

Agenda for a meeting of the Regulatory and Appeals Committee to be held remotely on Thursday, 20 August 2020 at 10.00 am

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton Wainwright Amran Watson	Ali Brown	Reid

Alternates:

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Azam Godwin S Hussain Lal	Ellis Pollard	R Ahmed

Notes:

- Please note that, under the current circumstances only Members and Alternates on the Committee will receive paper copies of the agenda, however the agenda and reports can be viewed on the Councils agenda and minutes website five clear working days in advance of the meeting.
- **There will be a legal briefing for Members of the Committee at 0830 (Members are advised to login remotely from 0815. It is important that the briefing starts promptly and concludes at 0930 to enable interested parties to join the meeting in a timely manner.**
- **Please note that Item 8 onwards will not be considered before 1.00pm. There will also be a 45 minute adjournment for lunch.**
- The meeting will be held remotely, Members, officers and interested parties in advance of the meeting will be sent via email, instructions and a link on how to join the meeting remotely. **However any interested parties are strongly advised to submit their representations in writing, by the deadline set out below, in the first instance in case technical issues are encountered on the day of the meeting. If interested parties are unable to make representations remotely due to a technical issue, then the Committee will refer to their written representation (they will not be read out). ANY REPRESENTATIONS SUBMITTED AFTER THE DEADLINE DATE SET OUT BELOW WILL NOT BE CONSIDERED.**
- A webcast of the meeting will be available to view live on the Council's website at <https://bradford.public-i.tv/core/portal/home> and later as a recording.

- Any **written** representations that interested parties may wish to make at the meeting itself in support of or objecting to an application or other business item should be made in writing to the governance officer by **midday on Tuesday 18 August 2020**. Please email your representations to the following officers: yusuf.patel@bradford.gov.uk ; tracey.sugden@bradford.gov.uk
- Anyone wishing to **speak** to any of the applications at the meeting either as a Ward Councillor, applicant/agent or if you are in support or objecting to an application needs to email the above Governance Officers by **midday on Tuesday 18 August 2020**. **Please provide a telephone contact number**, together with the application details and explaining who will be speaking. You will then be advised on how you can participate in the remote meeting. Please note that any representations will be allowed 5 minutes only and this will have to be shared if there are one or more speakers.
- Approximately 15 minutes before the start time of the meeting the Governance Officer will set up the electronic conference arrangements initially in private and bring into the conference facility the Members and officers so that any issues can be raised before the start of the meeting. The officers presenting the reports at the meeting and other interested parties will have been advised by the Governance Officer of their participation and will be brought into the electronic meeting at the appropriate time.
- Members should be on their own when attending remotely and ensure that any confidential papers are not visible via the technology used.

From:

Parveen Akhtar

City Solicitor

Agenda Contact: Tracey Sugden

Phone: 01274 434287

E-Mail: tracey.sugden@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 meeting held on 25 June 2020 be signed as a correct record.

(Tracey Sugden – 01274 434287)

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.

(Tracey Sugden - 01274 434287)

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.

(Tracey Sugden – 01274 434287)

Please note that items 6 & 7 will be considered from 10.00am onwards. Interested parties are advised to login to join the remote meeting for these items from 10.00am. When joining the meeting please mute your microphone and video until you are advised to speak by the Chair.

6. PLANNING APPLICATION AND LISTED BUILDING CONSENT APPLICATION AT EBOR MILLS, EBOR LANE, HAWORTH, KEIGHLEY

1 – 74

The Regulatory and Appeals Committee is asked to consider a full planning application for the conversion and refurbishment of Grade II listed Ebor Mills into 14 dwellings, construction of 24 new dwellings within the curtilage of the site, landscaping, biodiversity and environmental enhancements, highway and footway improvements to Ebor Lane and demolition of the weaving sheds and partial demolition and reconstruction of the boiler house

The Committee is also asked to consider a listed building consent application for the conversion and refurbishment of Ebor Mills into 14 dwellings, construction of 24 new dwellings within the curtilage of the site and landscaping works within the curtilage of the Grade II listed heritage assets.

A full assessment of the applications against all relevant planning policies and material planning considerations is included at Appendix 1 to **Document “P”**.

Recommended –

- (1) That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in Document “P” and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.**
- (2) That the Committee be minded to grant listed building consent with conditions as listed in Document “P” and that the Assistant Director Planning Transportation and Highways be authorised to exercise delegated powers to issue the grant of consent.**

(John Eyles – 01274 434380)

7. FULL PLANNING APPLICATION - BRIDGEHOUSE MILLS, BRIDGEHOUSE LANE, HAWORTH, KEIGHLEY, BD22 8PA

75 - 122

The Assistant Director, Planning, Transportation and Highways will present a report (**Document “Q”**) which sets out a full application for conversion of a former industrial mill to develop 23 residential apartments and associated car parking and open space. Bridgehouse Mills, Bridgehouse Lane, Haworth, Keighley, BD22 8PA (20/00137/MAF).

Recommended –

That the application be approved subject to conditions contained within Document “Q”.

.(John Eyles – 01274 434380)

Please note that the following items will not be considered before 1.00pm. Interested parties are advised to login to join the remote meeting for these items at 1.00pm. When joining the meeting please mute your microphone and video until you are advised to speak by the Chair.

8. **OUTLINE PLANNING APPLICATION - PARRY LANE, BRADFORD** 123 - 156
- The Assistant Director, Planning Transportation and Highways will present a report (**Document “R”**) which presents an outline planning application for development of land for mixed use business and industrial units (B1, B2, and, B8) (site area of 4.9ha) with associated parking and servicing space; two primary access points to the site from Parry Lane and Sticker Lane and two secondary access points to the site off Parry Lane, requesting consideration of access on land at Parry Lane, Bradford.
- Recommended –**
- That the application be approved, subject to the conditions included with Appendix 1 to Document “R”**
- (John Eyles – 01274 434287)
9. **RESERVED MATTERS APPLICATION - RIVERSIDE WORKS, KEIGHLEY ROAD, SILSDEN** 157 - 188
- The Committee is asked to consider a Reserved Matters application for 156 dwellings requesting consideration appearance, landscaping, layout and scale (pursuant to outline approval 16/03804/MAO), on land at the former Riverside Works, Keighley Road, Silsden, BD200EH as set out in **Document “S”**.
- Recommended –**
- That the reserved matters application be approved. In addition, the Assistant Director of Planning, Transportation and Highways be authorised to agree to the variation of an existing S106 Agreement to secure on-site affordable housing provision rather than a commuted sum of £348,439.**
- (John Eyles – 01274 434380)
10. **RESERVED MATTERS APPLICATION - MILL CARR HILL ROAD, OAKENSHAW, BRADFORD** 189 - 206
- The Committee is asked to consider a reserved matters application requesting consideration of access, appearance, landscaping, layout and scale of school car park (pursuant to outline approval (16/06146/MAO) on land South of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw as set out in **Document “T”**.
- Recommended –**
- That the application be approved, subject to the conditions**

included with Appendix 1 to Document “T”.

(John Eyles – 01274 434380)

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 20th August 2020

P

Subject:

Planning application 19/04426/MAF and Listed Building Consent application 19/04425/LBC for the following development at Ebor Mills, Ebor Lane, Haworth, Keighley.

Conversion and refurbishment of Grade II listed Ebor Mills into 14 dwellings, construction of 24 new dwellings within the curtilage of the site, landscaping, biodiversity and environmental enhancements, highway and footway improvements to Ebor Lane and demolition of the weaving sheds and partial demolition and reconstruction of the boiler house.

Summary statement:

The Regulatory and Appeals Committee are asked to consider a full planning application for the conversion and refurbishment of Grade II listed Ebor Mills into 14 dwellings, construction of 24 new dwellings within the curtilage of the site, landscaping, biodiversity and environmental enhancements, highway and footway improvements to Ebor Lane and demolition of the weaving sheds and partial demolition and reconstruction of the boiler house

The Regulatory and Appeals Committee are also asked to consider a listed building consent application for the conversion and refurbishment of Ebor Mills into 14 dwellings, construction of 24 new dwellings within the curtilage of the site and landscaping works within the curtilage of the Grade II listed heritage assets.

A full assessment of the applications against all relevant planning policies and material planning considerations is included at Appendix 1.

It is recommended that the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

It is recommended that the Committee be minded to grant listed building consent with conditions as listed in the report and that the Assistant Director Planning Transportation and Highways be authorised to exercise delegated powers to issue the grant of consent.

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:

**Change Programme, Housing, 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 reference 19/04426/MAF and listed building consent application reference 19/04425/LBC made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

2. BACKGROUND

Attached at Appendix 1 is a copy of the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to both applications to be considered.

3. OTHER CONSIDERATIONS

All considerations material to the determination of the planning application and the listed building consent application are set out in the Officer's Report at Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

6. LEGAL APPRAISAL

The proposals are within the Council powers as Planning and Highway Authority subject to appropriate consents being granted.

7. OTHER IMPLICATIONS

All considerations material to the determination of the application are set out in the technical report at Appendix 1.

7.1 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 received 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 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. Full details of the process of public consultation undertaken and a summary of the comments made are attached at Appendix 1.

7.2 SUSTAINABILITY IMPLICATIONS

The development meets the sustainability criteria outlined in relevant national and local planning policies. The site is located within close proximity to certain amenities in Haworth, with nearby bus services available on Lees Lane/Mill Hey to access facilities and services further afield. Bus services which operate on Lees Lane/Mill Hey include

the B1/B2/B3 which operate between Keighley and Stanbury/Oakworth/Hebden Bridge all at a sixty-minute frequency. The development would not result in either the formation of a new settlement or significant sprawl of an existing settlement. No adverse sustainability implications are therefore foreseen.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings and land for residential purposes will invariably result in an increase in greenhouse gas emissions associated with both construction operations and the activities of future users of the site. Consideration should also be given to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed development is such that the use of sustainable modes of travel would be best facilitated and future greenhouse gases associated with activities of the residents are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points will be secured by a planning condition at a rate of 1 per residential unit with dedicated parking in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy.

The EV charging points are to be provided in lieu of the £19,019.00 contribution requested by West Yorkshire Combined Authority for the provision of a residential Metrocard Scheme. It is considered that the provision of EV charging points represents a betterment of the scheme as charging points are in situ permanently rather than a MertoCard Scheme which is only for 1 year, with no guarantee that residents will renew after that period.

7.4 COMMUNITY SAFETY IMPLICATIONS

All community safety implications material to the determination of this planning application are set out in the Officer's Report at Appendix 1.

7.5 HUMAN RIGHTS ACT

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

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

The Technical Report at Appendix 1 summarises the material planning issues raised by representations and the appraisal gives full consideration to the effects of the development on the residents of Worth Valley Ward.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

If the committee proposes to follow the recommendation to grant planning permission and listed building consent then the Assistant Director (Planning, Transportation, Highways) can be authorised to issue a decision notice granting conditional planning permission, subject to the completion of the section 106, and a decision notice granting conditional listed building consent.

If the Committee decide that planning permission and/ or listed building consent should be refused, they may refuse the application(s) accordingly, in which case reasons for refusal will need to be provided based upon development plan policies or other material considerations.

10. RECOMMENDATIONS

That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

That the Committee be minded to grant listed building consent with conditions as listed in the report and that the Assistant Director Planning Transportation and Highways be authorised to exercise delegated powers to issue the grant of consent.

11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

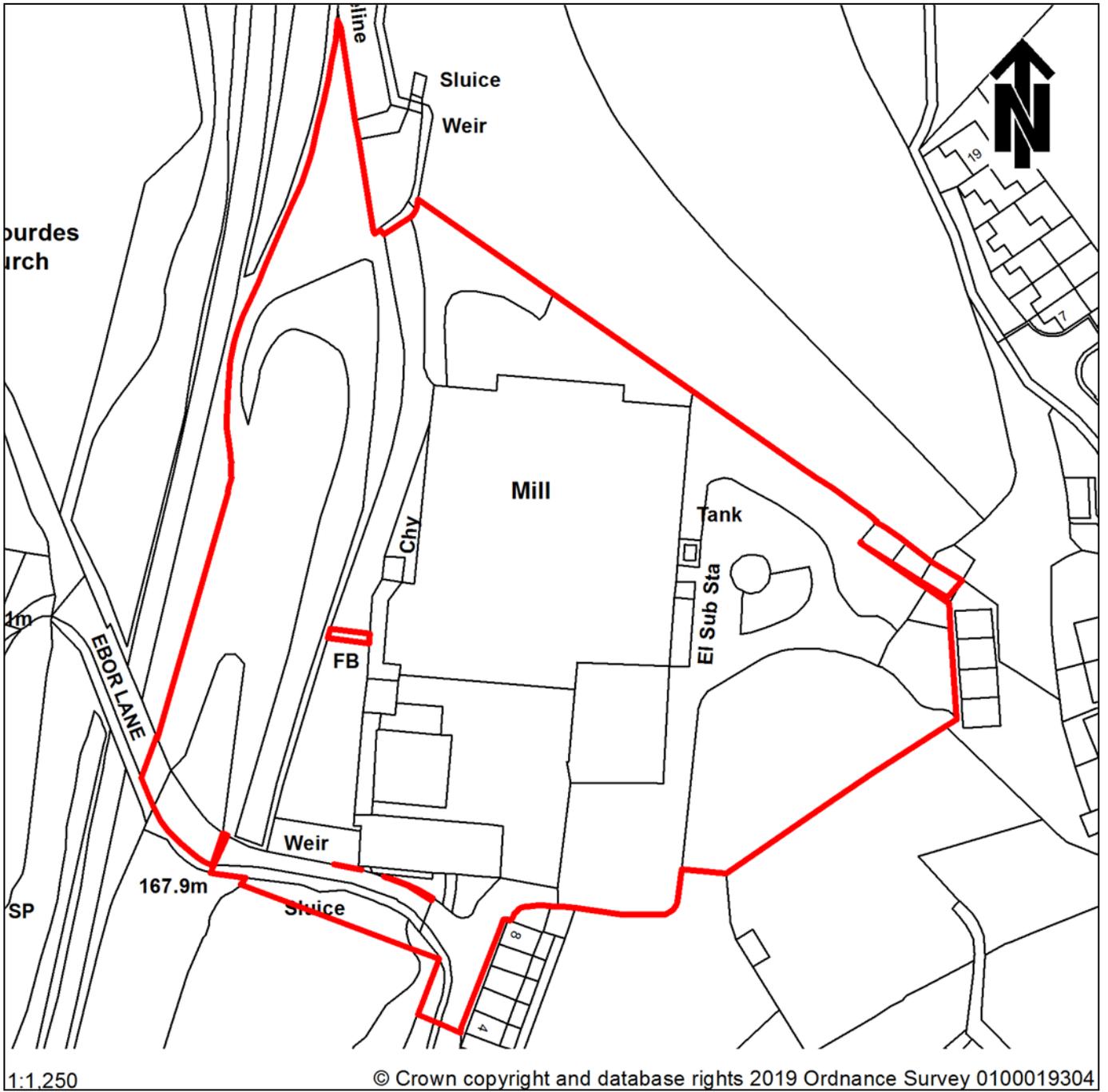
National Planning Policy Framework (2019)

Adopted Core Strategy (2017)

Replacement Unitary Development Plan (2005)

Homes and Neighbourhoods: A Guide to Designing in Bradford (2020)

Haworth, Cross Roads and Stanbury Neighbourhood Plan (Draft)



Appendix 1

20th August 2020

Ward: Worth Valley

Recommendation:

That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

That the Committee be minded to grant listed building consent with conditions as listed in the report and that the Assistant Director Planning Transportation and Highways be authorised to exercise delegated powers to issue the grant of consent.

Heads of Terms of the Legal Agreement:

1.S106 agreement for off-site highway improvement works on Ebor Lane comprising footpath upgrades.

Application Number:

Planning Application- 19/04426/MAF

Listed Building Consent Application- 19/04425/LBC

Type of Application/Proposal and Address:

A full planning application for the conversion and refurbishment of Grade II listed Ebor Mills into 14 dwellings, construction of 24 new dwellings within the curtilage of the site, landscaping, biodiversity and environmental enhancements, highway and footway improvements to Ebor Lane and demolition of the weaving sheds and partial demolition and reconstruction of the boiler house

A listed building consent application for the conversion and refurbishment of Ebor Mills into 14 dwellings, construction of 24 new dwellings within the curtilage of the site and landscaping works within the curtilage of the Grade II listed heritage assets.

Applicant:

Skipton Properties Ltd

Agent:

Mr Jay Everett

Addison Planning Consultants Ltd

Site Description:

An irregular shaped 1.7 hectare site positioned on the valley floor adjacent to Bridgehouse Beck. The site forms part of a larger area of Village Green Space as identified on the Replacement Unitary Development Plan Proposals Map (Keighley South Constituency).

The site is occupied by Ebor Mills which is a grade II listed mill complex arranged around three sides of a courtyard. The complex consists of a two storey spinning mill with basement, boiler house, economiser building, warehouse and northlight weaving sheds.

The spinning mill dates from 1819 and is the most prominent of the buildings, located to the east of the site access its south elevation forms part of the Ebor Lane frontage. The building is constructed of stone and has a stone slate roof. Internally the building has been adapted to office use. The boiler house is a single storey building located to the north of the spinning mill. It is constructed of natural rubble stone with a stone slate roof supported by iron trusses. The economiser building is located to the north of the boiler house and is a single storey building constructed of stone beneath a pitched slate roof. The buildings openings are currently walled up with blockwork. The warehouse building is located to the north of the economiser building, parallel to the spinning mill. It is constructed of natural stone and the original roof covering has been replaced with an inferior tiled roof. Internally the first and second floors have been replaced as has the roof structure, with some original features reused. The weaving sheds are located to the north of the warehouse and occupy the largest footprint of the existing buildings. The weaving sheds are two storeys in height and are constructed of stone with a northlight roof. The mill chimney is located to the west of the weaving sheds and north of the Economiser Building. The base of the chimney is square and the shaft is octagonal. The chimney is a landmark visible from numerous vantage points in the surrounding area.

The eastern end of the mill courtyard was originally completed by an imposing 6 storey mill building. The building was catastrophically fire damaged in 2010 and its remnants were deemed unsafe for retention and demolished.

The development site is bounded to the north by a low wall beyond which there is a field and steeply sloping wooded embankment within the Green Belt. To the east the site is contained by a steep vegetated slope which ascends towards dwellings on Cryer Meadows and Midgely Walk. The southern boundary of the site fronts Ebor Lane and the Grade II listed Ebor Bridge. South of the bridge and outside of the development site there is a publicly accessible wetland habitat area (Bradford Wildlife Area 081). Vehicular and pedestrian access into the development site is achieved from Ebor Lane between the eastern gable of the Spinning Mill and a row of Grade II listed mill workers cottages. Further south on Ebor Lane stands Ebor House the former residence of the mill owner. The dwelling is grade II listed, as is a plaque in the garden wall of the dwelling. The Keighley and Worth Valley Railway runs along the western boundary of the site and the area of land located between the railway and Bridgehouse Beck is within the Green Belt.

Relevant Site History:

Application Ref.	Description	Decision
18/03605/PMJ	Residential conversion and new build	Amendments Required
08/02209/LBC	Part demolition, extension, internal and external alterations of Grade II listed industrial buildings to form 102 residential units	Finally Disposed of- 16.11.2010
08/02224/FUL	Change of use of industrial buildings to	Finally Disposed of-

	102 residential units and construction of 18 houses with car parking and access road	16.11.2010
95/03514/COU	Change use of land to provide visitors car park for nature reserve	Granted 08.02.96

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.

Planning (Listed Buildings and Conservation Areas) Act 1990

The proposed development is assessed in relation to the relevant statutory duties consisting of sections 66 (1) and 72 of the Act.

Replacement Unitary Development Plan (RUDP):

Allocation

Village Greenspace- Policy OS7

K/OS7.7 Mytholmes and Lees Lane, Haworth- A green swathe extending into the centre of Haworth. The green space as a whole is important to the setting of Haworth and it serves to link the open Countryside to the north and south, acting as a green break between Haworth and Lees.

Core Strategy

P1- Presumption in Favour of Sustainable Development

SC1- Overall Approach and Key Spatial Priorities

SC4- Hierarchy of Settlements

SC5- Location of Development

SC7- Green Belt

SC8- Protecting the South Pennine Moors and their Zone of Influence

SC9- Making Great Places

PN1- South Pennine Towns and Villages

PN2- Investment Priorities for the Pennine Towns and Villages

EC4- Sustainable Economic Growth
TR1- Travel Reduction and Modal Shift
TR2- Parking Policy
TR3- Public Transport, Cycling and Walking
HO1- The District's Housing Requirement
HO2- Strategic Sources of Housing Supply
HO3- Distribution of Housing Development
HO5- Density of Housing Schemes
HO6- Maximising the Use of Previously Developed Land (PDL)
HO8- Housing Mix
HO9- Housing Quality
HO11- Affordable Housing
EN2- Biodiversity and Geo-diversity
EN3- Historic Environment
EN4- Landscape
EN5- Trees and Woodland
EN7- Flood Risk
EN8- Environmental Protection
DS1- Achieving Good Design
DS3- Urban Character
DS4- Streets and Movement
DS5- Safe and Inclusive Places
ID3- Developer Contributions

Homes and Neighbourhoods - A Guide to Designing in Bradford 2020 SPD

As a supplementary planning document, it supports the local plan policies and advances the Government's agenda by putting high-quality design, healthy & happy communities, and inclusive design principles, at the forefront of market-appropriate and financially viable new housing in Bradford district.

The SPD outlines a number of principles when creating a neighbourhood:

Density and scale
Movement
Green streets
Safe and characterful streets
Open space
Water and drainage
Landscape
Biodiversity
Play
Housing mix
Topography and ground conditions
Roofs and building forms
Key buildings and corners
Parking
Waste
Making inclusive places

Neighbourhood Planning

The site is located within the Neighbourhood Area Designation of the Haworth, Cross Roads and Stanbury Neighbourhood Plan. A draft version of the aforementioned plan

has undergone public consultation and has been submitted to Bradford Council to be checked against all relevant legislation. The remaining stages of the adoption process are for the neighbourhood plan to undergo an independent examination and for a referendum to be held after which, if more than half of those voting are in favour, the plan will come into force as part of the statutory development plan for the area

The emerging neighbourhood plan has not yet undergone independent examination or referendum and therefore whilst it is a material consideration in the decision making process it can only be given limited weight at the present-time

Parish Council:

Haworth, Cross Roads and Stanbury Parish Council has provided the following comments;

Description of Development

The demolition of existing buildings should be explicitly mentioned within the description of the proposed development.

Not all of the proposed dwellings are within the curtilage of the mill. Does the description need to be reviewed in order to make clear how the new dwellings are not necessarily within the 'curtilage' of the buildings?

Principle of Development

The site does not consist entirely of previously developed land. This is confirmed in section 4.12 of the Built Heritage Statement that acknowledges the agricultural land and paddock use of the land to be developed to the north of the complex of Mill buildings.

The developed extent of the site includes the Mill buildings and an area of hardstanding to the south of the main weaving shed and east of the Listed buildings. The eastern extent of the site is undeveloped and green in character, as is the western section of the site that lies beyond Bridgehouse Beck and within designated Green Belt. As such, only the central strip of the site that is covered by buildings or hardstanding can be considered to be previously developed. Especially, as some of the wider site falls outside of the curtilage of the buildings.

The previously developed part of the site is identified as having potential for redevelopment within the Haworth, Cross Roads and Stanbury Neighbourhood Development Plan under Policy H4. As such, the Parish Council has expressed its support, in principle, for the redevelopment of Ebor Mills. However, we are concerned that the application proposal is not consistent with the expectations of the Neighbourhood Plan.

Whilst the Neighbourhood Plan identifies under Policy H4 the extent of the mills where development would be supported, the NP Policy has been prepared with reference to the expectation that the site will be adopted within the emerging Site Allocations DPD. However, the site, along with the surrounding land, is also shown within the NP to be washed over by Green Infrastructure Policy GE1. The designations within the Neighbourhood Plan therefore reflect the current planning policy status of the site and how the area is currently subject to a village greenspace designation under Saved UDP Policy OS7.

We are also concerned with the misrepresentation of the Neighbourhood Plan under paragraph 5.8 of the Planning Statement. The references within the Neighbourhood Plan to Ebor Mills and its development potential are in relation to the extent of the buildings on site. Reference to green open space and heritage interests make clear how there is an expectation that the open setting of the land surrounding site should be respected and maintained if development of the buildings is to be considered consistent with the Neighbourhood Plan and the statutory development plan for Bradford

Please note that throughout the Planning Statement, reference is made to UDP Policy UR4. This Policy was deleted some years ago and no longer forms part of the development plan for Bradford. Consequently, it is not a material consideration in the determination of planning applications and consistency with the Policy does not lend support for the proposed development.

Village Green Space

The village greenspace, in which the Mill is located, is described under K/OS7.7 Mytholmes and Lees Lane as a green swathe extending into the centre of Howarth. Additionally, the village green space acts to extend the open rural character of the designated Green Belt to the north into the urban extent of Haworth to the south. The greenspace is therefore considered to be important to the setting of Haworth because it serves to connect the open countryside to the north and south, and acts as a green break between Haworth and Lees.

The Mill buildings are located within the bottom of a valley where the valley slopes rise above the buildings, which helps to accentuate the green setting of the site, and also the significance of the village green space, as part of a wider green corridor.

As such, the buildings that currently form Ebor Mills represent development nestled within important green space where the surrounding open countryside contributes to the setting of Haworth. If the open land around the Mill buildings were to be developed then it would result in the loss of the character of the green corridor. Such loss would be detrimental to the visual setting of Haworth and would have a negative impact on the operation of the green corridor created by the areas of pasture to the east and west of the Mill buildings. Consequently, Ebor Mills would appear to visually connect with the edge of Haworth, which would cause urban sprawl into open countryside.

On this basis, we are concerned with how it is proposed for the development to be extended beyond the existing developed extent of the buildings and into the eastern section of the site, which is currently free of development. It is considered that extending development into the undeveloped eastern section of the site is contrary to UDP Policy OS7 and NO Policy GE1 because the proposal will have a detrimental effect on the character and setting of Haworth. If the redevelopment of Ebor Mills is to be considered acceptable then development should be constrained to the existing developed extent of the site rather than being allowed to extend eastwards in order to protect the purpose and character of the designated green space.

Development within the Green Belt

In addition to development of the open areas of the site being contrary to policies set out in the Neighbourhood Plan and development plan for Bradford, we are also concerned with the proposed dwelling to the west of the Mills and north of Ebor Lane.

The proposed dwelling is noted within the drawings as The Sidings and to be located within an area of designated Green Belt.

The NPPF makes clear how development within the Green Belt is generally inappropriate unless very special circumstances can be demonstrated. Very special circumstances are usually where there is a set of unique circumstances evident that are particular to the proposal that justify the requirement for development. Having reviewed the application documents, we have found no explanation of what very special circumstances exist for the proposed dwelling identified in the drawings as The Sidings. Instead, we believe the dwelling to be contrary to the purposes of Green Belt as it constitutes encroachment into open countryside because it will introduce a new dwelling beyond the extent of established development and the built form of Haworth and Lees.

Impact on Heritage Assets

As well as contributing to the setting of Haworth and creating a green corridor that connects the open countryside into the centre of Haworth, the open areas of pasture around the Mill buildings also contribute to the setting of the Listed buildings. The green spaces are part of the historic pattern of development of the area, and help to articulate the relationship between the various components of the original development of Ebor Mill, including the mill worker's dwellings and the former Mill Manager's House. To allow development of houses to extend beyond the confines of the existing footprints of the weaving shed will visually impact on the setting of the Listed buildings by harming the historic pattern of development given the significance of the open areas of pasture. We therefore believe the development needs to be confined to the area of land identified under Policy H4 of the Neighbourhood Plan on the Proposals Map. Otherwise the application proposal does not respect the special architectural or historic interest of the Listed Mill buildings.

In respect of the Landscape Assessment and also the Built Heritage Statement, we are concerned with the lack of cross referencing and appreciation of how the two matters interact. Particularly, in relation to the significance the open land around the Mill buildings and how it contributes to the setting of the Listed buildings. The open land around the fringes of the buildings that separate the site from the urban extent of Haworth is considered important to the setting of the Listed buildings.

In respect of the Built Heritage Statement we are extremely concerned with how it concludes that despite the proposed development "clearly changing the character of the setting to the listed building group" and "the proposed development will have a major impact upon the significance of the Ebor Mill listed building group" the Statement concludes that the harm can be considered less than substantial. We strongly disagree given the proposed loss of buildings considered to have moderate to high heritage significance. Especially, as the appraisal of the significance is incomplete.

Included within the application pack is a Specification for Archaeological Photographic and Drawing Recording prepared by West Yorkshire Archaeology Advisory Service. This statement simply sets out a methodology for recording the heritage significance through photography and drawings. What appears to be missing from the application pack is then the actual assessment itself. Given the recording of the archaeology provides a means of determining the interest of the heritage asset then we cannot see how the full assessment of the significance can have been completed without such investigation. Especially, given the level of alterations proposed to the Listed buildings

in order to facilitate the conversion to residential. How can the appropriateness of the conversions be assessed without first understanding the significance of the existing features?

With regards to the listed status of some of the Mill buildings, we are also concerned as to how the matter of 'optimum viable use' has not been addressed in accordance with the NPPF. The Neighbourhood Plan does not allocate the site, and simply refers to the potential of the site being allocated within emerging development plan for Bradford. As such, the current or last use, of the Listed buildings remains the optimum use and it is therefore necessary for the applicant to demonstrate that the current use is no longer viable before an alternative use can be considered. Any assessment also needs to be weighed against the public benefits of the proposed development, if the optimum use is not the original use. The application pack does not appear to include the necessary viability appraisal for the case to have been made and we cannot see how the application can be determined without such an appraisal.

Other Matters

We have further concerns with the proposal in relation to design, layout and scale, but as the current application fails to satisfy matters of principle we do not believe it necessary to set out our objections relating to detailed matters. Instead, we would ask that the application be refused given it is contrary to the policies set out in the development plan for Bradford and also the Neighbourhood Plan

Publicity and Number of Representations:

The planning application was advertised through the publication of site notices, press advertisement and neighbour notification letters.

The listed building consent application was publicised by press advertisement and site notice.

68 objections were received in relation to the planning application. A Ward Councillor and the Parish Council have objected to the application.

69 objections were received in relation to the listed building consent application.

Community Engagement

The applicant has provided an extensive Statement of Community Involvement detailing the engagement exercises that were undertaken prior to the submission of the application and their results.

The document indicates that the following engagement exercises were undertaken:

- Pre-application discussions with Ward Members and Officers of the Council.
- A public consultation drop in event was undertaken. Letters were sent to local residents explaining details of the proposals and a questionnaire was provided inviting feedback on the proposals. Ward Members were invited to attend the event.
- Two presentations to Haworth, Cross Roads and Stanbury Parish Council

More than 100 people are estimated to have attended the drop-in event. 87 questionnaire responses were completed by email, letter, or by using the on-line survey website.

The document identifies that the nature of the issues raised through the consultation exercise can be categorised as issues relating to the principle of housing on the site; design and housing mix; heritage; access and impacts on the highway network and the levels of car parking; ecology and landscaping; and drainage and flooding issues. Each of the issues has been considered in the evolution of the planning application to its current form.

Summary of Representations Received:

A Worth Valley Ward Councillor has raised the following concerns:

Overall this application is very unclear over which of the sections A to F are to be developed. It appears that D and E are not included at this stage but if they are to be included I would have major concerns and would submit further objections. Although Ebor Mills would benefit from a small scale development on the brownfield land I feel this proposal is too large for the site and would cause negative impact on the area. The proposed development area extends far outside the original mill buildings and into village green space.

Access to the site from Lees Lane/Mill Hey is very narrow and approached from a difficult junction. There is already an advisory for HGV's not to turn left out of Ebor Lane due to the angle of the exit. There have been accidents on this corner and the wall knocked down previously. There is no footpath on Ebor Lane on the Mill side so any pedestrians would have to cross on a bend with limited visibility over the bridge.

The access from Mytholmes Lane includes a single track bridge and road that is already difficult to use at peak times. There is no footpath from the Mytholmes Lane end of Ebor Lane so any additional traffic would be a safety risk to pedestrians.

The initial development of 38 properties would lead to a sizeable increase in traffic and any further development of the site would increase this further. The eastern extent of the site is undeveloped green space and falls outside of the original mill buildings. To the western extent is green belt. It is unclear whether the area F "The Sidings" is included for development. This area appears to be in the green belt and as there are no special circumstances any development on this area should be refused. The green space acts as a buffer between the villages of Haworth and Lees Cross Roads and should be maintained to prevent urban sprawl.

Part of the land is the Local Wildlife Site which gives a wide biodiversity to the area. Over the last few years the Councillors have worked with the community and Aire Rivers Trust to improve this area. However, the new owners then decided to spray it and kill many native species. Volunteers have now been told not to do any more work on the site. This has led to concerns about the future way this valuable site will be managed and how public access will be allowed.

The site is in flood zone 1 and an accurate site specific Flood Risk Assessment is required. There are some details submitted but given the area has had a 1 in 100 year flood event at least 3 times in recent years a more detailed plan is required. A number of the proposed properties are below the minimum design standards floor risk.

The proposed layout of sections A, B and C is very tight in layout with little visitor parking. Lack of visitor parking is a common issue on new developments with cars often parked on pavements and blocking access. Proper consideration needs to be given to parking.

The existing cottages on Ebor Lane will lose parking and from the plans spaces will be created inside the development. How will these spaces be kept purely for the cottages? Since Skipton Properties have bought some of the cottages and evicted tenants they have been gutted. What plans are there for the cottages?

The heritage railway, Keighley and Worth Valley Railway, passes alongside of the site. Part of the attraction of the railway is passing historic mills and open countryside and any extension of the original mill development would impact on the railway offer. Tourism is a major impact on the economics of the area so any impact on tourism is to be avoided.

If approval is given the residents of this area should be given consideration and no work should take place on site before 8am or after 6pm Monday to Friday or before 8am and after 1pm on a Saturday. No Sunday working or evening working should take place. A full plan for vehicle movements should be submitted and agreed by planning including a banksman at the Lees Lane/Mill Hey junction.

In Objection:

Principle

The development will harm the tourist economy of Haworth

Haworth does not need a development of 24 executive homes

Haworth is a village and not a town

Part of the development is in the green belt.

Development should be confined to the footprint of the demolished mill.

In light of Haworth's housing target being reduced from 400 to 275 in this year's partial review of the Council's Core Strategy, it would seem premature to allow developments that affect green belt land.

The proposal is an overdevelopment of the site.

Highways

The access into the site is inadequate

The access road is too narrow

Increased traffic in this area will result in accidents

Ebor Lane is already a rat run

The existing footpath on Ebor Lane is unsafe.

Ebor Lane and bridge are not designed for heavy goods vehicles

The bridge on Ebor Lane will collapse if more traffic is introduced

Ebor Lane is already at maximum vehicle capacity

Ebor Lane has a limited number of passing places

Ebor Bridge cannot accommodate HGV traffic.

The submitted traffic survey was done at a quiet time.

The junction from Ebor onto Lees Lane/ Mill Hey is challenging for drivers

Drivers use Ebor Lane as a cut through from Mytholmes Lane/ Victoria Ave

Will the courtyard area be for delivery and drop off only?

The section of the development on the main road would take away the only free parking for the local shops

Will the developer upgrade the crime affected Gas Street Car Park providing a safe, secure, and well illuminated area for those inhabitants of Mill Hey and River Street to leave their vehicles under the current Terms and Conditions of their Permits?

The developer should subsidise bus permits to encourage the use of public transport

Fire engines cannot easily access the site.

Design

The development will use stone imported from China, rather than a local product.

The proximity of the development to the Worth Valley Railway is concerning as this makes the approach the Haworth less attractive for visitors to the village

Residential Amenity

Mud, dust and building noise will spoil the enjoyment of my property

Heritage

The number of new developments in Haworth is harming the historic character of the village.

The construction of dwellings will harm the setting of the mill

Harm to the setting of the Worth Valley Railway

Harmful to Haworth Conservation Area

Harm to the grade II listed cottages on Ebor Lane

The weaving sheds should be retained and used as garages

One mill in the area should be to be retained for educational purposes. If this mill is lost the history of Haworth mills will be lost forever.

The weaving sheds should be retained for their character and historical value

Drainage

How will the area cope with drainage from these new developments?

Is the existing highway drainage sufficient to cater for this development?

How will pollution from surface run-off be prevented?

The flood risk assessment does not take account of general run off of water in the area

By continually paving over green areas, there is a far greater chance of additional flooding.

The Mill Hey area has suffered 2 one in 100 year floods in the last 15 years and a number of near misses.

The development would reduce natural flood prevention in the Worth Valley and result in flooding in Keighley town centre.

The development is on a floodplain.

The flood risk assessment provided by the applicant does not provide guarantees of work to affect the safety of the inhabitants and their property in some and part of the proposed properties both renovated existing and new build.

Biodiversity

Harm to the nature reserve on Ebor Lane

what protections are in place to secure the nature reserve as an amenity that is much loved by locals?

Additional traffic will have a negative impact on the nature reserve on Ebor Lane

Will the nature reserve be improved after being neglected for a long time?

Bats, deer, heron, kingfishers, grey wagtail, tawny owl, sparrowhawk and brown hare are present in this area.

The developer has restricted public access to the Ebor Lane nature reserve

What will happen to the existing trees on site?

Destruction of a rare Ash riverine woodland

The habitat of the Brook Lamprey will be harmed by the development. A protected species under EU Wildlife and Habitats directive.

The development would result in the destruction of rare woodland.

Landscape

The development will be a blot on the landscape

Infrastructure

Inadequate infrastructure in Haworth to support another development

Insufficient school place available for future residents

Insufficient doctors appointments available for future residents

Other

The developer will not be available to deal with any issues at the site after the development is completed.

The development will be received negatively by the people of Haworth.

I hope the council listen this time to local residents and are not hood winked or paid off to pass this.

Trees on the development will be planted in concrete and will die after 7 years.

Three of the five cottages on Ebor Lane are owner by the developer. Will the views of the remaining residents be taken into account?

Will the development provide electric vehicle charging points?

The results of the community consultation alongside the other factors should guide the local authority to the inescapable conclusion that this development should be rejected.

Ebor mill and the land around it should be left alone.

Harm to air quality as a result of additional traffic.

Vibration damage as a result of construction traffic

Local people also use the footpath to Vale Mill Lane and greatly value it in its present form, with its dry stone walls and traditional features.

It is disturbing that two applications exist simultaneously

Any changes to the footpaths are unnecessary and would disrupt use of them especially as the route of many people coming to and from Haworth school from Oakworth.

The site is of high value to the local community.

The cottages at the site access will be demolished by a HGV accessing the site.

The price of the dwellings will be beyond the finances of any local people who aspire to get on the property ladder.

The Airedale NHS Foundation Trust have requested that a contribution of £48,024.98 should be made to the trust in order to provide additional services to meet patient demand.

Consultations:

Environment Agency (08.07.2020)

We have reviewed the following information submitted with the application;

- Hydraulic Model and report by Paul Waite Associates Ltd, dated 18/06/2020, Ref: 18171.CR.03.P02
- FRA by Paul Waite Associates Ltd, Dated 18/06/2020, Ref: 18171.CR.02.P09 (indicated on the document control sheet)
- Subsequent FRA Technical Note by Paul Waite Associates Ltd, Dated 07/07/2020, Ref: 18171.CR.05.P01
- Accompanying appendices

Based on our review of the above we do not wish to maintain an objection to this proposal, subject to condition.

If the LPA are minded to approve this application we consider that the proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the FRA and other documents referred to above, submitted with this application, are listed as approved plans/documents and implemented and secured by way of planning condition on any planning permission granted.

- Finished Floor Levels are to be set no lower than the levels indicated in section 6.2 of the FRA and 4.2 of the Technical Note, these are:
 - Spinning Mill plots 1 -6 Ground floor FFL 163.000mAOD
 - Spinning Mill plots 1 -6 First Floor FFL 166.000mAOD
 - Mill House FFL 161.350mAOD
 - Plot 7 FFL 161.700mAOD
 - Plots 8 to 14 FFL 161.800mAOD
 - Plots 15 to 21 FFL 160.250mAOD
 - Plot 22 FFL 161.425mAOD
 - Plot 23 FFL 161.875mAOD
 - Plot 24 FFL 161.700mAOD
 - Plot 25 FFL 162.600mAOD
 - Plot 26 FFL 165.025mAOD
 - Plots 27 to 29 FFL 165.100mAOD
 - Plot 30 FFL 166.150mAOD
 - Plot 31 FFL 166.600mAOD

- Plot 32 FFL 166.325mAOD
 - Plots 33 and 34 FFL 165.425mAOD
 - Plots 35 to 37 FFL 164.300mAOD
 - Plot 38 FFL 163.900mAOD
-
- No Basement Development of the Spinning Mill building
 - No Ground Floor Sleeping Accommodation for the lifetime of the development
 - The mill race/goit is to be formally in-filled and capped so as to not act as a potential flood flow route
 - A suitable emergency access and egress plan is to be agreed in writing with the LPA to ensure suitable access and egress agreement present in times of flood, prior to occupation.
 - A maintenance plan is to be agreed with the LPA that ensure appropriate routine and post flood event inspections and maintenance is carried out on the baffles, weir, bridge mill race caps/infill and wall, prior to occupation

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

We strongly recommend that flood proofing a resilience measures are carried out to the 1 in 100 plus 50% level plus 600mm to minimise the impacts of flooding should it occur.

The applicant should produce a flood evacuation plan for the development, and is advised to sign up to the flood warning service provided by the Environment Agency.

West Yorkshire Combined Authority

The closest bus stop on this corridor 19933 does not have a shelter. As part of this scheme, a bus shelter could be provided at the above named stop at a cost of £13,000 to the developer to improve the public transport offer. In addition a Real Time Information display could be provided at bus stop numbers 19933 and 19935 at a cost to the developer of £10,000.00 each.

