

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 13 July 2017 at 10.00 am in the Banqueting Hall - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Brown Rickard	Warburton Wainwright Amran Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Ellis Miller	Azam S Hussain Lal Lee	Stelling

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 0915 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.

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. MINUTES

Recommended –

That the minutes of the meetings held on 27 April and 15 May 2017 be signed as a correct record.

(Sheila Farnhill – 01274 432268)



4. **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

5. **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)

6. **BAILDON MILLS, NORTHGATE, BAILDON** **Baildon**

(i) Application No: 16/06606/MAF

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “E”**) in relation to a planning application for the conversion and alteration, including partial demolition, of existing buildings and the replacement of a garage block with a new building to form 42 residential units at Baildon Mills, Northgate, Baildon.

Recommended –

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.



(ii) Application No: 16/06607/LBC

A report will be submitted by the Assistant Director - Planning, Transportation and Highways in respect of an application for Listed Building Consent for works to convert a listed building to residential use at Baildon Mills, Northgate, Baildon (**Document “F”**). The listed building is one of the buildings proposed for residential conversion under planning application 16/06606/MAF.

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.

(iii) Application No. 17/00921/MAF

The Assistant Director - Planning, Transportation and Highways will submit a report (**Document “G”**) in relation to a planning application for the development of 14 residential dwellings on land within the site of Baildon Mills, Northgate, Baildon, which is currently covered by a large warehouse.

Recommended –

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.

(John Eyles – 01274 434380)

7. LAND AT HILL TOP, THORNTON, BRADFORD
Thornton and Allerton

The report of the Assistant Director - Planning, Transportation and Highways (**Document “H”**) considers an outline application for the construction of 11 residential units on land to the south of Hill Top Road, Thornton - 16/09443/MAO. The report explains that the proposal involves the creation of a new adopted access from Hill Top Road and that all matters save access are reserved for later approval.

Recommended –

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.

(John Eyles – 01274 434380)



8. DEVELOPMENT SERVICES - ANNUAL PERFORMANCE REPORT

The Assistant Director - Planning, Transportation and Highways will present his report (**Document "I"**) which updates Members on the performance of Development Services against the national assessment criteria and local performance indicators between 1 April 2016 and 31 March 2017.

Recommended –

That Document "I" be noted.

(Jenny Seaman – 01274 434195)

9. PRIVATE HIRE AND HACKNEY CARRIAGES - CHANGES TO CONDITIONS

The report of the Strategic Director, Place (**Document "J"**) seeks the approval of the Committee to implement new conditions for private hire driver/operator/proprietor licences and hackney carriage drivers and vehicle licences.

The report explains that the conditions will assist operators, proprietors and drivers in delivering an effective and safe service, improved vehicle maintenance and better business protocols. It states that the use of good practice will increase the safety of the travelling public.

Recommended –

That the implementation of the proposed new conditions for private hire driver/operator/proprietor licences and hackney carriage drivers and vehicle licences, as set out in Paragraphs 3.1 to 3.5 of Document "J", be approved.

(Carol Stos - 01274 437506)

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



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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on Thursday 13 July 2017.

E

Subject:

Planning application 16/06606/MAF for the conversion and alteration, including partial demolition, of existing buildings and the replacement of a garage block with a new building, to form 42 residential units at Baildon Mills, Northgate, Baildon.

Summary statement:

The committee is asked to consider a full planning application for the redevelopment of the Baildon Mills complex, including the demolition of the more modern portal framed industrial shed and attached office building to the rear of the complex and the conversion of the traditional mill buildings to residential use. A concurrent separate, concurrent, planning application has been submitted for the development of the land currently occupied by the portal framed shed with a development of 11 adjoining town houses and 3 apartments.

A full assessment of the application 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 is granted for the reasons and subject to the planning conditions set out in the report at Appendix 1.

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. 16/06606/MAF 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 set out at the end of the report.

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 the planning application.

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 the proposed development of the site accordingly.

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations. The Committee may also opt to grant planning permission subject to conditions which differ from those recommended in this report.

5. FINANCIAL & RESOURCE APPRAISAL

The Council have now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a standardised charge levied on all residential developments with the purpose of funding the delivery of the infrastructure improvements which will be required within the District to successfully accommodate planned additional housing. The types of infrastructure funded through CIL include schools and recreation facilities. Affordable Housing is not covered by CIL and will continue to be dealt with separately and secured through Planning Obligations set out in legal agreement made under Section 106 of the Act.

The proposal site is within CIL Zone 2 where there is a charge of £50 per square metre of gross internal residential floor space being created. Based upon the gross floor area of the 42 residential units proposed to be developed as part of this application the total CIL charge would be in the region of £200,000. However under the CIL Regulations any floor space within buildings to be either demolished or retained and converted as part of the development scheme which has been in lawful use for at least a period of 6 months within the last 3 years can be deducted from the chargeable floor space total. Therefore the CIL liability may be reduced.

No requirements have been identified for any other off-site infrastructure improvements, not covered by the CIL 123 list, which would be necessary to make the development acceptable; however Local Plan Core Strategy Policy HO11 sets out a requirement for the delivery of up to 20% of the residential units as Affordable Housing. The applicant has been made aware of this requirement and in response has provided a financial

viability appraisal which identifies that the proposed development has an estimated developer profit level of 10% (20% would normally be the minimum developer expectation) and that therefore the delivery of Affordable Housing as part of the development would be unviable.

This viability appraisal has been reviewed by the Council's Economic Development Service who have confirmed that they consider it to be robust. The National Planning Policy Framework 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. It is accepted that in this instance imposing a requirement to deliver Affordable Housing as part of the development would reduce the estimated developer return to a more than likely unviable level.

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.

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 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 included in the Technical Report 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 possesses a range of facilities and services and public transport links. The development would also result in social benefits by securing the optimum viable use for the designated and undesignated heritage assets on the site and providing for the removal of buildings which currently detract from the character and appearance of the Conservation Area.

The development would result in some economic harm through the removal of buildings designed to support industrial and office uses; however the Council's Economic Development Service advise that suitable alternative premises exist within the area and therefore this economic harm is considered to be limited and localised. In terms of environmental matters the benefits of re-developing previously developed land are acknowledged and, subject to the provision of soft landscaping designed to provide environmentally beneficial outcomes and the mitigation of risks to protected species during development, it is considered that the development should not result in significant harm to the natural environment.

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.

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

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 greenhouse gas emissions can be reduced through the concentration of development in locations where the need for transportation by private car is minimised, through energy efficient approaches to construction and insulation and through the provision of micro-renewables and facilities to stimulate the uptake of low emission vehicles.

In this case the proposed development site is located within an existing local centre, where the need to travel to access facilities, services and public transport nodes is reduced, and also there will be a requirement to provide electric vehicle charging points to facilitate the uptake of electric and plug-in hybrid cars. It is not considered that there is any reason to reject the application on the grounds of its potential to result in excessive greenhouse gas emissions.

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:

- Provision of CCTV/ external lighting;
- Marking out and allocation of parking spaces;
- Access control to surface parking where feasible;
- Access control to undercoft parking;
- Access control to buildings;
- Mail delivery arrangements;
- Door and window security standards;
- Installation of intruder alarms;

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 partition walls, doors and windows, as these matters are not generally considered to be land use planning concerns. However 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. This approach allows the determination of this application to focus on the main land use planning considerations.

In terms of the provisions of policy D4 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 terms of natural surveillance and the arrangement of access routes and open spaces. Therefore, subject to the reservation of details of access control, boundary treatments, parking demarcation, bin storage arrangements, lighting and CCTV by planning conditions, and further engagement with West Yorkshire Police at the condition discharge stage, 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 Baildon 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 two rounds of publicity (August 2016 and May 2017).

In response to this publicity 19 representations have been received, all of which object to the proposals. Two of the objections are from Councillors who represent the Baildon Ward. In addition the Parish Council have objected to the application.

The Technical Report at Appendix 1 summarises the material planning issues raised in the public, Ward Councillor and Parish Council representations and the appraisal gives full consideration to the effects of the development upon residents within the Baildon 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.

11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

- Replacement Unitary Development Plan for the Bradford District
- Local Plan Core Strategy Publication Draft, Subject to Main Modifications
- National Planning Policy Framework
- Application File 16/06606/MAF,
- Application File 16/06607/LBC
- Application File 17/00921/MAF

Appendix 1

13 July 2017

Ward: Baildon

Recommendation:

To Grant Planning Permission subject to the conditions recommended at the end of this report.

Application Number:

- Planning application 16/06606/MAF

Type of Application/Proposal and Address:

Full planning application for conversion and alteration works to Baildon Mills, Northgate, Baildon, including partial demolition, of existing buildings and the replacement of a garage block with a new building, to form 42 residential units.

Applicant:

KMRE Group Ltd & John Peel & Sons (Holdings) Ltd

Agent:

Mr Roger Lee

Site Description:

The proposal site comprises a 0.7 hectare old textile mill complex in the centre of Baildon, located to the west of Northgate, south of Providence Row and north of The Grove, which comprises 4 main historic mill buildings and also an attached more modern (1985) portal framed warehouse shed and adjoining office building (1975) developed to the rear (west). The older mill buildings have been subject to conversion to offices in the 1980s resulting in the creation of 58 small business units, of which the applicant advises 33 are currently vacant. The four-storey mill building fronting onto Northgate/ Pinfold is Grade II listed.

The site is enclosed by a variety of boundary features including a stone retaining wall to the south-eastern boundary with an adjacent private car park, an approximately 2 metre high stone wall to the boundary with Providence Row to the north and a low stone wall and wooden fencing to the southern and western boundaries with adjacent residential dwellings. Surrounding land uses comprise residential to the south, west and north and a variety of small shops, bank, cafes, restaurants and drinking establishments which comprise the Local Centre of Baildon to the east.

The site benefits from 4 separate accesses, with the main access to the converted mill/offices taken off Providence Row at the termination of its adopted extent to the west of its junction with Northgate, the main access to the industrial shed and associated offices taken through the private car park to the rear of a row of shops off Northgate, and access to additional small parking areas within the site taken off the un-adopted section of Providence Row to the north-west and also a narrow access to the east taken directly off Northgate.

Relevant Site History:

Application Ref.	Description	Decision
84/02523/FUL	Ext To Existing Storage & Production Area	Granted 27.06.1984
85/07756/MIN	Alterations To Existing Manager's Office	Granted 30.01.1986
91/06968/LBC	Breaking out of window to form new entrance	Granted 16.01.1992
98/02005/LBC	Erection of signs on building	Granted 20.08.1998
98/01993/COU	Change of use from warehouse to warehouse and retail area for the sale of fruit and vegetables	Granted 21.08.1998
02/01243/COU	Change of use of former offices to retail premises	Granted 21.05.2002
11/02904/FUL	Change of use from B1 to soft play nursery with ancillary accommodation	Granted 15.09.2011
16/02172/POR	Change of use from Use Class B1(a) Office to C3 Dwellinghouse	Prior Approval Refused 06/05/2016
16/06606/MAF	Conversion and alterations, including partial demolition, of existing buildings and the replacement of a garage block with a new building, to form 42 residential units	PCO
17/00921/MAF	Residential development of 14 units	PCO

Emerging Local Plan Core Strategy (LPCS)

The Council's emerging Core Strategy is now at a late stage of production, with an inspector's report having been published following Examination in Public and the plan found to be sound, subject to several specified main modifications. The previous government holding direction has also now been withdrawn and consequently the Core Strategy is to be proposed for adoption at the full Council meeting scheduled to be held on 18 July 2017. Therefore the LPCS should now be accorded significant weight in decision making. The following Core Strategy Policies are considered to be most relevant to the proposed development:

- EC4 – Sustainable Economic Growth
- TR2 – Parking Policy
- HO3 – Distribution of Housing Requirement
- HO5 – Density of Housing Schemes
- HO11 – Affordable Housing
- EN3 – Historic Environment

Replacement Unitary Development Plan (RUDP):

Allocation

- The proposal site is unallocated on the RUDP Proposals Map; however it is within the Baildon Conservation Area.

Proposals and Policies

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

- UR3 The Local Impact of Development
- TM2 Impact of Traffic and its Mitigation
- TM19A Traffic Management and Road Safety

- D1 Design
- D4 Community Safety
- D5 Landscaping
- 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
- NR16 Surface Water Run Off and Sustainable Drainage Systems
- NR17A Water Courses and Water Bodies

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:

Baildon Parish Council

Sustainability as detailed in the national planning framework should apply to the wider community and to Baildon village itself. The change of use threatens the sustainability of Baildon as a viable community hub with the loss of so many businesses and the employment they provide. The owners have not provided up to date occupancy figures but some tenants feel it must number around 50 businesses, the vast majority of whom have at least one employee.

Many of these people use the shops and other services throughout the working week. The concern is that the daytime economy will suffer as a result of the change of use of the mills, particularly as planned apartments will in all likelihood be occupied by tenants or owners who will commute out of Baildon to work. This could, in turn, lead to other closures in the village and a domino effect.

In our response to the Allocations DPD we said we would want to see the other current retail and employment areas maintained as such, for example at Coach Road and Peel Mills. We see no reason to change our view at this time and expect that planning policy should protect Baildon's local economy and we reference, NPPF Section 2 para 23 and Section 3 para 28 and Bradford Replacement UDP 2005 Policy para 5.31 in evidence.

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. Two rounds of publicity were undertaken. The initial consultation period took place between 19 August 2016 and 09 September 2016 and a further consultation was initiated, as further information and revised proposals were received, between 09 May 2017 and 05 June 2017.

In response to this publicity 19 representations have been received, all of which object to the proposals. Two of the objections are from Councillors who represent the Baildon Ward.

Following complaints from Ward Councillors regarding the lack of pre-application consultation undertaken by the applicant, subsequent to submission, a public consultation event was held by the applicant at Baildon Mills on the 5th and 6th of October 2016 between the hours of 4pm and 7pm. The event was publicised via a notice in the Telegraph and Argus, letters to tenants at the Mills and notification to each of the ward councillors.

The applicant has advised that the events were attended by councillors, tenants and members of the public with a number of issues discussed. Amongst the points raised were the impact on existing tenants, impact on employment, maintenance and manoeuvring on Providence Row, treatment of the pond, effect on trees and the potential for a mixed use development including retail. The applicant claims that these comments have been considered by the applicant in the amendments to the first application and the submission of the second application for 14 houses.

Summary of Representations Received:

Principle

- The proposal is contrary to Core Strategy policy EC4 which safeguards existing employment sites.
- The small businesses at Baildon Mills help to make Baildon a thriving village with a mixture of shops, businesses and houses. If these units go it could have a detrimental effect on other local businesses; we already have some empty shops and don't want more.
- Many tenants have successfully occupied units for several years, establishing their businesses here - if these fold there is a wider impact not just for the people affected in Baildon but on the wider local economy.
- Baildon Mills represents the only major source of employment in upper Baildon; remove these units and Baildon becomes just another dormer satellite place.
- It's not surprising units are un-let because tenants have moved out due to uncertainties caused by planning applications and prior to this there was no marketing of the units - I believe there is demand for small business units in Baildon and it would be a loss to Baildon to lose these.

- The businesses here support other shops and cafes in the centre of Baildon and provide a thriving village centre - we don't want Baildon to become a dormitory village with everybody commuting elsewhere as this is bad for the village and will cause more traffic problems.
- There is a need for the office space which would be lost as a consequence of the development.
- The site owner has undertaken inadequate marketing of the vacant office space at the site and prospective tenants have been turned away.
- The alternative office provision identified by the applicant is not like for like, would require additional travel by car and is more expensive.
- A mixed use scheme of office / retail and residential units would be far better for the wellbeing of Baildon, and its residents.
- There are enough houses in Baildon, these would just add to the chaos that already exists and put more stress on the infrastructure.

Heritage/ Design/ Landscaping

- The conservation area should be protected from the building of new properties allowing the area to remain as an area of historic interest.
- The proposed plans provide for cramped accommodation.
- The 2 units to be constructed on Providence Row would look out of character with the Conservation Area.
- The proposal to cut down the trees around the mill pond would result in the delicate conservation of the pond and the wildlife that abides in the surrounds being disrupted.
- The removal of the vegetation around the mill pond will result in the house owners on Providence Row having no privacy whatsoever with new residents looking directly in to their windows.

Highways/ Parking

- The access is off a narrow road with poor visibility both for motorists and pedestrians.
- The access through the car park would be inadequate to serve the number of parking spaces proposed and would not allow access by a fire engine.
- The development will increase traffic within Baildon which already suffers from congestion problems due to the inadequate road infrastructure.
- The roads into and out of Baildon are already over full with Baildon being used as a Rat Run at peak times which makes the safety of pedestrians and other road users very questionable.
- Baildon has inadequate public transportation to Leeds, with the train station a 20 minute walk away, therefore occupants of the development will undoubtedly use their car.
- There would inevitably be more traffic travelling in and out of Baildon - both from the occupants of the flats and also because lots of people who currently work at the Mill walk to work; something we should be supporting.
- The un-adopted road outside the Providence Row cottages is used as a footpath and has been for many years, if this development is allowed to be built it will make this thoroughfare dangerous for both residents and users of the road.
- The development will result in increased traffic on Providence Row which will cause harm to existing residents due to increased noise, congestion and damage to the road surface, particularly in winter.

- Any increased traffic at all on this ancient road will cause structural damage to the road surface and distress to the households.
- The development would result in 17 dwellings being accessed off an un-adopted road.
- The development incorporates inadequate parking provision and therefore will exacerbate existing parking problems in the area.
- Concern regarding the removal of existing garages used by Providence Row residents.
- Concern that the development will impede access to Providence Row for existing residents.
- The plans should include improvements to Pinfold in terms of kerbing and waiting restrictions.

Miscellaneous

- There has been inadequate public consultation associated with the application.
- There is inadequate infrastructure within Baildon to cope with the additional demands which would be generated by the development, in terms of doctors and schools.
- The proposed new houses replacing the garage block would result in harm to adjacent trees.
- The development would harm bats.
- Currently the sewage system was built for the current properties that are already situated on Providence Row and we are highly concerned with 2 more dwellings on the road this will put major strain on the current system, to change this would mean digging up the road and causing major problems for the residents which would be unacceptable and unnecessary.
- Concern that the development will increase flood risk due to disruption of underground watercourses and overflows to the mill pond.

Consultations:

Airedale Partnership

- Whereas we do not object to this development as such it does signify a loss of a local employment site in the town

Biodiversity

- I am happy with the findings from the three bat emergence surveys which were carried out at optimal times. Brooks Ecological are a reputable local consultancy and I have no reservations about their report.
- Brooks have made recommendations for enhancement, including bat boxes and additional planting, which can be conditioned as part of any planning approval.
- Bats can often be seen flying around buildings and/or trees foraging, but roosting elsewhere. I expect the mill pond and surrounding trees are attractive to the insects there, thus drawing the bats to the vicinity.

Drainage Unit (Acting in the Capacity of Lead Local Flood Authority)

The Lead Local Flood Authority is a statutory consultee on matters relating to surface water management on all major developments. The Drainage Department will therefore only provide comments on other drainage aspects on major planning applications. Insofar if the following details are implemented and secured by way of a planning condition on any planning permission the Drainage Department have **NO OBJECTION** to the proposed development.

1. 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.
2. Development to be carried out in accordance with the submitted Flooding and Drainage Assessment (FRA) dated July 2016 by Coda Structures and the following mitigation measures detailed within the FRA.
 - i. A survey and report to establish the condition and operation of the inlet and outlets to the existing mill pond with any recommendations of the report to be carried out prior to occupation.

The Lead Local Flood Authority 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 Flooding and Drainage Assessment dated July 2016 reference 7618 has been carried out, and if the following details are implemented and secured by way of a planning condition on any planning permission the Lead Local Flood Authority have **NO OBJECTION** to the proposed development.

Condition:

1. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved by the local planning authority.
2. 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.

Education

- The primary schools which are readily accessible from the development include Sandal, Glenaire, Baildon CE and Hoyle Court.
- Based on data available as at January 2017 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.
- The secondary schools which are reasonably accessible from the development are 11-18 schools are Titus Salt and Immanuel CE.
- Based on data available as at January 2017 and the current capacity in there are no places in any of the year groups particularly when allowing for the desire to operate at 95% occupancy to allow for population changes as shown in the table below.
- Requested a contribution of £72,634 for primary and secondary school expansion.
 - Please note education infrastructure is now covered by the Community Infrastructure Levy.

Environmental Health (Nuisance)

- With reference to the abovementioned application, I can confirm that having visited the site and subsequently considered the supporting noise impact assessment, I concur with the conclusion that the ambient noise climate (comprising predominantly road traffic and ventilation plant from nearby commercial premises) should not pose a constraint to the proposed development.
- I am not minded, therefore, to object to the application on grounds potential nuisance,

Environmental Health (Land Quality)

- Environmental Health has considered the application and the supplied Phase 1 Environmental Assessment by CoDA Structures Ltd
- The report indicates that the site is currently occupied by a number of buildings. A mill has been present since pre 1852 and is considered a moderate to high risk contaminative activity. Localised hydrocarbon contamination may be present on the site in the area of the former chimney, depending on the types of fuels used. An electricity sub station is located in the northern sector of the site and may be a possible source of hydrocarbon contamination and PCB's from leakages or spillages of transformer oils. Further localised hydrocarbon contamination (TPH) may be present on the site in the area of the garages from leakages and spillages of oils and fuels.
- The report states that "It appears that areas of the site have been filled to create the building plateaux on site. Therefore, any fill that has been imported onto the site may have elevated levels of contamination, depending upon the source and nature of the material."
- Potentially contaminative industries which have been present in the immediate vicinity of the site include but are not limited to, blacksmiths, garage, mill, railway line & sidings, coal pits and quarries.
- The report suggests that gas monitoring is carried out at the site and concludes by recommending that a ground investigation is undertaken including soil sampling for contamination testing and risk assessment.
- The application at this stage should comprise of a complete and site specific Phase 1 desk top study and appropriate Phase 2 site investigation, taking into account potential risks to construction and future site workers, potential impacts on local surface and ground waters and identification of strategies for remediation if required. Environmental Health therefore recommends that a Phase 2 site investigation report should be submitted before a planning decision notice is agreed
- However, should the Local Planning Authority be minded to approve the application, we would recommend that conditions requiring further site investigations and remediation proposals are included on the decision notice.

Environmental Health (Air Quality)

- The proposed development constitutes a minor development for the purpose of the West Yorkshire Low Emission Strategy (adopted December 2016) and the West Yorkshire Low Emission Planning Guidance.
- Under the provisions of the LES planning guidance minor developments are required to provide Type 1 emission mitigation as follows:
 - Provision of electric vehicles charging facilities at the rates set out in the West Yorkshire Low Emission Planning Guidance.

- Adherence to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition during all demolition, site preparation and construction activities at the site.
- The proposed development site is not in an area of current air quality concern and the proposed housing will be set back from adjacent roads. Future occupants of the site are considered unlikely to be exposed to concentrations in excess of the air quality objectives. An exposure assessment is not required in relation to this proposal.
- I can find no reference to the provision of EV charging within the application. All minor housing developments are required to provide EV charging points at a rate of 1 per dwelling with a dedicated parking space, or 1 per every 10 shared parking spaces. It is unclear from the application if the parking on this development will be allocated or shared.
- Minor developments require submission of a Construction Emission Management Plan (CEMP) to control emissions from demolition and construction activities. It would appear that the majority of the works at this site will be conversion of the existing buildings which is not expected to create significant levels of dust. Some demolition works are planned and dust emissions from this demolition process should be controlled in line with the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition.
- A simplified 'checklist' for the undertaking of CEMPs is now available from the air quality officer at Bradford MDC. It is recommended that the developer familiarises themselves with the content of this checklist before preparing and submitting a CEMP. The CEMP must include a site specific dust risk assessment and a list of emission management measures which are proportionate to the level of identified risk.

Heritage Conservation

- Initially raised concerns in relation to
 - Need for comprehensive development of the site (initially no details were provided of the development of the warehouse demolition area).
 - Insufficient scale/ detail to proposed and existing plans
 - Insufficient detail of internal changes
 - Effect of excessive parking spaces on setting of listed building/ character and appearance of the Conservation Area
 - Need for full archaeological recording
 - Need for replacement of existing uPVC windows to listed building
 - Extent of proposed alterations to Block B (engine house)
 - Need for re-roofing of block C
 - Need for details of masonry alterations & repairs
 - Rebuilding of timber clad wing
 - Feasibility/ appropriateness of adapting the existing garage block (block E)
- Subsequently the applicant organised a site visit where the extent of the original fabric removal and internal alterations associated with the 1980s office conversion was observed.
- The applicant also submitted a further application for a town house development within the area of the site where the existing warehouse is proposed for demolition and revised proposals for the mill conversion including:
 - Retention of block B and less substantial vertical extension.

- Re-windowing listed building in timber.
- Re-roofing all mill buildings in natural slate.
- Removal of a substantial proportion of surface parking (notably in the central courtyard) with under-croft parking provided to new-build block instead).
- Plans at a greater scale.
- Following the submission of the revised proposals the Heritage Conservation team made no further comment.

