

# Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 03 April 2024

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## Summary Statement - Part One

### APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	Market Square Shipley West Yorkshire - 23/04725/FUL [Approve]	<b>Shipley</b>
B.	56 Otley Road Eldwick Bingley West Yorkshire BD16 3EE - 23/04177/HOU [Refuse]	<b>Bingley</b>
C.	Land Adjacent To Golf Driving Range Keighley Road Silsden Keighley West Yorkshire BD20 0EH - 23/03770/FUL [Refuse]	<b>Craven</b>

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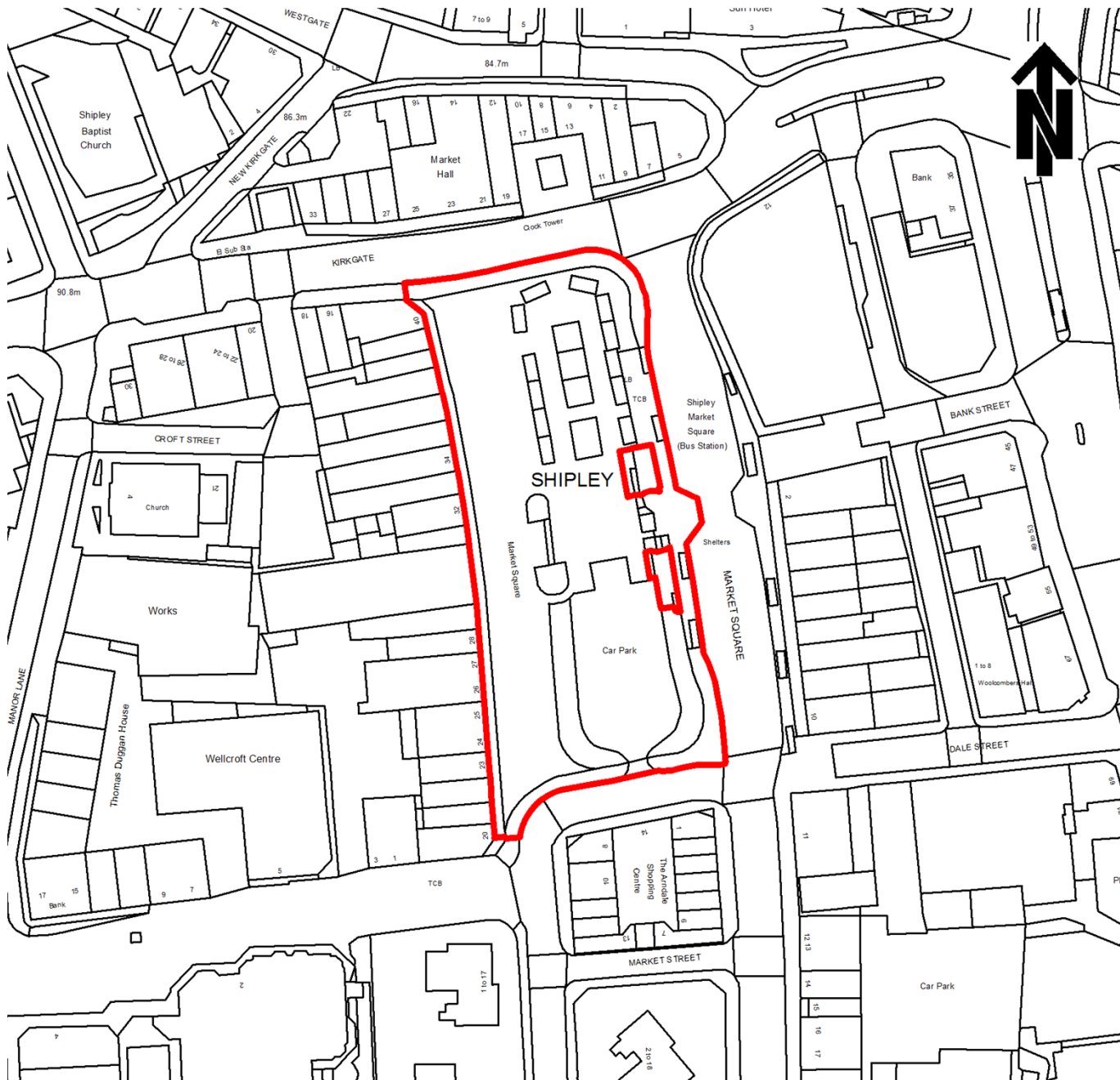
**Portfolio:**  
Regeneration, Planning &  
Transport

**Overview & Scrutiny Committee  
Area:**  
Regeneration and Environment

23/04725/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**Market Square  
Shipley**

**03 April 2024**

**Item: A**  
**Ward: SHIPLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
23/04725/FUL

**Type of Application/Proposal and Address:**  
Relocation of market, construction of canopy and associated landscape improvements at Market Square, Shipley.