To encourage the use of sustainable transport as a realistic alternative to the car it is recommended that the developer funds a package of sustainable travel measures, to encourage the use of sustainable modes of transport. The contribution for this development would equate to £19,019.00, which equates to bus only residential MetroCards.

The Coal Authority

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Drainage (01.11.2019)

No objections are raised subject to planning conditions requiring; the submission of foul and surface water drainage details; the submission of a maintenance plan for the surface water drainage scheme; and construction of the development in accordance with the Flood Risk Assessment in respect of finished floor levels.

Parks and Greenspaces

The proposed development will have a minimal impact on the surrounding facilities and a financial contribution will be sought from the CIL funds from CIL liable developments throughout the district to help mitigate any impact.

Any new areas of public open space they will be required to be maintained by the developer and a full landscape management plan will need to be produced and agreed as part of the planning process.

Highways (17.12.2019)

A Transport Assessment has been submitted with the application which is accepted in terms of traffic generation and impact of the proposed development on the highway network.

Ebor Lane which is substandard in width and pedestrian facilities. However, the site has been used for many years for commercial purposes and would have generated significant levels of vehicular and pedestrian traffic in its heyday. More-over the existing industrial unit is operational and can be intensified as a B2/B8 use with no additional planning constraints.

The development is proposing mitigation measures including widening Ebor Lane around its junction with the site entrance and localised widening and realigning the footway along Ebor Lane between Lees Lane and the site access. A minimum 1.2m footway, increasing to 1.4/1.5m in sections, and a 4.8m carriageway would be provided.

Parking currently taking place on Ebor Lane close to the site entrance would be removed and parking would be provided within the site for the cottages. Any alterations to the adopted highway will need to be implemented through a S278 agreement.

The Local Plan parking standard is 1.5 spaces average for the development and this is for guidance purposes and is flexible depending on site's accessibility. The proposed development would provide 2 parking spaces per unit which is an acceptable level of provision.

There are no recorded injury accidents on Ebor Lane over the past 5 years. This is probably due to regular local motorists who drive carefully along this substandard road. Speed surveys on Ebor Lane close to the site show traffic speeds are around 15mph. Inter visibility across the bridge for the site access and through vehicles is provided in excess of the speeds and by the removal/cutting back of the trees/vegetation will allow full inter visibility for all road users.

The following concerns are raised in relation to the internal layout:

There is a lack of visitor parking spaces with only 5 spaces provided to the west of the spine road. An additional 4 visitor parking spaces should be provided to serve The Mews and Mill Terrace units.

Visitor parking spaces within shared surface areas should be located within and parallel to the adoptable highway. Visitor parking spaces that are perpendicular to the highway are unacceptable for adoption purposes.

The private drive at Mill Terrace serves 7 dwellings; guidance is that any access catering for over five dwellings should be designed to an adoptable standard. I would recommend that The Mews turning head is extended upto plot 32; the private drive would then serve plots 33 to 36.

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:

Type 1 Mitigation

- 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.
-

In addition some applications are required to submit an exposure assessment where the development has the potential to increase human exposure to poor air quality.

Exposure assessment

The proposed development site is not in an area of current air quality concern. Any 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.

EV Charging

In line with the Bradford and West Yorkshire LES planning guidance all minor housing developments are required to provide EV charging points at a rate of 1 per dwelling with dedicated parking spaces, and 1 charging point per 10 undedicated parking spaces.

Control of Construction Emissions

Minor developments are required to adhere to Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition (as issued by IAQM) during all demolition, site preparation and construction activities. A site specific dust risk assessment should be undertaken for the site and appropriate emission mitigation control measures put in place which are proportionate to the level of identified risk (as set out in the IAQM guidance). This plan will be subject to approval by the local

authority and maintained on the site for inspection in the event of any complaints about air pollution being received.

N.B- The applicant has provided a site specific dust risk assessment which has been assessed by the Air Quality Officer. It has been confirmed that the measures proposed within the dust risk assessment are acceptable. A planning condition shall be imposed to ensure that works are carried out in accordance with the approved document. A condition will also be imposed to ensure that adequate EV charging facilities are provided.

West Yorkshire Police

Boundary Treatments

The site plan indicates that rear boundary treatments would consist of dry stone walls to a height of 1800mm, with other dry stone walls used of varying heights. Where rear boundaries are protecting rear gardens and French doors boundaries should be to a height of 1800mm which could be the dry stone walls or combination of stone wall with railings that will increase natural surveillance over any rear parking bays, such as plots 15 to 21. Gates should be to a height of 1800mm and include some form of locking mechanism such as hasp and staple or pad bolt to restrict access into the rear gardens. Where the public footpath runs along the front of plots 15 to 21, installing a low boundary such as a picket style fence, railing or natural boundaries such as hedges / shrubs around the front garden boundary will create more defensible space between the private gardens / pathway and the public footpath.

Surveillance of Parking

It is positive to see that parking is on plot with the majority of parking bays having good natural surveillance from windows in active rooms. As mentioned previously, plots 15 to 21 including plot 25 show rear parking bays, changing the rear boundary type to include a stone wall with railings would help to increase natural surveillance of parking. The planting of trees located to the side of parking bays 25 should be a species which has a maximum growth height of 1m that will not obscure surveillance of the parking bays. The floor plan layout for Mill Terrace does not permit surveillance from windows in any of the active rooms (i.e. kitchen and lounge) to overlook the parking bays, however plots 30 to 32 do have windows in active rooms which overlook this area which will suffice.

Bin Storage

Plot 26 shows external bin store which directly abuts the rear boundary wall to plot 26 which could provide a climbing aid to access the rear garden. Moving the bin stores inside of the garden boundary would prevent this. If this cannot be applied, the bin storage area should be moved away from the external boundary wall, if this were located on the land to the side of parking bay 27 this would remove the risk.

N.B The development has been amended to address the above comments. Further comments made by West Yorkshire police relating to intruder alarms and door and window specifications cannot be controlled by the planning process.

Education

Based on the data available in November 2019, the above housing development is unlikely to cause significant concerns on where children of families coming to reside in the development might attend school.

Haworth Primary School, Lees Primary School and Oakworth Primary School currently have little or no places available in all year groups. Oxenhope CofE Primary School currently has spaces across all year groups. Depending on the ages of the children who come to reside in this housing development, they should be able to access a local primary school provision.

Beckfoot Oakbank School currently has spaces across all year groups except Y7. Parkside School currently has little or no places available in all year groups. Depending on the ages of the children who come to reside in this housing development, they should be able to access a local secondary school provision.

Environmental Health- Nuisance

I have no objections to the above proposal however I note from the construction method statement that working hours have been given as 07:30 to 18:00 hours Monday to Friday and 07:30 hours to 13:30 hours on Saturdays.

I would object to those working hours and I would therefore recommend the hours of operation are restricted as follows:

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

Night-time or 24-hour working must be agreed with the Local Authority.

Rights of Way

Records indicate that Keighley Public Footpath 157 crosses the edge of the site. We would like this footpath to be improved as part of the development. At a minimum, improvements should not only be within the site but should also include improvements to the continuation of the path along the River Worth towards Vale Mill Lane. Works should briefly include new surfacing (crushed stone or equivalent), drainage and boundary treatments.

Plans to amend the path line off Ebor Lane are noted and while the proposed new route is welcome any closure of the existing path would need to be done by legal order. Such orders are open to public consultation, possible objection and would have a cost implication (in the region of £4k). It is though suggested that in addition to the proposed new route that the existing path line is retained (and kept available for public use) to avoid the need for a legal order and any additional costs.

Records also indicate that the footpath crosses the River Worth by a bridge (reference B6012) that is in the ownership of this applicant. In discussions with colleagues in Structures they have suggested that the bridge is replaced due to its age, condition and

noted defects with the parapet handrail. At that location a number of trees are noted as growing from the edges of the bridge as well as within the river bank directly adjacent to the bridge itself, these trees should be removed as required. Any replacement footbridge on a public right of way will need to meet TAA requirements and the applicant is advised to discuss specific requirements with colleagues in Structures (Dr Aaron Okorie).

Plans as submitted also include the provision of a new footpath to the east of the River Worth. This footpath will connect K157 with the site and any proposed estate roads. This new route will need to be suitably designed and constructed and should be provided at a minimum width of 2m and be inclusive of appropriate signage. At this stage I have assumed that the intention is for this route to be used by the public and is not intended for residents only.

Records held by the Rights of Way Section also include a route known as Keighley Public Footpath 648 as marked blue on the plan below. This route is not formally recorded as a public right of way but was originally suggested as a potential link between Haworth Station and Ebor Mill/Ebor Lane. While access into the existing Local Wildlife Site still exists no provision was ever made to connect with the Station (or platform) itself. If a management plan can be agreed to protect the Wildlife Site, access towards the Station could be considered but at a minimum access improvements should be encouraged within the Wildlife Site itself.

If planning permission is granted the applicant should be made aware of the need to adhere to the standard Rights of Way requirements during the period of any works on site

Trees Team

I have no objections regarding impact on trees within the main site.

There are significant issues and impact on trees and woodland within the parcels C, D, E and some issues with the Sidings dwelling to the west boundary of the main site. However, it is understood that these parcels of land are no longer to form part of the application.

If approving, the development construction activity must not sprawl beyond the immediate footprint of the main site toward the protected Murgatroyd woodland etc and this will require monitoring.

It is recommended that conditions are imposed requiring the provision of tree protective fencing in accordance with an approved arboricultural method statement or tree protection plan, retention of the tree protection measures throughout the course of development and submission of verification evidence to demonstrate that such measures have remained in situ.

Landscape Design (14.11.2019)

N.B- The following comments have been addressed through the submission of additional computed generated images and site sections.

Any new build set above the substantial retaining wall which flanked the spinning mill, and on the hillside above could prove intrusive in appreciating the mill in its setting.

I cannot clearly determine if this is the case from the information submitted. It would appear from Lees Lane this will not be the case but I would request the applicant provides some further information to confirm this observation. The cross sections should show the site levels in relation to the properties on Midgley Lane.

An important view to consider is the one from the properties along Mytholmes Lane and the public footpaths running across the hillside below. Whilst the application submits photographs of the site from surrounding key points, this aspect has been omitted. In addition to just a photograph of the existing Landscape the applicant should impose the proposed developed profile into the view so the impact can be established.

If the site is developed as proposed I would suggest the increased importance to prevent any further encroachment into any land adjacent to the site.

The proposal would improve the land adjacent to the mill complex on the western side of Brighouse Beck. Public access will allow good views of the chimney and complex. It is also positive to see a new access path into the complex and the old chimney. I would like to see the area west of the beck designed to enhance and improve habitats for wildlife rather than amenity mown grass and the ornamental tree planting. This site offers the opportunity to improve the wildlife corridor alongside the beck.

Boundary treatment and design will be important where the site abuts the Village Greenspace, the use of 1800mm high timber fencing could have a significant impact on the visual appearance of this space. The design should look to soften with planting any views of garden fencing.

In conclusion, the development can be said to be contained in the lower wooded valley setting but the applicant needs to show any visual impact on the views from the properties on Mytholmes Lane and the public footpaths.

Whilst the proposed development will occupy land designated as Village Greenspace it does however sit on the footprint of the old mill complex. Whilst the old mill building that was demolished would have been the dominant feature in the Village Greenspace it can be argued that the proposed housing will be a much smaller visual impact although lacking the historical significance but for the chimney and retained buildings.

The current views are more open than when the designated Village Greenspace was established.

Environmental Health Land Contamination

Environmental Health agrees with the recommendations presented in the Preliminary Investigation by Phase 2 Geo-Environmental Assessment by PWA Geo-Environmental Ltd and therefore raises no objections. Planning conditions are required to deal with site investigation implementation, remediation strategy, remediation verification, unexpected contamination and material importation.

Disability Access Forum

Cobbled surfaces and shared surfaces are not good for disabled people as they can be slippery and difficult to navigate in a wheelchair.

Design and Conservation (04.12.2019)

N.B- The following comments have been addressed through the submission of amended plans and the formulation of suitably worded planning conditions, after case conference with the Design and Conservation Department.

The submission is accompanied by a built heritage statement which is considered to largely satisfy the requirements of para.189 of the NPPF in providing a statement proportionate to the assets' importance. The statement notes reference has been made to the country Heritage Environment Record, identifying all heritage assets which might be affected by the development.

Undoubtedly, the buildings require new and sustaining uses. However, these must be accommodated having full sympathy for the significance of the listed buildings and avoiding harm.

A structural report is provided for the original mill building, defined as the 'spinning mill'. This is inadequate and does not employ appropriate methodology. The conclusion appears to be that all aspects of the internal structure cannot be re-used and are to be removed. It is unclear if this includes the roof structure. No attempt has been made to assess individual components and evaluate the extent of degradation, to consider repairs and retention in accordance with good and recognised heritage practice or conclude why the various components cannot be retained. Retention of cast iron columns in arbitrary positions as decorative items is meaningless. Section 4.06 of the Built Heritage Statement states that 'opportunities to retain principal timbers and columns should be explored in considering the detail of the proposals'. I can see no evidence this has been undertaken. Consultation of the plans also suggests removal of the staircase at the east end of the building, and structural walls between the phases of construction at ground floor. This substantial loss of fabric removes much significance without any compelling justification. This would destroy evidence of the evolution of the building and the specific construction methods of the period. As presented, the works to this building are concluded as causing substantial harm. This is not adequately justified and there is no evidence that alternative options have been considered.

There is no information provided as to what happens to the wheel pit as part of the development.

The proposed first floor access balcony and bridge linking into the former boiler house are incongruous and unsightly. This will be particularly prominent in views into the listed group from Ebor Lane bridge, a view which is presently unspoilt.

A specification for repairs to the fabric of the building, including any repointing and masonry repairs, will be required. On elevation 3, the inserted 'long' lintels to first and second floors, should be removed and replaced by individual stone lintels at the correct height. Window details and rainwater goods specifications should be provided before determination to understand their impact on the appearance of the building. Details of all ventilation and extraction services will also be required. In addition, the means of dealing with the edges of the floor plates where these intersect the vertical glazing strip to the west gable should be clarified.

Little information is provided on a proposed bin store in proximity to the mill. This relationship is not sympathetic and is not supported.

The economiser house is largely significant for extending the understanding of the function of the site as an industrial facility and also in enclosing the courtyard. It has limited architectural merit and few openings. Subject to prior full recording, the alterations proposed are regarded as acceptable, in retaining an otherwise difficult structure to adapt. Window details and rainwater goods specifications should be provided before determination to understand their impact on the appearance of the building. Details of all ventilation and extraction services will also be required.

The boiler house is afforded moderate significance. It is a key structure in understanding the function of the site as an industrial facility and in enclosing the courtyard. The internal levels and its condition make adaptation difficult. No structural report is provided, and although the roof covering is badly compromised, the iron trusses are not obviously defective. It is proposed to effectively demolish the building, removing the lean-to structure along the river edge which accommodates flues, and rebuild the front and rear gable walls. This will result in the loss of a continuous wall to the water's edge, and a considerably different built form and character on this prominent aspect of the built group.

The coping detail on both elevations of the boiler house is not illustrated accurately – it should be a continuous run of coping slabs. A method statement will be required for all aspects of the adaptation and reconstruction of the building if this is supported, including a precise photographic record to enable accurate reconstruction of the varied masonry types and details.

The proposed viewing platform projecting over the river is regarded as discordant and unjustified. It would harm the simplicity of the mill structures. The proposed steel bridge and staircases are not considered especially complementary to the appearance of the retained structure.

Sections appear to indicate the internal structure and roof structure of the warehouse building are to be destroyed. No justification for this is provided. The current roof trusses and cast iron supporting knee brackets are part of the historic fabric and their retention would be expected. The loss of structure and fabric is assessed as causing harm.

A specification for repairs to the fabric of the building, including any repointing and masonry repairs, will be required. Window details and rainwater goods specifications should be provided before determination to understand their impact on the appearance of the building. Details of all ventilation and extraction services will also be required. All elements of new structure such as the stairs to unit 8, must be constructed in matching coursed stone, with approval of a sample panel.

It is acknowledged that north-light weaving sheds are difficult structures to adapt. The submission recognises that complete loss of this component will constitute harm to the significance of the listed group. It is questioned whether elements could be retained and re-purposed in a meaningful manner as a pergola structure to the north of the warehouse block, perhaps linked with recognition of the presence of their extent within the site plan.

The site and layout of the proposed new dwellings appears heavily engineered with changes in levels, evidenced by plot 38 appearing to be elevated on a platform from certain aspects.

The design philosophy of the new structures should be informed by local vernacular and should have relevance to the curtilage of the heritage assets. The appearance of the proposed structures is not regarded as adequately reflecting this. Across all house types, lintels with keystones are evident, an architectural statement with no purpose or relevance. Arched heads are not generally locally distinctive, especially with blind panels within the arched area. It is unclear if the arches are properly constructed from voussoirs or a cast substitute. The use of render on secondary elevations is not welcome, does not complement local distinctiveness and would be visible from a number of public vantage points.

In all cases, the roofscapes require further relief or enhancement, the eaves projection and construction requires clarification to demonstrate that fascia boards will not be used, and window frames and doors must be set at least 120mm into reveals.

On the Foster house type, window proportions on the front and rear elevations do not have a vertical emphasis resulting in an uncomfortable appearance. To the side, the proportions of the arched opening are disproportionate. In all cases, coursed natural stone subject to a sample panel will be required.

On plots 27-31 the use of arched heads is not locally representative. The upper floor window sizes seem jumbled, resulting in a poor visual composition. The eaves treatment requires clarification.

On plots 33-37 the windows appear too broad and disproportionate. The shallow arch detail is not locally representative, unless it employs a stone cambered lintel as on the mill. The gable feature detail to plot 36 may also benefit from application of a design more representative of locally distinctive features.

The eaves detail of the garage structures must be confirmed to be consistent with the other buildings.

The setting of the mill on the valley floor is important, and the opportunity to view this from Lees Lane is significant. New build set above the substantial retaining wall which flanked the spinning mill, and on the hillside above could prove intrusive in appreciating the mill in its setting. Photographic visualisations of the proposed built form from agreed viewpoints might assist in considering the impacts.

The weaving shed is prominent from Lees Lane, with its roof being a strong feature. Whilst plots 17-21 have some stature in scale and interest in form and roofscape, the other properties to the north and east of these seem scattered without great consideration of their combined effect. The detached plots 15, 16, 22-26, 32 and 38 appear to be standard suburban house types loosely spread and orientated without any real design concept or logic. These locations may be better employed with higher density rows or blocks of dwellings to complement the settings of the historic buildings. Suburban detached form, layout, architecture and curtilages do not sit comfortably in this landscape setting or in immediate proximity to the retained mill buildings. The

architecture, layout and resultant environment needs to respond to and complement the heritage assets.

In terms of the setting of the buildings and the site environment, more information is required. Details of the courtyard paving and levels need to be clarified. At present, this sloping, setted space complements the buildings. It is not clear how the proposed levels sit with the access road and east-west sections to the immediate north of the mill block are required. Enclosure of the courtyard with walls bounding the access road should be avoided.

A sample panel of the proposed drystone retaining wall should be provided, with the intended appearance clarified before determination given the quantity proposed. Drystone walling adjacent to the warehouse building may appear discordant, and coursed mortared walling may be better here. Horizontally coursed stone will be expected. Details of the retaining walls referred to on 1620SPL/EMH-SL01 as 'Paul Waite Associates Ltd external works dwg' details are required. Detail is required to illustrate the levels in relation to the original curved retaining wall in the south-east corner of the site.

Treatment of the mill race in front of the mill requires confirmation. Re-profiling of land and sanitisation of the banks of the river would also be disruptive and potentially detrimental. A full specification of all works to the weir, river banks and the land between the railway and river should be secured before determination.

The introduction of a building on the site named 'The Sidings' is potentially harmful to the setting of the mill and to the landscaped setting of the KWVR.

At present the submission requires amendment and clarification. The intervention to several of the listed buildings gives rise for concern, in some cases constituting substantial harm. Overall, the intervention combined with the layout and design of the new build is not regarded as being necessarily sympathetic, and would cause harm to the heritage asset. Whilst there is public benefit, the current proposals are assessed as not adequately offsetting that harm.

Summary of Main Issues:

Principle of development

Density

Housing Mix

Housing Quality

Heritage Implications

Design and Layout

Landscaping

Residential Amenity

Highway and Pedestrian Safety

Trees

Biodiversity

Land Contamination

Drainage

Community Safety

Affordable Housing, CIL and S106 Matters

Other Matters: Comments on Representations Received

Appraisal:

Principle

Village Greenspace

The site is located within an area of Village Greenspace as identified on the Replacement Unitary Development Plan Proposals Map (Keighley South Constituency). Saved Policy OS7 of the RUDP is therefore an applicable policy consideration.

Policy OS7 identifies that, apart from open countryside, which surrounds and acts as a setting for the villages of the District, there are often pieces of greenspace within the settlements themselves which are of significant amenity and/or recreational value, contributing to the character, visual amenity and local identity of the settlement. Development of these areas would be harmful to the visual quality, character and setting of the village. The subtext of the policy also makes particular note of the value of areas of land that are prominently located within the village or that possess good tree cover.

The area of village greenspace (K/OS7.7 Mytholmes and Lees Lane, Haworth) relevant to this site is described in the RUDP as a green swathe extending into the centre of Haworth. The green space as a whole is important to the setting of Haworth and it serves to link the open countryside to the north and south, acting as a green break between Haworth and Lees.

The development site is located in the north-west corner of the Village Greenspace. The site is situated in-between the Keighley and Worth Valley Railway to the west and areas of housing on Lees Lane to the south and Cryer Lane and Midgley Drive to the east. The proposal is for the redevelopment of the existing mill complex and the construction of 24 dwellings extending across the northern and eastern parts of the site.

The development would be contained within the wooded setting on the valley floor, adjacent to Bridgehouse Beck.

The existing mill complex provides a significant built form in this location and it is framed by existing housing on Lees Lane, Cryer Meadows/Midgley Drive. The site occupies a discreet location and the proposed development would not compromise the local amenity value of the Village Greenspace or the character and setting of Haworth, as is demonstrated by the submitted computer generated images which show that the development would not have an obtrusive appearance when viewed from surrounding public vantage points. The development is therefore considered to accord with the requirements of saved policy OS7 of the RUDP.

Loss of Employment Use

The site was most recently utilised for general industrial purposes (B2) which constitutes an employment use. Policy EC4 of the Core Strategy is therefore an applicable consideration. Specifically, caveat C of the policy which relates to the former use of a building for "business" and requires an applicant to justify the loss of the building to an alternative use.

The assessment should provide evidence to show that the site is no longer suitable for 'business' use in terms of its:

1. Location
2. Accessibility
3. Adjacent Land Uses
4. Environmental Impacts
5. 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.

The site has been extensively marketed for commercial use but has remained largely vacant for in excess of two years. As such it is considered unrealistic that a commercial use will be forthcoming to occupy the site and the conversion of the buildings to residential use is justified.

Housing Supply

Paragraph 59 of the National Planning Policy Framework stresses the need for local planning authorities to significantly boost the supply of new housing. The adopted Core Strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030. More specifically, policy HO3 of the Core Strategy identifies a need to provide 400 new homes in Haworth upto 2030.

Paragraph 73 of the NPPF states that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%.

The Bradford Council Five Year Housing Land Statement (2018-2023) indicates that there is a substantial shortfall in housing land relative to the aforementioned requirements with a current supply of 2.06 years. Under these circumstances paragraph 11 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date.

In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. This proposal would make a valuable contribution towards meeting that need. The site is considered to occupy a sustainable location with access to local facilities and services in Haworth and public transport connections to settlements further afield. The site is comprised predominantly of previously developed land and policy HO6 of the Core Strategy seeks to achieve the maximum possible overall proportion of housing development on previously developed land.

The proposed development would enable the re-use of a sustainable site and it would make a valuable contribution towards addressing housing need in Haworth. The principle of residential development is considered to be acceptable.

Green Belt

The area of the site to the west of Bridgehouse Beck is located within the Green Belt. The proposal includes the provision of a woodland seating area and the minor re-routing of a public footpath in this location. A landscaping scheme consisting of native species is also proposed for this area of the site.

The proposed works would not result in harm to the openness of the Green Belt and they do not conflict with the purposes of including land within it. The development is therefore considered to accord with section 13 of the NPPF and policy GB1 of the RUDP.

Density

The proposed layout is for a development of 38 dwellings on a site with an area of 1.7 hectares. However, the net developable area is approximately 1.35 hectares when the area of Bridgehouse Beck and the green belt land to the west of the beck are discounted. The development would therefore achieve a density of 28 dwellings per hectare.

Policy HO5 of the Core Strategy advises that developments should usually achieve a density of 30 dwellings per hectare, whilst taking account of the need to arrive at a well-designed layout which reflects the nature of the site and its surroundings and given the type and size of housing needed in the area.

In this instance it is considered that the proposed density of 28 dwellings per hectare is acceptable when the constraints of the site are taken into account, particularly the sloping topography of parts of the site and the need to respect the setting of the listed building complex. The density is sufficient to make efficient use of the land whilst taking account of the nature of the site and its surroundings. The proposal is therefore considered to accord with the requirements of policy HO5 of the Core Strategy.

Housing Mix

Policy HO8 of the Core Strategy requires the provision of a mix and balance of housing to meet the needs of the District's growing and diverse population. Whilst there is a need for all types and sizes of housing across the district the provision of family housing is the primary strategic priority.

The proposed development would provide the following properties:

- 2 one-bed apartments
- 5 two-bedroom dwellings
- 23 three-bedroom dwellings
- 8 four-bedroom dwellings

The development is therefore considered to provide a variety of property types and sizes, with a particular emphasis on the provision of family housing, in accordance with policy HO8 of the Core Strategy.

Housing Quality

Policy HO9 of the Core Strategy requires that all new housing developments should be high quality and achieve good design.

The policy advises that new development should provide private outdoor space for homes, unless site constraints make this clearly unfeasible and/or unviable. The proposed new build dwellings would benefit from dedicated private amenity spaces of a sufficient size to cater for the domestic needs of the occupants. The converted mill complex includes dedicated amenity areas to serve units 9-13 of the warehouse building. Units 1-6 of the Spinning Mill and the Economiser building are afforded terrace/patio areas providing a smaller level of outdoor space. However, these areas are considered to be proportionate to the size of the units. The level of amenity provision is considered to be acceptable across the development.

Policy HO9 requires that new homes should be well laid out internally, provide suitable space standards and achieve adequate levels of daylight. There is also a need to provide adequate storage for bins, recycling and bicycles, with the facilities located or designed in a way that is convenient for residents and supports the quality of the street scene.

The dwellings formed within the converted mill buildings and the new build dwellings would be well laid out internally and all units would be of an acceptable size with adequate levels of daylight and outlook. Adequate bin storage facilities are also provided to all units. The proposed development is therefore considered to accord with policy HO9 of the Core Strategy.

Heritage Implications

The proposed development has been assessed in relation to the relevant statutory duties consisting of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990), chapter 16 of the NPPF and policy EN3 of the Core Strategy.

The site includes a grade II listed former textile spinning and weaving complex known as Ebor Mill. The mill complex consists of the former spinning mill building, boiler house, economiser house, chimney, warehouse block and weaving shed, as well as the remaining structure of an engine house. The site previously included a 6 storey spinning mill and a further engine house, but these elements of the complex were irreparably damaged by fire in 2010 and subsequently demolished.

The proposal is for the conversion of the spinning mill to provide 6 residential units, conversion of the economiser building to provide 1 residential unit, conversion of the warehouse building and attached office/stores block to provide 6 residential units and the erection of 24 new build dwellings and garages to the north and east of the group of listed buildings. It is proposed to demolish the weaving sheds to the north of the warehouse building. The boiler house building is to be partially demolished and reconstructed with the west gable retained and east gable reconstructed on a new footprint to the west. The existing site access is to be widened and a new estate road constructed. Communal car parking areas are to be laid out to the north of the spinning mill and north of the warehouse buildings.

The proposed development will impact upon the significance of the Grade II listed mill complex and its setting. The development will also impact upon the setting of the

associated grade II listed workers cottages at 4-8 Ebor Lane and the grade II listed bridge to the west of the mill.

The listed mill complex has remained vacant for an extended period of time and it is accepted that the adaptive conversion of the spinning mill, warehouse and economiser building represents the most appropriate way of securing a long term viable use for the buildings, without which the buildings could become seriously at risk. The residential use of the buildings is therefore considered to accord with policy EN3(d) of the Core Strategy.

Spinning Mill

The residential conversion of the spinning mill would largely make use of the existing window and door openings, or the re-instatement of historically blocked openings.

To the north elevation it is proposed to remove the inappropriate picture windows at the second and third floor levels and replace them with appropriately sized window openings and individual stone lintels. It is proposed to alter the existing, unsympathetic, casement windows to the first and second floors to match the original opening patterns. The ablution block at the western end of the building is a later unsympathetic addition to the mill and its proposed removal would constitute an enhancement of the building. A steel gantry and railings would provide access into unit 6 of the spinning mill. The gantry would span the gap from the retained gables of the boiler house to the first floor level of the Spinning Mill.

To the west elevation a vertical glazing strip is proposed from the basement to the second floor. Five further window openings are proposed within the elevation the proportions of which would be in keeping with the fenestration of the building. The two redundant window openings in the western gable end would be blocked up with recessed masonry, to ensure that their presence is not entirely removed.

To the east elevation all of the existing openings are to be re-used with the exception of a small redundant window which would be blocked up with recessed masonry.

The window openings in the south elevation of the building would remain unaltered.

New windows, doors and rainwater goods are proposed for the entirety of the building. The proposed casement window details and door details are considered to be acceptable. The details of all rainwater goods can be secured by an appropriately worded planning condition.

The majority of the basement wheel pit is to be capped (unfilled) and retained below the floor level of plot 2. A method statement confirming the structure, fixing, stabilisation of the fabric and access for maintenance/inspection can be secured by a planning condition.

Internally, the spinning mill has previously undergone substantial alteration through its adaptation to office use, resulting in a loss of the historically open floor plan to each level. The proposed sub-division of the building into residential units will remove evidence of the historical spatial character of the interior. However, it is accepted that this would most likely be a consequence of any viable conversion and securing a long term use for the building must take priority. The submitted plans demonstrate that the

principle floor timbers and columns of the building are to be retained where functionally possible, with some loss required in order to facilitate the sub-division of the building. A condition can be imposed requiring the submission of a schedule of repairs and a specification for any structural intervention.

Warehouse Building

The south elevation is the principle elevation of the building fronting onto the mill courtyard. The bay pattern of openings in this elevation would be retained and the existing door openings utilised to serve the proposed residential units. Where new door openings are required they would be formed by altering existing window openings and retaining the decorative surrounds.

To the north elevation new window and door openings are proposed at the ground floor level to align with the existing first floor window openings and provide a similar division to the principle elevation.

New windows and doors are proposed for the entirety of the building. The proposed casement windows and door details are considered to be acceptable. Details of any repairs to the masonry and pointing can also be secured by a planning condition, as can the details of any extraction of ventilation services.

A new roof form is proposed which is a modern intervention to the building. The existing roof of the warehouse is itself a later addition to the building as is the hipped roof form at the eastern end of the building. The roof timbers are not original and were most likely replaced after the 2010 fire utilising the knee brackets. The existing tiled roof is an unsympathetic feature of the building, as is the hipped roof form.

The new roof form is required in order to achieve an adequate roof height to provide habitable accommodation within the roof void. This will provide residential units of a suitable size to achieve a viable re-use of the building. The submitted information indicates that the existing roof is not original and that use of the roof void is essential to the viable re-use of the building it is considered that the roof intervention is justified.

The north-light design of the new roof is considered to be acceptable. The proposed roofing materials are a substantial improvement on the existing inappropriate tiles and the replacement of the hipped roof section with a straight ridgeline and gable end is considered to better represent the original roof form of the building.

The proposed roof intervention would result in less than substantial harm to the building which would be outweighed by the public benefit of securing a long-term viable use of the building.

Internally the building has undergone subdivision which has removed evidence of the original spatial layout of the ground floor and attic levels. The proposed works will further sub-divide the building but this is not considered to have a significant impact on the overall significance of the building and it would be a likely consequence of any viable conversion to secure the long term re-use of the building.

Boiler House

The boiler house is considered to be of moderate significance and provides an understanding of the function of the site as an industrial facility. The internal levels and the condition of the building make it difficult to adapt.

The eastern gable of the building is to be demolished and reconstructed on a new footprint move to the west. The gables will be tied with a structural steel joist and the internal walls rendered. A stairwell will be formed within the enclosed space with a steel gantry and railings providing access to the first floor of the spinning mill.

This is considered to constitute an imaginative reworking of the boiler house which would enable its presence within the courtyard to be retained whilst also providing a solution for the issue of accessing an otherwise difficult to reach area of the spinning mill.

The proposed alterations are essential to enable the conversion of the spinning mill and to secure a long term viable use for the entirety of the listed mill complex. The harm incurred to the boiler house is considered to be outweighed by the public benefits of securing a long-term viable use for the entirety of the heritage asset and providing much needed new housing.

Economiser House

The economiser house is largely significant for extending the understanding of the function of the site as an industrial facility and also in enclosing the courtyard. It has limited architectural merit and few openings. The proposed external works would introduce a number of new window openings and re-work existing openings in order to provide light into the new residential accommodation. The proposed conversion works would result in less than substantial harm to the building and the works are considered to be necessary in order to allow for the retention of an otherwise difficult to adapt structure. The proposed casement window and door details are considered to be acceptable. The details of rainwater goods and any ventilation and extraction services can be secured by suitably worded planning conditions.

Weaving Shed

It is proposed to fully demolish the single storey weaving sheds to the north of the warehouse building. The weaving sheds are considered to be of moderate significance and demolition will remove a significant element of the integrated mill complex relating to the mid-19th Century development of the site. The harm incurred by the demolition of the weaving sheds must be considered in the context of the entirety of the heritage asset. In this regard the harm incurred from the loss of the weaving sheds is considered to be less than substantial. The degree of harm incurred is considered to be outweighed by the public benefits of securing a long-term viable use for the retained buildings and the wider site.

New Build Dwellings

It is proposed to construct a total of 24 new dwellings with associated garage blocks, access and landscaping to the north and east of the listed building group. To the north units 17-21 have been designed with a north-light roof profile, reflecting the profile of the weaving shed building which is to be demolished. The aforementioned units along

with units 15 and 16 would also provide a substantial built form to the eastern side of Bridgehouse Beck, as is currently provided by the weaving shed.

To the east of the mill courtyard units 33-37 are contained within a substantial three storey building with a central four storey gable. The building would enclose the eastern end of the mill courtyard and its massing would reflect that of the mill building which previously occupied this area of the site.

The remainder of the dwellings, which are further away from the listed building group and towards the edge of the site, are of a lower density. A variety of house types are proposed the designs of which have evolved following comments provided by the Design and Conservation Department. The dwellings would be constructed of stone beneath grey slate roofs and they would be of a scale which would not compete with the mill complex when viewed from surrounding vantage points. The properties would also include a number of design details across the varying house types to compliment the heritage setting and ensure a cohesive appearance. Specifically, the inclusion of stone surrounds to window and door openings, corbel blocks to the eaves, projecting gables and the use of arched heads with keystones to windows.

The new build dwellings will be constructed on land which has historically contained development, including the area of the weaving sheds, the six storey spinning mill to the east of the existing complex and land used for tanks and gasometer structures associated with the function of the mill. The remaining open areas of the site are generally derelict owing to the on-going vacancy of the site and the proposed redevelopment provides an opportunity for visual improvement.

The proposed new dwellings would alter the setting of the listed mill complex. However, it is considered that the layout, scale and design of the properties is such that the harm incurred would be less than substantial and it would be outweighed by the public benefits of restoring the listed mill complex and providing much needed new housing.

The proposed development would retain the key elements of the listed mill complex adjacent to Bridgehouse Beck and Ebor Lane. As such the proposed development is not considered to result in any harm to the setting of the grade II listed workers cottages at 4-8 Ebor Lane or the grade II listed bridge to the west of the spinning mill.

Associated Works

The proposed development requires the existing site access to be widened and for a new estate road to be constructed. The mill courtyard is to be re-graded in order to meet the level of the access road and to provide level parking areas. Further communal car parking is proposed to the north of the warehouse building and a small parking area is proposed to the east of the site access. Subject to the approval of all surfacing materials to be utilised in the hard landscaping no adverse implications are foreseen in respect of the listed mill complex, or the nearby mill workers cottages and bridge on Ebor Lane.

A communal bin store is proposed to the centre of the mill courtyard. The Design and Conservation Team have raised concerns with the prominence of the building in this location. However, the structure would be constructed of high quality materials with stone walls surmounted by a pitched slate roof. Subject to the approval of sample

materials the bin store is not considered to detract from the listed mill complex or its setting.

An electricity substation is proposed to the east of the spinning mill beyond the proposed parking area designated for occupants of the mill workers cottages. It is evident from the submitted street scene plan that the sub-station would occupy an unobtrusive location and that it would not detract from the setting of the listed mill complex or the nearby row of listed mill workers cottages.

Summary

Members are advised that the development would result in less than substantial harm to the grade II listed Ebor Mills complex and its setting. The less than substantial harm incurred would be outweighed by the public benefits of the development which include securing a long-term viable use for the buildings and the wider site, visual improvements to the site and providing much needed new housing in the Bradford district.

After taking into account the intrinsic value of the heritage asset the very significant weight which should be given to the conservation of heritage assets and the substantial public benefits that the development would provide it is concluded that the development is acceptable in heritage terms and is consistent with the approach set out in paragraph 196 of the NPPF. The development accords with policy EN3 sections D and E, whilst sitting partially in conflict with section C in respect of the requirement to conserve or enhance the setting of Bradford's heritage assets.

Design and Layout

The National Planning Policy Framework (NPPF) makes clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, as it creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should aim so 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;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

At the local level the aforementioned objectives of the NPPF are reflected in the Design policies of the adopted Core Strategy. Specifically, policy DS1 of the Core Strategy requires development to be of a good design which is informed by an understanding of the site and its context. Policy DS3 requires that development proposals create a strong sense of place and are appropriate to their context in terms of layout, scale, density, details and materials. Policy DS4 requires that the design of a development takes the opportunity to encourage people to walk, cycle and use public transport. Finally, policy DS5 requires that development proposals are designed to protect the amenity of existing and prospective users and residents, whilst providing a safe and secure environment that reduces opportunities for crime.

The Homes & Neighbourhoods Supplementary Planning Document was adopted in February 2020. The document sets out eight priorities for homes and neighbourhoods, including choice, green streets & spaces, making the most of the topography and using resources efficiently. Additionally, a number of principles are detailed in order to create a neighbourhood. In relation to this application these include density and scale; movement; green streets; safe streets; open space; landscape; biodiversity; topography; building forms; parking and; waste

It has been established that the development density of 28 dwellings per hectare is acceptable when site constraints are taken into account.

In terms of movement, it is considered that the hierarchy of routes through the site is appropriate. The introduction of a new footpath link to the north would ensure that the site is well connected to the existing public footpath network and the proposed upgrades to the footpath on Ebor Lane would improve connectivity with local amenities and public transport connections to the south.

The size of the site and its topography mean that on site open space provision is not viable in this instance. However, a woodland seating area is proposed on the elevated land to the north of Bridgehouse Beck. This would link with the existing public footpath network and would provide opportunities for enhanced enjoyment of the woodland and listed building complex.

The proposal would retain trees within the riparian woodland of Bridgehouse Beck as well as providing appropriate supplementary planting in this location. A comprehensive landscaping scheme is proposed for the entirety of the residential development and this is supported by a suitable management plan.

The site level ascends eastwards towards Midgley Drive. It is considered that the site sections and CGI images adequately demonstrate that the scheme has been designed to take account of the topography and that the development responds appropriately to the sloping areas of the site.

Parking provision would be safe, in terms of being adequately overlooked by properties and functional, providing visitor parking. Additional parking would also be provided for residents of the mill workers cottages on Ebor Lane.

Overall, it's considered that the proposed development would provide a scheme of appropriate density & scale; suitable routes for pedestrians and vehicles; integrate existing landscape features and provide new greenspace and landscaping; create biodiversity opportunities; address the topography of the site; and integrate existing landscape features within the layout, with the design resulting in an appropriate building form which sits well within its context and the levels of parking are suitable for the size and type of development.

In conclusion it is considered that the development layout responds sensitively to the site and the surrounding area, ensuring that dwellings, pedestrian routes and open spaces are well related to each other and that they do not significantly detract from the character of nearby heritage assets or the prevailing character of Haworth.

The development is considered to accord with the requirements of policies SC9, DS1, DS2, DS3 and DS4 of the Core Strategy and the Homes and Neighbourhoods Design Guide Supplementary Planning Document.

Landscaping

Policy DS2 of the Core Strategy requires that development proposals should take advantage of existing features, integrate development into the wider landscape and create new quality spaces. The Homes and Neighbourhoods Design Guide advises that a landscape strategy must be set out for every housing development proposal. The strategy should include a variety of landscape features, including trees, with a clear plan for both the private and public realms, and a supporting management and maintenance strategy.

A Landscape Concept Plan has been provided which outlines the high level principles of the hard and soft landscaping.

The mill courtyard is identified as a predominantly hard landscaped space adopting a restricted palette of stone slabs to define the pedestrian areas and a combination of block paving and tarmac to define the highways and associated parking areas. It is intended that the highway will be defined using lowered kerb stones to create a subtle definition between the highway and pavement space, retaining the character of the courtyard. Specimen trees such as Beech and Hornbeam will be planted in grilles to provide a high quality treed setting reflective of the surrounding valley. A grassed triangular space with specimen trees is proposed to the eastern boundary of the Mill Court that will be visible from the site access at Ebor Lane providing a green setting to the site entrance.

The mill row is intended as a formal central space within the scheme and it is proposed that the central highway junction will be block paved with sett rumble strips providing a transition to adjoining areas.

The parking area to the west will be laid out using large gauge block work with hedgerow planting between the parking bays to screen cars when parked and views across the site towards the chimney and beck.

In respect of the area of woodland to the west of Bridgehouse beck new tree and shrub planting is proposed and a new seating area is proposed alongside public footpath 157 consisting of a gravelled area with timber benches.

