

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

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

**Summary statement:**

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

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

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

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

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

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



## 1. SUMMARY

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

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

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

## 2. BACKGROUND

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

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

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

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

### **3. OTHER CONSIDERATIONS**

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

### **4. OPTIONS**

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

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

### **5. FINANCIAL & RESOURCE APPRAISAL**

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

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

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

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

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

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

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

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

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

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

## **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

N/A

## **7. LEGAL APPRAISAL**

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

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

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

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

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

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

### **8.2 SUSTAINABILITY IMPLICATIONS**

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

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

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

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

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

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

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

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

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

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

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

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

### **8.5 HUMAN RIGHTS ACT**

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

### **8.6 TRADE UNION**

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

### **8.7 WARD IMPLICATIONS**

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

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

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

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

## 9. NOT FOR PUBLICATION DOCUMENTS

None

## 10. RECOMMENDATIONS

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

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



**11. APPENDICES**

Appendix 1: Technical Report

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

Appendix 3: Section 9 of the National Planning Policy Framework

Appendix 4: Holding Direction

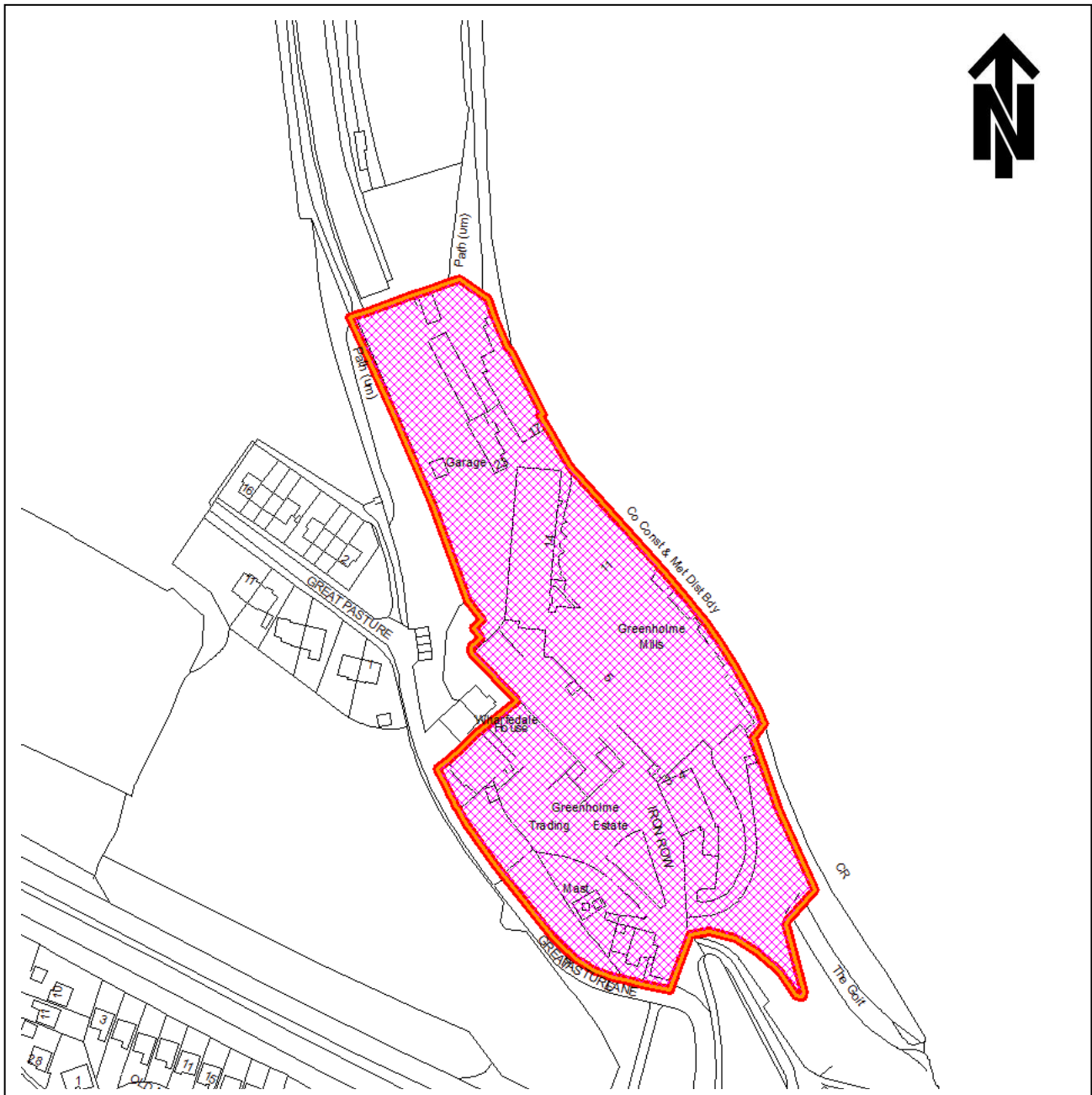
**12. BACKGROUND DOCUMENTS**

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

**Regulatory and Appeals Committee**

**15/03339/MAF**

29 September 2016



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**LOCATION:**

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

**Appendix 1**

09 February 2017

**Ward: Wharfedale (26)**

**Recommendation:**

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

- **On-site Affordable Housing provision:** The provision of 6 units at a level of discount on the open market value of the properties necessary to allow disposal of the properties to a Registered Social Landlord.
- **Education (Off-site Primary School Expansion Contribution):** The sum of £93,415 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Menston Primary School or Burley Oaks Primary School.
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  - Approval of Details and Implementation of a Plan for the Management/ Maintenance of the Public Plaza and Gardens, Riverside walk, Woodland Areas and Wildflower Meadows, as shown on the Landscape Management Plan;