**Applicant:**  
Bradford MDC

**Agent:**  
Bradford MDC

**Site Description:**  
Shipley Market Square is located within Shipley Town Centre centrally positioned between the retail shop frontages on the pedestrianised Market Square to the west and Market Street to the east. The site is bound by Kirkgate to the north and opposite the clock tower which is a landmark feature of the town. The square is essentially hard landscaped and rectangular in form. At its northern end are a cluster of timber market stalls which are clearly in a poor state of repair and to the southern end is a small car park. The area is well used as a pedestrianised through route and meeting place.

**Relevant Site History:**  
None

**The National Planning Policy Framework (NPPF):**  
The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**  
The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

### **Core Strategy Policies**

CT1 Development within City and Town Centres  
DS1 Achieving Good Design  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
EN3 Historic Environment  
TR2 Parking

### **Parish Council:**

Shipley Town Council – Is concerned that the canopy could present opportunities for anti-social behaviour through providing shelter and attracting climbing. Without adequate maintenance it could potentially become a detracting feature in such a prominent location in the centre of town.

### **Publicity and Number of Representations:**

Advertised by NN letter and site notice. Overall expiry date 15 February 2024.  
One letter of support received and one objection.

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

Support:

1. Local business owners welcome the proposal and feel that this is what Shipley needs.

Object:

1. The position of the canopy could block the access steps to the square.
2. Would like to know how much this scheme would cost, compared with replacing the dated window façades of neighbouring shop frontages.

### **Consultations:**

#### Heritage Conservation

The site is not close to any important historically related features, approaches or gateways and not within the immediate setting of the World Heritage Site. The proposals will not conflict with Core Strategy Policy EN3.

Some features of the Market Square are of local 20<sup>th</sup> Century interest including the clock tower. The proposals will enhance the attractiveness of the Market Square by improving the landscaping, accessibility, paving, cycle parking, EV charging, seating, play trail, market stall area with new canopy and other related facilities, making it a more flexible space for events to attract visitors to the town centre. This regeneration project should benefit the wider area.

#### Highways

No objection. Conditions recommended to secure the vehicular and pedestrian access is hard surfaced before the development is brought into use.

### Landscape Design

Supports the proposal. The design will be beneficial, removing static market stands that remain redundant for the majority of the week, revitalising the centre of Shipley with a modern new public realm design. The new canopy will act as a major new focal point within the town. It is noted that the Shipley Shopper artwork would be removed as a consequence of the development. Conditions are recommended as to the proposed hard and soft landscaping schemes.

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

1. Procedural Matters
2. Principle of Development
3. Visual Appearance
4. Matters Raised by Representations

### **Appraisal:**

The proposal seeks approval for the relocation of the market, construction of a canopy and associated landscape improvements. In short, this involves the removal of the timber fixed covered stalls towards the northern end of the site and the installation of a 24m x 12m open sided canopy, positioned more centrally within the space. The canopy will have 3No post supports to an overall maximum height of c 6m. It there will be a minimum clearance of 3m to the underside of the canopy and the lighting sources will be 4m above ground level and angled to cast down over the space with limited light spill outside its footprint. The canopy will have a white finish and comprise a flexible membrane typical of those found on commercial grade installations. The canopy will be used by market traders on the required days but also represents a flexible covered space that would benefit other users and facilitate events. It would essentially free up and potentially revitalise the northern end of the square, which is underused on non-market days, which represents a significant part of any given week.

The site will be comprehensively landscaped with enhanced areas for seating and planting together with provision for bin storage and a dedicated location for the town's Christmas tree. The car park at the southern end of the square essentially remains unchanged. The scheme does provide for 4no electric vehicle charging points and 6no secure bicycle hoops. The existing non-compliant access ramp adjacent to the car park will be removed and replaced with regraded paths to facilitate equal access for across the space towards the northern end of the site as part of the regeneration project. Existing trees at the northern end of the square will be removed to facilitate the development. In the main, the existing trees to the car park will be retained and pruned.

The scheme has attracted investment from the Shipley Towns Fund as part of the Government's commitment to levelling up the UK economy.

## **1. Procedural Matters**

The application has been submitted by Bradford MDC. Class A, Part 12, Schedule 2 of the Town and Country Planning (General Permitted Development Order) (England) 2015, conveys certain permitted development rights on Local Authorities. Class A conveys the permitted development right to erect, construct, maintain, improve or otherwise alter:

*(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers.*

*(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.*

As such, the majority of the proposals as shown on the submitted drawing would represent permitted development. The only exception to this is the canopy. This is because in order to benefit from (a) above, a 'small ancillary building' should not exceed 4 metres in height or 200 cubic metres in capacity. The canopy fails to meet both the height and volume criteria, and for this reason formal planning permission is required. This assessment will therefore focus on this element.

