

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

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Subject:

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

Summary statement:

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

A full assessment of the application against all relevant Development Plan policies and material planning considerations is included in the report at Appendix 1. Taking development plan policies and other relevant material considerations into account it is recommended that conditional Planning Permission is granted for the reasons and subject to the planning conditions set out in the report at Appendix 1.

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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. 16/06606/MAF as set out in the report of the Assistant Director (Planning, Transportation and Highways) - Technical Report at Appendix 1. It is recommended that planning permission is granted, subject to the conditions set out at the end of the report.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

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

4. OPTIONS

If the Committee proposes to follow the recommendation to grant planning permission then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional planning permission for the proposed development of the site accordingly.

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

5. FINANCIAL & RESOURCE APPRAISAL

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

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

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

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

This viability appraisal has been reviewed by the Council's Economic Development Service who have confirmed that they consider it to be robust. The National Planning Policy Framework states that, to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. It is accepted that in this instance imposing a requirement to deliver Affordable Housing as part of the development would reduce the estimated developer return to a more than likely unviable level.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

Not applicable.

7. LEGAL APPRAISAL

Both options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

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

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

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

Likewise, if planning permission were to be refused by the Committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics. Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are included in the Technical Report at Appendix 1.

8.2 SUSTAINABILITY IMPLICATIONS

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

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

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

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

The development will result in social benefits, by providing for the supply of housing to meet the needs of present and future generations within an existing settlement which possesses a range of facilities and services and public transport links. The development would also result in social benefits by securing the optimum viable use for the designated and undesignated heritage assets on the site and providing for the removal of buildings which currently detract from the character and appearance of the Conservation Area.

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

Good design is a key aspect of sustainable development. Well-designed developments should function well and add to the overall quality of the area, not just for the short term

but over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and be visually attractive. As assessed in detail in the report at Appendix 1, it is considered that the development is well designed in relation to the above factors.

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

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

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

8.4 COMMUNITY SAFETY IMPLICATIONS

Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and, whilst not objecting in principle to the proposed development, has raised certain concerns and points of detail in relation to matters including:

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

It is not considered to be appropriate for the planning system to regulate all of the aspects of the development referred to by the Police Architectural Liaison Officer, such as the postal delivery system and the security standards of partition walls, doors and windows, as these matters are not generally considered to be land use planning concerns. However the detailed design of other design elements referred to by the

Architectural Liaison Officer, which are more typically controlled through the planning system, such as details of boundary treatments and external lighting, can appropriately be made the subject of planning conditions allowing details to be agreed at a later stage. This approach allows the determination of this application to focus on the main land use planning considerations.

In terms of the provisions of policy D4 it is considered that the development has generally been designed to reflect the principles of secure by design and that the spaces which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour in terms of natural surveillance and the arrangement of access routes and open spaces. Therefore, subject to the reservation of details of access control, boundary treatments, parking demarcation, bin storage arrangements, lighting and CCTV by planning conditions, and further engagement with West Yorkshire Police at the condition discharge stage, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with saved policy D4 of the RUDP.

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

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

8.7 WARD IMPLICATIONS

The proposal site is within the Baildon Ward. Ward Councillors the Parish Council and local residents have been made aware of the application and have been given opportunity to submit written representations through two rounds of publicity (August 2016 and May 2017).

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

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

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To Grant Planning Permission subject to the conditions recommended at the end of the Technical Report at Appendix 1.