Historic England

- Historic England welcomes the redevelopment of the site and we recognise the importance of securing a long term sustainable future for the mill complex.
- We note a number of amendments have been undertaken to the scheme which include the partial retention of the boiler and engine house and the proposed reinstatement of painted timber windows.
- However we still consider further details are required to fully understand the impact of the proposals on the significance of the Grade II listed building.
- We consider that further information should be submitted regarding:
 - the structural condition of the remaining buildings;
 - method of demolition;
 - protection of the remaining buildings;
 - methodologies for the repair of the historic fabric;
 - impact of any acoustic and thermal upgrading and new services;
 - drawings at a greater scale;
 - profile and method of opening of all windows and doors;
 - details of Juliet balconies.
- We noted from our visit that a number of internal features such as staircases and columns in some ranges have been replaced or removed. However, where historic fabric does remain, this should be clearly identified on the existing plans and incorporated into the scheme. In particular there are a number of openings within the engine and boiler house which need to be sensitively integrated into the design.
- Whilst we welcome the revisions to Block B we have some reservations regarding the flat roof terrace and we consider this needs to be revised incorporating a pitched roof to sit comfortably with the adjacent proposed extension.
- Furthermore we have some concerns regarding the extensive amount of timber cladding proposed to elevation C of Block C to incorporate an additional storey. Whilst we would prefer the existing roof to be retained, we consider any extension to this Block should be constructed from stone in order to enhance this prominent elevation.
- Lastly we have some concerns regarding the height and massing of Block F which we consider will obscure views within the Conservation Area of the mill complex in particular Block C. We note the sizeable terrace proposed to provide gardens to each of the properties. Whilst we have no objections in principle to this structure, it does appear as an incongruous addition to the development as demonstrated by the south and south west elevations.
- Historic England has concerns regarding the application on Heritage Grounds.
- We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128-129, 131-134 of the NPPF.

- In determining this application you should bear in mind the statutory duty of section 16(2) 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) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.
- Your authority should take these representations into account and seek amendments safeguards or further information as set out in our advice.

Highways Development Control

- A Transport Statement was submitted previously with application 16/06606/MAF which showed that the 42 units would generate 20 two way vehicle trips in the week day peak periods.
- Applying the same traffic generation figures, a development of 56 units would generate 27 two way trips in the week day peak periods.
- Although the status of the site would change in highway terms from a destination to an origin and generated traffic would add to the outbound flows from Baildon in the AM peak, I consider that it would not exacerbate existing traffic congestion as the level of traffic generated is relatively low and would be likely to be subsumed within daily traffic variations.
- The proposal would be likely to have a lesser traffic impact outside the peak travel times compared to the existing use. The site is also situated in a sustainable location for travel by non-car modes.
- The main site access was previously proposed from Providence Row. But with the altered internal layout, the main site access would now be from The Grove via the public car park.
- This entrance would serve 63 parking spaces. The site entrance from Providence Row would serve 9 parking spaces, 5 parking spaces would be served from Northgate and 3 parking spaces would be served from the unadopted section of Providence Row.
- Although traffic would increase on The Grove and through the public car park, in my view this would be unlikely to lead to significant highway safety issues.
- A one-way traffic system currently operates through the car park with entry from The Grove and exit to Northgate which minimises traffic conflicts.
- As the proposal is a residential development it would not generate much traffic during the day when the car park would be busy.
- The existing block of garages proposed for conversion to two cottages with 3 car parking spaces would be accessed from the unadopted section of Providence Row.
- Although this would increase the existing number of dwellings served off an unadopted road from 14 to 16, the council's recommended limit of up to 6 dwellings served off an unadopted road is mainly for servicing purposes and is not highway safety related. The increased number of dwellings would not affect existing servicing arrangements.
- The garages would have generated some vehicular activity and I consider that the slightly higher level of traffic generated by the two cottages would be unlikely to lead to any significant highway safety issues in this locality.
- RUDP car parking standard is currently a maximum 1.5 spaces per unit average for the development which equates to 84 spaces for 56 units; the level of parking provision proposed is 80 spaces. The proposed level of car parking is below the

maximum level and therefore acceptable as the site is situated in a sustainable location. Parking is also well controlled in the local area.

- The applicant should clarify how refuse will be collected and where wheelie bins will be located on collection day.

Landscape Design

- Full landscape scheme details should be submitted for all of the hard and soft landscaping elements of the proposed development, to include proposed tree and shrub planting, grassed areas, surfacing, boundary treatments, street furniture etc. The applicant should refer to the CBMDC Supplementary Planning Document: Landscape Character, Design Guidance (Appendix 4, page 85) for information regarding what will need to be included in the detailed proposals. A planting plan with numbers, sizes and locations of the planting, along with a softworks specification will need to be submitted.
- A tree survey will need to be produced regarding existing trees within the site boundary which shows whether any trees may be affected by the proposed development. A tree protection plan may also be required which indicates how any existing/nearby trees will be protected during the proposed construction works. Any trees within the site which may need be removed should be compensated for through new replacement tree planting for the site.
- A detailed schedule of Landscape Management/Maintenance will also need to be provided for the site to ensure that all of the landscaped areas are maintained to a high standard. For further information the applicant should refer to the above mentioned Supplementary Planning Document.

Parks and Greenspaces Service

Parks and Greenspaces Service require a recreation contribution of £26,155 for 42 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 Jenny Lane or Cliffe Avenue Play Areas.

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.

- Please note education infrastructure is now covered by the Community Infrastructure Levy.

Victorian Society

- We wish to object, as we consider that the application constitutes over-intensive development and because of the lack of information about the existing buildings to be converted.
- The spaces between the retained buildings are generally small in scale and the prospect of virtually all these spaces, with hard paved surfaces, being used for car parking for the excessive number of residential units is unacceptable.

- Exclusion of the blue-outlined site to the south of the application site inhibits proper consideration of the scheme in relation to the Conservation Area and the listed buildings.
- The lack of detail about the historic internal configuration of the buildings, shown only at a very small scale, is also unacceptable.

West Yorkshire Archaeology Advisory Service

- The application site comprises a grade II listed 4 storey warehouse (National Historic List for England No. 1,314,287) which is a designated heritage asset. Other elements of the mill which are not specified in the listing description are also of some significance and are non-designated heritage assets.
- The listed buildings are shown on the 1850s Ordnance Survey 6" to the mile map and identified as a "Worsted [yarn] Spinning Mill". The listed building is clearly shown on this map (blocks A and D in the current application).
- Block B appears to have been constructed as a beam-engine and boiler house at a slightly later date. Since it is detached from the early mill it was presumably intended to power a now demolished mill range or weaving shed. If designed to house a beam engine then this building is unlikely to be later than the early 1870s when this form of prime mover was largely superseded.
- Block C appears to have been built before 1892 and may have been powered by an engine housed in its eastern end.
- The WYAAS have no objection in principle to the proposed conversion and change of use of Baildon Mills and welcome the retention of historic buildings and features such as the mill's pond.
- Baildon Mill is a designated heritage asset of regional significance and includes industrial buildings from several phases of activity during the high point of the worsted industry. The WYAAS recommend that an appropriate level of archaeological and architectural recording is carried out prior to and during redevelopment (a building record). This work is to record the historic form, technology and development of the mill from the early 19th century to the early-20th century.
- The proposal entails demolition of more modern buildings and retention of older structures associated with the listed warehouse. Alterations to these historic buildings may uncover and destroy important evidence of the mill's original form and its historic development.
- The WYAAS recommend that an appropriate level of archaeological and architectural recording is carried out prior to and during redevelopment of structures A, B, C and D (a building record).
- This record can be secured by a suitably worded archaeological condition placed on any grant of planning permission awarded by CBMDC.

West Yorkshire Police Architectural Liaison Officer

- Closed boarded fencing not close boarded fencing should be used.
- Plot dividers between each apartment should be increased in height to 1800mm and be of a material that is not easy to climb.
- Recommend installing some form of access control on the main vehicle entrance.
- Access control should also be positioned on the vehicle entrance opposite block F and the vehicle entrance which is sited between block A&D and the pond.
- There should be good lighting levels around the site to illuminate the entrances / fire doors to each of the units, the footpath routes and car parking areas.

- Monitored CCTV should be also installed.
- Recommend installing an automated garage door or metal shutter which has access control to vehicle entrance on Block F which leads to the underground car park.
- Where parking is directly next to the buildings or underneath, numbering the parking bays per apartment will prevent any abuse of the parking facilities and reduce any parking disputes which can result in calls for Service to the Police.
- The Police ALO has made a number of recommendations regarding the specifications of doors, windows, partition walls and the mail delivery system which are relevant to Building Control.

West Yorkshire Combined Authority

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.

We recommend that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The fund could be used to purchase discounted MetroCards for all or part of the site. Based on our current RMC scheme, there is an option for the developer to purchase (in bulk) heavily discounted Residential MetroCards (circa 40% discount) as part of a wider sustainable travel package. Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking / cycling promotion and or further infrastructure enhancements. The payment schedule, mechanism and administration of the fund and RMC scheme would be agreed with BCC and WYCA and detailed in a planning condition or S106 agreement. The contribution appropriate for this development would be £20,212.50.

Yorkshire Water

- The Flood Risk Assessment, reference 7618, dated 26/07/2016, prepared by CoDa Structures is not satisfactory to Yorkshire Water as currently shown.
- The report indicates soakaways are unlikely to be viable due to clayey ground conditions and it is on a steep hillside, however, ground test are required to support this.
- Further, the reports indicates there are culverts nearby but they are not considered further, and should be further investigated. Subject to discounting soakaway & watercourse as not viable options, the report should explain how and where the existing site drains to, so that a discharge rate can be determined.
- Notwithstanding the above, if planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:
 - No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
- 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 disposal via infiltration

or watercourse are not reasonably practical before even considering disposal to a public sewer.

- 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.
- Alternatively, and 'only' upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal i.e. soakaway test results/ proof of watercourse investigation etc, curtilage surface water may discharge to public sewer.
- The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation.
- On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.
- The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.
- We understand there are some 'private' water supplies within the site which may be affected by the re-development. Private pipes are not the responsibility of Yorkshire Water. Additionally, there may be other private pipes within the site of which we hold no record.
- A water supply can be provided under the terms of the Water Industry Act, 1991.

Summary of Main Issues:

- 1) Principle
- 2) Heritage and Design
- 3) Access and Highways
- 4) Flood Risk and Drainage
- 5) Air Quality/ Sustainable Travel
- 6) Ecology/ Biodiversity & Trees
- 7) Ground Conditions
- 8) Affordable Housing and off-site Infrastructure
- 9) Community Safety Implications
- 10) 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 emerging Core Strategy sets a target of delivering 350 new residential units within Baildon in the period up to 2030. The delivery of 42 residential units 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 and the emerging Core Strategy. However the site specific policy constraints associated with the proposed development scheme must be considered, including the acceptability of supplanting the site's current employment use, which is a key concern of local residents and local ward Councillors.

The proposal site is not safeguarded for employment under the replacement Unitary Development Plan, as saved policy E3 does not safeguard employment sites of less than 1 hectare in size in Bradford, Shipley, Baildon or Keighley. However substantial weight can now be attached to draft replacement employment policy EC4, following Examination in Public of the Local Plan Core Strategy. This is because, subject to amendment to confirm that Strategic Employment Zones will be identified in the SADPD & AAPs, and to clarify the definition as key locations within the urban areas where existing industrial and business uses predominate, the Inspectors Report concluded that the policy is clear, effective and soundly based.

Draft policy EC4 includes a series of mechanisms aimed at achieving sustainable economic growth. The draft policy confirms that the Council will refuse planning permission for the alternative development of buildings currently or last in use for business or industrial purposes in both urban and rural areas unless it can be demonstrated that the site is no longer suitable for such uses in terms of:

- location,
- accessibility,
- adjacent land uses,
- environmental impacts,
- market significance – “where it can be shown that the site has been continuously marketed for employment uses at local land values for a period of at least 2 years”.

In order to seek to address concerns regarding the loss of employment buildings which would be consequent from the development the applicant has submitted a Supply and Demand Market Report. The report identifies a range of potential alternative office and business spaces within the surrounding area. Based upon the identified availability of alternative premises the report concludes that there is a more than sufficient supply of suitable alternative employment accommodation within the locality. The report further contends that there is no evidence to show a current market demand for the subject property in its current use and a continuation of this will only lead to the property becoming fully vacant, a potential target for vandalism and a general eyesore in the heart of the town centre.

Objectors have raised concerns both that the alternative premises identified in the report would not necessarily meet the needs of the current mill tenants, particularly in terms of proximity and cost, and that the current vacancy rate at the site, with 33 units vacant out of 58, is a result of intentional lack of marketing and rejection of potential tenants by the site owner (co-applicant) instead of a lack of market interest.

Whilst it is accepted that the current vacancy rate may in-part be a consequence of the owner's redevelopment intentions, it is not accepted that there are inadequate alternative premises available. This view is based upon the advice of the Council's Economic Development Service, who advise that, whilst the redevelopment will remove an area of employment, the applicant has provided a comprehensive report

demonstrating there are a number of similar small business centres in the area and this one is now no longer economically viable. Whilst the redevelopment will be a loss of employment space for small business in Baildon, this is a very localised impact. There is ample provision of alternative premises in the district for small businesses.

It is accepted that the proposal sits in conflict with emerging Core Strategy Policy EC4, to which substantial weight can be attached, as the site is currently/ last in use for business and industrial purposes and it has not been fully demonstrated that the site is no longer suitable for such uses in terms of its location, accessibility, adjacent land uses, environmental impacts or market significance. However it is considered that the loss of employment land and buildings which would be consequent from the proposed development would cause relatively limited and localised economic harm, due to the good availability of alternative premises within the surrounding area.

It is further considered that the significant benefits of providing for the delivery of 42 units on the proposal site (56 units on the site overall), would counterbalance the localised economic harm which the development would generate. Furthermore the development of housing on the site at the proposed relatively high level of density will provide for a significant proportion of the 350 residential units planned to be delivered within Baildon in the period up to 2030 and will reduce the pressure to develop housing in the Green Belt, with Baildon highlighted for potential localised Green Belt deletion on the Core Strategy Key Diagram. Notwithstanding the policy conflict with emerging policy EC4 the development is therefore considered to be acceptable in principle.

Heritage and Design

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. In relation to heritage conservation the NPPF advises in Section 12 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the

heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

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.

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. Emerging policy EN3 of the draft Local Plan Core Strategy, to which substantial weight can now be attached, states that the alteration, extension or substantial demolition of a listed building will only be permitted if it can be demonstrated that the proposal:

- 1) Would not have any adverse effect upon the special architectural or historic interest of the building or its setting.
- 2) Is appropriate in terms of design, scale, detailing and materials.
- 3) Would minimise the loss of historic fabric of the building.
- 4) Or if there is harm to the special interest of the building, that this is outweighed by the public benefits of the proposal.

Baildon Mills has origins in the early 19th century and displays traditional buildings developed throughout the 19th century, and more modern buildings of less merit. The site is the only remaining group of former industrial buildings in the conservation area, providing a very significant contribution to understanding the past variety of activities within the settlement. The traditional stone buildings on the site are deemed to make a positive contribution to conservation area character, whilst the portal framed warehouse makes a negative contribution. The intervening spaces generally at present make a neutral contribution. The Baildon Conservation Area was designated in 1981 and a boundary review was undertaken in 2005 and a Conservation Area Appraisal (CAA) produced in 2009.

It is understood that the earliest warehouse at the site was constructed in 1823 with later ranges added charting the expansion of the site, the main mills were powered by steam. The complex also included weaving sheds, two engine houses, a boiler house, offices and a chimney. Historic England advise that the significance of the group of

buildings derives from their age, vernacular appearance and their contribution to textile manufacture during the 19th century.

The Mill has been owned and occupied by John Peel & Son Ltd since it was purchased in 1937 for the purposes of cotton combing and wool spinning. The cotton and spinning operations closed in the late 1960's. A three storey block was built in 1975 and a dyehouse and warehouse was built in 1985 in the year that the four storey mill fronting onto Northgate/ Pinfold was listed. The company's manufacturing activity was subsequently scaled back and the majority of the site rented out as small-scale commercial and office units on short term lets from the late 1980's until modern day.

The four-storey mill building which fronts onto Northgate/ Pinfold is Grade II Listed. All buildings on the site have been subject to prior conversion to facilitate office and business uses which involved the substantial removal of original internal features and the replacement of windows with modern windows incorporating uPVC. The majority of the old mill buildings have also been re-roofed in profiled sheet metal. There is no record of the conversion/ re-roofing and window replacement works being authorised in terms of either planning consent or Listed Building consent. The works appear to have taken place in the 1980s.

The proposal principally involves the residential conversion of the Grade II Listed building on the site and the key unlisted buildings within the Conservation Area. Also proposed are the demolition of the existing garage block accessed off Providence Row (Block E) and the building in its stead of a two semi-detached bungalows, the rebuilding of the an extension to the main unlisted mill (Block C) with a 1-storey vertical extension and the 1&2 storey vertical extension of the old engine house (Block B), with an annex which would connect it to the proposed town house development proposed under a separate concurrent planning application.

Consideration needs to be given to the impact of the proposed works upon the significance and setting of the mill building which is listed and also to the significance and setting of the key unlisted buildings (which constitute undesignated heritage assets) and the character and appearance of the conservation area. In determining this application 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 Baildon Mills, as designated and undesignated 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.

To support their application the applicant has submitted a Heritage Statement which sets out their interpretation of the heritage significance of the site and the relevant policy framework. The Heritage Statement assesses that the extent of the alterations to convert the retained buildings will not have any negative effect on the listed building and the demolition of the later additional buildings will serve to enhance the setting of the listed structure and also improve the character and appearance of the Conservation

Area. The Heritage Statement concludes that the proposals will safeguard and conserve the historic environment, through achieving a high quality design which has regard to the existing pattern of development and the local character of the area.

In order to facilitate the proper assessment of the application a range of bodies have been consulted including the Council's Heritage Conservation Team and Historic England. Both bodies initially raised concerns in relation to the level of detail provided in the application, particularly in relation to the potential loss the residential conversion would cause to the internal historic fabric of the listed and key unlisted buildings and also the appropriateness and heritage impacts of the proposed rebuilding of the extension to the key unlisted building and vertical extension of the engine house. Additionally concerns have been raised by objectors in relation to the design of the proposed semi-detached bungalows which would replace the garage block accessed off Providence Row (Block E).

Concerns were also raised regarding the initial failure to provide detailed and comprehensive proposals for the development of the area which would be cleared as a consequence of the demolition of the portal framed shed in the southern area of the site. However this concern has been resolved through the submission of a separate full planning application, to be considered concurrently, for the development of a terrace of 11 town houses and 3 flats, including under croft parking, within the southern corner of the site, ref. 17/00921/MAF.

In response to the concerns raised regarding the impact of the residential conversion upon the fabric of listed and key unlisted buildings the applicant advised that the internal historic fabric of these buildings had already been substantially lost/ heavily altered during the 1980s office conversion. To demonstrate this point the applicant proposed a site meeting with Historic England and the Council's Heritage Conservation team which took place in December 2016. During this meeting the extent of the removal of the original fabric of the buildings, in terms of staircases, openings, supports, windows, ceilings, etc, was observed.

Additionally, subsequent to the meeting, the applicant provided more detailed plans and confirmed their proposals to replace the roofs of the buildings which have been re-roofed in metal sheeting with natural blue slate and to replace the uPVC windows in the listed building with timber framed windows. The applicant also revised the proposed development scheme to provide for a much more sympathetic vertical extension to the engine house, and a lesser amount of cladding to the key-unlisted building extension which is proposed to be vertically extended.

Following the meeting and the further information provided the Council's Heritage Conservation team did not raise any further concerns in relation to the proposals. However Historic England, whilst supporting the principle of the residential conversion of the mill buildings as a sustainable use to secure their future, and whilst not explicitly objecting to the proposals, have continued to raise concerns in relation to the level of detail provided and also in-relation to the proposed extensions.

Consideration has been given to heritage and design issues associated with each element of the proposed development works. In relation to the mill conversion works the extent of the loss of the original internal building fabric which was consequent from the 1980s office conversion which the listed building and key unlisted buildings have already been subject to, is recognised. It is also recognised that the development would

provide for the rectification of several harmful alterations which have already been undertaken to these buildings in terms of window and roof alterations, and would secure the optimum viable end-use for buildings to secure their future.

Notwithstanding the fact that the proposed works would result in some further harmful alterations to the buildings' fabric, notably the replacement of the taking in doors to the listed building, it is considered that the proposed conversion works to the listed and key unlisted buildings would result in more benefit than harm to the significance of the relevant designated and undesignated heritage assets and the character and appearance of the conservation area. This is primarily because the significance of these building partly relates to their vernacular appearance and the proposals to re-roof the buildings in natural slate and replace the uPVC windows in the listed building with timber framed windows would undoubtedly significantly enhance/ reinstate this vernacular appearance.

In terms of the proposed single storey vertical extension of the existing extension to the main key unlisted building (Block C), it is considered that the revised proposals, with timber cladding only proposed to the upper storey is acceptable and in-keeping with the character of the mill complex, subject to full details of the timber cladding and additional stonework being reserved by planning condition. In relation to the vertical extension to the old engine house (Block E) it is considered that the revised proposals, which provide for a smaller, part 1, part 2, storey vertical extension, set-back from the original building's front elevation and improved retention of the structure of the original building, are also acceptable in heritage and design terms, subject to full details of the facing materials of the extension being reserved by condition.

In relation to the proposed semi-detached bungalows proposed to replace the garage block (Block E) accessed off Providence Row, it is noted that the applicant has sought to retain the overall scale and massing of the garage block in order to avoid any additional intrusion on the setting of the mill complex or any harm to the existing adjacent residential dwellings on Providence Row. Whilst this has resulted in a relatively compact design for these units, which does not reflect the traditional form and massing of buildings in the locality, it is considered that the proposed development of these units will not significantly detract from the visual quality of the Providence Row street scene, or detrimentally affect the character or appearance of the Conservation Area or the setting of the adjacent listed and key unlisted buildings.

Asides from the acceptability of the proposed built development works and building alterations associated with the development scheme it is moreover considered that the removal of the existing unsympathetic warehouse shed and attached office block from the site, as proposed, will result in a moderately beneficial impact on the setting of the adjacent key-unlisted and listed buildings and the character and appearance of the Baildon Conservation Area. Overall it is therefore considered to be clear that the proposed development will result in benefits to the character and appearance of the Conservation Area, the significance of the heritage assets (in terms of their vernacular appearance) and the sustainable future use of the buildings which are substantial, whereas the harm caused by the additional alterations associated with the buildings' residential conversion would be less than substantial.

In terms of landscaping, the applicant has indicatively illustrated soft landscaping proposals on the submitted site layout plan including the provision of grassed areas and planting throughout the site and the retention of the mill pond. The current

overgrown vegetation around the mill pond would be removed and replaced with an appropriate landscaping scheme including new (less dense) planting, hard landscaping features and railings around the pond.

Concerns were initially raised that the amount of surface parking proposed as part of the development scheme would result in a car dominated environment around buildings which would detract from the quality and amenity value of the development. The revised proposal's provision of undercroft parking as part of the separate associated application for development of the southern corner of the site is considered to be a highly beneficial aspect of the development. This will allow surface car parking to be limited and for the setting around the proposed development to be more pedestrian friendly, open and attractive, particularly in terms of the central courtyard area which should provide an attractive focal point for the development. The Council's Landscape Architect has not raised any objections to the proposed landscape treatment of the development but has requested that full landscaping details are reserved by condition.

The potential impact of the proposed mill conversion on adjacent residential occupiers has also been assessed. In terms of overbearing impacts, the primary potential issue relates to the vertical extension to the old engine house (Block B) in terms of its relationship to the residential accommodation to the east. However it is considered that the reduced scale of the vertical extension to this block incorporated within the revised proposals appropriately addresses any potential overbearing/ dominance issues.

The primary potentially problematic relationship in terms of overlooking comprises the relationship between the north-western elevation of Block C (the main key-unlisted building to be residentially converted) and the adjacent terrace of houses facing Providence Row. However, with a separation distance of over 21 metres between facing habitable room windows, it is not considered that the residential conversion of this block would unacceptably harm the privacy of existing residents. Nonetheless, to attempt to allay the concerns of Providence Row residents regarding their privacy, a condition is recommended at the end of this report requiring details of adjustments to the windows on Block C facing Providence Row. These adjustments would be expected to comprise either obscured glazing or solid panels to the lower panes of glass for upper storey windows.

In conclusion, taking account of the setting of the development, its impact on the relevant heritage assets the general design principles set out in the RUDP, NPPF and emerging Core Strategy and residential amenity issues it is considered that the development is acceptable in terms of heritage and design terms and will not result in harm to the character or appearance of the Conservation Area or the significance of the listed and key-unlisted buildings proposed to be converted. The proposal is therefore considered to accord with the provisions of emerging Core Strategy Policy EN3 and saved policies BH4A, BH7, D1 and D5 of the replacement Unitary Development Plan as well as the design and heritage policies set out in the NPPF.

Access and Highways

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. 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.

Appendix 4 of the Core Strategy sets out parking standards for residential developments. The standards are designed to be indicative and to enable the Council to regulate the provision of parking on developments, whilst being mindful of the need to balance parking with the impact it can have on the environment such as on street parking if left unmanaged. The parking standard for residential developments outside of the City Centre and Principal Town Centres is an average of 1.5 spaces per dwelling.

The Council's Highways Development Control team have reviewed the application, including the submitted Transport Statement and advised that the overall development would be estimated to generate 27 two way trips in the week day peak periods. Although the generated traffic would add to the outbound flows from Baildon in the AM peak, it is considered that this additional traffic would not significantly exacerbate existing traffic congestion as the level of traffic generated is relatively low and would be likely to be subsumed within daily traffic variations. The Highways Development Control team have further advised that the proposal would be likely to have a lesser traffic impact outside the peak travel times compared to the existing use. The site is also situated in a sustainable location for travel by non-car modes.

The access for the two semi-detached houses proposed to replace the existing small garage block within the north-western corner of the site (Block E) would be off the un-adopted section of Providence Row. Objectors have raised concerns regarding the highways safety and amenity impacts associated with the increased traffic on Providence Row generated by the development. However the Council's Highways Development Control team have advised that, although the development of a pair of semi-detached properties in place of the garage would increase the existing number of dwellings served off an un-adopted road from 14 to 16, the Council's recommended limit of up to 6 dwellings served off an un-adopted road is mainly for servicing purposes and is not highway safety related.

