fairly and reasonably related in scale and kind to the development and therefore comply with the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

N/A

7. LEGAL APPRAISAL

Both options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended), subject to consultation with the Secretary of State, to allow him opportunity to call in the application if he so wishes under the provisions of the Consultations Direction.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Furthermore it is not considered that the proposal would lead to significant adverse impacts on any people, regardless of their characteristics. Likewise, if planning permission were to be refused by the Committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics.

Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are attached at Appendix 1.

8.2 SUSTAINABILITY IMPLICATIONS

As assessed in detail in the Technical Report at Appendix 1, it is considered that the proposed development is sustainable when assessed against relevant national and local planning policies. The proposal site is located within relatively short walking/ cycling distance of the local centre of Burley-in-Wharfedale, a village which possesses relatively good public transport connections, including an edge-of-centre railway station, and local shops and services including a park, places of worship and two Primary Schools.

Good design ensures attractive usable, durable and adaptable places and is also a key element in achieving sustainable development. The proposed scheme is considered to be well designed and to provide for a layout which relates well to surrounding land and infrastructure, optimising the potential of the land to sustainably support a residential community. Additionally it is considered that the development will result in an improvement to the sustainability of Burley-in-Wharfedale, in terms of the range of local amenities available to its residents, particularly in relation to the proposed Riverside Walk route included within the development scheme.

In relation to sustainable drainage matters, the applicant has submitted a flood risk assessment and drainage proposals which demonstrate that the site can be developed without unacceptably increasing on or off site flood risks. Furthermore, subject to amendments to the surface water drainage proposals for the new build area, which can be achieved at the approval of details reserved by planning condition stage, it is considered that the applicant has adequately demonstrated that a site drainage system can be provided which accords with the principles of Sustainable Urban Drainage.

Overall it is therefore considered that the proposal represents sustainable development consistent with the sustainability principles set out in the National Planning Policy Framework and the replacement Unitary Development Plan.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new housing will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future residents. However it is considered that the proposed development will serve to minimise greenhouse gas emission impacts by virtue of the proposals to provide a new pedestrian route through the site, introduce travel planning measures and provide electric vehicle charging points to facilitate the uptake of more sustainable road vehicles. Further details of site sustainability considerations and air quality issues relevant to the proposed development are set out in the Technical report at Appendix 1.

An objector has cast doubt on the deliverability of the previously required off-site street lighting improvements proposed as part of this development in terms of land ownership issues. In response to this point the necessity of this requirement has been reviewed. It should be noted that the route proposed to be improved, Iron Row, is already a well surfaced and lit route and the required improvements were very minor in nature, effectively amounting to changing several light bulbs within the underpass. Upon review it has been determined that the requirement to achieve these off-site lighting improvements is not necessary to make the application acceptable in planning terms and therefore this requirement has been omitted from this revised report.

8.4 COMMUNITY SAFETY IMPLICATIONS

Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The Police Architectural Liaison Officer has confirmed that she has no objection in principle to the development but has raised certain concerns and points of detail in relation to matters including:

- Provision of CCTV/ external lighting;
- Installation of a low level perimeter; by installing a 1000mm to 1200mm high fencing, such as railings, timber fencing or hedges around the car park areas;
- Secure fencing to rear gardens and demarcation fencing to front boundaries;
- Secure bin storage arrangements
- Marking/ number of parking bays
- Maintenance of foliage;
- Cycle rack positioning;
- Access control;
- Mail delivery arrangements;
- Door and window security standards;
- Installation of intruder alarms;

Whilst being mindful of the need to provide a suitably crime resistant environment with well-defined and secure public and private spaces the Council must also balance other planning considerations including the imperative of facilitating connectivity to the surrounding built and natural environment and providing the recreational spaces necessary to promote healthy lifestyles and attractive, vibrant, socially interconnected developments.

Subject to the reservation of details of boundary treatments, parking, lighting and CCTV arrangements by planning conditions, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with saved policy D4 of the RUDP.

8.5 HUMAN RIGHTS ACT

The Council must seek to balance the rights of applicants to make beneficial use of their property with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that either granting or refusing planning permission will deprive anyone of their rights under the Human Rights Act.

8.6 TRADE UNION

There are no implications for Trades Unions relevant to this application.

8.7 WARD IMPLICATIONS

The proposal site is within the Wharfedale Ward. Ward Councillors and local residents have been made aware of the application and have been given opportunity to submit written representations through two rounds of publicity. In relation to the first consultation round written representations were received from 38 individuals, including 17 letters of support, 19 letters of objection and 2 letters indicating that they neither support, nor object to the application. Of the 19 objectors 6 indicated that they reside in the local area. Of the 17 supporters 8 indicated that they reside in the local area.

Following the quashing of the previous decision to grant planning permission and the submission of certain further supplementary information by the applicant, relating to employment and Green Belt matters, a second consultation exercise was undertaken between 18 August 2016 and 08 September 2016. In response to this second round of

consultation a further 98 representations have been submitted taking the total to 136. These 136 representations include 114 letters of support, 20 letters of objection and 2 letters indicating that they neither support, nor object to the application.

Prior to the submission of the application the applicant also undertook pre-application consultation with the Parish Council and local residents' views on the potential redevelopment of the site were consulted upon through the consultation process associated with the emerging neighbourhood plan, the feedback from which the Parish Council have indicated was largely positive. The Technical Report at Appendix 1 summarises the material planning issues raised in the public and elected official representations and the appraisal gives full consideration to the effects of the development upon residents within the Wharfedale Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To Grant Planning Permission subject to the conditions recommended at the end of the Technical Report at Appendix 1 and the following Planning Obligations, secured through a legal agreement under S106 of the Act:

- **On-site Affordable Housing provision:** The provision of 6 units at a level of discount on the open market value of the properties necessary to allow disposal of the properties to a Registered Social Landlord.
- **Education (Off-site Primary School Expansion Contribution):** The sum of £93,415 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Menston Primary School or Burley Oaks Primary School.
- **Education (Off-site Secondary School Expansion Contribution):** The sum of £120,660 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Ilkley Grammar School.
- **Recreation (Off-site):** The sum of £21,334 will be paid to the Local Planning Authority to be used either towards the delivery of a new Multi Use Games Area on land to the west of Iron Row or on drainage works, footpath works and fencing at Iron Row Recreation Ground & Burley Park.
- **Recreation (On-site Public Open Space):**
 - Provision of the 'Public Plaza and Gardens' in the area shown on the 'Landscape Management Plan', to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the LPA;
 - Provision of the 'Riverside Walk' in the area shown on the 'Landscape Management Plan', to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the LPA;
 - Approval of Details and Implementation of a Plan for the Management/Maintenance of the Public Plaza and Gardens, Riverside walk, Woodland Areas and Wildflower Meadows, as shown on the Landscape Management Plan;

11. APPENDICES

Appendix 1: Technical Report

Appendix 2: Extracts of RUDP Policies (Employment Safeguarding & Green Belt)

Appendix 3: Section 9 of the National Planning Policy Framework

Appendix 4: Holding Direction

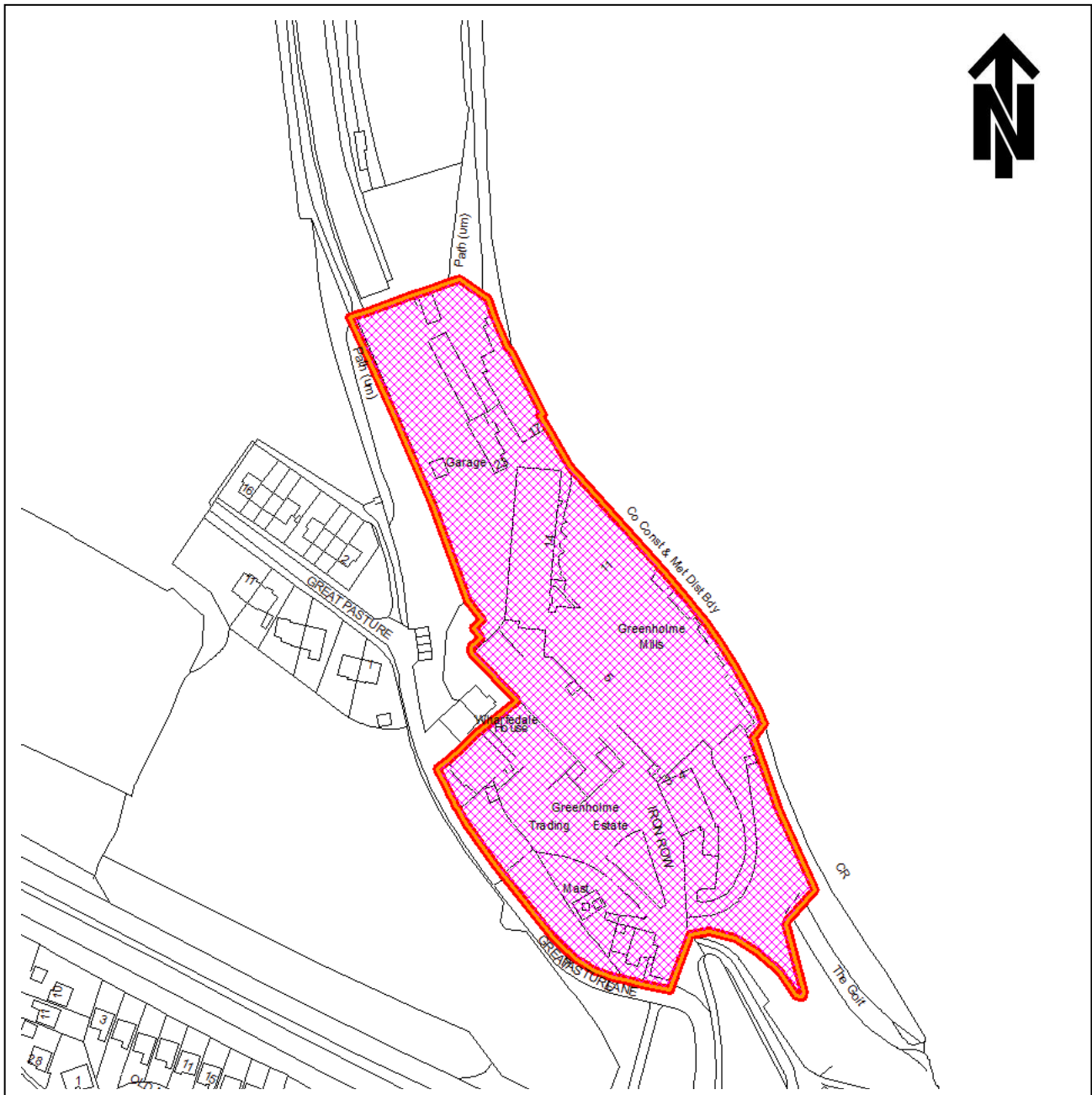
12. BACKGROUND DOCUMENTS

- Replacement Unitary Development Plan for the Bradford District
- National Planning Policy Framework
- Application file 15/03339/MAF

Regulatory and Appeals Committee

15/03339/MAF

29 September 2016



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LOCATION:

**Greenholme Mills Iron Row
Burley In Wharfedale LS29 7DB**

Appendix 1

09 February 2017

Ward: Wharfedale (26)

Recommendation:

To Grant Planning Permission, subject to the conditions recommended at the end of this report and the following Planning Obligations, secured through a legal agreement under S106 of the Act:

- **On-site Affordable Housing provision:** The provision of 6 units at a level of discount on the open market value of the properties necessary to allow disposal of the properties to a Registered Social Landlord.
- **Education (Off-site Primary School Expansion Contribution):** The sum of £93,415 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Menston Primary School or Burley Oaks Primary School.
- **Education (Off-site Secondary School Expansion Contribution):** The sum of £120,660 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Ilkley Grammar School.
- **Recreation (Off-site):** The sum of £21,334 will be paid to the Local Planning Authority to be used either towards the delivery of a new Multi Use Games Area on land to the west of Iron Row or on drainage works, footpath works and fencing at Iron Row Recreation Ground & Burley Park.
- **Recreation (On-site Public Open Space):**
 - Provision of the 'Public Plaza and Gardens' in the area shown on the 'Landscape Management Plan', to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the LPA;
 - Provision of the 'Riverside Walk' in the area shown on the 'Landscape Management Plan', to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the LPA;
 - Approval of Details and Implementation of a Plan for the Management/ Maintenance of the Public Plaza and Gardens, Riverside walk, Woodland Areas and Wildflower Meadows, as shown on the Landscape Management Plan;

Application Number:

15/03339/MAF

Type of Application/Proposal and Address:

Full planning application for alterations and extensions to existing mill buildings to create a mixture of residential and commercial uses including crèche, spa/gym and restaurant together with 20 new build houses and 6 new build apartments and ancillary infrastructure at Greenholme Mills, Iron Row, Burley In Wharfedale.

The proposal site is within the Green Belt and is considered to represent Green Belt Development, as defined by paragraph 4 of the Town and Country Planning (Consultation) (England) Direction 2009. The Secretary of State has already been consulted on the application and has confirmed that he is content for the application to be determined by the Council, as Local Planning Authority; however in the event that the Committee again resolve to grant planning permission a re-consultation letter will be sent to the Secretary of State to confirm this position.

Applicant:

A Hillas Properties Ltd

Agent:

Mr Robert Beal - Plan B Planning and Design Associates Ltd

Site Description:

The proposal site comprises an approximately 2.7 hectare site primarily comprising previously developed land but also including an approximately 1,400m² area of greenfield land. The previously developed land is the site of Greenholme Mills, which is a large stone up to 5 storey double-winged old 19th century textile mill building. The site also includes a number of associated outbuildings and structures, including an old pump house/ weaving building within the southern part of the site and a number of sheds in the northern area of the site, one of which was rebuilt in the mid 2000's following fire damage.

An approximately 3,000m² footprint warehouse building situated between the original Greenholme Mills and the adjacent River Wharfe has been recently partially demolished, with the building floor slab and foundation/ wall remnants still remaining but the majority of the structure removed from the site, leaving this area as a partially open hard surfaced area. The northern and central parts of the site are also hard surfaced, part stone sets/ part concreted, with soft landscaping only in evidence within the southern part of the site adjacent to the site entrance surrounding the parking area in the site's south-western corner, but with tree planting also in evidence around the ramp down to the eastern area of the site.

The old use of the site as a textile mill has long since ceased and the buildings which currently occupy the site have been split into multiple units with the site now effectively being used as a multiple occupant commercial estate. The applicant has indicated that, until recently, the site accommodated 9 businesses, collectively employing approximately 23 full time and 5 part time staff. More recently this has declined to 6 businesses employing approximately 11 full time and 8 part time staff, as a consequence of the applicant's preparations for the re-development of the site. The businesses use the land and buildings for a variety of purposes including vehicle repair and fencing and furniture sales/ storage/ manufacture.

The curtilage of Greenholme Mills is primarily demarked by a combination of stone walls and wooden post and rail fencing. The entrance to the site is marked by a substantial entrance feature of stone pillars and a stone dwarf wall surmounted by iron railings. The gatehouse adjacent to the entrance has recently received permission for a change of use

from office to residential. A telecommunications mast is located within the site adjacent to the gatehouse. The proposal site is effectively bounded by the River Wharfe, running parallel with the north-eastern site boundary, woodland to the north, north-west, and south-east, and the adopted public highway Great Pasture to the south-west, with a 14 dwelling 1930s residential estate located at the terminus of the Great Pasture cul-de-sac, 20m west of the proposals site beyond the narrow linear woodland located parallel to the western site boundary.

As noted above a 10-15m deep strip of greenfield land is located between the curtilage of Greenholme Mills and Great Pasture and a building known as Wharfedale House, which accommodates an electronic manufacturing business, is located at the northern end of this green strip at the southern end of the woodland strip. Vehicular access to the site is gained off Great Pasture Lane, via its junction with the A65, approximately 65m south of the site entrance. The A65 is a dual-carriageway in this location and the current junction arrangement allows both left turns out of Great Pasture Lane onto the east bound A65 (toward Otley, Harrogate, Leeds and Bradford) and right turns (crossing the east bound carriageway, towards Ilkley, Addingham and the Yorkshire Dales beyond. A small cluster of dwellings are located on the land immediately east of the junction between Great Pasture Lane and the A65.

Surrounding land uses comprise mixed residential/ agricultural to the south-west within the 65m – 250m deep strip of land between the proposal site and the A65, agricultural to the north and east beyond the River Wharfe demarking the site's north-eastern boundary and woodland/ residential within the adjacent southern parcel of land bounded by the proposals site, Great Pasture Lane, the A65 and the River Wharfe. Pedestrian access to the site is gained via Iron Row, a bridleway, which runs 320m north-east from its junction with Main Street in the centre of the village of Burley-in-Wharfedale, past a recreation ground, through an underpass under the A65, before crossing Great Pasture Lane to the site entrance.

A range of amenities can be accessed off Main Street, comprising the Burley-in-Wharfedale local service centre, including shops, cafes, drinking establishments, restaurants, places of workshop and a doctor's surgery. A pedestrian crossing over main street is located a short distance from the junction between main street and Iron Row and further amenities including Grange Park, Burley-in-Wharfedale Cricket Club, Burley Oaks Primary School and Burley Railway Station, can be accessed via a 470m, 590m, 690m, and 1.2km walk respectively.

Relevant Site History:

Application Ref.	Description	Decision
89/00149/FUL	Provision of a wire fenced area for storage of horticultural materials	Granted 16 March 1989
89/08408/FUL	Single storey prefabricated building 18.3m x 12.236m	Granted 27 March 1990
90/05015/FUL	Erection of metal security fence	Granted 22 April 1991
91/04791/FUL	Erection of dust extraction hopper	Granted 31 Oct 1991

00/01261/FUL	Erection of 18m telecommunication pole and equipment cabin within fenced compound	Granted 17 July 2000
02/02481/FUL	Single storey extension to form small office	Granted 15 August 2002
04/00261/FUL	Rebuilding of single storey storage building previously destroyed by fire	Granted 03 June 2004
09/01505/FUL	Retention of portakabin in mill yard for use as a working office for a private hire taxi company	Granted 23 June 2009
10/02129/FUL	Construction of a new electrical switchroom to house equipment connecting the proposed Greenholme Hydroelectric Scheme to the local electricity distribution network	Granted 28 July 2010
15/01575/POR	Change of use from B1 offices to a single C3 dwelling.	Prior Approval not Required 06 June 2015

Emerging Local Plan Core Strategy (LPCS)

On 10th October 2016 the Minister of State (Housing and Planning) issued a direction under section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by section 145(5) of the Housing and Planning Act 2016) to the City of Bradford Metropolitan District Council not to take any step in connection with the adoption of the Core Strategy. The Holding Direction was triggered at the request of Philip Davies MP and allows the Minister time to consider the issues raised by him before determining whether to formally intervene under Section 21 of the 2004 Act. The direction will remain in force until it is withdrawn by the Minister or the Minister gives a direction under section 21 of the 2004 Act in relation to the Core Strategy.

The implications of this holding direction are that Section 21A of the Act states that the “document” (the Core Strategy in the case of BMDC) has no effect. It is the Council’s position that if and when the Secretary of State withdraws the holding direction then the Core Strategy will progress (on the basis of the recommendations by the Inspector appointed) to adoption. At present however there is no clear timescale given by the Minister for a resolution concerning the holding direction. Members therefore are advised not to take account of emerging Core Strategy Policies when determining this planning application.

Replacement Unitary Development Plan (RUDP):

Allocation

The whole of the site is within the Green Belt, as defined on the RUDP Proposals Map. The River Wharfe, which forms the north-eastern boundary of the site, is identified as a Site of Ecological Importance (SEGI) S/NE9.13. An approximately 35m deep area identified as Washlands extends into the site from the River Wharfe.

Other relevant Proposals Map allocations include the Burley-in-Wharfedale Local Centre, located approximately 285m south west of the proposal site (accessible via Iron Row which runs under the A65, which separates the site from Burley in Wharfedale). The north-

eastern boundary of the Burley in Wharfedale Conservation Area is located approximately 100m south of the proposal site.

It should be noted that Burley-in-Wharfedale Parish Council have now published the Burley-in-Wharfedale Neighbourhood Plan, Informal Consultation Draft, December 2015. Under draft policies BW4 and BW8 this Neighbourhood Plan consultation document proposes the allocation of Greenholme Mills as a site for the delivery of 98 residential units and also as a Neighbourhood Commercial Zone incorporating a mix of residential, business, general industrial and warehousing uses in a development scheme which meets the following criteria:

- a) *The proposal includes a mixture of employment and residential units;*
- b) *Any additional buildings as part of the development and sympathetic with the existing site.*
- c) *Large areas of hard standing is avoided;*
- d) *All materials are complementary with the existing building;*
- e) *Landscaping and screening is used where necessary; and*
- f) *Footpath and cycle links to and from the site to Burley and the wider local environment are maintained, enhanced, and new ones created.*

Draft Policy BW16 of the Consultation Draft Neighbourhood Plan also sets out the objective of creating the following new footpath route:

A riverside walk through Greenholme Mills, connecting to the Goit and existing footpath at east end of village adjacent to road islands

Some weight can be attached to the consultation draft of the Burley-in-Wharfedale Neighbourhood Plan, given that the document is informed by consultation and engagement work undertaken by/ on behalf of the Parish Council. However, given that this document is only at the first draft stage and is currently under review by the Local Planning Authority to assess strategic Local Plan policy compliance, prior to being advanced to the local referendum stage, it is considered that the amount of weight which can be attached to either the identification of Greenholme Mills site as a potential mixed use development site within the draft Neighbourhood Plan, or the criteria which have been proposed to assess the appropriateness of a development scheme for the site, is very limited.

Proposals and Policies

The following saved policies of the RUDP are considered to be particularly relevant to the proposed development:

- UDP1 Promoting Sustainable Patterns of Development
- UDP3 Quality of Built and Natural Environment
- UDP4 Economic Regeneration
- UR2 Promoting Sustainable Development
- UR3 The Local Impact of Development
- UR6 Planning Obligations and Conditions
- E4 Protecting Existing Employment Land and Buildings in Rural Areas

- H9 Affordable Housing
- CL3 Leisure & Entertainment Developments outside City, Town and District Centres
- TM2 Impact of Traffic and its Mitigation
- TM12 Parking Standards for Residential Developments
- TM19A Traffic Management and Road Safety
- D1 Design
- D4 Community Safety
- D5 Landscaping
- D6 Meeting the Needs of Pedestrians
- D7 Meeting the Needs of Cyclists
- CF2 Education Contributions in New Residential Development
- OS5 Provision of recreation Open Space and Playing Fields In New Development
- GB1 New Building in the Green Belt
- GB2 Siting of New Building in the Green Belt
- GB4 Conversion and Change of Use in the Green Belt
- NE4 Trees and Woodlands
- NE5 Retention of Trees on Development Sites
- NE6 Protection of Trees During Development
- NE7 Sites of International and National Interest
- NE9 Other Sites of Landscape or wildlife Interest
- NE10 Protection of Natural Features and Species
- NR15A Washland
- NR15B Flood Risk
- NR16 Surface Water Run Off and Sustainable Drainage Systems
- NR17A Water Courses and Water Bodies
- P5 Development Close to Former Landfill Sites
- P7 Noise

The National Planning Policy Framework (NPPF):

The NPPF sets out the government's national planning policies, which are a material consideration for all planning applications submitted in England. Detailed assessment of specific policies within the NPPF relevant to the proposed development is included in the report below; however, in general terms, the NPPF states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

Parish Council:

Burley-In-Wharfedale Parish Council

The Planning Committee of Burley Parish Council met on 5th September 2016 and recommended to approve the application subject to:

- a) Confirmation that the overall car parking available would equate to 2 cars per housing unit plus visitor car parking
- b) That materials used during construction would be in keeping with Greenholme Mills
- c) That hours of work during construction would be Monday to Friday 8am to 6pm; Saturday 8am to 12noon and no Sunday working without prior approval
- d) Any agreement to be subject to Green Belt Legislation
- e) The traffic implications of the development to be reviewed prior to construction and to take account of the existing speed limits on the A65 and the possibility of traffic calming measures including traffic lights at the junction of the new development and a slip road onto the A65.
- f) The management of the green space on the central reservation and areas adjacent to the junction with the new development to be regularly maintained to ensure vision at the junction is not impeded. This task could possibly be carried out by the management agents for Greenholme Mills.
- g) Ensure the riverside path adjacent to the development is fully accessible to members of the public as well as residents within the development
- h) The parish council via the draft Neighbourhood Plan fully supports the concept of mixed residential and commercial uses of the site and wish to ensure that the commercial/retail elements within the development offer employment opportunities to at least match the number of people currently employed within Greenholme Mills.
- i) Ensure the 30% social housing percentage covers both houses and flats and that wherever possible a 'sons and daughters' allocation policy takes into account housing needs within Burley.
- j) Improve the underpass between Greenholme Mills and Burley Village to ensure that the new development is an integral part of the village.
- k) Note that the parish council is in negotiations with Bradford Planning Department and the developer to enter into an s106 agreement to build a Multi-Use Games Area on the vacant recreation ground on Iron Row. The cost will be around £90,000 and the facility will be maintained by Burley Parish Council.
- l) Note that Policy BW3 within the Burley Neighbourhood Plan refers to 'iconic views'. This includes views to and from Greenholme Mill to Burley Village.

Publicity and Number of Representations:

The application was initially advertised as a departure from the Development Plan through the posting of site notices and neighbour notification letters and the publication of a notice in the Ilkley Gazette newspaper on 20 August 2015. The date specified on these initial notices, by which representations should be submitted, was 10 September 2015. A second round of publicity was initiated following the submission of certain revised details/ further information.

In relation to this first publicity phase written representations were received from 38 individuals, including 17 letters of support, 19 letters of objection and 2 letters indicating that they neither support, nor object to the application. Of the 19 objectors 6 indicated that

they resided in the local area. Of the 17 supporters 8 indicated that they resided in the local area.

Following the quashing of the previous decision to grant planning permission and the submission of certain further supplementary information by the applicant, relating to employment and Green Belt matters, a further consultation exercise was undertaken between 18 August 2016 and 08 September 2016. In response to this most recent consultation exercise a further 98 representations have been submitted, taking the total to 136 representations made on the application. These 136 representations include 114 letters of support, 20 letters of objection and 2 letters indicating that they neither support, nor object to the application.

Applicant's Pre-application Public Consultation

Prior to the submission of the application the applicant engaged with Burley-in-Wharfedale Parish Council through a series of meetings held between February 2014 and July 2015. In the submitted Statement of Community Involvement the applicant has explained how this process allowed the development scheme to be informed by the Parish Council's objectives and aspirations, as articulated through their emerging Neighbourhood Plan. In particular this can be seen through the provision which has been made in the development scheme for a Riverside Walk which relates to the Parish Council's aspirations to improve access along the River Wharfe for the residents of Burley-in-Wharfedale.

As part of the process of preparing the Burley-in-Wharfedale Neighbourhood Plan the Parish Council have consulted on a range of development options for the area including the residential redevelopment of the Greenholme Mills site. The Parish Council have confirmed their analysis that the Neighbourhood Plan feedback is extremely supportive of residential development on the Greenholme Mills site.

Summary of Original Representations Received:

Support:

- The development would provide much needed new amenities and services for Burley-in-Wharfedale, particularly in relation to the proposed nursery, restaurant and spa/ gym and Riverside Walk.
- The proposal would deliver much needed new housing with the area.
- The development should address anti-social behaviour problems which are associated with the current use of Greenholme Mills.
- The site needs rescuing from its current decline.
- Saving the historic Greenholme Mills building from decline and opening the site up to public access will provide a positive legacy for the residents of Burley-in-Wharfedale.
- The scheme could be enhanced by the provision of a café and exhibition area.
- The Yorkstone sets and other important artefacts, such as the clock should be retained and re-used.
- The developer should work with the Council to assist in the relocation of the existing businesses accommodated on the site to safeguard local employment.
- The proposed development is not overcrowded and should provide for an excellent selection of quality housing.

Objection:

- The proposed access onto the A65 is unsafe.
- Insufficient information has been provided to be confident that the development will not result in significant adverse traffic and highways impacts.
- The submitted Transport Assessment is deficient in a number of respects:
 - Several detailed representations have been submitted by a highways consultant acting on behalf of an objector critiquing the traffic and highways information submitted by the applicant. These detailed comments have not been repeated here but have informed the assessment of the application by the Council's Highways Development Control team and are available to read in full on the Public Access Website.
- Insufficient parking has been provided which will result in parking problems on the site access and along Great Pasture Lane.
- The proposed site access arrangements are undeliverable due to land control/ownership issues.
- The development would result in unacceptable ecological impacts.
- The development would result in the unnecessary loss of protected trees.
- Insufficient information has been provided to understand the implications of the development in terms of harm to protected species such as Otters.
- The proposed development would unacceptably harm the Green Belt, particularly in relation to the proposed new build housing and the development of areas of the site which were previously greenfield.
- It is inappropriate to look at the overall impact of the development on the green belt, including the demolition works to the north lights building which have already been undertaken.
- Insufficient information has been provided to fully understand the impact the development would have on the Green Belt or demonstrate that very special circumstances pertain which would justify development in the Green Belt.
- The proposal site is an unsustainable location for new housing and alternative sites exist within the locality which would be preferable on sustainability grounds.
- The proposed footpath link to Burley-in-Wharfedale via Iron Row is inappropriate due to the community safety issues associated with increased use of the A65 underpass.
- The proposed commercial uses comprise main town centre uses which should be located within existing centres and may prejudice the vitality of those existing centres.
- Insufficient information has been provided to understand the impact of the proposed commercial uses on existing centres or whether the sequential test can be passed.
- The proposed development would result in significant economic harm in terms of the displacement of the existing businesses accommodated on the site, with no appropriate and available relocation options, and would result in the loss of long established businesses integral to the local economy.
- The application submission has downplayed the current employment generation potential of the site and the potential for the mill to be adapted for more efficient use and exaggerated the viability and employment generation potential of the proposed restaurant, gym and nursery.
- The design of the development is inadequate and inappropriate.

- Insufficient affordable housing delivery is being provided for as part of the development scheme.
- The site has flooded in the past and it is inappropriate to develop a new gym, nursery and restaurant in a location which is known to be vulnerable to flooding.
- Insufficient information has been provided to be confident that the development will sufficiently address flood risks and provide for sustainable site drainage.
- The development is contrary to numerous policies within the Development Plan and National Planning Policy Framework and should be refused.

Main Issues Raised in Judicial Review Claim

- The Officer Report misinterpreted saved policy E4 of the development plan in that:
 - Employment associated with proposed new commercial uses was accepted as mitigation for the loss of employment from existing industrial/ business uses.
 - Reliance was placed upon exception criterion 4 (functional redundancy) and Greenholme Mills was manifestly not functionally redundant for continued employment use.
- The Officer Report failed to have regard to a relevant emerging employment safeguarding policy (Core Strategy Policy EC4).
- The permission did not secure implementation of the commercial uses.
- In considering the impact of the development on the openness of the Green Belt the Officer Report erred by considering the impact of a building which had already been demolished (north-lights mill).
- Insufficient assessment was given to the impact of the development on the openness of the Green Belt.
- The impact of proposed car parking and its associated use upon the Green Belt was not sufficiently considered.
- The previous Committee Report was incorrect in its assessment that the proposed development would have a neutral or moderately beneficial impact upon the openness of the Green Belt.
- The previous Committee Report was not sufficiently clear that the development represents inappropriate development in the Green Belt.
- The previous Committee Report did not explicitly explain the intrinsic harm which inappropriate development causes to the Green Belt.
- The Officer report was wrong not to include an assessment of alternative forms of development on the site which could achieve similar benefits but with lower impact on the Green Belt.

Summary of Issues Raised in Further Representations

Objection on behalf of Commercial Estates Group

Green Belt

- The application does not consider the real impact on openness in quantitative terms i.e. a comparison of the overall massing of what is proposed against what is being lost.
- The applicant's figures demonstrate that the ground floor footprint of the new build element amounts to 1,257sq.m; however we have concluded that the overall

floorspace amounts to 3,771sq.m – which is considerably above the 2,206sq.m overall floorspace of the existing buildings (an uplift of 1,565sq.m).

- Therefore when an appropriate quantitative assessment is carried out (based on massing), it is clear that what is proposed is materially greater than that which presently exists on site and would be lost through redevelopment.
- The applicant has not undertaken any form of assessment of the baseline or proposed impact on openness in terms of the character and dispersal of proposed redevelopment, or indeed a comparative assessment in qualitative terms, other than a simple reference to the benefits to openness through the removal of the remaining structures associated with the former ‘north light’ building creating better access to the river.
- There is no consideration of the role the existing buildings that will be lost play in their existing impact on the openness of the Green Belt and what such impact will be of the proposed scheme.
- Despite the proposals resulting in the loss of some buildings and structures associated with the wider Mill complex (if appropriately secured), the introduction of 26 new build residential dwellings will have a materially greater impact upon the openness of the Green Belt than the existing development.
- Most of the buildings proposed to be demolished (and indeed the already demolished North Light building) form an integral element of, and adjoin the remaining mill buildings. Many are also at the western extent of the site, largely hidden from view as you approach the site and as such do not substantively impact on the openness of the Green Belt.
- The proposed new build dwellings are proposed to be set apart from the Mill resulting in a much more dispersed development.
- The new-build element will effectively appear and function as a separate pocket of development on an area of the site where relatively little development currently exists.
- Not only will this directly impact on the openness of the Green Belt, but will accommodate a more prominent location, with a perceptible impact on the openness of the Green Belt on the approach to the site from the south and east.
- In the absence of ‘very special circumstances’ being demonstrated, the inappropriate development in the Green Belt proposed by the new build elements of the application cannot be justified and should be refused planning permission on the basis of being contrary to Policy GB1 and paragraph 87 of the NPPF.

Employment

- No substantiated or “persuasive” evidence has been submitted by the Applicant to demonstrate that the buildings are functionally redundant.
- The fact that the Mill and associated buildings contain (or have until recently) a variety of different businesses and employment generating operations clearly runs contrary to any claim that the buildings are ‘functionally redundant’.
- Whilst the numbers of businesses operating from the site may have decreased recently, this is as a result of the applicant’s redevelopment aspirations rather than the claimed problems with the buildings.
- The fact that tenants have previously objected to the proposals and others still remain on site despite being in the process of having their leases terminated to facilitate the redevelopment provides further evidence of this, as well as an

indication of the paucity of comparable space elsewhere in the locality to facilitate relocation.

- Whilst the applicant has supplemented the application with letters from local agents and screen prints from the applicant's own website in an effort to demonstrate a lack of demand, these do not hold up to any form of detailed scrutiny.
- Indeed whilst the premises may have been identified as being available for a period of time on the applicant's website, this does not indicate an active or effective marketing campaign.
- No evidence has been provided as to why any investment in the Mill and associated buildings to make them into a more attractive employment proposition or indeed to address the operational issues and constraints they highlight is unviable, or impractical.
- The applicant's assertions regarding the physical unsuitability of the premises relates solely to the main Mill building. No evidence is put forward about the physical unsuitability of many of the associated buildings which are proposed to be demolished, such as those at the western end of the site; these buildings provide flexible and attractive space, suitable for types of employment use where similar premises are not readily available in Wharfedale.
- These buildings are not 'functionally redundant' and the applicant has provided no evidence as to why these buildings could not be retained for employment purposes.
- The submitted letters from local [estate] agents, confirm that they were instructed between 2012 and 2013. i.e. around 3 years ago.
- These letters do not make clear on what basis the space was being made available or include any marketing particulars produced at the time.
- On the basis that the applicant's redevelopment aspirations go back a number of years (the Statement of Community Involvement refers to pre-application discussions commencing in early 2014) then any marketing 'evidence' from this period should also be afforded limited weight.
- The applicant has also provided no analysis of alternative premises in the locality of a similar type and function that could accommodate the types of business currently (or in other cases until recently) located at Greenholme Mills.
- The proposals do not accord with policy BW9 of the emerging Burley-in-Wharfedale Neighbourhood Plan as they not been properly marketed following two years of vacancy and no alternative provision is being made for the loss of the space.
- The existing level of employment on the site is clearly reduced as a result of the applicant's efforts in running down tenancies and removing businesses who would otherwise wish to remain on site; as such the existing level of employment should be afforded no weight.
- Furthermore the applicant continues to give no consideration to the type and nature of the jobs created. These do not comprise genuinely 'replacement' job opportunities accessible to those people currently employed on site.
- The replacement jobs are not B-class uses, the safeguarding of which is the purpose of Policies E4, EC4 and BW9, and jobs arising from the proposed A-class uses will be afforded no future policy protection.
- Any subsequent application for change of use of these commercial elements, for which there would be no planning policy justification to prevent, would therefore result in inevitable job losses.