11. APPENDICES

Appendix 1: Technical Report

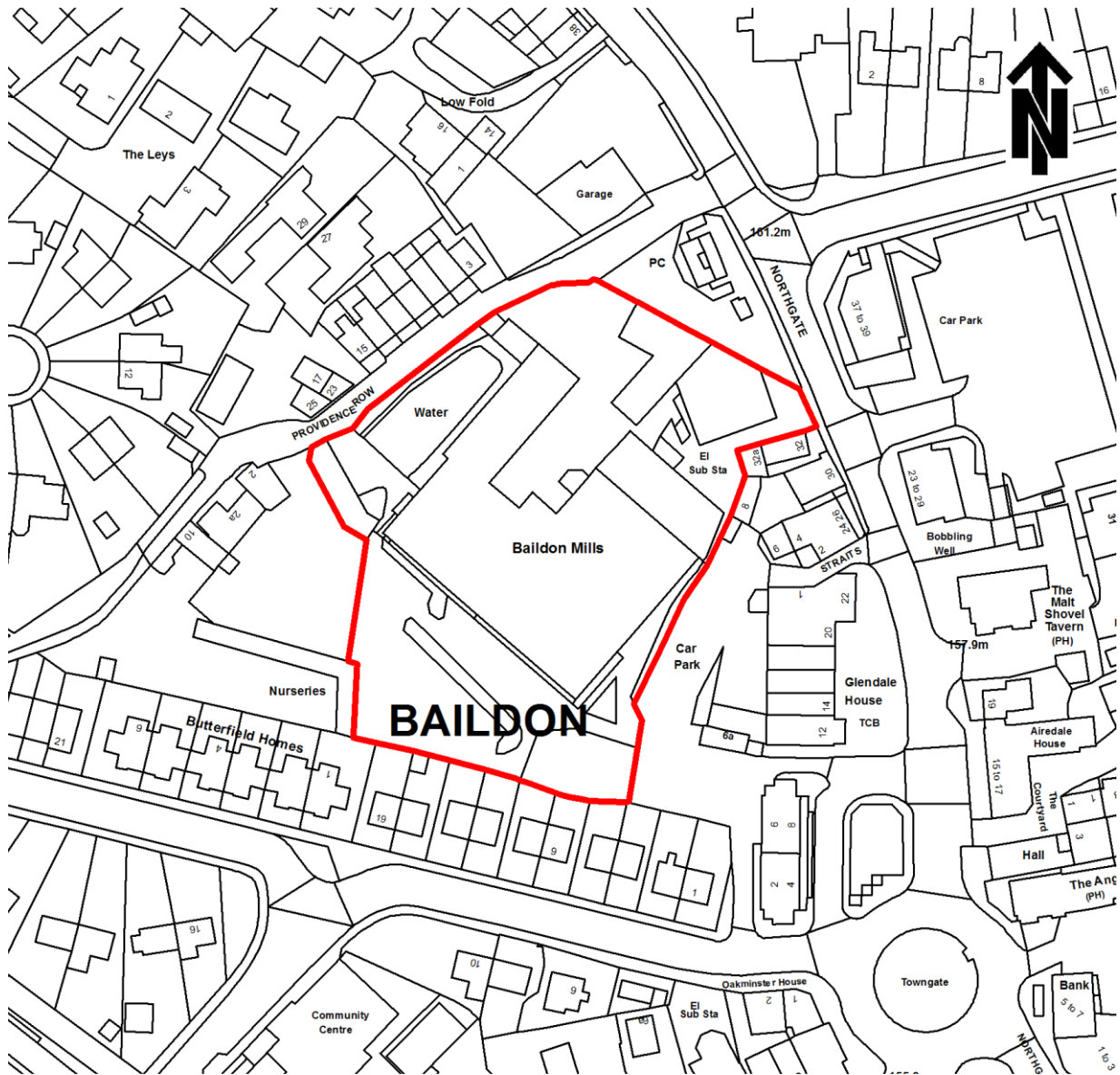
12. BACKGROUND DOCUMENTS

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

16/06606/MAF

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Baildon Mills
Northgate
Baildon

Appendix 1

13 July 2017

Ward: Baildon

Recommendation:

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

Application Number:

- Planning application 16/06606/MAF

Type of Application/Proposal and Address:

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

Applicant:

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

Agent:

Mr Roger Lee

Site Description:

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

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

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

Relevant Site History:

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

Emerging Local Plan Core Strategy (LPCS)

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

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

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

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

Proposals and Policies

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

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

- D1 Design
- D4 Community Safety
- D5 Landscaping
- BH3 Archaeological Recording of Listed Buildings
- BH4 Alteration, Extension or Substantial Demolition of Listed Buildings
- BH4A Setting of Listed Buildings
- BH7 New Development in Conservation Areas
- NR16 Surface Water Run Off and Sustainable Drainage Systems
- NR17A Water Courses and Water Bodies

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

Parish Council:

Baildon Parish Council

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

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

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

Publicity and Number of Representations:

The application has been advertised through the publication of site notices and press advertisements and the issuing of notification letters to neighbouring properties. Two rounds of publicity were undertaken. The initial consultation period took place between 19 August 2016 and 09 September 2016 and a further consultation was initiated, as further information and revised proposals were received, between 09 May 2017 and 05 June 2017.

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

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

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

Summary of Representations Received:

Principle

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

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

Heritage/ Design/ Landscaping

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

Highways/ Parking

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

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

Miscellaneous

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

Consultations:

Airedale Partnership

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

Biodiversity

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

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

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

1. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority.
2. Development to be carried out in accordance with the submitted Flooding and Drainage Assessment (FRA) dated July 2016 by Coda Structures and the following mitigation measures detailed within the FRA.
 - i. A survey and report to establish the condition and operation of the inlet and outlets to the existing mill pond with any recommendations of the report to be carried out prior to occupation.

The Lead Local Flood Authority has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. Notwithstanding all the documentation submitted, an assessment of the Flooding and Drainage Assessment dated July 2016 reference 7618 has been carried out, and if the following details are implemented and secured by way of a planning condition on any planning permission the Lead Local Flood Authority have **NO OBJECTION** to the proposed development.

Condition:

1. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved by the local planning authority.
2. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.

Education

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

Environmental Health (Nuisance)

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

Environmental Health (Land Quality)

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

Environmental Health (Air Quality)

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

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

Heritage Conservation

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

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

Historic England

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

- In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.
- Your authority should take these representations into account and seek amendments safeguards or further information as set out in our advice.

Highways Development Control

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

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

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

Landscape Design

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

Parks and Greenspaces Service

Parks and Greenspaces Service require a recreation contribution of £26,155 for 42 houses/units associated with the attached planning application for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development. This is in compliance with policy OS5 of the RUDP.

The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Jenny Lane or Cliffe Avenue Play Areas.

If the developer is looking to the Council to maintain any areas of public open space on the development a commuted sum will be required to maintain the areas for the next 25 years. If the developer is looking to maintain the areas themselves a full landscape management plan will need to be produced and agreed as part of the planning process.

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

Victorian Society

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

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

West Yorkshire Archaeology Advisory Service

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

West Yorkshire Police Architectural Liaison Officer

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

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

West Yorkshire Combined Authority

Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired.

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

Yorkshire Water

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

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

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

Summary of Main Issues:

- 1) Principle
- 2) Heritage and Design
- 3) Access and Highways
- 4) Flood Risk and Drainage
- 5) Air Quality/ Sustainable Travel
- 6) Ecology/ Biodiversity & Trees
- 7) Ground Conditions
- 8) Affordable Housing and off-site Infrastructure
- 9) Community Safety Implications
- 10) Equality Act 2010, Section 149

Appraisal:

Principle

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

The emerging Core Strategy sets a target of delivering 350 new residential units within Baildon in the period up to 2030. The delivery of 42 residential units on the proposal site would undoubtedly contribute towards meeting the future housing needs of the Bradford District's growing population and in this regard would be supported in broad

terms by the National Planning Policy Framework and the emerging Core Strategy. However the site specific policy constraints associated with the proposed development scheme must be considered, including the acceptability of supplanting the site's current employment use, which is a key concern of local residents and local ward Councillors.