**Application Number:**

15/03339/MAF

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

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

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

**Applicant:**

A Hillas Properties Ltd

**Agent:**

Mr Robert Beal - Plan B Planning and Design Associates Ltd

**Site Description:**

The proposal site comprises an approximately 2.7 hectare site primarily comprising previously developed land but also including an approximately 1,400m<sup>2</sup> area of greenfield land. The previously developed land is the site of Greenholme Mills, which is a large stone up to 5 storey double-winged old 19<sup>th</sup> century textile mill building. The site also includes a number of associated outbuildings and structures, including an old pump house/ weaving building within the southern part of the site and a number of sheds in the northern area of the site, one of which was rebuilt in the mid 2000's following fire damage.

An approximately 3,000m<sup>2</sup> footprint warehouse building situated between the original Greenholme Mills and the adjacent River Wharfe has been recently partially demolished, with the building floor slab and foundation/ wall remnants still remaining but the majority of the structure removed from the site, leaving this area as a partially open hard surfaced area. The northern and central parts of the site are also hard surfaced, part stone sets/ part concreted, with soft landscaping only in evidence within the southern part of the site adjacent to the site entrance surrounding the parking area in the site's south-western corner, but with tree planting also in evidence around the ramp down to the eastern area of the site.

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

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

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

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

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

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

**Relevant Site History:**

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

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

### **Emerging Local Plan Core Strategy (LPCS)**

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

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

### **Replacement Unitary Development Plan (RUDP):**

#### ***Allocation***

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

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

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

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

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

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

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

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

### ***Proposals and Policies***

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

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

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

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

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

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



**Parish Council:**

***Burley-In-Wharfedale Parish Council***

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

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

**Publicity and Number of Representations:**

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

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

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

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

### **Applicant's Pre-application Public Consultation**

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

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

### **Summary of Original Representations Received:**

#### ***Support:***

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

**Objection:**

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

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

### **Main Issues Raised in Judicial Review Claim**

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

### **Summary of Issues Raised in Further Representations**

#### ***Objection on behalf of Commercial Estates Group***

##### *Green Belt*

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

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

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

### *Employment*

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

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

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

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

#### *Other Matters*

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

#### ***Further Representations (Objection)***

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

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

### ***Further Representations (Support)***

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



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

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

### **Consultation Responses:**

#### ***Biodiversity***

- No comments made.

#### ***Canal and River Trust***

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

#### ***Design and Conservation***

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

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

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

### ***Drainage***

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

### ***Education***

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

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

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

### ***Environment Agency***

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

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

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

### ***Environment Agency – Further Response***

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

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

### ***Environmental Health***

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

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

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

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

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

### ***Environmental Health – Further Response***

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

### ***Highways Development Control***

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

These documents include:

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

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

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

### ***Historic England***

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

### ***Housing***

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

### ***Lead Local Flood Authority***

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

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

### ***Natural England***

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

### ***Natural England – Further Response***

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



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

#### ***North Yorkshire County Council***

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

#### ***North Yorkshire County Council – Further Response***

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

#### ***Rights of Way***

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

#### ***Rights of Way – Further Response***

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

### ***Sport and Leisure***

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

### ***Trees Team***

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

### ***Trees Team – Further Response***

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

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

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

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

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

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

***West Yorkshire Combined Authority***

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

***West Yorkshire Ecology Service***

- No comments made.

***West Yorkshire Police***

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

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

***Yorkshire Water***

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

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

### **Yorkshire Water – Further Response**

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

### **Summary of Main Issues:**

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

### **Proposal:**

The proposed development scheme involves the following elements:

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

**Appraisal:**

**1) Principle**

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

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

**Employment Loss**

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

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

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

**Proposed New Commercial/ Business Uses**

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

estimates that the gross 1,581m<sup>2</sup> of floor space to be provided would be likely to generate around 56 jobs (comprising a mixture of full and part-time positions).

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

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

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

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

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

### ***Green Belt***

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

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

13. Although the proposal site primarily comprises previously developed land, it also includes an approximately 1,400m<sup>2</sup> greenfield area outside of the established curtilage of Greenholme Mills. Therefore, irrespective of the assessment of whether the development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, as set out below, the proposal cannot be considered to be covered by the previously developed land exception set out in paragraph 89 and must be treated as inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt.

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

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

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

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

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

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



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

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

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

**Table 1 – Buildings/ Parts of Buildings to be Demolished**

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

**Table 2 – New-Build**

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

20. As can be seen, the proposed development would result in a net increase in the amount of built development on the site amounting to approximately 400m<sup>2</sup> in terms of footprint and 2,200m<sup>3</sup> in terms of volume. These figures represent an increase of less than 10% in terms of both footprint and volume compared to the current extent of development. Therefore the proposed development can be considered to have the effect of increasing built development on the site, and correspondingly reducing the openness of the Green Belt, to an extent which is significant but which can be considered to be relatively modest when considered in relation to the amount of built development which currently occupies the site.