The Highways Development Control team have further advised that the increased number of dwellings accessed off Providence Row would not affect existing servicing arrangements. The garages would have generated some vehicular activity and it is considered that the slightly higher level of traffic generated by the two cottages would be unlikely to lead to any significant highway safety issues in this locality. Although representations indicate that the garages provide additional parking provision for some of the existing residents on Providence Row, the developer is not obliged to retain this parking provision as part of the development scheme and it is not considered that the removal of this parking would be likely to result in significant adverse highway safety consequences given the parking controls in place in the locality.

In relation to the sufficiency of the level of parking proposed to serve the new residential units, the Highways Development Control team advise that, although the proposed level of parking space provision is 4 below a 1.5 space per dwelling overall

average for the site, with 80 spaces being provided rather than 84, as the site is situated in a sustainable location the proposed level of parking provision is adequate and acceptable. Parking is also well controlled in the local area. Therefore it is considered that there is no reason to conclude that the proposed development would worsen existing parking problems in the locality.

The proposed undercroft and surface parking covered by the separate concurrent application for the development of the south-western corner of the site would serve the site as a whole. Therefore, to mitigate against the possibility of the mill conversion taking place without the required parking being delivered, a condition is proposed to be attached, as recommended at the end of this report, which requires adequate parking to be delivered in accordance with approved details prior to occupation. If the town-house development did not go ahead alternative surface parking to fulfil for the currently proposed parking ratio would have to be provided by the developer in order to satisfy this condition.

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.

Flood Risk and Drainage

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 proposal site is not within an area considered to be at a significant risk of flooding, as defined by the Environment Agency flood risk maps. However the applicant has submitted a Flooding and Drainage Assessment which assess the potential flooding issues associated with the site development and includes drainage proposals. The applicant's drainage proposals involve utilising the existing mill pond to be retained within the northern area of the site to provide for sustainable drainage/ balancing of surface water. It should also be noted that the applicant's landscaping proposals are likely to result in a reduction in the impermeable, positively drained area of the site.

The submission has been reviewed by the Council's Drainage Unit, acting in their capacity as Lead Local Flood Authority, and Yorkshire Water. The Drainage Unit/ Lead Local Flood Authority have confirmed that they have no objection to the proposed development subject to the reservation of full details of foul and surface water drainage by condition and a requirement for a survey and report to establish the condition and operation of the inlet and outlets to the existing mill pond with any recommendations of the report to be carried out prior to occupation.

Yorkshire Water have raised objections to the suggestion within the report that a surface water connection may be made to a combined sewer. Their position is that surface water can only be allowed to drain to sewer if all other options, such as draining to watercourse or utilising infiltration drainage techniques, have been exhausted.

However it is considered that the applicant has established sufficiently that the site can be satisfactorily drained and therefore it is recommended that details of the surface water outfall which will be used can appropriately be reserved by condition.

Subject to the imposition of conditions requiring full drainage details to be agreed prior to development commencing, it is considered that sufficient information has been provided to be confident that the proposed development is acceptable in terms of flood risk and drainage considerations and accords with saved policy NR16 of the RUDP.

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 raised any concerns and confirmed that an exposure assessment will not be required. However they have confirmed that electric vehicle charging provision will be required, as will a Construction Environmental Management Plan. The West Yorkshire Combined Authority have requested a developer contribution to facilitate the delivery a residential metrocard scheme for the site. However the applicant does not propose to meet this contribution request and it is not considered that this matter can be pressed due to viability considerations, as set out elsewhere in this report.

Subject to the imposition of conditions reserving approval of full Electric Vehicle Charging details, and a Construction Environmental Management Plan, it is 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 boundary of the site adjacent to the private car park and also trees within adjacent residential gardens, adjacent to the site access and surrounding the mill pond and the mill pond itself. Additionally the potential for the building proposed to be demolished to accommodate bat roosts must be considered. In order to support the application the applicant has provided an Ecological Appraisal which gives consideration to both trees and bats and concludes that the development can be carried out without resulting in unacceptable ecological harm, subject to certain proposed mitigation/ enhancement measures, including:

- Enhancement of mill pond.
- Installation of faunal boxes to include bats, and a range of bird boxes catering for a range of species likely to be present in the area.
- Planting of native tree / shrub species across the Site.

The submitted Ecological Appraisal has been reviewed by the Council's Biodiversity Officer and found to be robust. Whilst it is accepted that the proposals to clear the existing trees and other vegetation around the mill pond to the north of Block C will cause some ecological harm, the retention of the mill pond itself is considered to be an ecologically beneficial aspect of the development scheme and it is considered that the harm caused by the removal of this existing vegetation can be mitigated through appropriate replacement planting and the implementation of a Biodiversity Enhancement Management Plan, as required in the proposed conditions below. The retention of the existing vegetation around the mill pond would prejudice the achievement of an attractive and safe communal space with a good amenity value in this area of the site.

Subject to the imposition of suitably worded conditions requiring the implementation of tree protection measures, a landscaping/ planting scheme and a Biodiversity Enhancement and Management Plan, there are considered to be no grounds to conclude that the development would be unacceptable on tree retention, 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

The proposal site is approximately 2.7 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. The emerging Core Strategy identifies the potential for residential development within 7Km of the SPA to cause harm through increased recreation pressure.

The applicant has provided a Habitats Regulations Assessment which does not identify any potential for the development to result in significant impacts on the South Pennine Moors SPA. Additionally it should be noted that the CIL123 list does include provision for funding habitat mitigation including Suitable Alternative Natural Greenspace, except

for on - site provision required by Core Strategy policies, and therefore mitigation contributions cannot now be secured separately through Planning Obligations. It is considered that the proposal is acceptable in terms of SPA impact considerations, in accordance with the requirements of saved policy NE7 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 therefore there is reason to suspect that contamination may be present. In order to address land quality issues the applicant has submitted a Phase 1 contamination reports. The submitted report has been reviewed by both the Council's Environmental Health Service who have identified the need for further investigations to take place to quantify contamination risks and determine remediation strategies prior to development commencing.

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 are adequately mitigated. Subject to the imposition of conditions requiring the approval of a Phase 2 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

The Council have now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a standardised charge levied on all residential developments with the purpose of funding the delivery of the infrastructure improvements which will be required within the District to successfully accommodate planned additional housing. The types of infrastructure funded through CIL include schools and recreation facilities. Affordable Housing is not covered by CIL and will continue to be dealt with separately and secured through Planning Obligations set out in legal agreement made under Section 106 of the Act.

The proposal site is within CIL Zone 2 where there is a charge of £50 per square metre of gross internal residential floor space being created. Based upon the gross floor area of the 42 residential units proposed to be developed as part of this application the total CIL charge would be in the region of £200,000. However under the CIL Regulations any floor space within buildings to be either demolished or retained and converted as part of the development scheme which has been in lawful use for at least a period of 6 months within the last 3 years can be deducted from the chargeable floor space total. Therefore the CIL liability may be reduced.

No requirements have been identified for any other off-site infrastructure improvements, not covered by the CIL 123 list, which would be necessary to make the development acceptable; however Local Plan Core Strategy Policy HO11 sets out a requirement for the delivery of up to 20% of the residential units as Affordable Housing. The applicant has been made aware of this requirement and in response has provided a financial viability appraisal which identifies that the proposed development has an estimated developer profit level of 10% (20% would normally be the minimum developer expectation) and that therefore the delivery of Affordable Housing as part of the development would be unviable.

This viability appraisal has been reviewed by the Council's Economic Development Service who have confirmed that they consider it to be robust. The National Planning Policy Framework 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. It is accepted that in this instance imposing a requirement to deliver Affordable Housing as part of the development would reduce the estimated developer return to a more than likely unviable level.

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:

- Provision of CCTV/ external lighting;
- Marking out and allocation of parking spaces;
- Access control to surface parking where feasible;
- Access control to undercoft parking;
- Access control to buildings;
- Mail delivery arrangements;
- Door and window security standards;
- Installation of intruder alarms;

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 partition walls, doors and windows, as these matters are not generally considered to be land use planning concerns. However 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. This approach allows the determination of this application to focus on the main land use planning considerations.

In terms of the provisions of policy D4 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 terms of natural surveillance and the arrangement of access routes and open spaces. Therefore, subject to the reservation of details of access control, boundary treatments, parking demarcation, bin storage arrangements, lighting and CCTV by planning conditions, and further engagement with West Yorkshire Police at the condition discharge stage, 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.

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. 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:

Although the proposal will result in the residential conversion of buildings last used for employment purposes contrary to emerging policy EC4 of the draft Core Strategy, it is considered that the economic harm which would be caused by this loss would be both limited and localised and that this harm would be counterbalanced by the benefits associated with the provision of housing on the site in accordance with emerging policies HO1 and HO3 of the draft Core Strategy.

The proposal would result in the removal of a warehouse and attached office block which currently detract from the character and appearance of the Conservation area and the setting of an adjacent listed building. The removal of this building and the proposals to re-roof retained mill buildings in natural slate and replace the windows in the listed building with timber will result in a moderately beneficial impact on the character and appearance of the Conservation Area and the setting and significance of the listed and key-unlisted buildings in accordance with emerging policy EN3 of the draft Core Strategy, saved policies D1, BH4, BH4A and BH7 of the replacement Unitary Development Plan and Section 12 of the National Planning Policy Framework.

It is considered that, subject to the planning 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 traffic and highways impacts, flood risk, ecological impacts, amenity or air quality, in accordance with the relevant national planning policies set out in the National Planning Policy Framework and the saved

policies within the replacement Unitary Development Plan, including policies UR3, TM2, TM19A, D1, D4, D5, NE5, NE6 and NR16.

Conditions of Planning Permission:

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 'built development works' 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 mill conversion, new-build and associated infrastructure works has been submitted to and approved in writing by the Local Planning Authority. 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 '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. Details shall also be provided of proposals for alterations to the windows to the mill elevation facing Providence Row to minimise the potential for overlooking. 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.

4. No 'built development works' shall be begun until a written scheme of investigation (WSI) 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 site is recorded prior to demolition and renovation works commencing, to accord with saved policy BH3 of the replacement Unitary Development Plan.

5. No 'built development works' 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 site is retained, to accord with saved policy BH3 of the replacement Unitary Development Plan.

6. The development shall be carried out in accordance with the submitted Flooding and Drainage Assessment (FRA) dated July 2016 by Coda Structures and the following mitigation measures detailed within the FRA.

- i. A survey and report to establish the condition and operation of the inlet and outlets to the existing mill pond with any recommendations of the report to be carried out prior to occupation.

Reasons: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. In accordance with saved policy NR15B of the replacement Unitary Development Plan.

7. 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, hereby approved, being 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 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.

8. 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.

9. 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.

10. None of the residential dwellings, hereby approved, shall be brought into 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 considerations. Thereafter the approved boundary treatment provisions shall be fully implemented either prior to any of the residential dwellings, hereby approved, being 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: In the interests of amenity, design and planning for crime prevention, in accordance with policies D1, D4 and D5 of the replacement Unitary Development Plan.

11. None of the residential dwellings, hereby approved, shall be brought into occupation until full details of hard and soft landscaping works, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- i) Details of paths and other surfaces;
- ii) Proposed topsoil depths;
- iii) Details of any benches, bins or other hard landscaping features;
- iv) Details of any lighting to be provided;
- v) Details of any areas to be seeded, flower beds, shrubs or hedges;
- vi) Details of tree planting;
- vii) Ecological enhancement proposals;
- viii) Provision of CCTV and/ or other crime prevention measures;
- ix) Bin storage provisions;
- x) Proposals for the demarcation of parking spaces;
- xi) Details of the cycle racks/ cycle storage facilities to be provided;
- xii) Details of the works to be undertaken to the area around the retained mill pond to provide for a safe and attractive space;

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, hereby approved, being 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: In the interests of visual amenity, ecology and inclusive design, and to accord with Policies D1, D4, D5 and NE10 of the replacement Unitary Development Plan.

12. None of the residential dwellings, hereby approved, 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 outside of private gardens, 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, and NE10 of the replacement Unitary Development Plan.

13. 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.

14. None of the residential dwellings, hereby approved, shall be brought into occupation until a Biodiversity Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement and 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.

15. None of the residential dwellings, hereby approved, shall be brought into occupation until the proposed means of vehicular and pedestrian access to that residential dwelling, as shown on drawing 2810-1-002 Rev. C, 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.

16. None of the residential dwellings hereby approved, shall be brought into occupation until the off street car parking facility associated with that residential dwelling has been laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with details which shall have first been submitted to and approved by the Local Planning Authority. 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.

17. 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.

18. No development works whatsoever shall be begun until a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation, construction and demolition 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 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).

19. From the date of first occupation every property on the site with dedicated parking shall be provided with access to a fully operation 3 pin socket on a dedicated circuit, capable of providing a 'trickle' charge to an electric vehicle. Every other property (with

none dedicated parking) shall be provided with access to a communal EV charging point at a rate of 1 per 10 properties. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack / travel planning advice.

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.

20. Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

21. Prior to development commencing the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

24. 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.

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

26. None of the residential dwellings hereby approved, shall be brought into occupation until details of the provisions which will be put in place to secure the proposed parking areas, including lighting and CCTV arrangements, have been submitted to and approved in writing by the Local Planning Authority. Thereafter none of the residential dwellings hereby approved, shall be brought into occupation until the approved security measures have been implemented in full in accordance with the approved details.

Reason: In the interests of crime prevention and to accord with Policy D4 of the Replacement Unitary Development Plan.

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on Thursday 13 July 2017.

F

Subject:

Listed Building Consent Application 16/06607/LBC for works to a listed building required to convert it to residential use as proposed through planning application ref. 16/06606/MAF at Baildon Mills, Northgate, Baildon.

Summary statement:

The committee is asked to consider a Listed Building Consent application for works to the Grade II Listed four-storey mill warehouse forming part of the premises of John Peel and Son Limited fronting onto Northgate/ Pinfold in the centre of Baildon. The listed building comprises one of the buildings proposed for residential conversion under planning application ref. 16/06606/MAF.

A full assessment of the application is included in the report at Appendix 1. Having had special regard to the desirability of preserving the listed building and its setting and taking development plan policies and other relevant material considerations into account it is recommended that conditional Listed Building Consent is granted for the reasons and subject to the conditions set out in the report at Appendix 1.

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 listed building consent application 16/06607/LBC as set out in the report of the Assistant Director (Planning, Transportation and Highways) - Technical Report at Appendix 1. It is recommended that listed building consent is granted subject to the conditions recommended at the end of the report.

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 the application be considered.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

If the Committee proposes to follow the recommendation to grant listed building consent then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional listed building consent for the proposed conversion and alteration works.

If the Committee decide that listed building consent should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given. The Committee may also opt to grant listed building consent subject conditions which differ from those recommended in this report.

5. FINANCIAL & RESOURCE APPRAISAL

None relevant to this Listed Building Consent application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

Not applicable.

7. LEGAL APPRAISAL

Both options set out above are within the Council's powers under the provisions of the Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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 works to the listed building 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 listed building alterations 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 anyone, regardless of their characteristics. Likewise, if listed building consent 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 in response to this publicity 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.

It is not considered that the proposed works to the listed building have any significant sustainability implications.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

Although the conversion and alteration works to the listed building would result in the emission of Greenhouse Gasses it is not considered that the greenhouse gas impacts of the development would be disproportionate to the scale of works. Furthermore the greenhouse gas emissions impacts associated with the residential conversion of existing buildings are likely to be generally lower than the emissions which result from new-build residential development.

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. Issues associated with security and safety are assessed in the associated planning application report.

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 listed building consent 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 Baildon 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 two rounds of publicity (August 2016 and May 2017).

In response to this publicity 7 representations have been received on the listed building consent application, all of which object to the proposals. Two of the objections are from Councillors who represent the Baildon Ward. In addition the Parish Council have objected to the proposed listed building alterations.

The Technical Report at Appendix 1 summarises the material planning issues raised in the public, Ward Councillor and Parish Council representations and the appraisal gives full consideration to the effects of the development upon residents within the Baildon Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To approve Listed Building Consent subject to the conditions recommended at the end of the Technical Report at Appendix 1.

11. APPENDICES

Appendix 1: Technical Report

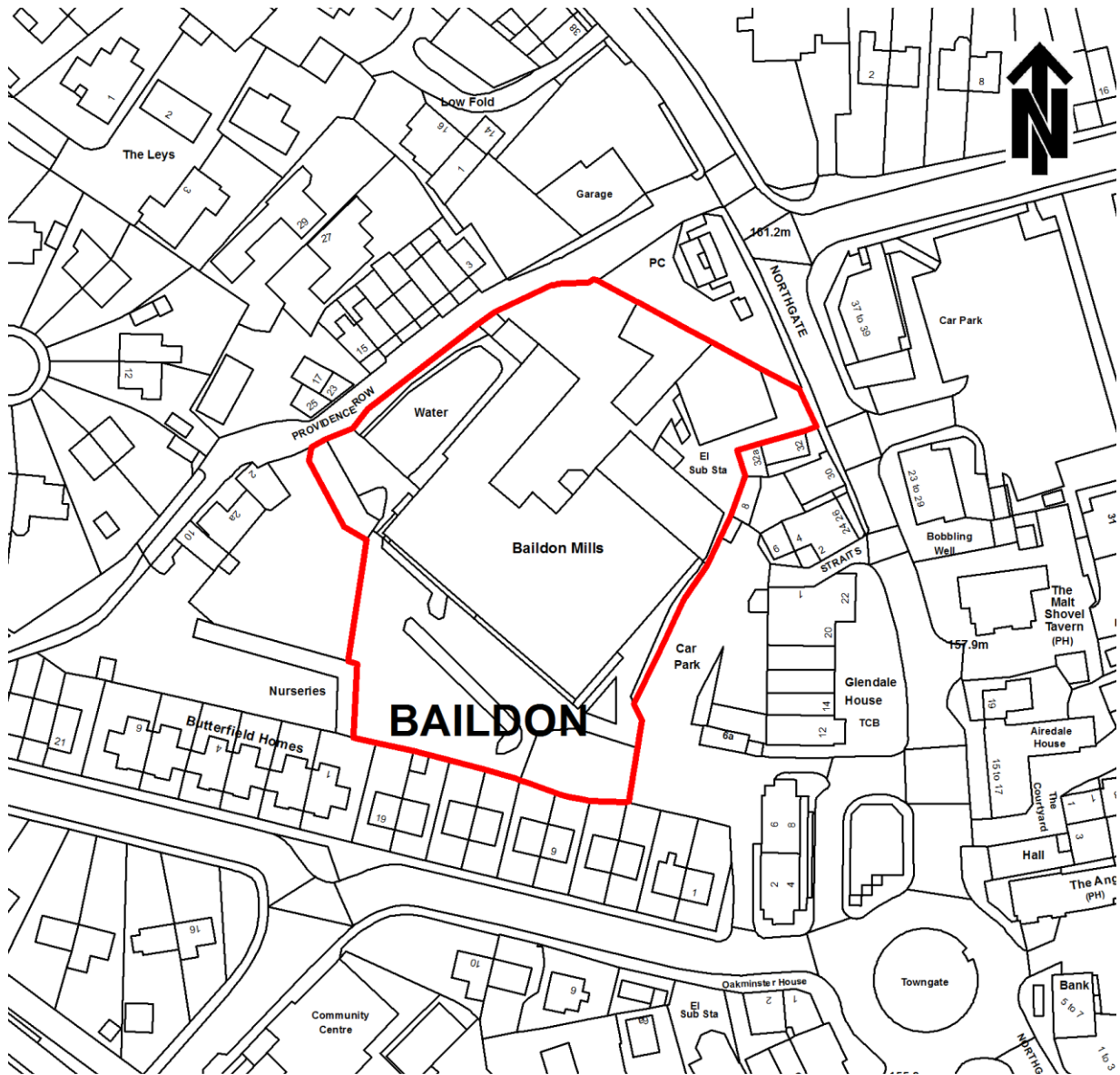
12. BACKGROUND DOCUMENTS

- Replacement Unitary Development Plan for the Bradford District
- Local Plan Core Strategy Publication Draft, Subject to Main Modifications
- National Planning Policy Framework
- Application File 16/06606/MAF,
- Application File 16/06607/LBC
- Application File 17/00921/MAF

16/06607/LBC

City of Bradford MDC

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Baildon Mills
Northgate
Baildon

Appendix 1

13 July 2017

Ward: Baidon

Recommendation:

To Grant Listed Building Consent, subject to the conditions recommended at the end of this report.

Application Number:

- Listed Building Consent Application 16/06607/LBC

Type of Application/Proposal and Address:

Listed building consent application for works to a Grade II listed four-storey mill warehouse forming part of the premises of John Peel and Son Ltd at Baidon Mills, Northgate, Baidon. The application is associated with a concurrent full planning application to change the use of the building from office and retail use to residential.

Applicant:

KMRE GROUP LTD & JOHN PEEL & SONS (HOLDINGS) LTD

Agent:

Mr Roger Lee

Site Description:

The listing text describes the relevant listed building as follows:

Early-mid 19th Century four-storey mill warehouse forming part of the premises of John Peel and Son Ltd. Hammer-dressed stone, rock-faced to ground-floor basement at front, corrugated iron roof. Gable on to road has 2 semicircular-arched cart entries (one blocked). Band above ground floor only. Three floors above each with taking-in-door with tie-stone jambs, that to top floor has cat-head; to either side single-light window with projecting sill. Left-hand return has 4 bays of similar windows to top floor only. Right-hand return has 5 bays of windows to ground floor and 1st floor and 7 bays to 2nd floor. Later buildings attached to lower floors.

The building has been subject to prior conversion to office and retail use which involved the substantial removal of original internal features and the replacement of the original timber window with modern windows incorporating uPVC frames. The building has also been re-roofed from the original stone slate to corrugated metal sheeting. There is no record of these works being authorised in terms of either planning consent or listed building consent. The office conversion works appear to have taken place in the 1980s.

Relevant Site History:

Application Ref.	Description	Decision
84/02523/FUL	Ext To Existing Storage & Production Area	Granted 27.06.1984
85/07756/MIN	Alterations To Existing Manager's Office	Granted 30.01.1986
91/06968/LBC	Breaking out of window to form new entrance	Granted 16.01.1992
98/02005/LBC	Erection of signs on building	Granted 20.08.1998
98/01993/COU	Change of use from warehouse to warehouse and retail area for the sale of	Granted 21.08.1998

	fruit and vegetables	
02/01243/COU	Change of use of former offices to retail premises	Granted 21.05.2002
11/02904/FUL	Change of use from B1 to soft play nursery with ancillary accommodation	Granted 15.09.2011
16/02172/POR	Change of use from Use Class B1(a) Office to C3 Dwellinghouse	Prior Approval Refused 06/05/2016
16/06606/MAF	Conversion and alterations, including partial demolition, of existing buildings and the replacement of a garage block with a new building, to form 42 residential units	PCO
17/00921/MAF	Residential development of 14 units	PCO

Emerging Local Plan Core Strategy (LPCS)

The Council's emerging Core Strategy is now at a late stage of production, with an inspectors report having been published following Examination in Public and the plan found to be sound, subject to several specified main modifications. The previous government holding direction has also now been withdrawn and consequently the Core Strategy is to be proposed for adoption at the full Council meeting 18 July 2017. Therefore the LPCS should now be accorded significant weight in decision making. Emerging policy EN3 of the LPCS is considered to be relevant to the determination of this application for listed building consent:

Policy EN3: Historic Environment

The Council, through planning and development decisions, will work with partners to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the District's designated and undesignated heritage assets and their settings.

This will be achieved through the following mechanisms:

A. Ensure the protection, management and enhancement of the Outstanding Universal Value (OUV) of the Saltaire World Heritage Site through the implementation of the Saltaire World Heritage Site Management Plan and associated documents.

B. Require development proposals within the boundary of Saltaire World Heritage Site Saltaire or within its Buffer Zone to demonstrate that they will conserve those elements which contribute towards its OUV, including its setting and key views.

C. Require that all proposals for development conserve and where appropriate, enhance the heritage significance and setting of Bradford's heritage assets, especially those elements which contribute to the distinctive character of the District, specifically:

1. The nationally important prehistoric rock art of Bradford's upland areas.
2. The nationally important industrial heritage relating to the textile industry, particularly the mills, chimneys, commercial buildings, public buildings, and associated housing and settlements, the legacy of public parks, gardens, landscapes and cemeteries.
3. The pre-industrial townscape and distinctive architectural styles and palette of materials of the District's towns and villages, the Victorian townscape of the expanded towns such as Bradford, Ilkley and Keighley.

4. The spatial qualities, building form, plot sizes, open spaces, trees and identified significant views of the urban areas, semi-rural villages and suburban developments, including at Heaton Estates, Devonshire Park and Middleton.
5. The heritage assets associated with transport including historic bridges, and the structures and character of the Leeds and Liverpool Canal.
6. The literary and other associations of Haworth and conservation areas of Thornton with the Bronte family.

D. Where possible the original use of a listed building be retained or continued. Where this is no longer viable or appropriate or where without an alternative use the listed building will be seriously at risk, the Council will grant permission for an alternative use if it can be demonstrated that:

1. The alternative use is compatible with and will preserve the character of the building and its setting.
2. No other reasonable alternative exists which would safeguard the character of the building and its setting.

E. That the alteration, extension or substantial demolition of a listed building will only be permitted if it can be demonstrated that the proposal:

1. Would not have any adverse effect upon the special architectural or historic interest of the building or its setting.
2. Is appropriate in terms of design, scale, detailing and materials.
3. Would minimise the loss of historic fabric of the building.
4. Or if there is harm to the special interest of the building, that this is outweighed by the public benefits of the proposal.

F. Require proposals to protect or enhance the heritage significance and setting of locally identified non designated heritage assets, including buildings, archaeological sites and parks, landscapes and gardens of local interest.