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

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

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

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

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

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

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

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

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

Heritage and Design

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

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

The NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In relation to heritage conservation the NPPF advises in Section 12 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the

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

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

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

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

At the local level saved RUDP policy D1 sets out design principles, indicating that new development should relate to the existing character of the locality, policy D4 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime and policy D5 emphasises the importance of appropriate and effective site landscaping, indicating that existing and new landscape features should be incorporated as an integral part of the proposal. Emerging policy EN3 of the draft Local Plan Core Strategy, to which substantial weight can now be attached, states that the alteration, extension or substantial demolition of a listed building will only be permitted if it can be demonstrated that the proposal:

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

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

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

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

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

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

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

Consideration needs to be given to the impact of the proposed works upon the significance and setting of the mill building which is listed and also to the significance and setting of the key unlisted buildings (which constitute undesignated heritage assets) and the character and appearance of the conservation area. In determining this application the Council are aware that it is a legal requirement to have special regard to the desirability of preserving the listed building and its setting by virtue of the provisions of Sections 16 and 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990. The Council further acknowledge that special attention should also be paid to the desirability of preserving or enhancing the character and appearance of the conservation area as required by Section 72 of that Act.

It is also understood that, in accordance with the guidance set out in paragraph 132 of the NPPF, when considering the impact of the proposed development on the significance of Baildon Mills, as designated and undesignated heritage assets, great weight should be given to these assets' conservation and that, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Access and Highways

Saved policies TM2 and TM19A of the RUDP indicate that development which will lead to unmitigated adverse impacts on proposed or existing transport infrastructure will not be accepted and that road safety is a material planning consideration. Paragraph 32 of the NPPF indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

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

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

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

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

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

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

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

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

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

Flood Risk and Drainage

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

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

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

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

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

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

Air Quality/ Sustainable Travel

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

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

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

In relation to the potential exposure of the residents of the proposed new dwellings to issues associated with poor Air Quality, the Council's Environmental Health Service have not raised any concerns and confirmed that an exposure assessment will not be required. However they have confirmed that electric vehicle charging provision will be required, as will a Construction Environmental Management Plan. The West Yorkshire Combined Authority have requested a developer contribution to facilitate the delivery a residential metrocard scheme for the site. However the applicant does not propose to meet this contribution request and it is not considered that this matter can be pressed due to viability considerations, as set out elsewhere in this report.

Subject to the imposition of conditions reserving approval of full Electric Vehicle Charging details, and a Construction Environmental Management Plan, it is considered that the development will suitably promote the adoption of sustainable patterns of travel by future residents and facilitate the accessing of local facilities and services by modes of transport other than the private car in accordance with the provisions of paragraph 35 of the NPPF.

Ecology/ Biodiversity & Trees

Saved RUDP policies NE5 and NE6 emphasise the importance of the retention and protection of trees on development sites. Saved policy NE10 confirms that development proposals should ensure that important landscape, ecological, geological features, or wildlife habitats accommodating protected species are protected. Paragraph 109 of the NPPF confirms that one of the government's objectives for the planning system is to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

The primary ecological features relevant to the proposal site are the trees along the boundary of the site adjacent to the private car park and also trees within adjacent residential gardens, adjacent to the site access and surrounding the mill pond and the mill pond itself. Additionally the potential for the building proposed to be demolished to accommodate bat roosts must be considered. In order to support the application the applicant has provided an Ecological Appraisal which gives consideration to both trees and bats and concludes that the development can be carried out without resulting in unacceptable ecological harm, subject to certain proposed mitigation/ enhancement measures, including:

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

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

Subject to the imposition of suitably worded conditions requiring the implementation of tree protection measures, a landscaping/ planting scheme and a Biodiversity Enhancement and Management Plan, there are considered to be no grounds to conclude that the development would be unacceptable on tree retention, ecological impact or biodiversity grounds in accordance with the principles set out in paragraph 109 of the NPPF and saved policies NE5, NE6 and NE10 of the RUDP.