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

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

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

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

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

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

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

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

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

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

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

27. Objectors have specifically highlighted the issue of the impact of hard standings and their usage. In relation to this matter it should be noted that both the existing site and the proposed development scheme include extensive areas of hard standing. The existing site is primarily hard surfaced excepting the 1,400m<sup>2</sup> greenfield area to the west, small areas of grass within the western car park area and trees either side of the access down to the north-lights mill demolition area. The total existing hard surfaced areas of the site amount to approximately 15,000m<sup>2</sup> in area.

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

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

30. The overall change to hard surfacing would be a reduction of approximately 4,000m<sup>2</sup> in the extent of the site which is covered by hard surfaces (from approximately 15,000m<sup>2</sup> to approximately 11,000m<sup>2</sup>). However it is acknowledged that this reduction in the extent of hard surfacing will not lead to a consequent benefit to the Green Belt in terms of its openness and the presence of urban features, as car parking areas would be used much more intensively and the green spaces which would be created would be predominantly public or private garden areas which are themselves urban in character.

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

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

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

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

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

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

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

## **2) Sustainability**

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

36. The NPPF sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development through the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the NPPF is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable.

37. Paragraph 34 of the NPPF clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

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

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

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

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

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

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

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

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

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

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

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

### **3) Design, Landscaping and Visual Impact**

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

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

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

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

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

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

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

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



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

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

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

#### **4) Access and Highways**

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

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

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

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

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

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

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

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

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

### **5) Air Quality/ Sustainable Travel**

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

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

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

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

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

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

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

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

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

### **6) Flood Risk and Drainage**

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

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

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

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

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

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

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

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

### **7) Ground Conditions**

75. Paragraph 121 of the NPPF advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The NPPF also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person. Saved RUDP policy P5 indicates that potential for ground gas migration should be assessed for development sites within 250m of recorded landfill sites.

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

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

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

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

### **8) Habitat Regulations/ Rights of Way**

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

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

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

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

### **9) Ecology/ Biodiversity & Trees**

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

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

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

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

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

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

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

**10) Affordable Housing Provision, Education and Recreation Contributions**

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

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

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

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

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



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

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

96. It is therefore considered that the planning obligations proposed by the applicant are sufficient to address the affordable housing obligations and infrastructure requirements necessary to make the development acceptable in planning terms. The proposed obligations are also clearly directly related to the development and are considered to be fairly and reasonably related in scale and kind to the development and therefore comply with the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The agreed Planning Obligations have also been tested against the new pooled funding restrictions introduced through Regulation 123 and found to be compliant.

### **11) Community Safety Implications**

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

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

98. Whilst being mindful of the need to provide a suitably crime resistant environment with well-defined and secure public and private spaces the Council must also balance

other planning considerations including the imperative of facilitating connectivity to the surrounding built and natural environment and providing the recreational spaces necessary to promote healthy lifestyles and attractive, vibrant, socially interconnected developments.

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

### **12) National Planning Policy Framework (NPPF)**

100. The proposal has been reviewed for consistency with the NPPF. As assessed in detail above, it is accepted that the development is inappropriate development in the Green Belt within the terms of the NPPF but it is considered that very special circumstances exist such that the grant of planning permission is justified in this instance. Furthermore it is considered that the proposed development would represent sustainable development and is appropriate to the site (subject to the imposition of the planning conditions and obligations recommended in this report). Therefore it is considered that the proposal is consistent with the policy advice set out in the NPPF as well as the saved policies of the RUDP.

### **13) Equality Act 2010, Section 149**

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

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

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

### **Reason for Granting Planning Permission:**

104. The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Substantial weight has been given to the harm the proposed development would cause to the Green Belt by reason of its inappropriateness, the loss of openness which would be a consequence of the development and the development's conflict with the purposes of allocating land as Green Belt. However it is considered that the harm the development would cause to the Green Belt is clearly outweighed by the other

considerations set out in this report in respect of the provision of new housing on mainly previously developed land, the provision of a new Riverside Walk and securing the future of a historic (undesigned) mill complex.

105. It is considered that, subject to securing the Planning Obligations and conditions recommended at the end of this report, the development will not result in unacceptable impacts upon the environment or the occupants of surrounding land in terms of visual amenity, employment and Town Centre vitality impacts, traffic and highways impacts, flood risk, ecological impacts, amenity or air quality. Furthermore it is considered that the development will serve to enhance and broaden the range of amenities available to the residents of Burley-in-Wharfedale through the provision of a new restaurant, nursery and spa/ gym and the creation of a publicly accessible Riverside Walk.

106. The proposal is considered to accord with the relevant national planning policies set out in the NPPF and the saved policies within the replacement Unitary Development Plan, in particular policies UDP1, UDP3, UDP4, UR2, UR3, E4, H9, CL3, TM2, TM12, TM19A, D1, D4, D5, NE4, NE5, NE6, NE7, NE9, NE10, NR15A, NR15B, NR16, NR17A, GB1, P5 and P7.

**Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

***Drainage***

2. The development shall be carried out in accordance with the following requirements:

1. Existing mill building and basement conversion shall include flood resistance design to a level no lower than 600mm above the 1 in 100cc flood level for the site. This equates to 62.21mAOD
2. The existing mill conversion shall have no residential development/ use within the basement level.
3. The maximum pass forward flow of surface water from the development, as approved by the Local Planning Authority pursuant to condition 3, should not be exceeded.