G. Require proposals to respect and reinforce the distinctive character of the part of the District within which they are located. Account must be taken of guidance adopted by the Council, particularly Conservation Area Appraisals and Reviews, the Shopfront Design and Security Guides and other guidance documents.

H. Encourage heritage-led regeneration initiatives especially in those areas where the historic environment has been identified as being most at risk or where it can help to facilitate the re-use or adaptation of heritage assets.

Replacement Unitary Development Plan (RUDP):

Allocation

- The proposal site is unallocated on the RUDP Proposals Map; however it is within the Baildon Conservation Area.

Proposals and Policies

The following saved policies of the RUDP are also considered to be relevant to the proposal:

- UDP3 Quality of Built and Natural Environment
- BH4 Alteration, Extension or Substantial Demolition of Listed Buildings

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.

In relation to heritage conservation the NPPF advises in Section 12 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

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.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16 of the Act sets out the legal framework for determining applications for Listed Building Consent as follows:

- 1) Subject to the previous provisions of this Part, the local planning authority or, as the case may be, the Secretary of State may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions.
- 2) In considering whether to grant listed building consent for any works the local planning authority or 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.
- 3) Any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested in it.

Parish Council:

Baildon Parish Council

In relation to the listed building application only, the Council object to the replacement of the three taking in doors with modern Juliet style windows. This alteration would have a significant impact on the historical value of the building.

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. Two rounds of publicity were undertaken. The initial consultation period took place between 19 August 2016 and 09 September 2016 and a further consultation was initiated, as further information and revised proposals were received, between 09 May 2017 and 05 June 2017.

In response to this publicity 7 representations have been received on the listed building consent application, all of which object to the proposals. Two of the objections are from Councillors who represent the Baildon Ward.

Following complaints from Ward Councillors regarding the lack of pre-application consultation undertaken by the applicant, subsequent to submission, a public consultation event was held at Baildon Mills on the 5th and 6th of October 2016 between the hours of 4pm and 7pm. The event was publicised via a notice in the Telegraph and Argus, letters to tenants at the Mills and notification to each of the ward councillors.

The applicant has advised that the events were attended by councillors, tenants and members of the public with a number of issues discussed. Amongst the points raised were the impact on existing tenants, impact on employment, maintenance and manoeuvring on Providence Row, treatment of the pond, effect on trees and the potential for a mixed use development including retail. The applicant claims that these comments have been considered by the applicant in the amendments to the first application and the submission of the second application for 14 houses.

Summary of Representations Received:

- The Statement of Community Consultation inaccurately indicates that pre-application consultation was undertaken with Ward councillors;
- The 2 units to be constructed on Providence Row would look out of character with the Conservation Area.
- The development incorporates inadequate parking provision and therefore will exacerbate existing parking problems in the area.
- The development will result in increased traffic on Providence Row which will cause harm to existing residents due to increased noise, congestion and damage to the road surface, particularly in winter
- Concern that the development will impede access to Providence Row for existing residents.
- Concern that the 2 units to be constructed on Providence Row will result in the removal of existing garages used by Providence Row residents.
- The development will increase traffic within Baildon which already suffers from congestion problems due to the inadequate road infrastructure.
- Baildon has inadequate public transportation to Leeds, with the train station a 20 minute walk away, therefore occupants of the development will undoubtedly use their car.
- The access is off a narrow road with poor visibility both for motorists and pedestrians.
- The small businesses at Baildon Mills help to make Baildon a thriving village with a mixture of shops, businesses and houses. If these units go it could have a detrimental effect on other local businesses; we already have some empty shops and don't want more.
- There would inevitably be more traffic travelling in and out of Baildon - both from the occupants of the flats and also because lots of people who currently work at the Mill walk to work; something we should be supporting.
- Many tenants have successfully occupied units for several years, establishing their businesses here - if these fold there is a wider impact not just for the people affected in Baildon but on the wider local economy.
- Baildon Mills represents the only major source of employment in upper Baildon; remove these units and Baildon becomes just another dormer satellite place.

Consultations:

Ancient Monuments Society

- We agree with your Conservation Officer that there is insufficient information with the application about the significance of the historic buildings the applicant wishes to alter. The Historic Assessment contained in the Heritage Statement only gives a high-level overview of the mill complex and does not contain any illustrations.
- The Design and Access Statement includes an illustration of the site which highlights the various blocks (page 7). It would be useful to see a detailed analysis of each of the buildings in the form of a gazetteer, so that we can identify any feature of interest and therefore properly gauge the impact the proposals would have.

Heritage Conservation

- Initially raised concerns in relation to
 - Need for comprehensive development of the site (initially no details were provided of the development of the warehouse demolition area).

- Insufficient scale/ detail to proposed and existing plans
 - Insufficient detail of internal changes
 - Effect of excessive parking spaces on setting of listed building/ character and appearance of the Conservation Area
 - Need for full archaeological recording
 - Need for replacement of existing uPVC windows to listed building
 - Extent of proposed alterations to Block B (engine house)
 - Need for re-roofing of block C
 - Need for details of masonry alterations & repairs
 - Rebuilding of timber clad wing
 - Feasibility/ appropriateness of adapting the existing garage block (block E)
- Subsequently the applicant organised a site visit where the extent of the original fabric removal and internal alterations associated with the 1980s office conversion was observed.
 - The applicant also submitted a further application for a town house development within the area of the site where the existing warehouse is proposed for demolition and revised proposals for the mill conversion including:
 - Retention of block B and less substantial vertical extension.
 - Re-windowing listed building in timber.
 - Re-roofing all mill buildings in natural slate.
 - Removal of a substantial proportion of surface parking (notably in the central courtyard) with under-croft parking provided to new-build block instead).
 - Plans at a greater scale/ level of detail.
 - Following the submission of the revised proposals the Heritage Conservation team made no further comment.

Historic England

- Historic England welcomes the redevelopment of the site and we recognise the importance of securing a long term sustainable future for the mill complex.
- We note a number of amendments have been undertaken to the scheme which include the partial retention of the boiler and engine house and the proposed reinstatement of painted timber windows.
- However we still consider further details are required to fully understand the impact of the proposals on the significance of the Grade II listed building.
- We consider that further information should be submitted regarding:
 - the structural condition of the remaining buildings;
 - method of demolition;
 - protection of the remaining buildings;
 - methodologies for the repair of the historic fabric;
 - impact of any acoustic and thermal upgrading and new services;
 - drawings at a greater scale;
 - profile and method of opening of all windows and doors;
 - details of Juliet balconies.
- We noted from our visit that a number of internal features such as staircases and columns in some ranges have been replaced or removed. However, where historic fabric does remain, this should be clearly identified on the existing plans and incorporated into the scheme. In particular there are a number of openings within the engine and boiler house which need to be sensitively integrated into the design.

- Whilst we welcome the revisions to Block B we have some reservations regarding the flat roof terrace and we consider this needs to be revised incorporating a pitched roof to sit comfortably with the adjacent proposed extension.
- Furthermore we have some concerns regarding the extensive amount of timber cladding proposed to elevation C of Block C to incorporate an additional storey. Whilst we would prefer the existing roof to be retained, we consider any extension to this Block should be constructed from stone in order to enhance this prominent elevation.
- Lastly we have some concerns regarding the height and massing of Block F which we consider will obscure views within the Conservation Area of the mill complex in particular Block C. We note the sizeable terrace proposed to provide gardens to each of the properties. Whilst we have no objections in principle to this structure, it does appear as an incongruous addition to the development as demonstrated by the south and south west elevations.
- Historic England has concerns regarding the application on Heritage Grounds.
- We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128-129, 131-134 of the NPPF.
- In determining this application you should bear in mind the statutory duty of section 16(2) 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) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.
- Your authority should take these representations into account and seek amendments safeguards or further information as set out in our advice.

Victorian Society

- We wish to object, as we consider that the application constitutes over-intensive development and because of the lack of information about the existing buildings to be converted.
- The spaces between the retained buildings are generally small in scale and the prospect of virtually all these spaces, with hard paved surfaces, being used for car parking for the excessive number of residential units is unacceptable.
- Exclusion of the blue-outlined site to the south of the application site inhibits proper consideration of the scheme in relation to the Conservation Area and the listed buildings.
- The lack of detail about the historic internal configuration of the buildings, shown only at a very small scale, is also unacceptable.

Summary of Main Issues:

- 1) Impact upon the Grade II Listed Building
- 2) Impact Upon the Conservation Area
- 3) Equality Act 2010, Section 149

Appraisal:

Background

Baldon Mills has origins in the early 19th century and displays traditional buildings developed throughout the 19th century, and more modern buildings of less merit. The site is the only remaining group of former industrial buildings in the conservation area,

providing a very significant contribution to understanding the past variety of activities within the settlement. The traditional stone buildings on the site are deemed to make a positive contribution to conservation area character, whilst the portal framed warehouse makes a negative contribution. The intervening spaces generally at present make a neutral contribution. The Baildon Conservation Area was designated in 1981 and a boundary review was undertaken in 2005 and a Conservation Area Appraisal (CAA) produced in 2009.

It is understood that the earliest warehouse was constructed in 1823 with later ranges added charting the expansion of the site, the main mills were powered by steam. The complex also included weaving sheds, two engine houses, a boiler house, offices and a chimney. Historic England advise that the significance of the group of buildings derives from their age, vernacular appearance and their contribution to textile manufacture during the 19th century.

The Mill has been owned and occupied by John Peel & Son Ltd since it was purchased in 1937 for the purposes of cotton combing and wool spinning. The cotton and spinning operations closed in the late 1960's. A three storey block was built in 1975 and a dyehouse and warehouse was built in 1985 in the year that the four storey mill fronting onto Northgate/ Pinfold was listed. The company's manufacturing activity was subsequently scaled back and the majority of the site rented out as small-scale commercial and office units on short term lets from the late 1980's until modern day.

The four-storey mill building which fronts onto Northgate/ Pinfold is Grade II Listed and the proposed alterations to this building to facilitate its residential conversion are the subject of this report. The building has been subject to prior conversion to office and retail use which involved the substantial removal of original internal features and the replacement of windows with modern windows incorporating uPVC. The roof is also not original with the current roofing material corrugated metal. There is no record of the conversion/ re-roofing and window replacement works being authorised in terms of either planning consent or Listed Building consent. The works appear to have taken place in the 1980s.

Proposal

This Listed Building Consent application is required to authorise the alterations to the listed building which are proposed as part of planning application 16/06606/MAF for the residential conversion of the existing mill buildings which form the Baildon Mills complex, including demolition of the 1985 portal framed warehouse building, adjoining 1975 office block and garage block to the rear of the complex. The conversion works and building works would result in the formation of 42 residential units. A further concurrent planning application proposes the construction of an additional 14 dwellings on the site of the portal framed warehouse to be demolished, ref. 17/00921/MAF.

The proposed works to the listed building primarily comprise alterations to the internal floor plan, installation of new staircases and doors and the fitting out of residential fixtures and fitting to enable its residential use as an apartment complex. External works primarily comprise re-roofing the listed building from corrugated metal to natural blue slate, opening up of the blocked semicircular-arched cart entry at ground floor level and replacement of the existing uPVC framed windows with new painted timber windows. The other significant alteration comprises the replacement of existing timber taking in doors for the three upper stories with new timber doors and Juliet balconies

which will be accessed off the lounge of the proposed new apartments. Fifteen apartments would be provided within the listed building.

Assessment

To support their application the applicant has submitted a Heritage Statement which sets out their interpretation of the heritage significance of the site and the relevant policy framework and assesses that the extent of the alterations to convert the retained building will not have any negative affect on the listed building and the demolition of the later additional buildings will serve to enhance the setting of the listed structure and also improve the character and appearance of the Conservation Area. The Heritage Statement concludes that the proposals will safeguard and conserve the historic environment, through achieving a high quality design which has regard to the existing pattern of development and the local character of the area.

In order to facilitate the proper assessment of the application a range of bodies have been consulted on the application including the Council's Heritage Conservation Team and Historic England. Both bodies initially raised concerns in relation to the level of detail provided on the application, particularly in relation to the potential loss the residential conversion would cause to the internal historic fabric of the listed building. Additionally Baildon Parish Council objected to the proposed replacement of the timber taking-in doors on the Pinfold frontage with glazed doors and associated juliet balconies.

In response to the concerns raised the applicant advised that the historic fabric of the building had already been substantially lost during the 1980s office conversion. The applicant proposed a site meeting with Historic England and the Council's Heritage Conservation team which took place in December 2016. During this meeting the extent of the removal of the original fabric of the building, in terms of staircases, openings, supports, windows, ceilings, etc, was observed. Additionally, subsequently the applicant provided more detailed plans and confirmed their proposals to replace the corrugated metal roof with natural blue slate and the uPVC windows with timber.

Following the meeting and the further information provided the Council's Heritage Conservation team did not raise any further concerns in relation to the proposals. However Historic England, whilst supporting the principle of the residential conversion of the building as a sustainable use to secure its future, and whilst not explicitly objecting to the proposal, have continued to raise concerns in relation to the level of detail provided and also in-relation to the proposed built development works associated with other parts of the site.

The concerns of Historic England and other consultation bodies are noted; however current planning guidance indicates that a proportionate approach should be taken in relation to the level of detail required to support applications. It is considered that sufficient information has now been provided to understand the impact of the proposed conversion works on the Listed Building and therefore to determine the listed building consent. Required further detail, such as details of proposed replacement windows and doors can reasonably be secured through the imposition of appropriate conditions to the consent.

In relation to the specific concerns of the Parish Council about the replacement of the taking-in-doors with partly glazed timber doors and associated Juliet balconies it is recognised that this aspect of the proposed listed building works will cause some harm;

however it is considered that this harm would be more than compensated for by the proposal to re-roof the building in natural slate, replace the current plastic windows with timber and unblock the blocked up cart entrance to ground floor. The benefits of finding a sustainable long term use for the listed building also weigh heavily in favour of the application.

In determining this application 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 Baildon Mills, as designated and undesignated 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.

Giving consideration to the extent of the loss of the original internal building fabric which was consequent from the 1980s office conversion which the listed building has already been subject to, the fact that the development would in fact provide for the rectification of several harmful alterations which have already been undertaken and also giving consideration to the fact that the development would secure the optimum viable end-use for the listed building, it is concluded that, subject to the imposition of the conditions recommended below reserving certain matters of detail, the proposed works to the listed building would result in more benefit than harm to the significance of the heritage asset. It is therefore concluded that the proposal is acceptable in heritage terms and is consistent with the principles set out in Section 12 of the NPPF and saved policy BH4 of the RUDP and Core Strategy Policy EN3.

Reason for Granting Listed Buildings Consent:

After having taken into account the intrinsic value of the heritage asset, the very significant weight which should be given to the conservation of the heritage asset and the effect of the proposed works on the significance of the heritage asset it is considered that the proposed works to the listed building would result in more benefit than harm and that the application is therefore acceptable in heritage terms and consistent with the principles set out in Section 12 of the NPPF saved policy BH4 of the RUDP and emerging replacement policy EN3 of the Core Strategy.

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 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 mill conversion, new-build and associated infrastructure works has been submitted to and approved in writing by the Local Planning Authority. 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 shall be begun until a written scheme of investigation (WSI) 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 is recorded prior to works commencing, to accord with saved policy BH3 of the replacement Unitary Development Plan.

4. No works 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 shall be begun until full details of all external alterations including facing materials and the design of replacement windows and doors, balconies, roofing materials, rainwater goods, fascias and soffits, 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.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on Thursday 13 July 2017.

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Subject:

Planning application 17/00921/MAF for the development of 14 residential dwellings on the site of Baildon Mills, Northgate, Baildon.

Summary statement:

The committee is asked to consider a full planning application for the development of 14 new-build residential units on the land within the north-western part of the Baildon Mills site which is currently covered by a large warehouse shed, proposed to be demolished. The development will comprise a linear L-shaped building sub-divided into 11 town houses and 3 apartments which would adjoin two of the mill blocks previously converted to office use and proposed for residential conversion under concurrent planning application 16/06606/MAF. The basement level of the building would comprise under-croft parking (44 spaces).

A full assessment of the application 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 is granted for the reasons and subject to the planning conditions set out in the report at Appendix 1.

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. 17/00921/MAF 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 this report.

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 the consideration of the application.

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 the proposed development accordingly.

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations. The Committee may also opt to grant planning permission subject to conditions which differ from those recommended in this report.

5. FINANCIAL & RESOURCE APPRAISAL

The Council have now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a standardised charge levied on all residential developments with the purpose of funding the delivery of the infrastructure improvements which will be required within the District to serve the additional housing. The types of infrastructure funded through CIL include schools and recreation facilities. Affordable Housing is not covered by CIL and will continue to be dealt with separately and secured through Planning Obligations set out in legal agreement made under Section 106 of the Act.

The proposal site is within CIL Zone 2 where there is a charge of £50 per square metre of gross internal residential floor space being created. Based upon the Gross Floor Area of the 11 houses and 3 apartments proposed to be developed as part of this application the total CIL charge would be in the region of £100,000. However under the CIL Regulations any floor space within buildings to be either demolished or retained and converted as part of the development scheme which have been in lawful use for at least a period of 6 months within the last 3 years can be deducted from the chargeable floor space total. Therefore the CIL liability may be reduced.

No requirements have been identified for any other off-site infrastructure improvements which would be necessary to make the development acceptable; however Local Plan Core Strategy Policy HO11 sets out a requirement for the delivery of up to 20% of the residential units as Affordable Housing. The applicant has been made aware of this requirement and in response has provided a financial viability appraisal which identifies that the proposed development has an estimated developer profit level of 10% (20%

would normally be the minimum developer expectation) and that therefore the delivery of Affordable Housing as part of the development would be unviable.

This viability appraisal has been reviewed by the Council's Economic Development Service who have confirmed that they consider it to be robust. The National Planning Policy Framework 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. It is accepted that in this instance imposing a requirement to deliver Affordable Housing as part of the development would reduce the estimated developer return to a more than likely unviable level.

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).

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 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 set out in the report 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;
- 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.

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 range of facilities and services and public transport links. The development would result in some economic harm through the removal of buildings designed to support industrial and office uses; however the Council's Economic Development Service advise that suitable alternative premises exist within the locality and therefore this economic harm is considered to be limited and localised.

In terms of environmental matters the benefits of re-developing previously developed land are acknowledged and, subject to the provision of soft landscaping designed to provide environmentally beneficial outcomes and the mitigation of risks to protected species during development, it is considered that the development should not result in significant harm to the natural environment. The impact of the development upon the historic environment is considered to be moderately beneficial in terms of the character and appearance of the Conservation Area and the setting of the listed building on the site.

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.

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

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. However greenhouse gas emissions can be minimised through the concentration of development in locations where the need for transportation by private car is minimised, through energy efficient approaches to construction and insulation and through the provision of micro renewables and facilities to stimulate the uptake of low emission vehicles.

In this case the proposed development site is located within an existing local centre, where the need to travel to access facilities, services and public transport nodes is reduced and also there will be a requirement to provide electric vehicle charging points to facilitate the uptake of electric and plug-in hybrid cars as part of the development scheme. It is not considered that there is any reason to reject the application on the grounds of its potential to result in excessive greenhouse gas emissions.

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:

- Provision of CCTV/ external lighting;
- Marking out and allocation of parking spaces;
- Access control to surface parking where feasible;
- Access control to undercroft parking;
- Access control to buildings;
- Mail delivery arrangements;
- Door and window security standards;
- Installation of intruder alarms;

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. However 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. This approach will allow details to be agreed at a later

stage and for the determination of this application to focus on the main land use planning considerations.

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. Therefore, 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 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 Baildon 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 two rounds of publicity (March 2017 and May 2017).

In response to this publicity 16 representations have been received on this planning application, all of which object to the proposals. Two of the objections are from Councillors who represent the Baildon Ward. In addition the Parish Council have objected to the proposal.

The Technical Report at Appendix 1 summarises the material planning issues raised in the public, Ward Councillor and Parish Council representations and the appraisal gives full consideration to the effects of the development upon residents within the Baildon 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.

11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

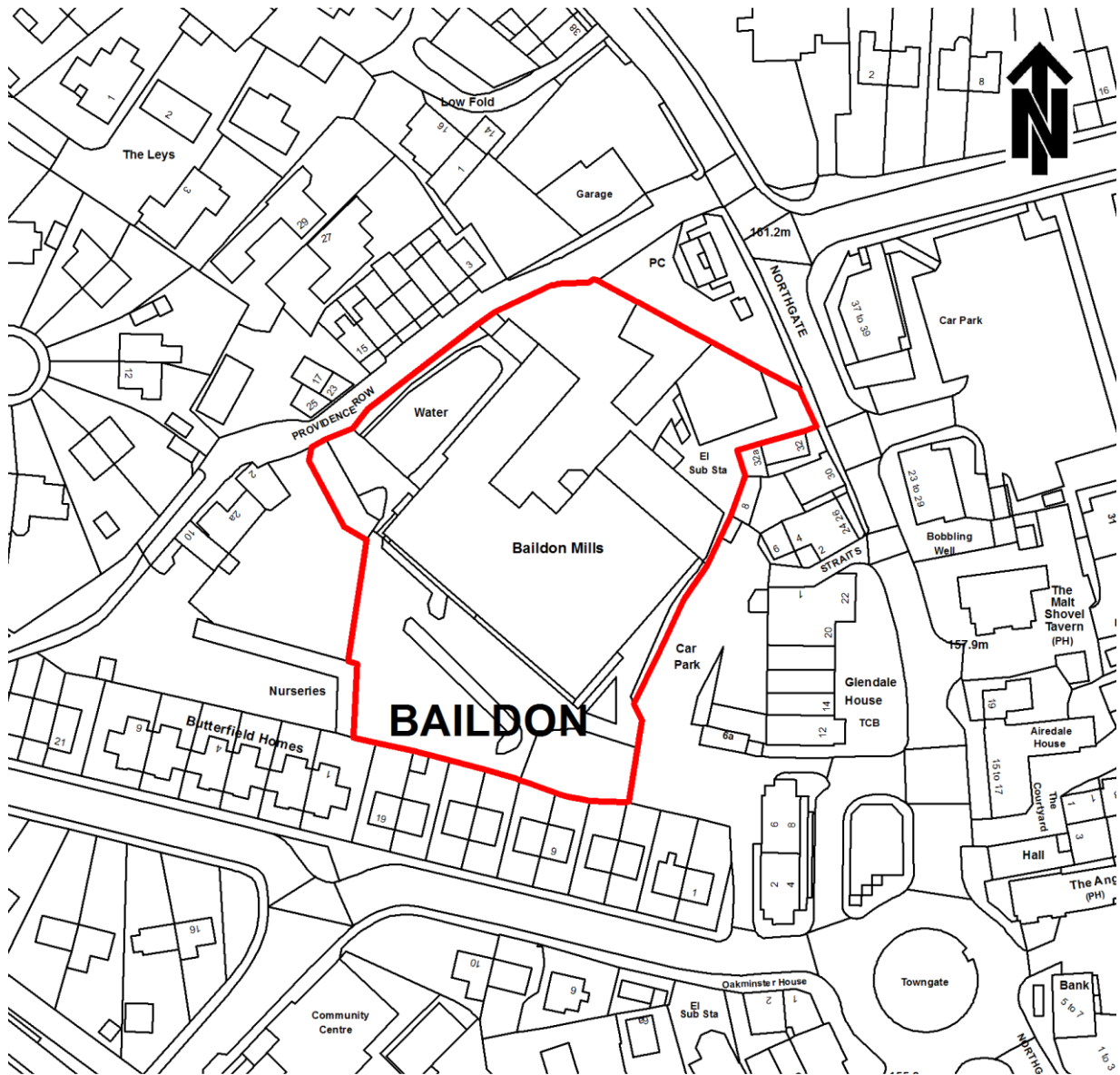
- Replacement Unitary Development Plan for the Bradford District

- Local Plan Core Strategy Publication Draft, Subject to Main Modifications
- National Planning Policy Framework
- Application File 16/06606/MAF,
- Application File 16/06607/LBC
- Application File 17/00921/MAF

17/00921/MAF

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Baildon Mills
Northgate
Baildon

Appendix 1

13 July 2017

Ward: Baidon

Recommendation:

To Grant Planning Permission subject to the conditions recommended at the end of this report.

Application Number:

- Planning application 17/00921/MAF

Type of Application/Proposal and Address:

Full planning application for the development of 11 town houses and 3 apartments on land at Baidon Mills, Northgate, Baidon.

Applicant:

KMRE GROUP LTD & JOHN PEEL & SONS (HOLDINGS) LTD

Agent:

Mr Roger Lee

Site Description:

The proposal site comprises the south-western part of an approximately 0.7 hectare old textile mill complex in the centre of Baidon, located to the west of Northgate, south of Providence Row and north of The Grove, which comprises 4 main historic mill buildings and also an attached modern warehouse shed and adjoining office building developed to the rear (west) of the older buildings. The older mill buildings have been subject to conversion to offices in the 1980s resulting in the creation of 58 small business units, of which 33 are currently vacant. The 4-storey mill building fronting onto Northgate/Pinfold is Grade II listed. The mill buildings currently possess uPVC framed windows and a variety of roofing types, predominantly metal sheeting.

The site is enclosed by a variety of boundary features including a stone retaining wall to the south-eastern boundary with an adjacent private car park, an approximately 2 metre high stone wall to the boundary with Providence Row to the north and a low stone wall and wooden fencing to the southern and western boundaries with adjacent residential dwellings. Surrounding land uses comprise residential to the south, west and north and a variety of small shops, bank, cafes, restaurants and drinking establishments which comprise the Local Centre of Baidon to the east.

The site benefits from 4 separate accesses, with the main access to the converted mill/offices taken off Providence Row at the termination of its adopted extent to the west of its junction with Northgate, the main access to the industrial shed and associated offices taken through the private car park to the rear of a row of shops off Northgate, and access to additional small parking areas within the site taken off the un-adopted section of Providence Row to the north-west and also a narrow access to the east taken directly off Northgate.