A number of consultees have suggested conditions that could be attached to any grant of consent. These conditions predominantly relate to the landscaping works and minor changes to the car park. The plans are sufficiently detailed to show what is intended. The application has been submitted by the Council. There is confidence that the development will be carried out in accordance with the stated details. As stated above, the street scene improvements would not require planning permission.

## **2. Principle of Development**

The form and functionality of Shipley Market Square is restricted by the current market fixed stalls. Currently the market is only operational on 3 days of the week. On 'off' days, the space is underutilised as the presence of the fixed stalls precludes alternative uses from taking place. The stalls are in a poor condition visually, giving a neglected appearance to the town and also act as a barrier to movement across the square. The sloped ramp at the western side of the square does not accord with current accessibility standards which is less than ideal.

The reconfiguration of the square with the new canopy and associated landscaping work would make a better use of the space, overall, opening up the northern end of the square and offering more opportunities to enjoy the outside environment. Pedestrian movements across the square will be improved as would opportunities for informal play and seating. The canopy could be used to host seasonal community activities throughout the year when not required on market days. The Town Council's reservations about the canopy are noted however the same argument about attracting anti-social behaviour could equally apply to the existing timber stalls. Given the height of the canopy, it is unlikely that climbing would be an

issue. The current pitched roofed stalls are more accessible, from a climbing perspective, and to that end it is felt that the new canopy could discourage such behaviour. Being open sided, there would be a high degree of natural surveillance and intervisibility across the square, assisted by the low-level lighting arrangements.

The scheme will be an asset to the town centre and fully accords with Policies CT1 and DS5 of the Core Strategy Development Plan Document.

### **3. Visual Appearance**

The modern canopy would sit centrally within Market Square and act as a focal point within the town centre. It would be of an appropriate colour and scale and the supporting images show that it relates well to the surrounding mid C20th architecture of the square. These types of structures are becoming increasingly common within urban environments.

The comments of the Town Council are noted as to the choice of colour. The fabric used for these types of canopies are specially treated to ensure that they can deal with all weather conditions. As with any building, regular maintenance is key to ensuring that it remains in good condition. The applicant has confirmed that the maintenance of the canopy would fall within the Council's street scene remit.

Consequently, the proposal will accord with Policy DS1 of the Core Strategy Development Plan Document which states that planning decisions should contribute to achieving good design and high-quality places and Policy DS3 which seeks to ensure that developments are appropriate to their context and reinforce a distinctive character with attractive streetscapes and buildings which offer variety and interest.

### **4. Matters Raised by Representations**

The support from local businesses is noted. Officers agree that the town centre would benefit from a significant programme of regeneration which should boost the appeal of Shipley as a destination.

As the canopy is open sided, supported on 3No well-spaced columns and to a minimum height of 3m, it is not felt that it would impede the use of the access stairs across the square. Queries as to costings of the project compared to alternative schemes would not be within the remit of this assessment.

#### **Community Safety Implications:**

There are no implications for community safety.

#### **Planning Balance and Reasons for Recommendation:**

The regeneration of the Market Square would be a welcome development for residents and visitors to Shipley alike. The removal of the fixed market stalls and installation of the new canopy would represent a flexible multi-purpose space which could be used by market holders and other groups. This new facility together with the improvements to landscaping and the car park presents a betterment to the public realm which will improve the attractiveness of Shipley and help to revitalise its town centre offer.

As noted above, most of the works as applied for, if developed in isolation, would not require formal planning permission. This forms a strong fall-back position for the applicant. It is acknowledged that the 'Shipley Shopper' public artwork (sheep statue) is not to be retained

as part of the development. Notwithstanding the comments of the Landscape Design team, the original artist has advised that it would be unwise to re-site the statue, structurally, as it is liable to collapse. Planning permission would not be required to remove the structure.

Therefore, the proposal will accord with Policies CT1, DS1, DS3, DS5, EN3 and TR2 of the Core Strategy Development Plan Document and approval is wholeheartedly recommended.

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

#### **Conditions of Approval:**

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below; -

Location Plan		22.12.2023
Tree Survey and Constraints	BA12012TSP	22.12.2023
Site Survey and Levels	LS\SM\104547\PLAN.01\A	22.12.2023
Proposed layout	PTH/LDC/104547/GA 01	22.12.2023
Proposed elevations	PTH-HS-104547-4000-02	06.03.2023

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



23/04177/HOU



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**56 Otley Road**  
**Eldwick**  
**BD16 3EE**

**03 April 2024**

**Item: B**  
**Ward: BINGLEY**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
23/04177/HOU

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

This is a householder planning application for the construction of a first-floor side extension with internal alterations at 56 Otley Road, Eldwick, Bingley, BD16 3EE.

**Applicant:**

Miss Kay Nichols

**Agent:**

ATB Architectural Ltd

**Site Description:**

56 Otley Road is a stone semi-detached house with a red tile roof. The property has a large attached double garage to the side. This section of Otley Road is residential and surrounded by a variety of residential property types. The dwelling is within a level street scene with the land to the rear of the property gently sloping down away from the property.