The submitted Landscape Concept Plan is sufficient to demonstrate that the hard landscaping proposals would respect nearby heritage assets and the wider context of the site. A planning condition can be imposed to secure samples of all hard landscaping materials.

In terms of soft landscaping the planting schedule provided as part of the Detailed Landscape Proposals drawing has been reviewed by the councils Landscape Architect and it is considered to be acceptable. A condition can be imposed to ensure that the planting schedule is implemented and maintained. A Landscape Management Plan has been submitted which provides a schedule of maintenance for annual operations and a 20-year management plan for the proposed public open spaces. The proposed management arrangements are considered to be acceptable and adherence to the submitted plan can be secured by a suitably worded planning condition.

In conclusion it is considered that the proposed development would provide a comprehensive landscaping scheme to supplement the retained trees and assist with ensuring that the development integrates successfully within its context. The landscaping scheme is acceptable in respect of the planting schedule and landscaping is utilised successfully throughout the site to create new quality spaces. The submission also includes an acceptable management and maintenance strategy. The proposal is therefore considered to accord with policy DS2 of the Core Strategy and The Homes and Neighbourhoods Design Guide Supplementary Planning Document.

Residential Amenity

Policy DS5 of the Core Strategy requires that development proposals do not harm the amenity of existing or prospective users and residents.

The submitted development layout ensures that the proposed dwellings would not include any habitable room windows with an unrestricted view within 7 metres of the rear garden boundary of any neighbouring dwelling, or within 17 metres of the habitable room windows of any neighbouring dwelling. As such no adverse overlooking implications are foreseen.

The proposed dwellings would benefit from amenity areas which are considered to be proportionate to the size of the units and suitable bin storage arrangements. The proposed development would not harm the amenity of existing neighbouring residents or prospective residents of the development in accordance with the requirements of policy DS5 of the Core Strategy.

Highway and Pedestrian Safety

Paragraph 108 of the NPPF requires that in assessing planning applications it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

At the local level the objectives of the NPPF are reflected in the Transport and Movement policies of the adopted Core Strategy. Specifically, policy TR1 sets out how development decisions will aim reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability. Policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place

The proposed development has taken the opportunity to promote sustainable modes of transport given the residential use of the site and its location. The development would provide electric vehicle charging facilities to all properties with dedicated parking and shared charging facilities to the communal parking areas. The inclusion of this infrastructure is considered to provide a long term betterment which is likely to increase the uptake of electric vehicle ownership by residents of the development. The development includes the upgrading of the footway on Ebor Lane which would improve the pedestrian link between the development site and Mill Hey, where bus services are available to Oxenhope, Stanbury, Oakworth, Hebden Bridge and Keighley. The nearest bus stop is only 250 metres from the site and the improved footpath connection is considered likely to encourage residents of the development to utilise public transport.

The proposed development would utilise the existing access with upgraded surfacing and road markings. The submitted transport statement indicates that based on vehicle speeds a sight line of 17 metres is required to the south and 16 metres to the north. The site access would achieve the aforementioned sight lines and therefore visibility at the site entrance is considered to be acceptable. In order to improve pedestrian access to the site it is proposed to upgrade the existing footpath on Ebor lane to a minimum width of 1.2 metres upto a maximum width of 1.5 metres where achievable, whilst providing a 4.8 metre carriageway width. The increased width of the footpath is considered to improve pedestrian safety in this location. The works require the developer to enter into a section 278 agreement with the Local Highway Authority. The developer has agreed to enter into a section 106 agreement to confirm that the necessary off-site highway works will be undertaken. Subject to the aforementioned agreement the site access is considered to be safe and suitable for all road users.

In terms of the impact of the development on the highway network the submitted Transport Statement identifies that the development would result in an additional 17 two-way vehicle trips during the AM peak period and 19 two-way trips during the PM peak period. Given the limited number of additional vehicle trips the development is not considered likely to have a significant impact on the surrounding highway network in terms of capacity or congestion.

The proposed development would provide a total of 84 car parking spaces to serve 38 dwellings, with an additional five visitor spaces provided to serve the spinning mill and warehouse building and five further spaces provided which are stated to be for the use of the occupants of the five cottages at the site entrance. The level of parking provision would therefore exceed the average of 1.5 spaces per unit required by Appendix 4 of the Core Strategy. Highways Development Control have suggested that four further visitor parking spaces should be provided. However, the Core Strategy does not set out a standard for visitor car parking and it is not felt that the level of provision is deficient to the extent that it would result in adverse highway safety implications.

In respect of the internal highway layout Highways Development Control have advised that the turning head of The Mews should be extended upto plot 32 and the site layout has been amended accordingly. The submitted Transport Statement includes swept path analysis demonstrating that the highway layout can accommodate a refuse vehicle. The internal layout is considered to be acceptable and would enable the safe access and manoeuvring of vehicles.

In conclusion the proposed development is considered to occupy a sustainable location with nearby access to public transport facilities. The inclusion of EV charging points would also promote the use of more sustainable forms of transport. The site access and layout are considered to be safe and suitable for all users and the development would include adequate car parking provision. The development is not considered to have a severe impact on the highway network in respect of capacity or congestion. The proposal is considered to accord with policy TR1 of the Core Strategy and paragraphs 108 and 109 of the NPPF.

Trees

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

The site contains protected trees (Tree Preservation Order 20/00003/A) located between the west bank of Bridgehouse Beck and the railway line. No development is proposed in this location other than the creation of a woodland seating area the details of which can be secured by a planning condition.

There is a protected woodland, Murgatroyd Wood, located beyond the northern boundary of the site. However, the woodland is separated from the site by an area of third party land.

It is considered that subject to a condition requiring details of the woodland seating area the proposed development would preserve the protected trees and woodland in accordance with the requirements of policy EN5 of the Core Strategy

The Trees Team have assessed the submitted information and have advised that it is necessary to impose planning conditions requiring the submission of a tree protection plan, retention of tree protection measures throughout the duration of development and the submission of written verification/evidence to demonstrate that the developer has arranged for the supervision and monitoring of the approved protection measures by a suitably qualified trees specialist at regular and frequent intervals. The conditions requested by the Trees team are noted. However, they are not considered to be

necessary in this instance because no significant development is proposed in close proximity to any protected trees. For this reason, it is considered that the development accords with the requirements of policy EN5 of the Core Strategy without the need to impose the suggested conditions.

It should also be noted that if the developer wishes to carry out work on protected trees then an application for Works to Trees Subject to a Tree Preservation Order will be required.

Biodiversity

The site is not statutorily designated for its biodiversity value, nor are there any statutorily designated sites located within 2km. In respect of locally designated sites the site borders the Airedale Spring Mill Pond Local Nature reserve to the south of Ebor bridge and the grassland field to the north of the development is within the Bradford Wildlife Habitat Network. The aforementioned areas are not within the boundary of the development site and are unlikely to be directly affected by the development.

Outside of designated sites policy EN2(D) of the Core Strategy requires consideration of any adverse impact that the development may have on important habitats and species.

A Preliminary Ecological Appraisal (PC18051/PEA/3) has been submitted to assess the ecological baseline conditions at the site and identify potential ecological constraints to the proposed development. The report concludes that the development is unlikely to have an adverse impact on ecological features providing that a bat survey is carried out and any mitigation advice is followed and nesting bird checks are followed.

A bat survey (PC18051/Bat /1.2) has subsequently been carried out which identifies roosts for a single or small number of bats within three of the buildings. Specifically, the spinning mill, warehouse and weaving shed. The report identifies that adequate mitigation can be provided in the form of replacement roost features within the converted buildings or artificial bat boxes placed on the building exteriors.

As the spinning mill and warehouse block are to be retained, a 1FF Schwegler Bat Box with built in wooden rear panel can be placed on the wall at each roost site. As the weaving shed is to be demolished the two mitigation roost boxes for the two identified roosts will be placed on the exterior of the mill chimney. The requirement to provide the roost boxes in the aforementioned locations before the identified roosts are impacted will be required by a planning condition.

Bridgehouse Beck and its riparian woodland, as well as the woodland to the north of the site provide commuting routes for bats. For this reason, it is important that a 'dark zone' is maintained, as identified in appendix 1 of the submitted Biodiversity Enhancement and Management Plan (PC18051/BEP/v1). A planning condition will be imposed requiring the submission of details of all external lighting to ensure that the dark zone is maintained.

A Biodiversity Enhancement and Management Plan has been submitted which includes ecological measures required to protect wildlife and habitats during construction, measures to maintain and enhance wildlife and habitats post-construction and recommendations for the long-term management of habitats post development.

Planning conditions can be imposed to ensure that the ecological mitigation measures are implemented and that the long-term enhancements and monitoring area carried out.

Subject to planning conditions the proposed development is not considered to have a significant adverse impact on habitats or species and the proposal is considered to accord with policy EN2 of the Core Strategy.

Policy SC8 of the Core Strategy seeks to protect the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence. The application site is within Zone B of the policy which is land up to 2.5km from the SPA and SAC boundary

In relation to Policy SC8 of the Core Strategy this site is within Zone B, which extends up to 2.5 Km from the boundary with the SPA/SAC. The policy, adopted in July 2017, states: In Zone B it will be considered, based on such evidence as may be reasonably required, whether land proposed for development will affect foraging habitat for qualifying species of the SPA.

The habitats present on site consist of former mill buildings and associated hard standing with colonising ruderal tall herbs, semi-improved grassland and a watercourse with riparian willow scrub and woodland. The primary habitats of the SAC are dry heaths, blanket bogs and upland sessile oak woods.

It is considered that due to the separation distance of the site from the SPA, the lack of overlapping habitats and the limited scale of the development the proposal would be unlikely to have an adverse impact on the foraging habitat for qualifying species of the SPA.

There is still likely to be an in-combination effect with other housing developments of increased recreational pressure leading to erosion, trampling, disturbance to nesting birds through dog walking and other informal recreational activities. However, Habitat Mitigation is identified on the councils CIL regulation 123 list and therefore the development would make the necessary mitigation contribution via the CIL charge for the entire development, which is anticipated to be £107,136.92. The proposal is therefore considered to accord with policy SC8 of the Core Strategy.

Land Contamination

Paragraph 178 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and any application should ensure that adequate site investigation information, prepared by a competent person, is available to inform these assessments.

At the local level the requirements of the NPPF are set out in Environment policy EN8 (B) which requires that proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be

identified to ensure that the development will not pose a risk to human health, public safety and the environment.

The Environmental Health Department have considered the submitted Geo-Environmental Phase 1 and Phase 2 documents.

Environmental Health agrees with the recommendations presented in the Preliminary Investigation by Phase 2 Geo-Environmental Assessment by PWA Geo-Environmental Ltd and have raised no objections subject to imposing planning conditions relating to site investigation implementation, remediation strategy, remediation verification, unexpected contamination and material importation.

It is considered that subject to the aforementioned conditions suitable remediation measures can be carried out to ensure that the development will not pose a risk to human health, public safety, or the environment. The proposal is therefore considered to accord with policy EN8 of the Core Strategy and paragraph 178 of the NPPF.

Drainage

Paragraph 163 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165 of the NPPF sets out the importance of the use of sustainable drainage systems for Major developments and requires that the systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

At the local level the objectives of the NPPF are reflected in Environment policy EN7 of the Core Strategy which states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is taken into account.

Flood Risk

The site is located in indicative Flood Zone 1 on the flood mapping. However, the site is subject to flooding in the undefended 1% annual exceedance probability event and should be considered to be in Flood Zone 3 for the purposes of assessment. The Environment Agency objected to the initial submission on the basis that that the Flood Risk Assessment (FRA) should be updated and informed by a hydraulic model of Bridgehouse Beck in order to accurately assess the residual risk to the site and potential breach scenarios for Bridgehouse Beck.

An updated FRA (Paul Waite Associates Ltd, dated 18/06/2020) and a Hydraulic Model and report (Paul Waite Associates dated 18/06/2020) have been submitted, as well as a subsequent FRA Technical Note and accompanying appendices (Paul Waite Associates (dated 07/07/2020)). The Environment Agency have assessed the aforementioned information and have confirmed that they do not wish to maintain their objection subject to imposing planning conditions. Planning conditions are required in respect of the following matters and the detailed conditions are contained at the end of this report:

- Finished Floor Levels are to be set no lower than the levels indicated in section 6.2 of the FRA and 4.2 of the Technical Note.
- No Basement Development of the Spinning Mill building
- No Ground Floor Sleeping Accommodation for the lifetime of the development
- The mill race/goit is to be formally in-filled and capped so as to not act as a potential flood flow route
- A suitable emergency access and egress plan is to be agreed in writing with the LPA to ensure suitable access and egress agreement present in times of flood, prior to occupation.
- A maintenance plan is to be agreed with the LPA that ensure appropriate routine and post flood event inspections and maintenance is carried out on the baffles, weir, bridge mill race caps/infill and wall, prior to occupation.

Subject to the aforementioned conditions it is considered that residual flood risk can be safely managed and the proposal is considered to accord with the requirements of policy EN7 of the Core Strategy and paragraph 163 of the NPPF.

Foul and Surface Water

The Lead Local Flood Authority have reviewed the submitted information and have confirmed that the submitted foul and surface water drainage details are acceptable. A planning condition can be imposed to ensure that the foul and surface water drainage schemes are carried out in accordance with the submitted plans. A further condition can be imposed to ensure that the infrastructure is maintained in accordance with the submitted maintenance strategy. Subject to the aforementioned plans the proposed foul and surface water drainage arrangements are considered to accord with policy EN7 of the Core Strategy and paragraph 165 of the NPPF.

Community Safety

Policy DS5 requires that development proposals are designed to ensure a safe and secure environment and reduce 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 the following points of detail:

- Rear garden boundaries should have a height of 1800mm
- Access gates should have a height of 1800mm
- A low boundary treatment should be provided to the front of plots 15-21 to create more defensible space between the private gardens / pathway and the public footpath.
- Trees located to the side of parking bays 25 should be a species which has a maximum growth height of 1m.
- Adequate natural surveillance should be provided for rear parking on plots 15-21
- The bin store at plot 26 should be located inside the garden boundary

The aforementioned recommendations of the Police Architectural Liaison Officer have been incorporated into the proposed development. 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 intruder alarms and the security standards of doors and windows, as these matters are not generally considered to be land use planning concerns.

It is considered that there are no grounds to conclude that the proposed development would create an unsafe or unsecure environment and the proposal is considered to accord with policy DS5 of the Core Strategy.

Issues Raised by Representations

Demolition of the weaving sheds should be included in the description of the development.

Demolition of the weaving sheds is included in the description of development.

The 24 dwellings are described as within the curtilage of Ebor Mills even though one dwelling is located to the west of Bridgehouse Beck.

The 24 new dwellings are located within the curtilage of Ebor Mills. The plans no longer include a dwelling to the west of Bridgehouse Beck.

The site is not all previously developed land as the land to the north of the mill buildings is used as agricultural land and as a paddock.

The parcel of land to the north of the mill buildings does not form part of the development site. The site is believed to consist of previously developed land. Policy HO6 of the Core Strategy aims to prioritise the use of previously developed land for housing and sets a target of 50% of new housing development to be built on previously developed land over the plan period. However, in the absence of a five-year housing land supply the use of previously developed land cannot be insisted upon and where a site is considered to occupy a sustainable location there must be a presumption in favour of development.

The development is not consistent with the expectations of the neighbourhood plan for Haworth, Cross Roads and Stanbury.

The emerging neighbourhood plan has not yet undergone independent examination or referendum and therefore whilst it is a material consideration in the decision making process it can only be given limited weight at the present-time.

The development would harm the current village greenspace designation covering the site and detract from the green corridor.

The submitted information includes CGI's which demonstrate that the development would not have an obtrusive appearance when viewed from surrounding public vantage

points and that it would not compromise the appearance or function of the village greenspace.

Policy UR4 is referenced in the Planning Statement. This is a deleted policy and consistency with it does not lend support to the development.

The application has been assessed against all relevant planning policies.

Ebor Mills will appear connected to Haworth if development proceeds, which would cause urban sprawl in open countryside.

The site is self-contained within the valley bottom and its development would not result in urban sprawl or any coalescence with Haworth, the centre of which is located further to the south. This is evidence by the submitted layout plan and the accompanying CGI's.

Development should be restricted to the extent of the existing buildings.

A viable and long term use is required for the entirety of the site. Redevelopment of the mill complex in isolation is unlikely to deliver a financially viable development and the retention of the remainder of the site in its current condition is not considered to be desirable.

The proposed dwelling to the west known as 'The Sidings' would be located within the green belt.

The proposed development no longer includes a dwelling in this location. No new dwellings are proposed within the green belt as part of this application.

The development will harm the setting of the listed mill and its relationship with the mill workers dwellings and the former mill managers house.

The less than substantial harm incurred to the setting of the mill will be outweighed by the public benefits of securing restoration of the buildings and their long term viable use as well as the provision of new housing for which there is an acute need. The visual relationship of the mill complex with the mill workers cottages and the mill managers house to the south would not be compromised by the proposed development.

The impact on heritage assets should not be categorised as less than substantial.

The amended plans address the concerns raised by the Design and Conservation Team and the harm incurred to the mill complex and its setting is considered to be less than substantial.

The archaeological significance of the site is not fully understood.

The submitted information has been assessed by West Yorkshire Archaeology Advisory Service who have confirmed that the development is acceptable subject to a planning condition requiring a watching brief.

The submission does not provide that the proposed residential development constitutes the optimum viable use of the site.

The site has been extensively marketed for commercial use but has remained vacant for in excess of two years. As such it is considered unrealistic that a commercial use will be forthcoming to occupy the site and the conversion of the buildings to residential use is justified.

It is not clear which sections of the site are to be developed.

The submitted site layout plan clearly identifies the area of the proposed development.

The proposal is too large for the site.

The development achieves a density slightly below the 30 dwellings per hectare which would ordinarily be expected. The layout of the development is considered to make efficient use of the site without significantly compromising the setting of the heritage asset or the character of the surrounding area.

Access to the site from Lees Lane/Mill Hey is very narrow and approached from a difficult junction. There is already an advisory for HGV's not to turn left out of Ebor Lane due to the angle of the exit.

The proposed residential use of the site would vastly reduce HGV movements when considered against those which could occur if the site was operating at full capacity for an industrial purpose.

There is no footpath on Ebor Lane on the mill side and so any pedestrians would have to cross on a bend.

Speed surveys in this location show vehicle speeds to be 15mph and visibility from the site access is sufficient to enable pedestrians to cross safely.

The access from Mytholmes Lane includes a single track bridge and road that is already difficult to use at peak times. There is no footpath from the Mytholmes Lane end of Ebor Lane so any additional traffic would be a safety risk to pedestrians.

The submitted Transport Statement indicates that the development would result in an additional 17 two-way vehicle trips during the AM peak period and 19 two-way trips during the PM peak period. The limited number of additional vehicle trips is not considered to pose a severe risk in terms of pedestrian safety.

The development would result in a sizeable increase in traffic

The submitted Transport Statement indicates that the development would result in an additional 17 two-way vehicle trips during the AM peak period and 19 two-way trips during the PM peak period. This is not considered to be sufficient to have a significant impact on the surrounding highway network in terms of capacity or congestion.

Part of the land is a local wildlife site.

The proposal does not include the development of the local wildlife site to the south of Ebor Bridge.

An accurate Flood Risk Assessment is required.

An accurate Flood Risk Assessment has been provided and assessed by the Environment Agency who have raised no objection to the development subject to planning conditions.

There is limited visitor parking provided

The council does not have an adopted standard in respect of visitor parking provision. The level of visitor parking proposed is considered to be sufficient for the number of dwellings proposed.

How will the parking spaces for the cottages on Ebor Lane be assigned?

The cottages on Ebor Lane are located outside of the application boundary and therefore the proposed parking provision cannot be secured through the current application. The parking provision is not considered fundamental to the acceptability of the proposal as the site has an established access which already has the potential for a

substantial number of vehicle movements without any new parking provision of upgrading of Ebor Lane.

The development would compromise the green setting of the mill and impact on views of the mill from the Keighley and Worth Valley Railway

The development site does not appear to be visible from the railway line owing to the set down location of the line and the substantial tree cover present on the west side of Bridgehouse Beck.

No work should take place on site before 8am or after 6pm Monday to Friday or before 8am and after 1pm on a Saturday. No Sunday working or evening working should take place

Working Hours at the site are to be suitably restricted by a planning condition to ensure that work would not occur during unsociable hours.

A full plan for vehicle movements should be submitted including a banksman at Lees Lane/Mill Hey Junction.

Full details of the construction site access and any temporary warning and direction signing on the approaches to the site shall be secured by a planning condition.

The development will harm the tourist economy of Haworth.

The proposed development is not considered to compromise the setting of Haworth and accordingly it would not result in any discernible impact on the tourist economy.

Haworth Does not needs a development of 24 executive homes.

The development would provide an appropriate housing mix of one bed apartments, 2 bed dwellings, three bed dwellings and four bed dwellings. The requirement for the provision of 400 new homes in Haworth upto 2030 is set out in the adopted Core Strategy.

The housing target for Haworth was reduced from 400 to 275 in this year's partial review of the Core Strategy. Development of the site is therefore premature.

The housing target for Haworth is currently 400 as is set out in the adopted Core Strategy.

Ebor Lane and bridge are not designed for heavy goods vehicles.

The residential development of the site will significantly reduce HGV movements when compared with the existing industrial use, if it were operating at full capacity

The bridge on Ebor Lane will collapse if more traffic is introduced

There is no evidence to suggest that Ebor Bridge is structurally unsound and the development would result in a limited number of additional vehicle trips.

Ebor Lane is already at maximum vehicle capacity

The development would result in a limited number of additional vehicle trips and there is sufficient capacity on the surrounding highway network for this to be accommodated.

The submitted traffic survey was done at a quiet time

The Transport Statement has been assessed by Highways Development Control and it is considered to be acceptable.

Will the courtyard area be for delivery and drop off only?

The courtyard area will provide parking for residents and visitors.

The section of the development on the main road would take away the only free parking for the local shops

The application does not include any development in this location (assumed to be the B6142). Parking in this area would be unaltered.

Will the developer upgrade the crime affected Gas Street car park?

No upgrading of Gas Street car park is proposed, nor is it required in order to make the proposed development acceptable in planning terms.

The developer should subsidise bus permits in order to encourage the use of public transport.

Electric Vehicle charging points are proposed in lieu of a residential metrocards, as they provide a betterment in terms of the long term contribution they make towards carbon reduction. By comparison a metrocard scheme could only be secured and funded for a short period of time after which they would be no longer term benefits.

The development will use stone imported from china rather than a local product.

A sample of the stone will be required to be submitted and approved in writing prior to construction in order to ensure that the product is suitable.

Mud, dust and building noise will cause issues for neighbouring properties.

A suitable dust management plan has been provided and accepted by the Environmental Health Department and adherence to it is required by a planning condition. The requirement to provide wheel washing facilities can be ensured by a planning condition. A planning condition will be imposed restricting working hours to ensure that there is no construction noise during unsociable hours.

The development would harm the Haworth Conservation Area.

The site is located a substantial distance from the north-east boundary of the conservation area. Given the degree of separation the proposal is not considered to have an adverse impact on the conservation area or its setting.

One mill in the area should be to be retained for educational purposes. If this mill is lost the history of Haworth mills will be lost forever.

There is no planning policy requirement for the use of the mill building for educational purposes. The loss of the existing industrial use is considered to be justified in light of the prolonged period of vacancy.

How will the area cope with drainage from these new developments?

The Lead Local Flood Authority has reviewed the submitted drainage information and has confirmed that it is acceptable subject to planning conditions.

Is the existing highway drainage sufficient to cater for this development?

The proposed highway works will require Section 278 approval at which time appropriate highway drainage can be secured.

The flood risk assessment does not take account of general run off water in the area.

The Environment Agency have reviewed the submitted assessment and have not raised any concerns in respect of the information presented. The FRA is therefore considered to be adequate for the purpose of assessing this application.

By continually paving over green areas, there is a far greater chance of additional flooding.

The application has been assessed against policy EN8 of the Core Strategy which requires adherence to sustainable drainage principles. The Lead Local Flood Authority have confirmed that the application is acceptable subject to imposing planning conditions.

The development would harm the nature reserve on Ebor Lane.

No development is proposed in the nature reserve.

What protections are in place to secure the nature reserve as an amenity loved by local residents.

The nature reserve is afforded protection under Core Strategy Policy EN2(C) whereby development will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site.

Will the nature reserve be improved?

The proposed development does not include any alterations to the nature reserve.

Bats, deer, heron, kingfishers, grey wagtail, tawny owl, sparrowhawk and brown hare are present in this area.

A Biodiversity Enhancement and Management Plan has been submitted which includes ecological measures required to protect wildlife and habitats during construction, measures to maintain and enhance wildlife and habitats post-construction and recommendations for the long-term management of habitats post development. Subject to adherence with the management plan the ecological impact of the development is considered to be acceptable.

What will happen to existing trees on site.

The development does not propose the removal of any protected trees and a comprehensive landscaping plan is proposed for the entirety of the site.

Destruction of a rare Ash riverine woodland

The area of riparian woodland adjacent to the development site would not be harmed by the proposed development.

The habitat of the Brook Lamprey would be harmed.

A Biodiversity Enhancement and Management Plan has been submitted which includes ecological measures required to protect wildlife and habitats during construction, measures to maintain and enhance wildlife and habitats post-construction and recommendations for the long-term management of habitats post development. Subject to adherence with the management plan the ecological impact of the development is considered to be acceptable.

Insufficient school place available for future residents

Education have confirmed that based on the data available in November 2019, the development is unlikely to cause significant concerns on where children of families coming to reside in the development might attend school.

The developer will not be available to deal with any issues at the site after development is completed.

If there are issues that require addressing which constitute a breach of planning control they will be resolved via the planning enforcement process where necessary.

Trees will be planted in concrete and die after 7 years.

The submitted landscaping plan and management procedures have been assessed and they are considered to be acceptable.

Will the views of the residents of the cottages on Ebor Lane be taken into account?

The views expressed by all interested parties in response to the publicity of this application will be taken into account.

Will the development provide electric vehicle charging points?

EV charging points are to be provided and will be secured by a planning condition.

Harm to air quality as a result of additional traffic.

The increase in greenhouse gases as a result of the development is accepted, but it is considered to be lesser than would be case for a development site in a less sustainable location. The inclusion of EV charging facilities is also considered to be a positive feature which would assist with limiting any impact.

Local people use the footpath on Vale Mill Lane and value it in its present form

The footpath would be unaltered by the proposed development.

The site is of high value to the local community

The site is not protected for any specific community purpose. The development has been assessed against all relevant planning policies and is considered to be appropriate.

A contribution of £48,024.98 should be made to the Airedale NHS Foundation Trust

The Airedale NHS Trust seeks a contribution of £48,024.98, which will go towards the gap in funding created by each potential patient from this development in respect of acute and planned healthcare. In considering this request, committee members are advised that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The S106 contribution sought is not contemplated by current local plan policy. Members are further advised that legally, the development's potential impact on the provision of local A&E and planned care is a material consideration in the assessment of whether the proposal is acceptable in planning terms.

It is not entirely clear from the information submitted by the Trust what precisely the contribution is intended to fund: - reference was made to it being used directly to provide additional services to meet patient demand from the development and enabling the delivery of services in the provision of acute and planned healthcare; but no substantive details are provided as to how.

Members are advised that if the monies are to be used towards the provision, improvement, replacement, operation or maintenance of infrastructure then that can be funded by CIL since medical facilities are a type of infrastructure specifically identified by the Council for which CIL receipts may be allocated. However, in terms of it being

paid as a S106 contribution, Members are advised that the planning application cannot be refused for want of that planning obligation unless it can be demonstrated that it is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

According to the Trust, the sum is necessary to meet the short term budgetary gap for A&E and planned care from Parliament for the next 12 months and that needed to serve the wholly populated development. It is understood that the funding arrangement is based on population and paid in arrears annually, but the following year's contract does not pay the following year's deficit retrospectively.

Officers would question the efficacy of the payment when the apartments may not be fully occupied within the next year. Even though this is a relatively small scheme it is not guaranteed that the apartments will not be built and occupied more than 12 months after the date of the decision.

Notwithstanding the above it is not considered that the shortfall in funding on its own is a persuasive reason that the payment is a "necessary" obstacle to the grant of planning permission. The Council is plainly not a party to the arrangements between the Trust and Parliament and any deficiency is a matter for those parties to negotiate. If Parliament has determined that the current allocation of funding is fair and appropriate to meet health needs, then it is not the place of the LPA to look beyond that and resolve any deficit for the Trust through S106. Certainly, there is no specific guidance from the Secretary of State, the NPPF or our current development plan that that should be so.

Therefore, Members are advised that without evidence of:

- the exact services and items the monies will be used towards;
- how this development directly generates the health demand for those services (and the nature of that demand) during the relevant 12 months of the grant of the permission beyond those already planned for by population growth; and
- why the Trust cannot currently meet such demand itself;

it is not considered possible to conclude that the contribution satisfies the requisite tests that the contribution is necessary, directly related to the development and reasonable in scale and kind.

Finally, Members are advised that even if that were not the case, the proposed obligation needs to be weighed up in the overall planning balance

For the above reasons it is not considered that it is reasonable to require this contribution.

Affordable Housing

The National Planning Practice Guidance for Planning Obligations provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the

existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

The Vacant Building Credit Calculation for the proposed development is as follows:

Policy HO11 of the Core Strategy requires the provision of 20% of the total number of dwellings on this site as affordable dwelling, subject to viability considerations.

The proposed development would provide a total gross floorspace of 4587 square metres. The site includes 4811 square metres of existing vacant floorspace.

The Vacant Building Credit is therefore the equivalent of 105% of the proposed floorspace. The affordable housing requirement is therefore reduced by 100% and no affordable housing units are required in this instance.

Community Infrastructure Levy

The site is located in CIL Zone 3 and the development would generate a CIL payment of £107,136.92

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 received 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 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.

Reason for Granting Planning Permission:

The proposed development is considered to be acceptable in principle. It would not compromise the appearance or function of the Mytholmes and Lees Lane Village Green Space and the loss of the existing employment use is considered to be adequately justified. The development would make a valuable contribution towards addressing unmet housing need through the re-use of what is predominantly previously developed land.

It is considered that, subject to the conditions recommended at the end of this report and to the developer entering into a Section 106 agreement the development will not result in unacceptable impacts upon the environment or the occupants of surrounding land in terms of visual amenity, residential amenity, impact on heritage assets and their setting, highway and pedestrian safety, flood risk, ecological impacts or air quality.

The proposal is therefore considered acceptable and subject to the listed conditions and S106 legal agreement, satisfies the requirements of the above-listed policies of the

Replacement Unitary Development Plan, Core Strategy Development Plan Document, and the National Planning Policy Framework, as well as the requirements of the Homes and Neighbourhoods Design Guide Supplementary Planning Document.

Conditions of Planning Permission:

General

Three Year Time Limit

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. Hours of Construction

Construction work shall not be undertaken outside of the following hours:

Monday to Friday 0730 to 18:00
Saturday 0800 to 1300
Sundays, Public/Bank Holidays No working.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policy DS5 of the Core Strategy Development Plan Document.

3. Approved Plans

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

1620SPL-EMH-SL01 Rev V Site Layout 20-04-2020
1620SPL-EMH-SL01-BT Rev V Boundary Treatment 20-04-2020
1620SPL-EMH-EVC01 Rev C EVC Strategy 20-04-2020
1620SPL-EMH-DR01A Demolition Plan 21-10-2019

1620SPL/EMH-SMLGF2 Rev C Proposed Basement Floor Plan 20-04-2020
1620SPL/EMH-SMGF2 Rev D Proposed Ground Floor Plan 20-04-2020
1620SPL/EMH-SMFF2 Rev D Proposed First Floor Plan 20-04-2020
1620SPL/EMH-SMSF2 Rev D Proposed Second Floor Plan 20-04-2020
1620SPL/EMH-SMEL02 Rev B Proposed Elevation 1 20-04-2020
1620SPL/EMH-SMEL04 Rev A Proposed Elevation 2 24-03-2020
1620SPL/EMH-SMEL06 Rev B Proposed Elevation 3 24-03-2020
1620SPL/EMH-SMEL08 Rev C Proposed Elevation 4 07-05-2020
1620SPL/EMH-SMSEO2 Rev B Proposed Section BB 07-05-2020
1620SPL/EMH-SMSEO3 Rev B Proposed Section CC 20-04-2020
1620SPL/EMH-SMSEO4 Proposed Section 1
1620SPL-EMH-PD-XD01A SM Casement Windows 07-05-2020
1620SPL-EMH-PD-XD04A SM External Doors 07-05-2020
1620SPL-EMH-PD-XD10 SM Grd Floor Historic Features 24-03-2020
1620SPL-EMH-PD-XD11 SM First Floor Historic Features 24-03-2020
1620SPL-EMH-PD-XD12 SM Second Floor Historic Features 24-03-2020

1620SPL-EMH-PD-XD13 SM Third Floor Historic Features 24-03-2020

1620SPL/EMH-ECFP02 – Proposed Floor Plans
1620SPL/EMH-EC-EL01 – Proposed Elevations
1620SPL/EMH-EC-SE02 – Proposed Section
1620SPL-EMH-PD-XD02A Economiser Windows 07-05-2020
1620SPL-EMH-PD-XD03A Econ and Warehouse Doors 07-05-2020

1620SPL/EMH-WHGF3 Proposed Ground Floor
1620SPL/EMH-WHGF4 Proposed Ground Floor
1620SPL/EMH-WHFF3 Proposed First Floor
1620SPL/EMH-WHFF4 Proposed First Floor
1620SPL/EMH-WHSF2 Rev A Proposed Second Floor
1620SPL/EMH-WH-EL05 Proposed Elevation
1620SPL/EMH-WH-EL05 Proposed Elevation no2
1620SPL/EMH-WH-EL06 Rev A Proposed Elevation
1620SPL/EMH-WH-EL06 Rev A Proposed Elevation no 2
1620SPL/EMH-WH-EL07 Rev A Proposed Elevation
1620SPL/EMH-WH-EL04 Rev A Proposed Elevation
1620SPL/EMH-WH-SE01 Rev A Proposed Section AA 17-02-2020
1620SPL/EMH-WH-SE02 Proposed Section BB 17-02-2020
1620SPL-EMH-PD-XD05 WH Casement Windows 07-05-2020

1620SPL/EMH-IHT-15-16 Rev B Banbury-Ashton
1620SPL/EMH-IHT-24-25 Rev B Read-Ashton
1620SPL/EMH-IHT-32 Rev B Banbury
1620SPL/EMH-IHT-38 Rev B Read
1620SPL/EMH-IHT-17-21 Rev B Fosters
1620SPL/EMH-IHT21 Rev B Fosters
1620SPL/EMH-IHT-33-37-LGF Rev C New Mill Floor Plans
1620SPL/EMH-IHT-33-37-UGF Rev C New Mill Floor Plans
1620SPL/EMH-IHT-33-37-FFSF Rev C New Mill Floor Plans
1620SPL/EMH-IHT-33-37-EL01 Rev C New Mill Elevation
1620SPL/EMH-IHT-33-37-EL02 Rev C New Mill Elevations
1620SPL/EMH-IHT-16.23 Rev B Royd
1620SPL/EMH-IHT-26 Rev B Royd
1620SPL/EMH-IHT-27-29-FP Rev B Elliot Floorplans
1620SPL/EMH-IHT-27-29-EL Rev B Elliot Elevations
1620SPL/EMH-IHT-30-31-FP Rev B Elliot Floorplans
1620SPL/EMH-IHT-30-31-EL Rev B Elliot Elevations
1620SPL/EMH-IHT-22 Rev B Read
1620SPL/EMH-IHT-GA-01 Rev B Single Garage
1620SPL/EMH-IHT-BS-01 Rev B Bin Stores

1620SPL-EMH-SKP-01 Rev E– Sections and Street Scenes Key 20-04-2020
1620SPL-EMH-SE-01D Proposed Sections 10-03-2020
1620SPL-EMH-SS-01E Street Scenes 20-04-2020
1620SPL-EMH-SS-02D Street Scenes 10-03-2020
1620SPL-EMH-SS-03D Street Scenes 10-03-2020

1620SPL/EMH-BHGF2 Rev A Proposed LG Floor
1620SPL/EMH-BHGF1 Rev A Proposed Ground Floor

1620SPL/EMH-BHFF Rev A Proposed Upper Floor
1620SPL/EMH-BH-EL03 Sectional Elevation AA
1620SPL/EMH-BH-EL03 Rev A Sectional Elevation CC
1620SPL/EMH-BH-EL04 Sectional Elevation BB
1620SPL/EMH-BH-EL05 Rev A Sectional Elevation

GL0999 11 Landscape Strategy Plan 21-08-2019
GL0999 Landscape Management Plan 21-08-2019
GL0999 01D Detailed Landscape Proposals 17-01-2020

TA DTPC J1052 Mill access fig 1
TA DTPC J1052 Mill access fig 2
TA DTPC J1052 Mill access fig 3
TA DTPC J1052 Mill access fig 4
Framework Travel Plan J1052 16-10-2019

Hydraulic Model and Report Reference 1871.CR.02.PO9- dated 18/06/2020
Flood Risk Assessment Reference 18171.CR.02.P09 (Indicated on document control sheet)- dated 18/06/2020
Flood Risk Technical Note Reference 18171.CR.05.P01- dated 07.07.2020
18171-PWA-00-XX-DR-C-1000-P01 (Private Drainage Layout)
18171-PWA-00-XX-DR-C-1001-P05 (Proposed Drainage Layout)
18171-PWA-00-XX-DR-C-2000-P11 (External Works) 17-02-2020
18171-PWA-00-XX-DR-C-5000-P01 (S104 Proposed Drainage Layout)
18171-PWA-00-XX-DR-C-5001-P01 (Proposed Catchment Areas)
18171-PWA-00-XX-DR-C-5003-P01 (FLOOD ROUTING PLAN) 12-11-2019
18171-PWA-00-XX-DR-C-5004-P01 (S185 Drainage Layout)
18171-PWA-00-XX-DR-C-5005-P01 (Watercourse Diversion)
18171-PWA-00-XX-DR-C-5006-P01 (Abandonment Plan)
Drainage Maintenance Strategy 18171-CR-03-P01 04-03-2020

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

4. PD Rights Removed A-E

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

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

5. Foul and Surface Water Drainage

The foul and surface water drainage schemes shall be constructed in accordance with Drawing Numbers: 18171 PWA 00 XX DR C 1003-P05 and 18171 PWA 00 XX DR C 1002 P01. The maximum surface water discharge rate, off-site, shall not exceed 95.2

litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.

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

6. Drainage Maintenance and Management Plan

The drainage infrastructure serving the development shall be maintained in accordance with Maintenance Strategy for Proposed Residential Development, Ebor Lane, Ebor Mills, Howarth, Doc Ref. 18171/CR/03, dated Feb 2020.

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

7. Drainage Maintenance Plan: Further Details

The development shall not be brought into use until a maintenance plan has been submitted to and approved in writing by the local planning authority detailing appropriate routine and post flood event inspections and maintenance regimes for the baffles, weir, bridge, mill race caps/infill and wall.

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

8. Flood Warning and Evacuation Plan (LLFA)

The development shall not be brought into use until an emergency access and egress plan has been submitted to and approved in writing by the Lead Local Flood Authority. The approved Plan shall be implemented and maintained for the life-time of the development.

Reason: In the interests of the amenity of future occupiers and for the effective management of flood risk in accordance with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

9. No basement Development of the Spinning Mill

There shall be no development in the basement of the Spinning Mill at any time.

Reason: To ensure the effective management of flood risk an accordance with policies DS5, EN7 and EN8 of the Core Strategy.

10.Flood Wall: Details

The development shall not be brought into use until details of the new flood wall to be provided between Ebor Lane Bridge and the Spinning Mill have been submitted to and approved in writing by the Local Planning Authority and the flood wall has

been constructed in accordance with the approved details. The new flood wall shall then be retained for the lifetime of the development.

Reason: In order to ensure the effective management of flood risk and to ensure an appropriate appearance in relation to the grade II listed Spinning Mill and Ebor Lane Bridge in accordance with policies EN3, EN7 and EN8 of the Core Strategy Development Plan Document.

11. Proposed Fillets / Flow Deflectors: Details

The development shall not be occupied until finalised details of the design and appearance of the proposed fillets/ flow detectors have been submitted to and in writing by the Local Planning Authority and the fillets/ flow detectors have been installed in accordance with approved details.

Reason: To ensure that any forces associated with the river under extreme flood conditions are not directed against the wall of the Spinning Mill building and to ensure an acceptable appearance in relation to nearby heritage assets. In accordance with the requirements of policies EN3, EN7 and EN8 of the Core Strategy Development Plan Document.

12. Mill Race: Details

The development shall not be brought into use until details of the treatment of the mill race to ensure that it remains in a non-operational state are submitted to and approved in writing by the local planning authority and the works are carried out in accordance with the approved details.

Reason: In order to ensure the effective management of flood risk and to ensure an appropriate appearance in relation to the grade II listed mill complex and its associated infrastructure in accordance with policies EN3, EN7 and EN8 of the Core Strategy Development Plan Document.

13. Finished Floor Levels

Finished Floor Levels are to be set no lower than the levels indicated in section 6.2 of the FRA and 4.2 of the Technical Note, these are:

- Spinning Mill plots 1 -6 Ground floor FFL 163.000mAOD Spinning Mill plots 1 -6 First Floor FFL 166.000mAOD
- Mill House FFL 161.350mAOD
- Plot 7 FFL 161.700mAOD
- Plots 8 to 14 FFL 161.800mAOD
- Plots 15 to 21 FFL 160.250mAOD
- Plot 22 FFL 161.425mAOD
- Plot 23 FFL 161.875mAOD
- Plot 24 FFL 161.700mAOD
- Plot 25 FFL 162.600mAOD
- Plot 26 FFL 165.025mAOD
- Plots 27 to 29 FFL 165.100mAOD
- Plot 30 FFL 166.150mAOD
- Plot 31 FFL 166.600mAOD

- Plot 32 FFL 166.325mAOD
- Plots 33 and 34 FFL 165.425mAOD
- Plots 35 to 37 FFL 164.300mAOD
- Plot 38 FFL 163.900mAOD

Reason: In order to ensure the effective management of flood risk and accordance with policies EN3, EN7 and EN8 of the Core Strategy Development Plan Document.