Relevant Site History:

Application Ref.	Description	Decision
84/02523/FUL	Ext To Existing Storage & Production Area	Granted 27.06.1984
85/07756/MIN	Alterations To Existing Manager's Office	Granted 30.01.1986
91/06968/LBC	Breaking out of window to form new entrance	Granted 16.01.1992
98/02005/LBC	Erection of signs on building	Granted 20.08.1998
98/01993/COU	Change of use from warehouse to warehouse and retail area for the sale of fruit and vegetables	Granted 21.08.1998
02/01243/COU	Change of use of former offices to retail premises	Granted 21.05.2002
11/02904/FUL	Change of use from B1 to soft play nursery with ancillary accommodation	Granted 15.09.2011
16/02172/POR	Change of use from Use Class B1(a) Office to C3 Dwellinghouse	Prior Approval Refused 06/05/2016
16/06606/MAF	Conversion and alterations, including partial demolition, of existing buildings and the replacement of a garage block with a new building, to form 42 residential units	PCO
17/00921/MAF	Residential development of 14 units	PCO

Emerging Local Plan Core Strategy (LPCS)

The Council's emerging Core Strategy is now at a late stage of production, with an inspector's report having been published following Examination in Public and the plan found to be sound, subject to several specified main modifications. The previous government holding direction has also now been withdrawn and consequently the Core Strategy is to be proposed for adoption at the full Council meeting scheduled to be held on 18 July 2017. Therefore the LPCS should now be accorded significant weight in decision making. The following Core Strategy Policies are considered to be most relevant to the proposed development:

- EC4 – Sustainable Economic Growth
- TR2 – Parking Policy
- HO3 – Distribution of Housing Requirement
- HO5 – Density of Housing Schemes
- HO11 – Affordable Housing
- EN3 – Historic Environment

Replacement Unitary Development Plan (RUDP):

Allocation

- The proposal site is unallocated on the RUDP Proposals Map; however it is within the Baildon Conservation Area.

Proposals and Policies

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

- UR3 The Local Impact of Development
- TM2 Impact of Traffic and its Mitigation

- TM19A Traffic Management and Road Safety
- D1 Design
- D4 Community Safety
- D5 Landscaping
- 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
- NR16 Surface Water Run Off and Sustainable Drainage Systems
- NR17A Water Courses and Water Bodies

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:

Baildon Town Council reiterates its previous comments -Sustainability as detailed in the national planning framework should apply to the wider community and to Baildon village itself. The change of use threatens the sustainability of Baildon as a viable community hub with the loss of so many businesses and the employment they provide.

The owners have not provided up to date occupancy figures but some tenants feel it must number around 50 businesses, the vast majority of whom have at least one employee. Many of these people use the shops and other services throughout the working week. The concern is that the daytime economy will suffer as a result of the change of use of the mills, particularly as planned apartments will in all likelihood be occupied by tenants or owners who will commute out of Baildon to work. This could, in turn, lead to other closures in the village and a domino effect.

In our response to the Allocations DPD we said We would want to see the other current retail and employment areas maintained as such, for example at Coach Road and Peel Mills. We see no reason to change our view at this time and expect that planning policy should protect Baildon's local economy and we reference, NPPF Section 2 para 23 and Section 3 para 28 and Bradford Replacement UDP 2005 Policy para 5.31 in evidence

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. Two rounds of publicity were undertaken. The initial consultation period took place between 24 March 2017 and 14 April 2017 and a further consultation was initiated, as further information and revised proposals were received, between 09 May 2017 and 05 June 2017.

In response to this publicity 16 representations have been received, all of which object to the proposals. Two of the objections are from Councillors who represent the Baildon Ward.

In addition a public consultation event was held by the applicant at Baildon Mills on the 5th and 6th of October 2016 between the hours of 4pm and 7pm. The event was publicised via a notice in the Telegraph and Argus, letters to tenants at the Mills and notification to each of the ward councillors.

The applicant has advised that the events were attended by councillors, tenants and members of the public with a number of issues discussed. Amongst the points raised were the impact on existing tenants, impact on employment, maintenance and manoeuvring on Providence Row, treatment of the pond, effect on trees and the potential for a mixed use development including retail. The applicant claims that these comments have been considered by the applicant in the amendments to the first application and the submission of the second application for 14 houses.

Summary of Representations Received:

Principle

- The proposal is contrary to Core Strategy policy EC4 which safeguards existing employment sites.
- The small businesses at Baildon Mills help to make Baildon a thriving village with a mixture of shops, businesses and houses. If these units go it could have a detrimental effect on other local businesses; we already have some empty shops and don't want more.
- Many tenants have successfully occupied units for several years, establishing their businesses here - if these fold there is a wider impact not just for the people affected in Baildon but on the wider local economy.
- Baildon Mills represents the only major source of employment in upper Baildon; remove these units and Baildon becomes just another dormer satellite place.
- It's not surprising units are un-let because tenants have moved out due to uncertainties caused by planning applications and prior to this there was no marketing of the units - I believe there is demand for small business units in Baildon and it would be a loss to Baildon to lose these.
- The businesses here support other shops and cafes in the centre of Baildon and provide a thriving village centre - we don't want Baildon to become a dormitory

village with everybody commuting elsewhere as this is bad for the village and will cause more traffic problems.

- There is a need for the office space which would be lost as a consequence of the development.
- The site owner has undertaken inadequate marketing of the vacant office space at the site and prospective tenants have been turned away.
- The alternative office provision identified by the applicant is not like for like, would require additional travel by car and is more expensive.
- A mixed use scheme of office / retail and residential units would be far better for the wellbeing of Baildon, and its residents.
- There are enough houses in Baildon, these would just add to the chaos that already exists and put more stress on the infrastructure.

Heritage/ Design/ Landscaping

- The conservation area should be protected from the building of new properties allowing the area to remain as an area of historic interest.
- The proposed plans provide for cramped accommodation.
- The 2 units to be constructed on Providence Row would look out of character with the Conservation Area.
- The proposal to cut down the trees around the mill pond would result in the delicate conservation of the pond and the wildlife that abides in the surrounds being disrupted.
- The removal of the vegetation around the mill pond will result in the house owners on Providence Row having no privacy whatsoever with new residents looking directly in to their windows.

Highways/ Parking

- The access is off a narrow road with poor visibility both for motorists and pedestrians.
- The access through the car park would be inadequate to serve the number of parking spaces proposed and would not allow access by a fire engine.
- The development will increase traffic within Baildon which already suffers from congestion problems due to the inadequate road infrastructure.
- The roads into and out of Baildon are already over full with Baildon being used as a Rat Run at peak times which makes the safety of pedestrians and other road users very questionable.
- Baildon has inadequate public transportation to Leeds, with the train station a 20 minute walk away, therefore occupants of the development will undoubtedly use their car.
- There would inevitably be more traffic travelling in and out of Baildon - both from the occupants of the flats and also because lots of people who currently work at the Mill walk to work; something we should be supporting.
- The un-adopted road outside the Providence Row cottages is used as a footpath and has been for many years, if this development is allowed to be built it will make this thoroughfare dangerous for both residents and users of the road.
- The development will result in increased traffic on Providence Row which will cause harm to existing residents due to increased noise, congestion and damage to the road surface, particularly in winter.
- Any increased traffic at all on this ancient road will cause structural damage to the road surface and distress to the households.

- The development would result in 17 dwellings being accessed off an un-adopted road.
- The development incorporates inadequate parking provision and therefore will exacerbate existing parking problems in the area.
- Concern regarding the removal of existing garages used by Providence Row residents.
- Concern that the development will impede access to Providence Row for existing residents.
- The plans should include improvements to Pinfold in terms of kerbing and waiting restrictions.

Miscellaneous

- There has been inadequate public consultation associated with the application.
- There is inadequate infrastructure within Baildon to cope with the additional demands which would be generated by the development, in terms of doctors and schools.
- The proposed new houses replacing the garage block would result in harm to adjacent trees.
- The development would harm bats.
- Currently the sewage system was built for the current properties that are already situated on Providence Row and we are highly concerned with 2 more dwellings on the road this will put major strain on the current system, to change this would mean digging up the road and causing major problems for the residents which would be unacceptable and unnecessary.
- Concern that the development will increase flood risk due to disruption of underground watercourses and overflows to the mill pond.

Consultations:

Airedale Partnership

- Whereas we do not object to this development as such it does signify a loss of a local employment site in the town

Biodiversity

- I am happy with the findings from the three bat emergence surveys which were carried out at optimal times. Brooks Ecological are a reputable local consultancy and I have no reservations about their report.
- Brooks have made recommendations for enhancement, including bat boxes and additional planting, which can be conditioned as part of any planning approval.
- Bats can often be seen flying around buildings and/or trees foraging, but roosting elsewhere. I expect the mill pond and surrounding trees are attractive to the insects there, thus drawing the bats to the vicinity.

Drainage Unit (Acting in the Capacity of Lead Local Flood Authority)

The Lead Local Flood Authority is a statutory consultee on matters relating to surface water management on all major developments. The Drainage Department will therefore only provide comments on other drainage aspects on major planning applications. Insofar if the following details are implemented and secured by way of a planning condition on any planning permission the Drainage Department have **NO OBJECTION** to the proposed development.

1. 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.
2. Development to be carried out in accordance with the submitted Flooding and Drainage Assessment (FRA) dated July 2016 by Coda Structures and the following mitigation measures detailed within the FRA.
 - i. A survey and report to establish the condition and operation of the inlet and outlets to the existing mill pond with any recommendations of the report to be carried out prior to occupation.

The Lead Local Flood Authority 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 Flooding and Drainage Assessment dated July 2016 reference 7618 has been carried out, and if the following details are implemented and secured by way of a planning condition on any planning permission the Lead Local Flood Authority have **NO OBJECTION** to the proposed development.

Condition:

1. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved by the local planning authority.
2. 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.

Education

- The primary schools which are readily accessible from the development include Sandal, Glenaire, Baildon CE and Hoyle Court.
- Based on data available as at January 2017 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.
- The secondary schools which are reasonably accessible from the development are 11-18 schools are Titus Salt and Immanuel CE.
- Based on data available as at January 2017 and the current capacity in there are no places in any of the year groups particularly when allowing for the desire to operate at 95% occupancy to allow for population changes as shown in the table below.
- Requested a contribution of £26,973 for primary and secondary school expansion.
 - Please note education infrastructure is now covered by the Community Infrastructure Levy.

Environmental Health (Land Quality)

- Environmental Health has considered the application and the supplied Phase 1 Environmental Assessment by CoDA Structures Ltd
- The report indicates that the site is currently occupied by a number of buildings. A mill has been present since pre 1852 and is considered a moderate to high risk contaminative activity. Localised hydrocarbon contamination may be present on the site in the area of the former chimney, depending on the types of fuels used. An electricity sub station is located in the northern sector of the site and may be a possible source of hydrocarbon contamination and PCB's from leakages or spillages of transformer oils. Further localised hydrocarbon contamination (TPH) may be present on the site in the area of the garages from leakages and spillages of oils and fuels.
- The report states that "It appears that areas of the site have been filled to create the building plateaux on site. Therefore, any fill that has been imported onto the site may have elevated levels of contamination, depending upon the source and nature of the material."
- Potentially contaminative industries which have been present in the immediate vicinity of the site include but are not limited to, blacksmiths, garage, mill, railway line & sidings, coal pits and quarries.
- The report suggests that gas monitoring is carried out at the site and concludes by recommending that a ground investigation is undertaken including soil sampling for contamination testing and risk assessment.
- The application at this stage should comprise of a complete and site specific Phase 1 desk top study and appropriate Phase 2 site investigation, taking into account potential risks to construction and future site workers, potential impacts on local surface and ground waters and identification of strategies for remediation if required. Environmental Health therefore recommends that a Phase 2 site investigation report should be submitted before a planning decision notice is agreed
- However, should the Local Planning Authority be minded to approve the application, we would recommend that conditions requiring further site investigations and remediation proposals are included on the decision notice.

Environmental Health (Air Quality)

- The proposed development constitutes a minor development for the purpose of the West Yorkshire Low Emission Strategy (adopted December 2016) and the West Yorkshire Low Emission Planning Guidance.
- Under the provisions of the LES planning guidance minor developments are required to provide Type 1 emission mitigation as follows:
 - Provision of electric vehicles charging facilities at the rates set out in the West Yorkshire Low Emission Planning Guidance.
 - Adherence to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition during all demolition, site preparation and construction activities at the site.
- The proposed development site is not in an area of current air quality concern and the proposed housing will be set back from adjacent roads. Future occupants of the site are considered unlikely to be exposed to concentrations in excess of the air quality objectives. An exposure assessment is not required in relation to this proposal.
- I can find no reference to the provision of EV charging within the application. All minor housing developments are required to provide EV charging points at a rate

of 1 per dwelling with a dedicated parking space, or 1 per every 10 shared parking spaces. It is unclear from the application if the parking on this development will be allocated or shared.

- Minor developments require submission of a Construction Emission Management Plan (CEMP) to control emissions from demolition and construction activities. It would appear that the majority of the works at this site will be conversion of the existing buildings which is not expected to create significant levels of dust. Some demolition works are planned and dust emissions from this demolition process should be controlled in line with the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition.
- A simplified 'checklist' for the undertaking of CEMPs is now available from the air quality officer at Bradford MDC. It is recommended that the developer familiarises themselves with the content of this checklist before preparing and submitting a CEMP. The CEMP must include a site specific dust risk assessment and a list of emission management measures which are proportionate to the level of identified risk.

Highways Development Control

- Although I have already assessed the proposed development of 42 units, this smaller development would alter the internal access and parking arrangements significantly and therefore it is appropriate in highway terms to assess the site as a whole.
- A Transport Statement was submitted previously with application 16/06606/MAF which showed that the 42 units would generate 20 two way vehicle trips in the week day peak periods.
- Applying the same traffic generation figures, a development of 56 units would generate 27 two way trips in the week day peak periods.
- Although the status of the site would change in highway terms from a destination to an origin and generated traffic would add to the outbound flows from Baildon in the AM peak, I consider that it would not exacerbate existing traffic congestion as the level of traffic generated is relatively low and would be likely to be subsumed within daily traffic variations.
- The proposal would be likely to have a lesser traffic impact outside the peak travel times compared to the existing use. The site is also situated in a sustainable location for travel by non-car modes.
- The main site access was previously proposed from Providence Row. But with the altered internal layout, the main site access would now be from The Grove via the public car park.
- This entrance would serve 63 parking spaces. The site entrance from Providence Row would serve 9 parking spaces, 5 parking spaces would be served from Northgate and 3 parking spaces would be served from the unadopted section of Providence Row.
- Although traffic would increase on The Grove and through the public car park, in my view this would be unlikely to lead to significant highway safety issues.
- A one-way traffic system currently operates through the car park with entry from The Grove and exit to Northgate which minimises traffic conflicts.
- As the proposal is a residential development it would not generate much traffic during the day when the car park would be busy.

- The existing block of garages proposed for conversion to two cottages with 3 car parking spaces would be accessed from the unadopted section of Providence Row.
- Although this would increase the existing number of dwellings served off an unadopted road from 14 to 16, the council's recommended limit of up to 6 dwellings served off an unadopted road is mainly for servicing purposes and is not highway safety related. The increased number of dwellings would not affect existing servicing arrangements.
- The garages would have generated some vehicular activity and I consider that the slightly higher level of traffic generated by the two cottages would be unlikely to lead to any significant highway safety issues in this locality.
- RUDP car parking standard is currently a maximum 1.5 spaces per unit average for the development which equates to 84 spaces for 56 units; the level of parking provision proposed is 80 spaces. The proposed level of car parking is below the maximum level and therefore acceptable as the site is situated in a sustainable location. Parking is also well controlled in the local area.
- The applicant should clarify how refuse will be collected and where wheelie bins will be located on collection day.

Landscape Design

- Full landscape scheme details should be submitted for all of the hard and soft landscaping elements of the proposed development, to include proposed tree and shrub planting, grassed areas, surfacing, boundary treatments, street furniture etc. The applicant should refer to the CBMDC Supplementary Planning Document: Landscape Character, Design Guidance (Appendix 4, page 85) for information regarding what will need to be included in the detailed proposals. A planting plan with numbers, sizes and locations of the planting, along with a softworks specification will need to be submitted.
- A tree survey will need to be produced regarding existing trees within the site boundary which shows whether any trees may be affected by the proposed development. A tree protection plan may also be required which indicates how any existing/nearby trees will be protected during the proposed construction works. Any trees within the site which may need to be removed should be compensated for through new replacement tree planting for the site.
- A detailed schedule of Landscape Management/Maintenance will also need to be provided for the site to ensure that all of the landscaped areas are maintained to a high standard. For further information the applicant should refer to the above mentioned Supplementary Planning Document.

Parks and Greenspaces Service

Parks and Greenspaces Service require a recreation contribution of £14,856 for 14 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, which will be split between capital and revenue, 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 Jenny Lane Play Area or Cliffe Avenue Play Area.

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.

- Please note recreation infrastructure is now covered by the Community Infrastructure Levy.

Victorian Society

- We object to this application on the grounds that it represents a loss of the original purpose of the premises, which we feel strongly should remain in employment-generating and-sustaining uses.
- We note the vigorous objection raised by Baildon Town Council which we endorse.

West Yorkshire Archaeology Advisory Service

- The application site comprises a grade II listed 4 storey warehouse (National Historic List for England No. 1,314,287) which is a designated heritage asset. Other elements of the mill which are not specified in the listing description are also of some significance and are non-designated heritage assets.
- The listed buildings are shown on the 1850s Ordnance Survey 6" to the mile map and identified as a "Worsted [yarn] Spinning Mill". The listed building is clearly shown on this map (blocks A and D in the current application).
- Block B appears to have been constructed as a beam-engine and boiler house at a slightly later date. Since it is detached from the early mill it was presumably intended to power a now demolished mill range or weaving shed. If designed to house a beam engine then this building is unlikely to be later than the early 1870s when this form of prime mover was largely superseded.
- Block C appears to have been built before 1892 and may have been powered by an engine housed in its eastern end.
- The WYAAS have no objection in principal to the proposed conversion and change of use of Baildon Mills and welcome the retention of historic buildings and features such as the mill's pond.
- Baildon Mill is a designated heritage asset of regional significance and includes industrial buildings from several phases of activity during the high point of the worsted industry. The WYAAS recommend that an appropriate level of archaeological and architectural recording is carried out prior to and during redevelopment (a building record). This work is to record the historic form, technology and development of the mill from the early 19th century to the early-20th century.
- The proposal entails demolition of more modern buildings and retention of older structures associated with the listed warehouse. Alterations to these historic buildings may uncover and destroy important evidence of the mill's original form and its historic development.
- The WYAAS recommend that an appropriate level of archaeological and architectural recording is carried out prior to and during redevelopment of structures A, B, C and D (a building record).
- This record can be secured by a suitably worded archaeological condition placed on any grant of planning permission awarded by CBMDC.

West Yorkshire Police Architectural Liaison Officer

- Closed boarded fencing not close boarded fencing should be used.
- Plot dividers between each apartment should be increased in height to 1800mm and be of a material that is not easy to climb.
- Recommend installing some form of access control on the main vehicle entrance.
- Access control should also be positioned on the vehicle entrance opposite block F and the vehicle entrance which is sited between block A&D and the pond.
- There should be good lighting levels around the site to illuminate the entrances / fire doors to each of the units, the footpath routes and car parking areas.
- Monitored CCTV should be also installed.
- Recommend installing an automated garage door or metal shutter which has access control to vehicle entrance on Block F which leads to the underground car park.
- Where parking is directly next to the buildings or underneath, numbering the parking bays per apartment will prevent any abuse of the parking facilities and reduce any parking disputes which can result in calls for Service to the Police.
- The Police ALO has made a number of recommendations regarding the specifications of doors, windows, partition walls and the mail delivery system which are relevant to Building Control.

West Yorkshire Combined Authority

We recommend that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The fund could be used to purchase discounted MetroCards for all or part of the site. Based on our current RMC scheme, there is an option for the developer to purchase (in bulk) heavily discounted Residential MetroCards (circa 40% discount) as part of a wider sustainable travel package. Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking / cycling promotion and or further infrastructure enhancements. The payment schedule, mechanism and administration of the fund and RMC scheme would be agreed with BCC and WYCA and detailed in a planning condition or S106 agreement. The contribution appropriate for this development would be £6,876.10

Yorkshire Water

- The Flood Risk Assessment, reference 7618, dated 26/07/2016, prepared by CoDa Structures is not satisfactory to Yorkshire Water as currently shown.
- The report indicates soakaways are unlikely to be viable due to clayey ground conditions and it is on a steep hillside, however, ground test are required to support this.
- Further, the reports indicates there are culverts nearby but they are not considered further, and should be further investigated. Subject to discounting soakaway & watercourse as not viable options, the report should explain how and where the existing site drains to, so that a discharge rate can be determined.
- Notwithstanding the above, if planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:
 - No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the

local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

- 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 disposal via infiltration or watercourse are not reasonably practical before even considering disposal to a public sewer.
- 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.
- Alternatively, and 'only' upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal i.e. soakaway test results/ proof of watercourse investigation etc, curtilage surface water may discharge to public sewer.
- The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation.
- On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.
- The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.
- We understand there are some 'private' water supplies within the site which may be affected by the re-development. Private pipes are not the responsibility of Yorkshire Water. Additionally, there may be other private pipes within the site of which we hold no record.
- A water supply can be provided under the terms of the Water Industry Act, 1991.

Summary of Main Issues:

- 1) Principle
- 2) Heritage and Design
- 3) Access and Highways
- 4) Flood Risk and Drainage
- 5) Air Quality/ Sustainable Travel
- 6) Ecology/ Biodiversity & Trees
- 7) Ground Conditions
- 8) Affordable Housing and off-site Infrastructure
- 9) Community Safety Implications
- 10) 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 emerging Core Strategy sets a target of delivering 350 new residential units within Baildon in the period up to 2030. The delivery of 14 residential units 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 and the emerging Core Strategy. However the site specific policy constraints associated with the proposed development scheme must be considered, including the acceptability of supplanting the site's current employment use, which is a key concern of local residents and local ward Councillors.

The proposal site is not safeguarded for employment under the replacement Unitary Development Plan, as saved policy E3 does not safeguard employment sites of less than 1 hectare in size in Bradford, Shipley, Baildon or Keighley. However substantial weight can now be attached to draft replacement employment policy EC4, following Examination in Public of the Local Plan Core Strategy. This is because, subject to amendment to confirm that Strategic Employment Zones will be identified in the SADPD & AAPs, and to clarify the definition as key locations within the urban areas where existing industrial and business uses predominate, the Inspectors Report concluded that the policy is clear, effective and soundly based.

Draft policy EC4 includes a series of mechanisms aimed at achieving sustainable economic growth. The draft policy confirms that the Council will refuse planning permission for the alternative development of buildings currently or last in use for business or industrial purposes in both urban and rural areas unless it can be demonstrated that the site is no longer suitable for such uses in terms of:

- location,
- accessibility,
- adjacent land uses,
- environmental impacts,
- market significance – “where it can be shown that the site has been continuously marketed for employment uses at local land values for a period of at least 2 years”.

In order to seek to address concerns regarding the loss of employment buildings which would be consequent from the development the applicant has submitted a Supply and Demand Market Report. The report identifies a range of potential alternative office and business spaces within the surrounding area. Based upon the identified availability of alternative premises the report concludes that there is a more than sufficient supply of suitable alternative employment accommodation within the locality. The report further contends that there is no evidence to show a current market demand for the subject property in its current use and a continuation of this will only lead to the property becoming fully vacant, a potential target for vandalism and a general eyesore in the heart of the town centre.

Objectors have raised concerns both that the alternative premises identified in the report would not necessarily meet the needs of the current mill tenants, particularly in terms of proximity and cost, and that the current vacancy rate at the site, with 33 units

vacant out of 58, is a result of intentional lack of marketing and rejection of potential tenants by the site owner (co-applicant) instead of a lack of market interest.

Whilst it is accepted that the current vacancy rate may in-part be a consequence of the owner's redevelopment intentions, it is not accepted that there are inadequate alternative premises available. This view is based upon the advice of the Council's Economic Development Service, who advise that, whilst the redevelopment will remove an area of employment, the applicant has provided a comprehensive report demonstrating there are a number of similar small business centres in the area and this one is now no longer economically viable. Whilst the redevelopment will be a loss of employment space for small business in Baildon, this is a very localised impact. There is ample provision of alternative premises in the district for small businesses.

It is accepted that the proposal sits in conflict with emerging Core Strategy Policy EC4, to which substantial weight can be attached, as the site is currently/ last in use for business and industrial purposes and it has not been fully demonstrated that the site is no longer suitable for such uses in terms of its location, accessibility, adjacent land uses, environmental impacts or market significance. However it is considered that the loss of employment land and buildings which would be consequent from the proposed development would cause relatively limited and localised economic harm, due to the good availability of alternative premises within the surrounding area.

It is further considered that the significant benefits of providing for the delivery of 14 units on the proposal site (56 units on the site overall), would counterbalance the localised economic harm which the development would generate. Furthermore the development of housing on the site at the proposed relatively high level of density will provide for a significant proportion of the 350 residential units planned to be delivered within Baildon in the period up to 2030 and will reduce the pressure to develop housing in the Green Belt, with Baildon highlighted for potential localised Green Belt deletion on the Core Strategy Key Diagram. Notwithstanding the policy conflict with emerging policy EC4 the development is therefore considered to be acceptable in principle.

Heritage and Design

The NPPF confirms that the Government attaches great importance to the design of the built environment. 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.