**Relevant Site History:**

1. 08/06233/FUL Ground and first floor extensions REFUSE 03.12.2008
2. 13/03155/HOU Demolition of existing integral garage and proposed new integral garage to side elevation up to existing boundary wall. GRANT 26.09.2013
3. 16/07339/HOU First floor extension above existing garage REFUSE 27.10.2016
4. 17/00840/HOU First floor side extension over the existing garage REFUSE 25.04.2017
5. 17/03317/HOU First floor side extension over the existing garage GRANT 27.07.2017

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

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

DS1 Achieving Good Design  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
TR2 Parking

**Other Relevant Documents:**

Householder Supplementary Planning Document

**Parish Council:**

Bingley Town Council recommend refusal on the grounds of overdevelopment, size, scale and massing.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters which expired on 11 December 2023.

Five comments of support have been received.

One Councillor representation has been received in support of the proposal.

**Summary of Representations Received:**

1. House is currently too small
2. Room needed for elderly relative to move in
3. In keeping with area
4. Will not affect neighbours

A Ward Councillor supports the proposal and requests a panel decision if refusal is recommended.

**Consultations:**

N/A

**Summary of Main Issues:**

1. Planning History
2. Impact on the Built Environment
3. Impact on Neighbouring Occupants
4. Parking and Highway Safety

**Appraisal:**

The proposal seeks approval for a first-floor extension to the side of the property over the existing garage to form a further 2 bedrooms. As part of the proposal, the garage is to be converted into additional living space comprising an extended kitchen, utility, study, and enlarged entrance hall and wc. A small portion of the garage is retained for ancillary domestic storage. The extension will have a matching rendered finish under a hipped tiled roof. Officers are aware that the additional accommodation is required, in part, to support the applicant to offer care at home for a dependent relative at a future date.

### **1. Planning History**

Planning applications for first floor extensions over the garage have previously been refused at this property on the basis that they were overly large, appearing as a disproportionate addition which would unbalance the semi-detached pair – see 16/07339/HOU and 17/00840/HOU above. A subsequent application was then made under 17/03317/HOU for a scheme with a significantly reduced width, showing the addition being no greater than two-thirds of the width of the parent dwelling, in accordance with the Council's adopted Householder Supplementary Planning Document (SPD). This was approved however this scheme was not implemented and is no longer extant. There have been no changes in site circumstances or planning policy which would warrant the Local Planning Authority from taking an alternative stance.

### **2. Impact on the Built Environment**

Design Principle 1 of the Householder SPD requires that the size, position and form of extensions should maintain or improve the character and quality of the original house and wider area. It states that extensions should not appear to dominate the original house or neighbouring properties.

Where extensions are proposed on semi-detached properties, achieving a sense of subordination is particularly important. To achieve this, the Householder SPD recommends that side extensions should be no greater than two thirds of the width of the original property. A set back to the front elevation of 1m is also required together with a corresponding drop in the line of the roof.

The proposed first floor side extension fails to achieve this. Whilst the scheme includes a set-back to the front elevation, the width of the extension at c5.4m is in fact greater than that of the original dwelling at c 5.1m. The first-floor side extension would therefore seriously unbalance the appearance of the original dwelling and thereby harm the character of the street scene.

Consequently, the proposal fails to accord with Policy DS1 of the Core Strategy Development Plan Document which states that planning decisions should contribute to achieving good design and high-quality places and Policy DS3 which seeks to ensure that developments are appropriate to their context and reinforce a distinctive character with attractive streetscapes and buildings which offer variety and interest.

### **3. Impact on Neighbouring Occupants**

No concerns anticipated due to the positioning of the extension, over the existing garage. The intervening range of outbuilding associated with the neighbour to the east at 58 Otley Road are sufficient to afford an appreciable degree of separation between the two properties. Achievable facing distances to the front and rear meet with the Council's minimum standards as set out in the Householder SPD.

The proposal in this respect is considered to comply with policy DS5 of the Core Strategy Development Plan.

#### **4. Parking and Highway Safety**

Whilst the proposal involves the conversion of the existing garage, ample space is retained to the front of the property to accommodate a minimum of 2no parked vehicles which would be acceptable for this family dwelling, The scheme accords with Policies DS4 and TR2 of the Core Strategy Development Plan Document in this regard.

#### **Community Safety Implications:**

There are no implications for community safety.

#### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

#### **Planning Balance and Reasons for Recommendation:**

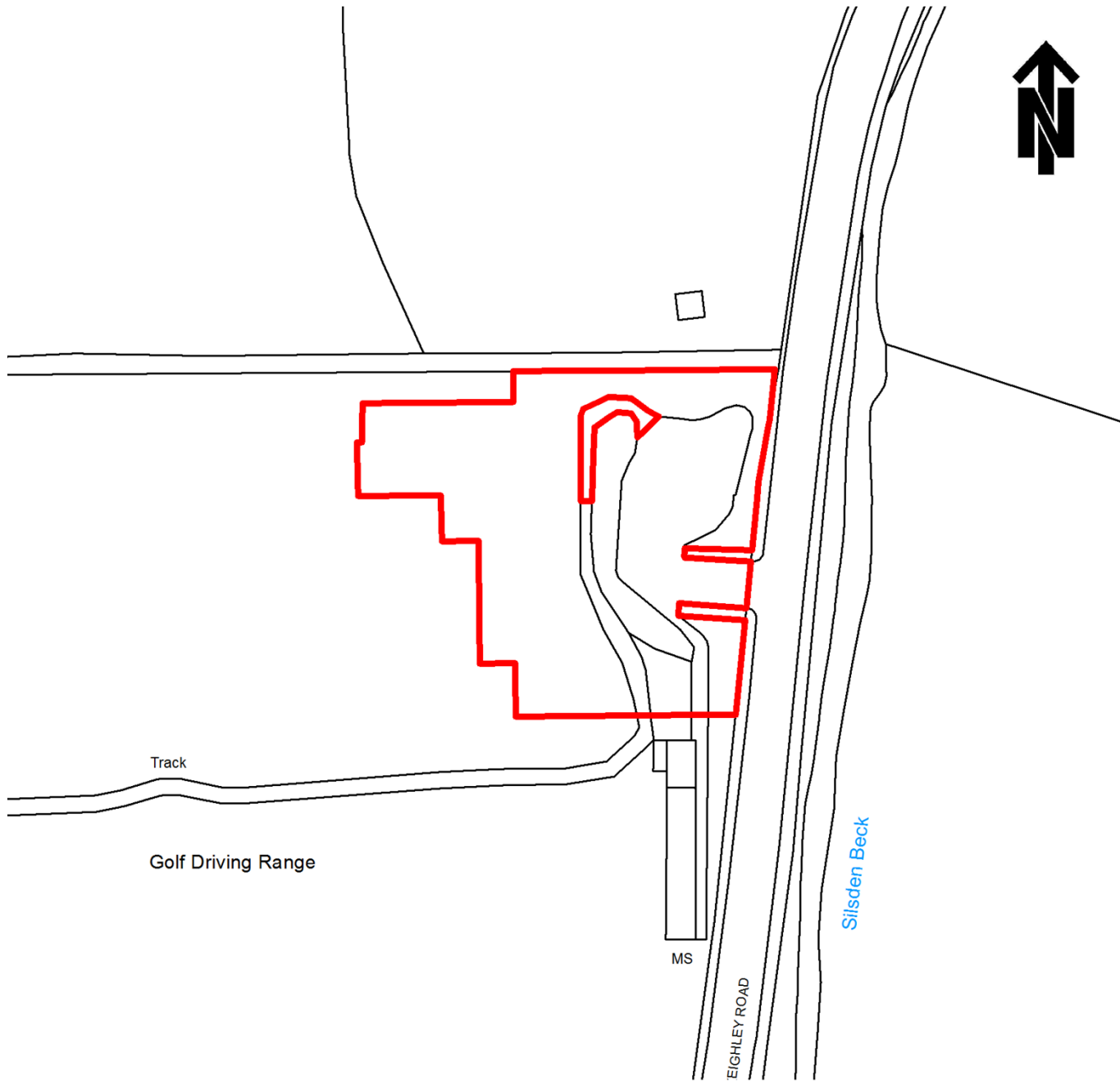
The proposal would represent a form of development that would negatively impact upon the character and form of both the original property and the adjoining semi-detached pair to the detriment of visual amenity and the quality of the local street scene. The Council has resisted similar development proposals for the same reason. Local support for the proposal is noted but this in itself would not represent a valid justification for permitting a form of development which does not accord with the guidance as set out in the Householder SPD. There clearly is scope for a first-floor side extension here, as evidenced by the grant of planning permission in 2017, however the scale of the development would need to be substantially reduced.

It is acknowledged that the proposal may be for an elderly relative to move into the property in the future. However, it is clear there is significant space within the existing large ground floor double garage which could be adapted to provide such accommodation. This would also have the added benefit of being on the ground floor which would be more practical in terms of accessibility, for example, precluding the need to access first floor bedrooms and bathrooms, by way of a stairlift.

#### **Reasons for Refusal:**

1. The proposed development would, by reason of its excessive width, appear as a disproportionate addition to this semi-detached dwelling. It would unbalance the symmetry of the original pair of properties to the detriment of their character and appearance. The resulting built form would appear as an overly dominant addition to the local street scene to the detriment of visual amenity. The proposal would therefore be contrary to Policies DS1 and DS3 of the Core Strategy Development Plan Document and fails to accord with the guidance contained in the Council's Householder Supplementary Planning Document.