- The applicant does not offer any guarantees that the employment generating uses will be delivered.

Other Matters

- Proposed off-site highway improvements could not be delivered due to land ownership issues.
- The relevant improvements should be secured through a Planning Obligation or Planning Condition; otherwise no weight can be attached to the benefit of these works.
- Policy HO11 of the draft Core Strategy sets a requirement for 30% of new housing in Wharfedale to be delivered as affordable housing; the proposals do not accord with the policy as only 6 units are provided (amounting to just 6.5% of the total).
- Even if it is possible to conclude that the conversion of the Mill is still not capable of delivering affordable units in a viable manner, the level of affordable housing in the new build element is still below the policy requirement. For the policy requirement to be met as part of the 26 unit new build element, 8 units would need to be provided.

Further Representations (Objection)

- Agree with the position of others that as the NPPF refers to “existing development” the incorporation of the northlights sheds is incorrect.
- However, even if the applicant’s position is favoured or their further recent calculations of space to be abandoned taken into account, this is still not a proper assessment of openness; it is necessary to take account of the full implications of development and the nature of the use proposed.
- The application proposals, notably the dispersal across the site as a whole of what has been a consolidated and compact footprint, the significant areas of private gardens which will represent a fundamental change in the character and appearance of the green belt and the areas of car parking, have fundamentally different impacts on openness when compared to that of the existing buildings.
- The application proposals, as they stand, can only fail when this NPPF and development plan policy is applied in an appropriate way.
- The greenfield area has been in agricultural use for at least the last 23 years until earlier 2016.
- Historically it has always been wholly separate and more closely related visually and functionally with the agricultural and wooded areas to the south and west. It plays a significant role in establishing for the many walkers using the route to and from the River Wharfe that they are within the countryside.
- The replacement of it by back gardens is not only a wholesale loss of openness but also detrimental to visual amenity.
- It is of great concern that the trees in the area, subject of Tree Preservation Orders, were removed by contractors, who advised that they were acting on behalf of the applicant Company.
- The fact that the extensive area of setts within the site has also now been cleared, with no evidence of reinstatement in any form, simply heightens concern.
- The contention that the harm to the green belt is outweighed by the benefits of new housing and the Riverside Walk are not tested.

- The exclusion of the Greenfield area would not inevitably have a significant impact on number of dwellings to be provided; an assessment of alternatives at least is warranted.
- There is no evidence that redevelopment could not take place without the inclusion of the Greenfield land and indeed nor that the new build units are essential.
- The Committee report refers broadly to viability issues as justifying reduced S106 contributions but there is no clear evidence or analysis to this effect.
- The S106 contribution required by the City Council is stated to be applied to Menston Primary School and so presumably it is that school which is expected to accommodate children from the development.
- The use of this school by children at Greenholme Mills is neither sustainable nor appropriate.

Further Representations (Support)

- This is a good regeneration scheme and will provide part of Burley's housing allocation.
- It should be given approval as before without any more delay.
- However, concern that the use of resin bound gravel and self binding gravel is being put forward for the riverside walkway and public plaza.
- Self-binding gravel is not low-maintenance and will deteriorate. Suggest that in a conservation context reclaimed stone flags should be used in the whole of the public plaza with low maintenance materials in keeping with this historic context.
- It is better to use brownfield sites than take away the countryside.
- As a derelict mill building, the Greenholme Mills site should be used for development before areas of natural beauty are destroyed.
- Good use of an important historical village building.
- Developing smaller pockets for housing throughout the village will help retain the character of the area and preserve a village atmosphere instead of Burley expanding by way of a single homogenised mass development that is out of keeping with the area.
- This site has been in disrepair for too long; the development presents an excellent opportunity for the construction of new dwellings and commercial developments that will create new job opportunities in the village
- Over the years this area has become a run down eyesore and the creation of new dwellings, particularly affordable housing, will be much welcomed.
- The re-use and refurbishment of older buildings on brownfield sites is a better option than the loss of open space and green fields. The adaptive re-use can provide a much better and aesthetically pleasing approach to a development rather than the standard architectural reproductions that most developments can consist of.
- The use of this site is a sustainable approach that would use the existing fabric and embodied energy of the buildings on the site, compared to the large expenditure of energy required for the production of new materials and production of a new development. It would also maintain an aesthetically pleasing and historical feature within our area rather than an artificial production and carbon copy town.
- Accepting that applications and proposals are rarely perfect and cannot please all of the people all of the time, in favour of brownfield development over greenfield,

and in favour of seeing these old buildings brought back into good condition and more sustainable intensive use. Would have preferred to have seen more small, flexible business and employment use units, but think enough time has been spent trying to find a viable development plan.

- The use of a brownfield site with great access to the village makes complete sense to me. The facilities that are planned for the site are also what the village needs.
- Once completed it will be the most positive addition to the village and will provide notably more jobs than is currently provided on the site, in much needed facilities for the village. This in addition to providing more housing, which is in keeping with the style and scale of the village.
- There is a significant amount of support for the mixed use development of this site within the local community, which suggests its acceptability and coherence to policy and needs.
- Whilst the development of the site may initially lose some employment from the village area, the proposed commercial elements of the new development will create significantly more jobs than will be lost and in a safer and healthier environment, whilst adding to the amenities of the village.
- This site is perfect for housing and already has good vehicular access in place.
- Residents can use the by-pass to ease congestion in the village.

Consultation Responses:

Biodiversity

- No comments made.

Canal and River Trust

- The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in 2011 under the organisations former name, British Waterways. The 2011 issue introduced a notified area for household and minor scale development and a notified area for EIA and major scale development.
- This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

Design and Conservation

- Greenholme Mills date to the early-mid 19th century and are a good example of an integrated mill which retains a good proportion of its original buildings including the weaving sheds, engine house, pump house and spinning mill. Historically the site has strong links with the village of Burley and Iron Row, now dissected by the trunk road, provided access for workers directly from the village to the mills.
- Part of the site, the 'eastern wing' was formerly a Grade II building but following a reassessment by English Heritage (now Historic England) the decision was taken to delist this part of the site and not to list the remaining buildings.
- The mill is therefore not considered to be a designated heritage asset however this does not diminish its local importance in terms of its historic links to the village of

Burley in Wharfedale and the important contribution that the distinctive and high quality buildings make.

- I welcome the retention of the key buildings within the site as they make an important contribution to the local distinctiveness and the historic interest of the area and am generally supportive of the proposals which should ensure the future maintenance of the buildings and secure their future for the benefit of the public. I note that external alterations to the mill buildings are limited and the key characteristics of the buildings will be preserved.
- I would strongly encourage the use of a traditional palette of materials for the proposed new dwellings and any additions to the mill to ensure that they provide an appropriate context to the setting of the industrial buildings.
- Attention should also be given to the public spaces and areas of landscaping (in particular the area of car parking immediately alongside the River Wharfe) as these areas should be high quality and any areas of hard surfacing should not be visually dominant as this could detract from the character and sense of place within the development.
- Should you be minded to grant approval I would suggest careful control of materials, details and finishes and suggest that details such as facing, roofing and hard surfacing materials are approved prior to development starting and details of fenestration are submitted for approval.
- IMPACT: The proposal is welcomed and is considered to accord with section 12 (para 135) of the NPPF.

Drainage

- Should the application be approved on the documentation currently submitted, the Drainage Department would recommend the following details are implemented and secured by way of a planning condition
 - No development shall take place 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.
 - Development to be carried out in accordance with the following parameters detailed within the Level 2 Scoping Study Flood Risk & Drainage Impact Assessment reference 2015-002-RevA..
 - Existing mill building and basement conversion shall include flood resistance design to a level no lower than 600mm above the 1 in 100cc flood level for the site. This equates to 62.21mAOD
 - The existing mill conversion shall have no residential development within the basement level.

Education

- Bradford Council has a statutory duty to ensure that there are sufficient early years and school places in its area and to promote parental choice through increasing the diversity of provision.
- To create sustainable communities, the Council needs to ensure adequate provision of education infrastructure. Developers are expected to meet demands or mitigate the impacts of their proposals through planning obligations.
- For Planning Application 15/03339/MAF the primary schools which are accessible from the development include Burley & Woodhead, Burley Oaks, Menston, Ben

Rhydding, All Saints' CE, Ashland's and The Sacred Heart. Overall these schools are overcrowded despite considerable expansion due to meet the demand for places due to the growing population.

- Based on data available as at January 2016 current capacity in these primary schools is being exceeded in some year groups and allowing for the desire to operate at 95% occupancy to allow for population changes this is being exceeded in most year groups. Overall, despite increasing capacity these schools are overcrowded now and future forecasts show an increasing pupil population.
- We would therefore need to request a contribution towards the expansion or primary school educational provision of £93,415.
- The secondary school which is reasonably accessible from the development is Ilkley Grammar.
- Based on data available as at January 2016 allowing for the desire to operate at 95% occupancy for population changes this is being exceeded in most year groups.
- We would therefore need to request a contribution towards the expansion or secondary school educational provision of £120,660.

Environment Agency

- This development will only meet the National Planning Policy Framework's requirements if the following planning condition is secured.
 - The development shall be carried out in accordance with the submitted flood risk assessment (ref 2015-002-REVA) and the following mitigation measures it details:
 - Finished floor levels of the 'aged living facility' shall be set no lower than 1.95m above the modelled 1 in 100cc flood level of 61.61mAOD. This equates to a level of 63.56mAOD
 - Existing mill building conversion shall include flood resistance design to a level no lower than 600mm above the 1 in 100cc flood level for the site wherever possible. This equates to 62.21mAOD
 - The existing mill conversion shall have no residential development on the ground floor.
 - These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the local planning authority).
 - Reasons: To reduce the risk of flooding to the proposed development and future occupants. To reduce the risk of flooding to the proposed development and future occupants. To reduce the risk of flooding to the proposed development and future occupants.
- Emergency planning – advice to LPA: We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.
- National planning policy states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.
- In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the

emergency planning and rescue implications of new development in making their decisions.

- Flood proofing – advice to applicant/LPA: We note that the basement area is to be allowed to flood. We therefore strongly recommend that the basement has flood resilient/proof design installed so as to minimise its effects when flooding does occur.
- Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department.
- Flood defence consent – advice to applicant: The River Wharfe is classified as a main river. The Water Resources Act 1991 states that our consent will be required for all works in, under, over or within 8m of the top of the bank/foreshore.
- Water Framework Directive – advice to applicant/LPA: The development at Greenholme Mills is downstream of and historically connected to the large weir at Burley (grid reference SE1650547386). The River Wharfe is failing the Water Framework Directive for a lack of fish species, particularly salmon. This failure is due to the presence of manmade barriers along the course of the river.
- Burley Weir is a major obstruction to the passage of fish and we are investigating ways of funding a fish pass on the weir.
- Improving the ecology in the river brings other benefits to environment, society and the local economy which may benefit the development.
- We are keen to discuss the need for a fish bypass or lariner structure with the developers of the mill and to establish whether there is a way we can work in partnership to deliver WFD improvements and local environmental enhancements.
- Land contamination - advice to applicant: We recommend that developers should:
 - Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 - Refer to our guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.
 - Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater. GP3 is available on our website at:

Environment Agency – Further Response

- Based on the information submitted we have no further comments on this development.
- This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Wharfe which is designated as a main river.
- This was formerly called a flood defence consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning

permission granted. Further details and guidance are available at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
Please email dfrconsents-yorkshire@environment-agency.gov.uk for a copy of the application form and guidance notes.

Environmental Health

- I have no objection to this planning application. However, I would recommend that before the spa/gym and restaurant are granted planning permission that details of the proposed extraction unit and air conditioning units are passed to this Department so we can comment.
- With regard to the building and demolition works I would recommend that the best practicable means to reduce noise and dust to a minimum should be employed at all times.
- Contractors must at all times use the Best Practicable Means to minimise dust nuisance from the site activities.
- Generally, site works that can be heard outside the site boundary should only be carried out between:

Monday to Friday	8.00 a.m. to 6 p.m.
Saturday	8.00 a.m. to 1 p.m.
Sundays, Public/Bank Holidays	No working.

Night-time or 24-hour working must be agreed with the Local Authority.
- The proposed development constitutes a medium development for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013)
- Under the provisions of the LES planning guidance medium developments are required to provide Type 1 and 2 emission mitigation as follows:
 - Provision of electric vehicles charging facilities at a rate of 1 charging point per house with dedicated parking and 1 point per every 10 houses with undedicated parking.
 - Adherence to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
 - A Travel Plan which includes mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.
- Applicants are also required in some circumstances to submit an exposure assessment.
- Exposure assessment: The proposed development is not within an Air Quality Management Area (AQMA) or area of borderline air quality. On this basis current air quality in the area is considered acceptable for residential development. An air quality exposure assessment will not be required with respect to this proposal.
- Mitigation requirements:
 - CEMP: This has not been submitted with the application
 - EV charging: The application states that EV charging will be provided at the site for residents but no detail has been provided of how many or where.
 - LES travel plan: The LES planning guidance requires a Travel Plan that discourages the use of high emission vehicles and encourages the uptake of low

emission vehicles to be prepared for medium developments. A travel plan of this standard does not appear to have been submitted with the application.

- Recommended the imposition of planning conditions in relation to Electric Vehicle Charging, the provision of a Construction Environmental Management Plan and a Low Emissions Strategy Travel Plan if planning permission were to be granted.

Environmental Health – Further Response

- My comments of 10th September 2015 are still fully applicable to this new submission.
- In particular;
 - If approved EV charging will need to be conditioned at the site with details of the proposed scheme to be submitted to the council prior to the commencement of any development at the site. Details should include charging point layout, charger type, access and maintenance arrangements and indicate that due consideration has been given to H&S issues that might arise from trailing cables in communal areas.
 - If approved a CEMP should be conditioned and submitted prior to commencement of development activities at the site. The CEMP must include a full dust impact risk assessment. A simple guide for developers on how to do this is now available from myself and I would advise the applicant to familiarise themselves with it before submitting any CEMP.
 - A low emission travel plan to discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles should be prepared for the site and submitted to the council.
- The site is located in an area where there are already residential properties in existence, and therefore the noise generated from construction works is likely to result in complaints to this department. I would therefore recommend that the hours of operation are restricted as follows:
 - Monday to Friday 8.00 a.m. to 6 p.m.
 - Saturday 8.00 a.m. to 1 p.m.
 - Sundays, Public/Bank Holidays No working.
 - Night-time or 24-hour working must be agreed with the Local Authority.
 - During the construction phase there will be noise & dust generated on the site and therefore control measures will be required.

Highways Development Control

The applicant has now submitted further details to address the highway concerns raised in my initial consultation response dated 08.09.2015.

These documents include:

- o Dwg.No.1506002 Rev B - A65 / Iron Row Junction Improvements.
- o Stage 1 Road safety Audit (File Ref: 151008).
- o Designers Response to Stage 1 Road Safety Audit (Ref: 15060).
- o Visibility Splay at A65 / Iron row Junction (Ref: 1506004).
- o Speed Survey Results.

Having reviewed these documents I can confirm that I am now able to support this proposal.

It should be noted that the highway works as shown on plan Dwg.No.1506002 Rev B will require the applicant/developer to enter into a Section 278 Agreement with the Council in order to carry out these works. Therefore the applicant should contact James Marsh (Section 278 Coordinator) on 01274 437406 prior to starting any works on site.

Historic England

- Thank you for your letter of 6 August 2015 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.
- Recommendation: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you

Housing

- Wharfedale has a population of over 43,000 with a housing need for 1 and 2 bedroom accommodation. There is a net shortfall of 11 units per annum (SHMA 2013). The affordable housing quota for this area is 30%.
- The Council would require all affordable homes provided 'on-site' at affordable rent (80% of market rent inclusive of any service charge) delivered via a Registered Provider.

Lead Local Flood Authority

- The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance.
- Notwithstanding all the documentation submitted an assessment of the Drainage Impact Assessment included within the Level 2 Scoping Study Flood Risk & Drainage Impact Assessment reference 2015-002-RevA and the Proposed Drainage Plan LDS 2440/003 has been carried out.
- The LLFA deem the submitted information relating to the management of surface water drainage UNACCEPTABLE for the following reason.
- The indicative drainage layout does not consider the hierarchy for the disposal of surface water runoff within the development.
- The River Wharfe is located adjacent the eastern boundary of the site and therefore the discharge of surface water to this watercourse should be proven unviable beyond doubt until a discharge to the public sewerage network is approved.
- The development should promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its affect on the water environment to contribute to meeting Water Framework Directive objectives.
- Notwithstanding this, should the application be approved on the documentation currently submitted, the LLFA would recommend the following details are implemented and secured by way of a planning condition:

- The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage that follow the hierarchy for surface water disposal and based on sustainable drainage principles, have been submitted to and approved by the local planning authority.
- The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.
- The maximum pass forward flow of surface water from the development should not exceed the peak flow to be agreed with the Lead Local Flood Authority.

Natural England

- Your Authority should consider the Habitats Regulation Assessment (HRA) of the Draft Bradford Core Strategy, which identifies the potential for adverse effects with respect to new housing allocations in proximity to the South Pennine Moors SPA and SAC.
- The HRA identifies a 7km zone around the South Pennine Moors within which residential developments would contribute to recreational disturbance of SPA bird species and trampling of habitat.
- Proposed mitigation has been identified by your Authority and further survey work has been undertaken to ensure the Core Strategy directs development away from areas used by SPA birds and incorporates avoidance/mitigation measures to reduce urban edge effects and recreational disturbance/trampling.
- It will be necessary to ensure consistency between the evidence base work for the Core Strategy and any required avoidance and mitigation measures for this proposal.
- Given that evidence is already available in relation to the Core Strategy this should assist your Authority in considering the need for any avoidance and mitigation measures under the requirements of the Habitats Regulations.
- We have not assessed this application and associated documents for impacts on protected species.
- Natural England has published Standing Advice on protected species.
- You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Natural England – Further Response

- Natural England has previously commented on this proposal and made comments to the authority in our letter dated 17 September 2015 (attached for your convenience).

- The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.
- The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

North Yorkshire County Council

- There are no local highway authority objections to the proposed development.

North Yorkshire County Council – Further Response

- Thank you for your letter dated 11 August 2016 seeking the comments of the County Planning Authority in connection with the above planning application before 1st September 2016.
- Note the comments of your letter with specific regards to the application and would offer no comments in reply.

Rights of Way

- There are no recorded public rights of way within the red outlined site. Public Bridleway No. 252 (Ilkley) links from the site to Burley Main Street via the subway under the A65 – this is referred to in the application as a pedestrian and cycle link from the village to the site.
- Section 4.2.4 of the Transport assessment describes well used permissive footpaths along the goit and riverbank. The proposals include a permissive path running through the site along the riverbank connecting the existing paths to form a continuous walking route close to the river.
- I am aware that Burley Parish Council is working to establish a formalised route close to the river; the proposed link path appears to be a welcome step towards achieving this aim. I understand that the Parish Council would like the riverside route to be constructed to a standard suitable for use by wheelchairs and pushchairs. I note the comments in the Design and Access Statement that the developer will discuss the proposed route with Rights of Way in more detail as the development progresses and I look forward to those discussions.
- I also note mention of improvements to Iron Row to facilitate it as a point of access for sustainable travel between the site and the village.
- Overall I welcome the proposed path linkages and improvements and look forward to discussing details further with the developer.

Rights of Way – Further Response

- Thank you for further consulting the Rights of Way Section on this application. At this stage I have nothing to add to my comments of 20 August 2015.
- I look forward to discussing the proposed path links and proposed improvements further with the developer.

Sport and Leisure

- Parks and Greenspaces Service require a recreation contribution of £21,334 for 23 houses associated with the attached planning application for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development.
- This is in compliance with policy OS5 of the RUDP.
- The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Iron Row Rec & Burley Park.
- If the developer is looking to the Council to maintain any areas of public open space on the development a commuted sum will be required to maintain the areas for the next 25 years.
- If the developer is looking to maintain the areas themselves a full landscape management plan will need to be produced and agreed as part of the planning process.

Trees Team

- The application proposes to remove trees protected by a long standing TPO and will also have an impact on retained trees.
- The visual impact of the loss is not assessed in the application and basic arboricultural information is missing. Trees Team therefore cannot comment until appropriate arboricultural information is submitted.
- Since the layout has already been drawn up without a tree survey the BS5837 process cannot be followed and therefore the application automatically fails in terms of NE5 and NE6. However an arb impact assessment and tree protection plan should be submitted for further comment – it seems that the housing layout can be adjusted to keep the protected trees.
- Following the submission of detailed proposals for replacement planting the Trees Team further advised that:
 - I would be able to support the application given the proposed tree planting (subject to omitting previous proposals to plant Ash)

Trees Team – Further Response

The application is acceptable re trees but the tree planting species needs to be amended.

If approving please condition tree planting species to be agreed and planted (preferably within a set timeframe) and the following (however please note that tree felling occurred before commencement of the previously approved development so the standard conditions will need amending):

1. The development shall not begin, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site, nor shall there be any work to any trees to be retained until tree protection measures are installed in accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

Reason: To ensure that trees are adequately protected prior to development activity on the site which would otherwise unacceptably harm trees to the detriment of public visual amenity and to accord with NE5 and NE6 of the Replacement Unitary Development Plan.

2. The approved tree protection measures shall remain in place, shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during the construction period in the interests of visual amenity and to accord with NE5 and NE6 of the Replacement Unitary Development Plan.

West Yorkshire Combined Authority

- Pedestrian Access: Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired.
- Travel Cards: In order to encourage the use of the public transport services available, the developer should be conditioned to enter into Metro's Residential MetroCard (RMC).

West Yorkshire Ecology Service

- No comments made.

West Yorkshire Police

Raises no objection in principle to the proposal but comments on a number of matters of detail in relation to providing for a secure, crime resistant development including:

- Provision of CCTV/ external lighting;
- Installation of a low level perimeter; by installing a 1000mm to 1200mm high fencing, such as railings, timber fencing or hedges around the car park areas;
- Secure fencing to rear gardens and demarcation fencing to front boundaries;
- Secure bin storage arrangements
- Marking/ number of parking bays
- Maintenance of foliage;
- Cycle rack positioning;
- Access control;
- Mail delivery arrangements;
- Door and window security standards;
- Installation of intruder alarms;

Yorkshire Water

- If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:
 - The site shall be developed with separate systems of drainage for foul and surface water on and off site.

- (In the interest of satisfactory and sustainable drainage)
- No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
- (To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading)
- Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the company owned live water main, which crosses the site.
- (In order to allow sufficient access for maintenance and repair work at all times.)
- Drainage: EXISTING INFRASTRUCTURE - On the Statutory Sewer Map, there is a 225mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.
- SURFACE WATER- Sustainable development requires appropriate surface water disposal.
- Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposed of entirely via watercourse is not reasonably practical before considering disposal to public sewer.
- It is understood that the River Wharfe is located adjacent to the Eastern side of the site.
- Restrictions on surface water disposal from the site may be imposed by other parties.
- You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.
- The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.
- Water Supply: Company records indicate live 4" diameter company owned water mains cross part of the red line site boundary. The presence of the main may affect the layout of the site and therefore I consider it to be a material consideration in the determination of this application. It is recommended that no obstruction encroaches within 3 metres on either side of the main i.e. a protected strip width of 6 metres.
- The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense. The cost of these works may be prohibitive.
- There are also some 'private' water supplies within the site. These private pipe are not the responsibility of Yorkshire Water.
- Some off site main laying may be required to serve the development.
- A water supply can be provided under the terms of the Water Industry Act, 1991.

Yorkshire Water – Further Response

- The details requested to be viewed on the website dated 10 August 2016 have been checked and are of no relevance to Yorkshire Water to comment on.
- Therefore the original comments and conditions letter dated 27 August 2015 still applies for this revised development proposal.

Summary of Main Issues:

- 1) Principle (including consideration of Employment & Green Belt issues)
- 2) Sustainability
- 3) Design, Landscaping and Visual Impact
- 4) Access and Highways
- 5) Air Quality/ Sustainable Travel
- 6) Flood Risk and Drainage
- 7) Ground Conditions
- 8) Habitat Regulations/ Rights of Way
- 9) Ecology/ Biodiversity & Trees
- 10) Affordable Housing Provision, Education and Recreation Contributions
- 11) Community Safety Implications
- 12) National Planning Policy Framework (NPPF)
- 13) Equality Act 2010, Section 149

Proposal:

The proposed development scheme involves the following elements:

- **Completion of the demolition of the ‘North Lights Mill’ and demolition of the outbuildings within the northern and western parts of the site;**
- **Mill Conversion to Greenholme Mill (including alterations to the retained north-mill, weaving shed, engine room, south mill, and pump house buildings), comprising:**
 - 3 – one-bed apartments;
 - 49 – two-bed apartments/ duplex units;
 - 11 – three-bed apartments/ duplex units;
 - 3 – three-bed townhouses;
 - 66 residential units total
 - Spa/ Gym (840m²)
 - Restaurant (352m²)
 - Nursery/ Crèche (389m²)
- **New build residential development:**
 - 8 – three-bed 2 storey + roof-space town houses;
 - 12 – four-bed 2 storey + roof-space town houses;
 - 3 – one-bed apartments (affordable);
 - 3 – two-bed apartments (affordable);
- **57 space car park and landscaped gardens/ plaza in area to east of Greenholme Mill formerly occupied by north light building;**
- **Three car parks with 132 parking spaces collectively to the west/ north-west & south of Greenholme Mill;**
- **Riverside walk along eastern boundary;**
- **Open Greenspace and woodland in northern part of the site beyond car park;**

Appraisal:

1) Principle

1. At paragraph 47 the NPPF stresses the need for Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the NPPF requires LPAs to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The Council cannot currently demonstrate a 5 year supply of deliverable housing sites, as assessed against either the objective assessment of need which has been carried out by the Council or the figures set out in the, now revoked, Regional Spatial Strategy.

2. The delivery of 69 apartments and 23 houses on the proposal site would undoubtedly contribute towards meeting the future housing needs of Bradford's growing population and in this regard would be supported in broad terms by the National Planning Policy Framework. However the site specific policy constraints associated with the proposed development scheme must be considered, including the acceptability of development within the Green Belt.

Employment Loss

3. In terms of the displacement of employment uses which would be consequent from the development scheme, saved policy E4 of the RUDP indicates that, in settlements in rural areas not subject to policy GB1, the development or redevelopment of existing employment land or buildings for other uses will not be permitted except in certain specified circumstances.

4. The previous version of the Committee Report assessed the proposal against the criteria set out in saved policy E4 and concluded that the redevelopment scheme accorded with that policy, on the basis that the physical configuration of Greenholme Mills (accessibility between floors/ wings) is such that it could no longer be considered appropriate for business or industry use (i.e. it is functionally redundant for that use). Upon further review it has been identified that, notwithstanding the validity of this conclusion, saved RUDP policy E4 does not apply to the site, as the site is not within a settlement not subject to policy GB1.

5. There are no saved policies of the RUDP which prohibit the development or redevelopment of existing employment land or buildings within the Green Belt for other uses and therefore it is considered that the loss of employment which would be a consequence of the development does not conflict with any policy of the adopted Development Plan. Equally it is not considered that the displacement of the existing employment use of the site would conflict with any of the policies set out in the NPPF.

Proposed New Commercial/ Business Uses

6. In order to provide for an appropriate mix of uses on the site and provide for continued employment opportunities as part of the development, the applicant proposes to develop the old weaving sheds adjacent to the River Wharfe and the basement floor of the north mill building into three commercial units designed to accommodate leisure/ entertainment and educational uses, specifically comprising a restaurant, spa/ gym and nursery/ crèche. Based upon a survey of similar operating businesses the applicant

estimates that the gross 1,581m² of floor space to be provided would be likely to generate around 56 jobs (comprising a mixture of full and part-time positions).

7. The proposed restaurant and spa/ gym uses are considered to be main town centre uses which the NPPF indicates should normally be accommodated within an existing centre. The NPPF only requires impact assessment if the floor space to be provided would be over 2,500m², unless a lower threshold has been set locally; however sequential testing is still required whatever the floor space to be provided.

8. The applicant was asked to provide an Impact Assessment and Sequential Test Statement, to support their application. The conclusion of this impact assessment is that the proposed uses would have a minimal impact on the relevant Town Centres within the catchment (Ilkley, Otley and Guiseley), which are regarded as being in relatively good health.

9. Furthermore the assessment concludes that the grant of planning permission for the proposed uses would not put at risk any specific town centre strategy or policies or prejudice any investment planned in either of the three centres. The assessment also concludes that, notwithstanding the minimal impact the development would have on the relevant existing centres, there are no sequentially preferable available sites which could accommodate the proposed uses.

10. It is considered that the proposed restaurant, spa/ gym and nursery/ crèche uses to be accommodated within the mill conversion scheme will relate well to the residential development of the remainder of the site in terms of amenity impacts and the potential for the residential population to make use of on-site facilities without having to travel further afield. Furthermore it is considered that the provision of these uses on the site is justified in terms of allowing for the site to continue providing employment opportunities.

11. It is accepted and understood that saved RUDP policy E4 does not safeguard retail/ leisure uses, such as the ones proposed in this application, from displacement by other uses of land. It is also accepted that, notwithstanding the requirement to gain approval for a Phasing Plan, there is a possibility that the proposed commercial uses may not prove attractive to business and that an alternative use for the basement level may be proposed at a later date (subject to any necessary grant of planning permission). However the submitted Flood Risk assessment precludes residential uses of the basement level, as reflected in condition 2 recommended at the end of this report, and therefore it is considered likely that any alternative use for the basement floor would include some employment generating element.

Green Belt

12. Section 9 of the NPPF sets out a national framework for assessing the acceptability of proposals for the development of land within the Green Belt. At paragraphs 89 and 90 the NPPF defines types of development which can be treated as not being inappropriate development within the Green Belt. The stated exceptions to the general policy of Green Belt development restraint include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use

(excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

13. Although the proposal site primarily comprises previously developed land, it also includes an approximately 1,400m² greenfield area outside of the established curtilage of Greenholme Mills. Therefore, irrespective of the assessment of whether the development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, as set out below, the proposal cannot be considered to be covered by the previously developed land exception set out in paragraph 89 and must be treated as inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt.

14. In terms of the provisions of the RUDP, saved policies GB1 and GB4 provide the local policy basis for assessing the appropriateness of proposals for new development and conversions or changes of use within the Green Belt. The proposed development does not meet any of the exceptions stated within saved policy GB1 and includes development beyond the scope of the conversions/ changes of use which could be considered appropriate under saved policy GB4 and therefore the proposal must also be treated as inappropriate development in terms of the local Green Belt policy framework. Inappropriate development should only be approved in very special circumstances.

15. The NPPF confirms at paragraphs 87 and 88 that:

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

16. Objectors criticised the previous Committee Report for not acknowledging the intrinsic harm that inappropriate development within the Green Belt causes to the Green Belt, for not appropriately assessing and characterising the magnitude, nature and extent of the harm the development would cause to the Green Belt, for including structures within the assessment which had already been demolished (north-lights mill), for not properly assessing the implications of changes in the extent and usage of hard standings and for not giving consideration to potential alternative forms of development which could achieve the same benefits whilst resulting in less harm to the Green Belt.

17. In relation to the assessment of alternatives, the Council considers that it must assess the development scheme which has been submitted to it on its merits and does not accept that it is required to speculate about potential alternative (albeit unidentified) development schemes for the site. It is considered that the revised Green Belt assessment

below addresses all material planning issues which have been raised in relation to the assessment of Green Belt issues.

18. Firstly it is accepted that the proposed development would harm the Green Belt by reason of its inappropriateness, by reason of the harm to the openness of the Green Belt which would be caused by the new-build elements of the scheme and by reason of the elements of the development which conflict with the stated purposes of including land within the Green Belt. In accordance with National Policy (paragraph 88 of the Framework) each of those elements of harm attracts substantial weight. A more detailed analysis of that harm is set out below.

19. The tables below have been produced, providing information on the footprint and volume of the buildings to be demolished vs. the proposed new buildings on the site:

Table 1 – Buildings/ Parts of Buildings to be Demolished

Proposed Demolition	Approximate Footprint (m2)	Approximate Volume (m3)
Building Complex N1	650	3,800
Building Complex N2	500	3,400
Building N3	90	400
Building W2	400	1,900
Part of Weaving Shed to be Demolished for Riverside Walk	240	1,100
Buildings to be Demolished Total	1,880	10,600

Table 2 – New-Build

Proposed New-Build	Approximate Footprint (m2)	Approximate Volume (m3)
Covered Linking Annex	450	2,250
Terrace Above Parking	500	2,000
New Build Housing	1,300	8,500
Proposed New Buildings Total	2,250	12,750

20. As can be seen, the proposed development would result in a net increase in the amount of built development on the site amounting to approximately 400m² in terms of footprint and 2,200m³ in terms of volume. These figures represent an increase of less than 10% in terms of both footprint and volume compared to the current extent of development. Therefore the proposed development can be considered to have the effect of increasing built development on the site, and correspondingly reducing the openness of the Green Belt, to an extent which is significant but which can be considered to be relatively modest when considered in relation to the amount of built development which currently occupies the site.

21. In addition to the quantitative volumetric and footprint analysis presented above, an objector has claimed that the changes the proposed development would make to the distribution of built development around the site would result in increased harm to the openness of the Green Belt, irrespective of the difference in volume/ footprint. In response to this point it is accepted that the proposed new build houses within the western area of

the site would be more visible from public viewpoints than the existing development within the northern area of the site.

22. It is not accepted that the visibility from public viewpoints or prominence in the landscape of the buildings to be built vs. the buildings to be demolished as part of the development scheme is relevant to the assessment of harm to openness. However, as discussed above, it is accepted that the proposed development would reduce the openness of the Green Belt to a significant extent. It is also accepted that the changes the development would make to the distribution of development around the site would be harmful to the purposes of including land in the Green Belt, as assessed further below.

23. In relation to the harm the development would cause to the purposes of including land within the Green Belt, it should be noted that the NPPF sets out these purposes as follows:

- To check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

24. The stated purpose of including land in the Green Belt which is considered to be most relevant to the proposed development is the purpose of assisting in safeguarding the countryside from encroachment. In order to assess the extent to which the proposed development would cause harm through urban encroachment into the countryside an analysis has been undertaken of the existing condition of the site vs. the proposed development in terms of the presence of urbanising features and the character and dispersal development.

25. To assist in this assessment the existing site can be considered as comprising five areas with relatively distinct characters. Each of these areas is listed below, together with commentary on the impact the proposed development is considered to have on the character of these areas:

- a) The main Greenholme Mill complex in the centre of the site;
 - i. Existing character: Large traditional mill complex in a state of decline;
 - ii. Post-development character: Converted mill;
- b) The car park area to the west;
 - i. Existing character: Largely hard surfaced area including some small ramshackle structures used at a low intensity for parking and with some small grassed areas/ shrubs;
 - ii. Post-development character: New-build residential estate;
- c) The greenfield area to the west;
 - i. Existing character : Greenfield paddock area beyond the current site boundary;

- ii. Post-development character: Residential curtilages (some intrusion of residential dwellings) with landscaped boundary including re-built stone wall with tree planting;
- d) The north-lights mill demolition area to the east;
 - i. Existing character: Hard surface derelict area of land including remnant walls and other structures associated with its previous development;
 - ii. Post-development character: Public plaza, gardens, riverside walk, parking area and raised terrace;
- e) The industrial unit/ open storage area to the north;
 - i. Existing character: Relatively intensively developed area including buildings and associated yards accommodating a range of light industrial uses;
 - ii. Post-development character: Open area comprising approximately 50% car parking and 50% new greenfield area with planting.