14. Site Investigation Implementation

Prior to construction of the development a completed additional Phase 2 site investigation and risk assessment must be completed in accordance with the recommendations contained within the approved Phase 2 Geo-Environmental Assessment by PWA Geo-Environmental Ltd. 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 EN8 of the Local Plan for Bradford.

15. Remediation Strategy

Prior to construction of the development, 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.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

16. Remediation Verification

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 EN8 of the Local Plan for Bradford.

17. Unexpected Contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

18. Material Importation

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

19. Domestic Electric Vehicle Charging Points

Before the date of first occupation each household on the development shall be provided with access to EV charging facilities in accordance with plan reference 1620SPL-EMH-EVC01 REV C. The charging points to be provided for individual units with dedicated parking shall have a minimum output of 16A/3.5kW and the shared points shall have a minimum output of 32A/7.2kW. Thereafter the charging points shall be retained in accordance with the approved details.

To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

20. Construction Method Statement

The construction of the development shall be carried out for the entirety of the construction period in accordance with the approved Construction Method Statement 14-10-2019 and Management of Construction Dust 14-11-2019.

Reason: To protect the amenity and health of surrounding residents in line with the Council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

21. Access, Parking and Manoeuvring

Prior to the occupation of any dwellings the approved vehicle access, parking, manoeuvring and turning areas shall have been constructed in accordance with the approved layout reference 1620SPL-EMH-SL01 Rev V Site Layout 20-04-2020 to a constructional specification approved in writing by the Local Planning Authority. Once created these areas shall always be maintained clear of any obstruction and retained for their intended purpose.

Reason: In the interests of amenity and highway safety, and in accordance with Policies TR2, DS4 and EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

22. Landscaping Scheme Implementation

In the first planting season following the substantial completion of the development the landscaping proposals shall be implemented at the site in accordance with details shown on approved drawing reference GL0999 01D Detailed Landscape Proposals 17-01-2020

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

23. Landscape Maintenance

The management and maintenance of all on site public open spaces shall be carried out in accordance with the Landscape Management Plan by Golby Luck, Reference GL0999 dated August 2019.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS5 of the Local Plan Core Strategy.

24. Protection of Wildlife and Habitat During Construction

The proposed development including demolition and vegetation clearance shall be carried out in accordance with the recommendations of Chapter 2: Measures to Protect Wildlife and Habitat During Construction of the submitted Biodiversity Enhancement and Habitat Management Plan reference PC18051/be-/v1 dated 12.08.2019.

Reason: To ensure that adequate measures are taken to protect wildlife and habitats in accordance with policy EN2 of the Core Strategy.

25. Biodiversity Enhancement Measures

Prior to the occupation of the 35th dwelling, the ecological mitigation measures detailed within section 3 of the Biodiversity Enhancement & Habitat Management Plan dated 12.08.2019 2019 shall be implemented and completed. The enhancement measures shall be retained thereafter.

Reason: To ensure that adequate measures are taken to protect wildlife and habitats in accordance with policy EN2 of the Core Strategy.

26. Lighting scheme Details

Details of the location, height, design, and luminance of any external lighting (which shall be designed to minimise light spillage on Bridgehouse Beck and its associated woodland and the woodland beyond the north boundary of the site) shall be submitted to and approved in writing by the Local Planning Authority before any external lighting is used on site.

Reason: To ensure that adequate measures are taken to protect wildlife and habitats in accordance with policy EN2 of the Core Strategy.

27. Bat Roost Mitigation

Before the bat roosts identified in the Bat Activity and Hibernation Surveys report reference PC18051/Bat /1.2 are impacted 1FF Schwegler Bat Boxes with built-in wooden rear panels, or bat boxes of an equivalent specification, shall be provided in the locations identified within Appendix D- Locations of Bat Mitigation, of the submitted report. The mitigation measures shall be retained thereafter.

Reason: To ensure that adequate measures are taken to protect wildlife and habitats in accordance with policy EN2 of the Core Strategy.

28. Materials Samples

Before development above damp-proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

29. Hard Landscaping: Material Samples

Prior to the commencement of any hard landscaping works samples of the materials to be used for the site access, driveways, parking areas and parking to domestic curtilages shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and visual amenity of the area and to accord with policies DS1, DS3 and EN3 of the Core Strategy.

30. Bin Storage

Prior to the occupation of each dwelling the bin storage arrangements serving the dwelling shall be provided in full in accordance with the approved plans. The bin storage facilities shall then be retained thereafter for the lifetime of the development.

Reason: To ensure appropriate design arrangements for waste handling and to accord with Policies DS1 and DS5 of the Core Strategy Development Plan Document.

31. Wheel Washing Facilities

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

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

32. Construction Management Plan.

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details: i) full details of the contractor's means of access to the site including measures to deal with surface water drainage; ii) hours of delivery of materials; iv) location of site management offices and/or sales office; v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site; vi) car parking areas for construction workers, sales staff and customers; vii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients; viii) temporary warning and direction signing on the approaches to the site. The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

33. Archaeological Watching Brief

No work shall take place in the following areas without the attendance of an archaeologist nominated by, or on behalf of, the Local Planning authority to observe and record any archaeological remains uncovered during works:

Building A- The area of Rooms AG3c- Investigation required to further determine the nature of power transmission from the waterwheel.

Building 1- Investigation required of the nature of power transmission to the weaving sheds and the nature of any surviving engine beds

Building 2- Investigation to ascertain the nature of power transmission from the third Engine House to the Weaving Shed.

The scheme of archaeological investigation and recording shall comprise of an archaeological watching brief and shall include measures whereby the developer shall undertake to notify the Local Planning Authority of the commencement of development and permit and facilitate access to the site by the nominated competent person to observe and record any archaeological remains uncovered during excavation work.

Reason: It is essential to facilitate an appropriate archaeological evaluation of the specified areas before any work commences because such work might lose, destroy or disturb such archaeological and heritage evidence. To accord with Policy EN3 of the Core Strategy Development Plan Document.

34. Footpath Link: Details

Before work commences on the public footpath link illustrated on drawing reference 1620SPL-EMH-SL01 Rev V Site Layout dated 20-04-2020 full details of its width, surface treatment and signage shall be submitted to and approved in writing by the Local Planning Authority.

The footpath shall then be constructed in accordance with the approved details and retained as such.

Reason: To ensure that a satisfactory footpath link is provided and to accord with policies DS1, DS4 and TR3 of the Core Strategy.

Footnotes

1.Coal Authority Advisory

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2. Rights of Way: Footpath Diversion

The developer's attention is drawn to the fact that a Public Path Order must be obtained if the route of public footpath 157 is to be closed or altered. The proposed new route is welcomed and it is suggested that the existing footpath line is retained as well as providing the new route in order to avoid the need to obtain a legal order.

Details of the procedures and the fees payable in relation to Public Path Order's may be discussed with the Countryside and Rights of Way Section on 01274 432666 or rightsofway@bradford.gov.uk

2. Rights of Way: Standard Requirements

The developer is alerted of the need to adhere to the following standard requirements during the period of any works on site.

The affected public right of way must not be obstructed by any plant, materials or equipment. Even the temporary storage of materials on the right of way is not permitted. Any obstruction of the route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.

If essential works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact Network.management@bradford.gov.uk for details.

Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Equality Act 2010 must also be considered.

If works alongside the public right of way present a danger to path users the affected section should be fenced off with safety netting.

The surface of the public right of way should not be disturbed, however, if development works causes damage to the right of way it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way, these must be approved, in advance by the Rights of Way Section.

If building works remove features that would enable users to find the right of way, the line of the right of way must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

3. Bat Awareness

All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0345 1300 228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained. Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

4. Breeding Bird Awareness

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, no vegetation should be removed and no buildings likely to house nests should be demolished during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal or demolition to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation should be removed and the buildings not demolished until the fledglings have left the nest.

5. Environment Agency Permit Bridgehouse Beck

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- o on or within 16 metres of a sea defence
- o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- o in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For main rivers such as Bridgehouse Beck (adjacent to the site), an 8 metre easement strip along the length of the riverbank to be kept clear of permanent structures such as buildings is usually required. This is to maintain access to the riverbank for any improvements or maintenance.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. It should not be assumed that a permit will automatically be forthcoming once planning permission has been granted, and the application should consult the Environment Agency at the earliest opportunity.

Reason for Granting Listed Building Consent

After taking into account the intrinsic value of the heritage asset, the very significant weight which should be given to the conservation of the heritage assets and the substantial benefits which it is considered that the development would provide, it is concluded that the proposal is acceptable in heritage terms and consistent with the principles set out in Section 16 of the NPPF and policy EN3(C,D,E) of the Core Strategy, whilst sitting in partial conflict with policy EN3(C) with regard to conserving the setting of listed buildings.

Conditions of Listed Building Consent

1. Time Limit 3 Years

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. Window and Door Details: In Accordance with Approved Plans

All new doors and windows to be installed in the grade II listed mill complex shall be installed in accordance with the following drawing references:

- 1620SPL-EMH-PD-XD01A SM Casement Windows 07-05-2020
- 1620SPL-EMH-PD-XD04A SM External Doors 07-05-2020
- 1620SPL-EMH-PD-XD02A Economiser Windows 07-05-2020
- 1620SPL-EMH-PD-XD03A Econ and Warehouse Doors 07-05-2020
- 1620SPL-EMH-PD-XD05 WH Casement Windows 07-05-2020

Reason: To ensure that the replacement windows and doors are appropriate to the character of the building, in the interests of visual amenity and to accord with Policy EN3 of the Core Strategy Development Plan Document.

3. Window Inset (all)

The frames to all new windows hereby permitted shall be recessed into the reveals by a minimum of 120 millimetres and shall be retained as such thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

4. Rainwater goods and Ventilation: Details

Prior to their installation, details of the materials, sectional profile and colour of all new gutters, rainwater downpipes, vents or flues and any other external plumbing shall be submitted to and approved in writing by the Local Planning Authority. These items shall then only be installed in accordance with the approved details and these shall be retained thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

5. Masonry and Pointing Sample

Before any external works are undertaken to the grade II listed mill buildings a sample panel of the masonry and pointing shall be made available for inspection and approved in writing by the local planning authority. The sample shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: In the interests of the character and visual amenity of the area and to accord with policies DS1, DS3 and EN3 of the Core Strategy.

6. Hard Surfacing Samples

Prior to the commencement of any hard landscaping works samples of the materials to be used for the site access, driveways, parking areas and parking to domestic curtilages shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and visual amenity of the area and to accord with policies DS1, DS3 and EN3 of the Core Strategy.

7. Metal Railings: Details

Prior to their installation details of all metal railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

Reason: In the interests of the character and visual amenity of the area and to accord with policy DS1, DS3 and EN3 of the Core Strategy.

8. Wheel Pit Treatment

Before any works are undertaken to the wheel pit details of how it will be capped 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 approved details.

Reason: In the interests of preserving the historic value of the heritage asset and to accord with policy EN3 of the Core Strategy Development Plan Document.

9. Boiler House Demolition and Construction Method Statement

Before any works are undertaken to the boiler house a method statement for its demolition and reconstruction shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of preserving the historic value of the heritage asset and to accord with policy EN3 of the Core Strategy Development Plan Document.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 20th August 2020

Q**Subject:**

Full application for conversion of former industrial mill to develop 23 residential apartments and associated car parking and open space. Bridgehouse Mills, Bridgehouse Lane, Haworth, Keighley, BD22 8PA (20/00137/MAF)

Summary statement:

The proposal site is part of a larger development site being already partly developed under planning permission 15/07479/MAF, 18/00198/VOC and 18/03180/VOC. This application relates to part of the original listed mill building fronting Bridgehouse Lane. This application has been submitted as it is no longer proposed to carry out the full residential conversion of the entire listed Bridgehouse Mills. The remaining and adjoining commercial building (Wyedean Weaving) is no longer part of the current housing scheme for this site and this revised scheme includes provision of HGV service access to this building as well as revised details for residents sitting out and parking.

The application is recommended for approval subject to conditions as listed in the report.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

Portfolio:
**Change Programme, Housing, Planning and
Transport**

Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

The proposal site is part of a larger development site being already partly developed under planning permission 15/07479/MAF, 18/00198/VOC and 18/03180/VOC. This application relates to part of the original listed mill building fronting Bridgehouse Lane. This application has been submitted as it is no longer proposed to carry out the full residential conversion of the entire listed Bridgehouse Mills. The remaining and adjoining commercial building (Wyedean Weaving) is no longer part of the current housing scheme for this site and this revised scheme includes provision of HGV service access to this building as well as revised details for residents sitting out and parking.

The application is recommended for approval subject to conditions listed in the report.

2. BACKGROUND

As stated above there is extant consent for conversion of the entire Bridgehouse Mills listed building into residential accommodation. This application seeks a change to the previous scheme by separating conversion of the building owned by the applicants (Skipton Properties) from the adjacent Wyedean Weaving premises. The scheme would provide a separate service access to these premises and revised sitting out and residents parking provision. The larger site comprising land to the south includes new build housing, an open recreational area/flood mitigation area and other commercial premises all developed by earlier consents (details below).

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

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

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected 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.

7.2 SUSTAINABILITY IMPLICATIONS

It is not considered there are any adverse implications on sustainability.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with development. Consideration should also be given as to whether the location of the proposed development is such that sustainable modes of travel would be best facilitated and future greenhouse gas emissions associated with the activities of building users minimised. Electric vehicle charging points would be provided within the proposed development.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, being implemented, 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 Core Strategy Policy DS5.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application as per the recommendation in Appendix 1, or refuse the application.

If the Committee decides that the application should be refused, the reason(s) for refusal would have to be given, based upon development plan policies or other material planning considerations.

10. RECOMMENDATION

This application is recommended for approval subject to conditions contained within the report.

11. APPENDICES

Appendix 1 Technical report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2019

Adopted Core Strategy 2017

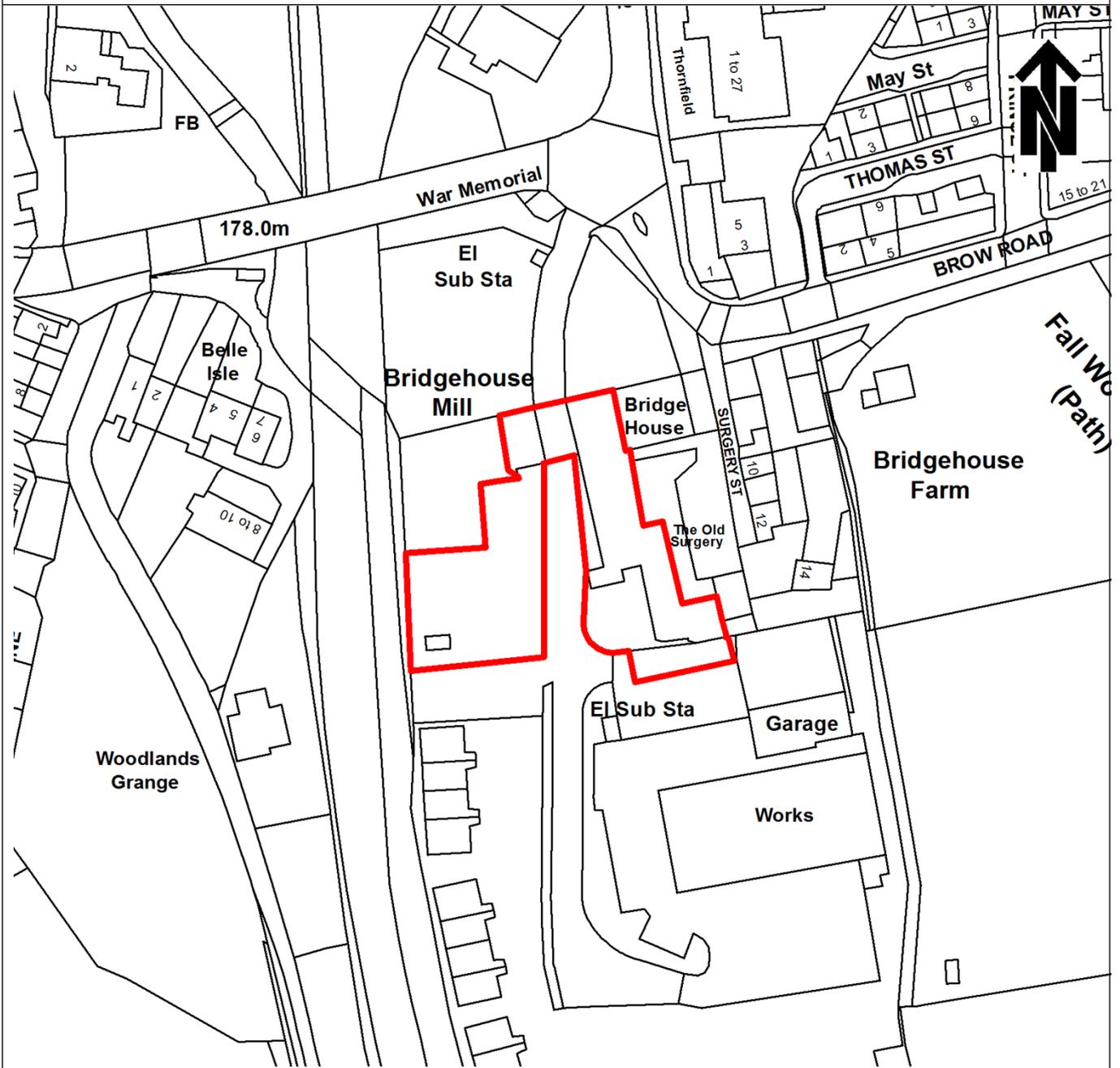
Homes and Neighbourhoods SPD 2020

RUDP 2005

20/00137/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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Bridgehouse Mill
River View
Haworth
Keighley **BD22 8SB**

Ward: Worth Valley (09)

Recommendation: To Grant Planning Permission subject to conditions as listed in this report.

Application Number: 20/00137/MAF

Proposal:

Conversion of former industrial mill to develop 23 residential apartments and associated car parking and open space.

Address:

Bridgehouse Mills, Bridgehouse Lane, Haworth, Keighley, BD22 8PA

Applicant:

Mrs Dawn Cooper (Skipton Properties LTD)

Agent:

J O Steel Consulting

Site Description:

The proposal site is part of a larger development site being already partly developed under planning permission 15/07479/MAF, 18/00198/VOC and 18/03180/VOC. This application relates to part of the original listed mill building fronting Bridgehouse Lane. This mill building is the structure to the left-hand side of the main mill building when viewed from the main entrance to the site. The mill building is "L-shaped" and includes an archway under which traffic (both residential and commercial) passes to gain access to the remainder of the Bridgehouse Mills site, including new housing and commercial businesses.

This building was substantially affected by a major fire in March 2001. The consequences of the fire were that a floor was removed and a new roof added. Insurance works carried out at the time were limited to repairs resulting in the ability for limited use (mainly storage of timber). Some works were carried out to replace floors but the impacts of the fire were to create a weakened structure with missing flooring and limited access.

When the current Bridgehouse Mills site residential and commercial project (which also included conversion of this building into residential purposes) was started this heritage building was acknowledged as being at risk and as part of the previous consent for conversion to residential limited demolition of a stair tower to the south side was permitted as this was acknowledged as being beyond practical repair.

The present condition of this building is as follows (following part implementation of a previous planning consent and listed building consent):

1. The missing upper floors have been reinstated to recreate the original form and appearance of this key listed building in the Bridgehouse Mills complex.
2. A new roof has been added which unlike the roof added after the fire is finished in appropriate natural slate.

3. The archway linking this building to the neighbouring building (which allows traffic to the south of the site where there are new houses and employment uses) has been repaired and in certain sections re-built using stone quoin details).
4. An original "tower" feature lost as a consequence of the fire has been recreated on the main roof of this building using original saved images.

All of the above work was covered by the original and subsequent planning consents listed below and the work has been carefully managed under the terms and control of listed building consent and conditions limiting the use of materials and details of new windows, fire escapes and details such as rainwater goods.

The previous listed building consent deals with the external appearance of this building and as no changes are proposed in relation to the previously consented details no separate LBC application is required.

Relevant Site History:

Application Ref.	Description	Decision
91/03357/COU	Change office use of mills electrical room to private hire taxi office	Granted 05.02.1992
01/01862/FUL	Restoration of property after fire damage	Granted 26.07.2001
01/01863/LBC	Restoration of property after fire damage	Granted 26.07.2001
01/02088/FUL	Creation of car park	Granted 15.10.2001
01/02402/FUL	Landfill and remodelling of existing earth banking	Granted 22.02.2002
07/07208/CAC	Demolition of industrial sheds to provide for redevelopment of site	Granted 08.10.2007
08/03641/CAC	Demolition of single storey industrial building to provide for re-development of the site	Granted 26.08.2008
11/02904/FUL	Change of Use of office/store to taxi office	
12/01233/MAF	Construction of building for employment use -B2- with ancillary office space, access road, service yard, parking and landscaping, amendment to design approved by 11/03393/MAF to incorporate solar panels	Granted 01.05.2012
12/03342/LBC	Demolition of listed building/office/store	Granted 12.10.2012
15/07479/MAF/ 15/07481/LBC	Mixed Use Development Comprising: Change of use, alteration, conversion, extension and partial demolition of existing mill buildings to develop 45 retirement living apartments; construction of 77 new dwellings including associated access; construction of an extension to the existing industrial building accommodating Airedale Springs; construction of a new factory for Wyedean Weaving; provision of junction improvement works, landscaping works, flood water storage works, parking and links to public footpaths	Granted 25.04.2017

18/00198/VOC	Variation of condition 1A (plans schedule) of planning permission 15/07479/MAF to substitute revised location and site plans, revisions to the eastern block and the approved extension, revisions to the siting and design of the new factory, a change of house type for plots 23, 47, 49, 50, 51, 52 and 57, and amendments to the features to be provided within the flood mitigation areas	Granted 16.05.2018
18/03180/VOC	Variation of condition to add a garden room to plots 43, 44, 45 and 46. Application Reference Number: 18/00198/VOC Date of Decision: 16/05/2018. Original application 15/07479/MAF: Mixed Use Development Comprising: Change of use, alteration, conversion, extension and partial demolition of existing mill buildings to develop 45 retirement living apartments; construction of 77 new dwellings including associated access; construction of an extension to the existing industrial building accommodating Airedale Springs; construction of a new factory for Wydean Weaving; provision of junction improvement works, landscaping works, flood water storage works, parking and links to public footpaths	Granted 08.11.2018
19/03719/VOC	Removal of condition 41 (occupation of apartments) of planning permission 18/00198/VOC	Withdrawn 06.12.2019

Replacement Unitary Development Plan (RUDP):

Allocation

- The site is within the Haworth Conservation Area.

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of further Allocations and Area Action Plan development plan documents.

The Core Strategy for Bradford Policies

Presumption in Favour of Sustainable Development

P1 Presumption in Favour of Sustainable Development

Strategic Core Policies

SC1 Overall Approach and Key Spatial Priorities

SC2 Climate Change and Resource Use
SC3 Working together to make Great Places
SC4 Hierarchy of Settlements - Haworth: 400 new residential units
SC5 Location of Development
SC6 Green Infrastructure
SC9 Making Great Places

Transport

TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
TR5 Improving Connectivity and Accessibility

Housing

HO3 Distribution of Housing Requirement
HO4 Phasing and Release of Housing Sites
HO5 Density of Housing Schemes
HO6 Maximising use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing

Environment

EN1: Protection and improvements in provision of Open Space and Recreation Facilities
EN3 Historic Environment
EN4 Landscape
EN7 Flood Risk
EN8 Environmental Protection Policy: Air Quality, Land Contamination and Nuisance

Design

DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban character
DS4 Streets and Movement
DS5 Safe and Inclusive Places

Implementation and Delivery Policies

ID2 Viability
ID3 Developer Contributions
ID4 Working with Partners
ID5 Facilitating Delivery

The National Planning Policy Framework 2019 (NPPF):

The National Planning Policy Framework is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver: -

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Paragraph 91 (NPPF): new residential developments should create healthy, inclusive and safe places to live.

Paragraph 124 of the NPPF (2019) states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

Paragraph 127 states: Planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 122 (NPPF): developments should create appropriate densities.

The NPPF (2019) also provides clear policy guidance of flood risk matters:

(Paragraph 155): Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

(Paragraph 163): When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Advice is also included in the NPPF 2019 in relation to conserving and enhancing the historic environment. The following is also of particular relevance:

(Paragraph 192): In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

(Paragraph 193): 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

(Paragraph 195): 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.

(Paragraph 196): 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, where appropriate, securing its optimum viable use.

Paragraph 175 (NPPF): consideration of impacts of new development on habitats and biodiversity.

Paragraph 178 (NPPF): consideration of ground conditions and pollution prevention.

Paragraph 180 (NPPF): new residential development should be appropriate for its location including impacts of noise, pollution and living conditions.

Homes and Neighbourhoods - A Guide to Designing in Bradford (adopted by the Council as a Supplementary Planning Document (SPD) on 4 February 2020).

The following policies in particular apply to this proposed development:

- Housing mix
- Provision of open space within developments
- Appropriate landscaping
- Play: local parks and access to the countryside
- Parking provision
- Cycle parking
- Storage of Waste

- Making a Home: Flats and Apartments – access and circulation, views and aspects, communal facilities, conversions.
- Light and ventilation
- Outdoor space
- Materials and details
- Privacy
- Energy efficiency

Neighbourhood Planning

The site is located within the Neighbourhood Area Designation of the Haworth, Cross Roads and Stanbury Neighbourhood Plan. A draft version of the aforementioned plan has undergone public consultation and has been submitted to Bradford Council to be checked against all relevant legislation. The remaining stages of the adoption process are for the neighbourhood plan to undergo an independent examination and for a referendum to be held after which, if more than half of those voting are in favour, the plan will come into force as part of the statutory development plan for the area

The emerging neighbourhood plan has not yet undergone independent examination or referendum and therefore whilst it is a material consideration in the decision making process it can only be given limited weight at the present-time

Parish Council:

Haworth, Cross Roads & Stanbury Parish Council – raises the following issues:

The Parish Council is concerned with this new application which would mean the removal of Condition 41 on the original application therefore we object to the new application for the following reasons :-

1.The Parish Council objected to the original planning application due the use of the Green Belt for the development the reason for the use given by Skipton Properties was that unless the Green Belt land was available it would be uneconomical to develop the main Mill building which is listed. The Parish Council requested that the proposed 45 apartments in the Mill Building would be occupied by persons over 55 years of age, this was agreed by all parties and made a condition in granting the planning application. During the early stage of the main application the Parish Council was refused pre planning documents stating they were confidential due to on-going discussions. When we finally were allowed to view them we were told by Bradford Planning that Skipton owned the whole site, this now appears not to be correct. The Parish Council is concerned that the Wyedean section of the Mill is no longer being developed and as a result this new application has been made which will override Condition 41.

2.The new application changes the whole demographic of the development . Instead of two factories operating from this development there will now be three which we presume will increase the numbers of movements of light and heavy vehicles onto the development each day. This leads on to our concern regarding the proposed parking issues behind Wyedean. The drawings show the majority of the parking places situated behind the Wyedean factory, in the same area is the service area for factory. We are aware Wyedean has large articulated lorries delivering on a daily basis. The Parish Council believe parking restrictions will be required including a segregated area marked out to prevent unauthorised parking preventing access and deliveries The Parish Council would ask Bradford Planning if Highways are aware of the potential issues over highway safety at the rear of the premises.

3. It is clear to the Parish Council that there will also be issues with noise from Wyedean factory which will abut the new apartments. From the objection letter from Wyedean they state weaving machines will often run through the night therefore could disturb any new residents of the apartments. Bradford Environmental Health Department is likely to receive calls regarding noise disturbance but it would clearly be unfair if any action was taken as the factory was there first. It is up to the developer to solve this issue before selling any of the properties.

4. Our final objection regarding this application is that the change of occupancy will mean the properties will be available to all potential users, it is likely that many of them will be bought as an investment, buy to let this will result in a high turnover of occupation which often results in anti-social behaviour.

Publicity and Number of Representations:

The application has been fully advertised with press notices, site notices and letters sent to nearest neighbours.

Summary of Representations Received:

Representations have been received from Wyedean (who are located in the adjoining mill building):

1. Highway Matters

- A number of concerns have been identified relating to the proposed service yard access, servicing arrangements and highway/pedestrian safety. Further information and amendments to the layout are required in order to safely and efficiently accommodate the operational requirements of Wyedean Weaving.
- Wyedean Weaving accommodates deliveries and collections by large heavy goods vehicles on a daily basis. On average approximately 5 deliveries/collections take place each day. Service vehicles range in size between vans, 10/12m rigid vehicles and 16.5m max legal articulated vehicles.
- Examples of the type and size of vehicles serving Wyedean Weaving are illustrated within images submitted.
- The proposed Site plan (Watson Batty Architects drawing EX10 rev R dated 08/10/2019) proposes to share the industrial service yard with the adjacent residential car park. No segregation is provided between the two uses and therefore industrial heavy goods vehicles will be required to turn, load, unload and reverse within the residential car park in order to serve Wyedean Weaving or indeed and importantly any subsequent industrial occupier of the unit.
- In addition, a formal segregated access has not been provided to the service yard. Access to the service area is required to be gained via a circa 30m length of dropped kerbs over which heavy goods vehicles will be required to cross a pedestrian footway. All pedestrians are required to enter/exit the development along this route, which is well used. No guidance, signage or delineation is provided to warn or guide either users of the footway or delivery drivers.
- A vehicle specification has not been provided. Unfortunately, the applicants failed to even discuss the fundamentals of highways and transportation with Wyedean to better understand the company's operational requirements prior to preparing and submitting the Transport Statement. Therefore, the vehicle dimensions are not known. However, this appears to be an 11m rigid refuse vehicle;
- The swept path analysis has not been undertaken using a 16.5m articulated vehicle, which has more onerous turning characteristics than a smaller rigid vehicle.

It appears unlikely that a 16.5m articulated vehicle could access the site without significant encroachment of the residential car park and footway;

- The swept path analysis shows that heavy goods vehicles will be required to drive over/along the main pedestrian footway when entering and exiting the service area in conflict with pedestrians;
- No formal entry/exit point to the service area is provided or delineated, and access is provided informally via a significant length of dropped kerbs (estimated at a length of circa 30m). As such HGVs will be able to enter the service yard/resident's car park by simply driving over the footway. Users of the footway (which is the only entry/exit to the development and is well used), particularly visitors or children are unlikely to expect or anticipate the presence of service vehicles driving over the footway at an unspecified location leading to potentially significant highway safety concerns; The continuous overrunning of the footway could lead to damage of the kerbs/footway surface, leading to potential trip hazards and a maintenance liability for the Council. Given the length of the informal access and dropped kerbs no street lighting columns can be provided over this circa 30m length. It should be demonstrated that suitable lighting can be achieved;
- The presence of a 30m length of dropped kerbs is likely to encourage on street parking and prevent access to the service yard;
- The dropped kerbs are likely to be abused by residential users of the car park, since this provides a more convenient route than the proposed car park access;
- No parking restrictions are proposed along the spine road or within the car park to prevent parking and blocking of the service yard;
- The swept path presented on the left-hand side of Image 2 shows a HGV reversing over a distance of circa 20m in order to exit the service yard, which will conflict with both pedestrians and vehicles within the residential car park;
- The swept path presented on the right-hand side of Image 2 shows a HGV reversing along the main spine road (which is assumed will be adopted highway) in conflict with through traffic accessing the remainder of the Site;
- Both options rely on HGVs turning within either a residential car park, the main spine road and crossing a footway in unspecified areas; and
- Loading/unloading of large vehicles can take up to an hour and requires the use of lifting equipment such as fork lift trucks and manual pallet trucks, during which time residents will seek unrestricted access to the adjacent car parking, which will involve residents and families walking within, across or within close proximity to the service yard and reversing vehicles into and out of car parking spaces.
- The proposed servicing/car parking/access arrangements therefore introduce potentially significant safety implications for both employees of Wyedean, third party deliveries vehicle operators and residents of the development.

Highway Summary

The proposed service yard and associated access arrangements are unsuitable to accommodate the demands of Wyedean or indeed any B2 Industrial occupier and raise potentially significant concerns over highway safety.

In order to safely and efficiently serve Wyedean, the following amendments are necessary as a minimum:

- A segregated service yard is required;
- Parking restrictions are required to ensure access to the service yard is not blocked by parked vehicles;
- Access to the service yard should be segregated from any residential car parking areas;
- The access should be formalised/delineated to warn pedestrians of the likely presence of turning vehicles;

- Access is required for 16.5m articulated vehicles; and
- An independent Stage 1 Road safety Audit should be undertaken on the revised internal layout. This must be undertaken prior to the application being determined and should not be the subject of a condition post planning.

2. Amenity issues.

- Although a Noise Impact Assessment has been carried out, the Managing Director was present when the surveyor requested to take readings in Bridgehouse Mill. The acoustic consultants explained they had been taking recordings over a period of time from the other side of the party wall and wanted to get additional readings next to specific machines but only on Wyedean's second floor and not the other 4. It was explained that, at the time of the readings, activity in Wyedean, and therefore noise, was and had been significantly lower than normal and did not reflect activity and noise when the company was operating at capacity. The company has been operating shorter periods since September 2019 and the noise readings would have been reflective of this.
- Notwithstanding, the company clearly needs to maintain the ability to operate textile machinery to a level consistent with that when the company operates at full capacity and as allowed by the Factory Act and on ALL floors, not just the second floor, and operating at evening and night shifts should the need arise as it has in the past. The company cannot therefore be dictated by noise readings that do not reflect the full operational capacity of the business and cannot be compromised in any way, shape or form that would be detrimental to the running of the business and job retention and creation. It has to be acknowledged the premises have been in industrial use for in excess of 200 years and Wyedean clearly continues in that vein.
- Furthermore, technology is bringing forward textile machinery which does not need regular attention from operatives, therein providing the ability to run through the night and over weekends, and is a serious consideration of the company who may want to adopt this technology in the future.
- Other errors in the acoustic report which need to be considered include: -
- The company currently operates from 07:00 to 18:00 Mon – Fri and often Saturdays, not as stated 0900 to 1700 Mon to Fri. There is no restriction on the ability to work 24 hours and this needs to be considered in the report
- The company's louder machines are on the second floor. However, point 3.03 states monitoring was undertaken on the first floor
- On the other side of the party wall on the first floor the company has product inspection activity (not manufacturing processes) which is relatively quiet but, in the future, the company may well have machinery on this floor. Any restrictions will place a heavy burden on the business.
- In addition, the noise of fork lift truck movements loading / unloading and wagons manoeuvring, in particular articulated vehicles which will have to shunt back and forth many times to turn round, has not been considered by the applicant at all. Again, as with the highway's comments, had the acoustic consultant taken time to understand the current and importantly future objectives and operational requirements of Wyedean, the report would be more appreciative and factual. It is maintained the report is flawed and should be undertaken again, with the assistance of Wyedean to secure accurate data and readings.
- Having due regard to the emphasis of the National Planning Policy Framework, it is incumbent upon the applicants, through this application, to clearly identify and mitigate the amenity effects which may arise as a result of Wyedean now remaining in situ alongside the proposed residential use. In so doing, applicants must take into account both Wyedean's current activities as well as activities which Wyedean

is permitted to carry out, even if they are not occurring at the time of the application.

- It is maintained the decision maker cannot objectively recommend an approval of this scheme without clearer clarification on both the highways and acoustic issues raised in this letter of objection.
- Circumstances have clearly changed in that Wyedean are no longer relocating, thus allowing the full redevelopment of Bridgehouse Mill for residential purposes. It is clear apartments will sit directly adjacent an industrial operator and one that has been in situ for nearly 60 years. This is a significant material planning consideration that needs to be considered now to prevent inherent conflict arising as a result of incorrect assumptions in technical reports that have wrongly informed the decision taker.

3. Viability Appraisal and Overall Scheme Viability

- Finally, and in respect of viability, it is acknowledged a further viability assessment has been submitted but this has to be read in conjunction with the original viability assessment. A copy of the original viability assessment was requested by Wyedean, but that request was refused by the Council on grounds of prejudice to the applicant's commercial confidentiality. An application to the Information Commissioner has been submitted for a review of this decision.
- The original viability assessment underpinned the Council's decision to accept a quantum of development which caused significant harm to both the green belt and the historic environment. The original viability assessment also justified the waiving of contributions towards affordable housing and education. There is a fundamental concern that many of the benefits presented to the authority with the original application as justifying significant harm to the green belt and historic environment are being eroded. This now includes the omission of the restoration of the Wyedean part of the listed mill and the removal of the restriction on the apartments for over 55's.
- The original viability assessment and its comparison to the further viability assessment is clearly material to this planning application. The original viability assessment should therefore be made publicly available alongside the further assessment pursuant to paragraph 57 of the NPPF. There appears to be little transparency on these principal issues which causes prejudice to third parties interested in the current application. We reserve the right to make further representations following receipt of the original viability assessment.

(Further response received 30/7/20):

On 7 July 2020 the Council's Highways Development Control Team (HDCT) issued a consultation response which referred to our letter and stated that the applicant should be asked to provide further information in order to address Wyedean's objections. Whilst the Council's public access information indicates that no such further information has either been submitted or consulted upon, the HDCT has now issued a further response dated 23 July 2020. This second HDCT response states that internal discussions and a 'further appraisal' of the existing plans have resulted in the 7 July recommendation changing to one of "no highway objection". The HDCT response of 23 July 2020 does not in itself provide an adequate explanation for the change of position. Wyedean considers that the reasoning for the HDCT's change of stance lacks transparency. There is a reasonable concern on behalf of Wyedean that the change in position has resulted from discussions or correspondence with the applicant which have not been the subject of further public consultation. If this is the case then any relevant material should be publicised for comment without delay. If this is not the case then the HDCT should elaborate further on

precisely why it considers Wyedean's objections to have been satisfied without the need for such further information.

In the meantime, Wyedean's objections as stated in our letter of 24th June 2020 (including the significant issues raised in relation to the swept path analysis) remain and should be addressed by the applicant without delay before a decision is taken.

A Local Councillor has raised the following points:

First Response:

When I attended the original Regulatory and Appeals Committee, I raised the issue of development into the green belt. The committee agreed to green belt development as they believed it wouldn't be financially viable without it, due to the high costs of converting the listed building of Wyedean Weaving into flats. This application does not include this conversion as Wyedean Weaving is no longer included in this proposal. Therefore, the basis of this previous permission is now wrong.

The cost of developing Wyedean Weaving was a further basis for no s106 education or recreation funding to the village. Again, this is now incorrect, and funding should be re-calculated. In this new application for flats it says no CIL is to be paid. If CIL is not to be paid, then the previous S106 system should be used and retrospective payments should be calculated for the whole site.

The affordable housing calculation is based on 20% or 0% with 20% coming out as unaffordable. Can planning not look at a calculation in between 0% and 20% as affordable homes are needed in the village.

As Wyedean Weaving will remain on site in the mill and operating as it currently does there are highway concerns about HGV's delivering to the mill and sharing the road and pavement area behind the mill. The layout of this area and in particular pedestrian access needs re-examining to avoid accidents. HGV's will also need to turn to exit the site and there will be limited space for this without using the residential parking area for the flats.

The car park at the front of the mill will remain private and there will be an issue of visitors to the flats using these spaces due to the lack of visitor parking provided for the flats. There are also no parking restrictions along the access road so this needs addressing to avoid congestion and anti-social parking. With only one entrance/exit to the site that will now include three industrial unit's emergency access is very important and provision should be made to keep the access road clear.

The whole building was originally to be converted to flats so noise impact would be low. However, building flats in the same building as an industrial weaving company is going to cause conflict. The flats bordering the mill need to be fully soundproofed to protect the new occupiers from noise. Although the noise assessment provided by the applicant has done some noise monitoring it is not accurate over a busy 7-day usage period. A more accurate and "worst case" assessment is needed to ensure there are no conflicts between Wyedean Weaving and new residents and noise mitigation is in place.

Second Response:

I've now had time to look at the amendments but my original concerns still remain.

I would like to refer this application to the appropriate planning committee for consideration for the following reasons:

-Highway safety and the impact of HGV's delivering to Wyedean Weaving and sharing the road and pavement. The coloured tactile paving is now welcomed but doesn't detract from the highway safety to pedestrians and resident's vehicles. There is very limited space for existing delivery vehicles that can deliver at different times of the day. Children are at particular risk. Better segregation should be provided.

-Noise impact on the amenity of the residents at the flats. It is not appropriate for a flat to adjoin an industrial building with noisy machinery. Although some noise readings have been provided I am concerned that should machinery change over time the noise could impact residents. I would suggest measures are put in between the flats and factory to act as a noise and fire safety barrier with soundproofing and fire safety materials.

A local resident comments:

I would like to see some parking places specifically allocated to visitor parking to the apartments. Whilst these are no longer specifically retirement flats they are likely to appeal to retired people with access by lift and their location in the village. Therefore, I would expect a lot of visitors during the day and if all parking places are allocated to individual flats this will force visitors to park elsewhere and there is no on-street parking in the area due to their being a bridge and roundabout and shortly a co-op store immediately outside the site and all the other parking in the area is private (private drives to the houses and for factory employees).

I am glad to see the electric car power point spaces.

Consultations:

Highways:

(first comments received 7/7/2020 – now superseded)

This application is for the change of use of former mill building at Bridgehouse Mills, Haworth, to 23 apartments with 30 off street parking spaces (including visitor parking). The conversion of this mill to a residential use has been previously approved along with associated highway improvements.

I have no highway objection to the principle of the development.