23/03770/FUL



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**Land Adjacent To Golf Driving Range  
Keighley Road  
Silsden  
BD20 0EH**

**03 April 2024**

**Item: C**  
**Ward: CRAVEN**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**  
**Application with a petition**

**Application Number:**  
23/03770/FUL

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

This is a full planning application for the construction of a farm shop and first floor cafe with associated car parking at Land Adjacent To Golf Driving Range, Keighley Road, Silsden, Keighley, West Yorkshire, BD20 0EH.

**Applicant:**

Mr & Mrs D, J And J Isherwood

**Agent:**

J O Steel Consulting

**Site Description:**

The site is an open field and rough surfaced parking area which currently serves the neighbouring golf driving range located on the western side of Keighley Road, the A6034 to the south of Silsden Town Centre, close to the roundabout with the A629 bypass. Immediately to the north of the site is Silsden cricket ground.

**Relevant Site History:**

1. 90/04406/FUL Golf driving range as amended plans received on 16.10.90 PPGR 12.12.1990
2. 91/07453/FUL Floodlighting of golf driving range Keighley Road Silsden Keighley PPGR 15.04.1992

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

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

### **Core Strategy Policies**

SC5 Location of development

SC7 Green Belt

SC8 Protecting the South Pennine Moors and their Zone of Influence

SC9 Making Great Places

AD1 Airedale

DS1 Achieving Good Design

DS2 Working with the Landscape

DS3 Urban character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

EC5 City, Town, District and Local Centres

EN2 Biodiversity

EN4 Landscape Character

EN7 Flood Risk

EN8 Environmental Protection Policy

TR2 Parking Policy

### **Saved Policies**

GB1 Development within the Green Belt

### **Other Documents**

Steeton with Eastburn and Silsden Neighbourhood Plan (2021)

Landscape Character Supplementary Planning Document (2008)

### **Parish Council:**

Silsden Town Council - No objection in principle provided the scheme accords with Green Belt Policy requirements. STC agrees with the findings of the drainage report and considers that the proposal could conform to the adopted Neighbourhood Plan which supports economic growth and local employment. Conditions are recommended as to landscaping and the provision of double yellow lines within the highway to prevent parking on Keighley Road adjacent to the site entrance which could cause an obstruction.

### **Publicity and Number of Representations:**

The application was publicised with a site notice which expired on 24 November 2023.

At the time of writing 908 representations have been received, 876 in support and 32 objecting to the proposal.

A petition with 286 signatures has also been received in support of the proposal.

Many of the representations have been duplicated.

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

Support:

1. Good for the community
2. Parking on site is useful
3. Nice local business
4. Local employment
5. Support business expanding
6. Support a local family
7. Keep traffic out of Silsden



8. Replacement for Keelham closing in Skipton
9. More shops needed due to increase in housing

It was noted that many of the representations in support have not stated a reason.

**Objections:**

1. Land ownership issues
2. Site regularly floods and is a flood plain
3. Building will create flooding elsewhere
4. Existing traffic issues will get worse
5. Infrastructure can't cope with additional traffic
6. Exacerbate current parking issues
7. Out of town development will damage local businesses
8. Will result in the decline of Main Street
9. Butcher and café already exist in Silsden
10. Aldi exists across the road
11. Owners should buy the old Keelham farm shop site
12. Loss of green belt and against policy
13. Pollution
14. Loss of wildlife habitat

**Consultations:**

Drainage

Recommend conditions.

Minerals

No comments received.

Biodiversity

Unable to support this application as a Biodiversity Net Gain Assessment has not been conducted.

Environment Agency

Note that the site is situated partially within Flood Zones 2 and 3, but that the proposed development is situated wholly within Flood Zone 2 and outside of the modelled design flood event extents from both the River Aire and Silsden Beck. They have no objection to the proposed development on flood risk grounds.

Highways

The proposal fails to provide a safe and suitable access arrangements to serve the proposed development likely to result in conditions prejudicial to pedestrian and highway safety.

**Summary of Main Issues:**

1. Principle of the Development within the Green Belt
2. Very Special Circumstances
3. Landscape Character
4. Out of Centre Retail Development
5. Highway Safety and Parking
6. Flood Risk
7. Ecology
8. Outstanding Matters Raised by Representations

**Appraisal:**

This proposal is for the construction of a farm shop with a first-floor café and associated parking on land to the north of the Silsden Golf Driving Range which is adjacent to Keighley Road on the south side of the town.

The accompanying drawings show a proposed 12m x 24m sales building with a pitched roof and gables located against the north boundary of the land, with an outdoor seating area at first floor level to the north side. The building will be constructed from natural stone with timber boarding with a standing seam metal roof. An array of solar panels will be fitted to the southern roof plane overlooking the car park. It would share access and the roughly surfaced car park associated with the Golf Driving Range.