Reason: In the interests of the protection of the environment and the reduction of flood risks, in accordance with saved policy NR16 of the replacement Unitary Development Plan.

3. Prior to the commencement of development full details of the foul and surface water drainage system to be provided within the development, including any balancing and off site works and sustainable drainage features, a maximum pass forward flow of surface water from the development, and a timetable for the provision of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority.

The approved drainage works shall thereafter be implemented in full in accordance with the approved details.

Reason: To ensure that the site is appropriately drained, in the interests of the protection of the environment and the reduction of flood risks, in accordance with saved policy NR16 of the replacement Unitary Development Plan.

4. Prior to the commencement of development a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed in strict accordance with the approved Surface Water Drainage Maintenance and Management document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks, to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

5. No piped discharge of surface water from the application site shall take place until works to provide an outfall for surface water have been completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its outfall and to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

6. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the company owned live water main, which crosses the site.

Reason: To prevent harm to existing underground water supply infrastructure, in accordance with saved policies UR2 and UR3 of the replacement Unitary Development Plan.

### ***Trees/ Ecology***

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

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

8. The approved tree protection measures shall remain in place, shall not be moved, removed or altered for the duration of the development without the written consent of the

Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection without the written consent of the Local Planning Authority.

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

9. The ecological mitigation/ recommendations set out in Section 5 of the submitted Extended Phase 1 Habitat Survey Report and Section 6 of the submitted Bat Survey Report and Bat Survey Addendum, shall be implemented in full. Development shall not commence until the required further ecological surveys have been completed and a report setting out the findings of these surveys and a comprehensive set of ecological impact mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with any mitigation measures set out in the approved report.

Reason: In the interests of ecological protection and biodiversity, in accordance with saved policies NE9 and NE10 of the replacement Unitary Development Plan.

***Facing Materials, Boundary Treatments & Landscaping***

10. Construction works associated with the mill-conversion development hereby approved shall not commence until full details of all external alterations including facing materials and the design of replacement windows and doors, roofing materials, rainwater goods, fascias and soffits, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the character of the original building is not detrimentally affected by the mill conversion, in accordance with saved policy D1 of the replacement Unitary Development Plan.

11. The construction of the dwellings hereby approved shall not commence until full details of the facing materials of the relevant buildings to be constructed, including samples of facing stones, bricks and tiles, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to the built and natural environment in the locality, in accordance with saved policies D1 and NE3 of the replacement Unitary Development Plan.

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out within the curtilage of the dwelling houses identified as plots 13 to 21 on drawing ref. LDS 2440/ 002 Rev B.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to the built and natural environment in the locality, in accordance with saved policies D1 and NE3 of the replacement Unitary Development Plan.

13. None of the dwellings to which this notice relates shall be brought into occupation until full details of boundary treatments, including plot division fences and gates and the treatment of the frontage to Great Pasture Lane, have been submitted to and approved in writing by the Local Planning Authority. The submitted boundary treatment provision shall be informed by the principles of Secure by Design as well as design and landscape impact considerations. Thereafter the approved boundary treatment provisions shall be fully implemented in accordance with a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, landscape character and planning for crime prevention, in accordance with policies NE3, D1, D4 and D5 of the replacement Unitary Development Plan.

14. None of the dwellings to which this notice relates shall be brought into occupation until full details of hard and soft landscaping provisions, including details relating to the Public Plaza and Gardens, Riverside Walk, Woodland Areas and Wildflower Meadows to be provided as part of the development, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- i) Proposed site levels including details of any new/ altered retaining structures;
- ii) Details of paths and other surfaces including the retention or reuse of existing cobbles/ stone setts;
- iii) Proposed topsoil depths;
- iv) Details of any benches, bins or other hard landscaping features;
- v) Details of any lighting to be provided;
- vi) Details of any access barriers, walls and fencing;
- vii) Details of any areas to be seeded, flower beds, shrubs or hedges;
- viii) Details of tree planting;
- ix) Ecological enhancement proposals;
- x) Provisions to address dog fouling issues, including through the introduction of a Green Dog Walkers scheme (or similar);
- xi) Provision of CCTV and/ or other crime prevention measures;
- xii) Bin storage provisions;
- xiii) Proposals for the demarcation of parking spaces;
- xiv) Details of the cycle racks/ cycle storage facilities to be provided.

The approved hard and soft landscaping details shall thereafter be implemented in full in accordance with the approved details in accordance with a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, ecology and inclusive design, and to accord with Policies D1, D4, D5, NE3 and NE10 of the replacement Unitary Development Plan.

15. Public access along the full length of the Riverside Walk as shown on the drawing entitled Landscape Management Plan, dated July 2015, is to be provided as part of the development before first occupation of any of the proposed dwellings and shall remain unimpeded and unobstructed in perpetuity.

Reason: In the interest of amenity and to mitigate the potential for the development to generate increase residential use of the South Pennine Moors SPA, in accordance with saved policies UR2, UR3, NE7, NE8, NE9 and NE10 of the replacement Unitary Development Plan.

16. None of the dwellings to which this notice relates shall be brought into occupation until full details a landscape management plan, including long term design objectives, management responsibilities, replacement planting for failing trees and maintenance schedules for all landscape areas, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented in full in accordance with the approved details.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord with Policies D1, D5, NE3 and NE10 of the replacement Unitary Development Plan.