Notwithstanding this, the difference between this application and that previously approved is that the adjoining factory, Wyedean factory, is proposed to remain. The servicing of Wyedean factory takes place to the rear, alongside the car park proposed for the apartments. ID Planning have objected to the proposal on behalf of Wyedean factory, initially raising concerns about the affect the changes may have on the servicing of the existing mill. A request was made by said objector, for the applicant to make amendments to the layout and provide swept path plans to demonstrate how the mill would be serviced.

Having analysed the submitted swept path and layout plans I notice that the detailing of the main access into the Bridgehouse Mills development site differs to what has relatively recently been constructed and adopted by the Council. A footway is indicated on plan along the eastern side of the access, however, this doesn't exist and that footway along the western side follows a different alignment to what exists. Are changes proposed to the Page 2 of 2 main access into Bridgehouse Mills as per the current plan or is this in error? Clarification should be provided, and amended layout and swept path plans submitted, as appropriate.

In response to the amended plans and submitted swept paths, ID Planning (on behalf of Wyedean Factory) have submitted a second objection, questioning the suitability of the

swept paths provided. The applicant should provide further information with regard to those questions, i.e. speed of travel, margin for error, direction of travel. etc.

I look forward to receiving further plans, information and clarification.

Highways:
(second comments received)

Further to my previous highway advice I have now discussed this application with colleagues and undertaken a further appraisal of the plans submitted.

Whilst the swept path plan does not entirely accurately show the full road layout of the access, the carriageway kerb lines are in fact correctly located on plan, which when assessing swept paths, is the critical detail.

Therefore, I am able to confirm that swept paths provided, demonstrating servicing to the rear of Wyedean Manufacturers would be acceptable.

The proposed servicing area is larger than that currently existing, swept paths demonstrate that vehicles would be able to enter and exit in forward gear and the service area is segregated from the residential car park. A Traffic Regulation Order is proposed along the access to deter on street parking and in turn maintain access for all vehicles. Street lighting is proposed to be relocated with details to be agreed with the Council.

With the above in mind, I have no highway objection to raise about the proposed development.

If the Council is minded to approve this application the following highway conditions and footnote (or similar) would be appropriate to include with any decision notice.

U0001774 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 plans numbered 11424/001A (dated 11.5.2020) and 11424/002 (dated 11.5.2020) and completed to a constructional specification to be 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 and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

U0001775 Before any part of the development is brought into use, the vehicle service area for loading/unloading, including the turning and manoeuvring space, hereby approved shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plans numbered 11424/001A (dated 11.5.2020) and 11424/002 (dated 11.5.2020). It shall be retained for that purpose whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

U0001776 Provision of Traffic Regulation Order before use: The development shall not be brought in to use until all reasonable endeavours have been undertaken to implement a Traffic Regulation Order (TRO) prohibiting on street parking along the access, as appropriate. A drawing indicating the extents and full details of the TRO shall be submitted

to and approved in writing by the Local Planning Authority. The cost of processing and implementing the TRO shall be borne by the Applicant.

Reason: In the interest of highway and pedestrian safety and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

U0001771 Provision of Traffic Regulation Order before use: The development shall not be brought in to use until all reasonable endeavours have been undertaken to implement a Traffic Regulation Order (TRO) prohibiting on street parking along the access, as appropriate. A drawing indicating the extents and full details of the TRO shall be submitted to and approved in writing by the Local Planning Authority. The cost of processing and implementing the TRO shall be borne by the Applicant.

Reason: In the interest of highway and pedestrian safety and to accord with policy TM19A of the Replacement Unitary Development Plan.

U0001777 Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings 11424/002 (dated 11.5.2020). 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 Policies TR2 and EN7 of the Core Strategy Development Plan Document.

Footnote: If your development affects any street lighting columns please contact Mr A Preece on 01274 434019 of the Street Lighting Section before building commences.

BMDC Drainage:

(First Response – now superseded):

The LLFA OBJECTS to the proposed development.

In order for us to reconsider our position the developer should submit an acceptable Flood Risk

Assessment.

Bridgehouse Beck is a Main River; therefore, it is essential that the Environment Agency is consulted.

(Second Response after receipt of Revised Flood Risk Assessment):

Bradford Lead Local Flood Authority (LLFA) comments in relation to the Flood Risk Assessment, Ref. 16224-PWA-00-XX-RP-C-1000 P03, dated May 2020, by Paul Waite Associates.

Fluvial Flood Risk

Given that the source of the flooding is Bridgehouse Beck, which is a Main River, the Environment Agency will need to be re-consulted.

Section 6.10 of the report states that the Finished floor levels of the Apartments will be 173.60mAOD (i.e. 0.77m above 1 in 1000-year flood level). However, earlier in the report (1.2) it is stated that the latest Product 4 data from the Environment Agency was still awaited and that the quoted flood levels (and FFLs?) would, therefore, need to be reviewed/revised. It is essential that the report and recommendations are updated, prior to the application being determined.

Surface Water Flood Risk

The LLFA are satisfied that the fluvial flood risk mitigation measures are sufficient to deal with any surface water flood risk. The developer may need to provide a Non-Return valve on the surface water outfall to Bridgehouse Beck, but this will be dealt with via the Environment Agency's Permit scheme.

Surface Water Drainage

The LLFA are satisfied with the developer's proposals, which are outlined in Appendix C of the report. The following drainage condition will need to be included with any grant of planning permission:

The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the Flood Risk Assessment, Doc. Ref. 16224-PWA-00-XX-RP-C-1000 P03, dated May 2020, Appendix C. The scheme so approved shall thereafter be implemented in accordance with the approved details.

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

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

Further: In the absence of the latest modelling information, I can confirm that the proposed Finished Floor Levels, i.e. 173.60m AOD, (0.77m above 1 in 1,000-year flood level), are ACCEPTABLE to the LLFA.

Environment Agency:

(First Response - now superseded):

We have reviewed the information submitted with the application and we object to the proposal. Our detailed comments are as follows.

Flood Risk

Our Flood Map for Planning shows the site lies within Flood Zone 2 and 3, the medium and high probability zones.

The application is for the conversion to residential apartments, which are considered to be a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change.

It is therefore necessary for the application to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

Environment Agency position

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

Reason(s):

The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 163, footnote 50) states that a FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection:

To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Environment Agency:

(Second and latest response following submission of an updated Flood Risk Assessment):

Thank you for your consultation regarding the above proposal which was received on 02 June 2020.

We have reviewed the information submitted with the application and we **remove our objection** to the proposal, subject to condition. Our detailed comments are as follows.

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment, Bridgehouse Mill and Apartments, Ref: 16224-PWA-00-XX-RP-C-1000 P03 dated May 2020 and the following mitigation measures it details:

- Finished floor levels of any habitable accommodation shall be set no lower than 173.60 metres above Ordnance Datum (AOD)
- Flood resistant and resilient materials shall be set no lower than 600mm above the finished floor level. This equates to 174.2 meters above ordnance datum.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason(s)

To reduce the risk of flooding to the proposed development and future occupants

Comments

We note that compensatory flood storage has been provided to mitigate any increase in flood risk from the wider development site and the earth embankment is now reinstated. This is stated in section 6.8 and 6.9 of the FRA.

The FRA also states that the finished floor level of 173.60 mAOD provides 0.77m freeboard above the modelled 0.1% (1 in 1000) annual exceedance probability event. The FRA has not provided the flood level for the modelled 1% or the 1% (1 in 100) plus climate change level for the site. However, given the mitigations that are already in place as part of the wider development, we see no need to object on this basis.

If this is not the case, we request to be re consulted for further comment as this may affect our position.

Informatives

The applicant should produce a flood evacuation plan for the development, and is advised to sign up to the flood warning service provided by the Environment Agency.

Flood warning and emergency response - advice to LPA

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Risk of floating cars during a flood event - Advice to LPA/applicant

This development has been proposed within an area identified as being at risk of flooding, and includes the provision of car parking within buildings. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability.

In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles.

Signing up to flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.
For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Conservation Officer:

The landscaping appears appropriate in the setting of the mill. I have no issues with the principles of the proposal, which appears to have negligible additional implications for the significance of the buildings, beyond what has already been agreed.

Ecology Officer:

The updated bat report for the retained building shows that the development has not impacted adversely on the favourable conservation status of bats in the area. No further surveys are required although it would be useful to know if bat roost features which have been erected as mitigation for the works as they have progressed are still present.

BMDC Recreation:

Whilst it is not possible for Parks & Greenspaces to secure financial contributions through Section 106 Agreements, the proposed development will have a minimal impact on the surrounding facilities due to 23 new residential units and a financial contribution will be sought from the CIL funds to help mitigate these impacts.

If the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process

If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

Environmental Protection – Noise and Residential Amenity

We understand that the conversion to apartments has already taken place and that development took place under a variation of condition to approved planning application 15/07479/MAF.

We refer to the noise report by Environmental Noise Solutions Ltd report reference NIA/8952/20/9021/v1/Haworth dated 4th March 2020 relating to the above proposal.

Noise measured in this report states that the noise parameters as set out British Standard 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' (BS 8233) can be met if the mitigation measure contained within paragraph 4.04 of the report ref NIA/8952/20/9021/v1/Haworth is undertaken

We would therefore recommend that works to a similar standard of sound insulation as set out in 4.04 of the report ref NIA/8952/20/9021/v1/Haworth are completed. I would also recommend that following on from these works, measurements in line with BS8233:2014 are again undertaken to ascertain that adequate sound insulation, to flats sharing a party wall with Wydean Weavers has been achieved, Environmental Health recommends a condition that measurements in line with BS8233:2014 are undertaken and a suitable report be submitted to and approved in writing by the Local Planning Authority, prior to first occupation, in order to discharge said condition.

Reason: To ensure that the development complies with policy EN8 of the Local Plan for Bradford.

Environmental Protection – Air Quality:

We have no objection to the residential use of this site and sale of the apartments on the open market.

For the purpose of the Bradford and WYLES planning guidance this is considered to be a minor development. Minor developments require the following emission mitigation.

Type 1 Mitigation

- Provision of electric vehicles charging facilities at the rates set out in the WYLES planning guidance.
- Adherence to the IAQM Guidance on the Control of Dust and Emissions from Construction and Demolition during all demolition, site preparation and construction activities at the site.

As we understand the conversion to apartments has already taken place only the EV charging needs to be addressed.

EV charging

The site layout plan indicates that 2 parking bays will have access to EV charging. This is an acceptable level of provision for 27 shared non-dedicated parking spaces but the applicant needs to provide further information about the type of charger(s) to be provided (or which have already been put in place).

It is recommended that the charging points provided should be purpose built charging units capable of providing a continuous supply of at least 16A (7.5kW) via a mode 3 connection. These will allow safe overnight charging of most commercially available electric vehicles. A more practicable solution in a situation where the charging points are being shared would be fast (32A, 7-23KW) charging points which would allow full charge in around 4 hours and top up charging over shorter periods. Rapid (43kW+) charging points would allow charging in less than 20 minutes but are unlikely to be cost effective on a development of this size unless provided by a third party under a commercial agreement.

The applicant is advised to give careful consideration to the likely charging needs of vehicles using the site in the future and to ensure the EV charging provision is appropriate. This will reduce the need to upgrade or retrofit charging points in the near future. Further discussion on this matter is welcomed.

It is strongly recommended that a mode 1 or mode 2 charging solution is not used in this situation.

The government has recently consulted on EV charging standards for new developments. The recommendation within this document for a situation such as this is:

Electric vehicle charge points should meet all of the following:

- a. be designed and installed in accordance with the appropriate parts of **BS EN 61851**;
- b. have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC
- c. be fitted with a universal socket (known as an untethered electric vehicle chargepoint)
- d. be fitted with a charging equipment status indicator using lights, LEDs or display; i.e. a minimum of Mode 3 or equivalent.

Subject to conditioning of suitable EV charging at the site (if it is not already in place) we have no objection to this proposal.

West Yorkshire Police ALO:

Thank you for your request for consultation in relation to the above application. The revised comments have been made with the intention of reducing the opportunities for future crime and anti-social behaviour which addresses our collective responsibilities outlined in section 17 of the Crime and Disorder Act 1998, to create safe and secure developments where people will want to reside, work or visit.

The recommendations are supported by:

NPPF National Planning Policy Framework designing for community safety
Bradford Council Guidance DS5 - Safe and Inclusive Places. Secured by Design
www.securedbydesign.com

Outdoor garden.

The communal garden which is located to the side of the ground floor apartment (apartment 4), shows low stone walls of 1200mm high around the front boundary which can easily be breached or used as a seating area or waiting area. Installing a 600mm high railing along the top of the wall will increase the overall height and provide more security around the garden. Installing an 1800mm high lockable gate along the front building line adjacent to parking space 20, which includes access control measures such as key fob access will allow the garden area to be secured creating more defensible space, this allow residents to access the garden and restrict stranger access around the rear of the building.

Surveillance of Parking

Parking is located opposite the apartments and appears to have good natural surveillance from active windows which is positive to see. There should be good lighting levels of the parking area to increase surveillance at night.

Recessed doorway

The ground floor plan for the apartment building shows an open style lobby which is accessed beneath the vehicle / pedestrian underpass. West Yorkshire Police have concerns regarding this open accessible lobby, as it allows any stranger into this area where they can attempt access into the building via the communal entrance. This also provides a sheltered area at night and potential for crime and ASB problems. The front building line should include an outer door on this area with access control measures such

as security encrypted swipe card or key fob to secure this location and prevent any stranger access.

External lighting and CCTV

There should be good lighting within the parking area, underneath the vehicle / pedestrian underpass / tunnel, and above the access doors around the apartment building. Low energy photo electric cell or dusk until dawn lights that include warm white led bulbs are suitable, fitting and wiring should be vandal resistant or located within inaccessible locations to deter any criminal attack, this will illuminate these locations.

Installing CCTV above the access doors within the building, covering the garden / small parking area adjacent to the building with internal coverage of the entrance areas, stairwells and lifts will increase security this is useful in apartments where there are many residents or visitors utilising the same areas.

CCTV is preferable if this is monitored by security / staff member so that issues can be identified and actioned in the first instance, however if this is not possible having a system that will automatically record, retain images for a period with the time and date, and that can be reviewed is better than having none.

CCTV should work in harmony with the lighting plan to provide good quality evidential images in high definition to 10.8 pixels. This should allow any stranger to be identified from the top half or their body, this is required to aid identification and be used as evidence towards any prosecution should any crime or incident occur.

Access Control

The main communal entrance doors leading into the building should include an external intercom system which is DDA (Disability Discrimination Act) compliant, vandal resistant with both integral or stand along camera providing colour images which should be visible from the apartment, in addition to audio communication between the visitor and the resident and electronic release mechanism.

Installing access control measures on the communal entrance doors and internal doors protecting the lobby areas, lift and stairwells, restricts access into the building. Preferred types of access control are security encrypted swipe card or key fob access, this method of access control allows the Management Company to control who has access into the building. Names can be added or deleted from the system when residents move in or move out unlike key pad entry systems where codes tend to be rarely changed and can be shared with friends / associates/ visitors allowing strangers to access the building. If magnetic locks are applied on the communal doors, these should be fixed to the top and middle sections of the door and be of a weight and strength that will withhold against bodily force /damage. Apartments can attract short term residencies, so having good security measures in place ensures that the building remains secured.

Mail delivery

Installing a secure through the wall mailbox adjacent to the communal entrances, which include anti-fishing properties on the mail delivery slot, the access door for each apartment mailbox must be lockable in addition to being fire retardant. Suitable standards are to TS009. If this is installed, this allows the postal worker/s to deliver mail without entering the building.

If this option cannot be applied, fitting internal mailboxes inside of the lobby which include the same security features as noted above, the postal worker would need to be provided with a key fob or swipe card to access the lobby, however there should be access control

measures protecting the inner lobby door so that no further access can be gained beyond this point, this restricts access should anyone tailgate into the building.

Doors and windows

Any new doors or windows should look to achieve one of the following standards;

Door sets:

BS PAS 24-2016

LPS1175 Issue 7:2010 Security Rating 2

STS 204 Issue 3:2012

LPS 2081 Issue 1:1:2016 Security Rating B

Bespoke wooden doors should be a solid or laminated timber with a minimum density of 600kg/m³ and to 44mm thickness. Any panels within the door set should be at least 15mm thickness and securely held in place. Beading should be mechanically fixed and glued in place. The door should include a 5 lever mortice lock to standards BS 3621 /8621 with a night latch or rim lock which are tested to the same standards. Doors should include dual certification for both fire safety rating and security rated doors.

Some of the above door noted can include a minimum standard euro cylinder lock which is 1 Star Rated and offers no resistance to crimes relating to lock snapping which is still a common method of burglary across Bradford and West Yorkshire District. Any doors which include a euro cylinder lock should ideally include locks which are 3 Star Rated to standards; TS007, STS 217 or Sold Secure Diamond Standards which offer more resistance to this type of attack, this can be obtained by either;

Installing a 3 star rated lock to TS007, STS 217, Sold Secured Diamond Standard (this would be the preferred option).

Or a TS007 1 Star Rated euro cylinder lock accompanied by TS007 2 Star Rated security door handle or security escutcheon hardware.

Windows:

BS PAS 24-2016

LPS1175 Issue 7:2010 Security Rating 2

STS 204 Issue 3:2012

LPS 2081 Issue 1:1:2016 Security Rating B

Any existing windows which are being retained should include window locks if these are on accessible levels to provide more security. Ideally ground floor or accessible windows should include laminated glazing certificated to BS EN 356 P1A standards so in the event of any entry or damage, the glass will remain intact.

West Yorkshire Police have no objection in principle to the proposal, however would request that the above recommendations are implemented or conditioned where possible as part of any planning approval.

Airedale NHS Foundation Trust

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material

consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.

As the attached document demonstrates, Airedale NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

CIL Regulation 122 and 123

The Trust considers that the request made is in accordance with Regulation 122:

“(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and 4

(c) fairly and reasonably related in scale and kind to the development.”

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount **£29,174.75** sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

West Yorkshire Combined Authority (WYCA):

To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site. The payment schedule, mechanism and administration of the fund would have to be agreed with Bradford Council and WYCA and detailed in a planning condition or S106 S106

. As an indication of the cost should the normal RMC scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £11,764.50. This equates to bus only Residential MCards.

Summary of Main Issues:

- 1) Principle of Development and Removal of the previous “Retirement Living” Condition
- 2) Impact on Heritage Assets
- 3) Highways Issues, including access to the adjacent premises
- 4) Residential Amenity (including Noise issues)
- 5) Flood Risk and Surface Water Drainage Issues
- 6) Air Quality issues
- 7) Habitat issues, Ecology/ Biodiversity and Trees
- 8) Land Contamination Issues
- 9) Landscape Issues
- 10) Affordable Housing and CIL
- 11) Other Matters: Comments on Representations received
- 12) Secured by Design
- 13) Community Safety
- 14) Equality Act

Appraisal:

1. Principle of Development and Removal of the previous “Retirement Living” Condition

The previous planning consents for this site gave approval for residential conversion of all of the former listed mill buildings at the northern end of the site and with a substantial extension to the Wyedean Weaving premises (adjacent to the western boundary of the site / adjacent to Bridgehouse Beck and the Keighley and Worth Valley railway line).

The previous scheme included the conversion of the application premises as phase A (part of the first phase of works on the site) and the Wyedean conversion and new build as phase F (phase 6). The car parking for all apartments (Phases A and F) was proposed to be provided within phase F. The sitting out space for all of the apartments was proposed to be provided as a separate phase (phase H). In total (and controlled by way of a planning condition there were 9 agreed phases of development within the greater Bridgehouse Mills mixed use scheme (Phases A-I). The relevant planning condition required that each phase of development shall commence (A-I) i.e. phases 1-9 in numerical order.

The residential complex comprising the former mill buildings would have been a single entity providing 45 units (including a substantial element of new build attached to the Wyedean building) described as “retirement living”. A previous condition stated:

“Unless otherwise agreed in writing by the Local Planning Authority, occupation of the apartments, hereby approved, shall be limited to residents that are:

- i. a single person not less than 55 years of age, or*
- ii. joint residents one of whom is not less than 55 years of age, or*
- iii. a person not less than 55 years of age living with their partner, spouse or cohabite, or*
- iv. a surviving widow, widower or cohabite of any resident who was over 55.*

(Reason: In the interests of controlling the use of the site and occupancy of the dwellings, as the infrastructure provided for the apartments has been designed based upon the occupancy of the apartments comprising mainly retired people in accordance with policies HO8, TR2 and EN8 of the Core Strategy.)”

The previous consent for the site envisaged the relocation into newly constructed premises on the Bridgehouse Mills site by the company Wyedean Weaving Co Ltd thereby allowing conversion of the listed building they have occupied for many years. For reasons separate to the consideration of this planning application the arrangements to relocate Wyedean do not form part of the applicants plans. It is understood that the newly constructed industrial premises that they were to be relocated to will now be occupied by a different company. This application relates only to the conversion of the Phase A building into 23 units. These are not proposed to be “retirement living” units as previously (see explanation below). The application also proposes changes to the previously agreed details in relation to:

1. Car parking layout for residents of the 23 units
2. Amenity space provision for the residents of the 23 units
3. Retained access and servicing arrangements for the Wyedean building as this will continue to operate as a commercial building adjacent to the converted mill the subject of this application.

Also of note is that whilst there was an approved phasing plan for the main Bridgehouse Mills development (all consents), and this has to date been complied with, there was no condition or S106 Clause that forced the developer to implement any one particular phase of the development (the phasing plan dealt only with the agreed order of phases with reference to when they should commence). The implications of this are that there is no planning restriction which places a requirement on the developer of this site (the Bridgehouse Mills entire site) to implement or complete any one phase including the phase comprising the conversion of the Wyedean mill building. Likewise, there is no restriction under the planning consents that the newly built industrial building consented as part of the earlier permissions is occupied specifically by Wyedean Weaving Co Ltd.

The application relates to residential conversion of a mill building which is listed, which suffered from previous neglect and a serious fire and which has had previous consent for residential conversion. Conversion to residential use is consistent with local and national planning policies designed to encourage meeting the acute housing demand by reuse of buildings. The conversion to a residential use has been previously established and is considered acceptable in principle. Furthermore, the Council does not presently have a 5 – year supply of housing sites (the 5-year deliverable supply is currently acknowledged as standing at 2.06 years) and therefore the proposed housing will help meet this shortfall.

The proposal is considered to be in compliance with the relevant Core Strategy policies promoting housing and as listed above.

Reference is made by the Parish Council that they objected to the previous applications on this site as part of the land to which those application related was in the Green Belt. It is confirmed that none of the site the subject of this application is within the Green Belt. The Parish Council make reference to the fact that previously new houses were justified on land designated as Green Belt because there was a viability argument comprising the conversion and safeguarding of the listed buildings on the site. The assumption being made is that this application which seeks a separate consent for residential development (separate from the Wyedean building) bring into question that earlier consent. Members are advised that this application does not seek consent for the earlier development comprising houses on designated green belt land, those consents exist and have been implemented. The earlier applications referred to by the Parish Council were considered on the basis of the details submitted with those applications including the viability submissions and the decisions made at that time considered all material considerations applicable at the time of determination of those applications. This application relates only to the conversion of the listed vacant mill building which is not in the Green Belt and

reconsideration of development previously granted consent is not considered appropriate in relation to the consideration of this application.

The Parish Council also state that they were told by Bradford Planning that Skipton Properties owned the whole site and that this now appears not to be correct. The Parish Council is concerned that the Wyedean section of the Mill is no longer being developed and as a result this new application has been made which will override Condition 41.

It is unclear how the Parish Council may have concluded that Skipton Properties owned all of the land to which the earlier applications related to. There is no Council record that the Parish Council were informed that Skipton Properties owned all of the site at any stage of the earlier applications. Conversely, Skipton Properties as sole applicants for the earlier applications confirmed that they were not the sole owners of all the land to which the application related by completion of Certificate B. This stated they had given the requisite Notice to two companies who were owners of part of the site (including Wyedean Weaving). This matter referred to by the Parish Council in their representations is not considered to be a material consideration relevant to the determination of the current planning application.

Previous Occupancy Condition: Over 55's

The original consent for the site included what was referred to as a "retirement complex" for the entire mill conversion buildings (including the new extension to the Wyedean building). This included communal facilities such as a meeting room/lounge. This provision is now not included in the revised layout. The applicants have stated that there is now insufficient space in this building for any communal facilities. The application is based on residential accommodation for occupation by all age groups.

It is unclear where the previous concept of retirement living came from. The Parish Council have stated that they made the request for this type of accommodation (over 55's) citing that in their opinion such a restriction would be less likely to lead to "buy to let" investors which they say is unwelcome in Haworth, attracting undesirable people. The applicant has indicated that they originally intended to promote an over 55's complex because they felt that there was a local demand for such a facility. They say that because now only 23 units are proposed it is no longer viable or appropriate to promote a restricted age development. They have suggested also that now there is no evidence that there is a proven demand for this type of facility in Haworth.

The Council have no specific planning policy requirement for over 55's accommodation at this site and there is no evidence to suggest that age unrestricted open market housing in the form of apartments in the Haworth area would lead to a high percentage of buy to let units. There is no local or national planning policy that seeks to restrict who buys properties placed on the open market (including based on an age criteria) and there is no known or proven evidence to suggest that buy to let properties in areas such as Haworth generate tenants who create local problems such as increased crime or anti-social behaviour as the Parish Council suggest.

On the basis of the above it is concluded that there is no local or national planning policy reason to require the imposition of an age restriction relating to occupancy of these residential units and such a requirement would be fully unjustified.

2. Impact on Heritage Assets

Policy EN3 of the Core Strategy states that the Council will preserve, protect and enhance the character, appearance and historic value and significance of the District's designated and undesignated heritage assets and their settings.

Advice as set out in the NPPF is set out above.

The application proposals have been assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act (1990), the National Planning Policy Framework and Replacement Unitary Development Policies. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of the application. Insofar as material the statutory provisions provide: Section 66(1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

The application proposals have been fully assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act (1990), the National Planning Policy Framework and Replacement Unitary Development Policies. In particular, the application has been assessed in the light of the requirements of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

The application also needs to be considered in relation to paragraphs 185 and 192 of the Planning (Listed Buildings and Conservation Areas) Act 1990 including the desirability of new development making a positive contribution to local character and distinctiveness.

Externally the former mill building the subject of this application will remain unchanged from the conversion scheme already consented and which included listed building consent. Works already carried out include substantial rebuilding of the upper floors, a new roof and works to the impressive entrance arch feature as well as a total replacement tower feature which was lost at the time of the fire (as explained above). Suitable new windows are already fully installed. The changes made in this application are all internally where 23 units will be provided without passage through to the adjacent building. These internal changes will not adversely affect the character of this listed building or the conservation area. This position is supported by the Council's Conservation Officer.

The proposal is considered to be in compliance with the relevant Core Strategy policies and NPPF advice concerning preservation and enhancement of acknowledged heritage assets.

3. Highways Issues, including access to the adjacent premises

Paragraph 102 of the National Planning Policy Framework states transport issues should be considered from the earliest stages of development proposals such that, amongst other things, the potential impacts of development on transport networks can be addressed, and, opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It goes on to state in paragraph 110 that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

As part of the earlier consents access to the entire site was considered. Detailed Traffic Assessments were submitted and appraised. The application was submitted with a site layout plan showing details of proposed highways layout and a Transport Statement. Following the submission of the detailed letter of objection made on behalf of Wyedean Weaving a revised site/highway layout plan has been received together with a technical highway note setting out the changes made and the applicants justification to seek to demonstrate that the proposal would not create highway safety issue or result in serious operational issues by the adjoining commercial operators in relation to servicing, including by HGV's.

The Applicant's Consultants describe these changes as:

- As requested by Wyedean, the car parking area has been amended to allow it to be segregated entirely from the servicing area and associated turning facilities. The drawing shows that there would now be two separate points of access from the main site access road, as requested, which should address the majority of the concerns that have been raised.
- The two access points have still been shown as vehicle crossovers, as this is considered to be the most appropriate solution in this situation; as they maintain priority for pedestrians along the footway and encourage turning traffic to give-way. However, to ensure that the arrangements are conspicuous to both pedestrians and drivers, it is proposed to provide contrasting coloured surfacing across the accesses (possibly in a contrasting material such as block paving). It is also proposed to provide buff coloured tactile paving at either side of the accesses, which is in accordance with DfT 'Guidance on the use of tactile paving surfaces' (three paving slabs deep for in-line crossings).
- Whilst the final construction details for the crossovers will be agreed through the S38 process, it is confirmed that the construction specification will be designed to accommodate HGV loading.
- As part of the previously approved S38 layout, a lighting column was proposed in the footway adjacent to the car park/service area. Therefore, as this would be affected by the proposed vehicle crossovers, it is envisaged that this lighting column would instead be located on the opposite side of the access road, as annotated on drawing 11424/002.

- The tracking included on drawing 11424/001A demonstrates that both a 16.5m Articulated HGV and large rigid bodied HGV (11.1m long refuse vehicle) can enter and exit the segregated service area in forward gear. This will allow service vehicles to safely access the service area; and allow drivers to easily observe passing pedestrians on the footway and to give-way as necessary.
- As part of the Section 38 process, it is proposed to request that the Highway Authority promote a 'No Waiting' Traffic Regulation Order (TRO) along the access road, to discourage parking within the vicinity of the service area and car park access. The proposed extent of the TRO is shown on drawing 11424/001A and is proposed to extend on both sides of the road from the site access mini-roundabout to the north, passed both accesses and then extending approximately 7.5m south past the car park access.

The revised details submitted now include a separate servicing area for the adjacent commercial premises and a swept path plan showing how vehicles will manoeuvre into and out of this area as well as an adjacent car park for residents. The scheme includes 30 dedicated residential parking spaces (including 6 visitor parking spaces). This level of parking for the 23 apartments is considered adequate. The sitting out space is sited close to the eastern boundary and is considered acceptable.

All representations received (including the two separate sets of representations made on behalf of the adjoining commercial premises) have been fully appraised by the Council's Highways Officer who raises no objections to the application on highway safety grounds.

As part of the previously (implemented) scheme off-site highway improvements in the form of a new roundabout at the site access/Brighthouse Lane have been delivered. This is the access that will serve this development. No further off-site highways works are deemed necessary as part of this development. Access to this part of the site involves use of the main site access, passing under the archway of this building with a segregated vehicle and pedestrian route.

The Parish Council consider that parking restrictions will be required including a segregated area marked out to prevent unauthorised parking preventing access and deliveries. The Parish Council have raised the issue if BMDC Highways are aware of the potential issues over highway safety at the rear of the premises. This matter is covered by a requirement for the provision of no waiting along sections of the highway where HGV's will be required to manoeuvre to gain access/egress to the Wyedean Weaving servicing area (a Traffic Regulation Order or TRO). A Grampian condition requiring a TRO is included.

The owner of the remaining mill on the site is also understood to be the owner of the land to the north of the mill buildings where there is substantial parking provision available for the staff associated with their business. Before works of conversion started on the Bridgehouse Mills site an existing private hire firm were located within the Mill building. As part of the construction works they were relocated into a portacabin type structure in the northern car park. There is no evidence of planning consent for these buildings. The continued used of the northern car park and the portacabin type buildings/ booking office are matters not associated with this application as they are on land not under control of the applicant.

To ensure sustainable travel modes are secured a condition is recommended that includes a requirement for cycle storage provision for residents of the new development consistent with Core Strategy Policy TR3

The proposal is considered to be in compliance with the relevant Core Strategy policies and NPPF advice concerning highway safety.

4. Residential Amenity (Including Noise Issues)

Originally the entire block of listed mill buildings (the Skipton Properties building and the Wyedean building) were to be converted fully into one group of apartments. Under this application only the applicants building would be converted and as such the remaining Wyedean listed mill would remain in an industrial use. The two buildings are adjoined by a party wall.

In order to satisfy the Local Planning Authority that the residents of the new properties would not be subjected to unacceptable noise and general disturbance by the adjoining and remaining commercial business the Applicants have been required to carry out a Noise Assessment. The findings of this Assessment are that noise insulation measures will be required in the case of residential properties located adjacent to the party wall.

The findings of the application submission including the Noise Report have been assessed by the Councils Environment Protection Section and the consultation response is detailed earlier in this report together with a recommended condition to secure satisfactory noise insulation is installed in accordance with British Standards. A recommended and bespoke planning condition is set out in the list of conditions that requires further noise monitoring once the insulation is installed and before residential occupancy to demonstrate the effectiveness of the measures employed. (see condition listed No. 3).

On the basis of the above it is concluded that the conversion of this building to residential purposes could take place without detriment to the amenities of future residents by reason of noise. Further, on this basis it is concluded that the existence of dwelling units in such close proximity to this retained industrial use (with satisfactory noise insulation measures) would not create conditions prejudicial to the continued operations of the adjoining commercial business, thereby raising no issues in relation to loss of employment at these premises.

The proposal is considered to be in compliance with the relevant Core Strategy policies and NPPF advice concerning the provision of new residential accommodation.

5. Flood Risk and Surface Water Drainage Issues

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

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

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

The application is submitted with an updated Flood Risk Assessment. The Environment Agency and the Local Lead Flood Authority raise no objections to this application having appraised the submitted details, including an updated Flood Risk Assessment. The application premises are located in Flood Zone 3. However, the floor levels are designed to be above the minimum level required to prevent property flooding. The development includes no increase in building footprint in the flood zone area and therefore does not reduce flood storage capacity.

It is not considered that the development would create conditions prejudicial to flood risk. The earlier and implemented consent for the entire Bridgehouse Mills mixed use residential/commercial development site included a substantial amount of flood risk mitigation measures including a specially designed flood storage area in the form of a new parkland area to the south of the site. This facility designed specifically in line with discussions with the Council and the Environment Agency has been fully implemented and operated to hold flood waters in the recent flood events. It was a requirement imposed by the Regulatory and Appeals Committee that this area of land be the subject of a maintenance plan which dealt with clear up and refurbishment of the publically accessible area of new parkland following any flood event. This was secured by the completion of a S106 Agreement.

The proposal is considered to be in compliance with the relevant Core Strategy policies and NPPF advice concerning flood risk and satisfactory drainage provision.

6. Air Quality issues

Whilst the principle of this development (housing) is already established by the earlier consents it is acknowledged that the site is not located in a part of the district well placed for use by regular public transport and with a wide range of local employment opportunities (albeit there is local employment on this mixed use site). However, this is a relatively small scale proposal in terms of the number of units proposed and this issue needs to be balanced against the benefits that this conversion to housing scheme delivers with safeguarding and refurbishment of a key listed building set prominently in the conservation area. EV charging points for residents are proposed in accordance with the standard Council requirement for new dwelling units. On the earlier consents a Travel Plan was agreed that supports initiatives to reduce the reliance on the use of private motor vehicles (including car sharing and public transport data for residents). On this basis the scheme is considered to meet the requirements of the Council's policy to promote low emissions vehicles.

The proposal is considered to be in compliance with the relevant Core Strategy policies and NPPF advice concerning reducing the impacts of new development on air quality issues.

7. Habitat issues, Ecology/ Biodiversity and Trees

Paragraph 175 of the National Planning Policy Framework states that when determining planning applications, Local Planning Authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to

which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

There are no trees on this part of the site. The sitting out space will be landscaped with scope for tree planting (condition attached).

An updated bat survey has been carried out as part of the submission of this application. This has been fully appraised by the Council's Ecology Officer. The updated bat report for the retained building demonstrates that the development has not impacted adversely on the favourable conservation status of bats in the area. The Ecology Officer confirms that no further surveys are required.

The proposal is considered to be in compliance with the relevant Core Strategy policies and NPPF advice in relation to biodiversity, ecology and landscape issues.

8. Land Contamination Issues

Paragraph 178 of the National Planning Policy Framework states that decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 179 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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

The conversion of the mill building involves little or no disturbance with the ground. The layout of parking and sitting out areas does involve alterations to create replaced hard surfaced areas and landscaped areas to be used by residents in the form of a sitting out area. The site in the past has been the subject of a wholesale land remediation scheme including soil testing and where necessary mitigation measures. A condition is recommended that requires the submission of a Verification Report to be submitted once works to the garden areas are complete and that demonstrates that these areas have been adequately protected against any contamination before being brought into use.

The proposal is considered to be in compliance with the relevant Core Strategy policies and NPPF advice concerning the development of sites in relation to land contamination issues.

9. Landscape Issues

Landscaping is restricted to the area comprising the garden/sitting out area and a detailed landscape plan has now been submitted showing tree and shrub planting. The proposed landscaping is considered appropriate to this setting, within an area characterised by large buildings some of which are of heritage merit. Conditions are recommended to secure compliance with the submitted scheme and to ensure the area is maintained.

The proposal is considered to be in compliance with the relevant Core Strategy policies and NPPF advice concerning the provision of quality landscaping.

10. Affordable Housing, CIL and Other Contributions

Affordable Housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 20% in towns, suburbs and villages.

The earlier scheme was submitted with a viability appraisal and the scheme costs together with an agreed developer profit showed no capacity to make a S106 payment for education. Affordable housing was accepted in the form of “starter homes” for new build units and a specially worded S106 Agreement clause required this provision (5 new build units). After the scheme was implemented the Applicants approached the Council and set out a case to demonstrate that starter homes in the form set out in the S106 Agreement could not be delivered (citing the principle reason that having marketed these units it was evident that no mortgage lenders could be found to provide loans for first time buyers on the basis of the “starter home” programme). The S106 Agreement was subsequently amended to vary the terms of the starter homes concept: this included the provision of the same number of units for first time buyers linked to the Governments “Help to Buy” programme and with limitations that new residents shall have previously resided and/or worked in the parish of Haworth or surrounding parishes. This change in the details of the S106 Agreement resulted in the sale of all of the allocated units to first time buyers along the lines of the revised S106 Agreement clauses.

In relation to this application the applicants have submitted an updated Viability Appraisal (VA). The VA assesses the overall viability and deliverability of the proposals for the mixed use redevelopment of Bridgehouse Mill and taking into account the level of affordable housing and planning obligations that can be provided as part of the proposed development.

At the time of writing the VA report, the new industrial unit/factory had been constructed, 63 out of the 75 houses have legally completed and are occupied and 12 were remaining for sale/pending construction. The apartments the subject of this application have not yet been constructed or sold.

The VA assesses the viability of the scheme and the level of affordable housing applicable to the entire scheme of 75 no. houses and 23 no. apartments, plus the industrial unit/factory and small commercial unit but not the residential units that would be built in the Wyedean building (now not in the control of the applicants). The VA assesses the viability of the scheme under the following scenarios:

· 75 houses and 23 apartments (20% affordable housing provision), industrial unit & small commercial unit - Appraisal A ·

75 houses and 23 apartments (100% market sale), industrial unit & small commercial unit – Appraisal B.

The VA uses accepted practice as set out in NPPG guidance in relation to consideration of Existing Use Value of land and buildings. The VA also uses developer profits circa 20% which is generally considered to be an acceptable maximum level figure. The professional consultants who have prepared the VA have also added a note to comment that their appraisal does not take into account the Covid-19 crisis and the potential this may have for uncertainties such as delayed house sales, housing market fluctuations and changes to build costs such as labour and materials.

The findings of the submitted Viability Appraisal are that that the scheme to convert the listed building together with the other elements of the Bridgehouse Mills scheme under the control of the developer is only viable with a 100% market sales (i.e. with no affordable housing units or contributions). – Appraisal B.

The VA has been independently assessed by specialist consultants (Carter Jonas LLP) appointed by BMDC in accordance with the relevant Council Core Strategy policy. The findings of these consultants are:

*“We have reviewed the revised Savills viability appraisal and in the main agree with the inputs. We however questioned the build timescales, transfer values and industrial sales revenue, some of which Savills have reviewed. **We conclude that based on the revised revenues and build periods the proposed scheme cannot support the provision of any affordable housing**”.*

On the basis of the above it is considered suitable not to require affordable housing provision in this development. There is clear guidance in the NPPF that scheme viability is a material consideration and that development should not be made unviable by the imposition of S106 requirements when there is clear and robust evidence to show scheme viability issues. On this basis it is recommended that this application should be approved without a requirement for affordable housing.

CIL

The CIL Regulations 2019 allow for a floor space credit to be applied in the case of in-use buildings and other buildings where conversion has already been carried out under a previous and extant planning permission. The result of this is that because the building is partly already converted and capable of conversion under an earlier consent it is therefore exempt from a CIL payment. The fact that no CIL payment is applicable in this case is fully reflected in the Viability Appraisal detailed above.

Other Contributions

Airedale NHS Foundation Trust

The Airedale NHS Trust seeks a contribution of £29,174.75, which will go towards the gap in funding created by each potential patient from this development in respect of acute and planned healthcare. In considering this request, committee members are advised that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The S106 contribution sought is not contemplated by current local plan policy. Members are further advised that legally, the development's potential impact on the provision of local A&E and planned care is a material consideration in the assessment of whether the proposal is acceptable in planning terms.

It is not entirely clear from the information submitted by the Trust what precisely the contribution is intended to fund: - reference was made to it being used directly to provide additional services to meet patient demand from the development and enabling the delivery of services in the provision of acute and planned healthcare; but no substantive details are provided as to how.

Members are advised that if the monies are to be used towards the provision, improvement, replacement, operation or maintenance of infrastructure then that can be funded by CIL since medical facilities are a type of infrastructure specifically identified by the Council for which CIL receipts may be allocated. However, in terms of it being paid as a S106 contribution, Members are advised that the planning application cannot be refused for want of that planning obligation unless it can be demonstrated that it is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

According to the Trust, the sum is necessary to meet the short term budgetary gap for A&E and planned care from Parliament for the next 12 months and that needed to serve the wholly populated development. It is understood that the funding arrangement is based on population and paid in arrears annually, but the following year's contract does not pay the following year's deficit retrospectively.

Officers would question the efficacy of the payment when the apartments may not be fully occupied within the next year. Even though this is a relatively small scheme it is not guaranteed that the apartments will not be built and occupied more than 12 months after the date of the decision.