Although termed a farm shop, the facility will effectively relocate an existing butchers business, Isherwoods, from their current retail shop at 51 Kirkgate in Silsden. It will enable the business to expand and to include provision for customer parking as well as a café. Beef and lamb products will be sourced from Lane Bridge Farm in Kildwick, which is owned by the applicants, and the supporting statement notes that all other goods are sourced locally. The enterprise will represent an increase of 3 full time and 12 part time roles.

**1. Principle of the Development with the Green Belt**

The site is located within an area of Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belts serves five purposes as set out in the NPPF. They are the following;

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

Saved Policy GB1 of the RUDP reflects the approach of the NPPF insofar as it states that permission will not be given within the Green Belt other than for certain specified purposes. However, it is not fully consistent with the NPPF due to differences in wording and the more limited exceptions to inappropriate development listed in GB1.

Policy SC7 of the Core Strategy relates to the Green Belt but is concerned with the release of Green Belt land and review of its boundaries, rather than individual applications for development in the Green Belt. As such, this policy is of limited relevance.

The determination of the application has therefore given weight to the provisions of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt. Whilst there are certain exceptions, these do not extend to retail shops and/or cafes. The development of a two-storey detached building and associated car park would have a detrimental impact upon openness both spatially and visually and would contribute to urban sprawl. This would undermine the purposes of the green belt designation and for this reason the proposal would fail to accord with the provisions of the NPPF.

## **2. Very Special Circumstances**

When considering any planning application for inappropriate development in the Green Belt, the NPPF advises local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In their supporting statement, the applicants have identified other built form in the area that is purported to impact upon the green belt, such as the adjacent cricket score board and golf range shed. However, these are considered to be necessary structures that support appropriate outdoor recreational uses, and which would be justifiable under paragraph 154 of the NPPF. The same argument would not apply here. It is also pointed out that there is a substantial housing development opposite the site. This is not disputed however this is an allocated housing site in the adopted proposals map and directly comparable with the site circumstances here.

The applicant has submitted that additional space, delivery area and customer parking are required to support and grow the existing business since there is a shortage of suitable available retail space within the town centre. It is acknowledged that the business is locally well regarded, as evidenced by the amount of public support for the proposal, and that a larger premises would enable the business to expand, provide local jobs and meet customer needs however this in itself would not qualify as very special circumstances to justify a form of inappropriate development.

The evidential harm to the green belt is therefore afforded substantial weight.

## **3. Landscape Character**

The site lies within the Airedale Landscape Character Area and is identified as a Floodplain Pasture location within the Landscape Character Supplementary Planning Document (SPD). This large area of flat land is prominent from all the major transport routes running through it as well as from the valley sides. Though surrounded by valley slopes, the landscape has an open character and is very sensitive to change. There are no other expansive areas of floodplain in the district and once its open, undeveloped character is breached, this distinctive landscape will be lost forever. It would therefore be detrimental to the character of the landscape to allow development onto the floodplain pastures.

The Landscape Character SPD states that it would be detrimental to the character of the landscape to allow Silsden to extend onto the flood plain pastures.

The construction of a two-storey, utilitarian building at this point together with associated unsightly hard surfaces, lighting and commercial paraphernalia, including advertisement signage, would not be welcome in this Landscape Character Area. It is considered that a farm shop, café and car park would form a further detrimental intrusion into the irreplaceable landscape of Airedale and for this reason, the proposal fails to accord with Policies DS2 and EN4 of the Core Strategy Development Plan Document.

#### **4. Out of Centre Retail Development**

The site is not in a town or local centre. The Council's Core Strategy Development Plan Document and the NPPF say planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should promote the town centre before out of centre retail development is permitted. The Steeton with Eastburn and Silsden Neighbourhood Plan also reinforces the national policy approach by stressing how the vitality and viability of Silsden Local Centre should be protected and enhanced in the future. Objectors consider that permitting this out-of-town development would have a negative impact upon the attractiveness of Silsden as a shopping destination with the relocation of the long-established traditional butchers from its Main Street site. Respondents also point out that Silsden is well served by cafes.

This proposal is for a retail and café development on a site that is well outside the town centre. The agent has submitted that there are no suitable properties within the town centre currently on the market. However, this statement is not sufficient to convince the Council that a robust Sequential Test has taken place, and the applicant has not demonstrated convincingly that Silsden Town Centre could not provide a location for the shop and café.

It is recognised that there may be an argument that planning policies and decisions need to encourage the development and diversification of agricultural and other land-based rural businesses. The representations in favour of the scheme also support this view. However, this site is not an isolated rural location. It is on the edge of the settlement, and the surrounding land is used for sport, not agriculture. The supporting statement notes that the applicants farm premises is at Kildwick, some distance away. It would therefore be difficult to demonstrate that this selected location is determined solely, or even mainly, by the location of an existing rural enterprise or a need to strengthen the economy of a rural area. The proposal fails to comply with Policy EC5 of the Core Strategy Development Plan Document.