17. No extraction, ventilation or air conditioning equipment shall be installed at the site to which this notice relates other than in accordance with details, which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any extraction, ventilation or air conditioning equipment associated with the nursery/ crèche, spa/ gym and restaurant uses hereby approved do not unacceptably impact upon the amenity of residential occupants, in accordance with saved policy UR3 of the replacement Unitary Development Plan.

### ***Phasing***

18. Prior to the commencement of development a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall provide full details of the phasing of the development in terms of the sequence in which the commercial, residential conversion and residential new-build elements of the development will be constructed and brought into occupation and the provision of associated infrastructure including: access, parking, servicing, EV charging, landscaping, riverside walk and drainage infrastructure. Thereafter the development shall be carried out in strict accordance with the provisions of the approved Phasing Plan.

Reason: To ensure that the main elements of the development and associated infrastructure are delivered in an appropriate and sensible sequence, in the interests of proper planning, amenity and highway safety and to accord with Policies UR2, UR3 and TM19A of the Replacement Unitary Development Plan.

### ***Highways***

19. Prior to the commencement of development full details and specifications of the works associated with the junction of A65 / Iron Row, including alterations to prevent both right turn manoeuvres from the A65 onto Iron Row and right turn manoeuvres from Iron Row onto the A65, shall be submitted to and approved in writing by the Local Planning Authority. The works to the junction of A65 / Iron Row shall thereafter be implemented in full in accordance with the approved details before any of the dwellings hereby approved are brought into occupation.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

20. Notwithstanding the highway details shown on the approved drawings listed on this Decision Notice, prior to the commencement of development a plan showing full details site internal highway and parking arrangements, including access road layout, footway provision, parking arrangements, together with constructional specifications, shall be submitted to and approved in writing by the Local Planning Authority. The site highway and parking arrangements shall thereafter be implemented in full in accordance with the approved details in accordance with a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that suitable access and parking arrangements are provided to serve the development in the interest of pedestrian and highway safety in accordance with saved policies TM2 and TM19A of the replacement Unitary Development Plan.

21. Before each dwelling hereby approved is first occupied, the approved means of vehicular and pedestrian access to that dwelling shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved details and thereafter retained whilst ever any dwellings hereby approved remain in occupation.

Reason: To ensure that a suitable form of access is made available to serve the development, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

22. Before each dwelling hereby approved is first occupied, the approved off street car parking facilities and vehicle turning area associated with that dwelling shall be laid out, hard surfaced, sealed and drained within the site and thereafter retained whilst ever any dwellings hereby approved remain in occupation. The gradient of parking spaces shall be no steeper than 1 in 15.

Reason: To avoid the need for vehicles to reverse on to or from the highway or park on the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

23. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent superseding legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction



site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- ix) arrangements for the management of surface water during the construction phase;
- x) temporary warning and direction signing on the approaches to the site.

The construction plan details as approved shall be implemented and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the means of access specified within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

### ***Land Quality***

24. Prior to the commencement of development a report, setting out the findings of an investigation and risk assessment to assess the nature and extent of any contamination affecting the site, shall be submitted to and approved in writing by the Local Planning Authority. The report should include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to all significant receptors including human health and controlled waters;
- (iii) an appraisal of remedial options.
- (iv) identification of the preferred remedial option.

Development shall take place in accordance with the approved preferred remedial option.

Reason: To ensure that risks from land contamination are appropriately investigated, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

25. None of the residential dwellings hereby approved shall be brought into occupation until either the Local Planning Authority has approved a contamination risk assessment

report which concludes that no site remediation works are necessary or a remediation verification report has been submitted to and approved in writing by the Local Planning Authority. A remediation verification report must include:

- (i) a description of the remediation works which have been carried out;
- (ii) evidence to demonstrate that the site has been brought to a condition suitable for the intended use;
- (iii) any necessary provisions for future contamination monitoring and maintenance of remediation works.

Reason: To ensure that risks from land contamination are appropriately remediated, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

26. In the event that contamination is found at any time when carrying out the approved development, which has not previously been identified and risk assessed, it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing. Following completion of measures identified in the approved remediation scheme and prior to the commencement of the occupation of the approved development a verification report must be prepared and submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

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

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

### ***Air Quality***

28. Prior to the commencement of development a Construction Environmental Management Plan (CEMP), for minimising the emission of dust and other emissions to air during the demolition, site preparation and construction phases of the development, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP.

Reason: To protect amenity and the health of surrounding residents in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

29. None of the residential dwellings hereby approved shall be brought into occupation and none of the commercial units hereby approved shall be brought into use until a Low Emissions Travel Plan, including an implementation programme and monitoring procedures, has been submitted to and approved in writing by the Local Planning Authority. The approved Low Emissions Travel Plan shall thereafter be implemented in full in accordance with the approved implementation programme and monitoring procedures. As a minimum the Low Emissions Travel Plan shall include the following provisions:

- i) Targets for a reduction in overall car ownership / use at the site and targets for increased percentage uptake of low emission vehicles at the site;
- ii) Measures to support low emission public transport in the area;
- iii) Opportunities to deliver a car club facility at the site to reduce the need for private vehicle ownership;
- iv) an implementation programme and monitoring procedures.

Reason: To protect amenity and the health of surrounding residents in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

30. None of the residential dwellings hereby approved shall be brought into occupation until details of the provision of electric vehicle charging points for all new dwellings within the new-build element of the development and at least 10% of apartments within the mill-conversion element of the development, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charging provisions shall be fully implemented in accordance with a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the District, and takes into consideration paragraph 35 of the National Planning Policy Framework and polices UDP3 and UR2 of the Replacement Unitary Development Plan.