26. Given the above assessment it is considered that the proposed development would result in the following impacts upon the Green Belt in terms of the presence of urban features:

- Area A – Neutral Impact
- Area B – Harm to the Green Belt;
- Area C – Harm to the Green Belt;
- Area D – Harm to the Green Belt;
- Area E – Benefit to the Green Belt;

27. Objectors have specifically highlighted the issue of the impact of hard standings and their usage. In relation to this matter it should be noted that both the existing site and the proposed development scheme include extensive areas of hard standing. The existing site is primarily hard surfaced excepting the 1,400m² greenfield area to the west, small areas of grass within the western car park area and trees either side of the access down to the north-lights mill demolition area. The total existing hard surfaced areas of the site amount to approximately 15,000m² in area.

28. The usage of these areas of hardstanding varies, with the western car park area used at a very low intensity for parking cars, the area to the east of Greenholme Mill, which comprises the floor slab of the north-lights mill, not put to any use, and the northern hard surfaced area used relatively intensively for storage and parking associated with the industrial units occupying that part of the site.

29. The proposed development would result in significant changes to the surfacing of the whole site and the usage of external areas, including through the development of new houses and associated driveways, estate road and residential gardens on the partly hard surfaced, partly greenfield area to the west, the development of a car park and green space/ public garden on the north-lights mill demolition area to the east and development of a further car park and new greenfield area on the industrial unit area to the north.

30. The overall change to hard surfacing would be a reduction of approximately 4,000m² in the extent of the site which is covered by hard surfaces (from approximately 15,000m² to approximately 11,000m²). However it is acknowledged that this reduction in the extent of hard surfacing will not lead to a consequent benefit to the Green Belt in terms of its openness and the presence of urban features, as car parking areas would be used much more intensively and the green spaces which would be created would be predominantly public or private garden areas which are themselves urban in character.

31. Overall, therefore, it is considered that the development would result in significant harm to the Green Belt in terms of inappropriateness, in terms of loss of openness and in terms of urban encroachment. As noted above, paragraph 88 of the NPPF advises that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

32. This report finds that all 'other harm' associated with the development can be mitigated to an acceptable level or has been adequately compensated for within the development scheme. Accordingly, in respect of those other issues, impact is neutral. It is the harm to the Green Belt which falls on the negative side of the balance. In terms of the positive side of the balance the main considerations in this instance are as follows:

(a) the development would provide for the delivery of 92 new residential units, mainly on previously developed land, in a relatively sustainable location, well connected to an existing settlement;

(b) the development provides for the delivery of a new landscaped riverside walk and associated public gardens, which will provide the residential population of Burley-in-Wharfedale with a new amenity/ recreational route within a reasonable walking distance, reducing the need for residents to travel further afield to access the River Wharfe, and;

(c) notwithstanding the fact that Greenholme Mills is no longer a designated heritage asset, the redevelopment scheme will allow the decline and deterioration of Greenholme Mills to be halted and will facilitate the repair, refurbishment and on-going maintenance of a historic mill complex within a development scheme which retains key features of historic and architectural interest.

33. Substantial weight should be given to the harm the development will cause to the Green Belt. Inappropriate development in the Green Belt can only be approved in very special circumstances. Very special circumstances can only be considered to exist where the harm the development will cause to the Green Belt and any other harm is clearly outweighed by other considerations. In coming to a decision on this planning application members of the Regulatory and Appeals Committee must consider whether the three considerations set out in the preceding paragraph (either individually or in combination) clearly outweigh the harm the development will cause to the Green Belt and any other harm.

34. After giving due consideration to, and placing substantial weight upon, the harm the development would cause to the Green Belt, as described above, the advice of Planning Officers to the Regulatory and Appeal's Committee is that, in this case the three considerations listed in paragraph 30, when considered in combination, do clearly outweigh the harm the development would cause to the Green Belt, and accordingly, very special circumstances (so as to justify the inappropriate development in the Green Belt) have been demonstrated. The remainder of the report below concludes that all other impacts associated with the development can be mitigated to an acceptable level through the imposition of planning conditions and obligations.

2) Sustainability

35. The NPPF sets out a presumption in favour of *Sustainable Development*. The NPPF clarifies that sustainable development has 3 aspects, economic, social and environmental and that the delivery of sustainable development involves contributing to a strong, responsive and competitive economy, supporting strong, vibrant and healthy communities and contributing to protecting and enhancing our natural, built and historic environment. At paragraph 9 the NPPF clarifies that pursuing sustainable development involves making it easier for jobs to be created in cities, towns and villages, moving from a net loss of bio-diversity to achieving net gains for nature, replacing poor design with better design, improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes.

36. The NPPF sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development through the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the NPPF 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.

37. Paragraph 34 of the NPPF 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. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

38. In terms of local policies designed to shape a sustainable pattern of development within the District, Saved RUDP policy UDP1 is relevant. It sets out the key overarching sustainability criteria for the location of new development within the District, indicating that the needs of the development District will be met by:

- 1) focussing on urban areas;
- 2) encouraging the most effective use of brownfield sites and buildings;
- 3) concentrating development in areas with good public transport links;
- 4) concentrating development in areas with proximity to essential and wider facilities and services, and;
- 5) phasing the release of land for housing development.

Saved RUDP policy UR2 confirms that development will be permitted provided that it contributes to the social economic and environmental aspects of sustainable development.

39. The majority of the proposal site comprises previously developed land, an old textile mill complex, with also a relatively small area of greenfield land comprised within the development area. The site is located to the east of the settlement boundary of Burley-in-Wharfedale separated from the village by the A65; however the Iron Row bridleway and its associated underpass under the A65 provides for a relatively easy and quick pedestrian and cycle connection to the settlement.

40. The applicant has proposed to improve the Iron Row underpass, in terms of its lighting, as part of the development scheme and provide for good on-site pedestrian and cycle access to Iron Row in order to optimise the utility of this route as a sustainable link to the Burley-in-Wharfedale local service centre. The Iron Row bridleway runs 320m north-east from its junction with Main Street in the centre of the village of Burley-in-Wharfedale, past a recreation ground, through an underpass under the A65, before crossing Great Pasture Lane to the site entrance.

41. An objector has cast doubt on the deliverability of the previously required off-site street lighting improvements proposed as part of this development in terms of land ownership issues. In response to this point the necessity of this requirement has been reviewed. It should be noted that the route proposed to be improved, Iron Row, is already a well surfaced and lit route and the required improvements were very minor in nature, effectively amounting to changing several light bulbs within the underpass. Upon review it has been determined that the requirement to achieve these off-site lighting improvements is not necessary to make the application acceptable in planning terms and therefore this requirement has been omitted from this revised report.

42. A range of amenities can be accessed off Main Street, comprising the Burley-in-Wharfedale local centre, including shops, cafes, drinking establishments, restaurants, places of workshop and a doctor's surgery. A pedestrian crossing over main street is located a short distance from the junction between main street and Iron Row and further amenities including Grange Park, Burley-in-Wharfedale Cricket Club, Burley Oaks Primary School and Burley Railway Station can be accessed via a 470m, 590m, 690m, and 1.2km walk respectively.

43. The applicant proposes on-site provision of public open spaces and a riverside walk to allow residents direct access to informal recreational opportunities without the need to travel. The proposed non-residential uses to be incorporated within the mill-conversion could also be argued to be of some sustainability benefit in terms of the ability of the residents of the site and Burley-in-Wharfedale more widely to access nursery and gym facilities without the need to travel further afield, notwithstanding the fact that only a certain proportion of the customers for the proposed non-residential uses are likely to originate from the local area and that customers from further afield are likely to mainly arrive by car via the A65.

44. In relation to education infrastructure, it is accepted that both Primary Schools and Secondary Schools in the locality currently have insufficient capacity to adequately provide for the additional children likely to be brought into the area by the proposed development. The applicant has agreed to meet the level of funding requested by the Council's

Children's Services Department to allow them to expand existing schools sufficiently to accommodate the additional children likely to be generated by the development. It is therefore considered that the Planning Obligations recommended in the report would be sufficient to fully provide for the additional pressures which would be placed upon the area's schools by the proposed residential development.

45. Taking account of the circumstances of the site, it is considered that the development of the proposal site with a mixed use, housing led redevelopment scheme accords with the principles of sustainable development articulated through the NPPF and saved policies of the RUDP, that the applicant has adequately demonstrated that the proposed scheme would provide for a well-connected and appropriate development, incorporating on-site provision of public open spaces and footpath routes, and that appropriate provision has been made for the improvement of off-site infrastructure including schools and a recreation ground. It is therefore considered that the development is consistent with the sustainability principles set out in saved RUDP policies UDP1 and UR2 and paragraphs 9, 17, 34 and 38 of the NPPF.

3) Design, Landscaping and Visual Impact

46. The National Planning Policy Framework (NPPF) 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;
- 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.

47. The NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. At the local level saved RUDP policy D1 sets out design principles, indicating that new development should relate to the existing character of the locality, policy D4 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime and policy D5 emphasises the importance of appropriate and effective site landscaping, indicating that existing and new landscape features should be incorporated as an integral part of the proposal. Saved policy NE3 confirms that development should preserve the particular character of the landscape within which it is set.

48. Part of the mill complex which is proposed to be converted to mixed residential and commercial uses was previously listed as a heritage asset. However Historic England have recently reviewed this listing and confirmed that, although the site retains some interesting historical features, the condition and circumstances of the site are such that they do not consider it appropriate for preservation as a listed building. Historic England have in fact de-listed the element of the mill complex which was previously listed. Nonetheless the Greenholme Mills site remains a site of some significance in terms of the industrial heritage of the area and includes many attractive elements and features.

49. The applicant has explained that part of the context of the current application is a concern that the Greenholme Mills buildings are currently deteriorating in condition and that the current inefficient use of the land is unlikely to be able to provide for sufficient investment to guarantee the buildings' long term future. The proposed development involves the retention of the key features of aesthetic merit and historical significance associated with the site in relation to the site entrance, north mill, south mill, engine room and pump house buildings and sympathetic conversion to primarily residential use with relatively minimal external alterations.

50. The proposed commercial uses would be confined to the old weaving sheds which are not prominent on the site. Within this part of the site more substantial alterations would be undertaken, including repositioning the weaving shed wall facing the River Wharfe, to allow sufficient room for the Riverside Walk, and the construction of a new entrance feature and linking annex from the main mill buildings. The converted mill buildings would be set in landscaped grounds and the applicant proposes to break up the proposed large communal parking areas to the north-west and east of the mill through the use of soft landscaping features. The land to the north, which is currently partly occupied by industrial buildings/ yard, is proposed to be partly provided as an open grass field and partly a small woodland copse.

51. Seven blocks of housing/ apartments are proposed to be provided in the new-build area between two existing buildings to the north and south, which are of a similar scale and massing to the proposed new build. This south-western part of the site currently partly comprises parking and a commercial building and partly comprises greenspace. The housing blocks would be traditional in character, adopting a similar building style to the existing 1930s development off Great Pasture Lane, and would be 2 storeys in height plus utilisation of roof-space for additional accommodation.

52. One of the most prominent elements of the development site is the frontage to Great Pasture Lane north of the site access, which currently comprises a 10-15m deep strip of greenfield land with a stone wall marking the curtilage of the Greenholme Mills site. This land would be incorporated into the new build residential area, with the loss of several protected trees. However the applicant has sought to retain a similar character to the site's Great Pasture Lane frontage by proposing to provide a shallower planted verge area and retaining, but relocating, the stone wall. The applicant has also accepted the need to restrict permitted development rights for the units along this frontage to ensure that new structures are not erected which would spoil the appearance of this frontage.

53. Sufficient information has been provided to understand the design approach which will be taken for the development and the form and appearance of buildings and layout of hard and soft landscaping areas; however it is necessary to reserve full details of site landscaping and building finishes by planning condition. Subject to the reservation of such details, overall it is considered that the proposed development should make a positive contribution to the appearance and character of the locality, removing several relatively unattractive structures and yard areas which offer no positive contribution to the visual character of the locality, providing for the preservation of the attractive features of the Greenholme Mills complex, proposing a well-designed and sympathetic new-build element, and providing for an attractive landscaped setting for the development.

54. Furthermore it is considered that the proposed development will provide high amenity standards for residents, both in terms of the space standards and arrangement of buildings and the associated landscaped public spaces and gardens, without impinging on the amenities enjoyed by existing nearby residents in relation to factors such as overbearing, overshadowing or overlooking. Nonetheless it is considered necessary to control the ventilation/ extraction equipment which is likely to be associated with the proposed commercial uses to ensure the siting of such equipment does not unacceptably harm residential amenity due to issues associated with noise and odours.

55. In summary it is considered that the design, layout and landscaping of the scheme is of good quality and will provide for a residential development which is appropriate to the character of the locality, will not prejudice the amenities enjoyed by the occupants of adjacent land, is relatively secure from crime, and will provide for an attractive, well connected environment with a high amenity/ recreational value. The proposal is therefore considered to accord with the design principles set out in both the NPPF and the RUDP and in particular paragraph 58 of the NPPF and saved policies UR3, D1, D4 and D5 of the RUDP.

4) Access and Highways

56. Paragraph 32 of the NPPF 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.

57. Saved policies TM2 and TM19A of the RUDP indicate that development which will lead to unmitigated adverse impacts on proposed or existing transport infrastructure will not be accepted and that road safety is a material planning consideration. RUDP Annex C specifies parking standards for residential development and saved RUDP policy TM12 indicates that in determining planning applications for residential developments the

Council will require provision of parking in accordance with the council's adopted standards, although lower parking standards can apply for developments of affordable housing and for units located in the city and town centres with very good levels of public transport accessibility.

58. The proposal would retain access to the site off Great Pasture Lane via the A65. The applicant has indicated that the access road to new-build element within the south-western part of the site would be constructed as a shared surface road, with Local Authority adoption in mind, but that the access road to the parking/ service areas associated with the apartments and commercial uses to be incorporated within the mill conversion would remain private roads.

59. The applicant has submitted a Transport Assessment in support of the planning application which assesses the potential traffic impact of the proposed development, concluding that the development is acceptable in terms of traffic impact and accessibility provision, and that there are no highway safety or capacity reasons why planning consent for the proposed development should not be granted.

60. The submitted Transport Assessment and site access proposals have been subjected to scrutiny by both the Council's Highways Development Control team and objectors, including a Highway Consultant acting on behalf of an objector. The outcome of this scrutiny was that several concerns were raised in relation to the robustness of the submitted Transport Assessment and the Highways Development Control team identified specific concerns in relation to the highway safety implications of right turns out of Great Pasture Lane onto the A65 (the number of such manoeuvres being potentially significantly increased if the proposed development goes ahead).

61. In order to address these concerns the applicant provided a Stage 1 Road Safety Audit and revised access proposals, including proposed alterations to the junction between Great Pasture Lane and the A65 to restrict right turns onto the A65. The Council's Highways Development Control team have confirmed that the Road Safety Audit and revised access proposals have addressed their concerns in relation to the highways impacts of the development and the adequacy of the submitted information, subject to the imposition of planning conditions reserving approval of full details of the access alterations and internal highway and parking arrangements.

62. Subject to the conditions recommended at the end of this report, it is concluded that the proposed means of access to the site is acceptable in highways terms, sufficient on-site parking provision has been made and that sufficient evidence has been submitted to demonstrate that the level of traffic which will be generated by the development will result in residual cumulative impacts which could not be considered to be severe in accordance with saved policies TM2 and TM19A of the RUDP and paragraph 32 of the NPPF.

5) Air Quality/ Sustainable Travel

63. Paragraph 35 of the NPPF confirms that developments should be located and designed where practical to:

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

64. The Bradford MDC Low Emissions Strategy, published in August 2013, sets out a Development Control Air Quality Policy at Appendix 2 which identifies the criteria for the requirement of an Air Quality Assessment and specifies the level of mitigation expected to be provided for different categories of development. Mitigation provisions should include, as a minimum, electric vehicle charging points for each dwelling (which can be achieved at a relatively low cost to developers).

65. In relation to the potential exposure of the residents of the proposed new dwellings to issues associated with poor Air Quality, the Council's Environmental Health Service have confirmed that the proposed development is not within an Air Quality Management Area (AQMA) or area of borderline air quality. On this basis current air quality in the area is considered acceptable for residential development and an air quality exposure assessment is not required to accompany the proposal.

66. In relation to the mitigation of the increased air quality impacts which may be brought about by the development, the proposed development constitutes a medium development for the purpose of Appendix 2 of the Bradford Low Emission Strategy (LES). Under the provisions of the LES planning guidance medium developments are required to provide Type 1 and 2 emission mitigation as follows:

- Provision of electric vehicles charging facilities at a rate of 1 charging point per house with dedicated parking and 1 point per every 10 houses with undedicated parking.
- Adherence to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
- A Travel Plan which includes mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.

67. The applicant accepts the need to provide for on-site electric vehicle charging and to produce Travel Plans in relation to both the proposed residential and commercial uses of the development. Additionally the applicant recognises the importance of providing for good cycle and pedestrian connectivity to Burley-in-Wharfedale and the services/ public transport nodes which it provides and has proposed improvements to Iron Row and on-site cycle storage provisions.

68. It is considered that the measures identified above fulfil the requirements of Bradford MDC Low Emissions Strategy, subject to the imposition of conditions reserving approval of full EV Charging details, a LES Travel Plan, a CEMP and full details of cycle storage and internal footway provision. Subject to these provisions it is also considered

that the development will suitably promote the adoption of sustainable patterns of travel by future residents and facilitate the accessing of local facilities and services by modes of transport other than the private car in accordance with the provisions of paragraph 35 of the NPPF.

6) Flood Risk and Drainage

69. The proposal site is located adjacent to the River Wharfe, with an approximately 35m deep area identified as Washlands on the RUDP proposals map projecting into the basement floor/ landscaped gardens and car park to the north-east of Greenholme Mills. Saved policy NR15A states that development will not be permitted in areas identified as washlands on the proposals map, except in exceptional circumstances for essential infrastructure which cannot practicably be located elsewhere. Saved RUDP policy NR15B more generally indicates that development will not be permitted where it would:

1. increase the risks of flooding further downstream
 - by increasing flows; or
 - by impeding the flow of floodwater; or
 - through the discharge of additional surface water; or
 - by undermining the integrity of existing flood defences;
2. be at risk itself from flooding and
3. impede access to watercourses for maintenance
4. fail to provide adequate measures for the protection of public safety unless adequate protection or mitigation measures are undertaken as part of the proposed development.

70. Saved RUDP policy NR16 states that development proposals, which add to the risk of flooding or other environmental damage, as a result of surface water run-off will not be permitted unless effective control measures are provided. The policy also requires that development proposals incorporate sustainable drainage systems, which control surface water runoff, as close to source as possible, wherever practicable.

71. A level 2 scoping study, flood risk and drainage impact assessment has been submitted to support the application, together with a drawing illustrating indicative drainage provisions. In relation to flood risk the applicant accepts that the commercial uses and apartment entrance/ reception in the basement of the mill complex will be vulnerable to flooding. However the report confirms that no residential uses should be situated on the basement level and recommends flood resilience measures to be incorporated within the commercial uses.

72. The Environment Agency, Yorkshire Water and the Council's Drainage Unit/ Lead Local Flood Authority were consulted on the application. None of these consultation bodies expressed any fundamental concerns about the proposed development in relation to the site's potential vulnerability to flooding or the feasibility of draining the site sustainably without increasing on or off-site flood risks, subject to the imposition of conditions requiring the implementation of the flood resilience measures recommended in

the flood risk assessment and reserving approval of a detailed drainage strategy for the site, including SUDS maintenance proposals.

73. Nonetheless both the Council's Drainage team, acting in their capacity as Lead Local Flood Authority, and Yorkshire Water raised concerns that the indicative drainage strategy proposes the drainage of surface water from the new-build area to sewer rather than through infiltration or watercourse (surface water disposal options which are sequentially preferable in terms of the principles of SUDS). The applicant has been made aware of the fact that the final drainage strategy should follow the principles of SUDS and that draining any surface water to sewer is unlikely to be acceptable.

74. However there is no reason to conclude that an appropriate and sustainable drainage design cannot be provided for the site. Subject to the imposition of appropriate conditions as recommended at the end of this report, it is therefore considered that the application is acceptable in relation to flooding and drainage issues, in relation to the guidance set out in saved policies NR15A, NR15B, NR16, NR17 and NR17A of the RUDP.

7) Ground Conditions

75. Paragraph 121 of the NPPF 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 NPPF also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person. Saved RUDP policy P5 indicates that potential for ground gas migration should be assessed for development sites within 250m of recorded landfill sites.

76. Two historic landfill sites are indicated on Council records to be located adjacent to the site as follows: Landfill 14NE01B (adjacent land to the south) & Landfill 14NE01A (adjacent land to the north): two small areas of land at Greenholme Mills, Burley-in-Wharfedale, which were infilled under planning permissions referenced 87/07/00288, 87/07/00289 and 87/07/02726. The materials used were of an inert nature and the sites were restored to the satisfaction of the Local Planning Authority prior to the incorporation into the trading estate that now exists on the site. Although this historic landfill record does not give cause for concern (due to the inert nature of the material thought to have been deposited) the proposal site has been in long standing industrial use and as such the ground beneath the site may contain contaminants.

77. In order to assess ground conditions on the site the applicant has submitted an Environmental Desk Study Report. The report assesses relevant sources of information in relation to the potential for the site to be contaminated and provides a conceptual model based risk assessment which concludes that the development has the potential to create new pollutant linkages or allow existing pollutant linkages to subsist and that therefore site investigations are required to inform a Phase 2 Risk Assessment and Remediation Strategy (if required).

78. It is considered that the Environmental Desk Study provides sufficient information to understand the likely scope of contamination risks relevant to the site and that, subject to the imposition of conditions requiring the approval of a full contamination risk assessment

report, informed by further site investigations and remediation proposals (if necessary), verification (if required) and a materials importation scheme, contamination risks have been appropriately addressed in accordance with saved RUDP policies UR3 and P5 and paragraph 121 of the NPPF.

8) Habitat Regulations/ Rights of Way

79. The proposal site is approximately 2.3Km north of the South Pennine Moors, which is designated as a SSSI (Site of Special Scientific Interest) SAC (Special Area of Conservation) and SPA (Special Protection Area). Saved RUDP policy NE7 indicates that development which may affect a European Site will be subject to the most rigorous examination and that development likely to have significant effects on the site (either individually or in combination with other plans or projects) will not be permitted unless there is no alternative solution and there are imperative reasons of over-riding public interest which justify the grant of planning permission for the development.

80. Previous Habitats Regulations Assessment work undertaken as part of the Local Plan preparation process has highlighted the potential for housing development within proximity to the South Pennine Moors, to result in harm to the integrity of the Moor as a Special Protection Areas as a consequence of increased recreational use. This issue has been discussed between the applicant and the Council's Countryside and Rights of Way Service and it has been agreed that the potential for the proposed Greenholme Mill development to contribute to such adverse impact can be adequately mitigated through the on-site provision of a Riverside Walk.

81. The applicant proposes to provide a publically accessible Riverside Walk which will allow both site residents and the existing residents of Burley-in-Wharfedale (via Iron Row) to access the River Wharfe on a short, accessible and attractive route. The Parish Council have an aspiration to provide a linked set of permissive footpath routes which provide for more extensive access along the river. However even if the proposed on-site Riverside Walk is viewed in isolation it is considered that its utility in providing for a new attractive walking route as an alternative to the South Pennine Moors for local residents is sufficient to off-set the risk of the development contributing towards harm to the integrity of the moors.

82. The Council's Area Rights of Way Officer has indicated that he supports the proposed footpath provision and the applicant has confirmed that, although the route would not be dedicated as a public footpath, he would accept a planning condition/ obligation ensuring it is retained as an accessible public route in perpetuity. Subject to this requirement, as set out in the planning conditions and obligations recommended in this report, it is considered that the proposal is acceptable in terms of SPA impact and rights of way issues, in accordance with the requirements of saved policies NE7 and D6 of the RUDP and the Habitats Regulations.

9) Ecology/ Biodiversity & Trees

83. Saved RUDP policies NE5 and NE6 emphasise the importance of the retention and protection of trees on development sites. Saved policy NE9 indicates that proposals likely to have an adverse effect on a Bradford Wildlife Area will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to

safeguard the substantive nature conservation value of the site. Saved policy NE10 confirms that development proposals should ensure that important landscape, ecological, geological features, or wildlife habitats accommodating protected species are protected. Paragraph 109 of the NPPF confirms that one of the government's objectives for the planning system is to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

84. The primary ecological features relevant to the proposal site are the trees along the site's south-western boundary (within the proposed new-build residential area), the trees adjacent to the ramp down to the former north-lights area and adjacent to the parking area and the River Wharfe, forming the north-eastern boundary of the site, which is designated as a SEGI/ Local Site and becomes a SSSI further downstream in the Leeds District. In addition the potential for the existing site structures to support bats must be considered.

85. In order to assess the ecological value of the site and the potential for the development to adversely affect habitats and protected species the applicant has submitted an Extended Phase 1 Habitat Survey Report, Bat Survey Report and Bat Survey Addendum. These reports highlight the need for certain further survey works and mitigation measures to ensure that the development does not harm protected species; however no significant concerns are highlighted in terms of the potential ecological impact of the development.

86. The Council's Biodiversity section, West Yorkshire Ecology and Natural England were all consulted on the application and none of these bodies responded with any concerns or objections in relation to the proposed development or the sufficiency of the submitted ecological information. It is considered that the proposed site landscaping works, which the applicant has indicated will include substantial tree planting, wildflower meadows and a pond feature offer significant potential for biodiversity enhancement.

87. It is therefore concluded that, subject to the imposition of suitably worded conditions requiring the implementation of the further survey works and mitigation measures specified in the submitted Habitat and Bat surveys and ecological enhancement provisions within the site landscaping scheme, there are no grounds to conclude that the development would be unacceptable on ecological impact or biodiversity grounds in accordance with the principles set out in paragraph 109 of the NPPF and saved policies NE9 and NE10 of the RUDP

88. In relation to tree loss, the development will unfortunately result in the loss of several protected trees within the new-build area in the south-western part of the site. The Council's Tree Officer initially objected to the application on this basis. However following the submission of further information including a Tree Survey and significant replacement planting proposals the Tree Officer confirmed his support for the proposals. The trees along the south-western boundary of the site have recently been felled; however providing for their replacement planting is still considered to be an important consideration. It is considered that, subject to the imposition of conditions requiring tree protection during construction and details of proposed planting, the proposal accords with saved policies NE5 and NE6 of the RUDP.

10) Affordable Housing Provision, Education and Recreation Contributions

89. A number of teams and agencies have requested the developer to make contributions towards meeting off-site infrastructure and other needs associated with the development. These contributions include the provision of funding towards the expansion of educational facilities to meet the increased demand for school places, a contribution to fund the delivery of increased recreational provision to meet the future recreational needs of residents, the provision of funding for a Residential Metrocard Scheme and providing for on-site footpath improvements. . In addition, in compliance with the benchmark figures referenced by saved RUDP policy H9, the provision of up to 40% of the proposed houses as affordable dwellings, to be managed by a Registered Social Landlord, would normally be required.

90. The applicant has generally accepted the need to meet the requested infrastructure contribution levels in full. The exceptions to this are in relation to the requested Residential Metrocard (RMC) Contribution and meeting the full quota of Affordable Housing. In respect of the RMC, the applicant has indicated that meeting this contribution may prejudice the viability of the scheme. It is accepted that providing funding for such a scheme is not necessary to make the development acceptable, taking consideration of the advice set out in paragraphs 203 to 206 of the NPPF. Specifically it is considered that the applicant's proposals for improvements to Iron Row, cycle storage facilities, footpath provision, electric vehicle charging points and their commitment to introduce site travel plans are sufficient to make the development acceptable in relation to sustainable travel and air quality issues.

91. In relation to Affordable Housing, through discussion with the Council's Housing team the applicant has established that it would not be viable to include housing provision within the mill conversion, due to the magnitude of the maintenance & management fee which will be required to maintain the converted buildings and associated private roads, parking areas, public gardens, landscaping and Riverside Walk. Instead the applicant has agreed to dedicate one of the new build units to Affordable Housing which would enable the delivery of 3 accessible 1-bed ground floor apartments and 3 2-bed apartments.

92. The Council's housing service have confirmed that they would support this level of provision, given the specific circumstances of the development, and have further confirmed that the provision of one and two bedroom units is consistent with the affordable housing need in the locality. Notwithstanding this agreement, it is acknowledged that the proposed level of Affordable Housing provision, at 6.5% of the total number of residential units, falls significantly below the Joint Housing Strategy benchmark figures, which indicated a potential need to provide 40% Affordable Housing in Wharfedale.

93. Nonetheless it should be noted that saved RUDP policy H9 does not prescribe generic affordable housing provision quotas. As the Council's Housing Team advise that the delivery of 6 one and two bedroom flats as Affordable Housing would be an acceptable level of Affordable Housing in terms of the specific circumstances of this development, it is considered that the proposed 6.5% Affordable Housing provision level is acceptable in this instance.

94. To cater for the additional demands which would be placed upon the area's schools by the proposed development the applicant has agreed to meet the level of funding calculated to be required by the Council's Education Service in full (£93,415 Primary; £120,660 Secondary). Menston Primary School and Ilkley Grammar School have been identified as the recipients of this funding. During the previous Committee Meeting it was agreed to extend this funding to Burley Oaks Primary School. Consequently the Council can be confident that the provisions made by the applicant will allow the educational needs of future residents to be adequately met without adversely affect the area's existing communities.

95. Likewise, in-addition to on-site provision of a Public Garden and Riverside Walk, the applicant has agreed to the level of off-site recreational infrastructure funding requested by the Council's Sport and Leisure Service. It has been agreed that this funding can be used towards either the delivery of a new Multi Use Games Area on land to the west of Iron Row or on drainage works, footpath works and fencing at Iron Row Recreation Ground & Burley Park (in the event that the MUGA isn't delivered within 5 years).

96. It is therefore considered that the planning obligations proposed by the applicant are sufficient to address the affordable housing obligations and infrastructure requirements necessary to make the development acceptable in planning terms. The proposed obligations are also clearly directly related to the development and are considered to be fairly and reasonably related in scale and kind to the development and therefore comply with the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The agreed Planning Obligations have also been tested against the new pooled funding restrictions introduced through Regulation 123 and found to be compliant.

11) Community Safety Implications

97. Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The Police Architectural Liaison Officer has confirmed that she has no objection in principle to the development but has raised certain concerns and points of detail in relation to matters including:

- Provision of CCTV/ external lighting;
- Installation of a low level perimeter; by installing a 1000mm to 1200mm high fencing, such as railings, timber fencing or hedges around the car park areas;
- Secure fencing to rear gardens and demarcation fencing to front boundaries;
- Secure bin storage arrangements
- Marking/ number of parking bays
- Maintenance of foliage;
- Cycle rack positioning;
- Access control;
- Mail delivery arrangements;
- Door and window security standards;
- Installation of intruder alarms;

98. Whilst being mindful of the need to provide a suitably crime resistant environment with well-defined and secure public and private spaces the Council must also balance

other planning considerations including the imperative of facilitating connectivity to the surrounding built and natural environment and providing the recreational spaces necessary to promote healthy lifestyles and attractive, vibrant, socially interconnected developments.

99. Subject to the reservation of details of boundary treatments, parking, lighting and CCTV arrangements by planning conditions, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with saved policy D4 of the RUDP.

12) National Planning Policy Framework (NPPF)

100. The proposal has been reviewed for consistency with the NPPF. As assessed in detail above, it is accepted that the development is inappropriate development in the Green Belt within the terms of the NPPF but it is considered that very special circumstances exist such that the grant of planning permission is justified in this instance. Furthermore it is considered that the proposed development would represent sustainable development and is appropriate to the site (subject to the imposition of the planning conditions and obligations recommended in this report). Therefore it is considered that the proposal is consistent with the policy advice set out in the NPPF as well as the saved policies of the RUDP.

13) Equality Act 2010, Section 149

101. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

102. The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this applicant to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

103. The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Furthermore it is not considered that the proposal would lead to significant adverse impacts on any people, regardless of their characteristics. Likewise, if planning permission were to be refused by the committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics.

Reason for Granting Planning Permission:

104. The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Substantial weight has been given to the harm the proposed development would cause to the Green Belt by reason of its inappropriateness, the loss of openness which would be a consequence of the development and the development's conflict with the purposes of allocating land as Green Belt. However it is considered that the harm the development would cause to the Green Belt is clearly outweighed by the other

considerations set out in this report in respect of the provision of new housing on mainly previously developed land, the provision of a new Riverside Walk and securing the future of a historic (undesigned) mill complex.

105. It is considered that, subject to securing the Planning Obligations and conditions recommended at the end of this report, the development will not result in unacceptable impacts upon the environment or the occupants of surrounding land in terms of visual amenity, employment and Town Centre vitality impacts, traffic and highways impacts, flood risk, ecological impacts, amenity or air quality. Furthermore it is considered that the development will serve to enhance and broaden the range of amenities available to the residents of Burley-in-Wharfedale through the provision of a new restaurant, nursery and spa/ gym and the creation of a publicly accessible Riverside Walk.

106. The proposal is considered to accord with the relevant national planning policies set out in the NPPF and the saved policies within the replacement Unitary Development Plan, in particular policies UDP1, UDP3, UDP4, UR2, UR3, E4, H9, CL3, TM2, TM12, TM19A, D1, D4, D5, NE4, NE5, NE6, NE7, NE9, NE10, NR15A, NR15B, NR16, NR17A, GB1, P5 and P7.

Conditions of Approval:

1. 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).

Drainage

2. The development shall be carried out in accordance with the following requirements:

1. Existing mill building and basement conversion shall include flood resistance design to a level no lower than 600mm above the 1 in 100cc flood level for the site. This equates to 62.21mAOD
2. The existing mill conversion shall have no residential development/ use within the basement level.
3. The maximum pass forward flow of surface water from the development, as approved by the Local Planning Authority pursuant to condition 3, should not be exceeded.

Reason: In the interests of the protection of the environment and the reduction of flood risks, in accordance with saved policy NR16 of the replacement Unitary Development Plan.

3. Prior to the commencement of development full details of the foul and surface water drainage system to be provided within the development, including any balancing and off site works and sustainable drainage features, a maximum pass forward flow of surface water from the development, and a timetable for the provision of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority.

The approved drainage works shall thereafter be implemented in full in accordance with the approved details.

Reason: To ensure that the site is appropriately drained, in the interests of the protection of the environment and the reduction of flood risks, in accordance with saved policy NR16 of the replacement Unitary Development Plan.

4. Prior to the commencement of development a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed in strict accordance with the approved Surface Water Drainage Maintenance and Management document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks, to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

5. No piped discharge of surface water from the application site shall take place until works to provide an outfall for surface water have been completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its outfall and to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

6. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the company owned live water main, which crosses the site.

Reason: To prevent harm to existing underground water supply infrastructure, in accordance with saved policies UR2 and UR3 of the replacement Unitary Development Plan.

Trees/ Ecology

7. The development shall not begin, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site, nor shall there be any work to any trees to be retained until tree protection measures are installed in accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

Reason: To ensure that trees are adequately protected prior to development activity on the site which would otherwise unacceptably harm trees to the detriment of public visual amenity and to accord with NE5 and NE6 of the Replacement Unitary Development Plan.

8. The approved tree protection measures shall remain in place, shall not be moved, removed or altered for the duration of the development without the written consent of the

Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during the construction period in the interests of visual amenity and to accord with NE5 and NE6 of the Replacement Unitary Development Plan.

9. The ecological mitigation/ recommendations set out in Section 5 of the submitted Extended Phase 1 Habitat Survey Report and Section 6 of the submitted Bat Survey Report and Bat Survey Addendum, shall be implemented in full. Development shall not commence until the required further ecological surveys have been completed and a report setting out the findings of these surveys and a comprehensive set of ecological impact mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with any mitigation measures set out in the approved report.

Reason: In the interests of ecological protection and biodiversity, in accordance with saved policies NE9 and NE10 of the replacement Unitary Development Plan.

Facing Materials, Boundary Treatments & Landscaping

10. Construction works associated with the mill-conversion development hereby approved shall not commence until full details of all external alterations including facing materials and the design of replacement windows and doors, roofing materials, rainwater goods, fascias and soffits, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the character of the original building is not detrimentally affected by the mill conversion, in accordance with saved policy D1 of the replacement Unitary Development Plan.