Notwithstanding the above it is not considered that the shortfall in funding on its own is a persuasive reason that the payment is a "necessary" obstacle to the grant of planning permission. The Council is plainly not a party to the arrangements between the Trust and Parliament and any deficiency is a matter for those parties to negotiate. If Parliament has determined that the current allocation of funding is fair and appropriate to meet health needs, then it is not the place of the LPA to look beyond that and resolve any deficit for the Trust through S106. Certainly, there is no specific guidance from the Secretary of State, the NPPF or our current development plan that that should be so.

Therefore, Members are advised that without evidence of:

- the exact services and items the monies will be used towards;
- how this development directly generates the health demand for those services (and the nature of that demand) during the relevant 12 months of the grant of the permission beyond those already planned for by population growth; and
- why the Trust cannot currently meet such demand itself;

it is not considered possible to conclude that the contribution satisfies the requisite tests that the contribution is necessary, directly related to the development and reasonable in scale and kind.

Finally, Members are advised that even if that were not the case, the proposed obligation needs to be weighed up in the overall planning balance. Set out above are details about scheme viability. This has been tested in a Viability Appraisal that has been independently assessed to demonstrate that the scheme does not have the financial capacity to make such a contribution and yet be commercial viable.

For the above reasons it is not considered that it is reasonable to require this contribution.

West Yorkshire Combined Authority (WYCA):

West Yorkshire Combined Authority has requested a contribution of £11,764.50 to provide a Residential MetroCard Scheme. It is proposed to provide electric vehicle charging points to all dwellings in lieu of a contribution towards a bus-only residential MetroCard scheme. It is considered that the provision of EV charging points represents a betterment of the scheme, as the charging points are permanent features rather than a temporary MetroCard scheme, which would generally cover a 1-year period, with no guarantee that residents would renew after that period.

In addition to the above the findings of a Viability Appraisal are clearly set out which demonstrate that for scheme viability reasons such a contribution cannot be justified.

11. Other Matters: Comments on Representations received

1. The Council has denied access to the earlier Viability Appraisal (Environment Information Request denied for reasons of commercial sensitivity reasons) and therefore it is not open to public scrutiny.

Comment: This is not a material planning consideration. The earlier planning permissions are not being considered here. An up to date and fully scrutinised Viability Appraisal has been submitted with this application. The Viability Appraisal relevant to this planning application has been made fully available for public scrutiny and it has been checked by independent consultants.

2. Insufficient parking will lead to visitors using the front parking area: The front parking area is in separate ownership and the said owners can take action to prevent this.

Comment: The scheme the subject of this application is considered to include sufficient resident and visitor parking under the control of the applicants.

12. Secured by Design

Paragraph 91 of the National Planning Policy Framework states that Planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

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

The West Yorkshire Police Architectural Liaison Officer has raised a number of issues and where these relate to planning matters have been addressed by changes to the sitting out area including the addition of railings for added security.

The proposal is considered to be in compliance with the relevant Core Strategy policies and NPPF advice concerning matters of secured by design.

13. Community Safety Implications

There are no other community safety implications other than those referred to in the main body of the report.

14. Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The proposed development provides a residential scheme on an unallocated site, helping to meet the short-fall of housing within the district in compliance with NPPF advice. The scale, form, layout and design of the proposal is considered acceptable and presents no concerns with regard to impacts on the character of this listed building and the conservation area, residential amenity, visual amenity and highway safety. The proposal is considered acceptable and, with the attached conditions satisfies the requirements of policies P1, SC1, SC2, SC3, SC4, SC5, SC6, SC9, TR1, TR2, TR3, TR5, HO3, HO4, HO5, HO6, HO8, HO9, HO11, EN1, EN3, EN4, EN7, EN8, DS1, DS2, DS3, DS4, DS5 and ID2 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

The application proposals have been fully assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act (1990), the National Planning Policy Framework and Replacement Unitary Development Policies. In particular, the application has been assessed in the light of the requirements of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

The application has also been considered in relation to paragraphs 185 and 192 of the Planning (Listed Buildings and Conservation Areas) Act 1990 including the desirability of new development making a positive contribution to local character and distinctiveness.

The application has also been fully considered in relation to the adopted Homes and Neighbourhoods - A Guide to Designing in Bradford SPG. The proposal is found to be in compliance with key requirements of this SPG.

Conditions of Approval

1. Time limit

The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Approved plans

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

- Site plan: 3901-002 EX10 Rev S dated 01/06/2020

- Site layout plans and highways plans with tracking: 11424/001A and 11424/002 (both dated 11.5.2020)
- Floor Plans: 3901-009 PL46 Rev K, 3901-009 PL47 Rev G, 3901-009 PL48 Rev K, 3901-009 PL49 Rev K (all dated 20/12/2019)
- Landscaping: GL0519 03K (REV K) dated 16/6/2020

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. Noise Attenuation Measures, Continued Monitoring and Verification

In the case of all residential units which share a party wall with the adjoining commercial premises (Wyedean Weaving) sound insulation shall be installed and thereafter retained at all times in accordance with the details set out in the noise report by Environmental Noise Solutions Ltd report reference NIA/8952/20/9021/v1/Haworth dated 4th March 2020.

On completion of all works of noise insulation as set out above and before first occupancy any of the residential units which share a party wall with the adjoining commercial premises (Wyedean Weaving) a 'Verification of Installation of Satisfactory Noise Insulation Report' shall be submitted to and approved in writing by the Local Planning Authority. The Verification of Installation of Satisfactory Noise Insulation Report shall include the following:

1. The findings of continued post-installation noise monitoring in line with BS8233:2014 which shall have been undertaken for a continuous period of not less than 3 calendar months.
2. Verification by a suitably qualified noise consultant that the noise insulation measures installed met the objectives as set out in the report by Environmental Noise Solutions Ltd report reference NIA/8952/20/9021/v1/Haworth dated 4th March 2020 thereby providing satisfactory living conditions for residents who will occupy the residential units sharing a party wall with the adjoining commercial premises.

Reason: To ensure that the proposed residential dwellings are not subject to unacceptable noise nuisance, in accordance with policy EN8 of the Core Strategy.

4. Compliance with details of flood risk assessment

The development shall be carried out in accordance with the submitted flood risk assessment, Bridgehouse Mill and Apartments, Ref: 16224-PWA-00-XX-RP-C-1000 P03 dated May 2020 and the following mitigation measures it details:

- Finished floor levels of any habitable accommodation shall be set no lower than 173.60 metres above Ordnance Datum (AOD)
- Flood resistant and resilient materials shall be set no lower than 600mm above the finished floor level. This equates to 174.2 meters above ordnance datum.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

5. Surface Water Drainage

The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the Flood Risk Assessment, Doc. Ref. 16224-PWA-00-XX-RP-C-1000 P03, dated May 2020, Appendix C. The scheme so approved shall thereafter be implemented in accordance with the approved details.

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

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

6. Cycle Storage

Before any of the dwelling units are first occupied an indoor or outdoor secure cycle storage facility shall be fully provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The secure cycle storage facility shall be retained and made available for use at all times thereafter.

Reason: To ensure sustainable travel modes are secured for use by future residents in accordance with Core Strategy Policy TR3

7. Landscaping scheme for sitting out space

Within 12 months of the first occupation of any dwelling unit the approved landscaping scheme shown on plan reference GL0519 03K (REV K) dated 16/6/2020 shall be fully implemented.

Any trees or plants comprising the approved landscaping becoming diseased or dying or which are removed or damaged within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree or planting of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Local Plan Core Strategy.

8. Remediation verification

None of the residential units shall be occupied until a Verification Report for the open landscaped sitting out space parts of the site has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include results of

sampling, monitoring and any necessary mitigation measures carried out demonstrate that all necessary site remediation has taken place on this part of the site in relation to the use and purpose of this part of the site which will be used as an open landscaped sitting out space by residents.

Reason: To demonstrate that the objectives of a satisfactory remediation strategy have been achieved and risks from land contamination have been reduced to an acceptable level, in accordance with policy EN8 of the Core Strategy and paragraph 178 of the National Planning Policy Framework.

9. Unexpected contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

10. Domestic Electric Vehicle Recharging Points

Before the date of first occupation of any residential unit on the development EV charging points shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output: -

- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/7kW) for every 10 residential parking spaces (both residents and visitor parking).

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and the National Planning Policy Framework (NPPF).

11. Highways: Complete all Hard Surfacing Roads etc.

Before any dwelling unit is first occupied, 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 plans numbered 11424/001A (dated 11.5.2020) and 11424/002 (dated 11.5.2020) and completed to a constructional specification to be 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 and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

12. Highways: Complete all Hard Surfacing Servicing Area etc.

Before any dwelling unit is first occupied, the vehicle service area for loading/unloading, including the turning and manoeuvring space, hereby approved shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the

approved plans numbered 11424/001A (dated 11.5.2020) and 11424/002 (dated 11.5.2020). It shall be retained for that purpose whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

13. Highways: Complete Parking Areas etc.

Before any dwelling unit is first occupied, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings 11424/002 (dated 11.5.2020). 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 Policies TR2 and EN7 of the Core Strategy Development Plan Document.

14. Grampian Condition: Provide Traffic Regulation Order within the Development to Protect Service Vehicle Manoeuvres

Before any dwelling unit is first occupied, the off-site highway works shown on drawing number 11424/002 (dated 11.5.2020) indicating the PROPOSED 'NO WAITING' TRO shall be implemented in full.

Reason: In order to ensure that a safe access is maintained and to mitigate vehicular movements in the interest of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Informatives

Flood Evacuation Plan

The applicant is advised to produce a flood evacuation plan for the development, and is advised to sign up to the flood warning service provided by the Environment Agency.

Signing up to flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Any Street Lighting

If your development affects any street lighting columns, please contact Mr A Preece on 01274 434019 of the Street Lighting Section before building commences.

Traffic Regulation Order (TRO)

The off-site highway works shown on drawing number 11424/002 (dated 11.5.2020) will require the making of a Traffic Regulation Order. You are advised to contact the John Rowley of the Councils Highways Department to discuss the procedure for making the Traffic Regulation Order.

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 20th August 2020

R**Subject:**

This is an outline planning application for development of land for mixed use business and industrial units (B1, B2, and, B8) (site area of 4.9ha) with associated parking and servicing space; two primary access points to the site from Parry Lane and Sticker Lane and two secondary access points to the site off Parry Lane, requesting consideration of access on land at Parry Lane, Bradford. Details of the access have been submitted for consideration at this stage.

Summary statement:

The proposal relates to the construction of an employment development scheme comprising B1, B2 and B8 uses on land off Parry Lane, Bradford. The application is in outline form with details of the means of access submitted for consideration at this stage.

Details of the layout of the development have not been submitted for consideration but an indicative layout has been submitted which shows how the site could be developed. The plan shows that the site could potentially be occupied by 10 new buildings with a combined footprint of a maximum of 25,000 square metres. Vehicular access to the site will be taken from a new access road from Parry Lane. Off-site highway works will be undertaken in the form of, amongst other things, the creation of a central reservation along part of Parry Lane to reduce its overall width and improve highway safety.

It is considered that the site is of an adequate size such that a development could be accommodated without having a significantly detrimental impact on the residential amenities of the occupiers of the dwellings adjacent to the site and in the wider vicinity.

Through the attachment of the proposed conditions it is considered that the proposal is acceptable.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is an outline planning application for development of land for mixed use business and industrial units (B1, B2, and, B8) (site area of 4.9ha) with associated parking and servicing space; two primary access points to the site from Parry Lane and Sticker Lane and two secondary access points to the site off Parry Lane, requesting consideration of access on land at Parry Lane, Bradford. Details of the access have been submitted for consideration at this stage.

2. BACKGROUND

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

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

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the main car park serving the development (planning condition) in accordance with the Council's Low Emissions Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. Conditions are recommended in relation to matters such as boundary treatment to further enhance the security of the site.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

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

10. RECOMMENDATIONS

The application is recommended for approval, subject to the conditions included with Appendix 1.

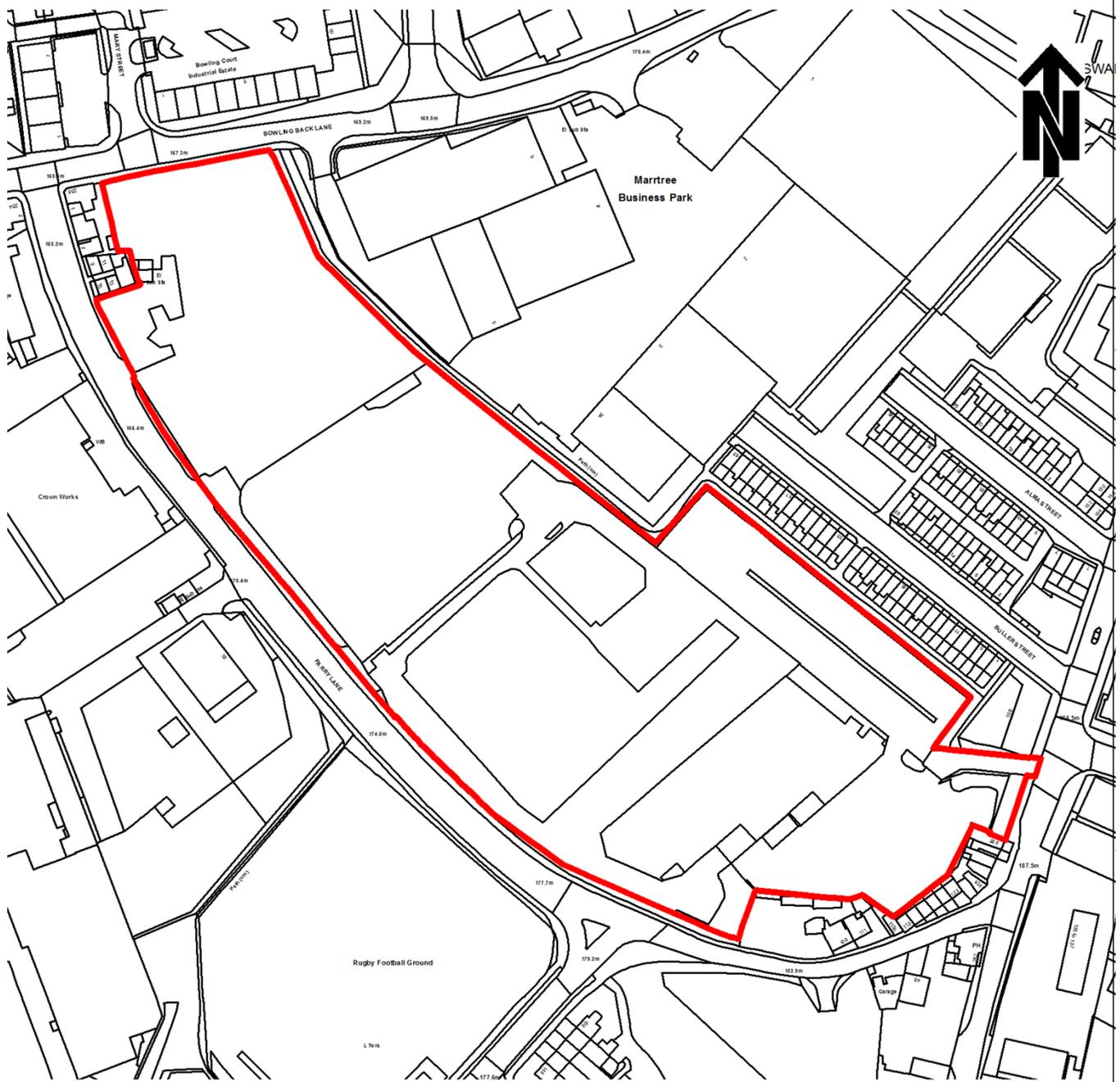
11. APPENDICES

Appendix 1 Technical Report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Replacement Unitary Development Plan

20/00949/MAO



1:2,500

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**Land at Parry Lane,
Bradford**

Appendix 1

20th August 2020

Ward: Bowling & Barkerend
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
20/00949/MAO

Type of Application/Proposal and Address:

This is an outline planning application for development of land for mixed use business and industrial units (B1, B2, and, B8) (site area of 4.9ha) with associated parking and servicing space; two primary access points to the site from Parry Lane and Sticker Lane and two secondary access points to the site off Parry Lane, requesting consideration of access on land at Parry Lane, Bradford. Details of the access have been submitted for consideration at this stage.

Applicant:
West Yorkshire Combined Authority

Agent:
Mrs Atefeh Motamedi (BDP)

Site Description:

The site is located in a generally industrial area. Running along the western boundary of the site is Parry Lane whilst both Sticker Lane and Bowling Back Lane form the eastern and northern boundaries of the site. Abutting the north eastern boundary of the site are dwellings that front onto Buller Street and industrial buildings fronting onto Bowling Back Lane. Adjacent to the north western corner of the site is a terrace of mainly residential properties but also a café.

Relevant Site History:

There is no relevant planning history on the site.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP but is located within an Employment Zone (Ref: BN/E6.1 – Bowling). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

E6 Employment zones

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development

SC1 Overall Approach and Key Spatial Priorities

SC4 Hierarchy of Settlements

SC9 Making Great Places

EC4 Sustainable Economic Growth

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking

EN5 Trees and Woodland

EN7 Flood Risk

EN8 Environmental Protection

EN12 Minerals Safeguarding

DS1 Achieving Good Design

DS2 Working with the Landscape

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

Parish Council:

There is no Parish Council in the Bowling & Barkerend Ward.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 15th May 2020.

As a result of the publicity exercise 9 representations have been received objecting to the application.

Summary of Representations Received:

Principle of development:

- Already a high number of hot food takeaways in the area so do not need any more;
- The site is too close to a school;
- There are a lot of empty units in the area so why is there a need to build more;
- It would make more sense to build housing on the site as it is close to the schools;

Residential amenity:

- Impact on residents through the increase in traffic;
- Loss of privacy to the residents;
- Noise from units due to goods being delivered at unsociable hours and customers being inconsiderate to neighbouring houses;
- Loss of sunlight to adjacent dwellings;
- Impact on outlook from the gardens of the adjacent properties;
- Increase in noise from the development would impact on local residents;

Highways:

- Significant increase in traffic in the area;
- Noise from units due to goods being delivered at unsociable hours and customers being inconsiderate to neighbouring houses;
- Articulated lorries trying to deliver goods to the units and taking wrong turn down Buller Street and then backing out into the main road and causing accidents;
- The alleyway between number 1 Buller Street and the JCT600 call centre will be used as a rat run and would need blocking off

Other:

- Reduction in property values;
- Once the units have been built the Council won't act on complaints from neighbours regarding issues such as fly tipping and littering as they haven't acted on previous complaints;
- This area is already plagued by fly tipping and criminal activity this would only serve to make it much worse;
- Potential increase in litter and vermin through the inclusion of a hot food takeaway;

Consultations:

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

Highways DC – No objection to the proposal subject to the imposition of appropriate conditions and the undertaking of various off-site highway works including the provision of a central reservation along a section of Parry Lane

The Coal Authority – No objection to the principle of the development in that the Coal Authority concur with the conclusion/recommendations contained in the Ground Conditions Desk Study that there is currently a significant risk to the proposed development from coal mining legacy and that further site investigations should be carried out to conform the extent of remedial/mitigatory measures to inform the layout of the development. Appropriate conditions are recommended.

Lead Local Flood Authority – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the disposal of foul and surface water drainage

Rights of Way – No objection to the principle of the development but state that Public Bridleway No. 332 (Bradford South) is adjacent to and partly within the site boundary and must not be affected as part of the development and remain available for use

Biodiversity Team – No objection to the proposal subject to there being a net gain in biodiversity value on the site

Yorkshire Water Land Use Planning – No objection subject to the imposition of appropriate conditions

Environment Agency Planning Liaison – No objection to the proposal

Environmental Health Air Quality – No objection to the proposal subject to the imposition of appropriate conditions relating to mitigation measures to minimise the impact on the existing air quality in the vicinity of the site

Environmental Health Land Contamination – No objection to the principle of the development subject to the imposition of appropriate conditions

Summary of Main Issues:

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

Appraisal:

The application relates to the construction of a mixed-use business and industrial units comprising B1, B2 and B8 uses. The application is in outline form and seeks approval for only the means of access into the site. An indicative layout has been submitted which shows a maximum of 25,000 square metres floorspace and the construction of 10 units ranging in size from 200 square metres to 3,400 square metres floorspace.

1. Principle of development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways and these include identifying and co-ordinating the provision of infrastructure (economic objective) and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (social objective), and, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (environmental objective).

Paragraph 11 of the National Planning Policy Framework states that development proposals should be determined in accordance with an up-to-date development plan without delay.

The site is unallocated within the Replacement Unitary Development Plan but is located within an area defined as an Employment Zone (Ref: BN/E6.1 –Bowling) and is therefore subject to consideration against policy E6 of the Replacement Unitary Development Plan.

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

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

The site is derelict having previously been occupied by industrial buildings that ceased operation in 2008 and were subsequently demolished in 2012. The proposal relates to the construction of new buildings on the site with an indicative layout showing potentially 10 new buildings with a combined footprint of a maximum of 25,000 square metres. The majority of the buildings will be used for B1, B2 and B2 uses. The site is located within an Employment Zone and this supports the principle of industrial development on the site. The use of the buildings for B1, B2 and B8 uses are acceptable and accord with the requirements of policies E6 of the Replacement Unitary Development Plan and EC4 of the Core Strategy.

It is considered that the principle of the construction of industrial buildings on the site is acceptable and satisfies the requirements of both policies E6 of the Replacement Unitary Development Plan and EC4 of the Core Strategy.

2. Visual amenity

The National Planning Policy Framework states in paragraph 124 that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

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

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

The application is in outline form with only details of the means of access submitted for consideration at this stage. Details of the layout of the development and the design of the buildings have been reserved for consideration at a later stage. An indicative illustrated masterplan has been submitted to show how the site could be developed. It is considered that the site is of a size whereby both an appropriate layout and design of buildings can be achieved that will ensure the development is in keeping with the visual character and appearance of both the streetscene and immediate locality.

The Noise Impact Assessment submitted with the application has suggested the inclusion of a 6 metre high noise barrier at various locations within the site to mitigate against the noise generated by the development. The indicative layout plan for where this barrier should be incorporated does include a stretch along the site frontage onto Parry Lane. A barrier of this height would be unacceptable in this location as it would be too dominant on the streetscene and a more appropriate means of creating a noise attenuation barrier should be considered in the form of, for example, a landscaped strip and 2 metre high acoustic fence. The location of the required noise attenuation barriers will be determined at the Reserved Matters stage when the design of the buildings and the future layout is submitted for consideration.

At this stage therefore, it is considered that the proposal complies with the requirements of policies DS1 and DS2 of the Core Strategy and there is no objection to the proposal on visual amenity grounds.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The application is in outline form with only details of the means of access submitted for consideration at this stage. Details of the layout of the development and the design of the buildings have been reserved for consideration at a later stage.

Residential properties abut the north eastern boundary of the site (Buller Street), the south eastern boundary (Sticker Lane/Parry Lane) and the north western boundary (Parry Lane). The impact of the proposal on the residential amenities of the occupiers of these properties needs to be considered.

A Noise Impact Assessment has been submitted with the application which identifies that the results of the modelling exercise suggest that unmitigated noise levels across the site will result in exceedances of the proposed criteria with the main contributors to exceedances being noise due to HGV movements and (un)loading activities. Additional scenarios have been modelled to incorporate potential mitigation options would likely to reduce the external noise levels at the nearest properties, namely the inclusion of a 6 metre high noise barrier at various locations near the edges of the site. No details have been submitted as to how the noise barrier will look or what materials it will be constructed of.

Care will need to be taken to ensure that where the noise barrier is located at the rear of existing residential properties it does not have a detrimental impact on the residential amenities of the occupiers of those dwellings by being visually intrusive and a more appropriate form of noise attenuation in the form of a much lower acoustic fence (2 metres high) and associated landscaping strip would be more appropriate to the location. This would be addressed at Reserved Matters stage.

An indicative layout plan has been submitted which shows how the site could potentially be developed. The plan includes a building immediately to the rear of the terrace of dwellings located at the junction of Parry Lane and Bowling Back Lane, and, the dwellings on Buller Street. The relationship of the proposed buildings to the dwellings would be considered unacceptable in that the separation distance is small and the dwellings would look out onto the rear elevation of the buildings. This would not only impact on the outlook from the dwellings but also harm the residential amenities of the occupiers of those dwellings by having industrial processes in close proximity to either the rear elevations of the dwellings or their private garden area.

It is considered that the site is of a size whereby the amount of development (floorspace) sought can be satisfactorily accommodated within the site whilst having full regard to the occupiers of the adjacent dwellings and minimising the impact it would have on their residential amenities. The buildings can also be designed so that any elevation facing onto the residential properties contains minimal openings. Substantial landscaping can also be accommodated within and along the boundaries of the site to

again minimise the impact on the neighbouring properties and soften the visual appearance.

In order to try and minimise the impact on the neighbouring residential properties conditions are recommended relating to noise levels on the site, the submission of a noise and traffic management plan, and, the submission of detailed noise attenuation measures.

At this stage therefore it is considered that the proposed layout, relating only to means of access, will not have a detrimental impact on the residential amenities of the occupiers of the neighbouring dwellings and does meet the requirements of policy D5 of the Core Strategy. However, in designing the layout care needs to be taken to ensure that there is adequate separation between the existing dwellings and proposed buildings to ensure that any impact is kept to a minimum.

4. Highway safety

Paragraph 102 states transport issues should be considered from the earliest stages of development proposals such that, amongst other things, the potential impacts of development on transport networks can be addressed, and, opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It goes on to state in paragraph 110 that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

Policy DS4 of the Core Strategy states that developments should create a network of routes which are well overlooked and convenient and easy for people to understand and move around, and, connect to existing street and path networks and places where

people want to go in obvious and direct ways and where necessary improving existing routes.

The site is bounded by Parry Lane, Bowling Back Lane and Sticker Lane and is considered to be situated in a relatively sustainable location close to bus routes. In support of the application a Transport Assessment and a Travel Plan have been submitted for consideration.

The Transport Assessment is accepted in terms of traffic generation and its impact on the highway network. Industrial developments do not generate significant levels of traffic particularly during highway network peaks. Future year (2025) assessments have taken account of background traffic growth and there are no significant committed developments in this locality that could impact on traffic levels. Traffic generated in the future can be accommodated without having an adverse impact on the highway network. The assessments show no capacity issues at any of the junctions in the vicinity of the application site.

The access proposals consist of a new link road between Sticker Lane/Broad Lane and Lower Lane/Parry Lane junctions. A new traffic signal controlled junction will be provided at Sticker Lane which will be staggered with Broad Lane. The development site will be accessed from this new link road and also an amended Parry Lane. The existing Parry Lane between Lower Lane and Bowling Back Lane is relatively wide and the applicant has agreed to narrow this by providing a 4 metre wide central planted/seeded verge over a length of around 170 metres from the new Parry Lane/Link Road junction.

The existing substandard section of Parry Lane from Sticker Lane to Lower Lane will be made one way from Sticker Lane with a new priority junction with the proposed link road. An access off the new link road will be provided to serve a car park at the rear of Greggs for residents and businesses.

Traffic Regulation Order's will be required on Parry Lane, Lower Lane, the new link road and on Sticker Lane between the new link road junction and the existing Parry Lane junction. The exact requirements for these Traffic Regulation Orders can be considered and implemented as part of the S278 works and an appropriate condition is recommended with regards to the undertaking of the off-site highway works.

An objection has been received relating to the alleyway between number 1 Buller Street and the JCT600 call centre and it becoming used as a rat run and would need blocking off. The Highways Department have stated that this is an unadopted public highway and goes around the back and out to Buller Street at the bottom whilst there is also a connection in the middle. To close the road would require a road closure order to stop up and it is not considered that there are any significant benefits in doing this.

Subject to the imposition of appropriate conditions the Highways Department are satisfied that the existing highway network can safely accommodate the additional traffic likely to be generated by the proposed development.

The Rights of Way Officer has stated that Public Bridleway No. 332 (Bradford South) is adjacent to and partly within the site boundary. Public bridleways may legally be used by pedestrians, cyclists and horse riders. The route is a wide grass surfaced path which is often overgrown, it is separated from the previously developed area by the existing

boundary fence. As the application is in outline form with details of the proposed layout reserved for consideration at a later stage, it is unclear how the bridleway may be impacted by the development. In designing the layout of the development consideration will need to be given to the bridleway and ensure the route is retained and will provide a safe and secure route for any future users.

As such therefore, subject to the imposition of appropriate conditions there is no objection to the proposal in highway terms and it satisfies the requirements of policies TR1 and TR2 of the Core Strategy.

5. Drainage

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

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

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

In relation to the discharge of both foul sewage and surface water it is intended to connect to the mains sewer. Both a Drainage Report and Flood Risk Assessment have been submitted in support of the application and have been considered by both the Lead Local Flood Authority and Yorkshire Water. The proposals are considered acceptable subject to the imposition of appropriate conditions.

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

6. Trees

Paragraph 175 (c) of the National Planning Policy Framework states that, when considering planning applications, Local Planning Authorities should consider that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists.

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

There are a number of trees scattered throughout the site but they are not considered to be of any visual amenity value and their loss to allow an acceptable layout of the development would be acceptable. However, within any new development proposals adequate new tree planting should be incorporated within the landscaping proposals to compensate for the loss of the trees as well as breaking up the built form of the new development.

There is no objection to the proposal on the grounds of the loss of the existing trees subject to appropriate levels of replacement planting when the final layout is designed. As such the proposal meets the requirements of policy EN5 of the Core Strategy.

7. Secured by design

Paragraph 91 of the National Planning Policy Framework states that Planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

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

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

Location of business: This is an outline application at the moment to the level of detail has yet to be determined, however as the industrial units are in close proximity to the existing residential dwellings, there would need to be strict opening hours and closing times so that any deliveries are not occurring before the start times and lorries are not waiting on the surrounding roads with engines running or having deliveries after hours which reduces, this may help reduce any nuisance noise – *appropriate conditions are recommended that will aim to minimise the potential impact on the residential amenities of the occupiers of the neighbouring dwellings.*

Maintenance, upkeep of area: There should be a management/maintenance plan for any plants or shrub planting on site to ensure that these are maintained to a certain height and kept tidy – *as the site is in outline form with all details reserved for consideration at a later stage, details of the proposed landscaping do not need to be considered at this stage. Appropriate conditions can be attached to a subsequent permission in relation to the provision of the landscaping scheme for the development and its future management and maintenance.*

Boundary treatments, gates: The site currently has post and rail mesh fence which is to an approximate height of 1800mm which shows signs of age/wear and tear. This type of fence can easily be breached by cutting through the mesh. The noise impact assessment indicates the location of a 6m high noise barrier to reduce noise impact for existing residential properties. There is a public right of way which is accessed via Bowling back Lane and runs along the east boundary of the site towards the rear of Buller Street, increasing the height to 6 metres in this location where there is already a

dog leg turn in the footpath will reduce natural surveillance which could make this location more secluded – *as the site is in outline form with all details reserved for consideration at a later stage details of the proposed boundary treatments do not need to be considered at this stage. An appropriate condition can be attached to a subsequent permission that will require the submission of the proposed boundary treatments and this will ensure that appropriate treatments are included that will provide a secure and safe environment for the future users of the development.*

External lighting and monitored CCTV: There should be good lighting levels of the car parks and all access doors to the units. Any column lights should include hood protectors to reduce light pollution, warm white led lights will help to illuminate the parking areas. Installing CCTV that covers the vehicle entrances, parking areas, bicycle storage and access doors to each of the units will improve security and surveillance around the site – *an appropriate condition is recommended in relation to any lighting scheme for the proposed car parking areas to ensure that any light from them does not stray onto the adjacent highway. With regards to CCTV this is outside the control of the planning system and it will be the responsibility of the developer to determine whether CCTV is installed on the buildings or the wider site.*

Doors and windows: There are no units to comment on at this stage. Doors and windows for the units should look to achieve an appropriate standard – *the standards of doors and windows to be installed within the buildings is outside the control of the planning system and it is the responsibility of the developer to determine the standards to be installed.*

Bicycle storage: If there is any bicycle storage, this should be located to the front of the units which has good natural surveillance from active windows or main entrance – *the provision of any cycling storage/stands will be determined at Reserved Matters stage when the design of the buildings and layout of the development is submitted for consideration.*

Intruder alarms: Installing monitored alarm within each unit will provide additional security for the businesses located here – *the inclusion of intruder alarms is outside the control of the planning system and it will be for the developer to determine whether or not they are installed within the individual buildings.*

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

8. Contaminated land

Paragraph 178 of the National Planning Policy Framework states that decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 179 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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

A Ground Conditions Desk Study report has been submitted in support of the application and this has been considered by the Environmental Health Department. The report identifies that by 1970 the site was developed as a “depot for use by Yorkshire Electricity” with all site buildings being subsequently demolished in 2012 and the site has been disused ever since.

The report states that the previous ground investigations identified “low level soil contamination hotspots in the form of elevated PAH concentrations”. However, it is noted in the report that the investigations were considered to be “limited in data and insufficiently reflects the sites contamination status”. In addition, it is stated that “the most recent investigation on the site containing chemical test data was conducted in 2008 and will be subject to the limitations in the analytical methodologies of the time. Consequently, these data may be considered less reliable than those achieved via current day techniques”.

The report concludes that “based on historical land uses and its current operational use, the overall risk from land contamination at the site is considered to be moderate for the current development, and low (with some specific moderate risks) identified for a redeveloped site, but would need to be confirmed by appropriate intrusive investigation, testing and assessment of the results of the investigation”.

The Environmental Health Department agrees with the recommendations presented in the Ground Conditions Desk Study by Hydrock Consultants and have no objection to the proposal subject to the imposition of appropriate conditions.

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

9. Air quality

Paragraph 175 of the National Planning Policy Framework states that when determining planning applications, Local Planning Authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

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

Based on the traffic flow data provided in the air quality impact assessment submitted in support of the application this is considered to be a medium development for the purpose of the Bradford LES and West Yorkshire Low Emission Planning Guidance. Under the provisions of the LES planning guidance medium developments are required to provide Type 1 and 2 emission mitigation as follows:

Type 1 Mitigation:

- Provision of electric vehicles charging facilities at the rates set out in the WYLES planning guidance.
- Adherence to the IAQM Guidance on the Control of Dust and Emissions from Construction and Demolition during all demolition, site preparation and construction activities at the site.

Type 2 Mitigation:

- Inclusion in the Travel Plan of mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.

The majority of the proposal is for B1, B2 and B8 businesses uses which will not introduce any additional relevant receptors for the purpose of City of Bradford MDC's Local Air Quality Management (LAQM) duties. The applicant has submitted a full air quality impact assessment for the business park which considers the impact of the business park vehicle emissions on the wider area. This concludes that the air quality impact of the business park traffic will be negligible.

The maximum predicted increase in annual average nitrogen dioxide concentration as a result of the business park traffic is predicted to be 0.49ug/m³ at a residential receptor on Parry Lane. Air quality at this location is predicted to remain well within air quality objectives both with and without the business park in place. The business park has the potential to impact on other locations where air quality objectives are already exceeded. These include the Shipley Airedale Road and Thornton Road AQMAs. However, the predicted changes in pollutant concentrations as a result of the business park proposal are predicted to be very small (less than 0.18ug/m³ in all cases) and are unlikely to have any significant impact on the wider air quality action plans being drawn up to significantly improve air quality in these areas. There are no locations where the business park traffic is predicted to create additional exceedances of air quality objectives.

With regards to mitigation measures electric vehicle charging points will be required across the development in line with the rates set out in the WY LES planning guidance. This requires 10% of all parking spaces to be equipped with electric vehicle charging capability, 5% of these spaces must be operational at the opening date of the development and a further 5% can be provided as enabling ducting only. These percentages may be varied subject to agreement with Councils Environmental Health Department where high quality fast and rapid charge provision is proposed along with restrictions on the time a vehicle is able to occupy an electric vehicle charging bay.

A comprehensive construction dust risk assessment has been submitted in support of the application which recommends the types of construction dust mitigation to be employed at this site in accordance with the IAQM best practice guidance on control of emissions from construction and demolition sites. Subject to these control measures being fully employed the development of this site should not result in any unacceptable levels of dust emission. However, it is recommended that a detailed site specific dust management plan is conditioned for each reserved matters application across the site.

Finally, an interim travel plan for the development has been submitted which sets out how the use of walking, cycling and public transport will be encouraged at the site. The plan recommends provision of electric vehicle charging points but no details of such proposals are provided. The interim travel plan could be improved to take greater consideration of the need to promote the use of alternatively fuelled and lower emission vehicles on this site. This could include measures such as:

- Detailed electric vehicle charging proposals
- Access to low emission car club vehicles
- Preferential parking bays for car sharers/low emission vehicle users
- Setting of vehicle emission standards for vehicles accessing/servicing the site
- Incentive schemes to encourage site users to purchase low emission vehicles
- Incentives to use low emission vehicle fleets
- Promotion of the Eco-stars vehicle recognition scheme across the site

An appropriate condition is therefore recommended with regards to the submission of a detail Travel plan following the occupation of each building.

Overall therefore, subject to the imposition of the appropriate conditions referred to above, it is not considered that the proposal will significantly impact on the air quality in the locality and it satisfies the requirements of policy EN8 of the Core Strategy.

10. Biodiversity issues

Paragraph 175 of the National Planning Policy Framework states that when determining planning applications, Local Planning Authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

Paragraph 170 of the National Planning Policy Framework states that “Planning policies and decisions should contribute to and enhance the natural and local environment by.....minimising impacts on and providing net gains for biodiversity”. As such it is important that the development secures the offsets at this stage of the process in order to fulfil the LPA’s requirements under the National Planning Policy Framework. There is a strong desire that the development results in a 10% biodiversity net gain and the following aims are being pursued in order to achieve this:

- 1) Setting aside areas within the development to create additional specialised habitat outside of the individual reserved matter applications.
- 2) Potential central reservation habitat enhancements.
- 3) Habitat creation or restoration projects as offsets elsewhere in the area.

As the application is in outline form with only details of the access submitted for consideration at this stage it is not possible to fully achieve the 10% biodiversity net gain without the inclusion of conditions on a planning permission. The Biodiversity Officer has recommended that any such condition should enable specific details of where and how the revised biodiversity net gain is to be achieved at some point prior to a Reserved Matters application being submitted. It is not considered reasonable to request that the information be submitted prior to the submission of a Reserved Matters application as the layout at that stage may not have determined. With a Reserved Matters details of the landscaping will be required to be submitted and this will indicate how some of the biodiversity net gain will be achieved. Other biodiversity enhancements, such as the inclusion of bat or bird boxes, can be achieved through incorporating an appropriate condition on a planning permission.

The Biodiversity Officer is also seeking conditions relating to the removal of Japanese knotweed and cotoneaster sp from the site, that all site works which may impact breeding birds will be undertaken outside of the bird breeding season, and, the submission of an external lighting plan such as it minimises the impact on bats and other wildlife using the site for foraging or commuting.

The issue of Japanese knotweed will be covered through the site investigation report which should identify its presence on site and the subsequent remediation strategy which will identify how it will be removed from the site.

The Wildlife and Countryside Act 1981 offers protection to breeding birds and it is a criminal offence to deliberately cause harm to the nests during the nesting season. As such therefore, protection is offered to them outside of the planning system.

With regards to the provision of a lighting scheme this will not be known until the layout of the development has been designed in relation to the parking areas and the route of the internal access road. When these plans are submitted at Reserved Matters stage an appropriate condition can be imposed on the approval requiring details of the lighting scheme to be submitted if they haven't been submitted as part of the formal submission.

Overall therefore, it is not considered that the proposal will cause any significant harm to the biodiversity value of the site and the aim of achieving a 10% net gain across the whole site can be dealt with at Reserved Matters stage when issues such as landscaping and external appearance of the proposed buildings are considered. It is considered that the proposal satisfies the requirements of policy EN2 of the Core Strategy.

11. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the above sections of this report, these being as follows:

Reduction in property values – *the issue of devaluation of the adjacent dwellings is not a material planning consideration in the determination of planning applications*

Once the units have been built the Council won't act on complaints from neighbours regarding issues such as fly tipping and littering as they haven't acted on previous complaints – *this is outside the control of the planning system and would be dealt with under separate legislation by the Councils Environmental Health Department*

This area is already plagued by fly tipping and criminal activity this would only serve to make it much worse – *the proposal will bring back into use a vacant site and through the appropriate management of the development the level of fly tipping and criminal activity should be reduced*

Potential increase in litter and vermin through the inclusion of a hot food takeaway – *the proposed take-away element of the original proposal has now been removed from the development*

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The scheme provides a development on an allocated site that raises no concerns with regard to highway safety. Issues of visual and residential amenity will be considered at the Reserved Matter stage. The proposal is considered acceptable and, with the proposed conditions, satisfies the requirements of policy E6 of the Replacement Unitary Development Plan together with policies P1, SC1, SC4, SC9, EC4, TR1, TR2, TR3, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time scale

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. Time scale

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. Reserved Matters

Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping,
- iii) layout, and,
- iv) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

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

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. Approved plans

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

Drawing Number SK-B101_P3000850 showing the Site Location Plan and received by the Local Planning Authority on the 28th February 2020;

Drawing Number (SK)B201 REV A showing the Illustrative Masterplan and received by the Local Planning Authority on the 28th February 2020;

Drawing Number 3771-A1-P-100-10 showing the Autotrack Analysis, Broad Lane and received by the Local Planning Authority on the 28th February 2020;

Drawing Number 3771-A1-P-100-05 showing the Possible Access from Parry Lane Option 2 and received by the Local Planning Authority on the 28th February 2020;

Drawing Number 3771-A1-P-100-07 REV A showing the Possible Site Access Layout and received by the Local Planning Authority on the 28th February 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-0001 REV P01 showing the Highway Alignment Sheet 1 of 5 and received by the Local Planning Authority on the 22nd July 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-0002 REV P01 showing the Highway Alignment Sheet 2 of 5 and received by the Local Planning Authority on the 22nd July 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-0003 REV P01 showing the Highway Alignment Sheet 3 of 5 and received by the Local Planning Authority on the 22nd July 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-0004 REV P01 showing the Highway Alignment Sheet 4 of 5 and received by the Local Planning Authority on the 22nd July 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-0005 REV P01 showing the Highway Alignment Sheet 4 of 5 and received by the Local Planning Authority on the 22nd July 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-1001 REV P01 showing the Vehicle Tracking Plan Sheet 1 of 5 and received by the Local Planning Authority on the 22nd July 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-1002 REV P01 showing the Vehicle Tracking Plan Sheet 2 of 5 and received by the Local Planning Authority on the 22nd July 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-1003 REV P01 showing the Vehicle Tracking Plan Sheet 3 of 5 and received by the Local Planning Authority on the 22nd July 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-1004 REV P02 showing the Vehicle Tracking Plan Sheet 4 of 5 and received by the Local Planning Authority on the 22nd July 2020;

Drawing Number PRY-BDP-ZZ-00-DR-C-30_14-1005 REV P02 showing the Vehicle Tracking Plan Sheet 5 of 5 and received by the Local Planning Authority on the 22nd July 2020; and,

Drawing Number PRY-BDP-ZZ-00-DR-C-50_30-0010 showing the Outline Proposed Highway Linework and received by the Local Planning Authority on the 22nd July 2020.