**Footnote:** The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 3, 4, 7, 8, 9, 11, 18, 19, 20, 23, 24 and 28 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 3, 4, 7, 8, 9, 11, 18, 19, 20, 23, 24 and 28 are fundamental to the acceptability of the development and the nature of the further

information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

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## Appendix 2 – Extracts of RUDP Policies

### Protecting Land and Buildings in The Urban Areas

5.24 Whilst Policy E1 protects the allocated sites for business and industry, there is also a need to ensure that land and buildings which are in use or were last used for business and industry, but are not shown as allocations on the proposal maps are also protected. Because of the overall shortage of employment land in the district it is important to retain existing land and buildings for employment use and prevent the loss to other uses. Therefore;

#### **POLICY E3**

**WITHIN URBAN AREAS THE DEVELOPMENT OF EXISTING EMPLOYMENT LAND OR BUILDINGS FOR OTHER USES WILL NOT BE PERMITTED UNLESS:**

- (1) THE PROPOSAL IS IN A MIXED USE AREA SHOWN ON THE PLAN; OR**
- (2) THE PROPOSAL IS WITHIN THE DEFINED CITY, TOWN, DISTRICT OR LOCAL CENTRES OR THE TOWN CENTRE EXPANSION AREAS OR WITHIN THE VALLEY ROAD RETAIL AREAS SHOWN ON THE PLAN OR**
- (3) THE PROPOSAL IS WITHIN BRADFORD/SHIPLEY/BAILDON OR KEIGHLEY, IS LESS THAN ONE HECTARE IN SIZE, AND IS NOT WITHIN AN EMPLOYMENT ZONE; OR**
- (4) THE PROPOSAL IS WITHIN THE TOWNS OF BINGLEY, ILKLEY, QUEENSBURY OR SILSDEN AND IS LESS THAN 0.4 HECTARE IN SIZE AND NOT WITHIN AN EMPLOYMENT ZONE; OR**
- (5) THE PROPOSAL CONTRIBUTES POSITIVELY TO THE RE-USE OF A LISTED BUILDING OR OTHER HISTORIC BUILDINGS IN A CONSERVATION AREA; OR**
- (6) THE PROPOSAL CONTRIBUTES POSITIVELY TO PRESERVING OR ENHANCING THE CHARACTER OF A CONSERVATION AREA; OR**
- (7) IT IS NO LONGER APPROPRIATE TO CONTINUE AS AN EMPLOYMENT USE BECAUSE OF THE ADVERSE AFFECT ON THE SURROUNDING LAND USES; OR**
- (8) THE BUILDING HAS BECOME FUNCTIONALLY REDUNDANT FOR EMPLOYMENT USE.**

5.25 The criteria attached to the policy sets out the circumstances where other uses will be acceptable for existing employment land and buildings. These reflect the Council's concern to retain existing employment opportunities in the outer urban areas and the smaller towns, whilst allowing for some flexibility in the inner urban areas.

5.26 The areas designated for Mixed Use will promote a mix of uses to promote sustainability and encourage vitality. Proposals falling within these areas will be subject to the appropriate policies in Chapter 4 (Urban Renaissance). In the areas designated for retail expansion, proposals will be subject to the appropriate policies in Chapter 7 (Town Centre, Retail and Leisure).

5.27 In the smaller free-standing towns the lack of expansion opportunities for meeting future business needs makes it important to retain existing employment land and buildings for business use and to reduce the growth in commuting.

5.28 Proposals that are likely to be acceptable under Criteria (5) and (6) will need to further the Plan's objectives regarding the enhancement of Conservation Areas and protection of Listed Buildings.

5.29 Where following housing development an employment use is now located in the middle of a residential area, and there will be significant detriment to residential amenity, then criterion 7 of Policy E3 provides for its reuse for alternative purposes.

5.30 Criterion (8) refers to the cases where because of certain physical characteristics such as the age, height, scale or physical configuration of the building and the provision for parking and vehicle manoeuvring the building can no longer be considered appropriate for business and industry uses. However, many older buildings can be successfully adapted for employment uses and therefore persuasive evidence of functional redundancy will be required in these circumstances.

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### **Protecting Land and Buildings in The Rural Areas**

5.31 In recent years the smaller settlements have suffered a decline in employment as a result of their development as commuter villages. To aid the rural economy the Plan seeks to ensure that appropriate employment uses are encouraged by retaining existing employment uses and encouraging new developments of an appropriate scale on land that is not allocated as Green Belt. This will help to retain and enhance local employment opportunities and reduce commuting flows. Therefore:

### **POLICY E4**

**IN SETTLEMENTS IN RURAL AREAS NOT SUBJECT TO POLICY GB1 THE DEVELOPMENT OR REDEVELOPMENT OF EXISTING EMPLOYMENT LAND OR BUILDINGS FOR OTHER USES WILL NOT BE PERMITTED UNLESS:**

- (1) THE PROPOSAL CONTRIBUTES POSITIVELY TO THE RE-USE OF A LISTED BUILDING OR OTHER HISTORIC BUILDINGS IN A CONSERVATION AREA; OR**
- (2) THE PROPOSAL CONTRIBUTES POSITIVELY TO PRESERVING OR ENHANCING THE CHARACTER OF A CONSERVATION AREA; OR**
- (3) IT IS NO LONGER APPROPRIATE TO CONTINUE AS AN EMPLOYMENT USE BECAUSE OF THE ADVERSE EFFECT ON THE SURROUNDING LAND USES; OR**
- (4) THE BUILDING HAS BECOME FUNCTIONALLY REDUNDANT FOR EMPLOYMENT USE.**

5.32 The policy includes the same criteria as (6),(7),(8) in Policy E3, the purpose of which is explained under that policy.