11. The construction of the dwellings hereby approved shall not commence until full details of the facing materials of the relevant buildings to be constructed, including samples of facing stones, bricks and tiles, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to the built and natural environment in the locality, in accordance with saved policies D1 and NE3 of the replacement Unitary Development Plan.

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out within the curtilage of the dwelling houses identified as plots 13 to 21 on drawing ref. LDS 2440/ 002 Rev B.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to the built and natural environment in the locality, in accordance with saved policies D1 and NE3 of the replacement Unitary Development Plan.

13. None of the dwellings to which this notice relates shall be brought into occupation until full details of boundary treatments, including plot division fences and gates and the treatment of the frontage to Great Pasture Lane, have been submitted to and approved in writing by the Local Planning Authority. The submitted boundary treatment provision shall be informed by the principles of Secure by Design as well as design and landscape impact considerations. Thereafter the approved boundary treatment provisions shall be fully implemented in accordance with a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, landscape character and planning for crime prevention, in accordance with policies NE3, D1, D4 and D5 of the replacement Unitary Development Plan.

14. None of the dwellings to which this notice relates shall be brought into occupation until full details of hard and soft landscaping provisions, including details relating to the Public Plaza and Gardens, Riverside Walk, Woodland Areas and Wildflower Meadows to be provided as part of the development, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- i) Proposed site levels including details of any new/ altered retaining structures;
- ii) Details of paths and other surfaces including the retention or reuse of existing cobbles/ stone setts;
- iii) Proposed topsoil depths;
- iv) Details of any benches, bins or other hard landscaping features;
- v) Details of any lighting to be provided;
- vi) Details of any access barriers, walls and fencing;
- vii) Details of any areas to be seeded, flower beds, shrubs or hedges;
- viii) Details of tree planting;
- ix) Ecological enhancement proposals;
- x) Provisions to address dog fouling issues, including through the introduction of a Green Dog Walkers scheme (or similar);
- xi) Provision of CCTV and/ or other crime prevention measures;
- xii) Bin storage provisions;
- xiii) Proposals for the demarcation of parking spaces;
- xiv) Details of the cycle racks/ cycle storage facilities to be provided.

The approved hard and soft landscaping details shall thereafter be implemented in full in accordance with the approved details in accordance with a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, ecology and inclusive design, and to accord with Policies D1, D4, D5, NE3 and NE10 of the replacement Unitary Development Plan.

15. Public access along the full length of the Riverside Walk as shown on the drawing entitled Landscape Management Plan, dated July 2015, is to be provided as part of the development before first occupation of any of the proposed dwellings and shall remain unimpeded and unobstructed in perpetuity.

Reason: In the interest of amenity and to mitigate the potential for the development to generate increase residential use of the South Pennine Moors SPA, in accordance with saved policies UR2, UR3, NE7, NE8, NE9 and NE10 of the replacement Unitary Development Plan.

16. None of the dwellings to which this notice relates shall be brought into occupation until full details a landscape management plan, including long term design objectives, management responsibilities, replacement planting for failing trees and maintenance schedules for all landscape areas, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented in full in accordance with the approved details.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord with Policies D1, D5, NE3 and NE10 of the replacement Unitary Development Plan.

17. No extraction, ventilation or air conditioning equipment shall be installed at the site to which this notice relates other than in accordance with details, which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any extraction, ventilation or air conditioning equipment associated with the nursery/ crèche, spa/ gym and restaurant uses hereby approved do not unacceptably impact upon the amenity of residential occupants, in accordance with saved policy UR3 of the replacement Unitary Development Plan.

Phasing

18. Prior to the commencement of development a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall provide full details of the phasing of the development in terms of the sequence in which the commercial, residential conversion and residential new-build elements of the development will be constructed and brought into occupation and the provision of associated infrastructure including: access, parking, servicing, EV charging, landscaping, riverside walk and drainage infrastructure. Thereafter the development shall be carried out in strict accordance with the provisions of the approved Phasing Plan.

Reason: To ensure that the main elements of the development and associated infrastructure are delivered in an appropriate and sensible sequence, in the interests of proper planning, amenity and highway safety and to accord with Policies UR2, UR3 and TM19A of the Replacement Unitary Development Plan.

Highways

19. Prior to the commencement of development full details and specifications of the works associated with the junction of A65 / Iron Row, including alterations to prevent both right turn manoeuvres from the A65 onto Iron Row and right turn manoeuvres from Iron Row onto the A65, shall be submitted to and approved in writing by the Local Planning Authority. The works to the junction of A65 / Iron Row shall thereafter be implemented in full in accordance with the approved details before any of the dwellings hereby approved are brought into occupation.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

20. Notwithstanding the highway details shown on the approved drawings listed on this Decision Notice, prior to the commencement of development a plan showing full details site internal highway and parking arrangements, including access road layout, footway provision, parking arrangements, together with constructional specifications, shall be submitted to and approved in writing by the Local Planning Authority. The site highway and parking arrangements shall thereafter be implemented in full in accordance with the approved details in accordance with a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that suitable access and parking arrangements are provided to serve the development in the interest of pedestrian and highway safety in accordance with saved policies TM2 and TM19A of the replacement Unitary Development Plan.

21. Before each dwelling hereby approved is first occupied, the approved means of vehicular and pedestrian access to that dwelling shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved details and thereafter retained whilst ever any dwellings hereby approved remain in occupation.

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 Policy TM19A of the Replacement Unitary Development Plan.

22. Before each dwelling hereby approved is first occupied, the approved off street car parking facilities and vehicle turning area associated with that dwelling shall be laid out, hard surfaced, sealed and drained within the site and thereafter retained whilst ever any dwellings hereby approved remain in occupation. The gradient of parking spaces shall be no steeper than 1 in 15.

Reason: To avoid the need for vehicles to reverse on to or from the highway or park on the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

23. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent superseding 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) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) 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;
- ix) arrangements for the management of surface water during the construction phase;
- x) temporary warning and direction signing on the approaches to the site.

The construction plan details as approved shall be implemented 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 means of access specified 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 TM2 and TM19A of the Replacement Unitary Development Plan.

Land Quality

24. Prior to the commencement of development a report, setting out the findings of an investigation and risk assessment to assess the nature and extent of any contamination affecting the site, shall be submitted to and approved in writing by the Local Planning Authority. The report should include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to all significant receptors including human health and controlled waters;
- (iii) an appraisal of remedial options.
- (iv) identification of the preferred remedial option.

Development shall take place in accordance with the approved preferred remedial option.

Reason: To ensure that risks from land contamination are appropriately investigated, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

25. None of the residential dwellings hereby approved shall be brought into occupation until either the Local Planning Authority has approved a contamination risk assessment

report which concludes that no site remediation works are necessary or a remediation verification report has been submitted to and approved in writing by the Local Planning Authority. A remediation verification report must include:

- (i) a description of the remediation works which have been carried out;
- (ii) evidence to demonstrate that the site has been brought to a condition suitable for the intended use;
- (iii) any necessary provisions for future contamination monitoring and maintenance of remediation works.

Reason: To ensure that risks from land contamination are appropriately remediated, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

26. In the event that contamination is found at any time when carrying out the approved development, which has not previously been identified and risk assessed, it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing. Following completion of measures identified in the approved remediation scheme and prior to the commencement of the occupation of the approved development a verification report must be prepared and submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

27. 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 any such materials being deposited on the site to which this notice relates.

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 UR3 of the Replacement Unitary Development Plan.

Air Quality

28. Prior to the commencement of development a Construction Environmental Management Plan (CEMP), for minimising the emission of dust and other emissions to air during the demolition, site preparation and construction phases of the development, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP.

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

29. None of the residential dwellings hereby approved shall be brought into occupation and none of the commercial units hereby approved shall be brought into use until a Low Emissions Travel Plan, including an implementation programme and monitoring procedures, has been submitted to and approved in writing by the Local Planning Authority. The approved Low Emissions Travel Plan shall thereafter be implemented in full in accordance with the approved implementation programme and monitoring procedures. As a minimum the Low Emissions Travel Plan shall include the following provisions:

- i) Targets for a reduction in overall car ownership / use at the site and targets for increased percentage uptake of low emission vehicles at the site;
- ii) Measures to support low emission public transport in the area;
- iii) Opportunities to deliver a car club facility at the site to reduce the need for private vehicle ownership;
- iv) an implementation programme and monitoring procedures.

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

30. None of the residential dwellings hereby approved shall be brought into occupation until details of the provision of electric vehicle charging points for all new dwellings within the new-build element of the development and at least 10% of apartments within the mill-conversion element of the development, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charging provisions shall be fully implemented in accordance with a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the District, and takes into consideration paragraph 35 of the National Planning Policy Framework and polices UDP3 and UR2 of the Replacement Unitary Development Plan.

Footnote: The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 3, 4, 7, 8, 9, 11, 18, 19, 20, 23, 24 and 28 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 3, 4, 7, 8, 9, 11, 18, 19, 20, 23, 24 and 28 are fundamental to the acceptability of the development and the nature of the further

information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

Appendix 2 – Extracts of RUDP Policies

Protecting Land and Buildings in The Urban Areas

5.24 Whilst Policy E1 protects the allocated sites for business and industry, there is also a need to ensure that land and buildings which are in use or were last used for business and industry, but are not shown as allocations on the proposal maps are also protected. Because of the overall shortage of employment land in the district it is important to retain existing land and buildings for employment use and prevent the loss to other uses. Therefore;

POLICY E3

WITHIN URBAN AREAS THE DEVELOPMENT OF EXISTING EMPLOYMENT LAND OR BUILDINGS FOR OTHER USES WILL NOT BE PERMITTED UNLESS:

- (1) THE PROPOSAL IS IN A MIXED USE AREA SHOWN ON THE PLAN; OR**
- (2) THE PROPOSAL IS WITHIN THE DEFINED CITY, TOWN, DISTRICT OR LOCAL CENTRES OR THE TOWN CENTRE EXPANSION AREAS OR WITHIN THE VALLEY ROAD RETAIL AREAS SHOWN ON THE PLAN OR**
- (3) THE PROPOSAL IS WITHIN BRADFORD/SHIPLEY/BAILDON OR KEIGHLEY, IS LESS THAN ONE HECTARE IN SIZE, AND IS NOT WITHIN AN EMPLOYMENT ZONE; OR**
- (4) THE PROPOSAL IS WITHIN THE TOWNS OF BINGLEY, ILKLEY, QUEENSBURY OR SILSDEN AND IS LESS THAN 0.4 HECTARE IN SIZE AND NOT WITHIN AN EMPLOYMENT ZONE; OR**
- (5) THE PROPOSAL CONTRIBUTES POSITIVELY TO THE RE-USE OF A LISTED BUILDING OR OTHER HISTORIC BUILDINGS IN A CONSERVATION AREA; OR**
- (6) THE PROPOSAL CONTRIBUTES POSITIVELY TO PRESERVING OR ENHANCING THE CHARACTER OF A CONSERVATION AREA; OR**
- (7) IT IS NO LONGER APPROPRIATE TO CONTINUE AS AN EMPLOYMENT USE BECAUSE OF THE ADVERSE AFFECT ON THE SURROUNDING LAND USES; OR**
- (8) THE BUILDING HAS BECOME FUNCTIONALLY REDUNDANT FOR EMPLOYMENT USE.**

5.25 The criteria attached to the policy sets out the circumstances where other uses will be acceptable for existing employment land and buildings. These reflect the Council's concern to retain existing employment opportunities in the outer urban areas and the smaller towns, whilst allowing for some flexibility in the inner urban areas.

5.26 The areas designated for Mixed Use will promote a mix of uses to promote sustainability and encourage vitality. Proposals falling within these areas will be subject to the appropriate policies in Chapter 4 (Urban Renaissance). In the areas designated for retail expansion, proposals will be subject to the appropriate policies in Chapter 7 (Town Centre, Retail and Leisure).

5.27 In the smaller free-standing towns the lack of expansion opportunities for meeting future business needs makes it important to retain existing employment land and buildings for business use and to reduce the growth in commuting.

5.28 Proposals that are likely to be acceptable under Criteria (5) and (6) will need to further the Plan's objectives regarding the enhancement of Conservation Areas and protection of Listed Buildings.

5.29 Where following housing development an employment use is now located in the middle of a residential area, and there will be significant detriment to residential amenity, then criterion 7 of Policy E3 provides for its reuse for alternative purposes.

5.30 Criterion (8) refers to the cases where because of certain physical characteristics such as the age, height, scale or physical configuration of the building and the provision for parking and vehicle manoeuvring the building can no longer be considered appropriate for business and industry uses. However, many older buildings can be successfully adapted for employment uses and therefore persuasive evidence of functional redundancy will be required in these circumstances.

.....

Protecting Land and Buildings in The Rural Areas

5.31 In recent years the smaller settlements have suffered a decline in employment as a result of their development as commuter villages. To aid the rural economy the Plan seeks to ensure that appropriate employment uses are encouraged by retaining existing employment uses and encouraging new developments of an appropriate scale on land that is not allocated as Green Belt. This will help to retain and enhance local employment opportunities and reduce commuting flows. Therefore:

POLICY E4

IN SETTLEMENTS IN RURAL AREAS NOT SUBJECT TO POLICY GB1 THE DEVELOPMENT OR REDEVELOPMENT OF EXISTING EMPLOYMENT LAND OR BUILDINGS FOR OTHER USES WILL NOT BE PERMITTED UNLESS:

- (1) THE PROPOSAL CONTRIBUTES POSITIVELY TO THE RE-USE OF A LISTED BUILDING OR OTHER HISTORIC BUILDINGS IN A CONSERVATION AREA; OR**
- (2) THE PROPOSAL CONTRIBUTES POSITIVELY TO PRESERVING OR ENHANCING THE CHARACTER OF A CONSERVATION AREA; OR**
- (3) IT IS NO LONGER APPROPRIATE TO CONTINUE AS AN EMPLOYMENT USE BECAUSE OF THE ADVERSE EFFECT ON THE SURROUNDING LAND USES; OR**
- (4) THE BUILDING HAS BECOME FUNCTIONALLY REDUNDANT FOR EMPLOYMENT USE.**

5.32 The policy includes the same criteria as (6),(7),(8) in Policy E3, the purpose of which is explained under that policy.

.....

Controlling Development in the Green Belt

13.0 Introduction

13.1 Within the Green Belt there is a general presumption against inappropriate development and a requirement that proposals will not harm the distinctive identity of Bradford's countryside. The Council will therefore only support developments which accord

with those UDP Policies relating to development in the Green Belt (Policies GB1 to GB6A), with preference being given to proposals which would help to maintain the quality and distinctiveness of the countryside.

13.2 The following policies set down basic principles to strictly control development in the Green Belt within the guidelines set by Planning Policy Guidance Note 2, (Revised) Green Belts (PPG2) in order to ensure that the objectives of the Green Belt listed above are achieved.

13.3 In addition the Council is currently reviewing its Supplementary Planning Guidance on

“Development in the Green Belt and Other Rural Areas”. This will provide additional detailed guidance, expanding on the basic principles set down in Policies GB1-GB6A below, dealing in particular with matters such as design, siting and materials.

POLICY GB1

EXCEPT IN VERY SPECIAL CIRCUMSTANCES, PLANNING PERMISSION WILL NOT BE GIVEN WITHIN THE GREEN BELT AS DEFINED ON THE PROPOSALS MAPS FOR DEVELOPMENT FOR PURPOSES OTHER THAN

(1) AGRICULTURE AND FORESTRY, ESSENTIAL FACILITIES FOR OUTDOOR SPORT AND OUTDOOR RECREATION, CEMETERIES;

OR

(2) FOR OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND WHICH DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN IT.

13.4a The definition of development includes the construction of new buildings, engineering and other operations as well as the making of any material change in the use of land.

13.4 It will be for applicants to demonstrate that very special circumstances exist to justify uses other than those set out in Policy GB1.

New Buildings

13.5 Under Policy GB1 certain new buildings may be acceptable in principle in the Green Belt.

However, Government guidance states that it is important that new development should not injure the visual amenities of the Green Belt. To ensure this the following policy will apply:

POLICY GB2

WITHIN THE GREEN BELT, NEW BUILDINGS WHICH MAY BE ACCEPTABLE IN PRINCIPLE SHOULD BE SITED SO THAT THEY RELATE CLOSELY TO EXISTING BUILDINGS, OR, WHERE THEIR FUNCTIONAL REQUIREMENTS DEMAND OTHERWISE, IN AN UNOBTRUSIVE POSITION WITHIN THE LANDSCAPE. WHERE

APPROPRIATE, ADDITIONAL TREE PLANTING AND LANDSCAPING SHOULD BE INCLUDED TO FURTHER REDUCE THE IMPACT OF THE BUILDINGS.

Infill

13.6 In the Green Belt there are often gaps within existing settlements or within groups of existing buildings where a strictly limited amount of new building could occur without resulting in any encroachment of development into open countryside and without conflicting with other objectives of the Green Belt. It is important however that such development is strictly controlled.

13.7 To ensure infill development is strictly controlled, the following policy will apply:

POLICY GB3

WITHIN THE SETTLEMENTS LISTED BELOW AND WASHED OVER BY THE GREEN BELT PLANNING PERMISSION WILL ONLY BE GRANTED FOR INFILLING PROVIDED THAT:

- (1) IT FALLS WITHIN THE INFILL BOUNDARY OF THE SETTLEMENT, AS DEFINED ON THE PROPOSAL MAP
- (2) IT FILLS A SMALL GAP IN A SMALL GROUP OF BUILDINGS;
- (3) IT IS RELATED TO THE SCALE OF THE SETTLEMENT AND DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE SETTLEMENT OR ITS SURROUNDINGS.

IT WOULD NOT RESULT IN THE LOSS OF OPEN SPACE WHICH IS IMPORTANT TO THE CHARACTER, VISUAL AMENITY AND LOCAL IDENTITY OF THE SETTLEMENT PROPOSALS FOR THE EXTENSION OF THE LISTED SETTLEMENTS WILL NOT BE PERMITTED.

SETTLEMENTS WHERE THIS POLICY APPLIES ARE:-

- BRUNTHWAITE
- KEELHAM
- DENHOLME GATE
- LAYCOCK
- ESHOLT
- MICKLETHWAITE
- GOOSE EYE
- STANBURY
- HAINWORTH
- TONG
- HARECROFT

13.8 Infill will only be allowed within the boundaries identified on the proposals map for each of the named settlements, subject to compliance with the other three considerations.

13.9 For the purpose of this Policy an 'infill' site is a small gap in a small group of buildings, normally sufficient for example for only one dwelling, which is bounded by buildings on at least two sides. Where small areas of open land within recognised

settlements make an important contribution to the character of the settlements, infilling will not be permitted.

13.10 The Policy recognises that there are important green spaces within the settlements, which are often too small to identify on the plan but should be safeguarded from infill.

13.11 Limited Affordable Housing for local community needs may be acceptable according to PPG2 and Annex B of PPG3 'Housing'. Such development will only be allowed where it accords with Policy H10.

13.12 As a result primarily of changes in the practice and economics of farming there are likely to be a number of substantial and attractive agricultural buildings which, during the lifetime of the Plan, may no longer be needed for agricultural purposes. These buildings could fall into disrepair if not put to some alternative use.

13.13 PPG2 encourages the appropriate re-use of such buildings in order to help diversify the rural economy. Therefore where a building is of permanent and substantial construction and capable of conversion without major or complete reconstruction:

POLICY GB4

PLANNING PERMISSION FOR THE CONVERSION OR CHANGE OF USE OF BUILDINGS IN THE GREEN BELT WILL BE GRANTED WHERE THE PROPOSAL SATISFIES ALL OF THE FOLLOWING CRITERIA:

- (1) IT DOES NOT HAVE A MATERIALLY GREATER IMPACT THAN THE PRESENT USE ON THE OPENNESS OF THE GREEN BELT AND THE PURPOSES OF INCLUDING LAND IN IT;
- (2) IT DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE BUILDING AND ITS SURROUNDINGS;
- (3) IT DOES NOT INVOLVE THE COMPLETE OR SUBSTANTIAL REBUILDING OF THE BUILDING;
- (4) IT INVOLVES ONLY MINOR CHANGES TO THE ORIGINAL BUILDING AND THE VOLUME, FORM AND MATERIALS OF THE BUILDING REMAIN SUBSTANTIALLY THE SAME;
- (5) THE DEVELOPER ENSURES THAT ALL INFRASTRUCTURE CONSTRAINTS ARE ADEQUATELY OVERCOME WITHOUT ADVERSELY AFFECTING THE CHARACTER OF THE GREEN BELT;
- (6) IT DOES NOT LEAD TO PRESSURES FOR ADDITIONAL FARM OR OTHER BUILDINGS TO REPLACE THOSE WHICH HAVE BEEN CONVERTED TO OTHER USES.

13.14 Proposals which may involve the extension of converted buildings, will be critically assessed against Policy GB5 to ensure that they do not detract from the character of the building.

13.15 Particular infrastructure concerns, which could affect the character of the Green Belt include the means of access and provision of public utilities.

13.16 Where the proposal is for the conversion of a building, which forms an integral part of a group of buildings, it must ensure that the character of the group as a whole as well as the actual building is not harmed.

13.17 When considering proposals for the reuse of agricultural buildings for non-agricultural purposes, the Council will consider whether the proliferation of farm buildings constructed under permitted development rights could have a seriously detrimental effect on the openness of the Green Belt. In such situations the Council will determine, with reference to the guidance in Annex D paragraph 2 of PPG2, whether it would be appropriate to impose a condition withdrawing their right for new farm buildings in respect of that particular agricultural unit or holding.

13.18 Proposals for the conversion of buildings to residential use will be treated with particular caution as they can often have an unacceptably detrimental effect on both the character of the building and on the surrounding countryside (particularly through the creation of a residential curtilage). This is particularly the case with isolated buildings in the open countryside, and hence in appropriate circumstances, the Council will withdraw residential permitted development rights from rural buildings when granting planning permission for residential conversion.

13.19 Proposals for the conversion of listed buildings will also be assessed against Policies BH1 and BH4.

13.19a Protected species (for example bats) may occupy former agricultural or other buildings in the Green Belt. Therefore It is important that developers carry out an ecological appraisal to determine whether the development would affect a protected species (see Policy NE11). Where the development is likely to affect a protected species the proposal will be assessed against Policy NE10.

Appendix 3 – Section 9 of the National Planning Policy Framework

9. Protecting Green Belt land

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

81. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

82. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should:

- demonstrate why normal planning and development management policies would not be adequate;
- set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- show what the consequences of the proposal would be for sustainable development;
- demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and
- show how the Green Belt would meet the other objectives of the Framework.

83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

84. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.

85. When defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

86. If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

92. Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.

Appendix 4 – Holding Direction



Department for
Communities and
Local Government

Councillor Susan Hinchcliffe
Leader of City of Bradford Metropolitan District
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Date: 10 October 2016

Dear Councillor Hinchcliffe

Bradford Core Strategy Development Plan

The Secretary of State has received a request to intervene in the Bradford Core Strategy Development Plan ("the Plan") from Philip Davies, MP for Shipley. The request raises a number of issues including the proposed release of green belt, particularly in Wharfedale, development of green belt before brownfield land is exhausted, the efforts made under the duty to cooperate to meet Bradford's housing need and the appropriate location for development to alleviate housing need and contribute to the regeneration of Bradford city centre.

In respect of the issues identified above, the Secretary of State is considering whether to give a direction to City of Bradford Metropolitan District Council in relation to the Plan under section 21 of the Planning and Compulsory Purchase Act 2004. Therefore, in exercise of his powers under section 21A of that Act (inserted by section 145(5) of the Housing and Planning Act 2016), the Secretary of State hereby directs City of Bradford Metropolitan District Council not to take any step in connection with the adoption of the Plan, while the issues raised in the letters are considered further.

This direction will remain in force until it is withdrawn by the Secretary of State or the Secretary of State gives a direction under section 21 of the 2004 Act in relation to the Plan.

My officials will be in touch with your officers to discuss next steps and we will keep the Council updated throughout our considerations.

GAVIN BARWELL MP

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on Thursday 9 February 2017.

AH

Subject:

Planning application 15/07479/MAF and Listed Buildings Consent Application 15/07481/LBC for the following development at Bridgehouse Mills, Bridgehouse Lane, Haworth:

Mixed Use Development Comprising: Change of use, alteration, conversion, extension and partial demolition of existing mill buildings to develop 45 retirement living apartments; construction of 77 new dwellings including associated access; construction of an extension to the existing industrial building accommodating Airedale Springs; construction of a new factory for Wyedean Weaving; provision of junction improvement works, landscaping works, flood water storage works, parking and links to public footpaths

Summary statement:

The committee is asked to consider a Listed Buildings Consent application for works to the Grade II Listed Bridgehouse Mills building complex and a full planning application for the conversion of the mill complex to residential use and the development of new industrial buildings and residential dwellings on the land to the rear of the mill, which partly comprises previously developed land and partly comprises greenfield land.

A full assessment of both applications against all relevant Development Plan policies and material planning considerations is included in the report at Appendix 1. Taking development plan policies and other relevant material considerations into account it is recommended that conditional Planning Permission and Listed Buildings Consent are granted for the reasons and subject to the planning conditions and obligations set out in the report at Appendix 1.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application ref. 15/07479/MAF and listed buildings consent application 15/07481/LBC as set out in the report of the Assistant Director (Planning, Transportation and Highways) - Technical Report at Appendix 1.

It is recommended that planning permission is granted, subject to the conditions recommended at the end of the Technical Report at Appendix 1 and the following Planning Obligations, secured through a legal agreement under S106 of the Act:

- **Starter Homes:** The provision of 5 units at a discount of 20% on the open market value of the properties, subject to occupancy restrictions (properties are expected to be offered to people who have not previously been a home buyer and want to own and occupy a home, and who are below the age of 40 at the time of purchase). Appropriate restrictions to be put in place to ensure that the Starter Homes are not resold or let at their open market value for 5 years following the initial sale.
- **Public Open Space/ Flood Storage Maintenance and Management:** The Public Open Space and Flood Storage Area, described as Bridgehouse Beck Park, to be provided as part of the development shall be maintained and managed in accordance with details to be submitted and approved in writing.

2. BACKGROUND

Attached at Appendix 1 is a copy of the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to both applications to be considered.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application and listed buildings consent applications are set out in the Technical Report at Appendix 1.

4. OPTIONS

If the Committee proposes to follow the recommendation to grant planning permission and listed buildings consent then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional listed buildings consent for partial demolition and alterations to Bridgehouse Mills and planning permission for the proposed development of the site accordingly.

The proposal site is within the Green Belt and is considered to represent Green Belt Development, as defined by paragraph 4 of the Town and Country Planning (Consultation) (England) Direction 2009. In accordance with the requirements of the Consultation Direction, in the event that the Committee resolve to grant planning permission, the Secretary of State must be consulted to allow him opportunity to call-in the application for his own determination if he so chooses.

If the Committee decide that planning permission and/ or listed buildings consent should be refused, they may refuse the application(s) accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations.

5. FINANCIAL & RESOURCE APPRAISAL

A number of stakeholders have requested the developer to make contributions towards meeting off-site infrastructure and other needs associated with the development. These contributions principally comprise the provision of funding towards the expansion of educational facilities to meet the increased demand for school places and a contribution to fund the delivery of increased recreational provision to meet the future recreational needs of residents. The requested amounts are:

- Primary Education: £143,859
- Secondary Education: £185,816
- Recreation: £134,443

In compliance with the benchmark figures referenced by saved RUDP policy H9, the provision of up to 25% of the proposed houses as Affordable Housing would normally also be required.

Additionally the applicant and the Council's Highways Service have agreed that the increase in traffic which would be consequential from the proposed development would necessitate a requirement for off-site highway improvements, comprising the formation of a mini-roundabout at the junction between the site access, Bridgehouse Lane, Station Road and Brow Road. The applicant has estimated that the cost of the off-site highway improvements works would be £130,000.

In relation to the requested contribution towards off-site recreation infrastructure the relevant RUDP policy requires new residential developments which provide 50 or more family dwellings to provide for recreation open space, including children's play space and informal open space, to a minimum standard of 20 square metres per dwelling (including a suitably designed and equipped play area) and playing fields, to a minimum standard of 40 square metres per dwelling.

The proposed development includes the provision of an area of recreational open space to the south of the proposed new-build residential development area, which the applicant has named Bridgehouse Beck Park. The proposed park would be approximately 6,700m² in area and would provide for:

- Re-surfacing of existing paths in gravel;
- New grass reinforced pathways;
- Retention and refurbishment of existing footbridge and kissing gates;
- Replacement of existing dilapidated bridge;
- New stepping stone beck crossing;
- Timber benches;
- Wildflower meadows;
- Floodwater storage areas set out as species rich grassland;
- Natural play space/ equipment;
- Management of existing woodland;
- Mill goit interpretation area including restoration of sections of existing goit and interpretation boards.

The on-site recreation open space requirement under saved policy OS5 for the development of 77 family houses (as is proposed) would normally be 1,540m², with additionally 3,080m² of playing fields required, i.e. a total of 4,620m² of recreational space.

Given the proposed over provision of recreation space, and the range of recreational facilities and equipment to be provided within the proposed park, it is considered that the proposed on-site recreational provision is sufficient to comply with the requirements of saved RUDP policy OS5.

In relation to the requirement for off-site education infrastructure funding, this is set out in saved RUDP policy CF2, which requires that, where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges (as is the case for the proposed development), the Council will seek to enter into a planning obligation in order to secure the provision of, or contribution towards, new or extended facilities. The applicant has not offered to provide any funding towards the provision of new or extended educational facilities and therefore the application sits in conflict with saved RUDP policy CF2.

In relation to the requirement for Affordable Housing, saved RUDP policy H9 states that, on planning applications for substantial residential development, the Council will negotiate for a proportion of affordable housing based on the extent and type of need, the suitability of the site, and the economics of provision. The NPPF defines Affordable Housing as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market and subject to a requirement to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

The full affordable housing requirement for the site, based upon the JHS benchmark figures referenced in saved policy H9 would be 31 units. Instead the applicant proposes to provide 5 of the 77 new-build houses as 'starter homes', subject to a 20% discount on their open market value. Although the provision of the discounted starter homes welcomed, it would not meet the current definition of Affordable Housing set out in the NPPF, and therefore it must be considered that the development does not propose any delivery of Affordable Housing and therefore sits in conflict with saved RUDP policy H9.

In terms of considering the acceptability of the non-provision of Affordable Housing and funding for the extension of Primary Education and Secondary Education facilities, reference should be made to paragraph 173 of the NPPF. Paragraph 173 states that, to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The applicant argues that the provision of education funding and affordable housing as part of the development scheme would render the development unviable. They explain that this is due to the scale of costs associated with the proposed development including the costs of the proposed restoration works to Bridgehouse Mills, the extensive retaining walls which would be required to Bridgehouse Beck and to retain the difference in level to the footpath to the east, the cost of the proposed floodwater storage works, the landscaping works to create Bridgehouse Beck Park and the cost of the proposed off-site highway works.

To support this argument the applicant has submitted a Financial Viability Report which sets out the costs and value of the development. This report has been reviewed by the Council's Economic Development Service, who have confirmed that they consider it to

robustly demonstrate both that the amount of development proposed (in the Green Belt) is required to make the development economically viable and that the provision of Education Funding and Affordable Housing as part of the scheme would render the development unviable. Therefore, notwithstanding the conflict of the proposal with saved RUDP policies CF2 and H9, it is considered that the scale of infrastructure contributions and discounted housing provision proposed by the applicant is acceptable in relation to advice on scheme viability set out in paragraphs 178 to 181 of the NPPF.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

Not applicable.

7. LEGAL APPRAISAL

Both options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), subject to consultation with the Secretary of State, to allow him opportunity to call in the application if he so wishes under the provisions of the Consultations Direction.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Concern has been expressed by an adjacent community of elderly people in relation to the proposed re-positioning of the bus stop adjacent to the site entrance. However this concern is not considered to be legitimate, as the bus stop would only be moved a short distance (8 metres) to a location which has no greater accessibility problems than the existing bus stop position.

Furthermore it is not considered that the proposal would lead to significant adverse impacts on anyone, regardless of their characteristics. Likewise, if planning permission were to be refused by the Committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics. Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are attached at Appendix 1.

8.2 SUSTAINABILITY IMPLICATIONS

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

In terms of Local policies designed to shape a sustainable pattern of development within the District, Saved RUDP policy UDP1 is relevant which sets out the key overarching sustainability criteria for the location of new development within the District, indicating that the needs of the development District will be met by:

- 1) focussing on urban areas;
- 2) encouraging the most effective use of brownfield sites and buildings;
- 3) concentrating development in areas with good public transport links;
- 4) concentrating development in areas with proximity to essential and wider facilities and services, and;
- 6) phasing the release of land for housing development.

Saved RUDP policy UR2 confirms that development will be permitted provided that it contributes to the social economic and environmental aspects of sustainable development.

The development will result in social benefits, by providing for the supply of housing to meet the needs of present and future generations within an existing settlement which possess a limited range of facilities and services and public transport links. The development also provides for restoration works and a sustainable use for a designated heritage asset, Bridgehouse Mills and will thereby result in social benefit through securing the long term future of a heritage asset and improving its physical condition and appearance, sustaining and enhancing the significance of this Grade II listed building and the contribution it makes to Haworth Conservation Area. The development will also result in economic benefits through the provision of more appropriate and extended premises for existing local businesses: Wyedean Weaving and Airedale Springs. Additionally the assessment set out in the Technical Report at Appendix 1 finds that the ecological harm which will be consequent from the development can be mitigated to an acceptable degree.

Good design is a key aspect of sustainable development. Well-designed developments should 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, 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, create safe and accessible environments and be visually attractive. As

assessed in detail in the report at Appendix 1, it is considered that the development is well designed in relation to the above factors.

In relation to sustainable drainage matters, the applicant proposes discharge of surface water to the adjacent watercourse, in accordance with the hierarchy of sustainable drainage, and has submitted a flood risk assessment and drainage proposals which demonstrate that the site can be developed without unacceptably increasing on or off site flood risks, subject to surface water drainage attenuation and additional flood water storage capacity being built into the proposed Bridgehouse Beck Park.

Overall it is therefore considered that the proposal represents sustainable development consistent with the sustainability principles set out in the National Planning Policy Framework and the replacement Unitary Development Plan.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings and conversion of existing buildings to accommodate industrial and residential uses will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. However it is considered that the proposed development scheme includes sufficient measures to minimise greenhouse gas emission impacts by virtue of the proposals to provide an on-site recreational facility/ footpath links, introduce travel planning measures and provide electric vehicle charging points to facilitate the uptake of more sustainable road vehicles. Further details of site sustainability considerations and air quality issues relevant to the proposed development are set out in the Technical report at Appendix 1.

8.4 COMMUNITY SAFETY IMPLICATIONS

Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and, whilst not objecting in principle to the proposed development, has raised certain concerns and points of detail in relation to matters including:

- Natural surveillance of the footpath to the east;
- Barriers to prevent motorcycle access to the proposed Bridgehouse Beck Park;
- Provision of CCTV/ external lighting;
- Marking out and allocation of parking spaces;
- Defensibility of communal garden areas for retirement living apartments;
- Security of recessed areas within the apartment building;
- Access control;
- Security standards of perimeter treatments;
- Secure bin storage arrangements
- Mail delivery arrangements;
- Door and window security standards;
- Installation of intruder alarms;

Whilst being mindful of the need to provide a suitably crime resistant environment with well-defined and secure public and private spaces the Council must also balance other planning considerations including the imperative of facilitating connectivity to the surrounding built and natural environment and providing the recreational spaces necessary to promote healthy lifestyles and attractive, vibrant, socially interconnected

developments. In this regard it is not considered that the Architectural Liaison Officer's suggestions to provide lighting to the railway children walk route to the east of the site or a strong boundary feature along this boundary of the site would be appropriate, instead a boundary treatment of a stone a 1.4 metre high stone wall is proposed along this boundary to allow some natural surveillance whilst providing for a relatively robust boundary feature.

Likewise it is not considered to be appropriate for the planning system to regulate all of the aspects of the development referred to by the Police Architectural Liaison Officer, such as the postal delivery system and the security standards of doors and windows, as these matters are not generally considered to be land use planning concerns. The detailed design of other design elements referred to by the Architectural Liaison Officer, which are more typically controlled through the planning system, such as details of boundary treatments and external lighting, can appropriately be made the subject of planning conditions allowing details to be agreed at a later stage and the determination of this application to focus on the main land use planning considerations.

