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**Report of the Chief Planning Officer -**

***SOUTH AND WEST PLANS PANEL***

**Date: 6<sup>th</sup> November 2014**

**Subject: Application number 14/04077/FU – Demolition of former single storey mill buildings and construction of nine houses and three flats at Development Engineering Services, Ilkley Road, Otley LS21 3JP**

**APPLICANT**

William Ackroyd (Holdings) Ltd

**DATE VALID**

22<sup>nd</sup> July 2014

**TARGET DATE**

21<sup>st</sup> October 2014

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**Electoral Wards Affected:**

**Otley and Yeadon**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATIONS**

**DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a legal agreement within 3 months from the date of resolution, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:**

- a) A greenspace contribution of £24070.73, payable prior to first occupation;**  
**b) A Metrocard contribution of £5709.00, payable prior to first occupation.**

1. Time limit on full permission
2. Sightlines at access to be provided
3. Notwithstanding the approved plans, details of cycle storage to be provided.
4. Vehicular areas to be laid out, surfaced and drained.
5. Details of contractors' storage area to be submitted and approved.
6. Submission and approval of a Phase 2 Site Investigation.
7. Need for submission and approval of a new Remediation Statement.
8. Submission and approval of Verification Reports.
9. Separate systems of surface and foul water to be supplied.
10. Sample stonework panel to be approved.

11. Roofing materials to be approved.
12. Samples of surfacing materials to be approved.
13. Landscaping scheme to be submitted and approved.
14. Landscape management plan to be submitted and approved.
15. Submission and approval of a plan for bat roosting and bird nesting opportunities.
16. Works to be carried out in accordance with the mitigation proposed in the ecology assessment.
17. A lighting design strategy for bats shall be submitted and approved.
18. No works shall be undertaken to buildings or structures that may be used by nesting birds within the nesting season.
19. Permitted development restriction on extensions, outbuildings and roof extensions.

## **1.0 INTRODUCTION:**

- 1.1 Councillor Campbell has also requested that the application be determined by Plans Panel as it is a departure from policy.
- 1.2 This is also the development of a significant site in the Otley Conservation Area.

## **2.0 PROPOSAL:**

- 2.1 The proposal is for demolition of the existing single storey stone built mill buildings and the construction of nine dwellings and 3 flats. The dwellings will be built in a block of 4 terraced houses separated by an access to the rear parking from the other block of 5 houses and the 3 flats in an attached block on the corner.
- 2.2 The houses are two storey in height and constructed from stone with slate roofs. The block of flats is three storeys in height and turns the corner from Ilkley Road in to the Wharfebank Business Centre. To the rear the properties have gardens with a parking court for 20 vehicles, communal bike and bin stores.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site contains single storey mill buildings on the highway frontage of a mill complex currently operating as a mix of commercial and office units and a restaurant. To one side the site abuts a terrace of period dwellings and to the other the access road to the Wharfebank Business Centre. The other side of the access road is Armitage Monobond housed in a large industrial unit with a single storey stone frontage. Opposite the site is a modern 3½ storey flats development and a public park. The site is in close proximity to the River Wharfe which is to the North beyond Pegholme Mill.
- 3.2 The site is within the Otley Conservation Area but has no special designation within the Conservation Area Appraisal. Buildings within the wider Wharfebank Business Park are a number of buildings identified as positive buildings within the Conservation Area Appraisal. The application site contains two north light shed buildings constructed during the second half of the 19<sup>th</sup> century but significantly altered during the 20<sup>th</sup> century. Both buildings are constructed from stone with plain elevations containing little detailing to the road frontage. The roof construction has been altered over the years and the original saw-tooth roof form is now only partially visible from inside the site.
- 3.3 Internally there is little of architectural interest in the buildings which have been substantially altered and extended. Both are currently empty; one of them for 8 years, the other was occupied until recently.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The applicant submitted a pre-application enquiry and was given advice regarding the principle of development, loss of employment land, conservation issues and residential amenity.