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### **Controlling Development in the Green Belt**

#### **13.0 Introduction**

13.1 Within the Green Belt there is a general presumption against inappropriate development and a requirement that proposals will not harm the distinctive identity of Bradford's countryside. The Council will therefore only support developments which accord

with those UDP Policies relating to development in the Green Belt (Policies GB1 to GB6A), with preference being given to proposals which would help to maintain the quality and distinctiveness of the countryside.

13.2 The following policies set down basic principles to strictly control development in the Green Belt within the guidelines set by Planning Policy Guidance Note 2, (Revised) Green Belts (PPG2) in order to ensure that the objectives of the Green Belt listed above are achieved.

13.3 In addition the Council is currently reviewing its Supplementary Planning Guidance on

“Development in the Green Belt and Other Rural Areas”. This will provide additional detailed guidance, expanding on the basic principles set down in Policies GB1-GB6A below, dealing in particular with matters such as design, siting and materials.

#### **POLICY GB1**

EXCEPT IN VERY SPECIAL CIRCUMSTANCES, PLANNING PERMISSION WILL NOT BE GIVEN WITHIN THE GREEN BELT AS DEFINED ON THE PROPOSALS MAPS FOR DEVELOPMENT FOR PURPOSES OTHER THAN

(1) AGRICULTURE AND FORESTRY, ESSENTIAL FACILITIES FOR OUTDOOR SPORT AND OUTDOOR RECREATION, CEMETERIES;

OR

(2) FOR OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND WHICH DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN IT.

13.4a The definition of development includes the construction of new buildings, engineering and other operations as well as the making of any material change in the use of land.

13.4 It will be for applicants to demonstrate that very special circumstances exist to justify uses other than those set out in Policy GB1.

#### **New Buildings**

13.5 Under Policy GB1 certain new buildings may be acceptable in principle in the Green Belt.

However, Government guidance states that it is important that new development should not injure the visual amenities of the Green Belt. To ensure this the following policy will apply:

#### **POLICY GB2**

WITHIN THE GREEN BELT, NEW BUILDINGS WHICH MAY BE ACCEPTABLE IN PRINCIPLE SHOULD BE SITED SO THAT THEY RELATE CLOSELY TO EXISTING BUILDINGS, OR, WHERE THEIR FUNCTIONAL REQUIREMENTS DEMAND OTHERWISE, IN AN UNOBTRUSIVE POSITION WITHIN THE LANDSCAPE. WHERE

APPROPRIATE, ADDITIONAL TREE PLANTING AND LANDSCAPING SHOULD BE INCLUDED TO FURTHER REDUCE THE IMPACT OF THE BUILDINGS.

### **Infill**

13.6 In the Green Belt there are often gaps within existing settlements or within groups of existing buildings where a strictly limited amount of new building could occur without resulting in any encroachment of development into open countryside and without conflicting with other objectives of the Green Belt. It is important however that such development is strictly controlled.

13.7 To ensure infill development is strictly controlled, the following policy will apply:

#### **POLICY GB3**

WITHIN THE SETTLEMENTS LISTED BELOW AND WASHED OVER BY THE GREEN BELT PLANNING PERMISSION WILL ONLY BE GRANTED FOR INFILLING PROVIDED THAT:

- (1) IT FALLS WITHIN THE INFILL BOUNDARY OF THE SETTLEMENT, AS DEFINED ON THE PROPOSAL MAP
- (2) IT FILLS A SMALL GAP IN A SMALL GROUP OF BUILDINGS;
- (3) IT IS RELATED TO THE SCALE OF THE SETTLEMENT AND DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE SETTLEMENT OR ITS SURROUNDINGS.

IT WOULD NOT RESULT IN THE LOSS OF OPEN SPACE WHICH IS IMPORTANT TO THE CHARACTER, VISUAL AMENITY AND LOCAL IDENTITY OF THE SETTLEMENT PROPOSALS FOR THE EXTENSION OF THE LISTED SETTLEMENTS WILL NOT BE PERMITTED.

SETTLEMENTS WHERE THIS POLICY APPLIES ARE:-

- BRUNTHWAITE
- KEELHAM
- DENHOLME GATE
- LAYCOCK
- ESHOLT
- MICKLETHWAITE
- GOOSE EYE
- STANBURY
- HAINWORTH
- TONG
- HARECROFT

13.8 Infill will only be allowed within the boundaries identified on the proposals map for each of the named settlements, subject to compliance with the other three considerations.

13.9 For the purpose of this Policy an 'infill' site is a small gap in a small group of buildings, normally sufficient for example for only one dwelling, which is bounded by buildings on at least two sides. Where small areas of open land within recognised



settlements make an important contribution to the character of the settlements, infilling will not be permitted.

13.10 The Policy recognises that there are important green spaces within the settlements, which are often too small to identify on the plan but should be safeguarded from infill.