However it is considered that the development has generally been designed to reflect the principles of secure by design and that the spaces which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour. In particular the proposed frontage treatment to Bridgehouse Lane has been revised during the consideration of the application to omit the previously proposed underground taxi rank, and instead retain the existing planted embankment; an aspect of the development which was considered to be potentially vulnerable to crime and anti-social behaviour.

Subject to the reservation of details of boundary treatments, parking demarcation, bin storage arrangements, lighting and CCTV arrangements by planning conditions, and further engagement with West Yorkshire Police at the condition discharge stage, it is therefore not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with saved policy D4 of the RUDP.

8.5 HUMAN RIGHTS ACT

The Council must seek to balance the rights of applicants to make beneficial use of their property with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that that either granting or refusing planning permission will deprive anyone of their rights under the Human Rights Act.

8.6 TRADE UNION

There are no implications for Trades Unions relevant to this application.

8.7 WARD IMPLICATIONS

The proposal site is within the Worth Valley Ward. Ward Councillors the Parish Council and local residents have been made aware of the application and have been given opportunity to submit written representations through three rounds of publicity. In response to this publicity 48 representations have been received from local residents in respect of planning application 15/07479/MAF, all of which object to the proposals. Thirty objections have also been received in respect of Listed Building Consent application 15/07481/LBC.

In addition a petition has been received from 18 residents of Thornfield Retirement properties in Station Road, Howarth, raising specific concerns in relation to the repositioning of the Bus Stop on Bridgehouse Lane which may be required to facilitate the proposed off-site highway improvements. Both Haworth, Cross Roads and Stanbury Parish Council and Oxenhope Parish Council object to both the planning application and associated listed building consent application.

Prior to the submission of the application the applicant also undertook pre-application consultation comprising attendance at a Parish Council meeting and the holding of a public exhibition event at the Old School Room in Haworth from 3pm – 8 pm on 30th November 2015. At this exhibition drawings and other information describing the proposed development were on display and consultants associated with the development were in attendance to answer specific queries. The applicant reports that approximately 80 people attended the exhibition and 7 people left written comments, 6 of which objected to the proposals and 1 of which supported them.

The Technical Report at Appendix 1 summarises the material planning issues raised in the public and Parish Council representations and the appraisal gives full consideration to the effects of the development upon residents within the Worth Valley Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

Planning Application: To Grant Planning Permission subject to the conditions recommended at the end of the Technical Report at Appendix 1 and the prior engrossment of a legal agreement under S106 of the Act enshrining the following Planning Obligations:

- **Starter Homes:** The provision of 5 units at a discount of 20% on the open market value of the properties, subject to occupancy restrictions (properties are expected to be offered to people who have not previously been a home buyer and want to own and occupy a home, and who are below the age of 40 at the time of purchase). Appropriate restrictions to be put in place to ensure that the Starter Homes are not resold or let at their open market value for 5 years following the initial sale.
- **Public Open Space/ Flood Storage Maintenance and Management:** The Public Open Space and Flood Storage Area, described as Bridgehouse Beck Park, to be provided as part of the development shall be maintained and managed in accordance with details to be submitted and approved in writing.

Listed Buildings Consent Application: To Grant Listed Buildings Consent, subject to the conditions recommended at the end of the Technical Report at Appendix 1.

11. APPENDICES

Appendix 1: Technical Report

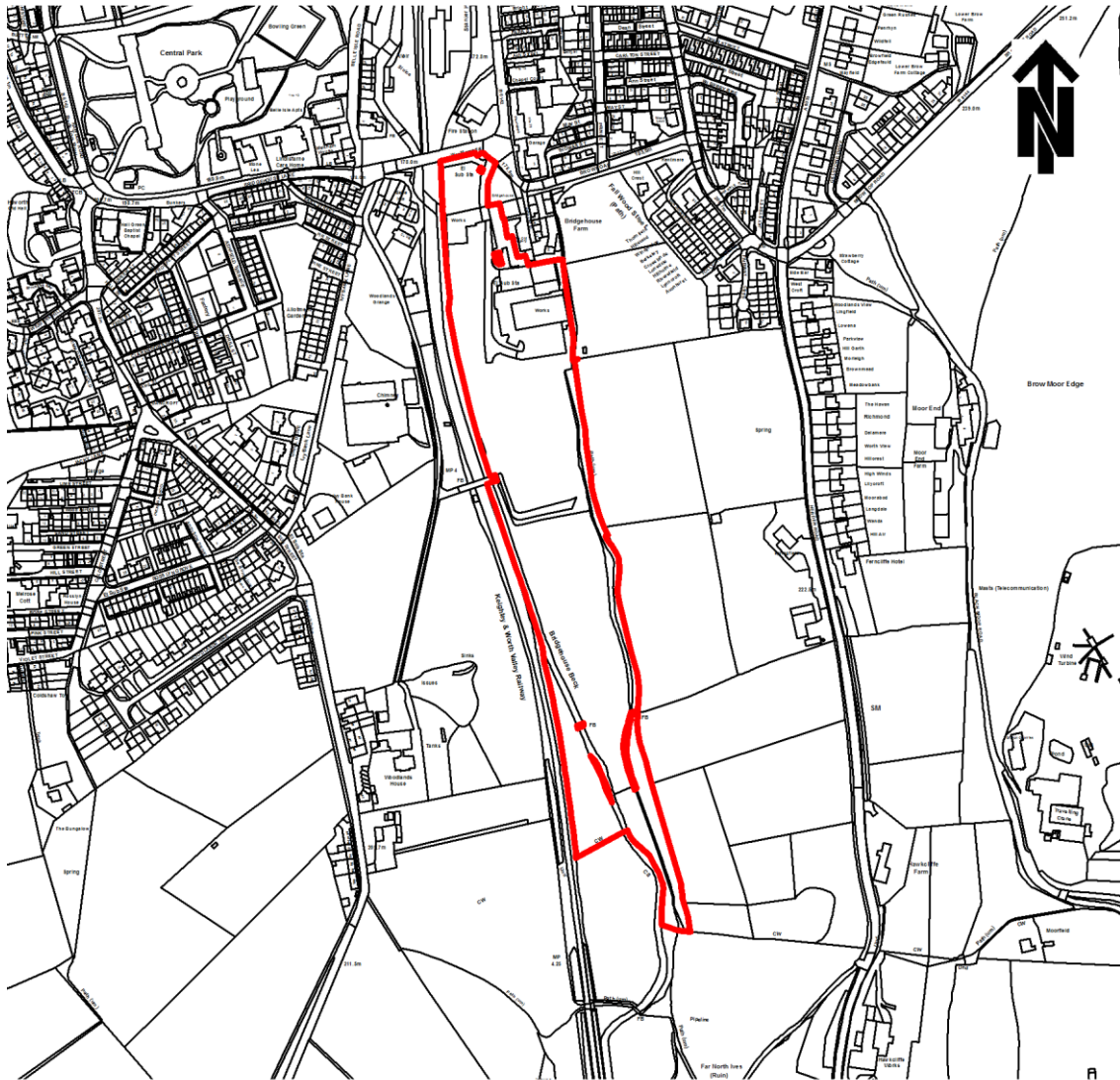
12. BACKGROUND DOCUMENTS

- Replacement Unitary Development Plan for the Bradford District
- National Planning Policy Framework
- Application file 15/07479/MAF
- Application file 15/07481/LBC

15/07481/LBC

City of Bradford MDC

www.bradford.gov.uk



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**Bridgehouse Mills
Bridgehouse Lane
Haworth
Keighley
BD22 8PA**

Appendix 1

09 February 2017

Ward: Worth Valley

Recommendation:

Planning Application: To Grant Planning Permission subject to the conditions recommended at the end of the Technical Report at Appendix 1 and the prior engrossment of a legal agreement under S106 of the Act enshrining the following Planning Obligations:

- **Starter Homes:** The provision of 5 units at a discount of 20% on the open market value of the properties, subject to occupancy restrictions (properties are expected to be offered to people who have not previously been a home buyer and want to own and occupy a home, and who are below the age of 40 at the time of purchase). Appropriate restrictions to be put in place to ensure that the Starter Homes are not resold or let at their open market value for 5 years following the initial sale.
- **Public Open Space/ Flood Storage Maintenance and Management:** The Public Open Space and Flood Storage Area, described as Bridgehouse Beck Park, to be provided as part of the development shall be maintained and managed in accordance with details to be submitted and approved in writing.

Listed Buildings Consent Application: To Grant Listed Buildings Consent, subject to the conditions recommended at the end of the Technical Report at Appendix 1.

Application Number:

- Planning application 15/07479/MAF
- Listed Building Consent Application 15/07481/LBC

Type of Application/Proposal and Address:

Full planning application for the development of Bridgehouse Mills, Bridgehouse Lane, Haworth and land to the rear of the mill and Listed Building Consent application for associated demolition and alteration works to the Grade II Listed Mill Buildings.

Mixed Use Development Comprising: Change of use, alteration, conversion, extension and partial demolition of existing mill buildings to develop 45 retirement living apartments; construction of 77 new dwellings including associated access; construction of an extension to the existing industrial building accommodating Airedale Springs; construction of a new factory for Wyedean Weaving; provision of junction improvement works, landscaping works, flood water storage works, parking and links to public footpaths

The proposal site is within the Green Belt and is considered to represent Green Belt Development, as defined by paragraph 4 of the Town and Country Planning (Consultation) (England) Direction 2009. In accordance with the requirements of the Consultation Direction, in the event that the Committee resolve to grant planning permission, the Secretary of State must be consulted to allow him opportunity to call-in the application for his own determination if he so chooses.

Applicant:

Skipton Properties Ltd

Agent:

J O Steel Consulting

Site Description:

The proposal site amounts to 4.2 hectares of land which comprises:

- Existing Bridgehouse Mill Buildings & associated yard areas (approx. 0.5ha);
- Existing Modern Industrial Shed accommodating Airedale Springs & associated yard areas (approx. 0.4ha);
- Currently unused disturbed land which previously accommodated industrial sheds & associated parking (approx. 1.2ha);
- Greenfield land principally comprising grassland and areas of woodland to the south of the previously developed land (approx. 2.1ha).

The site occupies part of the floor of the Bridgehouse Beck valley, with Bridgehouse Beck (a tributary of the River Worth) running parallel with the western site boundary and transecting the southernmost part of the site. The northern site boundary with Bridgehouse Lane is marked by low railings. A footpath, which forms part of the railway children walk, bounds the site to the east. The remnants of the mill goit and a vegetated embankment retain the difference in level between the site and the footpath. The southern site boundary is demarked by walled field boundaries. The Keighley and Worth Valley Railway Line runs parallel with Bridgehouse Beck along the site's western boundary.

The site is on the southern periphery of the settlement of Haworth with the majority of the settlement's existing development occupying the opposing valley sides to the north-west and north-east and the valley floor to the north more sparsely settled but occupied by the (now redundant) fire station, station/ sidings and the two remaining mills - Bridgehouse Mills at the southern end and Grove Mills located at the northern end of the settlement. Central Park is located approximately 200 metres to the north-west of the site.

Ground levels rise relatively steeply to the east and west, with the valley floor continuing to the north and south. The land to the east is open pasture land occupying the valley side up to Hebden Road, with a ribbon of housing having been developed along Hebden Road, parallel with the site. Brow Moor, including Naylor Hill Quarry, occupies the plateau at the top of the eastern valley side. The landscape of the opposite valley side to the west is more complex, including the former site of Ivy Bank Mills (now demolished and naturally regenerated) and a more ornamental parkland and woodland landscape associated with a country house known as Woodlands (now a care home) and its associated access and grounds. Residential development is also located to the west with a cluster of housing around the Woodlands and a more modern residential estate to the west of Sun Street.

The remaining buildings which comprise Bridgehouse Mills (Grade II Listed) are located within the northern area of the site, with the sole means of pedestrian and vehicular access to the site comprising an existing access onto Brow Road close to its junction with Bridgehouse Lane. A war memorial and wooded embankment separate the site from Bridgehouse Lane to the north, with Bridgehouse Lane raised above the site. The

site adjoins Bridge House B&B to the east and a small cluster of residential properties accessed off Surgery Street. Another small cluster of dwellings and a hotel are also located adjacent to the northern part of the site's western boundary, on the opposite side of Bridgehouse Back and the railway line.

Relevant Site History:

Application Ref.	Description	Decision
91/03357/COU	Change office use of mills electrical room to private hire taxi office	Granted 05.02.1992
01/01862/FUL	Restoration of property after fire damage	Granted 26.07.2001
01/01863/LBC	Restoration of property after fire damage	Granted 26.07.2001
01/02088/FUL	Creation of car park	Granted 15.10.2001
01/02402/FUL	Landfill and remodelling of existing earth banking	Granted 22.02.2002
07/07208/CAC	Demolition of industrial sheds to provide for redevelopment of site	Granted 08.10.2007
08/03641/CAC	Demolition of single storey industrial building to provide for re-development of the site	Granted 26.08.2008
11/02904/FUL	Change of Use of office/store to taxi office	
12/01233/MAF	Construction of building for employment use -B2- with ancillary office space, access road, service yard, parking and landscaping, amendment to design approved by 11/03393/MAF to incorporate solar panels	Granted 01.05.2012
12/03342/LBC	Demolition of listed building/office/store	Granted 12.10.2012

Emerging Local Plan Core Strategy (LPCS)

On 10th October 2016 the Minister of State (Housing and Planning) issued a direction under section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by section 145(5) of the Housing and Planning Act 2016) to the City of Bradford Metropolitan District Council not to take any step in connection with the adoption of the Core Strategy. The Holding Direction was triggered at the request of Philip Davies MP and allows the Minister time to consider the issues raised by him before determining whether to formally intervene under Section 21 of the 2004 Act. The direction will remain in force until it is withdrawn by the Minister or the Minister gives a direction under section 21 of the 2004 Act in relation to the Core Strategy.

The implications of this holding direction are that Section 21A of the Act states that the "document" (the Core Strategy in the case of BMDC) has no effect. It is the Council's position that if and when the Secretary of State withdraws the holding direction then the Core Strategy will progress (on the basis of the recommendations by the Inspector appointed) to adoption. At present however there is no clear timescale given by the Minister for a resolution concerning the holding direction. Members therefore are advised not to take account of emerging Core Strategy Policies when determining this planning application.

Replacement Unitary Development Plan (RUDP):

Allocation

- The northern end of the site, comprising the historic curtilage of Bridgehouse Mills, is within the Haworth Conservation Area (approx. 0.6ha).
- The southern half of the site is within the defined extent of the Green Belt (approx. 2.5ha).
- An area of land on the adjacent section of valley side to the west is allocated as Village Green Space K/OS7.8 SUN STREET, HAWORTH: An area of parkland that contributes to the attractive setting of Haworth, particularly from the Keighley and Worth Valley Railway to the east.

Proposals and Policies

The following saved policies of the RUDP are considered to be particularly relevant to the proposed development:

- UDP1 Promoting Sustainable Patterns of Development
- UDP3 Quality of Built and Natural Environment
- UDP4 Economic Regeneration
- UR2 Promoting Sustainable Development
- UR3 The Local Impact of Development
- UR6 Planning Obligations and Conditions
- H7 Housing Density - Expectation
- H8 Housing Density - Efficient Use of Land
- H9 Affordable Housing
- TM2 Impact of Traffic and its Mitigation
- TM12 Parking Standards for Residential Developments
- TM19A Traffic Management and Road Safety
- E4 Protecting Land and Buildings in Rural Areas
- D1 Design
- D4 Community Safety
- D5 Landscaping
- D6 Meeting the Needs of Pedestrians
- BH3 Archaeological Recording of Listed Buildings
- BH4 Alteration, Extension or Substantial Demolition of Listed Buildings
- BH4A Setting of Listed Buildings
- BH7 New Development in Conservation Areas
- CF2 Education Contributions in New Residential Development
- OS5 Provision of recreation Open Space and Playing Fields In New Development
- GB1 New Building in the Green Belt
- GB2 Siting of New Building in the Green Belt
- NE3(A) Landscape Character Areas
- NE4 Trees and Woodlands
- NE5 Retention of Trees on Development Sites
- NE6 Protection of Trees During Development
- NE7 Sites of International and National Interest

- NE10 Protection of Natural Features and Species
- NR15B Flood Risk
- NR16 Surface Water Run Off and Sustainable Drainage Systems
- NR17A Water Courses and Water Bodies
- P5 Development Close to Former Landfill Sites
- P7 Noise

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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

Parish Council:

Haworth, Cross Roads and Stanbury Parish Council

Objection 1 - Incursion on to the Green Belt

First we refer to the National Planning Framework which is published by the UK Government. It highlights the protection of the Green Belt, the document states: 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

The Campaign to Protect Rural England stated in March 2015 declared that protecting the Green Belt is precious

The document goes onto list five purposes on why the Green Belt was included in the Planning Framework:-

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and

5. to assist in urban regeneration, by encouraging the re-cycling of derelict and other urban land.

The Parish Council believes points three and four of the framework are relevant to this location.

We still feel that the current proposal represents an inappropriate form of a development within the Green Belt and in the absence of any special circumstances, would be inappropriate; have a harmful impact in the open, rural and un-developed character of the Green Belt.

Therefore, the Parish Council objects to the southern part of this development as the current plans indicate that part of the development will be in an area that is designated as Green Belt. As a result of studying the plans it appears that 38 of the 77 new houses are planned to be built on the Green Belt. The developers in the DAS mention that a previous planning application in 2008 was granted by Bradford Council. We would like to highlight that the two applications are totally different., this is a 50% increase in new homes. Although the 2008 involved an incursion onto Green Belt it only involved a small area which was designed for car parking, it did not involve building of new homes.

The Parish Council would like to highlight a meeting which is published in the Design and Access Statement (DAS) between the developers and Bradford Council Planning Officers in January 2013 where the following subjects were discussed

1. Still an issue with Green Belt.
2. Skipton Properties to justify this.
3. Part of this justification would relate to declaring a robust new use for the mill, refurbishing of the mill arch and 4th storey facade reinstated and also gaining Environment Agency support relating to the flood risk to Bridgehouse Beck.
4. Skipton Properties confirmed the flood risk modelling calculations were already being carried out.

We again would like to highlight an email from J O Steel Consulting to Fiona Tiplady at Bradford Council Planning department; the email is dated 26th August 2010, it states without the incursion into the Green Belt then the development becomes not viable. No viability, no scheme. The document later suggests that adjustment to the Green Belt will have to be made.

The Parish Council would ask what has changed from the planning application 2008? It must have been viable then with no incursion; is it all to do with profit?

The Parish Council believes there are sufficient 'Brown Field' sites available in the area which should be used for housing needs as identified in Bradford MDC's draft 'Core Strategy' without the need to destroy the Green Belt. If this incursion is allowed where does this stop? It might set a precedent for future developments in the area.

Finally, the National Planning Guidance, 'Protecting the Green Belt: item 89' states 'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt'. We are aware there are exceptions but after studying this development plan we don't believe any of them are relevant to this application and for this reason part of the proposal should be rejected.

A previous application in 2008 granted the development of the site, but that application involved only 40 new houses compared to the proposed 77 new houses in this application, and this increases the visual impact of the development.

Conclusion

The Parish Council believes the National Planning Policy Framework clearly shows why this planning application should be refused by the Local Planning Authority. It clearly states that any proposed development on Green Belt can only be justified in special circumstance. It is public record that the developers state the reason for building on the Green Belt is to make the site viable; we refer to a document from JO Steel who states "No viability No scheme". This is the only reason we have been given for building on green belt.

We would ask the Planning Committee to reject this part of the application on the reasons we have given.

Objection 2 - LAYOUT AND DESIGN

Haworth is highlighted by Bradford Council as a heritage site and brings in large number of visitors and tourists to the area. The area's landscape is an important part of people's lives; contributing to individual, community and national identity and offering a wide variety of benefits in terms of quality of life. Approval of this planning application would have a detrimental impact on tourism and on the local economy.

The National Planning Framework states that where an area is designated a Conservation Area, then special planning controls apply. It states proposed developments must preserve or enhance the special architectural or historic character of the Conservation Area.

You will be aware that in the Planning Practice Guidance policy under the title 'Conserving and enhancing historic environment', planning authorities should take into account the desirability of a new development making a positive contribution to local character and distinctiveness. The new build would be totally out of character with the rest of the Conservation Area, especially the line of properties that will abut the Keighley Worth Valley Railway (KWVR).

We would like to also refer to Planning Policy Statement 6(PS6): Planning, Archaeology and the Built Heritage, Policy BH 12 refers to new developments in a Conservation Area. Although the new build is just outside Haworth Conservation Area the remainder is inside the proposed development, but it clearly states special care is also needed in the location and design of development proposals close to a Conservation Area and that inappropriate development outside can have a detrimental affect on the character and setting of the area. It goes on to state that in such cases new development will be expected to respect the character and appearance of the adjacent Conservation Area while the Department will seek to retain important views in and out of the area.

The Parish Council would also like to refer to CABE, Design Council who have published a document relating to new developments in historic areas, in there conclusion arising from case studies is that the design quality should be one of the most important of these, particularly if the site lies in a Conservation Area or sensitive in some other way.

As stated the Parish Council believes that the new build is not in character with the the Conservation Area of Haworth, as they are modern in design with balconies on the roofs which is totally out of character. From planning documents attached to this application states the level of the development will be raised by nearly 600mm this will increase the height of the buildings. As a result the proposed houses will dwarf the railway track and will we believe have a detrimental effect on the railway and its customers' journey experience. We agree with the comments of the CBMDC Landscape response that the views from the railway should be regarded as equally important to the character of the area. One further comment we would like to make regarding the issue on increasing the level of the site by at least 600mm is: if you look at the site today most of it has already been raised over the last few years, beyond the bung the level drops by at least 600mm, are the developers going to raise the level they have already raised even further?

We would like to refer and make comment to a document marked 'Landscape Note' from Golby and Luck landscape architects which has been submitted with this application. In paragraph 2.16 it states that whilst it is accepted that the development in this location will result in adverse effects to both the character and setting of the site. But in paragraph 3.6 it states that in relation to the effect on Keighley Worth Valley Railway (KWVR) that any effect to the setting of the KWVR would not affect the overall appreciation and public enjoyment of this asset. We would point out that this report is not independent but commissioned by the developers. Finally we would like to point out that the old mill site in Ingrow which was also built a few years ago next to KWVR railway track, in our opinion is not aesthetically pleasing, and has a detrimental effect on the railway passenger's experience while travelling on a heritage railway line. Would you want to see into peoples properties whilst travelling on a heritage line?. The build architecture is more like what you would see if travelling into a major city or town.

One further issue that needs to be considered is that when steam trains leave the engine shed at Haworth, they stop on the line next to the proposed development to build up steam and check their engines. On special event days trains will sit in that area for up to fifteen minutes waiting to join the mainline. Purchasers of houses on this development will experience smoke and noise from the steam engines which will result in complaints to Bradford Council. We must all remember that the railway line has been there more than 100 years and that any complaints received cannot be justified.

Conclusion

The Parish Council believe the current proposal for the new build would be a blight on the landscape and not in character with the Conservation Area it abuts. The properties abutting the railway track, plot 25 to plot 43 have been designed with roof balconies which is more European build style than the United Kingdom, there are no other properties similar to this in Haworth, this shows the developers have failed to consider the heritage of the area. By increasing the height of the floor level of the site by at least 600mm, it will dwarf the heritage railway track. The houses which abut the river and railway will look more like flats than houses. We believe there is a strong case for the reduction of scale for this development and would strongly request the Planning Committee to consider this.

Objection 3 - Building on a Flood Zone

The Parish Council is opposed to the building of the houses on this site as the developers have highlighted that this proposed development will be built on a flood zone. The Parish Council has already approached the Environment Agency regarding

this matter and they have confirmed that the proposed development is on a Flood Zone 3.

Although the Parish Council acknowledges that proposed flood storage, we accept that these measures will have a positive affect for any development proposed. However the Parish Council still have concerns that the proposed measures will push the problems further down the valley. We refer to a the report by Paul Waite Associates regarding the flood risk it clearly states in its conclusion that they are not offering an engineering solution to the problems of Haworth flooding and that the Environment Agency needs to undertake a formal study of the problem. This is contradictory to the events in the last few years.

In our previous report we included pictures which showed parts of the site flooded and a large amount of surface water remained for several weeks. The fact that the developers are proposing water storage areas shows they are preparing for flood waters. Raising the level of the development by at least 600mm and building a new bung at the southern end of the site clearly indicates they have concerns that there will still be issues with future flooding. Although the Environment Agency has agreed the proposed flood mitigation proposals we would ask why have they agreed these measures when they have failed to address the problems relating to Bridgehouse Beck? Surely this needs to be done before any planning proposal is agreed.

In the flood assessment it states that householders should have an escape plan in case of flooding. It recommends getting to higher ground via footpaths, this would mean accessing 'railway children's walk' which runs along the 'goit'. We would like to highlight two issues about this idea.

1. The footpaths out of the development will be through the proposed park, if this is being used for flood storage then there will be no way these paths could be used safely
2. During the last flood at the end of 2015 the 'Railway Children's Walk was flooded from water coming off the moors above the proposed development. Due to the power from the flow of water, large stones were dislodged out of the path. As a result of the power of the water there are now large ruts left along the path making walking extremely difficult and nearly a year later it still has to be repaired by Bradford Council. This part of the footpath was previously re-laid as one of the conditions in a previous planning application for the development off Airedale Springs. The damage caused to the path during the last incident clearly shows how much water and the power of the water that came off the moors above the development. We don't believe this issue has been considered in this proposal

The Parish Council would like to highlight that the Chief Executive of the Environment Agency Sir James Bevan stated on the 2nd January 2016 that the authorities needed to think about how to respond to extreme weather events, but the solution was not simply to "build flood defences higher. Is this not what is proposed for this development, simply raising the ground level and building a wall around the edge of the development to prevent it being flooded?

The Parish Council is concerned that any new flood defence measures will simply move the problem down-stream and increase the risk of flooding in the region of Mill

Hey, Haworth where a number of properties suffered damage in the Boxing Day 2015 flood, including the Royal Oak Public House where a section of outside wall collapsed

Councillor Ellis who is Bradford Council representative on the Yorkshire Regional Flood and Coastal Committee recently stated that the Met Office were reporting we can expect 30 to 50 per cent more rainfall than we've had previously. If this is correct then we believe the proposed flood defences will be insufficient in the future.

The Parish Council would like to refer to a document published in 2012 by the Association of British Insurers (ABI), titled 'Guidance on Insurance and Planning in Flood Risk Areas for Local Planning Authorities in England'. The guidance is aimed at Local Planning Authorities for their use when dealing with planning applications in flood risk areas. In the document it makes five recommendations, two in particular are relevant to this proposed development,

- Recommendation No 4: states you must ensure that flood risk is mitigated to acceptable levels (not more than 1% annual probability of flooding) for a new development. Action taken to reduce flood risks to new developments should not increase flood risk to other properties. The Parish Council believes this will happen as previously stated in this report.
- Recommendation No 5: highlights that local plans must take into account all relevant costs: that they are regularly reviewed and that the costs not only take in the building of appropriate protection but also includes the maintenance of the protection over the long-term.

We as a Parish Council would strongly support this last ABI recommendation as we would be against public funds being used in the future to maintain the flood defence. The developers are fully aware flooding may occur in the future.

Finally, with regards to the topic of insurance, we would like to highlight the fact that none of these proposed properties would be covered under the new initiative called 'Flood Re' as they would have been built after 2009. The UK Government and Insurance Companies came up with the Flood Re scheme in the face of the rising flood risk; they estimate up to 350,000 flood risk UK households would struggle to obtain affordably priced flood insurance without a scheme like Flood Re. They agreed only to cover properties built before 2009 as they have suggested properties after that date should be built with robust flood defences. This proposed development would not be covered by this scheme and if flooding occurred then insurance cover would increase and possibly be un-affordable while the properties would be unsellable. The UK Government and Insurance companies have expressed concerns that properties continue to be built on flood plains.

Two factors should be considered when assessing flood risk. Firstly, the likelihood of a flood occurring, and secondly, the potential consequences that it might have upon the various receptors in its path.

We would like to highlight two further issues from Paul Waite & Associates' Flood Assessment Report :-

Page 32 :-it highlights that consideration should be given to flood-proofing to the existing mill building: surely this should be considered for the whole site. This recommendation also highlights that Paul Waite & Associates considers that there is a

likelihood of flooding in the future. This highlights the potential of future flooding on the site and that the development needs robust measures to protect the property.

Page 6 :- states that following significant consultation with the Environment Agency and Bradford Council a number of mitigation measures had been agreed. One of these bullet points states ' Due to the proximity of the watercourse it is recommended that residents are advised to sign up to receive flood warnings via Environment Agency free of charge via the Flood Warnings Direct Service. The second recommendation stated that residents should devise an evacuation plan to escape from the development if required to do so'.

This clearly shows there is still a concern regarding the possibility of flooding. The Parish Council is concerned that if flooding was to occur there was only one vehicular entrance/ exit onto the site, this increases the risk for evacuation and for rescue agencies to assist therefore this is a major Health and Safety concern.

The Parish Council would like to highlight the National policy and guidance which is set in Planning Policy Statement 25 (PPS25): regarding developments in flood zones

The main aims of PPS25 are:-

- To ensure that flood risk is considered as an integral factor in the planning process
- To prioritise new development away from areas of flood risk
- To stop inappropriate development taking place in areas at risk
- To make sure that new development takes climate change into consideration
- To ensure new development does not increase the risk of flooding elsewhere.

Conclusion

The Parish Council believes it would be irresponsible for this development to be approved as the chance of flooding would remain even with all the proposed defences. Airedale Springs and Wyedean Weaving are both fully aware of the flood risks but new house purchasers would not unless told at the purchase stage. The Parish Council believes the new defences could increase the risk of flooding elsewhere along Bridgehouse Beck which is not acceptable to the residents of Haworth and Keighley. Building the proposed volume of new houses will remove a large area of natural soak away which will increase the problem further down the valley.

Objection 4 - Bridgehouse Park

The Parish Council is aware that the proposed park will be designed to store flood waters, which is part of the flood defences for this proposed development. Although the Parish Council are in favour of green spaces: in this case we have serious reservations therefore object to the proposal for the following reason:-

1. We are aware from documents produced by the Planning Department that the proposed park will not be maintained by Bradford Council. This request was made by the developers but turned down. With major cuts in financing parks and green spaces in Bradford Council area the Parish Council expected this request would be turned down. The proposal is a service charge which will be placed on all properties in the development for the maintenance, we don't believe it will work as occupiers will be unhappy that members of the public will be able to use what would be classed as a public park.

2. The application states this park will be used as a water storage when flooding occurs. Storing water in this way will often leave a large amount of silt and rubbish, this begs the question; who will be responsible for the cleaning?. If Bradford Council decline responsibility then we can see the development taking that responsibility. If there is not a robust maintenance scheme then the park could become neglected and overgrown and not used.
3. Using a 'public' park as a flood storage area is a health and safety risk. We all know the dangers of Children and Young Persons near water. The Parish Council is concerned about these dangers. We would recommend that the developers request RoSPA to carry out an inspection to recommend safety measures for the park, especially if this is being considered as an escape route from the proposed development.
4. We have already highlighted our concerns regarding using the footpaths through the park as an escape route if flooding occurs
5. The Parish Council is concerned that if there is a lack of management for the proposed park will encourage incidents of anti-social behaviour especially during the hours of darkness. Due to the design of the properties there will be no formal type of surveillance onto the site. Architects and Designers should practice the Oscar NEWMAN principle. It states that through good design, people should not only feel comfortable questioning what is happening in their surroundings, but they should feel obligated to do so. The document called 'SAFER PLACES' published in 2004 by the office of the Deputy Prime Minister states, 'Places that could be vulnerable to crime should be overlooked by buildings or uses that are busy at all times. There is a definite lack of surveillance onto the proposed park.
6. Planners need to be aware of the potential crime risks of a location and understand the effect of potential changes to the built environment before deciding on possible solutions and appropriate policy responses. Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to: "without prejudice to any other obligation imposed upon it ... to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

Conclusion

The Parish Council accept that the proposed park could be used for storage of flood waters if the development is built but, unless a robust maintenance scheme is put in place then in the future there will be a build up with silt which could result in the storage area no longer being affective. We would ask who is going to pay for the maintenance it should not come out of the public purse. Unless the developer can provide a maintenance programme we would ask the Planning Committee to reject this part of the application

Objection 5 - Suggested new road layout in Brow Road

There are two suggested new layouts for the entrance within the application. It appears the developers have selected Option 1. The Parish Council is not against Highway Improvements but we do have concerns over both these options.

Site Access - Improvement Option 1

1. We would like to ask the question? Has Skipton Properties considered the potential detrimental effect Option 1 will have on the ladies hairdressers 'Iconic' and the small firm next to it, . Currently up to three vehicles are able to park

outside these premises, but with the construction of a roundabout it would put such crucial facilities at risk. The Parish Council have approached these firms and both have stated that road improvements would have a detrimental effect on their businesses. The Parish Council highlighted this issue in their report last year and have yet to see a response.

2. The plans indicates a single parking space will be available, we would like to point out that a number of their clients are elderly or have a disability and need parking close to the premises if this is correct then this could have a serious financial impact on these two small business. The only other option would be for their customers to park around the corner in Brow Road on the steep hill, parking there is already an issue for this area which Bradford Highways Department are already aware of.

Site Access - Improvement Option 2

1. The Parish Council has a concern over the proposed layout for entering and leaving the development. It is essential that drivers emerging from the development can be seen by other road users. You will be aware of the Advice Note, Development Control 15 for the Planning Service published by the Department of the Environment in 1999. The document highlights the importance of the vehicular access standards. One of the recommendations is: where access crosses a footpath it is important to have unrestricted visibility between pedestrians and emerging motorists. The document recommends that there should be no obstruction and that drivers and pedestrians should have a view point of at least two metres back from the access. Due to the high garden wall of the guest house there is a restricted view and, in our opinion, there will be a danger, especially for pedestrians: we would also like to point out this issue already exists with the current site.
2. The Parish Council also believes Option 2 is dangerous for all road users, we believe the proposed layout will result in traffic backing up at the junction during peak times with vehicle trying to either exit or enter the development. Only one vehicle would be able to stop safely in Brow Road waiting to turn right into the development

Further issues regarding Junction improvement

Currently large Lorries use the junction to turn around. Any changes could have an effect on this facilities as there is no available safe turning facilities for long, large vehicles within the Haworth and Cross Roads district. The local Bus Company also use the area at the bottom of Brow Road to park up their buses in bad weather when progress up Bridgehouse Lane is not possible. If provision for buses standing in at this junction is removed, this may seriously jeopardise the maintenance of the bus service during bad weather periods.

Although the traffic assessment clearly states the current roads will be able to cope with the increase traffic, we believe a new estate will increase the volume of traffic using the steep Brow Road. In 2015 when it snowed on one particular day there were eight accidents in Brow Road Although only one was a personal injury, five of those incidents involved parked vehicles. As a Parish Council we believe this option would bring an increase in parking issues at the bottom of Brow Road.

If the plans go forward Bradford Council need to consider further parking restriction and possible road calming measures to slow traffic: the cost of such safety measures

should not come from the public purse but directly from the developers. Therefore, we would ask the Planning Department to further consult with Bradford Highways Department over these issues before any final decision is made regarding road alterations.

Conclusion

The Parish Council has concerns regarding the proposed layout change. The entrance from the proposed development has restricted views which would be a serious road safety issue for other road users especially pedestrians. A roundabout will affect the businesses at the bottom of Brow Road.

Other Issues

Change of use for Bridgehouse Mill

We would request that the Planning Committee put a planning condition on this part of the development which states that the Mill conversion can only be used for Elderly Persons Dwellings (EPD) purposes. We are aware of other purpose built EPD's across the UK which have failed to sell and have been sold off as buy to let general purpose accommodation. The Parish Council has concerns that the Mill conversion would attract a number of buy to let investors, if no planning conditions are placed upon the development. If restrictive conditions are not applied the Parish Council believes this could result in many short-term residents renting these properties who tend to show little or no respect for property, the environment or other residents leading to the associated anti-social behaviour of noise and nuisance. It would also increase the volume of vehicles needing parking places which would not only cause congestion on the development but on roads adjacent to the development.