#### **5.0 PUBLIC/LOCAL RESPONSE:**

- 5.1 **Ward Councillors** were consulted on 22nd July 2014.

Councillor Campbell has raised concern over the loss of employment land and the substandard size of the gardens.

- 5.2 Five representations have been received from local residents; one of objection, one of support and three making general comments.

The issues raised are:

- The new properties are too high and would block light and overlook neighbouring properties.
- There are local drainage issues which the scheme will exacerbate.
- Is there any provision made for the additional school places required?
- Good design.
- Much better idea to redevelop this existing site than use greenfield sites.
- Has consideration been made of the bat population?
- Concern about increase in traffic and parking provision.
- Could the existing stone be re-used.
- Concern about access to the rear of 125-137 Ilkley Road being retained through construction.
- Concern also about retention of the gated access to the rear of the neighbouring terraced properties.

- 5.3 Otley Town Council have no objections to the proposal but some concern about traffic turning left out of the business park.

#### **6.0 CONSULTATION RESPONSES:**

##### **Statutory Consultees:**

**ENVIRONMENT AGENCY:** The EA has objected to the scheme as the site lies within Flood Zone 2 and an Flood Risk Assessment (FRA) has not been submitted. The applicant has submitted further information showing that within the EA's newly modelled flood zone map, the site will move into Flood Zone 1 and an FRA will no longer be required. The EA has been reconsulted and the Plans Panel will be verbally updated.

##### **Non Statutory Consultees:**

**CONTAMINATED LAND TEAM:** No objections, conditions recommended.

**PUBLIC RIGHTS OF WAY:** The developer is asked to consider dedicating the permissive footpath which may already have acquired public rights through use by the public. The public bridleway adjacent to the site should be cleared of Himalayan balsam.

**HIGHWAYS:** No objections, conditions recommended.

**LOCAL PLANS:** A revised greenspace calculation of £24,070.73 has been received. The applicant's Economic Statement has been considered and it is accepted that it would be unreasonable to any objection to the proposal under UDPR policy E7 or Core Strategy policy EC3.

## **7.0 PLANNING POLICIES:**

### **7.1 Government Policies**

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system.

It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraphs 132 and 133 of the NPPF are particularly relevant. Para 132 states that great weight should be given to a heritage asset's conservation – the more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Para 133 sets out criteria to be used in assessing applications such as this and is referred to in the appraisal.

### **7.2 Development Plan Policies**

The Leeds UDP Review identifies the site within the main urban area with no specific allocations or designations. Relevant policies include:

- GP5 – General planning considerations.
- N2 – Green space and residential development
- N12 - New development should respect character and scale of adjoining buildings.
- N18A and N18B – Conservation Areas and demolition.
- N19 – Development in Conservation Areas.
- T2 – Highways issues.
- E7 – Loss of employment land to other uses.

Policies GP5, N18A, N18B and N19 are saved following adoption of the Core Strategy. Policies N2, N12, T2 and E7 are not saved.

### 7.3 **Draft Core Strategy**

The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the core strategy being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed modifications, to be legally compliant and sound, the policies in the modified core strategy can now be afforded substantial weight. Once the core strategy has been adopted it will form part of the Development Plan.

The following policies are relevant:

Policy SP9 – Provision for employment land and premises

Policy P10 – Design

Policy P11 – Conservation

Policy T1 – Transport Management

Policy T2 – Accessibility requirements and new development

Policy EN2 – Sustainable design and construction

Policy EN5 – Managing flood risk

Policy G3 – Standards for open space, sport and recreation

Policy EC3 – Safeguarding existing employment land and industrial areas

### 7.4 **Supplementary Planning Guidance/ Documents**

Neighbourhoods for Living

Otley Conservation Area Appraisal

Greenspace relating to new housing development

## 8.0 **MAIN ISSUES**

- 1 **Principal of development**
- 2 **Loss of employment land**
- 3 **Design and character**
- 4 **Conservation issues**
- 3 **Highway issues**
- 4 **Other issues**