Baildon Mills has origins in the early 19th century and displays traditional buildings developed throughout the 19th century, and more modern buildings of less merit. The site is the only remaining group of former industrial buildings in the conservation area, providing a very significant contribution to understanding the past variety of activities within the settlement. The traditional stone buildings on the site are deemed to make a positive contribution to conservation area character, whilst the portal framed warehouse makes a negative contribution. The intervening spaces generally at present make a neutral contribution. The Baildon Conservation Area was designated in 1981 and a boundary review was undertaken in 2005 and a Conservation Area Appraisal (CAA) produced in 2009.

The mill building which fronts onto Northgate/ Pinfold is Grade II Listed and other mill buildings within the site are identified as key unlisted buildings within the Conservation Area and therefore constitute undesignated heritage assets. The listed and key unlisted buildings on the site have been subject to prior conversion, primarily to office uses, which involved the substantial removal of original internal features and the replacement of windows with modern windows incorporating uPVC. The roof of the mill buildings is also predominantly not original with the current roofing material primarily metal sheeting, with original stone slate only remaining on the two extensions to the listed building on Northgate and a small section of building adjoining the modern warehouse shed.

The proposal would result in the development of a linear L-shaped building within the southern area of the site to the rear of the private car park off Northgate and the row of residential properties off the Grove. The development is proposed to replace the warehouse shed and attached office building proposed to be demolished and to be attached to the older mill buildings proposed to be retained and residentially converted under concurrent planning application 16/06606/MAF. The proposed development would have the character of a row of 3-storey + roof space town houses with a form similar to the mill buildings proposed to be retained and faced in reconstituted stone and slate. The ridge height of the proposed new development would be approximately 0.5 metres below the ridge height of the warehouse shed which it would replace.

Historic England have raised some concerns in relation to the proposed ground floor design of the development, with a projecting rear terrace. However this projecting terrace is required to accommodate the proposed undercroft parking at ground floor level and would provide space efficient amenity space for residents without necessitating residential gardens which would be out of keeping with the predominantly hard landscaped character of the mill complex. It should also be noted that the proposed rear terrace would be set back from the site boundary with the adjacent residential properties and the car park retaining wall and would have limited visibility

from surrounding viewpoints, other than from the rear of the properties on The Grove and from the adjacent private parking area. It is not considered that the projecting rear terrace is an unacceptably incongruous or discordant element in the overall development design.

It is considered that the removal of the existing unsympathetic warehouse shed and attached office block from the site and its replacement with a terrace of town-houses which are more in keeping with the character of the old mill complex in terms of their form and materials will result in a moderately beneficial impact on the setting of the adjacent key-unlisted and listed buildings and the character and appearance of the Baildon Conservation Area. Moreover it is considered that the proposed development design is of a good standard, particularly in terms of the fenestration form and massing of the building.

The applicant has indicatively illustrated soft landscaping proposals on the submitted site layout plan including the provision of grassed areas and planting. In terms of hard landscaping the provision of undercroft parking is considered to be a highly beneficial aspect of the development, allowing surface car parking to be limited and for the setting around the proposed development to be less car dominated and more pedestrian friendly and attractive. The Council's Landscape Architect has not raised any significant concerns regarding the proposed landscape treatment of the development but has requested that full landscaping details are reserved by condition.

The potential impact of the proposed houses on adjacent residential occupiers has also been assessed and, with a separation distance of over 21 metres to existing residential dwellings on The Grove, it is considered that the privacy and outlook of existing residents would be appropriately preserved. Overall it is therefore considered that the development is acceptable in terms of heritage impact, design and amenity in accordance with the provisions of emerging Core Strategy Policy EN3 and saved policies BH4A, BH7, D1 and D5 of the replacement Unitary Development Plan and the design and heritage principle set out in the NPPF.

Access and Highways

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. 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.

Appendix 4 of the Core Strategy sets out parking standards for residential developments. The standards are designed to be indicative and to enable the Council to regulate the provision of parking on developments, whilst being mindful of the need to balance parking with the impact it can have on the environment such as on street

parking if left unmanaged. The parking standard for residential developments outside of the City Centre and Principal Town Centres is an average of 1.5 spaces per dwelling.

The Council's Highways Development Control team have reviewed the application, including the submitted Transport Statement and advised that the overall development would be estimated to generate 27 two way trips in the week day peak periods. Although the generated traffic would add to the outbound flows from Baildon in the AM peak, it is considered that this additional traffic would not significantly exacerbate existing traffic congestion as the level of traffic generated is relatively low and would be likely to be subsumed within daily traffic variations. The Highways Development Control team have further advised that the proposal would be likely to have a lesser traffic impact outside the peak travel times compared to the existing use. The site is also situated in a sustainable location for travel by non-car modes.

The access for the undercroft parking proposed in the ground/ basement floor of the development (44 spaces) plus the 19 car parking spaces proposed between the development and adjacent properties on The Grove would be taken off the private car park to the rear of a row of shops on Northgate. This is an existing access which currently serves the car park to the rear of the Baildon Mills complex. Objectors have raised concerns regarding the adequacy of this access; however the Council's Highways Development Control team have advised that, although traffic would increase on The Grove and through the public car park, this would be unlikely to lead to significant highway safety issues. Furthermore a one-way traffic system currently operates through the car park with entry from The Grove and exit to Northgate which minimises traffic conflicts. As the proposal is a residential development it would generate lesser traffic during the day when the car park would be busy.

In relation to parking the Highways Development Control team advise that, although the proposed level of parking space provision is 4 below a 1.5 space per dwelling overall average for the site, with 80 spaces being provided rather than 84, as the site is situated in a sustainable location the proposed level of parking provision is adequate and acceptable. Parking is also well controlled in the local area. Therefore it is considered that there is no reason to conclude that the proposed development would worsen existing parking problems in the locality.

The proposed undercroft and surface parking covered by this application would serve both the 14 houses proposed in this development and the concurrent application for conversion of the adjacent mills which would result in the formation of 42 additional residential units. Therefore, to mitigate against the possibility of the mill conversion taking place without the required parking being delivered through this 14 unit application, a condition is recommended to be attached to the mill conversion application which requires adequate parking to be delivered in accordance with approved details prior to occupation.

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.

Flood Risk and Drainage

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 proposal site is not within an area considered to be at a significant risk of flooding, as defined by the Environment Agency flood risk maps. However the applicant has submitted a Flooding and Drainage Assessment which assess the potential flooding issues associated with the site development and includes drainage proposals. The applicant's drainage proposals involve utilising the existing mill pond to be retained within the northern area of the site to provide for sustainable drainage/ balancing of surface water. It should also be noted that the applicant's landscaping proposals are likely to result in a reduction in the impermeable, positively drained area of the site.

The submission has been reviewed by the Council's Drainage Unit, acting in their capacity as Lead Local Flood Authority, and Yorkshire Water. The Drainage Unit/ Lead Local Flood Authority have confirmed that they have no objection to the proposed development subject to the reservation of full details of foul and surface water drainage by condition and a requirement for a survey and report to establish the condition and operation of the inlet and outlets to the existing mill pond with any recommendations of the report to be carried out prior to occupation.

Yorkshire Water have raised objections to the suggestion within the report that a surface water connection may be made to a combined sewer. Their position is that surface water can only be allowed to drain to sewer if all other options, such as draining to watercourse or utilising infiltration drainage techniques, have been exhausted. However it is considered that the applicant has established sufficiently that the site can be satisfactorily drained and therefore it is recommended that details of the surface water outfall which will be used can appropriately be reserved by condition.

Subject to the imposition of conditions requiring full drainage details to be agreed prior to development commencing, it is considered that sufficient information has been provided to be confident that the proposed development is acceptable in terms of flood risk and drainage considerations and accords with saved policy NR16 of the RUDP.

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 raised any concerns and confirmed that an exposure assessment will not be required. However they have confirmed that electric vehicle charging provision will be required, as will a Construction Environmental Management Plan. The West Yorkshire Combined Authority have requested a developer contribution to facilitate the delivery a residential metrocard scheme for the site. However the applicant does not propose to meet this contribution request and it is not considered that this matter can be pressed due to viability considerations, as set out elsewhere in this report.

Subject to the imposition of conditions reserving approval of full Electric Vehicle Charging details, and a Construction Environmental Management Plan, it is 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 boundary of the site adjacent to the private car park and also trees within adjacent residential gardens and adjacent to the site access. Additionally the potential for the building proposed to be demolished to accommodate bat roosts must be considered. In order to support the application the applicant has provided an Ecological Appraisal which gives consideration to both trees and bats and concludes that the development can be carried out without resulting in unacceptable ecological harm, subject to certain proposed mitigation/ enhancement measures, including:

- Enhancement of mill pond.
- Installation of faunal boxes to include bats, and a range of bird boxes catering for a range of species likely to be present in the area.
- Planting of native tree / shrub species across the Site.

The submitted Ecological Appraisal has been reviewed by the Council's Biodiversity Officer and found to be robust. Subject to the imposition of suitably worded conditions requiring the implementation of tree protection measures and a Biodiversity Enhancement and Management Plan, there are considered to be 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

The proposal site is approximately 2.7 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. The emerging Core Strategy identifies the potential for residential development within 7Km of the SPA to cause harm through increased recreation pressure.

The applicant has provided a Habitats Regulations Assessment which does not identify any potential for the development to result in significant impacts on the South Pennine Moors SPA. Additionally it should be noted that the CIL123 list does include provision for funding habitat mitigation including Suitable Alternative Natural Greenspace, except for on - site provision required by Core Strategy policies, and therefore mitigation contributions cannot now be secured separately through Planning Obligations. It is considered that the proposal is acceptable in terms of SPA impact considerations, in accordance with the requirements of saved policy NE7 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 therefore there is reason to suspect that contamination may be present. In order to address land quality issues the applicant has submitted a Phase 1 contamination reports. The submitted report has been reviewed by both the Council's Environmental Health Service who have identified the need for further investigations to take place to quantify contamination risks and determine remediation strategies prior to development commencing.

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 are adequately mitigated. Subject to the imposition of conditions requiring the approval of a Phase 2 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

The Council have now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a standardised charge levied on all residential developments with the purpose of funding the delivery of the infrastructure improvements which will be required within the District to serve the additional housing. The types of infrastructure funded through CIL include schools and recreation facilities. Affordable Housing is not covered by CIL and will continue to be dealt with separately and secured through Planning Obligations set out in legal agreement made under Section 106 of the Act.

The proposal site is within CIL Zone 2 where there is a charge of £50 per square metre of gross internal residential floor space being created. Based upon the Gross Floor Area of the 11 houses and 3 apartments proposed to be developed as part of this application the total CIL charge would be in the region of £100,000. However under the CIL Regulations any floor space within buildings to be either demolished or retained and converted as part of the development scheme which have been in lawful use for at least a period of 6 months within the last 3 years can be deducted from the chargeable floor space total. Therefore the CIL liability may be reduced.

No requirements have been identified for any other off-site infrastructure improvements which would be necessary to make the development acceptable; however Local Plan Core Strategy Policy HO11 sets out a requirement for the delivery of up to 20% of the residential units as Affordable Housing. The applicant has been made aware of this requirement and in response has provided a financial viability appraisal which identifies that the proposed development has an estimated developer profit level of 10% (20% would normally be the minimum developer expectation) and that therefore the delivery of Affordable Housing as part of the development would be unviable.

This viability appraisal has been reviewed by the Council's Economic Development Service who have confirmed that they consider it to be robust. The National Planning Policy Framework 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. It is accepted that in this instance imposing a requirement to deliver Affordable Housing as part of the development would reduce the estimated developer return to a more than likely unviable level.

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:

- Provision of CCTV/ external lighting;
- Marking out and allocation of parking spaces;
- Access control to surface parking where feasible;
- Access control to undercroft parking;
- Access control to buildings;
- Mail delivery arrangements;

- Door and window security standards;
- Installation of intruder alarms;

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. However 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. This approach will allow details to be agreed at a later stage and for the determination of this application to focus on the main land use planning considerations.

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. Therefore, 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 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. 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:

Although the proposal will result in the loss of buildings last used for employment purposes contrary to emerging policy EC4 of the draft Core Strategy, it is considered that the economic harm which would be caused by this loss would be both limited and localised and that this harm would be counterbalanced by the benefits associated with the provision of housing on the site in accordance with emerging policies HO1 and HO3 of the draft Core Strategy.

The proposal would result in the removal of a warehouse and attached office block which currently detract from the character and appearance of the Conservation area and the setting of an adjacent listed building. The removal of this building and its replacement with the proposed terrace of town-houses with a design which is sympathetic to the historic character of the mill complex will result in a moderately beneficial impact on the character and appearance of the Conservation Area and the setting of the listed building in accordance with emerging policy EN3 of the draft Core Strategy, saved policies D1, BH4A and BH7 of the replacement Unitary Development Plan and Section 12 of the National Planning Policy Framework.

It is considered that, subject to the planning 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 traffic and highways impacts, flood risk, ecological impacts, amenity or air quality, in accordance with the relevant national planning policies set out in the National Planning Policy Framework and the saved policies within the replacement Unitary Development Plan, including policies UR3, TM2, TM19A, D1, D4, D5, NE5, NE6 and NR16.

Conditions of Planning Permission:

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 'built development works' 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 mill conversion, new-build and associated infrastructure works has been submitted to and approved in writing by the Local Planning Authority. 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 '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.

4. No 'built development works' shall be begun until a written scheme of investigation (WSI) 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 site is recorded prior to demolition and renovation works commencing, to accord with saved policy BH3 of the replacement Unitary Development Plan.

5. No 'built development works' 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 site is retained, to accord with saved policy BH3 of the replacement Unitary Development Plan.

6. The development shall be carried out in accordance with the submitted Flooding and Drainage Assessment (FRA) dated July 2016 by Coda Structures and the following mitigation measures detailed within the FRA.

- i. A survey and report to establish the condition and operation of the inlet and outlets to the existing mill pond with any recommendations of the report to be carried out prior to occupation.

Reasons: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. In accordance with saved policy NR15B of the replacement Unitary Development Plan.

7. 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, hereby approved, being 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 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.

8. 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.

9. 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.

10. None of the residential dwellings, hereby approved, shall be brought into 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 considerations. Thereafter the approved boundary treatment provisions shall be fully implemented either prior to any of the residential dwellings, hereby approved, being 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: In the interests of amenity, design and planning for crime prevention, in accordance with policies D1, D4 and D5 of the replacement Unitary Development Plan.

11. None of the residential dwellings, hereby approved, shall be brought into occupation until full details of hard and soft landscaping works, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- i) Details of paths and other surfaces;
- ii) Proposed topsoil depths;
- iii) Details of any benches, bins or other hard landscaping features;
- iv) Details of any lighting to be provided;
- v) Details of any areas to be seeded, flower beds, shrubs or hedges;
- vi) Details of tree planting;
- vii) Ecological enhancement proposals;
- viii) Provision of CCTV and/ or other crime prevention measures;
- ix) Bin storage provisions;
- x) Proposals for the demarcation of parking spaces;
- xi) 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 either prior to any of the residential dwellings, hereby approved, being 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: In the interests of visual amenity, ecology and inclusive design, and to accord with Policies D1, D4, D5 and NE10 of the replacement Unitary Development Plan.

12. None of the residential dwellings, hereby approved, 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 outside of private gardens, 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, and NE10 of the replacement Unitary Development Plan.

13. 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.

14. None of the residential dwellings, hereby approved, shall be brought into occupation until a Biodiversity Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement and 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.

15. None of the residential dwellings, hereby approved, shall be brought into occupation until the proposed means of vehicular and pedestrian access to that residential dwelling, as shown on drawing 2810-1-002 Rev. C, 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.

16. None of the residential dwellings hereby approved, shall be brought into occupation until the off street car parking facility associated with that residential dwelling 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.

17. 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.

18. No development works whatsoever shall be begun until a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation, construction and demolition 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 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).

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

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.

20. Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

21. Prior to development commencing the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

24. 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.

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

26. None of the residential dwellings hereby approved, shall be brought into occupation until details of the provisions which will be put in place to secure the undercroft parking area, including access control, lighting and CCTV arrangements, have been submitted to and approved in writing by the Local Planning Authority. Thereafter none of the residential dwellings hereby approved, shall be brought into occupation until the approved security measures have been implemented in full in accordance with the approved details.

Reason: In the interests of crime prevention and to accord with Policy D4 of the Replacement Unitary Development Plan.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 13 July 2017

H

Subject:

This is an outline application for the construction of 11 residential units on land to the south of Hill Top Road, Thornton. The proposal involves the creation of a new adopted access from Hill Top Road. The application reserves all matters save access for later approval.

Summary statement:

This application follows the approval of a smaller residential scheme on this allocated housing site. The number of units has been increased after a solution has been found to the highway constraints of the site without harming the openness of the Green Belt or the character and appearance of the surrounding area. The proposal would also not be harmful to the amenities of nearby residential properties. Subject to conditions the proposal is recommended for approval.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is an outline application for the construction of 11 residential units on land to the south of Hill Top Road, Thornton. The proposal involves the creation of a new adopted access from Hill Top Road. The application reserves all matters save access for later approval.

2. BACKGROUND

Attached as Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application. The proposal will fall under the terms of the Council's Community Infrastructure Levy. Outline planning permissions granted on or after 1st July 2017 will be liable to pay CIL when the development is built, but as the liability is calculated at Reserved Matters stage there is no need for the applicant to submit any CIL forms with the outline application.

6. RISK MANAGEMENT & 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

N/A

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 is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located on the edge of the urban area of Bradford and forms part of an allocated housing site. It is therefore considered to be in a sustainable location and as such there are no implications for the Council.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS

The Community Safety Implications of the proposed development are considered in Appendix 1.

8.5 HUMAN RIGHTS ACT

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

There are no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS

There are no 'not for publication' documents.

10. RECOMMENDATIONS

It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

11. APPENDICES

Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS

The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document

16/09443/MAO

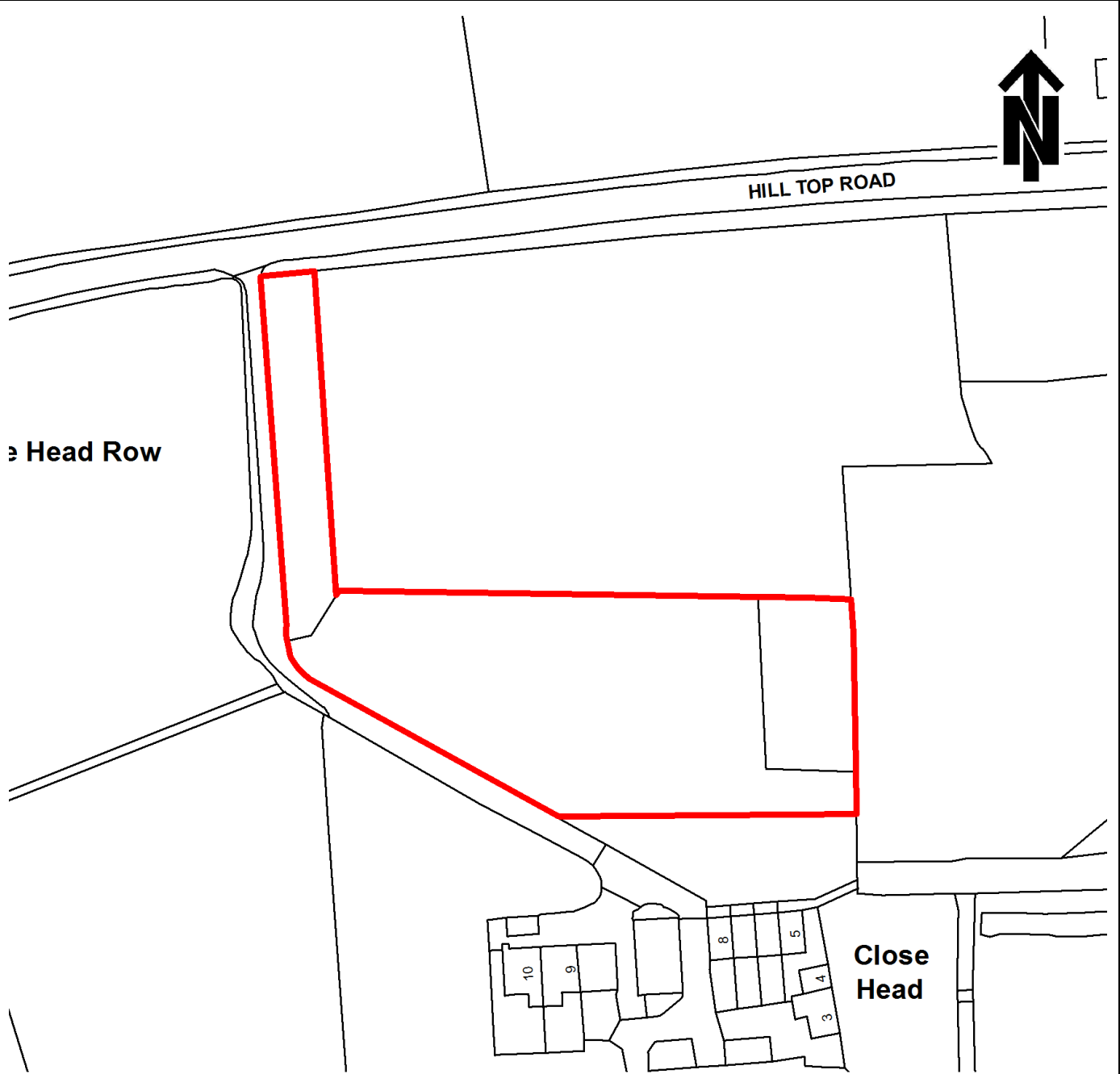


City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



HILL TOP ROAD

Head Row



1:1,250

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**Land At Hill Top Road
Thornton, Bradford**

13 July 2017

Ward: Thornton and Allerton (ward 23)

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:

16/09443/MAO

Type of Application/Proposal and Address:

This is an outline application for the construction of 11 residential units on land to the south of Hill Top Road, Thornton. The proposal involves the creation of a new adopted access from Hill Top Road. The application reserves all matters save access for later approval.

Applicant:

Bradford Metropolitan District Council

Agent:

Paul Glover, Acanthus WSM Architects

Site Description:

This is a triangular Greenfield site located to the north of a small group of residential properties at the end of the section of Close Head Lane that can be accessed by vehicles via Thornton Road. Thornton Cemetery is to the east and open Green Belt land is to the north and west. Close Head Lane is a public footpath to its northern section which runs along the southern and western boundaries of the site up to its junction with Hill Top Road to the north. The land slopes very steeply down to the south. Other than a band of protected trees on the eastern boundary the site is an open green field.

Relevant Site History:

16/00468/OUT - Construction of 5 dwellings and new road- Granted

15/00247/MAO - Erection of 16 dwellings - Withdrawn

The following applications include a larger parcel of land which extends to the south and links to Thornton Road:

12/00943/OUT - Renewal of permission 07/05813/OUT dated 24/04/2009: Outline application for residential development - Granted Subject to a Section 106 Agreement

07/05813/OUT - Outline application for residential development - Granted Subject to a Section 106 Agreement

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.

Replacement Unitary Development Plan (RUDP):

Allocation

The main portion of the site on which the dwellings and part of the access road would be constructed is an allocated Housing Site however most of the access road linking the site to Hill Top Road falls within Green Belt on the RUDP.

Proposals and Policies

Policy GB1 - New Buildings in the Green Belt
Policy GB2 - Siting of New Buildings in the Green Belt
Policy UR3 - The Local Impact of Development
Policy D1 - General Design Considerations
Policy H1 - Phase 1 Housing Sites
Policy H7 - Housing Density - Expectations
Policy H8 - Housing Density - Efficient Use of Land
Policy TM2 - Impact of Traffic and Its Mitigation
Policy TM12 - Parking Standards for Residential Developments
Policy TM19A - Traffic Management and Road Safety
Policy NE3 & NE3A - Landscape Character Areas
Policy NE4 - Trees & Woodland
Policy NE5 & NE6 - Retention & Protection of Trees on Development Sites
Policy NR16 - Surface Water Run Off and Sustainable Drainage Systems
Policy P6 - Unstable Land

Core Strategy:

P1 Sustainable Development
SC4 Hierarchy of Settlements
SC5 Location of Development
SC7 Green Belt
SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
HO1 Housing Requirement

HO5 Density of Housing Schemes

EN1 Protection and Improvements in Provision of Open Space and Recreation Facilities

EN7 Flood Risk

EN8 Environmental Protection

DS1 Achieving Good Design

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

Parish Council:

The site is not in a Parish.

Publicity and Number of Representations:

The application was advertised with a site notice, press advertisement and neighbour notification letters on receipt. This publicity period expired on 03 March 2017. Nine representations have been received.

Summary of Representations Received:

- Have significant concerns regarding the drainage. Flooding is a serious concern and one which potentially leaves many properties on Close Head Lane vulnerable.
- Consideration should be given to the use of Sustainable Urban Drainage systems in accordance with the Water Environment (Controlled Activities)(Scotland) Regulations 2005.
- Waste from the residential units has to be pumped back up to Hill Top Road or a septic tank will need to be installed and maintained.
- Concerned by comments that the flooding and drainage issues will be looked at once the build is 'underway'. Also note the use of the word 'sound' to describe these plans.
- The site is Greenfield and there are a number of brownfield sites in the locality which should be utilised first.
- Local schools are currently overcrowded and cannot meet the demand for places due to the growing population. The capability of providing satisfactory education is being compromised by increased classroom sizes.
- Local infrastructure is struggling with current capacity, increased road congestion through Thornton village.
- Local services including doctors and dentists are already operating above their capacity to provide a satisfactory service.
- There is significant potential for slope instability with relatively small changes in ground conditions.
- Concerned about the state of the wall between Close Head Lane and the fields above it where the proposed development is taking place.
- Who is responsible if there was to be a landslip because of the building work? Who would be liable and who would enforce its repair?
- Close Head Lane is used frequently by horse riders, ramblers and walkers. Hope this proposal is not the first of many that would see this area become a housing estate.
- Properties in this area should be of a cottage-like appearance.
- GPs, dentists and schools are all struggling to meet existing demand.
- The area is part of a Tree Preservation Order, so it is imperative that the trees in the area are not harmed.