The Parish Council is reasonably happy with the proposal to convert Bridgehouse Mill into EPD's, although we do object to the raising the height of the Archway. As you are aware this is an important historic building which is Grade 2 listed and any major changes to it would change the original character. The Parish Council fully supports the comments made by Historic England documented on this application. We have previously highlighted this objection in planning application 15/07481/LBC

Final Conclusion

The Parish Council are against any building on a flood zone and the Green Belt. We also feel very strongly that the development that will significantly affect the heritage and uniqueness of the area especially as Haworth is a nationally and internationally recognised tourist destination. The developers we believe have ignored the importance of the heritage of the KWVR. Finally we feel that we have put a strong case for the reduction of the size of this development and there are no special circumstance to justify the development extends onto the green belt

Oxenhope Parish Council

Members of Oxenhope Parish Council declined to comment as the application was so complicated and not within the boundary of the parish of Oxenhope.

Publicity and Number of Representations:

The application has been advertised through the publication of site notices and press advertisements and the issuing of notification letters to neighbouring properties. Three rounds of publicity were undertaken. The initial consultation period took place between 05 January 2016 and 04 February 2016 and further consultations were initiated, as

further information and revised proposals were received, between 09 November 2016 and 15 December 2016 and 04 January 2017 and 18 January 2017.

In response to this publicity 48 representations have been received from local residents in respect of planning application 15/07479/MAF, all of which object to the proposals. Thirty objections have also been received in respect of Listed Building Consent application 15/07481/LBC. In addition a petition has been received from 18 residents of Thornfield Retirement properties at Station Road, Howarth, raising specific concerns in relation to the repositioning of the Bus Stop on Bridgehouse Lane which may be required to facilitate the proposed off-site highway improvements.

Both Haworth, Cross Roads and Stanbury Parish Council and Oxenhope Parish Council object to both the planning application and associated listed building consent application, although Oxenhope Parish Council declined to comment on the application during the most recent round of publicity.

Prior to the submission of the application the applicant also undertook pre-application consultation comprising attendance at a Parish Council meeting and the holding of a public exhibition event at the Old School Room in Haworth from 3pm – 8 pm on 30th November 2015. At this exhibition drawings and other information describing the proposed development were on display and consultants associated with the development were in attendance to answer specific queries. The applicant reports that approximately 80 people attended the exhibition and 7 people left written comments, 6 of which objected to the proposals and 1 of which supported them.

Summary of Representations Received:

Flooding/ Drainage

- Flood-plain should not be built upon.
- The proposed development would itself be susceptible to flooding and may increase downstream flood risks for Haworth.
- The development would cause more waste water to be discharged into an inadequate Victorian sewer.
- The site itself is prone to surface water flooding, discharging from the hillside above.
- Concern that the hillside to the east of the site is unstable and that the development will result in further slippages.

Highways & Traffic

- The proposed highway improvement works would make Brow Road more difficult to cross and would reduce the amount of parking available for an adjacent business (hair salon);
- The increased traffic associated with the development would result in increased congestion and traffic hazards, particularly for Lees Lane and Brow Road;
- The proposed repositioning of the bus stop on Bridgehouse Lane would render this bus stop inaccessible to elderly residents.
- It is unsafe to provide for a single point of access to a substantial residential estate through a relatively narrow archway.

Amenity

- The proposed eastern new-build apartment block would result in adverse impacts for adjacent residential dwellings on Surgery Street (overbearing, overlooking, light and noise pollution).
- The proposed residential use of the eastern mill range would overlook the front garden of the adjacent property.
- The proposed extension to Airedale Springs will harm adjacent residents through both overbearing and industrial noise.

Loss of Greenfield/ Green Belt Land

- The proposed development will result in an unacceptable loss of greenfield land.
- Alternative brownfield sites are available which should be developed first.
- The development would result in encroachment into the Green Belt which is unacceptable under local and national planning policies.
- The development would significantly extend the curtilage of the village setting a precedent for further 'infill' developments to take place and urbanising the character of the village.
- The Green Belt should be protected from development.

Infrastructure

- Both Primary Schools and other Local Infrastructure such as Doctors' Surgeries are already oversubscribed; the proposed new houses will make this situation worse.
- Existing road infrastructure in the locality is inadequate to accommodate either existing levels of traffic or the additional traffic which would be generated by the proposed development.
- Existing sewerage infrastructure is inadequate to provide for the additional demands of the development.
- Public transport infrastructure to Haworth (bus services) is inadequate and therefore the proposed development does not comply with sustainability requirements.

Visual Impact/ Design

- The development will spoil views including views enjoyed by existing residents, views from the Railway Children walk route and views from the Keighley and Worth Valley Railway.
- The development will spoil the character of Haworth as a traditional and historic village.
- The proposed new houses are of an inappropriate design in terms of the rural character of the location (particularly the 3 storey houses to the south of the redundant bridge over the railway).
- The houses should be set back from Bridgehouse Beck.
- The proposed new gabion faced retaining wall to Bridgehouse Beck would be an aesthetic blight on the area.

Heritage

- The development of the new houses will harm the character and appearance of the Conservation Area/ setting of Bridgehouse Mills.
- The proposed alterations to Bridgehouse Mills are out of keeping with the historic architectural style of the original building.

- The development would result in the loss of significant heritage and archaeological features present within the site.

Bridgehouse Beck Park

- The proposal to form a park at the southern end of the development is inappropriate and unwanted.
- The land should be left in its current condition as a wooded valley.
- There is already adequate park provision in Haworth.
- Concern that the future maintenance of the proposed Bridgehouse Beck Park will not be adequately provided for.

Consultations:

Biodiversity

- Insufficient ecological survey work has been undertaken, the application should not be determined until summer activity bat surveys of buildings, trees and foraging/commuting use of site and Bridgehouse Beck have been undertaken and submitted, in accordance with the recommendations in the bat report.
- Other species and habitat surveys should be undertaken as well to provide further information.
- Objection to removal of large number of trees to accommodate development – 24/33 trees or groups of trees proposed for removal.
- Subject to findings of surveys, further information and conditions for protection and enhancement, the principle of development on the site could be acceptable.
- Various conditions should be imposed relating to biodiversity protection, mitigation, habitat creation and enhancement.
- Will require developer contributions towards mitigation in respect of Habitat Regulations Assessment issues.

Canal and River Trust

- The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in 2011 under the organisations former name, British Waterways. The 2011 issue introduced a notified area for household and minor scale development and a notified area for EIA and major scale development.
- This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

Drainage Unit (Acting in the Capacity of Lead Local Flood Authority)

- The submitted hydraulic flood model shows the storage proposed adequately compensates for the proposed land raising, and that flood levels are not increased within the site boundaries.
- The flood model also shows that levels downstream of the development (after the railway bridge) would not be increased nor would they be reduced. The flood risk downstream of the development will therefore not change as a result of the project.
- For the reasons above, the development can be shown to not increase flood risk associated with Bridgehouse Beck.

Environment Agency

- Thank you for providing us with the Sequential and Exception Test Report (Paul Waite Associates May 2016). In light of this, we are able to remove our objection subject to the planning conditions provided in our previous response.
- The proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the flood risk assessment, Ref 07084 December 2015, submitted with this application are implemented and secured by way of a planning condition on any planning permission.
- These comments are written on the understanding that no river channel modifications will be made to the adjacent Bridgehouse Beck. Maintaining the existing retaining wall to ensure structural integrity is considered to be a separate issue and is acceptable in principle subject to the relevant permissions.
- Under the terms of the Water Resources Act 1991, and the Yorkshire Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Bridgehouse Beck, which is a designated 'main river'.
- The FRA Addendum Letter 02-01-16 confirms the flood risk understanding as detailed in the FRA. For this reason we have no further comments.
- Access to this development site is likely to be restricted during flooding events in Haworth, as was demonstrated by the closure of Station Road in the recent Boxing Day 2015 flood event. However, access to the development site should still be possible via Bridgehouse Lane and/or Brow Road.
- The compensatory flood storage proposals include additional storage over and above what is required to prevent an increase in flood risk elsewhere. For this reason there should be a net flood risk reduction to the downstream village of Haworth.
- The proposed development is located in a groundwater Source Protection Zone 1 (SPZ1) and 2 (SPZ 2) for a groundwater abstraction that is used for drinking water. Our maps show the abstraction to be located within the site of the proposed development. Therefore, we request the conditions requiring contamination to be assessed and remediated, a construction environmental management plan to be prepared and infiltration drainage methods not be utilised are included on the decision notice if permission is granted.
- Clean roof water drainage may be discharged to ground provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off or any other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.
- We agree that all tree and vegetation work must be undertaken outside of the bird breeding season.
- We also agree that an additional bat survey must be undertaken prior to site works, as detailed in section 5 of the bat survey report.
- Under the Water Framework Directive (WFD) this site lies within the 'Bridgehouse Beck from source to River Worth' water body (GB104027064200). This water body is classed as heavily modified due to urbanisation and water regulation; it includes Leeming and Leeshaw reservoirs.
- Under the Humber River Basin Management Plan 2015, the water body has a WFD objective of only 'moderate' by 2027, not 'good' as is usually the case. This is because it is not possible to achieve the WFD water quality target for phosphate and certain physical mitigation measures have been assessed as not

- being cost beneficial.
- The water body is classed as moderate in 2015 and hence is already achieving its WFD target. The only action required under WFD for this water body is to prevent any deterioration.
 - From the details provided it does not appear that Bridgehouse beck will be physically changed by the development. Any such changes could represent a deterioration under WFD. Should the development proceed, great care should be taken during the construction phase to prevent silt, soil or mud from the site being washed in to the beck. This is likely to constitute an offence. Silt pollution of rivers from building sites is a frequent problem in West Yorkshire.
 - The document 'Addendum to NPPF Flood Risk Assessment, Bridgehouse Mill, Haworth' dated 10 October 2016 concludes:
 - *The modelling exercise shows that during the 1 in 100 year return period flood within Bridgehouse Beck the impact of the additional flood storage area provides a significant reduction in water levels within the application site, with a maximum drop in water level achieved of 382mm (Node BHBECK_01786). This minimises potential impact to the railway line. Railway bridge levels are reduced by 24mm (Node BHBECK_01325).*
 - This conclusion emphasises the importance of the flood storage and additional flood storage being implemented (drawing 12105-C-61), as was stipulated in consultation reply RA/2016/133907/05.

Environmental Health (Land Quality)

Environmental Health recommends refusal of this application for full planning permission until revised and updated Phase 1 and Phase 2 reports, including ground gas monitoring, have been submitted.

The applicant should have regard to:

- YAHPAC 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
- YAHPAC 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
- YAHPAC (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.

Current editions of all documents are available on the Bradford MDC website www.bradford.gov.uk.

Education

- Bradford Council has a statutory duty to ensure that there are sufficient early years and school places in its area and to promote parental choice through increasing the diversity of provision.
- To create sustainable communities, the Council needs to ensure adequate provision of education infrastructure. Developers are expected to meet demands or mitigate the impacts of their proposals through planning obligations.
- For Planning Application 15/07479/MAF the primary schools which are accessible from the development include Haworth, Lees, Oakworth, Oldfield, Oxenhope CE and Stanbury.
- Based on data available as at October 2016 despite recent expansion current capacity in the primary schools is being exceeded in some year groups and allowing for the desire to operate at 95% occupancy to allow for population changes this is being exceeded in nearly all year groups.

- Overall these schools are overcrowded now and future forecasts show an increasing pupil population.
- We would therefore need to request a contribution towards the expansion or primary school educational provision of £147,912.
- The secondary school which is reasonably accessible from the development is Parkside school in Cullingworth a 11-18 school.
- Based on data available as at October 2016 and the current capacity in Parkside school although there are places available in some year groups, allowing for the desire to operate at 95% occupancy to allow for population changes there would be a shortfall in places.
- We would therefore need to request a contribution towards the expansion or secondary school educational provision of £191,046.

Environmental Health (Air Quality)

- This application constitutes a medium development for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013). This guidance supersedes the EPUK air quality planning guidance note in relation to planning and air quality / emission considerations in Bradford.
- Under the provisions of the LES planning guidance medium developments are required to provide Type 1 and 2 emission mitigation as follows:
 - Provision of electric vehicle recharging facilities at the rates set out in Appendix 2 of the Bradford LES
 - Adherence to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
 - A Travel Plan which will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.
- Applicants are also required in some circumstances to submit an exposure assessment.
- Older people and young children are particularly sensitive to the impacts of poor air quality. As this proposal includes residential facilities for older people it is particularly important that air quality at the site is considered suitable for the proposed use.
- The site is located very close to the route of the Worth Valley heritage railway line which regularly operates both diesel and steam locomotives. Stationary locomotives, both diesel and coal fired, can give rise to high levels of sulphur dioxide (SO₂) close to the point of emission. Recent evidence also suggests that moving diesel locomotives, in sufficient numbers, can also give rise to high NO₂ concentrations close to the track.
- In 2004 Bradford MDC undertook a detailed assessment of sulphur dioxide emissions arising from the steam locomotives operating on the Worth Valley heritage line. At the time this assessment was undertaken it was found that the only place where the steam locomotives stood stationary for prolonged periods of time was in the stations. The longest waiting time was a Keighley station where measurements of sulphur dioxide concentrations were undertaken. These were found to be within the health based objective level set for sulphur dioxide. The number of diesel locomotives operating on this line is currently not of a volume that would give rise to concerns about nitrogen dioxide concentrations.

- Based on the current evidence it is considered unlikely that new residents entering this area would be exposed to levels of pollution above the current health based objectives due to the presence of the railway. However, new residents are likely to experience pollution levels slightly above general background concentrations and could potentially be bothered by odours and soot deposits arising from the railway (the likelihood of this occurring has not been assessed by myself).
- As it is sometime since Bradford MDC previously considered this issue I would recommend that confirmation is sought from Worth Valley railway that locomotives do not routinely idle on the stretch of track adjacent to the proposed new housing development and that further consideration is given to likelihood of 'nuisance' complaints arising from the introduction of new residents in this area which could have a detrimental impact on the existing railway operation.
- The application states an intention to provide enabling cabling for electric vehicle recharging facilities at the site. Please note that for residential properties the current policy requires provision of fully operational charging points from the opening date of the development. This may be in the form of a simple outdoor mounted three pin socket. EV charging for all other aspects of the development should be provided at the basic rate of 1 point per 10 car parking spaces (5% of these may be enabling cabling only, the rest must be fully operational). A revised approach to EV charging at the site will be required should the council be minded to approve the application. All EV charging points must be permanently and clearly marked as such and details of what they are for and how they can be used should be included in the travel planning literature prepared for the development.
- A CEMP will be required for the site should planning permission be granted.
- Medium developments require submission of travel plans which include measures to support and promote the use of low emission vehicles at the site. A travel plan has been submitted covering walking, cycling and public transport measures but this does not currently have adequate coverage of other opportunities for the use of low emission vehicles at this site.
- A revised plan should be required which considers further steps that could be taken to:
 - Promote ownership and use of low emission vehicles (including opportunities to work with the taxi company at the site and an improved approach to EV charging provision generally)
 - Reduce car ownership across the development, for example through the provision of a car share scheme or similar as part of the retirement living development
 - Promoting the use of cleaner vehicles in relation to the proposed manufacturing and business uses at the site
- This is not an exhaustive list.
- Due to the sensitive nature of the end users and the need to provide the best air quality conditions the use of biomass boiler technology is not considered appropriate at this site. Further details should be sought on the proposals for energy and heat production at the site.

Environmental Health (Nuisance)

- Environmental Health has reviewed this application and in principle has no objections to the proposal; however, we do have some concerns relating to the potential of noise, dust and light trespass arising from the proposal.

- The applicant should provide a noise report together with details on acoustic measures to be adopted to prevent noise nuisance complaints. This should include noise, which may arise as a result of the location and also noise, which may arise between individual rooms and also from any commercial use affecting residential properties.
- During the construction phase Environmental Health recommend that all operations on site be carried out to conform to BS5288 Parts 1, 2 and 4 (as appropriate) Noise Control on Construction and Open Sites.
- Before the development begins, details of a scheme to adequately control any glare and stray light produced by artificial lighting at the proposed development site should be submitted to and be approved in writing by the Local Planning Authority.

Highways Development Control

- Having reviewed the Proposed Masterplan Layout drawing (Ref: 3901-02 PL03 Rev.N) I would offer the following advice.
- Prior to the above revised plan being received detailed highway comments were provided on the proposed layout. A response was received (email from J O Steel Consulting) dated 20/12/2017 to which HDC replied on 03/01/2017.
- Whilst some of the changes suggested had been incorporated into the revised site layout not all of the concerns raised have been addressed.
- As a result of this the Council would not wish to adopt the internal access roads and the applicant / developer will be required to enter into a legal agreement with the Council to maintain these roads in perpetuity. A suitably worded condition should therefore be included within the Section 106 Agreement.
- It should also be noted that the current application will require the developer to carry out works on Bridgehouse Lane / Brow Road to support the proposed development. This is set out indicatively in Option 1 - construction of a mini roundabout on Drawing Number 8998 / 001, dated 24.11.2015.
- In order to carry out the works within the highway the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council.
- All the works shall be agreed and approved in writing by the Local Highway Authority prior to any construction towards the development starting on site and the works then completed on site before the development is brought into use.
- Therefore if the Council were minded to approve this application then the following conditions would be appropriate to include planning conditions covering these matters on the Decision Notice.

Heritage Conservation

The application recognises the relevant heritage implications. Central to the proposal is Bridgehouse Mill, developed incrementally from 1785. Whilst some elements of the mill have been lost in previous catastrophes and to redevelopment, an L-shape of late 18th or early 19th century mill building remains with attached the prominent extension of the 1860s. Adjacent to the east and immediately affected by any proposals is Bridge House, an elegant late Georgian house. Also to the east and within the setting of the mill is a cluster of listed buildings at Surgery Street, built as a barn and stabling associated with Bridge House.

The mill and the northern part of the development site are within the Haworth conservation area, and the remainder of the site to the south affects the setting of the conservation area where it extends southwards on the west side of the railway,

incorporating Woodlands and its small parkland estate. Also of historic significance are the surviving features of the water power supply to Bridgehouse Mill, including a broad goit running along the eastern valley slope, an iron footbridge across this, several contemporary iron kissing gates and a further iron gate. There may in addition be presently unknown archaeological evidence for past activity on the site, surviving below ground or in the standing buildings.

The duties conferred on local planning authorities by the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of heritage assets, must be fulfilled. The planning authority shall have special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses. Equally, the planning authority in respect of any buildings or land in a conservation area, shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72, Listed Buildings and Conservation Areas Act 1990). The weight required to be attached to these duties must not be underestimated, and exceeds the importance attached to other planning considerations.

The progressive evolution of the proposals has attended to many of the observations in the initial heritage representation of 12/2/2016 and the bullet points of 11/11/2016. The latest documents however prompt some further questions. Section L indicates a significant raising of the level of at least part of the site, and Sections AA and BB do not show existing levels. Clarification of how ground levels across the site might be altered is required, not least as this will influence the height of the retaining structure on the east side of the beck, and the subsequent height and visual impact of the dwelling elevations above this.

The applicant has maintained allegiance to the initial layout with consequent loss of a large part of the goit. Essentially all of the goit north of the southernmost plots will be either destroyed or buried. This is a significant feature providing tangible evidence of the historic power supply to the mill, and a positive landscape feature adjacent to the public footpath. Its destruction will cause significant harm to the understanding and integrity of the mill site, and the wider heritage of the industrial development of Haworth.

Whilst the applicant has submitted viability information to support the extent of development, the extension of built form along the valley floor to the south will change the form of the settlement. Currently to the west of the beck and railway is green space forming the parkland associated with Woodlands House and within the conservation area. This is presently matched to the east of the beck and railway south of the accommodation bridge across the rail line by green informal landscape. This will be replaced by suburban built form creating an intrusive presence extending southwards on the valley floor and detracting from both the setting of the adjacent part of the conservation area, and the visual amenity of the Worth Valley Railway. This will cause harm to the setting of the conservation area.

Despite the assertions of the applicants, the combined effect of the beck side retaining structures, the almost vertically continuous dwelling elevations and the length of frontage of built form alongside the beck and railway will result in a discordant and intrusive impact. This would cause significant harm to the conservation area, contrasting with the openness presently enjoyed along its eastern edge at this point, and to the amenity of the railway.

Re-use of the listed buildings secures benefits, together with the reinstatement of features lost in the fire of 2001, although it must be borne in mind that the reinstatements are predominantly aesthetic only, and is not intended to be an entire faithful reinstatement of historic fabric. All visible external aspects of the reinstatement must utilise natural stone and natural slate, with detailing, profiles, architectural details and appearance accurately replicating the lost elements.

Final details of the highway works both at Bridgehouse Lane and throughout the site will be required to ensure a sympathetic impact to the conservation area environment, including minimising street furniture and clutter and using natural and compatible materials with the context to avoid an excessively engineered appearance.

Notwithstanding the benefits in securing re-use of the listed buildings and their visual restoration, significant harm will result from new built form extending alongside the valley floor in the setting of the conservation area, from the relationship of the proposed built form to the beck, the railway and the conservation area, and through destruction of the goit. It is concluded that the heritage benefit does not outweigh the harm which will arise.

It is essential that due regard is given to legislative duties and the requirements of the NPPF and local adopted policy in respect of heritage. Whilst it is important to provide an assured future for listed buildings and desirable to sustain local employment and industry, adverse impacts on conservation areas, amenity and heritage assets must be given the highest significance. The proposals at present are concluded to conflict with para.134 of the NPPF, and policies UDP3, D1 and BH7 of the RUDP.

Historic England

As set out in our previous responses Historic England is broadly comfortable with the amendments to the scheme which seek to retain a greater proportion of the Grade II listed building. We remain supportive of the effort to find a sustainable long term use for this partially vacant historic building and prominent site within Haworth

Whilst we note the eastern (earlier) mill is still proposed for demolition and rebuild, we welcome the reinstatement of the upper storey and also the retention of the eastern range. In accordance with paragraph 131 of the NPPF we consider these elements of the scheme seek to sustain and enhance the significance of this Grade II listed building and the contribution it makes to Haworth Conservation Area.

We note the amended drawings and additional information submitted by the applicant on 23rd December 2016. As stated in our previous response we welcome the additional information which provides some clarity regarding the extent of reconstruction. Nevertheless, we still consider comprehensive and detailed drawings will be required which should provide a level of comfort regarding the quality of the reconstruction of the mill. In particular the drawings need to indicate those elements of the existing stonework which will be salvaged and re-used.

As previously requested the drawings should also include detailed floor plans and elevations clearly indicating the extent of demolition, appropriately detailed methodologies for recording the existing structures and all materials to be salvaged and re-used, how the building will be supported and protected during the works and the full

extent of the rebuild including the reinstatement of any lost architectural detailing and any required strengthening and stabilisation of the remaining buildings.

We are comfortable however, that if your Council is minded to grant consent, this information is sought via a suitably worded condition.

With regard to the proposed demolition of the stair tower and the stone carriage arch, we would prefer to see these elements of the eastern range retained; nevertheless we accept that some alteration is deemed justifiable in order to bring the building back into use. We welcome the additional information regarding the justification for the raising of the stone carriage arch and the details provided in the floor level study.

We previously requested that the applicant seeks to work with existing historic fabric internally and externally where possible. This should include internal features such as staircases/columns within this range and the western mill. We note the amended drawings still do not include any existing floor plans which adequately illustrate the existing historic fabric within the mill ranges. As the proposals are subject to detailed design considerations, we request that your Council seeks to condition any consent as appropriate to ensure these features are retained.

As set out in our previous response, the changes to the design of the proposed western range are welcomed, however we remain unconvinced that the proposed off white rendered or timber cladding will complement the existing traditional palette of materials. We note the applicant's intention to utilise stone and we request that this is sought via condition.

We remain concerned that those houses proposed beyond the historic curtilage of the mill will encroach on the open countryside to the south of the site which strongly contributes to the setting of the Grade II listed building and the adjacent conservation area. We understand however that these additional dwellings are required to make the scheme economically viable. We recommend therefore that the harm caused to the setting of Bridgehouse Mills and the conservation area should be weighed against the public benefits of the scheme as required by paragraph 134 of the National Planning Policy Framework.

A number of historic structures remain within the wider site and include the mill goit, launder and footbridge. The mill goit and cast iron gate in particular provide evidence of the use of water power on the site. We previously requested that these structures are adequately incorporated within the development. We are disappointed that the remaining goit cannot be fully accommodated within the scheme; we welcome however, the revised landscape masterplan (GL0519 02B), which now identifies a section of the structure to be retained within an interpretation area.

Further details should be submitted regarding the extent of works required to the existing iron footbridge and stone bridge which historically provided access to Woodside. There is some ambiguity regarding the replacement of the footbridge identified as no. 7 over the beck on the revised landscape masterplan (GL0519 02B) which is also detailed as being 'upgraded' but this does not correspond with the key.

We request that your Council seek clarification that the footbridge will remain and be refurbished.

Based on the submitted information, we consider the proposed development will result in some harm to the significance of Bridgehouse Mills and Haworth Conservation Area. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 132, NPPF).

If you Council considers there is a clear and convincing justification for this harm and the development cannot be amended to avoid all harm, (paragraph 129, NPPF) then the proposals should be weighed against the public benefits of the scheme to ensure they will outweigh the harm caused (para 132 and 134, NPPF).

Please note we have focused on providing comments on those elements of the scheme which will fall within our statutory remit and we recommend you seek advice from the Council's Conservation Team on the wider heritage issues.

Recommendation

Historic England has no objection to the applications on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 129, 131-132, 134 & 137 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Landscape Design

- While the response by Golby and Luck dated October 2016 points out that the wooded valley landscape character type is the only one with moderate sensitivity to new development this does not mean that this particular site is insensitive to new development. Certainly there should be no general presumption that it is acceptable for development to take place in the wooded valley simply because it is less sensitive than the more open upland pasture and mixed upland pasture. It is important to note that relative to other landscape character areas across the entire District, this is one of the most sensitive to change.
- The general conclusions for the character area as a whole state the following:
 - The Worth and North Beck Valleys has a strong character and high historic continuity with associated traditional settlement. The development pressures upon this well balanced landscape are high and its character is very vulnerable to major changes. In summary it is very sensitive to any further development.
 - New suburban style development would be particularly intensive and the valleys have been settled to capacity in terms of farmsteads and hamlets. Any further density would substantially weaken the strong character of "isolated" settlement.
- In my opinion this wooded valley location is not capable of absorbing residential development of the scale proposed without significant harm to the landscape character. The reason for this is that the proposal extends a finger of modern built form out of the current edge of Haworth as stated in previous comments.

The finger of development would not be screened by the existing wooded valley tree cover or by new tree planting and it would be highly visible from the surrounding area and from the railway.

- The Golby and Luck response states that the site does not form part of any 'key vista'. This is not true. The three key vistas given in Volume 10 of the Landscape Character Supplementary Planning Document are only examples. In fact Volume 10 states that there are
- "Many attractive views across the character area, especially from elevated positions on the edge of the area..."
- I would suggest that views from the railway should be regarded as equally important to this character area as the vistas from elevated positions on the hillsides. The railway is an inherent part of the character area.
- There is nothing in the response that justifies why development should encroach into the character area and yet it is accepted that there will be an adverse effect on the setting of the railway. All the reasons given for developing on greenfield land are fallacious; they focus upon what is not the case, but fail to identify positives.
- It is obvious that this effect will only impact on a short section of the railway, but the parting views of Haworth from the train heading towards Oxenhope need to reflect the character of the village. That character is defined by the tight mesh of small scale development that has occurred over a long period of time. While the proposed development is not that substantial in area, its linear form gives the perception of something more intrusive. In my view there is a compelling case for reducing the scale of the development so that it does not extend out into the countryside of the wooded valley.

Parks and Greenspaces Service

- Parks and Greenspaces Service require a recreation contribution of £134,443, of which £89,628 would be capital and £44,815 would be Revenue for 123 houses/units associated with the attached planning application for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development. This is in compliance with policy OS5 of the RUDP.
- The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Central Park, Haworth.
- If the developer is looking to the Council to maintain any areas of public open space on the development a commuted sum will be required to maintain the areas for the next 25 years.
- If the developer is looking to maintain the areas themselves a full landscape management plan will need to be produced and agreed as part of the planning process.

Rights of Way

- I note on the proposed Brighthouse Beck Park Landscape Master plan that the exiting public footpath (Keighley 167) will be 'updated with a new gravel surface to secure inclusive access between Haworth and the new gateway park...' and that 'the existing footbridge will be refurbished and widened to accommodate inclusive access.'
- While these proposals are generally supported by the Rights of Way Section we do have concerns about how these improvements will be delivered and the

impact the new dwellings (and boundary treatments) will have on users of this footpath.

- While landownership issues have been mentioned before, we are also aware that most of the existing footpath is outside the applicants control and it is known that while the bridge is maintained by the Council the structure it-self is in private ownership. Can the applicant confirm that the relevant permissions have been obtained from the appropriate landowners to enable these works to be carried out? Can the applicant also confirm how 'inclusive access' will be delivered along this route considering the existing restrictions (path width, steps, gates etc.) when approaching the site from Brow Road?
- The Rights of Way Section would also request that the continuation of the footpath (along the side of the former mill dam and within the overall development site) is also improved. Exact specifications for these works to the footpath (including surfacing material type, width, bridge design, drainage and boundary treatments) will need to be agreed with the Rights of Way Section before any works take place to the path.
- The Rights of Way Section also has concerns regarding the impact of any site boundary treatments and of any building so close to the path. The police have already noted that the proposals will lead to a lack of natural surveillance on path users. We also have concerns about the part enclosure of the path and have concerns regarding the loss of open views across the valley and of the Railway Line. We also have concerns regarding any proposals to excavate up to or into the goit itself especially after the earlier landslip in the area. The preference of this section is therefore that the goit is retained, not excavated, with properties and boundary features positioned away from it and at a lower level.
- It is also noted that footpaths within the Park are being retained and provided for public (as against private) use. Please note that specifications for these works would need to be agreed with the Rights of Way Section and how they propose to link with Keighley 167. While I support the general provision of these routes, I do as noted before have concerns regarding their intended status and ultimately who will maintain them in the future.
- I have already raised the issue of the proposed new bridge and stepping stones however the general maintenance of these routes and structures, especially in an area liable to flooding does not appear to have been fully addressed. Likewise the same can be said of the lack of information regarding boundary treatments to stop future 'Park' users from encroaching on to private land or the Railway.
- As before it might be useful to make the applicant aware of the need to adhere to the standard footpath protection requirements during the period of any works on site.

Trees Team

- The application is proposing to remove all trees on the site. The arboricultural report states in several locations that all trees on the site are to be removed.
- There appears to be no justification for this nor is there an impact assessment (the Arb Impact Assessment submitted does not assess the impact of the proposed tree loss).
- A number of the submitted plans appear to show indicative tree retention and do not tally up with the proposal to remove all the trees.
- The removal of all the trees would be harmful to visual amenity.
- The application fails of NE4, NE5 and NE6.

West Yorkshire Archaeology Advisory Service

- Bridgehouse Mill is a designated heritage asset (listed grade II National Heritage List for England No. 1,134,115) and is all that remains of a much larger worsted mill complex.
- The listed building was constructed by John Greenwood in 1785 as a cotton spinning mill and is thought to occupy the site of an earlier water powered corn mill and also a grinding mill for dyestuffs during the 18th century.
- A later 19th century block to its west is still in use as a textile mill (Wyedean Weaving Co. Ltd.). Remains of an earlier bridge over the Bridgehouse Beck may be present in the car park to the north of the mill.
- A fire in 2001 resulted in the removal of the mill's upper (third) floor and the partial demolition and re-roofing of the early cotton mill. Inspection by the WYAAS shows that the 1780s mill has been much altered.
- A long wing, possibly a loom shop although latterly employed as a warehouse, was added to its rear in the early 19th century and the present arched cart way probably also created during this century. By this time the mill had switched to the spinning of worsted yarn.
- The mill's interior comprises wooden floors supported on cast iron columns. Whilst there was some evidence of alterations and blockings to the building's structure the original working arrangement of the mill are largely lost.
- During the late 19th century the mill complex expanded to include a multi storeyed mill and weaving shed to the south of the listed mill. This complex was both steam and water powered via a large suspension waterwheel. Its water discharge conduit or tail goit is believed to run below the 18th century mill. This complex has been demolished. The conduit's poor structural condition has resulted in the demolition of overlying buildings and is believed to be causing the failure of the stair tower to the rear of the listed mill.
- Despite its truncation the original mill building remains a significant survivor from the early years of mechanisation and the beginnings of the industrial revolution. The site's long association with water power is also of interest and significance to the origins and continued use of water power in the production of textiles.
- Should planning permission be granted the WYAAS recommend the listed and adjoining mill is subject to an archaeological and architectural record prior to and during demolition and conversion (a photographic record). An existing survey carried out by MET Surveys has not been deposited with the WYAAS and was not, to our knowledge, carried out by an appropriately qualified or experienced historic buildings expert to an appropriate level for recording historic buildings.
- Any engineering works to the culvert, excavation of footings etc. in the vicinity of the listed mill are subject to an appropriate level of archaeological observation (a watching brief).
- This record can be secured by a suitably worded archaeological condition placed on any grant of planning permission awarded by CBMDC.
- Should planning consent be granted then we recommend that the remaining mill structures should be subject to an archaeological and architectural record and that engineering works and excavation of footings are subject to an archaeological watching brief. The above works can be secured by the attachment of a suitable condition in accordance with the Department of the Environment's Circular 11/95.

West Yorkshire Combined Authority – Transport Planning

- After looking at all the relevant information, on this occasion we have no comments to make.

West Yorkshire Police Architectural Liaison Officer

- In relation to the existing footpath; drawing number PL60 shows the proposed stone wall height in relation to the garden and footpath. The drawing appears to show quite a drop in levels from the public footpath into residents' gardens.
- If the height from footpath into the gardens is 2m or more, then wall height at 1400mm would appear fine, however there is still lack of surveillance over the footpath. I don't know if it is possible due to the retaining structure but could railings be incorporated to fit onto the wall? This may allow more surveillance of the footpath route, if this was possible to do it would also be prudent to increase the wall height from 1400mm to 1800mm at footpath level to ensure that if any children use the route they cannot climb the railings.
- I appreciate the footpaths falls outside of the boundary, but as there is the proposal to link the route into the area of public open space, is there a possibility of installing lighting along the footpath route? This would increase surveillance which is better from a personal safety perspective.
- I appreciate that some points may later be addressed at the reserved matters stage, however there is no mention to my concerns regarding the recessed areas on the mill. The resident gardens still appear to be 'open plan' which can allow any stranger to enter this area and attempt entry into the building. There is also no mention of the perimeter heights / materials for the houses and businesses.
- On the physical security, the Approved Document Q (ADQ) will apply, so doors / windows should either achieve PAS24:12, PAS 24:2016 standards or if bespoke follow the guidelines of ADQ. In relation to the ground floor and accessible windows it would be prudent to install internal retractable style window shutters, they will provide more security to the apartments on ground floor and accessible levels whilst not spoil the external appearance by having external window grills. Suitable standards are to LPS 1175 sr2.
- It would also be prudent to install intruder alarms to both the businesses and dwellings on the development to provide more security and a deterrent for any potential offenders.

Keighley & Worth Valley Railway

- It is reiterated that, in principle, the KWVR supports the retention and re-use of the remaining sections of the original grade II listed Bridgehouse Mills. As originally submitted, the external design proposals were felt to be significantly out of character with the existing buildings and the local vernacular. They were, therefore, considered harmful to the special interest of the listed buildings, and the character and appearance of the Haworth Conservation Area.
- The subsequent input of the BMDC Conservation and Planning officers, Historic England, and others, is recognised in the revised drawings. Some external design improvements have been made to the elevations of the reconstruction of the original mill, and its extension. These improvements are welcomed, and it is hoped further enhancements can be negotiated, but this does not offset the wider concerns raised by the proposals for the new housing.
- These wider concerns were set out in the previous representations, and there appears to be no material change in the overall scheme for new housing. The

extent of development into green belt; it's alien linear form, the uncompromising suburban character and appearance of the house types and layout, and the landscape impact are all unchanged.