Habitat Regulations

The proposal site is approximately 2.7 Kilometres from the nearest edge of the South Pennine Moors, which is designated as a SSSI (Site of Special Scientific Interest) SAC (Special Area of Conservation) and SPA (Special Protection Area). Saved RUDP policy NE7 indicates that development which may affect a European Site will be subject to the most rigorous examination and that development likely to have significant effects on the site (either individually or in combination with other plans or projects) will not be permitted unless there is no alternative solution and there are imperative reasons of over-riding public interest which justify the grant of planning permission for the development. The emerging Core Strategy identifies the potential for residential development within 7Km of the SPA to cause harm through increased recreation pressure.

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

for on - site provision required by Core Strategy policies, and therefore mitigation contributions cannot now be secured separately through Planning Obligations. It is considered that the proposal is acceptable in terms of SPA impact considerations, in accordance with the requirements of saved policy NE7 of the RUDP and the Habitats Regulations.

Ground Conditions

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

The proposal site includes historic industrial land uses and therefore there is reason to suspect that contamination may be present. In order to address land quality issues the applicant has submitted a Phase 1 contamination reports. The submitted report has been reviewed by both the Council's Environmental Health Service who have identified the need for further investigations to take place to quantify contamination risks and determine remediation strategies prior to development commencing.

It is considered that the contamination assessment information submitted to support the application is sufficient to satisfy the requirements of paragraph 121 of the NPPF. However there is clearly a requirement for further contamination assessment and remediation proposals to inform the development scheme and ensure that all contamination risks to future residents are adequately mitigated. Subject to the imposition of conditions requiring the approval of a Phase 2 contamination risk assessment report, remediation proposals and a materials importation scheme, contamination risks are considered to have been appropriately addressed in accordance with saved RUDP policies UR3 and P5 and paragraph 121 of the NPPF.

Affordable Housing and off-site Infrastructure

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

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

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

This viability appraisal has been reviewed by the Council's Economic Development Service who have confirmed that they consider it to be robust. The National Planning Policy Framework states that, to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. It is accepted that in this instance imposing a requirement to deliver Affordable Housing as part of the development would reduce the estimated developer return to a more than likely unviable level.

Community Safety Implications:

Saved Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and, whilst not objecting in principle to the proposed development, has raised certain concerns and points of detail in relation to matters including:

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

It is not considered to be appropriate for the planning system to regulate all of the aspects of the development referred to by the Police Architectural Liaison Officer, such as the postal delivery system and the security standards of partition walls, doors and windows, as these matters are not generally considered to be land use planning concerns. However the detailed design of other design elements referred to by the Architectural Liaison Officer, which are more typically controlled through the planning system, such as details of boundary treatments and external lighting, can appropriately be made the subject of planning conditions allowing details to be agreed at a later stage. This approach allows the determination of this application to focus on the main land use planning considerations.

In terms of the provisions of policy D4 it is considered that the development has generally been designed to reflect the principles of secure by design and that the spaces which would be created by the development would not be unacceptably

insecure or susceptible to antisocial behaviour in terms of natural surveillance and the arrangement of access routes and open spaces. Therefore, subject to the reservation of details of access control, boundary treatments, parking demarcation, bin storage arrangements, lighting and CCTV by planning conditions, and further engagement with West Yorkshire Police at the condition discharge stage, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with saved policy D4 of the RUDP.

Equality Act 2010, Section 149:

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

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

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

Reason for Granting Planning Permission:

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

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

It is considered that, subject to the planning conditions recommended at the end of this report, the development will not result in unacceptable impacts upon the environment or the occupants of surrounding land in terms of traffic and highways impacts, flood risk, ecological impacts, amenity or air quality, in accordance with the relevant national planning policies set out in the National Planning Policy Framework and the saved

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

Conditions of Planning Permission:

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

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

2. No 'built development works' shall be begun until a Phasing Plan, which includes details of the phasing of the development in relation to the commencement and completion of the mill conversion, new-build and associated infrastructure works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved phasing provisions.