- There are bats in the area.
- Sections showing the relationship with properties on Close Head Lane should be provided.
- How will proposed security and street lighting affect properties on Close Head Lane.
- Further information regarding the public open space and its aftercare. Who will maintain it? What species of trees are going to be planted within it?
- Have any monies been set aside to pay for any increased usage and damage the proposal may cost to local roads?
- I am concerned about the steepness of the new road within the development plans. The only vehicles that can navigate this road in snowy conditions are ones with four wheel drive.
- Concerned about the increase in the number of heavy goods vehicles that use this particular section of Thornton Road.

Consultations:

Highways DC - No objections in principle to the development. Initially requested further amendments but following receipt of amended drawings no objections are raised subject to conditions.

West Yorkshire Combined Authority - Recommend developer contributes £5,402.65 towards the provision of discounted Residential MetroCards.

Parks & Greenspaces - Request a contribution of £15,452 for the provision or enhancement of recreation open space and playing fields at Royd Street.

Education - Request contribution of £42,385 towards the provision or enhancement of primary and secondary education facilities in nearby schools. £15,093 of this would be towards primary education provision and £27,292 towards secondary education provision.

Structures (from previous application) - No objections subject to conditions which require an intrusive site investigation to confirm there will be no future issues regarding landslides where the land has to be re-graded or retained and which require details of the retaining structures to be approved.

Drainage - No objections subject to a condition relating to approval of foul water drainage before commencement of development. Also recommend a footnote relating to public sewers in Thornton Road and Well Heads.

Drainage (Lead Local Flood Authority) - No objections subject to conditions including conditions requiring investigation of sustainable drainage techniques for the disposal of surface water.

Yorkshire Water - No objections subject to conditions.

Environmental Health (Land Contamination) - No objections subject to a series of conditions relating to the investigation of potential contamination of the site.

Environmental Health (Air quality) - Recommend electric vehicles charging facilities are provided.

Environmental Health Nuisance (from previous application) - Recommend limits on construction hours to protect neighbour's amenities.

Rights of Way - Public Footpath Bradford Western 24, known as Close Head Lane, runs alongside the proposed access. No objections are raised to the proposal but note that integrity of the retaining walls should be maintained. The future liability of the wall will lie with the landowner adjacent to the footpath. Also note that the existing fence should be retained to plots 1-3. Attention is also required to the area of land to the south of the properties and north of the path.

Trees Section - Note there is planning permission for five units on this site. The current proposal is in outline but the indicative plan appears to show that a number of units are located closer to the trees in Thornton Cemetery. Recommend that when the final layout is designed, care should be taken to ensure that these trees are not harmed.

Biodiversity Team - No comments received.

British Horse Society - No comments received.

Summary of Main Issues:

1. Principle of the Development
2. Density
3. Visual Impact
4. Residential Amenity
5. Highway Safety
6. Contamination
7. Flood Risk & Drainage
8. Contributions and the Community Infrastructure Levy
9. Other Issues Raised in Representations

Appraisal:

1. Principle of the Development

The main portion of the site forms the northern part of a much larger Phase 1 Allocated Housing Site on the RUDP. The principle of residential development of this part of the site is clearly established by this allocation. The main issue relates to the path of the access road which runs to the north alongside an existing footpath through land allocated as Green Belt. Paragraph 90 of the National Planning Policy Framework (NPPF) allows for engineering options to be carried out within the Green Belt where they preserve its openness and do not conflict with the purposes of including land within it.

The original intentions when allocating this site for housing purposes was that access would be taken from Thornton Road. The land is within three separate ownerships with only the land included within this application being within the Council's ownership. Planning permission was acquired for the development of the whole of the housing site in

1995 and renewed in 1998 and then again acquired in 2007 and renewed once again in 2012. The site has been extensively but unsuccessfully marketed in this time.

Following this an application for 16 dwellings was submitted and this sought to create an adoptable access. There is a very steep drop in levels from Hill Top Road to the site, which would have resulted in a significant intrusion in the Green Belt as a result of significant retaining structures. This access road followed the line of the adjacent footpath and entered the site towards its southern end. This was followed by an application for 5 units which proposed a steeper access road which more closely followed the contours of the land. This access road would not have been to adoptable standards. This application was approved by the Bradford Area Planning Panel in July 2016.

The current application proposes an adoptable access road which runs along the northern boundary of the site rather than projecting further south before turning into the area to be developed. This in effect reduces the amount of new road proposed whilst achieving a gradient which can be adopted by the Highways Authority. The approval for 5 units proposed an access road which fell at a gradient of 1 in 7.5 for its main section whilst the current application achieves a gradient of 1 in 8. The proposed access is wider than that previously approved being around 8m for its main section as opposed to the previously approved 5.6m. When this is balanced against the reduced length and revised route of the road, there is not considered to be any greater impact on the openness of the Green Belt or the purposes of including land within it than previously approved. It is therefore considered to be justified by Paragraph 89 of the RUDP and Policy GB1 of the RUDP. The impact of the access road will be further reduced by its position alongside an existing footpath and by landscaping running alongside it.

It is also well publicised that Bradford has experienced a sizeable and persistent under delivery of housing for many years and also does not have a five-year supply of deliverable sites as required by the NPPF. The approval of this application would make a contribution towards meeting this housing need on an allocated housing site. The principle of this development is therefore considered to be acceptable subject to its local impact.

2. Density

Policy H7 of the RUDP requires housing developments to achieve a housing density of at least 30 dwellings per hectare (dph) and Policy H8 requires the efficient use of land. This is also reflected by Policy HO5 of the Core Strategy. This development would achieve a housing density of around 27dph. Whilst this is slightly lower than the requirement outlined above given the steepness of the site and the proximity of mature trees to the eastern boundary it may be difficult to achieve a higher density. In any case this application is made in outline with only access being considered and the actual layout will be considered at the reserved matters stage. As a consequence of the above the proposal is considered to represent an efficient form of development.

3. Highway Safety

The application reserves all matters for later approval except for access to the site. As has been outline above there have been a series of applications on this site with the approvals either taking access from the south or proposing a steep un-adopted access road. The previous application proposed a gradient of 1 in 40 for the first 10m which then dropped

away at a 1 in 7.5 for most of length before it curved into the site of the proposed dwellings which had a gradient of 1 in 19.

Ideally the maximum desirable gradient would be 1 in 12 for the main length of the road and 1 in 15 within the site where there is direct drive access. Given the steep gradients in this area this is not achievable without significant engineering works and retaining structure which would have clashed with Green Belt policy and resulted in unsightly retaining structures. The current application proposes a gradient of 1 in 8 for the main length of the road and 1 in 12 within the site where there is direct drive access. This is considered to be a reasonable balance between the highway safety issues, the Green Belt issues and the visual impact of the proposals.

The Highways Engineer initially requested consideration of the highway drainage at this stage but since has confirmed that this can be the subject of an appropriately worded condition. This was the same approach taken on the approval for five units granted last year. Overall subject to conditions the proposal is considered to be acceptable from a highway safety perspective.

4. Residential Amenity

There are residential properties immediately to the south which face towards this site. Whilst it is noted that this application reserves the layout and scale of the development for later approval the indicative plans retain a separation distance of around 33m at its closest point between the proposed development and these properties. This is considered to be sufficient to avoid any significant overlooking between these properties and to avoid the proposed dwellings being over-dominant.

A retaining structure of around 2m in height is proposed around 15m from the rear wall of these properties. The previous application approved a retaining structure of 1.8m in height around 8.9m from these properties. There is a band of mature trees along this boundary which tower above the houses on Close Head Lane and these would not be affected by the current proposals. There do appear to be some habitable room windows in the rear of these properties but given the presence of the existing trees, the separation distance and the relatively low height of the retaining structure there is considered to be sufficient distance to avoid any overbearing impact to these properties. The submitted drawings are considered to demonstrate that this site can be developed without causing any significant harm to neighbour's amenities.

The proposed development will necessitate significant excavations within the site. In order to retain some control over the number and frequency of Heavy Goods Vehicle (HGV) movements in the area a condition which requires the submission of a method statement relating to the preparation of the site for development should be attached to any approval of this application. This would secure details of the amount of material to be removed, the number of associated HGV movements and mitigation measures to deal with noise, dust and vibration.

An indicative plan has been provided which shows how the site could be laid out. This layout provides a reasonable degree of amenity for most of the proposed dwellings but there is a potential clash between the front of plot 10 and plot 9. Only access is being

considered in this application and this issue could be resolved at the reserved matters stage with section drawings showing the relationship between these properties.

Overall subject to conditions the proposal is not considered to be harmful to residential amenity.

5. Visual Amenity

The application reserves all matters save access for later approval but indicative plans of the layout and scale of the development have been provided.

The proposed access point would run alongside an existing footpath and the plans indicate that it is bound on both sides by dry stone retaining walls. A condition requiring the submission of landscaping scheme for the land to the sides of the road will also assist in softening the building's impact. Whilst the proposed access road will run across currently open land subject to the use of appropriate materials for the walls and a good landscaping scheme this aspect of the proposal is not considered to be harmful to visual amenity. The layout, scale, appearance and landscaping of the site are all reserved for later approval however the indicative plans showing a potential site layout and scale of development are provided. These indicate that the site could be developed in a manner which would not be harmful to visual amenity though it is noted that the proposed dwellings appear to be sited very close to mature trees within the cemetery to the east. Any final layout agreed as part of a reserved matters application will need to take the position of these trees into account.

Full consideration of these issues will be made at the reserved matters stage. At this stage subject to conditions to secure details of the materials for the dry-stone wall and a landscaping scheme the proposal is not considered to be harmful to visual amenity.

6. Land Stability

The site slopes very steeply to the south and in order to accommodate the development significant retaining works will be required. Paragraphs 120 and 121 of the NPPF note that the responsibility for securing a safe development rests with the developer and landowner. It does however require sufficient site investigation information, prepared by a competent person, to demonstrate that the site is suitable for the new development. The application includes information which indicates that the risk of landslide and instability issues is low though some issues are possible to the northern edge of the site. The Council's Structural Engineer advised on the previous application that whilst the risk is low, conditions should be attached to any approval of this application which require intrusive site investigations to establish the future risk of instability issues and secure structural details of all retaining structures. Subject to these conditions the proposal is considered to comply with the NPPF.

7. Flood Risk & Drainage

The site is on land identified as Flood Zone 1 which is at the lowest risk of flooding. The Lead Local Flood Authority has not raised any objections to the proposal subject to conditions which require the submission of drainage details including investigation of the use of sustainable urban drainage systems. Previously it was advised that this may not be possible due to the topography of the site however it is considered to be prudent to attach

a condition requiring its full investigation. A condition is also required to secured details of the foul water drainage. Subject to these conditions the proposal is considered to be acceptable.

8. Contributions and the Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) was formally approved by the Council on 21 March 2017 and took effect on 01 July 2017. CIL is a tariff system that is charged on certain types of new development within the area and it replaces part of the existing Section 106 (S106) system.

CIL is intended to provide infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of the S106 system. The Council has set out a list of those projects or types of infrastructure that it intends to fund though the CIL. This is known as the Regulation 123 List and amongst a number of other things, it includes:

- i) Education including primary and secondary provision.
- ii) Sustainable transport improvement schemes.
- iii) Community sport and recreation facilities.

It is no longer possible to charge for infrastructure items on this list through both S106 agreements and the CIL. A S106 agreement or a S278 agreement cannot then be made towards an infrastructure item already on the List.

This site sits within a 'Residential - Zone 4' within the CIL in which there is no charge placed on development. This figure was imposed by the Planning Inspector on examination of the CIL due to viability issues with developments in parts of the District. In light of the above, it is no longer possible seek the funds sought by the Education team, Parks & Greenspaces or the West Yorkshire Combined Authority. It is noted that CIL calculations are finalised at the reserved matters stage and so if the CIL charges change before this is submitted there may be a charge at that time.

9. Other Issues Raised in Representations

- Concerned by comments that the flooding and drainage issues will be looked at once the build is 'underway'. Also note the use of the word 'sound' to describe these plans.

Response - It is unclear where the comments referred to have come from. If approved this application will carry conditions which require submission of drainage details (including investigation of SUDS) before any works commence on site.

- Local infrastructure is struggling with current capacity, increased road congestion through Thornton village.

Response - The Highways Officers have not raised any objections to this aspect of the development. The proposal is relatively small scale and is unlikely to significantly increase congestion in the area.

- Local services including doctors and dentists are already operating above their capacity to provide a satisfactory service.

Response - The proposed development is relatively small in scale and so it is unlikely to place significant additional pressure for such services in this area. Also it would not be possible to refuse a planning application solely on these grounds.

- There is significant potential for slope instability with relatively small changes in ground conditions.

- Concerned about the state of the wall between Close Head Lane and the fields above it where the proposed development is taking place.

- Who is responsible if there was to be a landslide because of the building work? Who would be liable and who would enforce its repair?

Response - The Council's Structural Engineer advises that the risk of landslides is low however any approval of this application will carry conditions which secure structural details of the retaining structures within the site and a site survey to establish the likelihood of landslides. The responsibility for repairs if there is a landslide would depend on the circumstances however it is not an issue on which a planning application could be refused as this would be a private matter.

- Close Head Lane is used frequently by horse riders, ramblers and walkers. Hope this proposal is not the first of many that would see this area become a housing estate.

Response - The site is part of a larger area of land allocated for housing on the RUDP and so it is possible that the remainder of this site may be developed in the future. The land to the north and west is currently allocated as Green Belt.

- Properties in this area should be of a cottage-like appearance.

Response - The appearance of the properties is a reserved matter and will be the subject of a further application in the future. The details shown on the proposed plans are indicative only.

- The area is part of a Tree Preservation Order, so it is imperative that the trees in the area are not harmed.

Response - The indicative site plan positions properties some distance away from the trees on the eastern boundary. An application for reserved matters would finalise the siting of the properties and their relationship with these trees.

- There are bats in the area.

Response - A footnote will be placed on any approval of this application which advises of the protected status of bats.

- Sections showing the relationship with properties on Close Head Lane should be provided.

Response - The submitted plans include sections showing the relationship of the proposed dwellings with those on Close Head Lane. It is noted that these are indicative only at this stage.

- How will proposed security and street lighting affect properties on Close Head Lane.

Response - The application is made in outline and the submitted site layout is indicative only. The layout shown on the submitted drawings however show the proposed dwellings

sitting between the proposed access road and the dwellings on Close Head Lane. This should prevent significant glare from any lighting within the site.

- Further information regarding the public open space and its aftercare. Who will maintain it? What species of trees are going to be planted within it?

Response - The proposal does not propose any public open space. Part of the land to the south of the proposed dwellings will form their gardens whilst the land closest to Close Head Lane does not form part of the site.

- Have any monies been set aside to pay for any increased usage and damage the proposal may cost to local roads?

Response - The proposed development is relatively small which are unlikely to result in significant harm to local roads. It would not be reasonable to request a monetary contribution for this purpose in this case due to the small scale of the development.

Community Safety Implications:

The proposal does not present any community safety implications.

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. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed development is an appropriate use for this site and would not be harmful to the openness of the Green Belt. The application demonstrates that the site can be developed without causing any significant harm to highway safety, residential amenity or visual amenity. It is therefore considered to comply with Policies GB1, GB2, UR3, H1, H7, H8, TM2, TM12, TM19A, NE3, NE3A, NE4, NE5, NE6, NR16 and P6 of the RUDP and the NPPF.

Conditions of Approval/Reasons for Refusal:

1) Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2) The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3) Before any development is begun plans showing the:-

- i) appearance,
- ii) landscaping,
- iii) layout, and
- iv) scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

4) The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

5) 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 in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

6) Before any works towards the site preparation and construction of the development commence on site, 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 1549.59.50B 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.

7) The development shall not begin until details of a scheme for surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme would also be required to demonstrate that there is no resultant unacceptable risk to controlled waters and should include details of the maximum pass forward flow of surface water from the development.

The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

8) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the water main which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work and to comply with Policy UR3 of the Replacement Unitary Development Plan.

9) The development shall not commence until 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 then be managed in strict accordance to this document over the lifetime of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

10) Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 1549.59.50B 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.

11) Before any part of the development is brought into use, the adoptable visibility splays shall be laid out, hard surfaced, sealed and drained within the highway in accordance with the approved plan numbered 1549.59.50B.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

12) Before any work begins on site, full structural details, including all necessary calculations of all temporary and permanent retaining structures shall be submitted to and approved in writing by the Local Planning Authority. This should include an investigation of the integrity of the existing retaining wall adjacent to Close Head Lane. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: To ensure the site is adequately retained and to comply with Policy P6 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

13) Before any work begins on site, a report detailing the findings of an intrusive site investigation to establish the likelihood future issues regarding landslides where the land is to be regarded and retained shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the recommendations of this report.

Reason: To ensure the site is adequately retained and to comply with Policy P6 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

14) Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

15) The development shall not begin until a scheme of hard and soft landscaping for the land adjacent to the proposed access road has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:-

- i) Numbers of trees and shrubs in each position with size of stock, species and variety.
- ii) Proposed topsoil depths for grass and shrub areas.
- iii) Types of enclosure (fences, railings, walls).
- iv) Regraded contours and details of changes in level.

The landscaping shall then be provided in accordance with the approved details before the first occupation of any of the dwellings approved on this site.

Reason: In the interests of visual amenity and to accord with Policy D5 of the Replacement Unitary Development Plan.

16) Prior to the commencement of the development hereby permitted full details of the proposed stone walls adjacent to the access road shall be submitted to and approved in writing by the Local Planning Authority. This should include the submission of a sample of stone to be used in the construction of the walls. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to comply with policies UR3 and D1 of the Replacement Unitary Development Plan.

17) Before any work begins on site a method statement relating to the preparation of the site for development shall be submitted to and approved in writing by the Local Planning Authority. This statement should include details of the volume of material to be removed, the number of associated heavy goods vehicle movements, the hours in which these movements would take place and mitigation measures to deal with noise, dust and vibration. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of amenities of nearby residential properties and highway safety and to comply with Policy UR3 of the Replacement Unitary Development Plan.

18) Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

19) Prior to development commencing the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

22) 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.

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

24) Prior to work commencing on the construction of the proposed any dwellings on this site a scheme for the provision of electric vehicle charging points for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall then be provided before the first occupation of any of the approved dwellings hereby permitted and shall thereafter be kept available for use.

Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the District in accordance with policies UDP3 and UR2 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

25) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Class E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policy UR3 of the Replacement Unitary Development Plan.

Footnotes:

Footnote: The closest public sewers to this site are situated in Thornton Road & Well Heads, connection to either of these sewers will require extensive off-site works. If it is proposed to discharge flows from the development to an outlet other than the public sewerage system then that outlet must be proved both hydraulically and structurally adequate.

Footnote: Yorkshire Water advises that records indicate a 6" diameter live water main crosses part of the red line site boundary i.e. in the existing/proposed track. The developer is advised to liaise with Yorkshire Water to establish the exact line of the water main. Please contact Yorkshire Water, Distribution Engineering West, Distribution Area Management Office, ROCC, Western Way, Halifax Road, Bradford, BD6 2LZ.

Footnote: All species of bat in Britain are protected by the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats & etc) Regulations 1994 and the

Countryside and Rights of Way Act 2000. This means it is an offence to intentionally or recklessly:

- Kill, injure or handle a bat
- Disturb bats when they are roosting
- Obstruct, damage or destroy the places where bats live
- Sell, hire, barter or exchange a bat whether alive or dead
- Keep bats in captivity.

If bats are uncovered during the development, works must stop immediately and English Nature consulted for further advice. Whether bats are found or not, the developer is also encouraged to consider the inclusion of bat boxes/bricks within the development.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 13 July 2017



Subject:

Annual Development Management report for performance and key activities

Summary statement:

This report seeks to inform the Regulatory & Appeals Committee about Development Management performance and key activities undertaken over the last year (1 April 2016 – 31 March 2017).

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

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Portfolio:

Change Programme, Housing, Planning and
Transport

Overview & Scrutiny Area:

Regeneration and Economy



1. SUMMARY

- 1.1 This report sets out Development Management's performance against the national planning performance criteria for planning applications, local performance indicators NI157a, b and c and local performance indicator BV204. It also provides information relating to other types of applications and enquiries dealt with by the service.

2. BACKGROUND

- 2.1 The planning service submits quarterly returns to the Department of Communities and Local Government (DCLG) in respect of planning applications received and planning applications determined by type.
- 2.2 Section 62A of the Town and Country Planning Act 1990 which came into effect in 2013 gives the Secretary of State the power to designate or de-designate of planning authorities as underperforming in their determination of major planning applications. This allows certain applications to be made directly to the Secretary of State. Section 62A was amended by section 153 of the Housing and Planning Act 2016 to include other non- major development which comprises of minor developments, changes of use and householder developments. DCLG assesses local planning authorities performance against the thresholds set out in the related criteria document "Improving Planning Performance: Criteria for Designation" on an annual basis.
- 2.3 The thresholds for designation are as follows:

Speed of decisions - the assessment period is the two years up to and including the most recent quarter for which data on planning application decisions are available.

- For applications for major development: less than 50 per cent of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant. The threshold will rise to 60% in 2018.
- For applications for non-major development: less than 65 per cent of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant. The threshold will rise to 70% in 2018.

Quality of decisions - the assessment period is the two years up to and including the most recent quarter for which data on planning application decisions are available, once the nine months to be allowed for beyond the end of the assessment period is taken into account.

- We will not assess local authorities' performance on the quality of their decisions on either major or non-major applications in 2017 but for applications for both major and non-major development in the 2018 designation round: 10 per cent of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

- 2.4 In addition the service has also set its own local targets for performance against these indicators which is measured on a monthly basis. The targets for 2016/17 are as follows:

NI157a - 70% of major applications should be determined within 13 weeks. (16 weeks for applications with Environmental Assessments).

NI157b – 80% of minor applications should be determined within 8 weeks.

NI157c – 90% of other application should be determined within 8 weeks.

- 2.5 The service also submits quarterly returns to DCLG in respect of decisions on applications for prior approval and certificates of lawfulness which are measured separately to planning applications and enforcement action. In addition the service deals with a number of other applications such as works to trees protected under a Tree Preservation Order, the approval of details required to be submitted under a planning condition and non material amendments to planning permissions. These applications are monitored to assess performance.
- 2.6 A number of key activities are carried out in conjunction with the determination of planning applications such as publicity and consultation and the decision making process under delegated powers or via Area Planning Panels/ Regulatory & Appeals Committee. These activities are measured to assess both performance and the quality of service provided.
- 2.7 The planning service has set a local indicator BV204 to measure the percentage of appeals allowed against the Authority's decision to refuse on planning applications. The local target set by the Local Planning Authority for 2016/17 is not more than 26% of planning appeals should be allowed.
- 2.8 The planning service undertakes a pre application service for both major and minor development proposals. Some monitoring is undertaken in relation to this in order to obtain information about service take up and the quality of service provided.
- 2.9 The report at Appendix 1 sets out the Development Management performance and key activities outlined above for the last year (1 April 2016 – 31 March 2017).

3. OTHER CONSIDERATIONS

- 3.1 None.

4. OPTIONS

- 4.1 None

5. FINANCIAL & RESOURCE APPRAISAL

- 5.1 Not applicable.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

- 6.1 There are no significant risks or governance issues arising out of the implementation of the proposed recommendations.

7. LEGAL APPRAISAL

7.1 There are no legal implications arising from this report.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

8.1.1 There are no equality and diversity implications arising from this report.

8.2 SUSTAINABILITY IMPLICATIONS

8.2.1 There are no sustainability implications arising from this report.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

8.3.1 There are no greenhouse gas emissions impacts arising from this report.

8.4 COMMUNITY SAFETY IMPLICATIONS

8.4.1 There are no direct community safety implications arising from this report.

8.5 HUMAN RIGHTS ACT

8.5.1 There are no direct human rights implications arising from this report.

8.6 TRADE UNION

8.6.1 There are no trade union implications arising from this report.

8.7 WARD IMPLICATIONS

8.7.1 There are no ward implications arising from this report.

9. NOT FOR PUBLICATION DOCUMENTS

9.1 None.

10. RECOMMENDATIONS

10.1 It is recommended that the contents of this report be noted.

11. APPENDICES

11.1 Appendix 1: Development Management Performance and Key Activities.

12. BACKGROUND DOCUMENTS

12.1 None.

Appendix 1: Development Management Performance and Key Activities

1.0 Planning Applications Received

1.1 The table below sets out the number of planning applications received by type in 2016/17. It also details other applications received such as prior approval and approval of details which are measured separately.

Application Type	No received	No of Planning Portal submissions	% of online submissions
Planning Applications			
Major	97	77	79.38%
Minor	996	735	73.80%
Changes of Use	125	93	74.40%
Householder	1891	1329	70.28%
Advertisement Consent	184	152	82.61%
Listed Building Consent	228	168	73.68%
Listed Building Consent (Demolition)	3	3	100.00%
Relevant Demolition	1	1	100.00%
Total no of Planning applications received	3525	2558	72.57%

Other Applications			
Other Applications	No received	No of Planning Portal submissions	% of online submissions
Minerals	9	0	0.00%
Hazardous Substances Consent	0	0	0.00%
Prior Approval - Larger house Extension	351	N/A	0.00%
Prior Approval - Agriculture	21	14	66.67%
Prior Approval - Demolition	58	50	86.21%
Prior Approval - Telecommunications	27	12	44.44%
Prior Approval - Solar Panel	2	0	0.00%
Prior Approval - Agriculture to Residential	14	N/A	0.00%
Prior Approval - Offices to Residential	15	N/A	0.00%
Prior Approval - Retail to Residential	2	N/A	0.00%
Prior Notification - Retail to Cafes	6	N/A	0.00%
Notifications	2	N/A	0.00%
Certificate of Lawfulness - Existing	28	18	64.29%
Certificate of Lawfulness - Proposed	202	138	68.32%
Certificate of Lawfulness Listed Building - Proposed	15	1	6.67%
Approval of Details	339	221	65.19%
Compliance with conditions	17	N/A	0.00%
Non Material Amendments	191	127	66.49%
Total other applications received	1299	581	44.73%

2.0 Planning Applications Determined – National Planning Performance

2.1 The following table sets out Bradford’s performance against the thresholds set out in the national criteria document “Improving Planning Performance: Criteria for Designation.