- In respect of these issues it is noted that the technical consultations from Heritage England, and both the Council's Conservation and Landscape Officer's make the general same objections to the application proposals as does the KWVR. In particular, that the encroachment into the green belt is not justified, and the amount of development proposed will be harmful to the setting of the listed buildings and Haworth Conservation Area.
- The additional material submitted by the applicant's agents that refer specifically to the KWVR's comments, are the Golby & Luck Landscape Note (October 2016), and the Paul Waite Consultant's 'Observations on Haworth Flooding Issues and Solutions' (April 2016).
- The KWVR was critical of the lack of any proper landscape analysis submitted with the original planning application, and the most recent Golby & Luck reports still do not contain any meaningful analysis of the site in its proper heritage landscape setting. It is transparently written to try and justify the development after the proposals have been made, rather than influence its initial design.
- There is no interpretation of the historic development of Haworth and its setting. Within the Worth and Bridgehouse river valleys residential development avoids the valley floor because of historical flooding; only the mills occupied the lower valley because of the requirement for water for their manufacturing processes. Hill-top villages with later 19th century development is a feature of the South Pennine landscape, and Haworth (and nearby Heptonstall/Hebden Bridge) is an attractive example of this historic development pattern, forming a tourist destination.
- The KWVR is an excellent way to interpret this landscape; visitors experience the gradual transition from urban Keighley to the more rural setting of Haworth & Oxenhope following the valley floor. For the Golby & Luck report to be so simplistically dismissive of the impact of a major residential development at this point on the most rural section of the line demonstrates that there is no proper understanding of the Railway's context. Nor does it consider other development pressures on the railway corridor and potential aggregate effect.
- In addition, the applicant still does not adequately deal with the issues of how the new 'parkland' area will be maintained, and its proper future management be secured. A matter highlighted in the KWVR's original comments.
- The issue of flood alleviation is explored in the Paul Waite document, but examines the areas downstream of the application site. While the technical analysis is not challenged, there is little prospect of any of the suggested "solutions" being implemented in association with the application proposals, all the relevant features being outside the control of the applicant. Therefore, the report does not contain any tangible flood alleviation proposals and cannot be used to justify the proposed development as having some wider community benefit. In particular, it does not form any 'special circumstances' to justify development within the green belt.
- In conclusion, the amended proposals and additional material submitted are not considered to address KWVR's concerns, and the KWVR continues to object to the planning application, as currently submitted, on the grounds set out in the earlier representations and above.

The Bronte Society Trustees

- The proposed development will have an adverse impact upon the character and appearance of the historic footpath from Bridgehouse Mill in the Haworth Conservation Area, towards Oxenhope, regularly travelled by visitors to the Haworth Parsonage and surrounding area.
- Of particular concern are the views which will be out of context to the historical background of Haworth.
- The new constructions would damage the historical landscape and interfere with or obliterate the ancient water channels or “leats” designed to carry water by gravity from a position higher up the beck to the reservoir or mill wheel powering the industrial activities.

Victorian Society

- The applicant has undertaken further consultation on site with Historic England and your council, which has resulted in an improved scheme entailing reduced demolition and more, and more careful, restoration of the existing buildings.
- The design of the new wings at the rear of the east and west mills has also been simplified and improved.
- We are satisfied with these improvements and have decided that no further comment need be made.

Yorkshire Water

- Further to e-mail from the agent (Paul McDonald) to clarify the two minor points raised in our last letter dated 8th December 2016.
- Yorkshire Water has no objection in principle to:
 - The proposed building position over/near to public sewer - subject to control under Part H4 Building Regulations 2000.
 - The proposed separate systems of drainage on site and off site.
 - The proposed point of discharge of foul water to the respective public sewers.
- as submitted on drawings 07084-C-51 (revision F) dated 09/03/2016 and 12105-C-51 (revision B) dated 28/10/2016 that have been prepared by Paul Waite Associates.
- Notes:
- The submitted drawing shows surface water proposed to be drained to watercourse. The existing 'surface water sewer' on site is not a public sewer, it is a 'private' surface water drain which outfalls to watercourse.
- No new trees proposed within 5m either side of the public sewer centre-lines, to prevent tree root infestation.
- The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.

Summary of Main Issues:

- 1) Principle
- 2) Heritage Impact
- 3) Design, Landscaping and Visual Impact
- 4) Flood Risk and Drainage
- 5) Access and Highways
- 6) Air Quality/ Sustainable Travel
- 7) Ecology/ Biodiversity & Trees
- 8) Habitat Regulations/ Rights of Way Issues

- 9) Ground Conditions
- 10) Affordable Housing and off-site Infrastructure
- 11) Community Safety Implications
- 12) Equality Act 2010, Section 149

Appraisal:

Principle

At paragraph 47 the NPPF stresses the need for Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the NPPF requires LPAs to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The Council cannot currently demonstrate a 5 year supply of deliverable housing sites, as assessed against either the objective assessment of need which has been carried out by the Council or the figures set out in the, now revoked, Regional Spatial Strategy.

The delivery of 45 apartments and 77 houses on the proposal site would undoubtedly contribute towards meeting the future housing needs of the Bradford District's growing population and in this regard would be supported in broad terms by the National Planning Policy Framework. However the site specific policy constraints associated with the proposed development scheme must be considered, including the acceptability of development within the Green Belt.

In terms of the employment principle of the development saved policy E4 of the RUDP restricts alternative uses for existing buildings within rural areas which are currently used for employment, exceptions to this include buildings which are functionally redundant. The western mill range is current used by Wyedean Weaving for employment purposes and the proposal is to convert all of the mill buildings to residential use. Alternative bespoke premises are proposed to be built on-site for Wyedean Weaving, with also an extension provided to the existing Airedale Springs building.

It is considered that the proposal will provide for the retention of employment uses on the site and will allow those employment uses to be accommodated within more appropriate and adequately sized premises. Therefore it is considered that the functional redundancy exception set out in saved policy E4 is met and that the proposed development is acceptable in terms of RUDP and NPPF employment policy.

In relation to Green Belt policy, approximately 1.2 hectares of the proposed development area is within the Green Belt the number of houses to be built within this area is 38, with additionally associated roads and retaining walls to be constructed within the Green Belt.

Section 9 of the NPPF sets out a national framework for assessing the acceptability of proposals for the development of land within the Green Belt. At paragraphs 89 and 90 the NPPF defines types of development which can be treated as appropriate development within the Green Belt. The proposal cannot be considered to be covered by any of the exceptions set out in paragraphs 89 or 90 and must therefore be treated as inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt.

In terms of the provisions of the RUDP, saved policy GB1 provides the local policy basis for assessing the appropriateness of proposals for new development within the

Green Belt. The proposed development does not meet any of the exceptions stated within saved policy GB1 and therefore the proposal must also be treated as inappropriate development in terms of the local Green Belt policy framework, which should only be approved in very special circumstances.

The NPPF confirms at paragraphs 87 and 88 that:

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is accepted that the proposed development would harm the Green Belt by reason of its inappropriateness, by reason of the harm to the openness of the Green Belt which would be caused by the development of 38 houses and associated infrastructure in the Green Belt, and by reason of the elements of the development which conflict with the stated purposes of including land within the Green Belt.

In relation to the harm the development would cause to the purposes of including land within the Green Belt, it should be noted that the NPPF sets out these purposes as follows:

- To check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The stated purposes of including land in the Green Belt which are considered to be most relevant to the proposed development are the purposes of assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. It is considered that the proposed development of 38 houses in the Green Belt on the outskirts of Haworth would both represent urban encroachment into the countryside and would also harm the setting of Haworth, as a historic town/ village.

Overall, therefore, it is considered that the development would result in significant harm to the Green Belt in terms of inappropriateness, in terms of loss of openness and in terms of urban encroachment/ the setting of Haworth. Paragraph 88 of the NPPF advises that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

This report finds that all 'other harm' associated with the development can be mitigated to an acceptable level or has been adequately compensated for within the development scheme except for the harm the development will cause to the character of the landscape and the less than substantial harm the development would cause to the setting of Bridgehouse Mills and the Haworth Conservation Area. Therefore it is the harm to the Green Belt and the harm to the landscape and the setting of the Listed Building and Conservation Area which are the subjects of the very special circumstances test. The considerations which are considered to be capable of counterbalancing this harm in this instance are:

(a) the development would provide for the delivery of 122 new residential units, partly on previously developed land, in a relatively sustainable location, well connected to an existing settlement. The applicant has demonstrated that the Green Belt aspect of the development is necessary to make the development viable overall;

(b) the development provides for the repair and restoration of Bridgehouse Mills, a Grade II Listed Building, to a condition which more closely resembles its historic appearance prior to the fire in 2001 and will also provide for a use of the buildings which will make their maintenance sustainable in the long term, it is considered that these elements of the scheme will sustain and enhance the significance of the Grade II listed building and the contribution it makes to Haworth Conservation Area. and;

(c) the development provides new facilities and accommodation for two existing local businesses and will thereby benefit the local economy and assist in the growth and future sustainability of these businesses.

Substantial weight should be given to the harm the development will cause to the Green Belt. Inappropriate development in the Green Belt can only be approved in very special circumstances. Very special circumstances can only be considered to exist where the harm the development will cause to the Green Belt and any other harm is clearly outweighed by other considerations. In coming to a decision on this planning application members of the Regulatory and Appeals Committee must consider whether the three considerations set out in the preceding paragraph (either individually or in combination) clearly outweigh the harm the development will cause to the Green Belt, the setting of the Listed Building and Conservation Area and the character of the landscape.

After giving due consideration to, and placing substantial weight upon, the harm the development would cause to the Green Belt, as described above, the advice of Planning Officers to the Regulatory and Appeal's Committee is that, in this case the three considerations listed above, when considered in combination, do clearly outweigh the harm the development would cause to the Green Belt, the setting of the Listed Building and Conservation Area and the character of the landscape. The remainder of the report below concludes that all other potential forms of harm associated with the development, other than harm to the setting of the Listed Building and Conservation Area and the character of the landscape, can be mitigated to an acceptable level through the imposition of planning conditions and obligations.

Heritage Impact

The proposal includes substantial works to the Grade II Listed Bridgehouse Mills building. Currently only the western range of the principle building is occupied, with the eastern range and associated buildings to the rear subject to substantial damage

during the 2001 fire and in an under-occupied and declining condition. The proposed works to the listed building include the demolition of the parts of the structure which it is considered are in too poor a structural condition to be converted to residential use, repairs to other parts of the building and the reinstatement of the 4th storey of the eastern mill range together with associated historic architectural features.

The proposal also includes development within the setting of the Listed Building and the Haworth Conservation Area and works to extend the developable area of the site to the east, which will result in the loss of further sections of the historic mill goit. To mitigate, to some extent, the loss of additional sections of the mill goit the applicant proposes to undertake works to restore and interpret the section of the mill goit which runs through the proposed park area to the south of the development site.

Both Historic England and the Council's Heritage Conservation team have been involved in lengthy negotiations with the applicant regarding the proposed works to Bridgehouse Mills. Both consultees have been clear from the outset that they support in principle the proposed residential use of the principle mill building, as this is considered to be a sustainable use which will allow the fabric of the mill to be maintained and preserved in the long term. Both Historic England and the Heritage Conservation Team have also been clear that they support, in principle, the proposal to reinstate the parts of the eastern mill range which were lost during the 2001 fire.

However the initially submitted proposals were not considered to be acceptable by either consultee, as they essentially proposed the almost complete demolition and rebuilding of the eastern mill range, an approach which both Historic England and the Heritage Conservation team considered would result in far too substantial harm to the heritage significance of the buildings. Both consultees have also consistently raised concerns in relation to the level of detail provided of the proposed restoration works and the amount of development proposed within the setting of the listed building/ Haworth Conservation Area and about the consequential loss of additional sections of the historic mill goit.

The outcome of the protracted negotiations which took place between the applicant, the Council's Heritage Conservation Team and Historic England during 2016, is a revised scheme which provides for the retention of the greater part of the historic eastern mill buildings. Satisfactory detail has also been provided to demonstrate that the proposed works to restore the 4th storey of the eastern mill, repair damage not sufficiently addressed during the remedial works undertaken immediately following the 2001 fire and reinstate associated replica historic architectural features, would enhance the significance of this Grade II listed building and the contribution it makes to Haworth Conservation Area.

The applicant does not propose to reduce the amount of development within the setting of the listed building/ Conservation Area or to provide for the preservation of the sections of mill goit which would be lost due to the proposed works to the eastern site boundary. This is because the applicant contends that any reduction in the amount of housing development included in the application would be likely to render the scheme overall economically unviable. The applicant has backed up this assertion with a viability assessment documentation, which the Council accepts does prove this point. However the revised scheme does seek to mitigate the loss of the sections of the mill goit which would be consequent from the development by providing for works to

restore/ expose and interpret the section of mill goit which runs through the proposed park area to the south of the proposed new build housing development.

In determining these applications for listed building consent and planning permission the Council are aware that it is a legal requirement to have special regard to the desirability of preserving the listed building and its setting by virtue of the provisions of Sections 16 and 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990. The Council further acknowledge that special attention should also be paid to the desirability of preserving or enhancing the character and appearance of the conservation area as required by Section 72 of that Act.

It is also understood that, in accordance with the guidance set out in paragraph 132 of the NPPF, when considering the impact of the proposed development on the significance of Bridgehouse Mills and Haworth Conservation Area, as designated heritage assets, great weight should be given to these assets' conservation and that, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Historic England advise that the proposal to reinstate the 4th storey of the older eastern range of the Bridgehouse Mills Grade II Listed principle building, restore associated architectural features which were lost during the 2001 fire, and provide for a use for the buildings which will allow their long term maintenance, will enhance the significance of this Grade II listed building and the contribution it makes to Haworth Conservation Area, in accordance with saved RUDP policy BH4. However, notwithstanding the benefits in securing re-use of the listed building and its repair and restoration, both Historic England the Council's Heritage Conservation Officer advise that significant harm will result from the proposed new housing extending alongside the valley floor in the setting of the conservation area and also from the relationship of the proposed new housing and associated retaining wall to the beck, the railway and the conservation area, and through the destruction of additional section of the mill goit.

Historic England have confirmed that they do not object to the proposal on heritage grounds but have advised that the harm caused to the setting of Bridgehouse Mills and the Conservation Area should be weighed against the public benefits of the scheme. The Heritage Conservation Officer advises that the harm the proposed housing will cause to the setting of the listed building and Conservation Area means that sits in conflict with saved policies BH4A and BH7 of the RUDP. He further advises that he considers that the heritage benefit of the development, through sustenance and enhancement of the significance of Bridgehouse Mills, does not outweigh the harm which will arise to the setting of the listed building and Conservation Area; however the heritage benefits of the development are considered to mitigate the harm to the setting of the listed building and Conservation Area to a magnitude which is less than substantial.

Consequently, in accordance with the guidance set out in paragraph 134 of the NPPF it should be considered whether the harm the development would cause to the setting of Bridgehouse Mills and Haworth Conservation Area, as designated heritage assets, would be counterbalanced by the public benefits of the proposal, including securing its optimum viable use. It is accepted by both Planning and Conservation Officers and Historic England that conversion of the remaining mill buildings to residential use represents the optimum viable use for these buildings. It is further considered that the

proposed new housing and improved and extended accommodation for two local manufacturing businesses will derive significant public benefits.

The advice of Planning Officers to the Regulatory and Appeals Committee is that these benefits of the proposed development do outweigh the harm it would cause to the setting of Bridgehouse Mills and the Haworth Conservation Area. It is furthermore accepted that, in order to realise the heritage (and other) benefits of the development, a viable development scheme must be provided for and that the applicant has demonstrated that a reduction in the amount of development proposed within the setting of the listed building/ conservation area or the loss of units to allow for the preservation of the affected sections of the historic mill goit, would render the scheme unviable.

After having taken into account the intrinsic value of the heritage assets, the very significant weight which should be given to the conservation of the heritage assets and the substantial benefits which it is considered that the development would provide, it is therefore concluded that the proposal is acceptable in heritage terms and consistent with the principle set out in Section 12 of the NPPF and saved policy BH4 of the RUDP, whilst sitting in conflict with saved RUDP policies BH4A and BH7. Nonetheless, in line with saved RUDP policy BH3 and NPPF paragraph 136, the conditions recommended at the end of this report would make the Listed Buildings consent conditional upon the approval of a written scheme of heritage investigation to ensure that the current condition of the site is fully documented before development works commence.

Design, Landscaping and Visual Impact

The National Planning Policy Framework (NPPF) 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;
- 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 NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. At the local level saved RUDP policy D1 sets out design principles, indicating that new development should relate to the existing character of the locality, policy D4 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime and policy D5 emphasises the importance of appropriate and effective site

landscaping, indicating that existing and new landscape features should be incorporated as an integral part of the proposal.

The general approach to design and landscaping taken within the development scheme is considered to be positive and appropriate to the character of the built and natural environment in the locality. A direct relationship with Bridgehouse Beck is established through the development of a building line which fronts directly on to the Beck. Although several objectors have criticised this direct relationship, it is considered to be the most appropriate approach to residentially developing the site, as it provides for a strong industrial frontage which does not resemble a suburban estate, being more reminiscent of the monolithic mill developments which characteristically occupy the valley bottom, and eliminates the potential for garden clutter to negatively intrude upon the beck frontage.

Objectors have also suggested that the building line along the beck frontage should be re-designed to taper down from the large scale mill buildings at the northern end to the proposed smaller two storey houses at the southern end of the development area. Instead the development scheme provides for a strong extension to Bridgehouse Mills at the northern end, followed by an area of two storey properties, followed by three storey properties with roof terraces at the southern end of the site. It is considered that the proposed arrangement of buildings along the beck frontage does represent good design, as it will provide for a strong edge to the development area which will be more characteristic of the mill type developments which typically occupy the Bridgehouse Beck valley floor. The proposal also includes the rebuilding of the existing beck retaining wall and it is considered that the gabion basket facing material proposed to be used will provide for an appropriate new landscape feature.

Beyond the building line along the beck frontage the proposed housing development becomes more suburban in character; however views of this area of the site are primarily limited to internal views and therefore a more traditional residential estate design is considered to be acceptable. To the east the site backs onto a footpath which comprises part of the railway children walk. Careful consideration has been given to how any negative impact of the development on views from this footpath can be minimised. In this regard the proposed boundary feature along the boundary with the footpath is proposed as a 1.4 metre high stone wall which should prevent an excessive feeling of enclosure for footpath users and provide for a traditional boundary feature. The rear elevations of the properties located along this boundary have also been appropriately designed to present an attractive face as viewed from the footpath.

In terms of the new and extended industrial buildings to be provided within the north-eastern part of the site, a basic modern industrial shed design is proposed which replicates the design of the existing Airedale Springs building. Given the historic industrial character of this part of the site it is considered that the proposed basic industrial shed design is appropriate and will not be unacceptably detrimental to visual amenity.

In terms of the retirement living element of the development, this aspect of the development has been revised substantially since the original submission. The currently proposed design incorporates the retention of a much greater proportion of the original Bridgehouse Mills structures and includes a much simplified design to the new-build annex proposed to extend to the rear of the western mill range. It is considered that the proposals to reinstate parts of the mill which were lost in the 2001

fire should provide for visual enhancement and an improved appearance of the mill frontage as viewed from Bridgehouse Lane.

Several objectors, particularly residents of Surgery Street to the east, have raised concern in relation to the potentially overbearing impact of the proposal to reinstate the 4th storey of the mill building to the rear of the eastern mill range. In relation to this it is considered that the proposal to reinstate a 4 storey building in this location is appropriate and will not result in an excessively overbearing or dominant impact on adjacent residential properties, with the facing properties being located approximately 22 metres distant. In addition the issue of potential overlooking and nuisance issues has been raised with the applicant who has agreed to planning conditions intended to restrict the installation of ventilation equipment on the eastern elevation of the retirement living complex. There is no overlooking issue, as the windows on this building elevation would be to corridors.

Another aspect of the development scheme which has been revised and improved since first submission is the Bridgehouse Lane boundary. Originally the proposal included the removal of the existing planted embankment along this boundary and its replacement with a hard landscaped area on top of a proposed new subterranean garage to accommodate a taxi rank. The applicant was advised that the removal of the trees and associated embankment, as a positive feature in the townscape/conservation area, would not be supported and consequently revised the scheme to provide for the retention of the existing embankment.

Overall it is considered that the proposed development scheme provides for an appropriate development design which is sympathetic to the character of the surrounding built and natural environment, will not harm the amenities enjoyed by the occupants of adjacent land, and accords with the design principles set out in the NPPF and RUDP. However the impact of the development upon the character of the landscape must also be considered. Saved policy NE3(A) of the RUDP indicates that development should not adversely affect the particular character of the landscape or cause unacceptable visual intrusion.

Part of the site intrudes into one of the District's designated landscape character areas. Land south of the disused railway bridge lies within the Worth and North Beck Valleys Landscape Character Area, as described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, Volume 10, adopted by Bradford Council in October 2008. Within this character area, the site falls within the character type 'wooded valley'.

Policy guidelines listed within Volume 10 include the requirement to strengthen the edges of Haworth with planting that enhances the woodland framework. Paragraph 8.3.3 of Volume 10 does state that: The natural enclosure of this landscape type in the Worth Valley, however, could absorb limited development which would not jeopardise the existing tree cover. In fact, opportunities could be sought to increase the woodland cover in association with appropriate small-scale development particularly to strengthen the edges of Haworth and Oxenhope.

The Council's Landscape Design Team have advised that, in their opinion the wooded valley location of the development is not capable of absorbing residential development of the scale proposed without significant harm to the landscape character. The reason for this is that the proposal extends a finger of modern built form out of the current edge

of Haworth. The finger of development would not be screened by the existing wooded valley tree cover or by new tree planting and it would be highly visible from the surrounding area and from the railway.

Therefore, notwithstanding the acceptability of the proposed development design it has to be concluded that the development sits in conflict with saved policy NE3 of the RUDP, as it will result in harm to the character of the landscape. In response to this issue the applicant has argued that they consider that the proposal site is of lower landscape sensitivity than other potential development sites within Haworth and that the proposed amount of development extending into the wooded valley landscape is required in order to make the delivery of the development viable.

The Council accept that the submitted viability assessment does demonstrate that the amount of development proposed is necessary in order to make the scheme viable. Therefore it is considered that the overall viability of the scheme and the other benefits of the development in terms of delivering new housing and employment buildings and the renovation and sustainable future use of Bridgehouse Mills, are material considerations which indicate that the development is acceptable, notwithstanding the acknowledged harm to the character of the landscape the development would cause and consequent conflict with saved RUDP policy NE3.

Flood Risk and Drainage

The proposal site is partly located within Flood Zones 2 and 3, as defined by the Environment Agency flood risk maps. Flood Zone 3 is defined as the area that could be affected by flooding, either from rivers or the sea, if there were no flood defences. This area could be flooded from a river by a flood that has a 1 per cent (1 in 100) or greater chance of happening each year. Flood Zone 2 identified the additional extent of an extreme flood from rivers or the sea. These outlying areas are likely to be affected by a major flood, with up to a 0.1 per cent (1 in 1000) chance of occurring each year.

The NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. A sequential test must be applied to development proposals involving land at risk of flooding and, if necessary, the exception test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

At a local level saved RUDP policy NR15B indicates that development will not be permitted where it would:

- 1) increase the risks of flooding further downstream
 - by increasing flows; or
 - by impeding the flow of floodwater; or
 - through the discharge of additional surface water; or
 - by undermining the integrity of existing flood defences;
- 2) be at risk itself from flooding and
- 3) impede access to watercourses for maintenance
- 4) fail to provide adequate measures for the protection of public safety unless adequate protection or mitigation measures are undertaken as part of the proposed development.

Saved RUDP policy NR16 states that development proposals, which add to the risk of flooding or other environmental damage, as a result of surface water run-off will not be permitted unless effective control measures are provided. The policy also requires that development proposals incorporate sustainable drainage systems, which control surface water runoff, as close to source as possible, wherever practicable.

The applicant has undertaken a Flood Risk Assessment and provided 2 addendums to the report to address concerns previously raised by the Council's Drainage Unit. In order to prevent the houses proposed as part of this development from being unacceptably vulnerable to flooding the applicant proposes to extend the raised development platform which has been formed within the northern half of the site over the greenfield area proposed to be developed to the south to provide for finished floor levels 600mm above the modelled 1 in 100 year, plus climate change, flood level. In order to compensate for the flood water storage which would be lost through this development approach the applicant proposes to provide compensatory flood water storage within the proposed landscaped park area to the south of the development site.

The storage capacity to be provided within the land to the south is intended to not only compensate for the storage volume which would be lost as a consequence of the development but also provide some betterment in terms of reducing downstream flood levels in Haworth. However the assessed magnitude of betterment is considered to be marginal, with a predicted reduction in flood levels of 24mm on the Keighley and Worth Valley railway line and no identified flood level reduction benefit whatsoever beyond the railway line. Nonetheless the Environment Agency have confirmed that they view the provision of the additional flood water storage capacity within the development site as important.

In line with the sequential approach to managing development in areas at risk of flooding the applicant was also asked to provide a sequential and exceptions test report which assesses the availability of potential alternative development sites at lower risk of flooding within the Haworth area. This report was produced in May 2016. The assessment concludes that there are no reasonably available alternative sites at lower risk of flooding which could deliver the mixed use development proposed, including the provision of new and extended industrial buildings and 122 new residential units. This report has been reviewed and found to be robust and therefore it is considered that the sequential test is passed.

It is also considered that the exceptions test is passed, as the applicant has demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, i.e. the delivery of new housing and employment buildings, the restoration and sustainable use of Bridgehouse Mills and the delivery of additional flood water storage capacity on Bridgehouse Beck. The applicant has also demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

Both the Environment Agency and the Council's Drainage Unit (acting as Lead Local Flood Authority) have confirmed that the material submitted to support the application has overcome their initial objections and that they no longer object to the development in relation to either the sequential approach, the vulnerability of the development to flooding or the adequacy of the proposed compensatory flood water storage. It is therefore considered that the development accords with the guidance set out in paragraphs 100 to 103 of the NPPF and saved policy NR15B of the RUDP.

The applicant has also submitted sustainable drainage proposals, including a surface water drainage system, which discharges to Bridgehouse Beck with an attenuated flow designed to prevent any increase in flood risk. It is also therefore considered that the proposed development is acceptable in terms of providing for sustainable surface water drainage and accords with saved policy NR16 of the RUDP, subject to the imposition of conditions requiring full details of the drainage system and details of the provisions which will be made for its maintenance.

Access and Highways

Paragraph 32 of the NPPF 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.

Saved policies TM2 and TM19A of the RUDP indicate that development which will lead to unmitigated adverse impacts on proposed or existing transport infrastructure will not be accepted and that road safety is a material planning consideration. RUDP Annex C specifies parking standards for residential development and saved RUDP policy TM12 indicates that in determining planning applications for residential developments the Council will require provision of parking in accordance with the council's adopted standards, although lower parking standards can apply for developments of affordable housing and for units located in the city and town centres with very good levels of public transport accessibility.

The proposal development would result in the creation of 122 new residential units and the relocation and extension of existing industrial uses on the site and is thereby likely to significantly increase traffic associated with the site. The site would retain the existing point of vehicular access onto Brow Road, but would provide for the re-

arrangement of the junction of Brow Road and Bridgehouse Lane, with a mini-roundabout to be formed.

The application is supported by a Transport Assessment and associated Travel Plan which assesses the potential traffic and transportation impacts of the development. The Transport Assessment assesses that the proposed mini-roundabout layout provides a number of safety benefits over the current access/junction arrangements. This includes acting as a general traffic calming feature, providing improved pedestrian provision across both the site access and Brow Road (with a pedestrian island provided) and by improving visibility from the site access to traffic on Brow Road. The traffic capacity of the proposed mini-roundabout has been assessed at a design year of 2020, with the addition of development related traffic, with the assessment demonstrating the junction will be able to operate well within capacity.

The Transport Assessment also reports upon personal injury accident data for the local highway network, which does not identify any accident problems within the vicinity of the site access. The assessment concludes that there are no highway related reasons why the development should not be granted planning consent. The development scheme and submitted Transport Assessment/ Travel Plan have been reviewed by the Council's Highways Development Control Unit. Highways Development Control initially raised some concerns in relation to parking provisions for the retirement living apartments and the dimensions of the arch through Bridgehouse Mills which would provide access to the site. Concerns were also raised regarding certain details of the proposed new estate road design.

Following the submission of proposals for increased parking to the retirement living apartments, with 1 space now provided per apartment with 1 additional surplus space, clarification of bridge arch dimensions and amendments to the internal estate road design, the Highways Development Control team raised not further concerns in relation to these matters. However the Highways Service have advised that the currently proposed internal estate road arrangements do not appear to be to adoptable standards and therefore the applicant may have to provide for their future maintenance through an alternative mechanism not local authority adoption.

The Highways Service also recommend the imposition of a suite of conditions which require full details and implementation of the site access works, internal access roads and parking provisions and control the construction phase of development. Subject to the conditions recommended at the end of this report, it is concluded that the proposed means of access to the site is acceptable in highways terms, sufficient on-site parking provision has been made and that sufficient evidence has been submitted to demonstrate that the level of traffic which will be generated by the development will result in residual cumulative impacts which could not be considered to be severe in accordance with saved policies TM2 and TM19A of the RUDP and paragraph 32 of the NPPF.

Air Quality/ Sustainable Travel

Paragraph 35 of the NPPF confirms that developments should be located and designed where practical to:

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;

- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

The Bradford MDC Low Emissions Strategy, published in August 2013, sets out a Development Control Air Quality Policy at Appendix 2 which identifies the criteria for the requirement of an Air Quality Assessment and specifies the level of mitigation expected to be provided for different categories of development. Mitigation provisions should include, as a minimum, electric vehicle charging points for each dwelling (which can be achieved at a relatively low cost to developers).

In relation to the potential exposure of the residents of the proposed new dwellings to issues associated with poor Air Quality, the Council's Environmental Health Service have not requested an exposure assessment. The main potential air quality exposure source relevant to the proposed development is the Keighley and Worth Valley Railway; however there is no evidence that emissions from this source would result in residents being exposed to unacceptably poor air quality.

In relation to the mitigation of the increased air quality impacts which may be brought about by the development, the proposed development constitutes a medium development for the purpose of Appendix 2 of the Bradford Low Emission Strategy (LES). Under the provisions of the LES planning guidance medium developments are required to provide Type 1 and 2 emission mitigation as follows:

- Provision of electric vehicles charging facilities at a rate of 1 charging point per house with dedicated parking and 1 point per every 10 houses with undedicated parking.
- Adherence to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
- A Travel Plan which includes mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.

The applicant accepts the need to provide for on-site electric vehicle charging and to produce Travel Plans in relation to both the proposed residential and industrial aspects of the development. A Travel Plan has already been provided; however the Council's Air Quality Officer advises that this needs to be amended through the inclusion of further air quality mitigation measures. Additionally the applicant has provided for footpath connections to the adjacent public footpath, comprising part of the railway children walk, and has provided for an on-site amenity area/ park facility immediately accessible to residents without the need to travel. A bus stop is located immediately adjacent to the main site access point providing opportunities for residents to travel to surrounding towns and villages using public transport.

It is considered that the air quality mitigation measures provided for by the applicant, as identified above, fulfil the requirements of Bradford MDC Low Emissions Strategy, subject to the imposition of conditions reserving approval of full Electric Vehicle Charging details, a Low Emissions Travel Plan, and a Construction Environmental Management Plan. Subject to these conditions it is also considered that the development will suitably promote the adoption of sustainable patterns of travel by

future residents and facilitate the accessing of local facilities and services by modes of transport other than the private car in accordance with the provisions of paragraph 35 of the NPPF.

Ecology/ Biodiversity & Trees

Saved RUDP policies NE5 and NE6 emphasise the importance of the retention and protection of trees on development sites. Saved policy NE10 confirms that development proposals should ensure that important landscape, ecological, geological features, or wildlife habitats accommodating protected species are protected. Paragraph 109 of the NPPF confirms that one of the government's objectives for the planning system is to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

The primary ecological features relevant to the proposal site are the trees along the site's western boundary with Bridgehouse Beck and northern boundary with Bridgehouse Lane and the wooded valley habitat mosaic within the southern half of the site which includes broad-leaved woodland, marshy grassland, scattered trees and scrub and the beck. There is also the potential for the buildings and trees on the site to accommodate bats. However it should be noted that the development only proposes built development upon 0.9 hectares of the 2.1 hectare greenfield area which comprises the southern half of the site, with the southernmost 1.2ha of the site either left undeveloped or redeveloped as an amenity greenspace and flood storage area, incorporating ecologically beneficially features.

In order to assess the ecological value of the features of the site and the potential impacts of the development upon these features the applicant initially produced and submitted an arboricultural report and impact assessment, a bat scoping survey & report and a phase 1 habitat survey report. In response to concerns raised by the Council's Biodiversity Officer a revised habitat survey and bat survey were subsequently submitted in October 2016.

The submitted Arboricultural Report initially indicated that all of the existing trees along the site's northern and western boundaries would be cleared. A proposal to which the Council's Tree Officer objected. Subsequently the development scheme has been revised to provide for the retention of the planted embankment along Bridgehouse Lane and therefore these trees will now be protected and retained as part of the development. The trees along the western boundary with Bridgehouse Beck are still required to be removed to accommodate the proposed housing which fronts directly onto the Beck. It is not considered that it would be possible to protect and retain these trees, whilst allowing for an appropriate site layout which responds positively to the Beck and therefore the loss of the trees along the Beck is accepted, notwithstanding the Tree Officer's objection.

The submitted revised bat report has confirmed the presence of bats and identified several roosts within the Bridgehouse Mills building complex; there therefore may be a need for a bat mitigation license to be obtained to authorise the disturbance of bats during development work. Further winter bat surveys and a bat roost characterisation survey are recommended to inform a Bat Mitigation Plan. Subject to the conditions recommended at the end of this report, requiring these surveys and a mitigation plan to be approved by the Council, it is considered that the applicant has adequately addressed bat protection issues.

The submitted revised Habitat Survey Report finds that the site contains habitat of low-moderate ecological value. The report recommends a range of measures to avoid the development causing unacceptable ecological harm, including protecting the habitats to be retained to the south of the site and the beck from potential harm during development works by utilising appropriate fencing, undertaking nesting bird surveys if clearance works are to be undertaken between March and August, the drawing up of an Otter mitigation plan and devising biodiversity enhancement and woodland management plans for the site. Subject to the imposition of the conditions recommended at the end of this report, which incorporate these mitigation and enhancement requirements, it is considered that ecological protection issues have been adequately addressed.

It is therefore concluded that, subject to the imposition of a suitably worded conditions requiring the implementation of the further survey work, tree protection measures and bat and otter mitigation provisions, as specified in the submitted Habitat, Arboricultural and Bat Reports and the delivery of ecological enhancement features within the site landscaping scheme, there are no grounds to conclude that the development would be unacceptable on ecological impact or biodiversity grounds in accordance with the principles set out in paragraph 109 of the NPPF and saved policies NE5, NE6 and NE10 of the RUDP

Habitat Regulations/ Rights of Way Issues

The proposal site is approximately 1.8 Kilometres from the nearest edge of the South Pennine Moors, which is designated as a SSSI (Site of Special Scientific Interest) SAC (Special Area of Conservation) and SPA (Special Protection Area). Saved RUDP policy NE7 indicates that development which may affect a European Site will be subject to the most rigorous examination and that development likely to have significant effects on the site (either individually or in combination with other plans or projects) will not be permitted unless there is no alternative solution and there are imperative reasons of over-riding public interest which justify the grant of planning permission for the development.

Previous Habitats Regulations Assessment work undertaken as part of the Local Plan preparation process has highlighted the potential for housing development within proximity to the South Pennine Moors, to result in harm to the integrity of the Moor as a Special Protection Areas as a consequence of increased recreational use. This harm can be avoided through the provision of suitable alternative natural greenspace as part of development schemes or the funding of works to improve access to the moors.