Reason: To ensure that the phasing of the construction of the development minimises disruption to the local community and provides for the completion of the works to the listed building and provision of required associated infrastructure at an appropriate phase of development, in the interests of amenity, in accordance with saved policy UR3 of the replacement Unitary Development Plan.

3. No 'built development works' shall be begun until full details of all facing materials, including samples of facing walling stones and roof tiles, have been submitted to and approved in writing by the Local Planning Authority. Details shall also be provided of proposals for alterations to the windows to the mill elevation facing Providence Row to minimise the potential for overlooking. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to the built and natural environment in the locality, in accordance with saved policies D1, BH7 and NE3 of the replacement Unitary Development Plan.

4. No 'built development works' shall be begun until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include:

- i. A statement of significance and research objectives, and
- ii. A programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- iii. A programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Thereafter no demolition or development works shall be undertaken other than in accordance with the agreed WSI.

Reason: To ensure that the heritage significance of the site is recorded prior to demolition and renovation works commencing, to accord with saved policy BH3 of the replacement Unitary Development Plan.

5. No 'built development works' shall be begun until a report setting out the findings of the written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a record of the heritage significance of the site is retained, to accord with saved policy BH3 of the replacement Unitary Development Plan.

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

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

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

7. No 'built development works' shall be begun until full details of the foul and surface water drainage system to be provided within the development, including any balancing and off site works and sustainable drainage features, have been submitted to and approved in writing by the Local Planning Authority.

The approved drainage works shall thereafter be implemented in full in accordance with the approved details either prior to any of the residential dwellings, hereby approved, being brought into occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

9. No 'built development works' shall be begun until a Surface Water Drainage Maintenance and Management document has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict accordance with the terms and agreements set out in the approved Surface Water Drainage Maintenance and Management document.

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

10. None of the residential dwellings, hereby approved, shall be brought into occupation until full details of boundary treatments, including plot division fences and gates, have been submitted to and approved in writing by the Local Planning Authority. The submitted boundary treatment provision shall be informed by the principles of Secure by Design considerations. Thereafter the approved boundary treatment provisions shall be fully implemented either prior to any of the residential dwellings, hereby approved, being brought into occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

The approved hard and soft landscaping details shall thereafter be implemented in full in accordance with the approved details either prior to any of the residential dwellings, hereby approved, being brought into occupation or in accordance with an alternative timetable set out in a Phasing Plan which has been submitted to and approved in writing by the Local Planning Authority.

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

12. None of the residential dwellings, hereby approved, shall be brought into occupation until full details a landscape management plan, including long term design objectives, management responsibilities, replacement planting for failing trees and maintenance schedules for all landscape areas outside of private gardens, has been

submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented in full in accordance with the approved details.

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

13. No development works whatsoever shall be begun, no materials or machinery shall be brought on to the site and no tree works shall be undertaken until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005), which shall first have been submitted to and approved in writing by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan and be retained for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity and the maintenance of the character of the Conservation Area. To safeguard the visual amenity provided by the trees on the site and to accord with Policies BH7, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

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

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

15. None of the residential dwellings, hereby approved, shall be brought into occupation until the proposed means of vehicular and pedestrian access to that residential dwelling, as shown on drawing 2810-1-002 Rev. C, has been laid out, hard surfaced, sealed and drained within the site in accordance with the approved plans and completed to a constructional specification approved in writing by the Local Planning Authority.

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

16. None of the residential dwellings hereby approved, shall be brought into occupation until the off street car parking facility associated with that residential dwelling has been laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with details which shall have first been submitted to and approved by the Local Planning Authority. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

17. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, no development works whatsoever shall be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

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

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

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

18. No development works whatsoever shall be begun until a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation, construction and demolition phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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