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

5. Means of access

Notwithstanding the outline approval of the means of access, any subsequent application for the approval of the reserved matters shall include full details of the proposed width, kerb radii, visibility splays, gradient and drainage of the means of access. Such matters shall be submitted to and approved in writing by the Local Planning Authority before development begins and the works so approved shall be implemented prior to any part of the development being brought into use.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Local Plan for Bradford.

6. Means of access

Before any development works commence on site, details of the proposed phasing of the development including the intended timetable for the implementation of relevant sections of the means of access, and corresponding vehicle turning facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details of phasing so approved.

Reason: To establish a suitable phased implementation programme for the construction of the means of access, and turning facilities commensurate to the scale of the development proposed and to accord with Policy DS4 of the Local Plan for Bradford.

7. Vehicle turning facility

Notwithstanding the outline approval of the means of access, any subsequent application for the approval of the reserved matters shall include full details of a vehicle turning facility to be provided within the site. Such matters shall be submitted to and approved in writing by the Local Planning Authority before development begins and the works so approved shall be implemented prior to any part of the development being brought into use.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Local Plan for Bradford.

8. Closure of existing access

Concurrently with the construction of the new vehicular access and prior to it being brought into use, the existing vehicular access to the site shall be permanently closed off with a full kerb face, and the footway shall be returned to full footway status, in accordance with the approved drawings.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Local Plan for Bradford.

9. Construction plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun, or each phase if the development is phased, until a Construction Plan specifying proposals for the management of construction site access and the layout of construction site facilities 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 position and width of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) intended hours of construction work, including any works of demolition;
- iii) intended hours of delivery of materials;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- viii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

10. Wheel wash facility

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

Reason: In the interests of amenity and highway safety, and in accordance with Policies DS4 and DS5 of the Local Plan for Bradford.

11. Off-site highway works

Prior to any part of the development being brought into use, the off-site highway works, shown on drawing numbers:

PRY-BDP-ZZ-00-DR-C-50_30-0010 dated 21/07/20 indicating the Outline Proposed Highway Linework

PRY-BDP-ZZ-00-DR-C-30_14-0001 REV P01 showing the Highway Alignment Sheet 1 of 5

PRY-BDP-ZZ-00-DR-C-30_14-0002 REV P01 showing the Highway Alignment Sheet 2 of 5

PRY-BDP-ZZ-00-DR-C-30_14-0003 REV P01 showing the Highway Alignment Sheet 3 of 5

PRY-BDP-ZZ-00-DR-C-30_14-0004 REV P01 showing the Highway Alignment Sheet 4 of 5 and,

PRY-BDP-ZZ-00-DR-C-30_14-0005 REV P01 showing the Highway Alignment Sheet 4 of 5

shall be implemented in full.

Reason: In order to ensure that a safe access is maintained and to mitigate vehicular movements in the interest of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

12. Separate systems of drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory and sustainable drainage and to accord with Policies DS5, EN7 and EN8 of the Local Plan for Bradford.

13. Surface water run-off

Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network and to accord with Policies DS5, EN7 and EN8 of the Local Plan for Bradford.

14. No piped discharge of surface water

There shall be no piped discharge of surface water from the development prior to the completion of the surface water drainage works, details of which shall have first been submitted to and approved in writing by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- a) evidence to demonstrate that surface water disposal via infiltration or water course are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connections; and,
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and to accord with Policies DS5, EN7 and EN8 of the Local Plan for Bradford.

15. Scheme for foul and surface water drainage

The development shall not begin, or each phase if the development is phased, until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the Outline Drainage Strategy Report prepared by BDP (Document Reference: PRY-BDP-RPT-C-002) dated February 2020. The scheme so approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Local Plan for Bradford.

16. Maintenance plan for surface water drainage

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

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Local Plan for Bradford.

17. Site Investigation Scheme

Prior to the construction of the development, 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 EN8 of the Local Plan for Bradford.

18. Site Investigation Implementation

Prior to construction of the development, 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 EN8 of the Local Plan for Bradford.

19. Remediation strategy

Prior to construction of the development 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 EN8 of the Local Plan for Bradford.

20. Remediation verification

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 EN8 of the Local Plan for Bradford.

21. Unexpected contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

22. Materials importation

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

23. Electric vehicle charging points

Prior to each individual building becoming operational, a scheme detailing the type and location of EV charging facilities serving that building shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 5% of the total parking bays shall have operational EV charging points at the opening date of the development. A further 5% of the total parking bays will be required to have enabling ducting. The minimum standard for the EV charging points provided will be purpose built standard Electric Vehicle Charging points (minimum output of 32A, 7-23KW) with Type 2, mode 3 capability. Buildings on the site shall not be brought into use until the agreed number of operational charging points have been installed and are fully operational. Charging points installed shall be clearly marked with their purpose and retained in a safe operational state thereafter.

Reason: To facilitate the uptake of low emission vehicles by staff and customers and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

24. Construction dust management plan

With the submission of each Reserved Matters application a Construction Dust Management Plan for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The dust management plan 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 and must include all the mitigation measures recommended in table 20 of the air quality impact assessment submitted by the applicant (Redmore ref: 3192). All works on site shall be undertaken in accordance with the approved CEMP.

Reason: To protect amenity and health of surrounding residents in line with the Council's Low Emission Strategy, policy EN8 of the Local Plan for Bradford and the National Planning Policy Framework.

25. Travel plan

Within 6 months of the first occupation of each building, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable travel options for future occupants of the development and include measures and incentives to reduce their reliance upon the private car. The Travel Plan as approved shall be implemented within 3 months of its approval in writing. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: In the interests of promoting sustainable travel and to accord with policy TR1 of the Local Plan for Bradford.

26. Noise levels

The level of noise emitted from the application site (excluding vehicles on the public highway) shall not exceed 48 dB LAr (1 hour daytime) and 38 dB LAr (15 minutes night time) at the residential dwellings nearest to the site on Parry Lane and Buller Street.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

27. Noise and traffic management plan

Prior to the occupation of any building hereby permitted, a noise and traffic management plan for the service yards shall be submitted to and approved in writing by the local planning authority. This should consider noise generated from deliveries, loading/unloading activities, along with general service yard activities, and consideration of any mitigation measures required. The development shall be carried out in accordance with the approved details, which shall be retained and adhered to at all times.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

28. Noise attenuation measures

Prior to the occupation of any building hereby permitted, details of noise mitigation measures to be incorporated within the design of the building and its curtilage shall be submitted to and approved in writing by the Local Planning Authority. These measures should include, amongst other things, the positioning of any openings in the elevations and roof, the location of any associated plant, and, appropriate fencing. The approved details shall be implemented in full prior to the building being first occupied and shall be retained whilst ever the building is in use.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

29. Hours of use

Before the occupation of each building details of the proposed hours of use of the building and servicing times should be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

Informatives:

1) The local waiting restrictions to be approved and implemented in accordance with condition 11 will require the making of a Traffic Regulation Order. You are advised to contact John Rowley of the Councils Highways Department to discuss the procedure for making the Traffic Regulation Order.

2) Reason for pre-commencement condition 15: It is necessary to secure agreement of effective drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Local Plan for Bradford.

3) Reason for pre-commencement condition 16: It is necessary to secure agreement of the maintenance provisions for the drainage system, before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Local Plan for Bradford

4) The applicant should have regard to:

- YALPAG (formerly YAHPAC) 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
- YALPAG 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
- YALPAG (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.

Current editions of these documents are available on the Bradford MDC website

<https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-application-forms/>

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 20th August 2020

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Subject:

A Reserved Matters application for 156 dwellings requesting consideration appearance, landscaping, layout and scale (pursuant to outline approval 16/03804/MAO), on land at the former Riverside Works, Keighley Road, Silsden, BD200EH.

Summary statement:

A Reserved Matters application for 156 dwellings on land at the former Riverside Works, Keighley Road, Silsden, BD200EH. Application reference 19/05267/MAR.

The principle of residential development was established by the granting of outline planning permission under application reference 16/03804/MAO. This application seeks approval of the reserved matters for the internal access arrangements, appearance, landscaping, layout and scale.

The application has been assessed against all Council and national planning policies and has been the subject of amendment to secure required changes to the layout in relation to highway safety requirements.

It is recommended that the reserved matters application is approved. In addition, the Assistant Director of Planning, Transportation and Highways be authorised to agree to the variation of an existing S106 Agreement to secure on-site affordable housing provision rather than a commuted sum of £348,439 as was previously approved at the outline stage.

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:

**Change Programme, Housing, 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 reference 19/05267/MAR made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

None relevant.

5. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

6. LEGAL APPRAISAL

The determination of this application is within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended).

7. OTHER IMPLICATIONS

All considerations material to the determination of the application are set out in the technical report at Appendix 1.

7.1 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 received 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 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. Full details of the process of public consultation undertaken and a summary of the comments made are attached at Appendix 1.

7.2 SUSTAINABILITY IMPLICATIONS

The sustainable location of the site was confirmed with the approval of outline application reference 16/03804/MAO, which confirmed that the site was suitable for residential development. The site is located on the southern edge of Silsden where there are bus services available from Keighley Road and rail links available from

Steeton & Silsden train station. The site is considered to occupy a sustainable location and no adverse sustainability implications are therefore foreseen.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings and land for residential purposes will invariably result in an increase in greenhouse gas emissions associated with both construction operations and the activities of future users of the site. Consideration should be given to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed development is such that the use of sustainable modes of travel would be best facilitated and future greenhouse gases associated with activities of the residents minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points have been secured by the outline planning permission at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, being implemented, 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 Core Strategy Policy DS5

7.5 HUMAN RIGHTS ACT

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

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

The Technical Report at Appendix 1 summarises the material planning issues raised by representations and the appraisal gives full consideration to the effects of the development on residents of Craven Ward.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application for reserved matters as per the recommendation in Appendix 1, or refuse the application.

If the Committee decides that the application should be refused, the reason(s) for refusal would have to be given, based upon development plan policies or other material planning considerations.

10. RECOMMENDATIONS

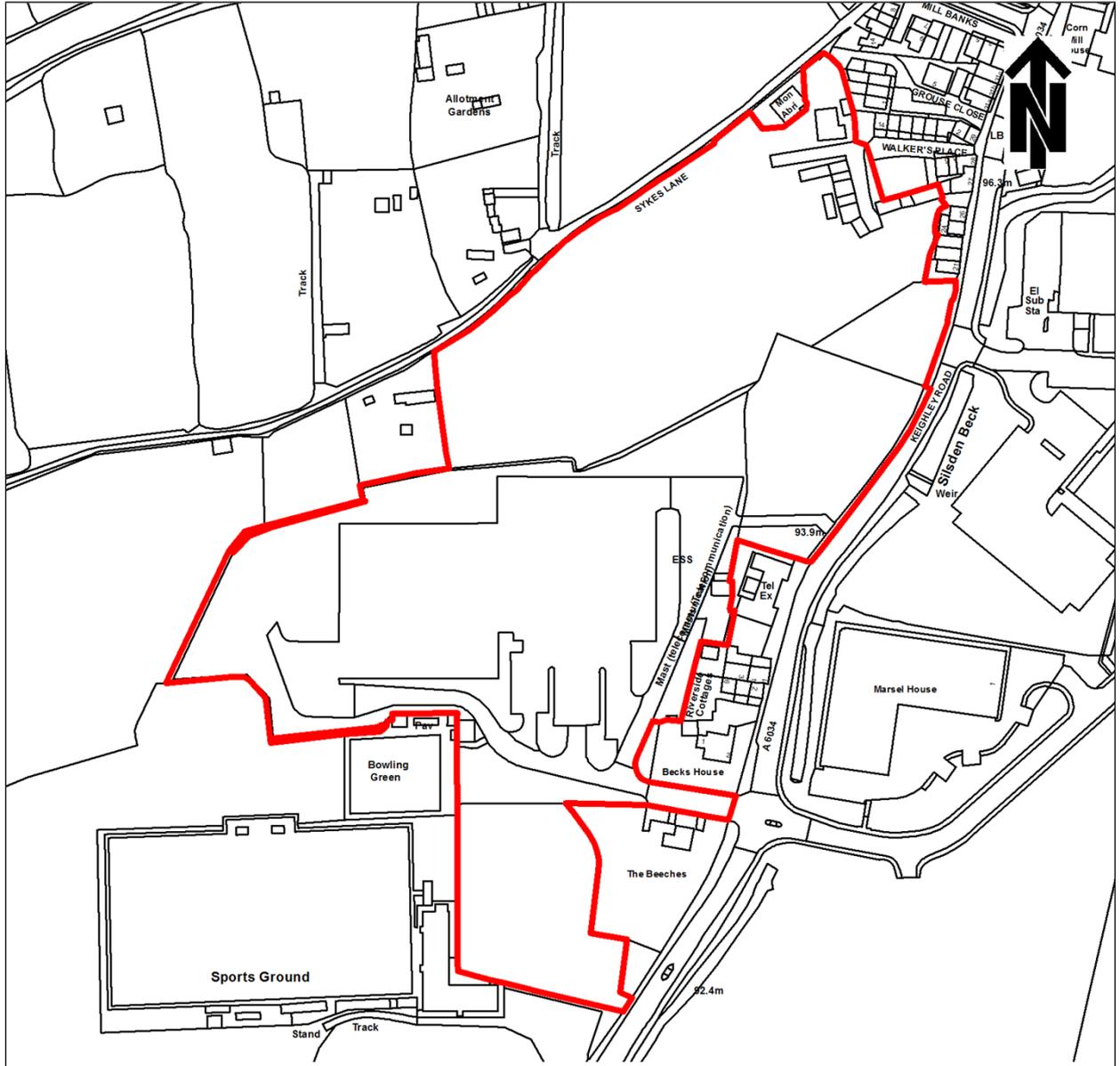
It is recommended that the reserved matters application is approved. In addition, the Assistant Director of Planning, Transportation and Highways be authorised to agree to the variation of an existing S106 Agreement to secure on-site affordable housing provision rather than a commuted sum of £348,439.

11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework (2019)
Adopted Core Strategy 2017
Replacement Unitary Development Plan 2005
Homes and Neighbourhoods SPD 2020



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Appendix 1

Ward:
Craven

Recommendation: Approve Reserved Matters with Conditions.

In addition, the Assistant Director of Planning, Transportation and Highways be authorised to agree to the variation of an existing S106 Agreement to secure on-site affordable housing provision rather than a commuted sum of £348,439.

Application Number:
19/05267/MAR

Type of Application/Proposal and Address:

A Reserved Matters application for 156 dwellings requesting consideration of layout, scale, appearance and landscaping on land at the former Riverside Works, Keighley Road, Silsden, BD200EH.

Applicant:
Lindum Group and Yorkshire Housing

Agent:
Mr Chris Yorke

Site Description:

The site has an area of approximately 5.8 hectares and is located on the south side of Silsden. The eastern boundary of the site has an extensive frontage onto Keighley Road, which is the main arterial route into Silsden from the south.

The site is currently vacant and predominantly comprised of scrubland and ad hoc areas of hard standing associated with the warehousing and light industrial uses which previously occupied the site.

The site abuts the Silsden Conservation Area on its northern edge to Walker Place and the Leeds-Liverpool canal on its north western edge at Sykes Lane.

The site falls gradually from north to south and part of its south eastern boundary abuts houses which lie in close proximity to Keighley Road. To the north of the existing houses but within the eastern apex of the site lies a long frontage boundary to Keighley Road and part of this land was formally allocated as a phase 1 house site (K/H1.40). To the south lies the green belt and the football and cricket pitches with their associated clubhouse. To the west of the site lies a parcel of safeguarded land (RUDP reference K/UR5.37). To the north lies a parcel of employment land (RUDP reference K/E1.9) which is also within the employment zone. Sykes Lane forms part of the north western boundary of the site. Existing access to the site is via Keighley Road.

Relevant Site History:

16/03804/MAO- Demolition of existing buildings and the construction of upto 142 dwellings- Granted Subject to Section 106 Agreement-26.11.2018

14/01059/MAF - A full application for the (i) demolition of buildings and construction of a food store and petrol filling station with associated car parking, servicing, highway works including formation of vehicular access and cycle/foot way, and hard and soft landscaping and; (ii) formation of all-weather sports pitches and associated car parking.

13/00990/PN – Prior approval granted for demolition of single storey warehouse building.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP):

Allocation

A large part of the site is unallocated but lies within a designated employment zone (K/E6.1) within the Replacement Unitary Development Plan. A small part of the site forms part of a much larger parcel of employment land (K/E.19). A small area of land in the south apex of the site lies within the greenbelt. The remainder of the application site is allocated as a former phase 1 housing site (K/H1.40).

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of further Allocations and Area Action Plan development plan documents.

Neighbourhood Planning

The site is located within the Neighbourhood Area Designation of the Steeton with Eastburn and Silsden Neighbourhood Plan. The remaining stages of the adoption process are for the neighbourhood plan to undergo an independent examination and for a referendum to be held after which, if more than half of those voting are in favour, the plan will come into force as part of the statutory development plan for the area

The emerging neighbourhood plan has not yet undergone independent examination or referendum and therefore whilst it is a material consideration in the decision making process it can only be given limited weight at the present-time

The Core Strategy for Bradford Policies

Transport

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking

TR5 Improving Connectivity and Accessibility

Housing

HO5 Density of Housing Schemes

HO6 Maximising use of Previously Developed Land

HO8 Housing Mix

HO9 Housing Quality

HO11 Affordable Housing

Environment

EN1: Protection and improvements in provision of Open Space and Recreation Facilities

EN3 Historic Environment

EN4 Landscape

EN8 Environmental Protection Policy: Air Quality, Land Contamination and Nuisance

Design

DS1 Achieving Good Design

DS2 Working with the Landscape

DS3 Urban character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

Implementation and Delivery Policies

ID3 Developer Contributions

Homes and Neighbourhoods - A Guide to Designing in Bradford 2020 SPD

(adopted by the Council as a Supplementary Planning Document (SPD) on 4 February 2020).

The following policies in particular apply to this proposed development:

- Housing mix
- Provision of open space within developments
- Appropriate landscaping
- Play: local parks and access to the countryside
- Parking provision
- Cycle parking
- Storage of Waste
- Making a Home: Flats and Apartments – access and circulation, views and aspects, communal facilities, conversions.

- Light and ventilation
- Outdoor space
- Materials and details
- Privacy
- Energy efficiency

Town Council

Silsden Town Council have offered the following comments:

Where is Penistone Road as referred to on page 26 of the Design and Access Statement?

We dispute the information supplied regarding transport links as there is no direct bus from Silsden to Skipton.

Within the development we question the use and length of the shared private road and question bin lorry and emergency vehicles ability to access these properties.

The piece meal approach to highways is concerning given the already congested traffic using Keighley Road and believe a holistic approach should the development go ahead with the 2nd phase develop traffic plan implemented with the 1st phase development.

Due to flooding issues well known in this area the surface water must enter the beck below the culvert and not at the culvert.

There is no new FRA and the original one does not taken into account the levels of the houses, this council will forward photographic evidence to the case officer to show the level of flooding possible and request the EA revises its initial assessment to take this local knowledge into account.

Please also refer to your own drainage report regarding the FRA. We strongly question the sustainability of this development as we see no improvements to utilities, infrastructure and employment needs. Bradford's own documentation shows that sewerage and electric capacity has been reached and that both require major improvements to cope with any new housing.

The biodiversity management plan shows planting will hide the proposed pond, which as it's in an open space is a safety risk and the pond should be fenced off or covered with a solid mesh to stop someone falling in unnoticed.

There is no mention at all of the Japanese knotweed which requires strict guidelines and time frames to be followed for its removal.

This council has also been given evidence of the colony of Bee Orchids on this site which is a rare sight and we urge both BMDC and the developers to protect the colony.

This council believes that as outline planning was granted including a s106 contribution which was then subject to amendment this amendment should be signed and the application not be considered under CIL as this application was accepted and determined at outline stage prior to the implementation of CIL with BMDC.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the submission of comments was 27th February 2020.

A total of ten representations were received consisting of six objections and four general comments.

Summary of Representations Received:

Objections:

The land is unsuitable for residential development because of flood risk.
The new properties will be close to the boundary fence of The Beeches.
Keighley Road is unsafe
Keighley Road is already congested
Access onto Keighley road is dangerous and will worsen as a result of additional traffic
Cottages fronting Keighley Road should be allowed to take access from the internal highway network of the new development.
Silsden needs a bypass
Why should the residents of this proposed estate be able to get out of Silsden (towards the A629) easier than the rest of Silsden residents and through traffic?
At peak times Keighley Road is backed up to the A629, traffic lights at this point will make the situation much worse.
The main entrance / exit to this estate should be a roundabout at the junction of Belton Road /Keighley Road.
The development will increase flooding from Silsden Beck.
Surface water run-off will flood houses on Keighley Road
Brooks Ecological ReportR-3763-01 Dec 2018, Preliminary Ecological Appraisal and the subsequent Biodiversity Management Plan dated 14/11/19 are deeply flawed.
Bee Orchids were found on the site in April 2019
No play space of children is provided within the development as is required by the Homes and Neighbourhoods Design Guide
Access to The Beeches should not be altered by this development.
Do Bradford Council still own part of this site
What happened to the three listed buildings on this site.

Consultations:

Highways (13.02.2020)

The proposal is now for 156 dwellings, six more than was assessed in the Transport Assessment (submitted and approved under 16/03804/MAO) which accounted for 150. A Transport Note has been submitted considering the additional six dwellings and this is acceptable.

Access to the site has previously been agreed with additional land set aside for a future traffic signal junction, should the Strategic Housing site to the west be developed as a continuation from the spine road proposed through this site. A dashed line is provided on plan to identify that land safeguarded for future traffic signals. It is vague as to where this ties in with Keighley Road and the proposed site access. For clarity, safeguarded land should be shown more accurately on plan.

The spine road would form a Type 1 connector street and guidance is that no frontage access should be taken from a road of this order. However, driveways are proposed with direct access which would be unacceptable and the layout should be amended accordingly

The site plan appears to indicate traffic calming features, (speed humps?) throughout the site. Traffic calming should be in the form of natural bends in the horizontal alignment, or node points with deflection. Therefore, the layout should be reconsidered to design out the requirement for speed humps etc.

There are a number of driveways that meet the carriageway at an angle which would be likely to lead to turning and visibility difficulties. All driveways should be orientated to meet the carriageway at 90 degrees.

There are a number of driveways in close proximity to junctions within the site (plots, 143, 113, 76, 78, 62, 61, 97, 29, 30, 79). Driveway locations should be reconsidered accordingly.

Visitor parking within shared surface areas should be provided in parallel to and within the adoptable carriageway, not perpendicular to it, as proposed.

Those shared surface areas with turning heads to cater for a refuse vehicle should have a minimum width of 5.5m. Some scale from plan at 4.5m which would be unacceptable.

There should be no radius kerbs within shared areas. These should be replaced with taper kerbs.

A number of driveways are proposed adjacent to transitions between type 2 to type 3 (shared surface roads) which would be unacceptable. Driveway locations to be reconsidered.

Transition details between the shared surface to plots 22 to 28 and plot 42 to 56 and the type 2 road are incorrect. A ramp should be provided between the two, with footway continuing 2m beyond the ramp, then tapering down to the hard margin, over the following 2m.

Emergency Access is proposed from a private drive to the rear of plot 22. In order for this to be acceptable for use as an emergency access it would need to be adopted as highway. A 1.8m footway should be provided along the northern side and across the end of this road, linking to that footway proposed continuing to the shared surface area. Details of the proposed removable bollards should be submitted.

A private drive is proposed to plot 131 to 135, with access taken from the corner of a turning head. The angle at which it meets this turning head would be likely to lead to turning difficulties and also construction difficulties. Furthermore, that driveway proposed to plot 135 immediately after/during the turn would be likely to be operationally impracticable. The applicant may wish to consider providing a 'Y' shaped turning head to the adoptable road at this location which may ease the turn and the driveway location should also be reconsidered.

This private drive is approximately 55m long. Normally a new private drive over 45m long should provide a turning area to avoid the need for vehicles to reverse long distances. I have concern regarding visitor parking and as to where visitors would turn. Provision should be made and indicated on plan. Furthermore, I have concern with regard to bin collection for these properties. A refuse vehicle should be able to get within 25m of all bins. Therefore a bin collection point should be provided as close to the adoptable turning head as possible.

Carriageway and footway dimensions should be provided on plan.

Design and Conservation (31.01.2020)

It has previously been stated that it is imperative that development here enhances the setting of the Silsden conservation area, and reinforces the character of the town by restoring the southern gateway to the town. It will be imperative for buildings adjacent to Keighley Road to directly address the road and both by their physical presence, relationship with the road and architectural design, restore the local distinctiveness of this approach to the town. Elsewhere in the development the layout, built form and sense of place of the development should read as a seamless continuation of the character of Silsden, that is an irregular and intimate layout with clusters of buildings of random and varied size, shape and form reflecting piecemeal organic development.

The submitted statement suggests an appreciation of the need for exceptional quality of development here, but unfortunately the layout and building design fails to make this a reality. The layout remains that of a suburban estate with open, sweeping approach into the development, flanked by standard house types. It is considered unlikely that the broad application of standard house types will achieve a successful integration of the development into the local context. This layout, spacing and architecture appears to have limited recognition of the local context or character. The relationship of buildings to the roads and orientation of built form conflicts with local character in the conservation area.

To the north-western edge the site addresses Sykes Lane and the edge of the canal conservation area. Sykes Lane is a historic thoroughfare with distinctive character, flanked by hedgerows. It will be necessary for the development to respect and complement that character, and not turn its back on this right of way. The provision of 1.8m close boarded fencing here is not acceptable.

On the Keighley Road frontage, the houses to the north of the site access do not closely address the road. This spacing is not consistent with the prevailing character along this approach to Silsden where built form closely addresses the road. The inclusion of gables into the house types on this frontage is also not consistent with the simple local vernacular. The chimneys shown are disproportionately small, and the eaves detail unclear. Gutters on this frontage at least should be supported in a traditional manner without fascia boards. Natural stone should be specified, to a compatible finish. Render has no local relevance in the surrounding context. The roofs should be of slate or demonstrating that appearance. A slim leading edge as opposed to a chunky concrete tile is required.

At present the development is assessed as not maintaining or enhancing the setting of the conservation area, and not restoring the fragmented nature of the key approach along Keighley Road. This fails to adequately accord with the NPPF and to satisfy policies EN3, DS3 and SC1 (11)

Trees Team

The tree survey submitted is noted but there is no arb impact assessment demonstrating that the layout has fully considered trees. Further details are required with respects to shading from retained trees and all other issues are defined in BS5837:2012. Evidence showing that the application is acceptable (rather than an unsubstantiated opinion after the fact) would be useful, i.e. submission of the report that accompanied application 16/03804/SUB02 would probably not be sufficient to demonstrate that the layout etc has adequately considered trees.

Full engineering details including levels through and cross are required accompanying an arb MS which should show that any proposed tree protection measures can be implemented to preserve trees that contribute to the semi-rural location (especially to boundaries). The arb MS should provide construction exclusion zones so that there is clarity over what is and is not being proposed in relation to engineering within RPAs.

The engineering to the south of the site will in effect destroy the current line of trees. Whilst some trees are suffering the line of trees ought to be re-instated and a feature of the site, not destroyed.

Some tree retention is misplaced.

Tree planting within wider landscaping proposals should be improved to mitigate the proposed harm and loss of existing trees. Planting in back gardens does not provide any particular mitigation as the retention of this type of tree is not usually enforceable. Tree lined estate road would be especially welcome. The application currently does not meet EN5 and there is a lack of justification and evidence that scheme is arboriculturally acceptable. The above issues are remnant from the lack of clarity on the 16/03804/MAO submission.

Yorkshire Water (28.02.2020)

Based on the information submitted, Yorkshire Water has no objection in principle to:

- 1) The proposed separate systems of drainage on site and off site
- 2) The proposed amount of domestic foul water to be discharged to the public combined sewer network pumped at a rate of 6 litres/second
- 3) The proposed point) of discharge of foul water to the public combined sewer in Keighley Road.

submitted on drawing SILS-AWP-ZZ-ZZ-DR-C-3350 (revision P2) dated 15/11/2019 that has/have been prepared by Alan Wood & Partners.

The submitted drawing shows surface water proposed to be drained to watercourse.

It is understood that a sewer is recorded crossing the site on the public sewer map but this pipe is no longer in service. The developer should make application to Yorkshire Water under formal procedure in accordance with Section 116 Water Industry Act 1991. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements

Landscape Architect (09.03.2020)

The submitted landscape information is only indicative; no detailed landscape proposals have been submitted.

The present application is for 156 dwellings; which is an increased number on the previous application. The increased number of dwellings will result in an increase in housing density with opportunities of open green areas and screening within the development reduced. As a consequence, this will increase the impact of the development on the surrounding landscape character area.

The site is visible from major transport routes running through the floodplain and from the opposite valley side. The proposals though, do not give sufficient consideration to its impact on views in and out of the site. Mitigations measures are essential for reducing the impact of the development; these should be in the form of open spaces within the development and trees for softening and providing a rural interface appropriate for the local landscape. Generally, the landscape proposals for the site should aim at providing a strong landscape framework, with trees and planting to soften and enhance the environment and contribute positively to the character of the area.

With regards to the hard landscaping across the scheme: there is discrepancy in the information submitted. In fact, the Design and Access Statement suggests incorporating paving blocks for shared areas and for private drives and driveways, whilst the submitted plans indicate bitumen macadam for the same areas. The palette of materials should be chosen to provide strong aesthetic qualities for the development. Also boundary settings to the property curtilages should be considered, to include boundary walls, railings, hedges etc. as appropriate for the location.

Environment Agency Updated Comments 20.07.2020

We have reviewed the following information submitted with the application;

- Technical note discharge of conditions by Weetwood 'proposed residential development former riverside works, Keighley Road, Silsden' dated 8th July 2020

Based on our review of the above we are now in a position to remove our holding objection and approve conditions 6, 7 and 10 as per the outline ref: 16/03804/MAO. Our detailed comments are as follows.

Section 11 of the technical note addresses our previous follow up questions such that these are satisfied. We note that the proposed scenario shows limited flooding at the southern end of the site for the 1% plus 50% allowance for climate change, as stated in section 20, this does not impinge on any built development.

We have also noted the technical note has assessed the residual risk as worst case – which we have no objection to.

Finished floor levels: The technical note provides an assessment of the 'undefended scenario'/ residual risk via wall removal; outputs are shown in Annex F. Section 24 of the technical note states all residential properties shown to remain dry in the modelled 1% annual exceedance probability plus 50% allowance for climate change.

Annex H which shows proposed finished floor levels and modelled flood levels where

all properties are shown to be above the on-site flood levels.

Access/ Egress: During the 1% AEP plus 50% allowance for climate change event the technical note states some shallow flooding can be expected within the gardens (shown on Annex H) with flood depths modelled to show between 60mm and 80mm. Hazard rating is stated to be very low in this event such that the anticipated flood depths are not expected to prevent safe access and egress.

Therefore, the technical note proposal is in line with condition 6 (finished floor levels are set no lower than 300mm above adjacent ground levels).

Pre and Post development Fluvial Flows: The technical note has provided assessment of the 'proposed' vs residual with pre and post development fluvial flows such that in all cases the dwellings are shown to be dry in both the 1% plus 30% and 50% allowances for climate change. Section 33 of the technical note states there is no change in off-site flood risk. We therefore consider condition 7 discharged in line with Annex I.

The above also satisfies condition 10.

Environmental Health Air Quality (15.01.2020)

The following condition was placed on the outline planning permission for the site (16/03804/MAO)

15. Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack / travel planning

Reason: To facilitate the uptake of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with policy EN8 of the Core Strategy and the National Planning Policy Framework (Paragraph 35).

It is unclear from the reserved matters submission how the applicant intends to meet this requirement on the site. Please ask the applicant to provide further details on this matter.

Dust Management Plan: Condition 16 placed on the outline planning permission for the site (16/03804/MAO) required a Construction Emission Management Plan (CEMP). Specifically the condition required:

“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”.

There does not appear to be a dust risk assessment or construction dust management plan associated with application 19/05267/MAR. These will be required prior to *commencement of works on the site.*

Travel Plan: Condition 17 required implementation of a Travel Plan as follows:

17. The development shall not be occupied prior to implementation of those parts of the approved Travel Plan (ref: BWB Travel Plan; LDT2128, dated 19 April 2016) that are capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as only being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development is occupied.

Reason: To encourage alternative modes of sustainable transport and build upon existing modes of transport to provide a sustainable development in accordance with paragraphs 17, 29, 32 and 36 of the National Planning Policy Framework and policy TR1 and SC9 of the Core Strategy.

It is recommended that the travel plan covers measures that encourage the uptake and use of low emission vehicles.

Lead Local Flood Authority (20.01.2020)

The LLFA do not have any objections to the developer's proposals, which are outlined in this RM application.

The LLFA do not require any additional drainage conditions to those which are already attached to the outline planning approval 16/03804/MAO, (which I believe we have already discharged).

West Yorkshire Police (24.01.2020)

Boundary treatments: The heights and materials which are shown on the boundary treatment plan are acceptable. Gated access should be an 1800mm high close boarded timber fence with locking mechanism to restrict access to the rear gardens.

The access roads which are adjacent to the areas of public open space at the south of the site and on the east boundary to Keighley Road, installing either a knee rail fence or planting along the edge will prevent any visitor parking directly on the grassed areas. The land to the south shows existing trees, however I'm not sure whether these would prevent any vehicle wheels from mounting the grassed area.

The Sub-station which is shown next to plot 87 shows open access, which could end up being used as a parking area. It would be prudent to fence around this location with a 1000mm high fence, railing to the side of plot 87's parking bay and fence / gate on the front.

Rear parking for plot 1: Plot 1 shows vehicle access from a rear drive that is quite remote from the dwelling and has reduced natural surveillance, which creates more vulnerability to potential vehicle crime or ASB issues. If access is unable to be provided from Keighley Road due to busy traffic or visibility issues, it would be recommended to have parking in tandem to the side of the property. If the internal layout was flipped so that the kitchen and lounge are on the southern side of the elevation, including a small side window in one of these active rooms will increase natural surveillance of the parking bay. Plot 2 should have its rear gate removed and plot 1 would require a small side window in the active room to overlook this entrance to the access road. It should also be lit.

Another option would be to flip the layout as noted above, leave the utility door at the rear ensuring that this is a composite style of door which is more durable. Remove the French doors at the rear and change to a window which allows some surveillance. If the rear garden is moved to the south side of the dwelling, this area could include a French door for access. The garden should include 1800mm high fencing. What was shown as the rear garden could become a parking area, this would reduce the length of the access road and become a private road for this plot only. As noted above, including a side window in plot 4 will increase natural surveillance and plot 2 rear gated access should be removed.

Surveillance of parking: Where parking is shown in tandem there should be a small side window included in one of the active rooms (i.e. kitchen or lounge) that can overlook the parking bay and its neighbour. This would apply to plots; 1 as noted above, 10, 11, 23, 24, 31, 32, 34, 47, 49, 50, 54, 55, 56, 57, 60, 61, 62, 70, 71, 72, 73, 86, 92, 94, 96, 97, 115, 117, 119, 129, 132, 134, 135, 147,

Management plan of public open space: There should be a good management plan of the public open spaces to ensure that these remain tidy and maintained over in the coming years.

External lighting: There should be good lighting levels within the site that provide good colour rendition levels to ra 60 or above such as the warm white led lights to standards BS 5489:2:2016. There should also be a lighting located on the access road to plot 1. If the 2 parking bays to plots 2 and 3 are moved slightly to the east, this may allow a light column to be fitted on the approach of the access road. Each plot should include external lights above the front and rear access doors such as photo electric cell or dusk until dawn lights which have warm white led lights that can illuminate the access doors and parking area for plot 1.

West Yorkshire Combined Authority (31.01.2020)

N.B The provision of electric vehicle charging points was secured at the outline planning application stage in lieu of a contribution towards a bus stop information display and residential metrocard scheme.

The site is located within the recommended 400m from the nearest bus routes that operate on Keighley Road. We generally take a pragmatic approach to walk distances to take the size and location of development sites into account. When doing so, we also have to consider the development type and the level and quality of service (frequency and destinations served) at the destination bus stop.

Bus services which operate on Keighley Road include the 62 which operates between Keighley and Ilkley at a 30minute frequency, extending every 60 minutes to Leeds/Bradford Airport, and the 66 which operates between Keighley and Skipton at a 60minute frequency. The bus availability for the site is therefore considered to be acceptable. The size of the development is unlikely to change the bus route of frequency.

The closest bus stop on this corridor 16918 would benefit by the installation of a Real Time Information display at a cost to the developer of £10,000.00. To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to

fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site.

The payment schedule, mechanism and administration of the fund would have to be agreed with Bradford Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal RMC scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £79,794.00. This equates to bus only Residential MCards

Biodiversity

The management plan provided provides a good overview of management of the grasslands and the placement of the integrated features for bats, birds and hedgehogs. However, we requested habitat and possibly SUDs enhancements throughout the site and at the moment it appears that the majority of enhancements are offset to the south. Please can you provide justification to this.

Have all the Invasive species been dealt with as there are no management plans within this application.

We requested a CEMP to be provided. We are particularly concerned that any protected species are protected during construction. Please can you clarify if this is in order. A bat roost was located in one of the buildings. Please confirm that all licencing is in order. (this may have been the subject of a previous application for discharge of conditions).

We were alarmed to read in the comments from the Parish Council that an area of bee orchids are known to be located on the site. This was not picked up by the Ecologists in the PEA (April2019). Generally these will occur in a situation of semi-natural and open habitat. Please can the presence and location be confirmed and any further mitigation provided. There may be opportunities to relocate the soils to the area of biodiversity enhancements to the south.

Summary of Main Issues:

This is a Reserved Matters application seeking approval for the following only:

- Access (other than at the Keighley Road junction and the provision of an internal link road which is shown on drawing SIL-BWB-00-02-DR-TR-100 rev P2) on the outline consent.
- Appearance
- Landscaping
- Layout
- Scale

Appraisal:

Principle

The principle of residential development was established through outline application reference 16/03804/MAO which granted permission for residential development with an indicative plan illustrating a layout of 142 dwellings. The outline planning permission does not include an express condition limiting the upper number of units to 142. This submission seeks reserved matters approval for 156 dwellings. The increase in the number of units is not considered to be significant enough to prevent the development from been carried out under the authority of outline planning permission reference 16/03804/MAO. The principle of residential development remains acceptable.

Members Are reminded that matters dealt with at the outline planning application stage are not the subject of this application and are not for consideration.

Access

Network Capacity

The site benefits from planning permission for the construction of upto 142 dwelling as approved by outline application reference 16/03804/MAO. As part of the outline submission a Transport Assessment (TA) and Transport Assessment Addendum (TAA) were submitted which considered the impact of upto 150 dwellings on the highway network.

This reserved matters submission proposes a layout of 156 dwellings, six more than was considered at the outline application stage.

A Transport Note (BWB Consulting) has been submitted in support of the current application which assesses the impact of the additional dwellings.

The additional six dwellings would be accessed via the arrangements approved as part of the outline planning permission. That is an approved priority controlled T-junction with a central ghost island on Keighley Road for right turning vehicles. The junction was modelled with the impact of 150 dwellings at the outline application stage. The Transport Note submitted in support of the current application has updated the modelling of the junction to consider the impact of 156 dwellings. The updated modelling demonstrates that the junction will operate within capacity during the AM and PM peak periods of traffic flow and that no further mitigation is required.

Accordingly, the site access arrangements are considered to be suitable to serve the number of dwellings proposed and the development is not considered to have a significant impact on the highway network in terms of capacity or congestion.

Internal Layout

The internal road and pedestrian layout of the site has been the subject of discussion and amendment to secure a layout that meets with the requirements of BMDC Highways Development Control.

The elements of the highway layout that were fixed as part of the outline planning permission are included in the proposed layout. Namely, the provision of a spine road which is of a suitable standard to provide future access to the area of safeguarded land (K/UR5.36-Sykes Lane) to the north-west and the provision of a priority T-junction and

ghost island onto Keighley Road with adequate land retained to ensure that the junction can be signalised in the event that the neighbouring safeguarded land is developed.

The layout has been amended so that the units nearest to the junction of the spine road and Keighley Road do not have direct driveway access. This will ensure that the junction can operate safely when signalised, if the neighbouring safeguarded site is developed.

The internal layout has been amended to ensure that an acceptable hierarchy of suitably designed roads is provided within the site with adequate traffic calming and transition arrangements. The positioning of driveways has been considered across the site and amended to ensure that the locations enable the safe access and egress of vehicles. Vehicle tracking information has been submitted which demonstrates that the site can be safely accessed for refuse collection and by emergency vehicles. The proposed emergency access onto Keighley Road has been amended to ensure that it is of an appropriate design and adoptable standard.

The level of parking provision across the site is in accordance with the requirements of Appendix 8 of the Core Strategy which requires the provision of an average of 1.5 spaces per dwelling.