The proposed development includes the provision of an area of recreational open space to the south of the proposed new-build residential development area, which the applicant has named Bridgehouse Beck Park. The proposed park would be approximately 6,700m² in area and would provide for:

- Re-surfacing of existing paths in gravel;
- New grass reinforced pathways;
- Retention and refurbishment of existing footbridge and kissing gates;
- Replacement of existing dilapidated bridge;
- New stepping stone beck crossing;
- Timber benches;
- Wildflower meadows;

- Floodwater storage areas set out as species rich grassland;
- Natural play space/ equipment;
- Management of existing woodland;
- Mill goit interpretation area including restoration of sections of existing goit and interpretation boards.

As well as being accessible directly from the proposed new residential estate the new park would link into the existing railway children walk route which runs along the Bridgehouse Beck valley. The new park area to be provided as part of the development would also allow public access to the Bridgehouse Beck watercourse, access to which is currently limited in and around Haworth. It is considered that the provision of a 6,700m² area of land as a new recreational green space as part of the development, which represents a significant over provision of recreational space relative to the requirements of saved RUDP policy OS5, will provide a suitable alternative for new residents to pursuing recreational access to the South Pennine Moors. It is therefore considered that the development scheme includes sufficient provisions to avoid any potential harm to the integrity of the South Pennine Moors and that Habitat Regulations Assessment is therefore not required.

In relation to Rights of Way matters, the Council's Area Rights of Way Officer has not objected to the proposed development but has requested further information in relation to matters such as footpath surfacing proposals and provisions for future maintenance. To address these matters the landscaping scheme reserved by the conditions recommended at the end of this report is required to include details of footpath surfacing and additionally a planning obligation will be included in a legal agreement under S106 of the act requiring full details to be approved of the provisions which will be put in place to manage the park area and associated paths in the long term. The applicant has indicated that these future maintenance provisions will take the form of a management company funded through a levy on development residents.

Subject to a requirement to deliver the proposed park area as part of the development scheme and maintain it as a publically accessible space in perpetuity and provide details of path surfacing and future maintenance and management arrangements, as set out in the planning conditions and obligations recommended at the end of this report, it is considered that the proposal is acceptable in terms of SPA impact and Rights of Way considerations, in accordance with the requirements of saved policies NE7 and D6 of the RUDP and the Habitats Regulations.

Ground Conditions

Paragraph 121 of the NPPF 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 NPPF also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person. Saved RUDP policy P5 indicates that potential for ground gas migration should be assessed for development sites within 250m of recorded landfill sites.

The proposal site includes historic industrial land uses and previous landfill activities and therefore there is reason to suspect that contamination may be present. In order to address land quality issues the applicant has submitted Phase 1 and 2 contamination reports, produced in 2007. The Phase 1 report identifies that historic land use includes

commercial and mill buildings along with a gasometer, chimney and mill race. The course of the adjacent Bridgehouse Beck historically ran through the site and therefore infilling of the old channel must have taken place in the past.

The Phase 2 report confirms that made ground was found on the site up to 3.1 metres below ground level. Within the area formerly occupied by the mill race, hydrocarbon odour was noted within the underlying drift deposits. Three gas monitoring visits are reported in the document and no gas problems were identified. However, the results from the remaining anticipated 8 visits have not been submitted. Further gas monitoring may be required. Subsequent to the Phase 2 Site Investigations having taken place, some significant alterations have been made to site conditions, including through the removal of the industrial sheds to the rear of the principle mill building and the raising of ground level through the deposit of excavation waste.

The submitted contamination reports have been reviewed by both the Council's Environmental Health Service (in respect of human health considerations) and the Environment Agency (in respect of risks to controlled waters). The Environmental Health Service have objected to the adequacy of the submitted documentation, as the submitted reports are now considered to be out of date, considering the time which has elapsed since the site investigations in 2007 and the alterations which have been made to the intervening period of time. The Environment Agency have not objected to the development but have recommended the imposition of a planning condition requiring the submission of further contamination assessments and a remediation scheme.

It is considered that the contamination assessment information submitted to support the application is sufficient to satisfy the requirements of paragraph 121 of the NPPF. However there is clearly a requirement for further contamination assessment and remediation proposals to inform the development scheme and ensure that all contamination risks to future residents and controlled waters are adequately mitigated. Subject to the imposition of conditions requiring the approval of an updated contamination risk assessment report, remediation proposals and a materials importation scheme, contamination risks are considered to have been appropriately addressed in accordance with saved RUDP policies UR3 and P5 and paragraph 121 of the NPPF.

Affordable Housing and off-site Infrastructure

In relation to the requirement for Affordable Housing, saved RUDP policy H9 states that, on planning applications for substantial residential development, the Council will negotiate for a proportion of affordable housing based on the extent and type of need, the suitability of the site and the economics of provision. The NPPF defines Affordable Housing as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market and subject to a requirement to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

The full affordable housing requirement for the site, based upon the JHS benchmark figures referenced in saved policy H9, would be 31 units. Instead the applicant proposes to provide 5 of the 77 new-build houses as 'starter homes', subject to a 20% discount on their open market value. Although the provision of the starter homes is welcomed, it would not meet the current definition of Affordable Housing set out in the NPPF and therefore it must be considered that the development does not propose any delivery of Affordable Housing and therefore sits in conflict with saved RUDP policy H9.

A number of objectors have raised concerns in relation to the adequacy of local infrastructure and services to accommodate the new residents which would be brought to Haworth as a consequence of the proposed development. These concerns primarily relate to the capacity of existing primary schools in the village, the lack of space at doctors' surgeries and the capacity of the existing roads to accommodate the additional traffic which would be generated by the development.

In relation to traffic issues, this issue is assessed in the Access and Highways section above and, in summary, it is considered that the applicant has adequately demonstrate that the existing highway network has sufficient capacity to safely accommodate the traffic which would be generated by the proposed residential and industrial development on the site without resulting in severe residual cumulative traffic impacts.

However, in order to provide for safe access to and from the development site onto the highway network, the applicant accepts that off-site junction improvement works are required, comprising the formation of a mini-roundabout at the junction between the site access, Bridgehouse Lane, Station Road and Brow Road. The applicant has estimated that the cost of the off-site highway improvements works would be £130,000. The detail of the improvement works would be negotiated through an agreement under Section 278 of the Act; however the conditions recommended at the end of this report would ensure that the improvement works are delivered as part of the development scheme.

In relation to the specific concerns of residents of Thornfield Retirement properties, as expressed through their petition, about the consequent relocation of the existing bus stop on Bridgehouse Lane adjacent to the war memorial. It should be noted that the proposed access improvement drawing, option 1, only proposes the relocation of this bus stop 7 metres to the west. It is not considered that this potential alternative position would render the bus stop significantly less accessible to existing and proposed residents, including older people, or people with impaired mobility.

In relation to residents' concerns about the adequacy of local services and facilities to accommodate the proposed development, there is no local or national planning policy requirement to assess the adequacy of existing health services in a locality to accommodate the needs of new residential development. However, in relation to education services, it is accepted that both Primary Schools and Secondary Schools in the locality currently have insufficient capacity to adequately provide for the additional children likely to be brought into the area by the proposed development. In order to provide for the needs of the additional children which would be likely to be generated by the development the Council's Education Service have calculated that funding of £143,859 would be required for the expansion of primary school places and £185,816 for the expansion of secondary school places.

The requirement for developers to fund the extension of off-site education infrastructure is set out in saved RUDP policy CF2, which requires that, where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges (as is the case for the proposed development), the Council will seek to enter into a planning obligation in order to secure the provision of, or contribution towards, new or extended facilities. The applicant has not offered to provide any funding towards the provision of new or extended facilities and therefore the application sits in conflict with saved RUDP policy CF2.

In terms of considering the acceptability of the non-provision of Affordable Housing and funding for the extension of Primary Education and Secondary Education facilities, reference should be made to paragraph 173 of the NPPF. Paragraph 173 states that, to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The applicant argues that the provision of education funding and affordable housing as part of the development scheme would render the development unviable. They explain that this is due to the scale of costs associated with the proposed development including the costs of the proposed restoration works to Bridgehouse Mill, the extensive retaining walls which would be required to Bridgehouse Beck and to retain the difference in level to the footpath to the east, the cost of the proposed floodwater storage works, the landscaping works to create Bridgehouse Beck Park and the cost of the proposed off-site highway works.

To support this argument the applicant has submitted a Financial Viability Report which sets out the costs and value of the development. This report has been reviewed by the Council's Economic Development Service, who have confirmed that they consider it to robustly demonstrate both that the amount of development proposed (in the Green Belt) is required to make the development economically viable and that the provision of Education Funding and Affordable Housing as part of the scheme would render the development unviable. Therefore, notwithstanding the conflict of the proposal with saved RUDP policies CF2 and H9, it is considered that the scale of infrastructure contributions and discounted housing provision proposed by the applicant is acceptable in relation to advice on scheme viability set out in paragraphs 178 to 181 of the NPPF.

In relation to the requested £134,443 contribution towards off-site recreation infrastructure the relevant RUDP policy requires new residential developments which provide 50 or more family dwellings to provide for recreation open space, including children's play space and informal open space, to a minimum standard of 20 square metres per dwelling (including a suitably designed and equipped play area) and playing fields, to a minimum standard of 40 square metres per dwelling. The on-site recreation open space requirement under saved policy OS5 for the development of 77 family houses (as is proposed) would normally be 1,540m², with additionally 3,080m² of playing fields required, i.e. a total of 4,620 of recreational space.

The applicant proposes to develop a 6,700m² area of land to the south of the proposed development area into a new recreation space to be called Bridgehouse Beck Park. This park will complement existing park provision within Haworth by providing for access to a watercourse, Bridgehouse Beck. Given the proposed over provision of recreation space through the provision of Bridgehouse Beck Park within the development scheme, and the range of recreational facilities and equipment to be provided within the park, it is considered that the proposed on-site recreational provision is sufficient to comply with the requirements of saved RUDP policy OS5.

Community Safety Implications:

Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and, whilst

not objecting in principle to the proposed development, has raised certain concerns and points of detail in relation to matters including:

- Natural surveillance of the footpath to the east;
- Barriers to prevent motorcycle access to the proposed Bridgehouse Beck Park;
- Provision of CCTV/ external lighting;
- Marking out and allocation of parking spaces;
- Defensibility of communal garden areas for retirement living apartments;
- Security of recessed areas within the apartment building;
- Access control;
- Security standards of perimeter treatments;
- Secure bin storage arrangements
- Mail delivery arrangements;
- Door and window security standards;
- Installation of intruder alarms;

Whilst being mindful of the need to provide a suitably crime resistant environment with well-defined and secure public and private spaces the Council must also balance other planning considerations including the imperative of facilitating connectivity to the surrounding built and natural environment and providing the recreational spaces necessary to promote healthy lifestyles and attractive, vibrant, socially interconnected developments. In this regard it is not considered that the Architectural Liaison Officer's suggestions to provide lighting to the railway children walk route to the east of the site or a strong boundary feature along this boundary of the site would be appropriate, instead a boundary treatment of a stone a 1.4 metre high stone wall is proposed along this boundary to allow some natural surveillance whilst providing for a relatively robust boundary feature.

Likewise it is not considered to be appropriate for the planning system to regulate all of the aspects of the development referred to by the Police Architectural Liaison Officer, such as the postal delivery system and the security standards of doors and windows, as these matters are not generally considered to be land use planning concerns. The detailed design of other design elements referred to by the Architectural Liaison Officer, which are more typically controlled through the planning system, such as details of boundary treatments and external lighting, can appropriately be made the subject of planning conditions allowing details to be agreed at a later stage and the determination of this application to focus on the main land use planning considerations.

However it is considered that the development has generally been designed to reflect the principles of secure by design and that the spaces which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour. In particular the proposed frontage treatment to Bridgehouse Lane has been revised during the consideration of the application to omit the previously proposed underground taxi rank, and instead retain the existing planted embankment; an aspect of the development which was considered to be potentially vulnerable to crime and anti-social behaviour.

Subject to the reservation of details of boundary treatments, parking demarcation, bin storage arrangements, lighting and CCTV arrangements by planning conditions, and further engagement with West Yorkshire Police at the condition discharge stage, it is therefore not considered that there are grounds to conclude that the proposed

development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with saved policy D4 of the RUDP.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Concern has been expressed by an adjacent community of elderly people in relation to the proposed re-positioning of the bus stop adjacent to the site entrance. However this concern is not considered to be legitimate, as the bus stop would only be moved a short distance (8 metres) to a location which has no greater accessibility problems than the existing bus stop position.

Furthermore it is not considered that the proposal would lead to significant adverse impacts on anyone, regardless of their characteristics. Likewise, if planning permission were to be refused by the Committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics.

Reason for Granting Planning Permission:

The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Substantial weight has been given to the harm the proposed development would cause to the Green Belt by reason of its inappropriateness, the loss of openness which would be consequential from the development and the development's conflict with the purposes of allocating land as Green Belt.

However it is considered that the harm the development would cause to the Green Belt and the harm the development would cause to the character of the landscape and the setting of the Haworth Conservation Area and Bridgehouse Mills, as a listed building, is clearly outweighed by other considerations, in respect of the provision of new housing on partly previously developed land, the delivery of works to sustain and enhance the significance of Bridgehouse Mills and the proposals to provide more appropriate and extended accommodation for two local manufacturing businesses.

It is considered that, subject to securing the Planning Obligations and conditions recommended at the end of this report, the development will not result in unacceptable impacts upon the environment or the occupants of surrounding land in terms of visual amenity, employment, traffic and highways impacts, flood risk, ecological impacts, amenity or air quality. Although the proposal will harm the character of the landscape and the setting of a Listed Building and Conservation Area, this impact has been mitigated through the provision of a high quality development design and appropriate proposals to repair and restore Bridgehouse Mills and the residual harm the

development would cause is not considered to be avoidable without rendering the development overall unviable.

The proposal is considered to accord with the relevant national planning policies set out in the NPPF and the saved policies within the replacement Unitary Development Plan, excepting saved policies NE3, H9, BH4A, BH7 and CF2, but including policies UDP1, UDP4, UR2, UR3, E4, TM2, TM12, TM19A, D1, D4, D5, BH4, NE4, NE5, NE6, NE7, NE10, NR15B, NR16, NR17A, GB1, P5 and P7.

Reason for Granting Listed Buildings Consent:

The proposed works to repair and restore Bridgehouse Mills will sustain and enhance the significance of this Grade II listed building and the contribution it makes to Haworth Conservation Area. The benefits of the proposed development are considered to outweigh the harm it would cause to the setting of Bridgehouse Mills and the Haworth Conservation Area. It is accepted that, in order to realise the heritage (and other) benefits of the development, a viable development scheme must be provided for and that the applicant has demonstrated that a reduction in the amount of development proposed within the setting of the listed building/ conservation area or the loss of units to allow for the preservation of the affected sections of the historic mill goit, would render the scheme unviable.

After having taken into account the intrinsic value of the heritage assets, the very significant weight which should be given to the conservation of the heritage assets and the substantial benefits which it is considered that the development would provide, it is therefore concluded that the proposal is acceptable in heritage terms and consistent with the principle set out in Section 12 of the NPPF and saved policy BH4 of the RUDP, whilst sitting in conflict with saved RUDP policies BH4A and BH7. Nonetheless, in line with saved RUDP policy BH3 and NPPF paragraph 136, the conditions recommended at the end of this report would make the Listed Buildings consent conditional upon the approval of a written scheme of heritage investigation to ensure that the current condition of the site is fully documented before development works commence.

Conditions of Planning Permission:

General

1. 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. No development works whatsoever shall be begun until a Phasing Plan, which includes details of the phasing of the development in relation to the commencement and completion of the aspects of the development listed below has been submitted to and approved in writing by the Local Planning Authority:

- i) the authorised works to the existing mill building complex;
- ii) off-site highway improvement works;
- iii) flood water storage works;
- iv) the development of the new-build industrial buildings and houses;
- v) the development of the new-build houses;
- vi) associated highway, parking, drainage and landscaping works;
- vii) the provision of the new public open space.

The development shall thereafter be implemented in strict accordance with the approved phasing provisions.

Reason: To ensure that the phasing of the construction of the development minimises disruption to the local community and provides for the completion of the works to the listed building and provision of required associated infrastructure at an appropriate phase of development, in the interests of amenity, in accordance with saved policy UR3 of the replacement Unitary Development Plan.

Amenity Related Conditions

3. No extraction, ventilation or air conditioning equipment shall be installed at the site to which this notice relates other than in accordance with details, which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any extraction, ventilation or air conditioning equipment associated with the development do not unacceptably impact upon the amenity of adjacent residents, in accordance with saved policy UR3 of the replacement Unitary Development Plan.

4. None of the residential dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until full details of a scheme of sound attenuation works has been installed and thereafter retained. Unless otherwise approved by the Local Planning Authority, such scheme of works shall:

- i. Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- ii. Consider the potential noise impact of the new and extended industrial buildings hereby approved.
- iii. Be capable of achieving the following noise levels:
 - a. Bedrooms: LAeq 15 minutes – 30dB (2300 to 0700 hours)
 - b. Living Rooms: LAeq 15 minutes – 45dB (0700 to 2300 hours)
- iv. Include a system of alternative acoustically treated ventilation to all habitable rooms.

The approved sound attenuation works shall thereafter be fully implemented in accordance with the approved details and shall be completed either prior to any of the residential dwellings or industrial buildings, hereby approved, being brought into use or occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed residential dwellings are not subject to unacceptable noise nuisance, in accordance with saved policies UR3 and P7 of the replacement Unitary Development Plan.

Materials Details

5. No development works whatsoever shall be begun until full details of the materials to be used to face all site retaining walls, as shown on drawing, 12105-C-50 Rev. A, have been submitted to and approved in writing by the Local Planning Authority. The retaining walls shall thereafter be constructed in accordance with

the approved details and fully completed either prior to any of the residential dwellings or industrial buildings, hereby approved, being brought into use or occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the proposed new beck retaining wall is sympathetic to the built and natural environment in the locality, in accordance with saved policies D1, BH7 and NE3 of the replacement Unitary Development Plan.

6. No 'built development works' shall be begun until full details of all facing materials, including samples of facing walling stones and roof tiles, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to the built and natural environment in the locality, in accordance with saved policies D1, BH7 and NE3 of the replacement Unitary Development Plan.

Heritage Related Conditions

7. No development works whatsoever shall be begun until a written scheme of investigation (WSI), with a field of study covering the whole site including the historic curtilage of Bridgehouse Mills and all associated features such as the Mill Goit, has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include:

- i. A statement of significance and research objectives, and
- ii. A programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- iii. A programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Thereafter no demolition or development works shall be undertaken other than in accordance with the agreed WSI.

Reason: To ensure that the heritage significance of the building and associated land and features is recorded prior to demolition and renovation works commencing, to accord with saved policy BH3 of the replacement Unitary Development Plan.

8. No development works whatsoever shall be begun until a report setting out the findings of the written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a record of the heritage significance of the building and associated land and features is retained, to accord with saved policy BH3 of the replacement Unitary Development Plan.

9. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until full details of all external alterations including facing materials and the design of replacement windows and doors, roofing materials, rainwater goods, fascias and soffits, a structural specification for the reinstated top floor, details of temporary works, and any proposed works to rectify building defects, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the character of the original building is not detrimentally affected by the mill conversion, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.

10. No development works whatsoever shall be begun until a method statement for the construction of the eastern retaining wall and associated land drain has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by the objective of minimising harm to the integrity of the sections of the adjacent mill goit shown as being retained on the approved site plan.

Reason: In the interests of the preservation of important features which relate to the heritage significance of the site, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.

11. No development works whatsoever shall be begun until a method statement for the refurbishment and retention of the iron bridge, iron kissing gates and iron launder gate, has been submitted to and approved in writing by the Local Planning Authority. No works shall thereafter take place which affect the iron bridge, iron kissing gates and iron launder gate other than in strict accordance with the approved method statement.

Reason: To ensure that the proposed works to refurbish and repair existing bridges and gates which are associated with the heritage significance of the site are undertaken in manner which does not degrade this significance, in accordance with saved policies BH3 and BH4 of the replacement Unitary Development Plan.

12. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a method statement and associated drawings, providing details of any flues and ventilation outlets for residential requirements within the existing listed buildings, has been submitted to and approved in writing by the Local Planning Authority. Thereafter no flues or ventilation outlets shall be installed on the listed building other than in strict accordance with the approved details.

Reason: In the interests of the preservation of important features which relate to the heritage significance of the site, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.

13. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a method statement for the retention, support and protection of all retained parts of the listed buildings during intervention, rebuilding and repair works, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the works to the listed building shall only be undertaken in strict accordance with the approved details.

Reason: In the interests of the preservation of important features which relate to the heritage significance of the site, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.

14. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a method statement and specification for the underpinning of the eastern wing of the listed mill (ref. Drawing 12105-S-06), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the works to the underpinning works shall only be undertaken in strict accordance with the approved details.

Reason: In the interests of the preservation of important features which relate to the heritage significance of the site, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.

Flooding/ Drainage Related Conditions

15. The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA), Ref 07084 December 2015, and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage on a 'level for level' basis must be provided for up to and including the 1 in 100 year flood level. Details of the compensatory flood storage proposals must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the works.
2. The compensatory flood storage works must be completed and be operational prior to any further ground raising on this development site.
3. Finished floor levels are set no lower than 600mm above the 1 in 100 year (plus climate change) flood level, as detailed in Section 5.2.
4. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
5. Surface water drainage proposals must be submitted to and approved in writing by the Local Planning Authority.
6. Access to the watercourse must be provided as shown in the submitted drawing 3901-002-PL03 REV. N.

The mitigation measures shall be fully implemented either prior to any of the residential dwellings or industrial buildings, hereby approved, being brought into use or occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reasons: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants. To ensure safe access and egress from and to the site. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To allow access for any required future maintenance. In accordance with saved policy NR15B of the replacement Unitary Development Plan.

16. No 'built development works' shall be begun until full details of the foul and surface water drainage system to be provided within the development, including

any balancing and off site works and sustainable drainage features, have been submitted to and approved in writing by the Local Planning Authority.

The approved drainage works shall thereafter be implemented in full in accordance with the approved details either prior to any of the residential dwellings or industrial buildings, hereby approved, being brought into use or occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is appropriately drained, in the interests of the protection of the environment and the reduction of flood risks, in accordance with saved policy NR16 of the replacement Unitary Development Plan.

17. No 'built development works' shall be begun until full details of the works to be undertaken to provide the proposed flood water storage capacity on the land to the south of the development area have been submitted to and approved in writing by the Local Planning Authority.

The approved flood water storage works shall thereafter be implemented in full in accordance with the approved details either prior to any of the residential dwellings or industrial buildings, hereby approved, being brought into use or occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is appropriately drained, in the interests of the protection of the environment and the reduction of flood risks, in accordance with saved policy NR16 of the replacement Unitary Development Plan.

18. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its outfall and to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

19. No 'built development works' shall be begun until a Surface Water Drainage Maintenance and Management document has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict accordance with the terms and agreements set out in the approved Surface Water Drainage Maintenance and Management document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks, to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

Landscaping/ Trees/ Ecology Conditions

20. None of the residential dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until full details of boundary treatments, including plot division fences and gates, have been submitted to and approved in writing by the Local

Planning Authority. The submitted boundary treatment provision shall be informed by the principles of Secure by Design as well as design and landscape impact considerations. Thereafter the approved boundary treatment provisions shall be fully implemented either prior to any of the residential dwellings or industrial buildings, hereby approved, being brought into use or occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, landscape character and planning for crime prevention, in accordance with policies NE3, D1, D4 and D5 of the replacement Unitary Development Plan.

21. None of the residential dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until full details of hard and soft landscaping works, including details relating to the Bridgehouse Beck Park to be provided as part of the development, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- i) Details of paths and other surfaces including the specification of all paths to be provided or improved as part of the development;
- ii) Proposed topsoil depths;
- iii) Details of all play equipment and interpretation boards to be provided;
- iv) Details of any benches, bins or other hard landscaping features;
- v) Details of any lighting to be provided;
- vi) Details of any access barriers, walls and fencing;
- vii) Details of any areas to be seeded, flower beds, shrubs or hedges;
- viii) Details of tree planting;
- ix) Ecological enhancement proposals;
- x) Provisions to address dog fouling issues, including through the introduction of a Green Dog Walkers scheme (or similar);
- xi) Provision of CCTV and/ or other crime prevention measures;
- xii) Bin storage provisions;
- xiii) Proposals for the demarcation of parking spaces;
- xiv) Details of the cycle racks/ cycle storage facilities to be provided;
- xv) Details of proposed works to existing gates and bridges and works to restore the Mill Goit within the par area.

The approved hard and soft landscaping details shall thereafter be implemented in full in accordance with the approved details either prior to any of the residential dwellings or industrial buildings, hereby approved, being brought into use or occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, ecology and inclusive design, and to accord with Policies D1, D4, D5, NE3 and NE10 of the replacement Unitary Development Plan.

22. Public access to the area of land identified as Bridgehouse Beck Park on the approved Site Plan shall remain unimpeded and unobstructed in perpetuity.

Reason: In the interest of amenity and to mitigate the potential for the development to generate increase residential use of the South Pennine Moors SPA, in accordance with saved policies OS5, UR2, UR3 and NE10 of the replacement Unitary Development Plan.

23. None of the residential dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until full details a landscape management plan, including long term design objectives, management responsibilities, replacement planting for failing trees and maintenance schedules for all landscape areas outside of private gardens and the area of land identified as Bridgehouse Beck Park on the approved Sites Plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented in full in accordance with the approved details.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord with Policies D1, D5, NE3 and NE10 of the replacement Unitary Development Plan.

24. No development works whatsoever shall be begun, no materials or machinery shall be brought on to the site and no tree works shall be undertaken until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005), which shall first have been submitted to and approved in writing by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan and be retained for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity and the maintenance of the character of the Conservation Area. To safeguard the visual amenity provided by the trees on the site and to accord with Policies BH7, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

25. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until the following ecological information has been submitted to an approved in writing by the Local Planning Authority:

- i) Bat winter monitoring and roost characterisation survey;
- ii) Bat mitigation plan.

The development shall thereafter only be carried out in strict accordance with any mitigation measures and recommendations set out in the approved documents.

Reason: In the interests of ecological protection and biodiversity, in accordance with saved policy NE10 of the replacement Unitary Development Plan.

26. No development works whatsoever shall be begun, until the following ecological information has been submitted to an approved in writing by the Local Planning Authority:

- i) Proposals for fencing to protect ecological features during development works;
- ii) Nesting bird survey (if clearance works to take place between 01 March and 31 August);
- iii) Otter mitigation plan;

The development shall thereafter only be carried out in strict accordance with any mitigation measures and recommendations set out in the approved documents.

Reason: In the interests of ecological protection and biodiversity, in accordance with saved policy NE10 of the replacement Unitary Development Plan.

27. None of the residential dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until a Biodiversity Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Environmental Management Plan shall thereafter be implemented in full in accordance with the approved details.

Reason: In the interests of ecological protection and biodiversity, in accordance with saved policy NE10 of the replacement Unitary Development Plan.

Highways Related Conditions

28. No 'built development works' shall be begun until full details and specifications of the works associated with Bridgehouse Lane / Brow Road, as shown indicatively on Drawing Number 8998 / 001, have been submitted to and be approved in writing by the Local Planning Authority. None of the dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until the approved highway works have been completed on site to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

29. None of the residential dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until the proposed means of vehicular and pedestrian access to that residential dwelling or industrial building has been laid out, hard surfaced, sealed and drained within the site in accordance with the approved plans 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 Policy TM19A of the Replacement Unitary Development Plan.

30. None of the residential dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until the off street car parking facility associated with that residential dwelling or industrial unit has been 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 TM12 of the Replacement Unitary Development Plan.

31. 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, no development works whatsoever shall 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) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) 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;
- ix) 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 TM2 and TM19A of the Replacement Unitary Development Plan.

Air Quality Related Conditions

32. No development works whatsoever shall be begun until a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the demolition, site preparation and construction phases of the development has been submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. The CEMP must also include:

- I. An assessment of the risks posed to groundwater quality during the construction phase.
- II. The implementation of mitigation measures designed to protect groundwater.
- III. All other fuel/oil to be stored in proprietary tanks with integral bunding with a capacity equal to not less than 110% of the capacity of the tank. Such tanks shall be located on a bunded, impervious hardstanding with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

- IV. All replenishment of tanks and containers and all refuelling of vehicles, plant and equipment shall take place within that bunded, impervious hardstanding.
- V. Outside the normal hours of operation of the site on which they are deployed, all vehicles and plant operating shall be parked or stored on bunded, impervious hardstandings with a capacity not less than 110% of the fuel/oil that can be stored in the storage facilities, vehicles, plant or machinery that they are intended to accommodate.
- VI. Details of a protocol to deal with any pollution that may occur during the course of construction.
- VII. Details of how the requirements of the approved Plan will be disseminated to all relevant staff/contractors throughout the construction period.

All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

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

33. None of the residential dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until a Low Emissions Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Low Emissions Travel Plan shall thereafter be implemented in full in accordance with the approved implementation programme and monitoring procedures whilst ever the development subsists. As a minimum the Low Emissions Travel Plan shall include the following provisions:

- i) Targets for a reduction in overall car ownership / use at the site and targets for increased percentage uptake of low emission vehicles at the site;
- ii) Measures to support low emission public transport in the area;
- iii) Opportunities to deliver a car club facility at the site to reduce the need for private vehicle ownership;
- iv) an implementation programme and monitoring procedures.

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

34. None of the residential dwellings, hereby approved, shall be brought into occupation until details of the provision of electric vehicle charging points for all new dwellings within the new-build element of the development and provisions to enable the delivery of electric vehicle charging points for a proportion of the parking spaces allocated to the retirement living apartments, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charging provisions shall be fully implemented either before any of the residential dwellings are brought into occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the District, and takes into consideration paragraph 35 of the National Planning Policy Framework and polices UDP3 and UR2 of the Replacement Unitary Development Plan.

Contamination Related Conditions

35. No development works whatsoever shall be begun until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site, has each been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - a. all previous uses;
 - b. potential contaminants associated with those uses;
 - c. a conceptual model of the site indicating sources, pathways and receptors;
 - d. potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that contamination risks are appropriately assessed and that an adequate remediation strategy is prepared to mitigate risks to groundwater and human health from land contamination, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

36. None of the residential dwellings or industrial buildings, hereby approved, shall be brought into use or occupation until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To demonstrate that the objectives of the remediation strategy have been achieved and risks to groundwater from land contamination have been reduced to an acceptable level, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

37. In the event that contamination is found at any time when carrying out the approved development, which has not previously been identified and risk assessed, it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing; following completion of measures identified in the approved remediation scheme and prior to the commencement of the use of the approved development a verification report must be prepared and submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

38. 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 before any such materials have been deposited on the site to which this notice relates. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

39. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: The development is located within a groundwater Source Protection Zone 1 (SPZ1) and 2 (SPZ2) for a groundwater abstraction that is used for drinking water. It is very important that groundwater is protected from possible pollution associated with the surface water drainage scheme, including the mobilisation of contaminants already present within the ground. In accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

40. No development works whatsoever shall be begun until a level changes scheme has been submitted to and approved in writing by the Local Planning Authority. The level changes scheme shall include:

i) A plan and illustrative sectional drawings showing proposed and existing ground levels throughout the site;

- ii) A calculation of the volume of excavation arisings which will result from the implementation of the proposed site levels, the volume of fill material which will be required to implement the proposed site levels and the cut-fill balance;
- iii) A transportation strategy to setting out the maximum daily HGV movements, anticipated haulage routes, access provisions and the hours during which transportation of excavation waste/ fill material will take place (where relevant);
- iv) Details of the mitigation which will be put in place to minimise adverse environmental impacts associated with the implementation of the site groundworks and transportation of materials (i.e. dust, noise, vibration and the deposition of mud on the road).

Thereafter the development shall only proceed in strict accordance with the approved level changes scheme.

Reason: To ensure that level changes are appropriately controlled, that excavation waste generation is minimised and that the implementation of level changes does not unacceptably harm amenity or road safety, in accordance with policies UDP9, D5, TM2, TM19A and UR3 of the replacement Unitary Development Plan.

Retirement Living Occupancy Condition

41. Unless otherwise agreed in writing by the Local Planning Authority, occupation of the apartments, hereby approved, shall be limited to residents that are:

- (i) a single person not less than 55 years of age, or
- (ii) joint residents one of whom is not less than 55 years of age, or
- (iii) a person not less than 55 years of age living with their partner, spouse or cohabitee, or
- (iv) a surviving widow, widower or cohabitee of any resident who was over 55.

Reason: In the interests of controlling the use of the site and occupancy of the dwellings, as the infrastructure provided for the apartments has been designed based upon the occupancy of the apartments comprising mainly retired people in accordance with saved policies UR3 and TM19A of the replacement Unitary Development Plan.

Conditions of Listed Building Consent:

1. The works 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 18 of the Planning (Listed Buildings Conservation Areas) Act 1990 (as amended).

2. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a Phasing Plan, which includes details of the phasing of the development in relation to the commencement and completion of the aspects of the development listed below has been submitted to and approved in writing by the Local Planning Authority:

- i) the authorised works to the existing mill building complex;
- ii) off-site highway improvement works;
- iii) flood water storage works;
- iv) the development of the new-build industrial buildings and houses;
- v) the development of the new-build houses;

- vi) associated highway, parking, drainage and landscaping works;
- vii) the provision of the new public open space.

The development shall thereafter be implemented in strict accordance with the approved phasing provisions.

Reason: To ensure that the phasing of the construction of the development minimises disruption to the local community and provides for the completion of the works to the listed building and provision of required associated infrastructure at an appropriate phase of development, in the interests of amenity, in accordance with saved policy UR3 of the replacement Unitary Development Plan.

3. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a written scheme of investigation (WSI), with a field of study covering the whole site including the historic curtilage of Bridgehouse Mills and all associated features such as the Mill Goit, has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include:

- i. A statement of significance and research objectives, and
- ii. A programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- iii. A programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Thereafter no demolition or development works shall be undertaken other than in accordance with the agreed WSI.

Reason: To ensure that the heritage significance of the building and associated land and features is recorded prior to demolition and renovation works commencing, to accord with saved policy BH3 of the replacement Unitary Development Plan.

4. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a report setting out the findings of the written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a record of the heritage significance of the building and associated land and features is retained, to accord with saved policy BH3 of the replacement Unitary Development Plan.

5. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until full details of all external alterations including facing materials and the design of replacement windows and doors, roofing materials, rainwater goods, fascias and soffits, a structural specification for the reinstated top floor, details of temporary works, and any proposed works to rectify building defects, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the character of the original building is not detrimentally affected by the mill conversion, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.

6. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a method statement for the construction of the eastern retaining wall and associated land drain has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by the objective of minimising harm to the integrity of the sections of the adjacent mill goit shown as being retained on the approved site plan.

Reason: In the preservation of important features which relate to the heritage significance of the site, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.

7. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a method statement for the refurbishment and retention of the iron bridge, iron kissing gates and iron launder gate, has been submitted to and approved in writing by the Local Planning Authority. No works shall thereafter take place which affect the iron bridge, iron kissing gates and iron launder gate other than in strict accordance with the approved method statement.

Reason: To ensure that the proposed works to refurbish and repair existing bridges and gates which are associated with the heritage significance of the site are undertaken in manner which does not degrade this significance, in accordance with saved policies BH3 and BH4 of the replacement Unitary Development Plan.

8. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a method statement and associated drawings, providing details of any flues and ventilation outlets for residential requirements within the existing listed buildings, has been submitted to and approved in writing by the Local Planning Authority. Thereafter no flues or ventilation outlets shall be installed on the listed building other than in strict accordance with the approved details.

Reason: In the interests of the preservation of important features which relate to the heritage significance of the site, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.

9. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a method statement for the retention, support and protection of all retained parts of the listed buildings during intervention, rebuilding and repair works, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the works to the listed building shall only be undertaken in strict accordance with the approved details.

Reason: In the interests of the preservation of important features which relate to the heritage significance of the site, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.

10. No works to the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be begun until a method statement and specification for the underpinning of the eastern wing of the listed mill (ref. Drawing 12105-S-06), has been

submitted to and approved in writing by the Local Planning Authority. Thereafter the works to the underpinning works shall only be undertaken in strict accordance with the approved details.

Reason: In the interests of the preservation of important features which relate to the heritage significance of the site, in accordance with saved policies BH4 and D1 of the replacement Unitary Development Plan.