13.11 Limited Affordable Housing for local community needs may be acceptable according to PPG2 and Annex B of PPG3 'Housing'. Such development will only be allowed where it accords with Policy H10.

13.12 As a result primarily of changes in the practice and economics of farming there are likely to be a number of substantial and attractive agricultural buildings which, during the lifetime of the Plan, may no longer be needed for agricultural purposes. These buildings could fall into disrepair if not put to some alternative use.

13.13 PPG2 encourages the appropriate re-use of such buildings in order to help diversify the rural economy. Therefore where a building is of permanent and substantial construction and capable of conversion without major or complete reconstruction:

**POLICY GB4**

PLANNING PERMISSION FOR THE CONVERSION OR CHANGE OF USE OF BUILDINGS IN THE GREEN BELT WILL BE GRANTED WHERE THE PROPOSAL SATISFIES ALL OF THE FOLLOWING CRITERIA:

- (1) IT DOES NOT HAVE A MATERIALLY GREATER IMPACT THAN THE PRESENT USE ON THE OPENNESS OF THE GREEN BELT AND THE PURPOSES OF INCLUDING LAND IN IT;
- (2) IT DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE BUILDING AND ITS SURROUNDINGS;
- (3) IT DOES NOT INVOLVE THE COMPLETE OR SUBSTANTIAL REBUILDING OF THE BUILDING;
- (4) IT INVOLVES ONLY MINOR CHANGES TO THE ORIGINAL BUILDING AND THE VOLUME, FORM AND MATERIALS OF THE BUILDING REMAIN SUBSTANTIALLY THE SAME;
- (5) THE DEVELOPER ENSURES THAT ALL INFRASTRUCTURE CONSTRAINTS ARE ADEQUATELY OVERCOME WITHOUT ADVERSELY AFFECTING THE CHARACTER OF THE GREEN BELT;
- (6) IT DOES NOT LEAD TO PRESSURES FOR ADDITIONAL FARM OR OTHER BUILDINGS TO REPLACE THOSE WHICH HAVE BEEN CONVERTED TO OTHER USES.

13.14 Proposals which may involve the extension of converted buildings, will be critically assessed against Policy GB5 to ensure that they do not detract from the character of the building.

13.15 Particular infrastructure concerns, which could affect the character of the Green Belt include the means of access and provision of public utilities.

13.16 Where the proposal is for the conversion of a building, which forms an integral part of a group of buildings, it must ensure that the character of the group as a whole as well as the actual building is not harmed.

13.17 When considering proposals for the reuse of agricultural buildings for non-agricultural purposes, the Council will consider whether the proliferation of farm buildings constructed under permitted development rights could have a seriously detrimental effect on the openness of the Green Belt. In such situations the Council will determine, with reference to the guidance in Annex D paragraph 2 of PPG2, whether it would be appropriate to impose a condition withdrawing their right for new farm buildings in respect of that particular agricultural unit or holding.

13.18 Proposals for the conversion of buildings to residential use will be treated with particular caution as they can often have an unacceptably detrimental effect on both the character of the building and on the surrounding countryside (particularly through the creation of a residential curtilage). This is particularly the case with isolated buildings in the open countryside, and hence in appropriate circumstances, the Council will withdraw residential permitted development rights from rural buildings when granting planning permission for residential conversion.

13.19 Proposals for the conversion of listed buildings will also be assessed against Policies BH1 and BH4.

13.19a Protected species (for example bats) may occupy former agricultural or other buildings in the Green Belt. Therefore It is important that developers carry out an ecological appraisal to determine whether the development would affect a protected species (see Policy NE11). Where the development is likely to affect a protected species the proposal will be assessed against Policy NE10.

### **Appendix 3 – Section 9 of the National Planning Policy Framework**

#### **9. Protecting Green Belt land**

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

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

81. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

82. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should:

- demonstrate why normal planning and development management policies would not be adequate;
- set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- show what the consequences of the proposal would be for sustainable development;
- demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and
- show how the Green Belt would meet the other objectives of the Framework.

83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

84. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.

85. When defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

86. If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

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

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

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

92. Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.

**Appendix 4 – Holding Direction**



Department for  
Communities and  
Local Government

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Date: 10 October 2016

Dear Councillor Hinchcliffe

**Bradford Core Strategy Development Plan**

The Secretary of State has received a request to intervene in the Bradford Core Strategy Development Plan ("the Plan") from Philip Davies, MP for Shipley. The request raises a number of issues including the proposed release of green belt, particularly in Wharfedale, development of green belt before brownfield land is exhausted, the efforts made under the duty to cooperate to meet Bradford's housing need and the appropriate location for development to alleviate housing need and contribute to the regeneration of Bradford city centre.

In respect of the issues identified above, the Secretary of State is considering whether to give a direction to City of Bradford Metropolitan District Council in relation to the Plan under section 21 of the Planning and Compulsory Purchase Act 2004. Therefore, in exercise of his powers under section 21A of that Act (inserted by section 145(5) of the Housing and Planning Act 2016), the Secretary of State hereby directs City of Bradford Metropolitan District Council not to take any step in connection with the adoption of the Plan, while the issues raised in the letters are considered further.

This direction will remain in force until it is withdrawn by the Secretary of State or the Secretary of State gives a direction under section 21 of the 2004 Act in relation to the Plan.

My officials will be in touch with your officers to discuss next steps and we will keep the Council updated throughout our considerations.

**GAVIN BARWELL MP**