Major Applications

2.2 During the assessment period December 2014 to September 2016, 172 major planning applications were determined.

2.3 90.1% of these applications were determined within 13 weeks or an agreed extension of time period which is above the national target of 50%.

Quarter	Total Major	Major Decisions in 13 weeks	PPA, Extension of Time or EIA Decisions	PPA, Extension of Time or EIA Decisions within agreed time	Total Major Decisions in time	% in time
Dec-14	25	13	12	12	25	100.0%
Mar-15	30	15	12	12	27	90.0%
Jun-15	24	10	12	10	20	83.3%
Sep-15	21	11	8	7	18	85.7%
Dec-15	23	7	16	13	20	87.0%
Mar-16	11	5	5	5	10	90.9%
Jun-16	23	8	14	13	21	91.3%
Sep-16	15	6	9	8	14	93.3%
Assessment Period Total	172	75	88	80	155	90.1%

Non Major Applications

2.4 During the assessment period December 2014 to September 2016, non major planning applications (minor developments, changes of use and householder developments) were determined.

2.5 90.1% of these applications were determined within 8 weeks or an agreed extension of time period which is above the national target of 65%.

Quarter	Total Non Major Decisions	Non Major Decisions in 8 weeks	PPA, Extension of Time or EIA Decisions	PPA, Extension of Time or EIA Decisions within agreed time	Total Non Major Decisions in time	% in time
Dec-14	672	579	62	53	632	94.0%
Mar-15	630	541	46	41	582	92.4%
Jun-15	711	619	55	52	671	94.4%
Sep-15	729	638	62	59	697	95.6%
Dec-15	677	595	59	53	648	95.7%
Mar-16	583	484	65	59	543	93.1%
Jun-16	833	718	73	62	780	93.6%
Sep-16	768	647	74	68	715	93.1%
Assessment Period Total	5603	4821	496	447	5268	94.0%

3.0 Planning Applications Determined – Local Performance

3.1 The following tables set out Bradford's performance in determining planning applications against local performance indicators NI157a b and c for 2016/17.

Major Applications (NI157a)

3.2 In 2016/17, 83 major applications were determined. This figure does not include those applications that were withdrawn, finally disposed of, declined to determine by the Local Planning Authority, called in for determination by the Secretary of State or non determined applications subject to appeal.

3.3 85.5% of these applications were determined within 13 weeks or an agreed extension of time period which is above the local target of 70%.

Application Type	No Determined	Determined in time	Determined out of time	No granted	No refused
Major Development					
Dwellings	52	45	7	48	4
Offices, research & development & light industry	2	2	0	2	0
General industry, storage & warehousing	6	6	0	6	0
Retail, Distribution & servicing	2	2	0	1	1
Gypsy & traveller pitches	0	0	0	0	0
All other major development	21	16	5	21	0
Total no of major applications determined	83	71	12	78	5

Minor Applications (NI157b)

- 3.4 In 2016/17, 953 minor applications were determined. 88.5% of these applications were determined within 8 weeks or an agreed extension of time period which is above the local target of 80%.

Application Type	No Determined	Determined in time	Determined out of time	No granted	No refused
Minor Development					
Dwellings	384	322	62	295	89
Offices, research & development & light industry	21	19	2	20	1
General industry, storage & warehousing	39	30	9	35	4
Retail, Distribution & servicing	202	188	14	149	53
Gypsy & traveller pitches	0	0	0	0	0
All other minor development	307	284	23	266	41
Total no of minor applications determined	953	843	110	765	188

Other Applications (NI157c)

- 3.5 In 2016/17, 2363 other applications were determined. 95.6% of these applications were determined within 8 weeks or an agreed extension of time period which is above the local target of 90%.

Application Type	No Determined	Determined in time	Determined out of time	No granted	No refused
Other Development					
Changes of Use	123	117	6	100	23
Householder	1827	1747	80	1526	301
Advertisement Consent	191	185	6	165	26
Listed Building Consent	219	208	11	192	27
Listed Building Consent (Demolition)	2	2	0	2	0
Relevant Demolition	1	1	0	1	0
Total no of other applications determined	2363	2260	103	1986	377

4.0 Other types of applications determined

4.1 The Service also determined a number of other applications not measured under national indicator NI157, including applications for prior approval and non material amendments. These applications are detailed in the tables below.

Prior Approval Application Type	No Determined	No granted	No refused	Prior approval not required	Withdrawn
Prior Approval - Larger house Extension	364	5	71	270	18
Prior Approval - Agriculture	17	1	0	14	0
Prior Approval - Demolition	12	0	0	12	0
Prior Approval - Telecommunications	17	0	0	16	1
Prior Approval - Solar Equipment	1	0	0	1	0
Prior Approval - Film-making	1	0	1	0	0
Prior Approval - Agriculture to Residential	16	2	7	7	0
Prior Approval - Offices to Residential	18	3	1	14	0
Prior Approval - Retail to Residential	3	0	2	1	0
Prior Approval - Retail to Cafes	7	3	1	3	0
Total no applications determined	456	14	83	338	19

5.0 Decision Making

5.1 In 2016/17, 3244 NI157 applications were determined under delegated powers which equates to 95% of all applications determined. 118 applications were determined at planning panel; 76 minor and 42 other applications. A further 37 applications were determined at Regulatory & Appeals Committee; 33 major and 4 minor applications.

5.2 The table below shows a breakdown of the number of meetings held in 2016/17 together with the number of items considered and time spent.

Meeting	No of Meetings held	No of meetings cancelled	Total no of items	Av number of items per meeting	Total Time Spent	Av time per meeting
Regulatory	14	3	46	3.3	29:55:00	02:08
Bradford	8	1	55	6.9	10:20:00	01:17
Keighley/Ship	10	1	57	5.7	17:36:00	01:45
Total	32	5	158	4.9	57:51:00	01:48

5.3 The tables below set out a breakdown of the applications considered by Area Planning Panels and Regulatory & Appeals Committee. It provides details of the number of site visits undertaken, deferrals to the next meeting, referrals to Regulatory & Appeals Committee and overturned decisions.

DATE	PANEL	No of items	withdrawn	no of visits	no of retro	no of deferrals	no of referrals	no of overturns
20-Jul-16	Bradford	10	0	0	2	0	0	0
07-Sep-16	Bradford	8	0	0	2	0	0	1
19-Oct-16	Bradford	6	0	0	0	1	0	1
07-Dec-16	Bradford	4	0	0	0	0	0	0
11-Jan-17	Bradford	6	0	0	0	0	0	1
21-Feb-17	Bradford	6	0	0	0	0	0	0
15-Mar-17	Bradford	6	0	0	0	0	0	2
12-Apr-17	Bradford	8	0	0	0	1	0	2
10-May-17	Bradford	CANC						
	Total	54	0	0	4	2	0	7

15-Jun-16	Keighley/Shipley	11	0	0	1	0	0	2
13-Jul-16	Keighley/Shipley	7	0	0	0	0	0	1
16-Aug-16	Keighley/Shipley	7	0	0	1	0	0	4
06-Sep-16	Keighley/Shipley	5	1	0	0	0	0	1
20-Oct-16	Keighley/Shipley	7	0	0	1	0	0	0
23-Nov-16	Keighley/Shipley	5	0	0	0	1	0	0
14-Dec-16	Keighley/Shipley	5	0	0	0	0	0	0
18-Jan-17	Keighley/Shipley	5	0	0	0	0	0	1
22-Feb-17	Keighley/Shipley	CANC						
22-Mar-17	Keighley/Shipley	8	0	0	0	0	0	3
26-Apr-17	Keighley/Shipley	4	0	0	0	0	0	3
	Total	64	1	0	3	1	0	15

21-Jun-16	Regulatory	4	0	0	0	0	0	0
14-Jul-16	Regulatory	6	0	0	0	1	0	0
04-Aug-16	Regulatory	3	0	0	0	0	0	0
01-Sep-16	Regulatory	3	0	0	0	0	0	0
29-Sep-16	Regulatory	4	0	0	0	0	0	0
06-Oct-16	Regulatory	2	0	1	0	0	0	0
27-Oct-16	Regulatory	CANC						
24-Nov-16	Regulatory	CANC						
15-Dec-17	Regulatory	1	0	0	0	0	0	0
12-Jan-17	Regulatory	1	0	0	0	0	0	0
09-Feb-17	Regulatory	4	0	0	0	0	0	0
09-Mar-17	Regulatory	1	0	0	0	0	0	1
06-Apr-17	Regulatory	CANC						
27-Apr-17	Regulatory	2	0	0	0	0	0	0
15-May-17	Regulatory	3	1	0	0	0	0	0
25-May-17	Regulatory	1	0	0	0	0	0	0
		35	1	1	0	1	0	1

6.0 Publicity & Consultation

- 6.1 In 2016/17, 898 Press Notices were published relating to planning and other applications.
- 6.2 In 2016/17, 7469 individual consultations were undertaken relating to planning applications and 842 consultations in relation to other applications.

7.0 Planning Enforcement

Nature of Enquiry	No
No of enquiries received	1141
No of cases closed following investigation and negotiation or no development	1034
No of enforcement notices authorised	106
No of prosecutions carried out	12
No of outstanding cases	1889

8.0 Tree Applications

Nature of Issue	No
No of planning consultations received	247
No of planning consultations responded to within 21 days	57
% of consultations determined in time	23.07%
No of applications received for works to TPO trees	540
No of applications determined within 8 weeks	224
% of applications determined in time	50.90%
No of appeals dismissed	8
No of appeals allowed	0
No of appeals outstanding	6
No of applications received for works to trees in conservation areas	265
No of applications determined within 6 weeks	113
% of applications determined in time	50.90%
No of high hedge complaints received	3

9.0 Planning Appeals

9.1 The table below sets out the Council's performance for appeals against the refusal of planning permission in 2016/17. Bradford received a total of 77 appeal decisions of which 18 appeals were allowed. This equals 23.4% which is below the local target of 26% for 2016/17.

Application Type	Total No of Appeal Decisions	Total No of Appeals Allowed	Percentage Allowed
Major Dwellings	2	0	0.0%
Dwellings	23	6	26.1%
Offices, research & development & light industry	0	0	0.0%
General industry, storage & warehousing	0	0	0.0%
Retail, Distribution & servicing	11	1	9.1%
Gypsy & traveller pitches	0	0	0.0%
All other minor development	8	3	37.5%
Changes of Use	1	0	0.0%
Householder	25	6	24.0%
Advertisement Consent	5	1	20.0%
Listed Building Consent	2	1	50.0%
Listed Building Consent (Demolition)	0	0	0.0%
Relevant Demolition	0	0	0.0%
Total no of other applications determined	77	18	23.4%

10.0 Pre Application Enquiries

10.1 The Planning Service has been operating a charging scheme for major pre application enquiries since 1 November 2009 and for minor pre application since 13 August 2012. The table below sets out the number of enquiries received in 2016/17.

Type of Enquiry	No received
Major Pre Application Enquiries	73
Minor Pre Application Enquiries	162
Screening Opinions	0
Scoping Opinions	2
Total No of Enquiries received	237



Report of Strategic Director, Department of Place to the meeting of the Regulatory and Appeals Committee to be held on 13 July 2017

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Subject:

Private Hire and Hackney Carriage Policy and Conditions Changes 2017

Summary statement:

This report seeks the approval of the Regulatory and Appeals Committee to implement new conditions for private hire driver/operator/proprietor licences and hackney carriage drivers and vehicle licences.

Steve Hartley
Director of Place

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Portfolio:

Environment, Sport and Culture

Overview & Scrutiny Area:

Regulatory & Appeals

1. SUMMARY

This report seeks the approval of the Regulatory and Appeals Committee to implement new conditions for private hire drivers/operator/proprietor licences and hackney carriage drivers and vehicle licences.

The conditions will assist operators, proprietors and drivers to deliver an effective, safe service, improved vehicle maintenance and better business protocols. Use of good practice will increase the safety of the travelling public.

2. BACKGROUND

The Licensing Service is working towards developing policies and procedures with colleagues of the Combined West Yorkshire Authorities. The primary goal is the protection of the travelling public and the delivering of a consistent level of compliance/enforcement across the districts. The proposals in this report are aimed at minimising concerns around safeguarding, improving vehicle maintenance and information security whilst working towards the Combined Authority.

3. PROPOSED CONDITIONS

3.1 Displaying CSE/Safeguarding Information to Customers in Licensed Vehicles

The Licensing Service introduced information pertaining to the reporting of Child Sexual Exploitation (CSE) issues in the form of a safeguarding car window sticker on 21st March 2016. The adoption of the window sticker was left to the discretion of the trade and whilst a number of operators supported the initiative, take up was very low. (See appendix B)

Proposal – that a condition be introduced requiring proprietors of licensed vehicles to display approved safeguarding information in the form of a window sticker placed on the inside of a vehicles rear passenger window (nearside). The condition shall also require operators and drivers to ensure the sticker remains in place.

3.2 Suitability of Employees of Private Hire Operators

The Licensing Service does not have regulatory powers to ascertain whether an employee of an operator is of good character and suitable for the position held in their business. An employee is a person employed by a licensed operator and is working within the office / despatch environment and who has access to customer information. Customers who use hackney carriage/private hire vehicles do so with the clear expectation that any personal information gathered as a result of this interaction is protected. If information, such as home addresses, whereabouts of a customer, daily routines, holiday timetables were to fall into the wrong hands this would pose a potential risk.

It is a reasonable expectation that an operator conducts appropriate checks on employees. This should include the legal right to work check, a minimum of two

references, the length of previous employments, a home address check. Operators would also be required to provide reasonable training for their employees, of which data protection, customer service, complaint handling and equality would be mandatory. Promotion of such measures would give operators and the public at large the reassurance that operator base employees have undergone an appropriate recruitment process.

Proposal - a Condition be introduced requiring operators to conduct adequate background checks and to provide training for employees who work within their business. The condition shall also require a work activity record to be maintained showing the hours/shifts such employees work. Appropriate information shall be made available to the Licensing Service on request.

3.3 **Employee Code of Conduct**

The purpose of a code of conduct is to develop and maintain a standard of conduct that is acceptable to the Council, the operator, its customers and other employees. It also serves to remind the employee of what is expected of them in regards to their actions, appearance and conduct, all of which may affect them, and the reputation of the company.

The code of conduct should be as clear as possible and list the standards required. As a minimum it should include prohibitions of illegal activities, smoking, drinking, foul language, discrimination and harassment. It should also include confidentiality expectations, procedures for calling in sick, expected dress and appearance and reporting procedures for emergency situations.

Operator should strive to maintain a work environment for their staff which promotes honesty, integrity and respect not only for fellow employees but for the public at large.

Proposal - a condition be introduced which requires operators to produce an employee charter/code of conduct which should be signed by the employee, at which point it becomes a legal agreement between the employer and employee. A copy should be kept in the employee's record. Appropriate information shall be made available to the Licensing Service on request.

3.4 **Amendment to Hackney Carriage and Private Hire Licensing Policy Following Deregulation Act 2015**

The Deregulation Act 2015 commenced on October 1st 2015 and introduces three pieces of legislation that affect hackney carriage and private hire licensing (Section 10, 11). This report seeks to explain and implement Section 10 of the Act in relation to the duration of drivers and operator licences, and the implications for the Council's hackney carriage and private hire licensing policy.

Section 10 Driver and Operator Licence Duration

To set a standard duration of three years for a hackney carriage and private hire driver's licence. A lesser period may be specified only if appropriate in a particular case.

Bradford Council introduced the option of a 1 or 3 year licence in June 2012 and this has been taken up by many of the full time established drivers.

The new legislation requires that a 3 year licence is offered to a driver in the first instance; however, not all drivers want 3 year licences this is for various reasons, cost being one. As such a 1 year licence would continue to be available on request.

The same stipulation has been made for Operators Licences which are currently for 1 year. The standard duration of five years for a PHV operator's licence should be offered in the first instance.

This option will be offered from 1 July 2017 with only a small reduction in fee as almost all of the background work is still required.

Section 11 Cross Border Hiring

The Act allows a private hire vehicle operator to sub-contract a private hire vehicle booking to another operator who is licensed in a different licensing district, for example Leeds or Manchester. The onus is on the original operator, who accepts the booking and subsequently passes it on, to retain liability for the satisfactory completion of that journey. There is a duty on the operator who takes the booking to keep a full record and to report the full record of that journey.

There are no conditional changes proposed for this change in legislation as the existing legislation at S56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 explains that records are required to be kept by the operator even when a 'hire' is subcontracted to them from another operator

Proposal 1 – Drivers licences are issued for one or three years.

Proposal 2 – Operator's licences are issued for one or five years.

3.5 Vehicle Safety and Maintenance

For several years the Licencing Service has worked with the trades through education and support to improve vehicle safety inspection results. This has not worked and circa 40% of licensed vehicles are still failing vehicle safety inspections, of which circa 20% are for serious or multiple point failures. Operator/proprietors have expressed their frustration at this situation and are reporting that if they endeavour to enforce the required standards then those drivers who do not wish to comply simply move to operators who do not require appropriate safety standards.

The Licensing Service proposes two new conditions set out below and accompanied with a revised fee structure:

Proposal 1 – a Condition be introduced requiring the proprietor of a licensed vehicle to provide a certificate of mechanical safety and vehicle maintenance in accordance with the vehicle's user handbook) at the scheduled intervals. Also, that the certificates are retained to provide a history of the vehicles safety record.

Proposal 2 – that the proposed fees as below be introduced.

Current Fees		Proposed Fees	
Fail (1 to 4 minor faults)	Free	Fail (Max 2 minor faults)	Free
Fail Multiple (5+ minor faults)	£20	Fail Multiple (Max 4 minor faults)	£20
		Fail Multiple (5 minor faults)	£75
Fail Safety Critical (1 x defect)	£20	Fail Safety Critical (1 x defect)	£100
Fail Dangerous (2 x defects)	£100	Fail Dangerous (2 x defects)	£100 + suspension

4. CONSULTATION

Consultation was carried out initially at Trade Meetings. Additionally the trade were notified of consultation through email correspondence, newsletters and regular updates on the Licensing Service website. The consultation was carried out online using ‘SNAP SURVEY’ programme where the proposed conditions were outlined via a link to an explanatory document and the consultation itself.

The consultation began on the 19th November closing on the 16th of December 2016. The Licensing Service extended the consultation period from the 19th December until January 13th 2017. At the end of the consultation period a total of 126 responses were received from drivers/operators and proprietors. Broken down in percentage terms, this represents 1.68% of the licensed trade who responded to the consultation. (See Appendix A)

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial costs associated with the proposals in this report. If any costs should result it should be noted the cost of the service is wholly recovered from ring fenced Hackney Carriage/ Private Hire Trade fees and would therefore not impact on the Council’s revenue budget.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

- ICO, CCTV code of practice
- ICO

7. LEGAL APPRAISAL

A Privacy Impact Assessment (PIA) into the use of CCTV within licensed vehicles has been conducted to mitigate any identifiable privacy risk and lay down clear guidelines to how personal information will be collected, used, accessed, shared, safeguarded and stored.

8. OTHER IMPLICATIONS

None

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 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. Bradford Council is committed to promoting equal treatment for all and promotes all legislation that governs discrimination for race, age, sex, disability, religious beliefs and sexual orientation.

8.2 SUSTAINABILITY IMPLICATIONS

None

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

8.4 COMMUNITY SAFETY IMPLICATIONS

Surveillance camera systems are deployed extensively within England and Wales, and these systems form part of a complex landscape of ownership and operation. Where used appropriately, these systems are valuable tools which contribute to public safety and security and in protecting both people and property. (Home Office Surveillance Camera Code of Practice)

8.5 HUMAN RIGHTS ACT

The Licensing Service acknowledges that CCTV systems can give reassurance to drivers and passengers in a hackney carriage/ private hire vehicle that incidents can be viewed, the evidence gathered and appropriate action taken. We must also take into account the travelling public’s right to privacy is observed. CCTV systems pose a potential conflict of those rights; therefore it is necessary that all steps are taken to secure information, i.e. the limiting of who has access to stored images to authorised personnel, industry standard encryption of images, voice functionality disabled (unless in a panic situation) and clear and prominent signage displayed informing the customer that the vehicle they have entered has CCTV in use. (See appendix A)

8.6 TRADE UNION

None

8.7 WARD IMPLICATIONS

None

9. NOT FOR PUBLICATION DOCUMENTS

None

10. OPTIONS

1. The Committee approves the proposals outlined in paragraph 3 of this report
2. Alternatively the Committee decides not to approve the proposals outlined in Paragraph 3 of this report

11. RECOMMENDATIONS

The Licensing Service recommends that the Committee approves the proposals outlined in Paragraph 3 of this report,

Paragraph 3.1
Paragraph 3.2
Paragraph 3.3
Paragraph 3.4
Paragraph 3.5

12. APPENDICES

Appendix A

Snap Online Survey Consultation

Appendix B

CSE Safeguarding Sticker

13. BACKGROUND DOCUMENTS

Home Office Surveillance Camera Code of Practice, ICO Guide to data protection
Rotherham MBC Taxi Camera Requirements, Deregulation Act 2015

APPENDIX A

Snap Online Survey/ Consultation - Licensing Conditions

1. Displaying Safeguarding Information to Customers in Licensed Vehicles

Proposal - that a condition be introduced requiring proprietors of licensed vehicles to display approved safeguarding material on the inside of a vehicles rear passenger window (nearside). The condition shall also require operators and drivers to ensure the sticker remains in place.

Question 1	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	25	4	17	46
I disagree with the proposal	26	4	35	65
Undecided	5	1	8	14
Grand Total	56	9	60	125

Overall: 46 Agreed, 65 Disagreed, 14 Undecided

2. Suitability of Employees

Proposal – a condition be introduced requiring operators/proprietors to conduct adequate background checks on non BMDC licensed employees and to also provide training for employees who work within their business. The condition shall also require a work activity record to be maintained showing the hours/shifts such employees work. All such information shall be made available to the Licensing Service on request.

Question 2	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	21	5	21	47
I disagree with the proposal	29	3	36	68
Undecided	7	1	3	11
Grand Total	57	9	60	126

Overall: 47 Agreed, 68 Disagreed, 11 Undecided

3. Employee Charter / Code of Conduct

Proposal - a condition be introduced which requires operators/proprietors to produce an employee charter/code of conduct and to enforce same.

Question 3	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	17	5	12	34
I disagree with the proposal	30	1	39	70
Undecided	10	3	9	22
Grand Total	57	9	60	126

Overall: 34 Agreed, 70 Disagreed, 22 Undecided

4. Fitment of In-Car Closed Circuit TV Systems (CCTV)

Proposal - a Condition be introduced requiring all licensed vehicles be fitted with in-car CCTV in accordance with ICO requirements and BMDC policy.

Question 4	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	28	4	14	46
I disagree with the proposal	26	5	44	75
Undecided	3	0	2	5
Grand Total	57	9	60	126

Overall: 46 Agreed, 75 Disagreed, 5 Undecided

5. Amendment to hackney carriage and private hire licensing policy following Deregulation Act 2015 (2 Proposals)

Proposal 1 – Issue Drivers licences for a one year or three year period

Question 5 (Proposal 1)	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	45	8	48	101
I disagree with the proposal	7	0	9	16
Undecided	5	1	3	9
Grand Total	57	9	60	126

Proposal 2 – Issue Operator’s licences for a one year or five year period

Question 5 (Proposal 2)	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	40	8	36	84
I disagree with the proposal	8	0	10	18
Undecided	9	1	14	24
Grand Total	57	9	60	126

Overall: Proposal 1 = 101 Agreed, 16 Disagreed, 9 Undecided

Overall: Proposal 2 = 84 Agreed, 18 Disagreed, 24 Undecided

6. Vehicle Safety and Maintenance

Proposal 1 – a Condition be introduced requiring the proprietor of a licensed vehicle to provide a certificate of mechanical safety and vehicle maintenance (in accordance with the vehicle’s user handbook) at the scheduled intervals. Also, that the certificates are retained to provide a history of the vehicles safety record.

Question 6 (Proposal 1)	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	15	5	5	25
I disagree with the proposal	37	4	51	92
Undecided	5	0	4	9
Grand Total	57	9	60	126

Proposal 2 – that the proposed fees below be introduced.

Current Fees		Proposed Fees	
Fail (1 to 4 minor faults)	Free	Fail (Max 2 minor faults)	Free
Fail Multiple (5+ minor faults)	£20	Fail Multiple (Max 4 minor faults)	£50
		Fail Multiple (5 minor faults)	£75
Fail Safety Critical (1 x defect)	£20	Fail Safety Critical (1 x defect)	£100
Fail Dangerous (2 x defects)	£100	Fail Dangerous (2 x defects)	£100 + suspension

Question 6 (Proposal 2)	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	9	4	4	17
I disagree with the proposal	41	3	53	97
Undecided	7	2	3	12
Grand Total	57	9	60	126

Overall: Proposal (1) 25 Agreed, 92 Disagreed, 9 Undecided

Overall: Proposal (2) 17 Agreed, 97 Disagreed, 12 Undecided



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Join the fight against child sexual exploitation.
Child sexual exploitation is abuse and a crime

If you see something suspicious, report it to
the Police: **RING 101 or 999 in an emergency**

Let's stop child sexual exploitation now!

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