## 9.0 **APPRAISAL**

### **Principle of development/ Loss of employment land**

- 9.1 The site has been previously in industrial use with one unit being empty for a number of years and the other being recently vacated. When both units were in use a total of 15 people were employed on site although this has dropped to 7 over recent years. The site is unallocated within the UDPR and has not been earmarked as an employment site within the emerging Site Allocations Plan.
- 9.2 Policy E7 of the UDPR which addresses the loss of employment land to other uses is relevant until adoption of the Core Strategy however policy EC3, which will replace it, can still be given substantial weight.
- 9.3 Policy E7 allows for residential development on land no longer needed for employment use or when a number of criteria can be met. In support of this the applicant has supplied an economic statement which provides a justification for the

loss of employment use on the site. It is noted within this statement that the buildings are in a dilapidated condition and are unsuitable for continued industrial use or conversion to offices. Refurbishment of other buildings within the Wharfebank Business Park site has led to an increase in employment numbers from 255 to 315 between 2006 and 2011 with a high take up of units. An assessment of alternative employment sites in the locality was also made. It is accepted that sufficient alternative employment sites are available both locally and district wide which are of a higher quality than the application site.

- 9.4 In regards to policy EC3, the site is in Outer North West which is an area of shortfall for employment sites and the following section of the policy is appropriate:

*Where a proposal located in an area of shortfall as identified in the most recent Employment Land Review would result in the loss of a general employment allocation or an existing use within the Use Classes B1b, B1c, B2 and B8, non-employment uses will only be permitted where:*

*The loss of the general employment site or premises can be offset sufficiently by the availability of existing general employment land and premises in the surrounding area (including outside the areas of shortfall) which are suitable to meeting the employment needs of the area.*

The applicant has not provided an assessment in relation to EC3 which has yet to be implemented. The information provided in relation to E7 would remain valid but the difference in the definition of 'locality' (policy E7) and 'surrounding area' (policy EC3) would produce different results and allow for a wider area of consideration for the identification of other possible employment sites. It is therefore highly likely that an EC3 assessment would result in an increase in alternative employment sites over the E7 assessment.

- 9.5 Application of policies E7 and EC3 requires local assessments of existing employment land availability for development proposals that result in the loss of existing employment land. This assessment against policy criteria has been submitted with the application and concludes that safeguarding of the site cannot be justified as there is sufficient employment land supply within reasonable travelling distance from the site to ensure that established demand can be met for the foreseeable future. As has been stated above, the buildings are currently vacant and the building is in a poor state of repair and re-use would not be financially viable.
- 9.6 The site is within Otley Conservation Area. It has been indicated by the applicant that the existing buildings have restricted access and little provision for servicing. The internal space is not suitable for modern usage and the buildings require modernization and significant repair before they could be re-used. If the site were required to be retained in employment use, then it is likely that the existing buildings would need to be replaced. Due to the site's position within the Conservation Area, a high quality stone building would be required which would, as a minimum, preserve the character and appearance of the Conservation Area. This would be costly and is likely to render re-development of the site as an employment use unviable.
- 9.7 There has been no local objection to the loss of employment use on the site. One local resident has expressed support of the proposal to re-use this brownfield site as housing instead of building on greenfield land.