The layout includes a pedestrian link to Keighley Road at the main site access as well as further links at the northern and southern ends of the site. The pedestrian links would ensure that the site is well connected with the existing footpath network providing easy access to local amenities and public transport connections.

In conclusion it is considered that the development would not have a significant impact on the highway network in terms of capacity or congestion and the internal layout of the site has been designed to ensure safe and suitable access for all users whilst forming successful connections to the existing street and path network, local facilities and public transport links.

The proposed development is considered to accord with policies TR1, TR2, TR3, TR5 and DS4 of the Core Strategy, paragraph 108 of the National Planning Policy Framework and the Homes and Neighbourhoods design guide supplementary planning document.

Appearance

The National Planning Policy Framework (NPPF) makes clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, as it creates better places in which to live and work and helps make development acceptable to communities.

At the local level the aforementioned objectives of the NPPF are reflected in the Design policies of the adopted Core Strategy. Specifically, policy DS1 of the Core Strategy requires development to be of a good design which is informed by an understanding of the site and its context. Policy DS3 of the Core Strategy requires that development proposals create a strong sense of place and are appropriate to their context in terms of layout, scale, density, details and materials. Policy EN3 of the core strategy is focused on the protection of heritage assets and requires developments to protect and

enhance the character, appearance, and historic value and significance of the District's designated and undesignated heritage assets and their settings.

The proposed development would provide 156 dwellings consisting of a variety of house types including detached, semi-detached and terraced properties. The variety is considered to be a positive element of the design and the proposed unit types are considered to be acceptably located across the site to ensure that the development is reflective of the surrounding area.

The site abuts the Silsden Conservation Area to north-east and the Leeds Liverpool Canal Conservation Area to the north-west. A significant proportion of the eastern boundary of the site forms an infill in the built form on the approach into Silsden from the south.

In this regard it is necessary for the dwellings in the north-eastern quadrant of the site, and those fronting onto Keighley Road, to incorporate design details which are of a local vernacular and in keeping with the distinctive characteristics of the area to ensure that the development appears as a logical continuation of the settlement.

The Silsden Conservation Area Appraisal identifies the predominant use of stone for elevations and boundary walls and the use of stone slate and blue/grey slate roofing materials. Chimney stacks are also identified as making a strong contribution to the quality of the roofscape. The dwellings in the north-eastern quadrant of the site and on the eastern boundary would be constructed of stone with dark grey roofs and chimney stacks. A number of terraced properties are proposed in this location in order to reflect the existing terraced housing stock within the adjacent conservation area. A stone wall would be constructed along the eastern frontage of the site enclosing a newly formed area of landscaping. Subject to the approval of sample materials it is considered that an acceptable interface would be achieved between the proposed development and the existing settlement. The development would not detract from the character or setting of the Silsden Conservation area to the north-east, or the Leeds Liverpool Canal Conservation Area to the north-west.

The development would provide a variety of detached, semi-detached and terraced dwellings. Eleven different house types are proposed with nineteen different configurations across the site. Stone elevations and grey slate roofs are the predominant construction materials. In terms of design details the house types would include stone heads and cills to the windows and stone heads to the doors. A variety of entrance canopies are proposed, consisting of flat, mono-pitch and apex designs, to add a degree of variety to the streetscenes across the development.

Subject to the approval of sample materials the proposed development is considered to be acceptable in terms of appearance and it is not considered to detract from the character of the Silsden Conservation Area or the Leeds Liverpool Canal Conservation Area. The development is considered to accord with the requirements of the NPPF and policies DS1, DS3 and EN3 of the Core Strategy, as well as guidance contained within the Homes and Neighbourhoods Supplementary Planning Document.

Landscaping

Policy DS2 of the Core Strategy requires development proposals to take advantage of existing landscape features, integrate development into the wider landscape and create new quality spaces.

The key existing landscape features of the site are considered to be the hedgerows and vegetation on the north, south and west boundaries. These features would be retained as part of the development and additional tree planting is proposed in the rear gardens of plots 48-52 on the western edge of the site. The retention of the existing boundary hedgerows and vegetation and the provision of additional planting on the outer edge of the site is considered to successfully filter long distance views of the development and ensure that the proposal would successfully integrate into the wider landscape.

In respect of the introduction of new landscape features a 0.5ha area of public open space is proposed on the southern edge of the development. The area would consist of flower rich grassland with tree planting and a detention basin. The development includes tree planting and soft landscaping at key locations across the site and within the communal car parking areas. The proposed planting would assist in enhancing the quality of the streetscape and in softening the appearance of the development in longer distance views.

A detailed Biodiversity Management Plan has been provided for the entirety which includes management arrangements for wildflower grassland, proposals to enhance the existing native hedgerows and provision of integrated and tree mounted bat boxes and sparrow boxes. Adherence to the Biodiversity Management can be secured by a planning condition.

In terms of hard landscaping a variety of boundary treatments are proposed across the site including stone walling to the site frontage and close boarded timber fencing to enclose rear garden boundaries. The provision and retention of the boundary treatments can be ensured by a planning condition.

The proposed landscaping details are considered to be acceptable and the development would accord with policy DS2 of the Core Strategy.,

Layout

The development would provide 156 dwellings over an area of approximately 5 hectares resulting in a development density of 31 dwellings per hectare. The density of development is considered to be in keeping with the surrounding area and is sufficient to ensure the efficient re-use of what is predominantly brownfield land.

The east boundary of the site includes a substantial frontage on Keighley Road, which is the main approach road into Silsden from the south. The layout would successfully restore the building line in this location through the introduction of ten dwellings fronting onto Keighley Road. The dwellings have been positioned as close to the existing building line of Keighley Road as possible, whilst also allowing for the retention of land which is safeguarded to enable the future provision of a signalised junction.

The details of the site access and the primary estate road were approved as part of the outline planning permission and they have been fully incorporated into the layout of this reserved matters submission.

In terms of movement, it is considered that the hierarchy of highway and pedestrian routes through the site is appropriate. The development would provide good footpath links to Keighley road with pedestrian access points at the north and south ends of the site, as well as at the primary site access. This is considered to be a positive feature of the layout as it will encourage walking and cycling to both Silsden town centre and to Steeton and Silsden railway station.

The development layout provides sufficient separation distances to ensure that the habitable room windows and rear gardens of the proposed dwellings would not be overlooked, nor would they result in the overlooking of any existing dwelling. Adequate separation is also provided to ensure that no adverse overbearing or overshadowing would occur. The proposed dwellings would benefit from appropriately sized amenity areas and bin storage provision to ensure that prospective residents are afforded an acceptable level of residential amenity.

In conclusion it is considered that the layout would respond sensitively to the site and the surrounding area, ensuring that dwellings, pedestrian routes and open spaces are well related to each other and that they would not detract from the character of the existing settlement. The development is considered to accord with the requirements of policies SC9, DS1, DS2, DS3 and DS4 of the Core Strategy and the Homes and Neighbourhoods Design Guide Supplementary Planning Document.

Scale

The proposed dwellings would be two storeys in height with modestly sized footprints. The scale of the dwellings is considered to be consistent with the scale of existing buildings on Keighley Road to the east and with the scale of buildings within the Silsden Conservation Area to the north. The scale of the proposed dwellings is not considered to appear unduly incongruous when viewed from within the existing settlement or in longer distances views from the south-west of the site. The proposal is therefore considered to accord with policies DS1 and DS3 of the Core Strategy and the Homes and Neighbourhoods Design Guide Supplementary Planning Document.

Other Matters

Housing Mix

Policy HO8 of the Core Strategy seeks to provide a mix of housing to meet the needs of the districts growing and diverse population. The primary strategic objective is the delivery of more family housing followed by the need to deliver affordable housing to meet the needs of people on lower incomes and first time buyers.

The submitted information indicates that the development would consist of 2, 3 and 4 bedroom units with a mix of 34% 2 bedroom, 64% 3 bedroom and 5% 4 bedroom units. All of the proposed dwellings would be made available for a mix Affordable Rent, Shared Ownership and Rent to Buy Tenures.

The proposed development would make a significant contribution towards meeting the need for family housing and the provision of affordable housing to meet the needs of

people on lower incomes and first time buyers. The proposed development would accord with requirements of policy HO8 of the Core Strategy.

Community Safety

Policy DS5 requires that development proposals are design to ensure a safe and secure environment and reduce 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:

- The provision and retention of suitable boundary treatments
- Adequate natural surveillance of car parking spaces

The submission has been amended to ensure that plot curtilage boundaries are of an appropriate height and siting to afford sufficient security. The locations of habitable room windows have been adjusted to ensure that on plot parking benefits from sufficient natural surveillance. The north-east quadrant of the development includes a rear parking court, which were required as direct driveway access to the main spine road could not be achieved without resulting in highway safety implications. A condition can be imposed to ensure that details of the secured by design principles to be implemented within the rear parking courts are submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Subject to the aforementioned condition 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. There are no grounds to conclude that the proposed development would create an unsafe or insecure environment and the proposal is considered to accord with policy DS5 of the Core Strategy.

Further Issues Raised by Representations

The land is unsuitable for residential development because of flood risk.

The principle of residential development was accepted with the approval of outline planning application reference 16/03804/MAO and detailed planning conditions were imposed to deal with issues of flood risk.

The new properties will be close to the boundary fence of The Beeches

The proposed development will be sufficiently separated from all neighbouring dwellings to ensure that no adverse residential amenity implications would be incurred in accordance with policy DS5 of the Core Strategy.

Keighley Road is unsafe

The location of the site access and its detailed design were accepted with the approval of outline planning application reference 16/03804/MAO. An updated Transport Assessment has been submitted which demonstrates that the minor uplift in the number of dwellings proposed would not have an adverse impact on the highway network.

Keighley Road is already congested

The impact of the development in terms of capacity and congestion was considered as part of the outline planning application and it was considered to be acceptable. An updated Transport Assessment has been submitted as part of this application which demonstrates that the minor uplift in the number of dwellings proposed would not have an adverse impact on the highway network.

Access onto Keighley road is dangerous and will worsen as a result of additional traffic
The location of the site access and its detailed design were accepted with the approval of outline planning application reference 16/03804/MAO. The necessary details are included in the layout proposed as part of this reserved matters submission. The access onto Keighley Road is considered to be safe and suitable for all users.

Cottages fronting Keighley Road should be allowed to take access from the internal highway network of the new development.

There is no planning justification to require a third party to be able to take access from the internal highway network of the development.

Silsden needs a bypass

The impact of the development in terms of capacity and congestion was considered as part of the outline planning application and it was considered to be acceptable. An updated Transport Assessment has been submitted as part of this application which demonstrates that the minor uplift in the number of dwellings proposed would not have an adverse impact on the highway network. As such additional off-site highway improvement works cannot be justified.

Why should the residents of this proposed estate be able to get out of Silsden (towards the A629) easier than the rest of Silsden residents and through traffic?

The location of the site access and its detailed design were accepted with the approval of outline planning application reference 16/03804/MAO. This cannot be revisited as part of the current application.

At peak times Keighley Road is backed up to the A629, traffic lights at this point will make the situation much worse.

The impact of the development in terms of capacity and congestion was considered as part of the outline planning application and it was considered to be acceptable. An updated Transport Assessment has been submitted as part of this application which demonstrates that the minor uplift in the number of dwellings proposed would not have an adverse impact on the highway network. The provision of a signalised junction at the site access is contingent on the development of the adjoining safeguarded site. If a signalised junction is provided its detailed design and operation will ensure that there are no adverse highway or pedestrian safety implications incurred.

The main entrance / exit to this estate should be a roundabout at the junction of Belton Road /Keighley Road.

The location of the site access and its detailed design were accepted with the approval of outline planning application reference 16/03804/MAO. This cannot be revisited as part of the current application

The development will increase flooding from Silsden Beck.

The principle of residential development was accepted with the approval of outline planning application reference 16/03804/MAO and detailed planning conditions were

imposed to deal with issues of flood risk. The design details proposed as part of this reserved matters submission meet with the requirements of the outline planning permission and neither the Environment Agency or the Lead Local Flood Authority have objected to the proposal.

Surface water run-off will flood houses on Keighley Road

The principle of residential development was accepted with the approval of outline planning application reference 16/03804/MAO and detailed planning conditions were imposed to ensure that the development would not increase surface water flooding for any neighbouring dwelling. The design details proposed as part of this reserved matters submission meet with the requirements of the outline planning permission and neither the Environment Agency or the Lead Local Flood Authority have objected to the proposal

Brooks Ecological Report R-3763-01 Dec 2018, Preliminary Ecological Appraisal and the subsequent Biodiversity Management Plan dated 14/11/19 are deeply flawed.

The Biodiversity Management Plan is considered to contain sufficient measures ensure that the development would contribute positively towards the overall enhancement of the District's biodiversity resource.

Bee Orchids are present on site

An ecological appraisal of the site has been carried out by a competent person and this did not identify the presence of bee orchids. The developer will be reminded of their duties under section 13 of the Wildlife and Countryside Act 1981 by imposing a footnote

What happened to the three listed buildings on this site

There is no record of any listed building ever occupying this site.

No play space of children is provided within the development as is required by the Homes and Neighbourhoods Design Guide

An area of informal public open space is included in the development to the south for use by residents.

Community Infrastructure Levy

All dwellings on the site will be for a mix of Affordable Rent, Shared Ownership and Rent to Buy tenures. The aforementioned tenures are all forms of affordable housing as defined in Annex 2 of the National Planning Policy Framework. The development is therefore entitled to relief from the CIL charging schedule as set out in section 49 of The Community Infrastructure Levy Regulations 2010. Accordingly, the developer has sought the relevant relief and a CIL exemption is in place.

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 received 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 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.

Reason for Approval:

The proposal provides a satisfactory form of residential development addressing the full requirements of those matters reserved as part of the outline planning permission. The proposals are considered to be acceptable and present no concerns with regard to residential or visual amenity and highway safety or impacts on the adjacent conservation areas. Matters of design, layout and landscaping are fully addressed. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of the National Planning Policy Framework, policies TR1, TR2, TR3, TR5, HO5, HO6, HO8, HO9, HO11, EN1, EN3, EN4, EN8, DS1, DS2, DS3, DS4 and DS5 of the Core Strategy and the Homes and Neighbourhoods Design Guide Supplementary Planning Document.

Variation to the previously approved Section 106 Agreement for this site

Members are advised that the exiting outline consent for this site is associated with a Section 106 Agreement relating to an affordable housing commuted sum of £348,439. This off-site contribution was in lieu of any on-site affordable housing envisaged at the outline stage. As set out above the development now comprises 100% on-site affordable housing as defined in Annex 2 of the National Planning Policy Framework. It is therefore no longer appropriate for the development to make an off-site contribution. On this basis members are asked to resolve that the Assistant Director of Planning, Transportation and Highways be authorised to agree to the variation of the existing S106 Agreement to secure on-site affordable housing provision rather than a commuted sum of £348,439 as was previously approved at the outline stage.

Conditions:

1.Approved Plans

Site Plan Drawings

3LG1-MHA-FS-XX-DR-A-01010-S2-P6_ProposedSiteLayout
3LG1-MHA-FS-XX-DR-A-01011-S2-P4_HardandSoftLandscapePlan
3LG1-MHA-FS-XX-DR-A-01020-S2-P4_BoundaryTreatmentSitePlan
3LG1-MHA-FS-XX-DR-A-01030-S2-P4_ParkingStatisticsSitePlan
3LG1-MHA-FS-XX-DR-A-01040-S2-P6_ProposedSiteLayoutTenure
3LG1-MHA-FS-XX-DR-A-01050-S2-P4_LandscapeStrategySitePlan
3LG1-MHA-FS-XX-DR-A-01070-S2-P4_ProposedMaterialIdentification
3LG1-MHA-FS-XX-DR-A-01080-S2-P1_DemolitionSitePlan

3LG1-MHA-XX-01-DR-A-00001_P2_Housetype01Plans
3LG1-MHA-XX-01-DR-A-00002_P1_Housetype01Elevations
3LG1-MHA-XX-01-DR-A-00003_P3_Housetype01PlansFeature
3LG1-MHA-XX-01-DR-A-00004_P3_Housetype01ElevationsFeature

3LG1-MHA-XX-02-DR-A-00001_P2_Housetype02Plans
3LG1-MHA-XX-02-DR-A-00002_P1_Housetype02Elevations
3LG1-MHA-XX-02-DR-A-00003_P3_Housetype02PlansFeature
3LG1-MHA-XX-02-DR-A-00004_P3_Housetype02ElevationsFeature
3LG1-MHA-XX-02C-DR-A-00001_P2_Housetype02CPlans
3LG1-MHA-XX-02C-DR-A-00002_P2_Housetype02CElevations
3LG1-MHA-XX-03-DR-A-00001_P2_Housetype03Plans
3LG1-MHA-XX-03-DR-A-00002_P1_Housetype03Elevations
3LG1-MHA-XX-03-DR-A-00003_P3_Housetype03PlansFeature
3LG1-MHA-XX-03-DR-A-00004_P3_Housetype03ElevationsFeature
3LG1-MHA-XX-03R-DR-A-00001_P2_Housetype03RPlans
3LG1-MHA-XX-03R-DR-A-00002_P1_Housetype03RElevations
3LG1-MHA-XX-04-DR-A-00001_P2_Housetype04Plans
3LG1-MHA-XX-04-DR-A-00002_P2_Housetype04Elevations
3LG1-MHA-XX-04-DR-A-00003_P3_Housetype04PlansFeature
3LG1-MHA-XX-04-DR-A-00004_P3_Housetype04ElevationsFeature
3LG1-MHA-XX-05-DR-A-00001_P2_Housetype05Plans
3LG1-MHA-XX-05-DR-A-00002_P2_Housetype05Elevations
3LG1-MHA-XX-06-DR-A-00001_P2_Housetype06Plans
3LG1-MHA-XX-06-DR-A-00002_P2_Housetype06Elevations
3LG1-MHA-XX-06-DR-A-00003_P3_Housetype06PlansFeature
3LG1-MHA-XX-06-DR-A-00004_P3_Housetype06ElevationsFeature
3LG1-MHA-XX-08-DR-A-00001_P1_Housetype08Plans
3LG1-MHA-XX-08-DR-A-00002_P1_Housetype08Elevations
3LG1-MHA-XX-08-DR-A-00003_P1_Housetype08PlansFeature
3LG1-MHA-XX-08-DR-A-00004_P1_Housetype08ElevationsFeature
3LG1-MHA-XX-09-DR-A-00001_P3_Housetype09Plans
3LG1-MHA-XX-09-DR-A-00002_P3_Housetype09Elevations
3LG1-MHA-XX-10-DR-A-00001_P2_Housetype10Plans
3LG1-MHA-XX-10-DR-A-00002_P1_Housetype10Elevations

2. Materials Samples

Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

3. Boundary wall sample.

Prior to the construction of the boundary wall to the site frontage as identified on drawing references 3LG1-MHA-FS-XX-DR-A-05001 Revision P2 and 3LG1-MHA-FS-XX-DR-A-01020 a sample of the construction material shall be submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved materials.

4. Permitted Development Rights Removed A-E

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

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

5.Retaining Wall Details

No retaining walls shall be constructed on the site to which this decision notice relates, except where details have been submitted to and approved in writing by the Local Planning Authority of the precise location, height and face treatment of the retaining wall. All retaining walls shall only be constructed in accordance with the approved details.

Reason: To ensure that only appropriate retaining walls are constructed, to accord with Policies DS1, DS3 and EN5 of the Core Strategy.

6.Landscaping Implementation

In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, the landscaping proposals and new tree planting shall be implemented at the site in accordance with a detailed planting schedule which must first be submitted to and approved in writing by the local planning authority.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

7.Biodiveristy Mitigation Implementation

Before any part of the development is occupied the biodiversity enhancement measures detailed in the submitted Biodiversity Management Plan by Brooks Ecological- (Reference R-4024-03) dated 14.11.2019 shall be implemented in full and retained.

Reason: To ensure that the development would contribute positively towards the overall enhancement of the District's biodiversity resource in accordance with policy EN2 of the Core Strategy.

8. Boundary Treatments

The plot curtilage boundary treatments as detailed on drawing reference 3LG1-MHA-FS-XX-DR-A-05001 Revision P2 and 3LG1-MHA-FS-XX-DR-A-01020 shall be provided in full prior to the first occupation of the development and shall thereafter be retained as long as the development subsists.

Reason: In the interests of amenity and privacy and to accord with Policies DS1 and DS5 of the Core Strategy.

9. Vehicular and Pedestrian Access Provision

Before any part of the development is occupied, 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 and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

10. Turning Areas Provision

Before any part of the development is occupied the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered and retained whilst ever the development is in use.

Reason: To ensure that adequate turning facilities are made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

11. Footpath Provision

Before any part of the development is occupied, the footway hereby approved shall be laid out in accordance with details shown on the approved drawings and street lighting installed to a specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

12. Traffic Regulation Order

The development shall not be brought in to use until a Traffic Regulation Order (TRO) prohibiting parking on Keighley Road, protecting visibility at the site access junction and the emergency access junction. A drawing indicating the extents and full details of the TRO shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

13. Tree Protection Measures

The development shall not begin until tree protection fencing and other tree protection measures have been installed around trees to be retained on or adjoining the site. These measures shall be in strict accordance with an Arboricultural Method Statement or Tree Protection Plan prepared in accordance with recommendations in BS5837:2012, details of which shall be submitted to and approved in writing by the Local Planning Authority before any demolition, site preparation or ground works are begun, and before any materials or machinery are brought on to the site.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

14. Parking Court Security Measures

Prior to the first use of the communal parking court located at the north-east end of the site details of the secured by design principles to be included in the parking court shall be submitted to and approved in writing by the local planning authority.

Reason: To provide a safe and secure environment for residents of the development and to reduce the opportunities for crime in accordance with policy DS5 of the Core Strategy.

Informative: The developer is alerted of their responsibilities under Section 13 of the Wildlife and Countryside Act (1981) which prevents the unauthorised and intentional uprooting of any wild plant included in Schedule 8 of the Act.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 20th August 2020

T

Subject:

This is a Reserved Matters application requesting consideration of access, appearance, landscaping, layout and scale of school car park (pursuant to outline approval (16/06146/MAO) on land South of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw.

Summary statement:

Outline planning permission was approved on the 20th July 2018 under reference 16/06146/MAO for the construction of the car park. The application was submitted as part of a package of off-site highway works associated with an application for the redevelopment of the North Bierley Waste Water Treatment Works in Kirklees. This permission accepted the principle of the development in this location subject to conditions.

The current application has now been submitted to seek approval for the details of the car park including access, appearance, landscaping, layout and scale. The provision of the car park will allow cars to pull clear of the highway and reduce the level of traffic on the road in the vicinity of the school. The outline planning permission (16/06146/MAO) included a condition requiring the provision of a pelican crossing to allow safe access from the car park to the school and vice versa.

Subject to the imposition of conditions, together with the conditions attached to outline planning permission 16/06146/MAO, the scheme is considered to be acceptable and will not be detrimental to either visual or residential amenity or highway safety.

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

This is a Reserved Matters application requesting consideration of access, appearance, landscaping, layout and scale of school car park (pursuant to outline approval (16/06146/MAO) on land South of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw.

2. BACKGROUND

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

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

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues raised.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

A condition was included within the outline planning permission (16/06146/MAO) requiring the inclusion of electric vehicle charging points, in accordance with the Council's Low Emissions Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. Conditions are recommended in relation to matters such as boundary treatment to further enhance the security of the site.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

If the Committee decide that the Reserved Matters should not be approved, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material planning considerations.

10. RECOMMENDATIONS

The application is recommended for approval, subject to the conditions included with Appendix 1.

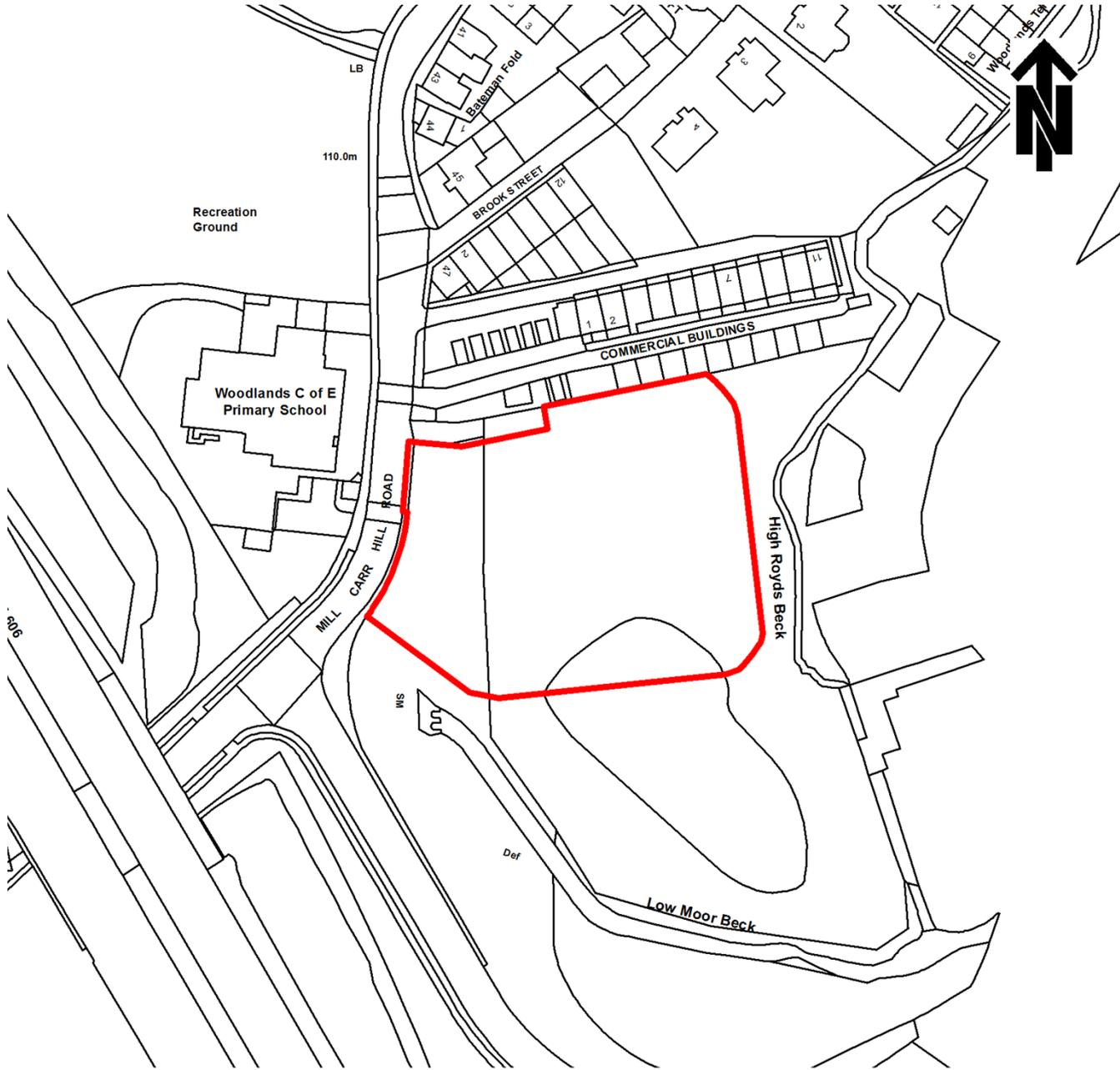
11. APPENDICES

Appendix 1 Technical Report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Replacement Unitary Development Plan

20/01010/MAR



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**Land South of Woodlands CE Primary School,
Mill Carr Hill Road,
Oakenshaw,
Bradford**

Appendix 1

20th August 2020

Ward: Tong

Recommendation:

APPROVE THE RESERVED MATTERS

Application Number:

20/01010/MAR

Type of Application/Proposal and Address:

This is a Reserved Matters application requesting consideration of access, appearance, landscaping, layout and scale of school car park (pursuant to outline approval (16/06146/MAO) on land South of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw.

Applicant:

Interchange 26 LLP

Agent:

Mr Fraser Dann (WSP Indigo)

Site Description:

The site is located to the north east of the junction of Mill Carr Hill Road and Cliff Hollins Lane and currently comprises an open piece of land that is set at a lower level than the neighbouring land. To the north of the site is a row of terraced dwellings, to the west is a primary school, to the east is a copse of trees whilst to the south is open land. Vehicular access to the site is taken from Mill Carr Hill Lane on the western boundary.

Relevant Site History:

Outline planning permission was granted on the 20th July 2018 under reference 16/06146/MAO for the provision of a school car park for Woodlands Primary School (proposal linked to an application within Kirklees MDC for re-development of former waste water treatment works following demolition of existing structures to provide employment uses classes B1(C), B2 and B8 on Land off Cliff Hollins Lane). The outline application related solely to the principle of the development with all matters reserved for consideration at a later stage.

The outline planning application referred to above was submitted in conjunction with an application within the Kirklees Council area under reference 2016/60/92298/E. This is an outline planning application for the re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) that was considered by Kirklees Council.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for a specific purpose within the RUDP but is located within the Green Belt. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

None

Core Strategy Policies:

TR2 Parking Policy
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Place

Parish Council:

There is no Parish Council in the Tong Ward.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 15th May 2020.

As a result of the publicity exercise 14 representations have been received objecting to the proposal. However, a significant number of the objections raised relate to issues that are not relevant to this application in that they don't object to the details that are being submitted for consideration but relate to the principle of development, highway safety, drainage, biodiversity, and, the associated development within the Kirklees Council area. These were all addressed when granting outline planning permission application under reference 16/06146/MAO and are not relevant to the consideration of the Reserved Matters now being considered.

Summary of Representations Received:

The representations have been split into those that are relevant to the Reserved Matters that have been applied for and those that relate to the principle of the development that are not considered relevant to this application:

Visual amenity:

- The scheme will not enhance visual character of the area

Highways:

- The proposed drop off zone further limits the number of parking spaces in what was already an inadequately sized car park
- The drop off zone will effectively become car parking as parents accompany children across the road
- No provision for disabled drivers/parents
- The car park is not big enough to accommodate the teachers' cars and those of the parents resulting in parents parking on the road being unsafe
- The car park shows as only having 20 spaces which is far less than the number of cars dropping off all at the same time. With no alternative as a parent who needs to be at work for a certain time, what are we supposed to do?

Principle:

- There is a large recreation ground adjoining the school and it is felt that the car park would be much safer and would not be prone to flooding if built on a cordoned plot there – this site needs more investigation
- The school and Trust (BDAT) have made several attempts to discuss a different and safer location next to the school which would alleviate most of these issues and concerns. Contact with the owner of the land has been made and he is prepared to consider this
- Highway safety implications for parents dropping off/picking up children as Mill Carr Hill Road is used as a rat run
- This is an unsafe location, as it means the children would have to cross the road to get into school
- No Road Safety Assessment of the site has been carried out
- All mitigating works in relation to the Interchange 26 development (such as the car park) should be in place before the development commences
- Half of the Interchange 26 development can be built without any consideration of the safety aspects relating to the mitigating works required on the local highway network
- The increased heavy traffic is a real concern for anybody within the area and particularly the school who are very worried, without the traffic calming issues being dealt with before the bulk of the development goes ahead
- 2 independent surveys of school traffic showed an average of 50 cars requiring parking
- Who will upkeep the car park – the school is small and only has a small budget which is spent on the education of the children with no extras for maintaining the car park
- If parents are not accompanying children across the road there is considerable risk to their safety even with the provision of a zebra crossing
- The impact of this on traffic on the narrow roads of Mill Carr Hill and Cliff Hollins Lane is not described neither is the impact of earth movement on this scale to the residents of neighbouring properties

- The increase in traffic will impact on air quality
- There is a stream running across 3 sides of the site and it regularly floods
- Developing the site will result in adjacent properties/land flooding
- Impact on wildlife
- There is no chance of any proposal enhancing what it currently there

Other issues:

- Some properties on the Cringles have not been consulted but it is acknowledged they are located within Kirklees Council area
- Concerns regarding existing and likely fly-tipping on the site
- Will Bradford Council be objecting to the Kirklees Interchange 26 development to which this car park is linked
- We strongly believe this needs further investigation and a real desire to meet the residents and schools concerns
- I do not consider that the documents submitted adequately inform people unfamiliar with the site the extent to which the topography of the landscape will be changed

Consultations:

Highways DC – No objection subject to the imposition of a condition relating to the provision of the access

West Yorkshire Police – No objection in principle to the development but comments are made on specific aspect of the layout including boundary treatment, access control barrier/gate, lighting, and, management of the open space

Lead Local Flood Authority – No objection to the proposal and the conditions attached to the outline planning permission are sufficient and no further conditions are required

Landscape Design Unit – No objection to the principle of the development but seek the submission of additional information including cross-sectional plans to indicate the relationship between the existing ground levels and the proposed ground levels, full details of soft landscaping, and, a maintenance scheme for the future management of the landscaped area

Kirklees Metropolitan Borough Council – No objection to the proposal

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Secured by design
8. Other issues

Appraisal:

The proposal relates to the construction of a car park comprising 20 standard parking spaces, 3 electric vehicle charging spaces and 2 drop off zones running along the

northern and southern boundaries. Access to the site is taken from Mill Carr Hill Road to the west.

The application does relate simply to the details of the application and does not relate to the principle of the development which was discussed as part of the consideration of planning application 16/06146/MAO. A significant number of the objections raised relate to issues that are not relevant to this application in that they don't refer to the details that are being submitted for consideration and relate to the principle of development, highway safety, drainage, biodiversity, and, the associated development within the Kirklees Council area. These were all addressed through the consideration of application 16/06146/MAO where they were either considered to be acceptable or conditions were attached to the planning permission requiring the submission of details to make them acceptable.

The only matters to be considered in this application are access, appearance, landscaping, layout and scale of the proposed car park.

1. Principle of development

The principle of the development was accepted through the granting of outline planning permission under reference 16/06146/MAO. There have been no material changes in circumstance since the granting of planning permission that will impact on the principle of the development.

2. Visual amenity

The National Planning Policy Framework states in paragraph 124 that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

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

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

The site is located to the east of Mill Carr Hill Road and is on land that is at a lower level than both Mill Carr Hill Road and land to the north (Commercial Buildings). As such the car park itself will not be visually prominent when viewed from the surrounding land. There will be some lighting incorporated within the car park to ensure that during the winter the safety of the users will not be impacted upon. Whilst these lights will be visible from the surrounding land the times during which they are in operation can be controlled solely to the hours that the car park is in use so they will not be lit throughout the night. This will enable the impact to be further controlled.

There will be limited landscaping proposed to screen the development. The main landscaping will be on the site frontage with Mill Car Hill Road and this will screen the site from the main public vantage points. The remainder of the site, i.e. the banking down to the main body of the car park, will comprise a wild flower area which is considered appropriate in this location. The inclusion of a substantial landscaped area would reduce the overall size of the car park. As the lighting serving the car park will not be left permanently on it is not considered that a substantial landscaped area would be required.

As such therefore it is considered that in visual amenity terms the proposals meets the requirements of policies DS1 and DS2 of the Core Strategy and no objection is raised to the proposal.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

There is a terrace of residential properties (Commercial Buildings) located to the immediate north of the application site which have their front elevations overlooking the site. The main body of the car park is located approximately 25 metres away from these dwellings and is on land at a much lower level. Whilst the car park will incorporate lighting columns these are again a sufficient distance not to impact on the residential amenities on the occupiers of those dwellings in that there will be no light spread from the car park onto the dwellings.

Overall therefore it is considered that the proposal satisfies the requirements of policy DS5 of the Core Strategy and no objection is raised to the proposal on residential amenity grounds.

4. Highway safety

Paragraph 102 states transport issues should be considered from the earliest stages of development proposals such that, amongst other things, the potential impacts of development on transport networks can be addressed, and, opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It goes on to state in paragraph 110 that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

The proposed car park incorporates 23 permanent spaces and up to 9 spaces in 2 drop off zones for parents. Walkways and safe routes through the car park have been incorporated and these are welcomed to ensure that there are clear routes for pedestrians to walk through the car park. The point of access from Mill Carr Hill Road and its design are considered to be acceptable and will not be detrimental to highway safety. As part of the outline planning permission (16/06146/MAO) a condition was imposed which secured the provision of a pelican crossing which will allow users of the car park to cross Mill Carr Hill Road safely to gain access to the school.

Whilst the proposal will not result in an increase in car numbers visiting the school, it is intended that the car park will incorporate a number of electric vehicle charging points that were secured as part of the outline planning permission and this is to help mitigate the impact on air quality in the vicinity of the site.

Overall therefore, in highway terms, there is no objection to the proposal and the proposal satisfies the requirements of policy TR1 of the Core Strategy.

5. Drainage

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

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

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

Drainage details have been submitted with the application and have been assessed by the Lead Local Flood Authority who state that the details are satisfactory and that they are in accordance with the conditions attached to the outline permission.

As such there is no objection to the proposal and it is considered to comply with the requirements of policies EN7 and EN8 of the Core Strategy.

6. Trees

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

There are small copses of trees located adjacent to the site and these will not be affected by the proposed development. Some additional landscaping is proposed that will help screen the development.

Overall therefore it is considered that the proposal satisfies the requirements of policy EN5 of the Core Strategy and no objection is raised to the proposal with regards to the impact on existing trees.

7. Secured by design

Paragraph 91 of the National Planning Policy Framework states that Planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible,

so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

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

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it, these being as follows:

Boundary treatment: The site plan shows the outer boundary of the car park as a post and rail fence with mesh insert, however here is no mention of the height. This type of fence can be easily damaged so it may be prudent to change the fence type to either a picket style of fence which is treated to prevent any type of arson to the wood, alternatively railings or a paladin fence would be suitable which incurs less maintenance over the years. As crimes are not exceptionally high within this location, the height could be placed at 1200mm that will provide defensible space around the car park and allow natural surveillance into the site – *the site has good natural surveillance from the adjacent footpath on Mill Carr Hill Road to the west and also the dwellings on Commercial Buildings to the north. It will only be used during school hours and vehicles will not be left in the car park overnight. The boundary treatment should be of a height that will provide a safe and secure environment for the users and therefore a condition is proposed to secure an appropriate height for the proposed fencing.*

Access control barrier: There is a mention of an access control barrier on the vehicle entrance, will this be automated or manual style of barrier/gate? If the barrier or gate is manual, this is fine however it would require a management plan or rota so that either staff/capable guardians can open the car park early to allow staff and parents access the car park and then close this after school entry time. Automated barriers ensure that the barrier closing after entry, however barriers can easily be damaged by vehicles and can often end up being repaired, so installing a gate or larger style of access barrier will make this more visible. If this is automated with keypad or key fob access this allows teachers/ authorised staff easy access, however there would need to be the ability to have access on a timer so that at peak times it can remain open if parents are using the car park – *the inclusion of the access control barrier is to ensure there is no unauthorised usage of the car park outside the operating hours as well as providing additional security during the day. It is up to the Applicant with regards to the type of barrier that is used and it is considered that the swing barrier proposed in this instance is acceptable.*

Lighting: The proposed lighting has good uniformity levels so this will provide suitable coverage at night or during winter months, these could be switched off or dimmed when the school closes to minimise light pollution. It would be prudent to include CCTV within the car park so that reception staff can monitor activity in the car park during the daytime and if there was an accident or vehicle crime there is evidence to support this – *the level of lighting is acceptable but it is the responsibility of the Applicant as to whether any CCTV is installed within the proposed car park to increase the level of security as this is outside the control of the planning system.*

Management Plan: The notes show that there will be plants around the site, however, there should be a management plan to ensure that these are maintained over the coming years and that the area remains tidy – *a condition is recommended in relation to the maintenance of the open areas.*

It is therefore considered that the proposal meets the requirements of policy DS5 of the Core Strategy and no objection is raised to the proposal.

8. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the above sections of this report, these being as follows:

Some properties on the Cringles have not been consulted but it is acknowledged they are located within Kirklees Council area – *the application has been advertised in accordance with the Councils protocol for advertising planning applications*

Concerns regarding existing and likely fly-tipping on the site – *fly-tipping is the responsibility of the owner of the land to ensure the site is protected and doesn't allow it to take place. Once a site is in use and not vacant it is likely that any potential fly-tipping would be reduced as the site would be managed properly*

Will Bradford Council be objecting to the Kirklees Interchange 26 development to which this car park is linked – *this is not relevant to the consideration of this application*

We strongly believe this needs further investigation and a real desire to meet the residents and schools concerns – *the application has been advertised and the local population can make their comments on it*

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for approving the Reserved Matters:

The design of the proposal is considered to be acceptable and presents no concerns with regard to visual or residential amenity and highway safety. The proposal is therefore considered acceptable and, with the attached conditions, satisfies the requirements of policies TR2, EN5, EN7, EN8, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Approved plans

The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

Drawing number 1856 PL 100 showing the Location Plan and received by the Local Planning Authority on the 12th March 2020;

Drawing number 1856 PL 105E showing the Car Parking Details and received by the Local Planning Authority on the 17th July 2020;

Drawing number 798/LA3A showing the School Car Park Landscape Plan and received by the Local Planning Authority on the 12th March 2020;

Drawing number 92011 Revision P02 showing the Car Park Drainage Scheme and received by the Local Planning Authority on the 12th March 2020; and,

Drawing number D38459/JB/A showing the External Lighting Calculations and received by the Local Planning Authority on the 12th March 2020.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

2. Landscaping

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policy DS1 of the Local Plan for Bradford.

3. Landscape management plan

Prior to the development being brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.

Reason: To ensure proper maintenance of the landscaped areas in the interests of amenity and to accord with Policy DS1 of the Local Plan for Bradford.

5. Boundary treatment

Prior to the development being brought into use details of the proposed boundary treatment, including the design and height of the fencing and design of the access barrier, shall be submitted to and approved in writing by the Local Planning Authority. The boundary details so approved shall then be provided in full prior to the first use of the car park and shall thereafter be retained as long as the development is in use.

Reason: In the interests of amenity and privacy and to accord with Policies DS2, DS3 and DS5 of the Local Plan Core Strategy.

6. Access

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced,

sealed and drained within the site in accordance with the approved plan numbered 1856 PL 105E and completed to a constructional specification to be 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 and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.