## **Design and Conservation**

- 9.9 The existing building is not identified as a positive building within the Conservation Area Appraisal. The Heritage statement with the application identifies the buildings as being built during the second half of the 19<sup>th</sup> century but having substantial alterations during the 20<sup>th</sup> century. There is little of note internally within the buildings and their principle visual impact on the Conservation Area is in the high solid stone wall which forms the highway facing elevation of the buildings.
- 9.10 As a result of the poor structural quality of the buildings and their 'at best' neutral impact on the Conservation Area, it has been considered that their demolition can be considered acceptable providing a sufficiently high quality replacement scheme can be found. As such, the proposal is considered to comply with the NPPF and policy P11 of the Core Strategy in terms of the loss of buildings in the Conservation Area.
- 9.11 The scheme has been designed to follow the building line of the terrace properties to the East of the site and existing buildings on site and will retain the lower part of the wall of the buildings as the garden wall to the new dwellings. The form of the development is two small terraces which is typical of this part of Otley. In terms of height, the new buildings relate positively to the existing terraces while the gap between the terraces allows glimpses through to Pegholme Mill.
- 9.12 The properties will be constructed from stone with natural slate roofs. Windows and doors have cills and heads with chimneys and coping details to the roof line. Rooflights are Conservation type. The end block of flats is 3 storey in height providing a visual gateway when looking down Ilkley Road toward Otley. It mirrors the scale of the block of flats and provides a positive building at the entrance to the Business Park.
- 9.13 To the rear a stone wall built from reclaimed stone will separate the site from the car park of the Business Park. This will measure approximately 2.3m in height with wooden fencing above to a total height of approximately 3.5m. The bin and cycle stores will back on to this wall.

## **Highway Issues**

- 9.14 Parking is provided at the rate of 2 spaces per dwelling plus 2 spaces for visitors within a parking court to the rear of the properties. The parking area is access via a driveway between the 2 small terraces. A rumble strip within the driveway will help to define the private areas of the site and discourage non-residents from entering the site.
- 9.15 Within the rear parking court are sited 2 stone cycle storage sheds and a stone bin store.

## **Other issues**

- 9.16 The size of the gardens is below that required by Neighbourhoods for Living. This document gives as a guide a minimum of 2/3rds of total gross floor area of the dwelling for private gardens to family homes. The gardens of the houses measure 38m<sup>2</sup> with those on the corners with the access road being slightly smaller. The area suggested by Neighbourhoods for Living for houses of this size is 58m<sup>2</sup>. The site is however in close proximity to Grove Hill Park which is well supplied with a range of facilities and the Chevin which provides more informal recreation space.

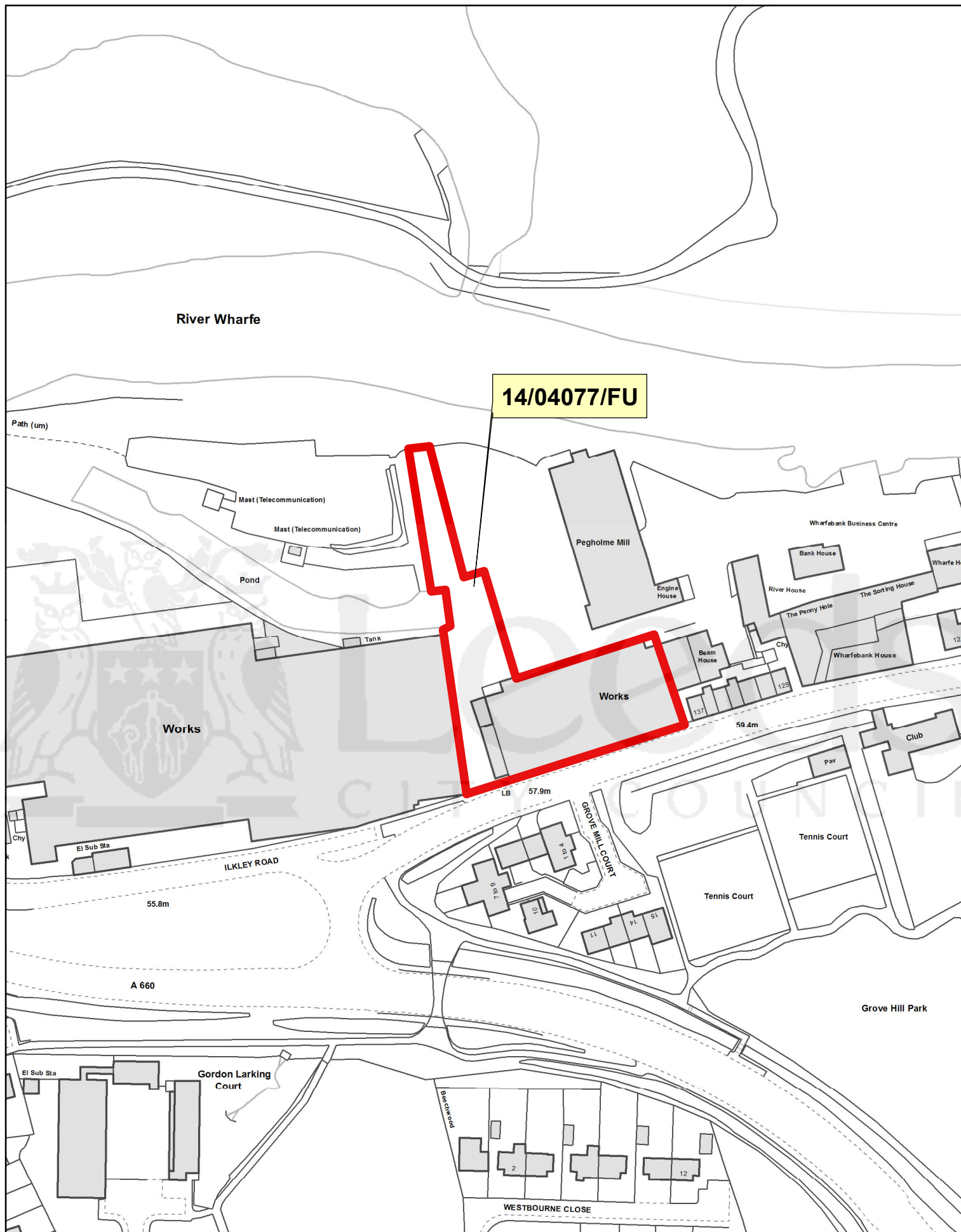
Bin and cycle storage is provided separately from the garden and a condition has been recommended to restrict permitted development for outbuildings and extensions to ensure acceptable levels of outside space are retained.

- 9.17 An analysis of the grain of development in the locality indicates that small rear gardens are typical of the area and so the proposed gardens are considered appropriate in terms of the character of the area. The gardens are also private, not being overlooked by neighbouring properties.
- 9.18 On balance, given the quality of the scheme and the benefits from provision of housing in this location, the small garden areas are considered acceptable. The areas given in Neighbourhoods for Living are a guide and do not take into account specific site conditions, which in this instance suggest that smaller gardens are appropriate. Local greenspace provision is good and it is considered that the residents of the new dwellings will benefit from good levels of amenity.
- 9.19 Amenity of neighbouring residents will be little impacted by the proposals. Residents of the adjacent terrace have expressed concern that access is retained to the rear of their property. This access is outside of the red line boundary of the site and it is not anticipated that access to the rear of the terraces will be impacted by the proposal.
- 9.20 A bat survey has confirmed that there are no bat roosts within the building but there are bat roosts in adjacent buildings and some bird nesting activity in the buildings to be demolished. Conditions have therefore been recommended to minimize impact on bats and nesting birds and to mitigate for any detrimental effect from the proposals.
- 9.21 A Metrocard contribution of £5709.00 has been agreed for the scheme. This will be secured via S106 agreement.
- 9.22 A greenspace contribution of £24070.73 has been calculated and this takes into account the nearby Grove Hill Park and the proximity of the Chevin. On-site greenspace is not provided on-site and the contribution to this, and children's play equipment, accords with policy.

## **10.0 CONCLUSION**

- 10.1 The application is recommended for approval as it complies with relevant policy contained in the UDPR and NPPF. The buildings are not identified as making a positive contribution to the Conservation Area and the replacement scheme is considered to be in keeping with the character of the area in terms of land use and to enhance the appearance of the Otley Conservation Area as a result of its sensitive and appropriate design.
- 10.2 The impact of the loss of the employment land has been assessed and sufficient alternative employment sites have been identified within the locality. In addition, the existing buildings are in a dilapidated condition and not suited to modern use and located in an area where the mixed character lends itself to new housing thereby providing a contribution to the housing requirements.





# SOUTH AND WEST PLANS PANEL

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