#### **5. Highway Safety and Parking**

The proposed development would lead to a significant intensification of the use of existing vehicular access onto Keighley Road. It is acknowledged that the current access point is substandard in terms of its forward visibility but equally the number of vehicle trips associated with the golf driving range are low, compared to the proposed use.

The submitted site layout plan includes the required visibility splays of 4.5m x 120m in both directions based on the fact that Keighley Road has a 40mph speed limit at this point. However, the Council's Highway Officer has advised these would not be achievable due to the existing boundary walls, the tree line and overhanging tree canopies along the roadside. The splays would also encroach onto third party land and therefore outside the control of the applicant.

Highway Engineers have advised that, in addition to achieving suitable visibility splays, the provision of a right-turn ghost lane on Keighley Road at the site entrance and improved pedestrian routes within the site would be required to ensure the safety of road users and pedestrians alike. These measures have not been included within the submission. For this reason, the proposal fails to provide a safe and suitable access arrangements to serve the proposed development and is likely to result in conditions that would be prejudicial to pedestrian and highway safety. The proposal fails to satisfy the requirements of Policy DS4 of the Core Strategy Development Plan and It also conflicts with the NPPF which seeks to prevent unacceptable impact on highway safety and to create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

The Council's adopted parking standards require 1 car space per 35 sq m of retail floorspace and 1 space per 10 sq m of café space, based upon the assumption that many visits to the site are likely to be combined trips. This would equate to 29 spaces. 36 spaces are being provided. An additional 12 spaces are to be ear marked for the golf driving range use. The Council's Highway Engineers are therefore satisfied that the level of car parking is proportionate to the scale of the end use. Despite objections being received relating to parking, a refusal based upon Policy TR2 of the Core Strategy Development Plan could not be justified.

## **6. Flood Risk**

The red edge of the application site falls within Flood Zones 2 and 3, which is land that has a medium to high likelihood of flooding, in this case, from the River Aire and Silsden Beck. Objectors note that the site is prone to flooding. The Environment Agency's Flood Map for Planning presents the proposed development as being situated wholly within Flood Zone 2 and outside of the modelled design flood event extents from both the River Aire and Silsden Beck.

A Flood Risk Assessment has been conducted to assess flood risk to support the planning application for the development. The findings of the submitted report conclude that the proposed development will have no adverse impact to flooding either on-site or off-site. The Environment Agency concur with this view and have raised no objection to the development on flood risk grounds. For this reason, the proposal is acceptable when tested against the requirements of Policy EN7 of the Core Strategy Development Plan Document.

## **7. Ecology**

The application has been supported by a Preliminary Ecological Appraisal (PEA). This notes that bats, birds, badgers, and hedgehogs have the potential to be negatively impacted upon by the development.

However, no firm ecological evidence has been submitted to conclusively demonstrate that no harm would arise to biodiversity or that appropriate mitigation and an overall net gain in biodiversity could be achieved at the site. It would not be appropriate to seek to address this issue by planning condition until such potential effects are identified. Therefore, in the absence of sufficient evidence to the contrary, it is appropriate to take a precautionary approach and find that the proposal could harm biodiversity in and around the site. Thus, the proposal will conflict with the aim of Core Strategy Policy EN2 which requires that proposals should contribute positively towards the overall enhancement of the district's biodiversity resource.

## **8. Outstanding Matters Raised by Representations**

It is noted that the proposal has achieved a lot of support, and the proposal would enable an existing family business to expand, resulting in the creation of a number of jobs, locally. A number of respondents are of the opinion that a new farm shop is needed in the area following the closure of Keelham farm shop in Skipton. Officers are mindful of local opinion, however it is not felt that this site is the best location for this, for the reasons outlined above.

The comments of the Town Council are noted. The development will not accord with established green belt policy as set out in the NPPF, for the reasons outlined above. Whilst the Steeton with Eastburn and Silsden Neighbourhood Plan adopted Neighbourhood Plan supports economic growth and local employment, it also stresses the need to protect and enhance the town centre – aims which are not mutually compatible in this instance. Suggested conditions as to landscaping and highway line marking are not considered to be sufficient to address identified concerns as to landscape character and highway safety.

Disputes over land ownership would need to be resolved privately.

### **Planning Balance and Reasons for Recommendation:**

Officers understand the applicants desire to expand and improve their retail offer, whilst remaining local to Silsden, however this location is not one that can be supported in principle on two counts, firstly, on the basis that it would represent an inappropriate form of development within an area of green belt and secondly, that it would encourage an out of centre retail development, undermining the vitality and viability of Silsden Town Centre. The building itself would, because of its size, design and appearance, detract from the character and appearance of the local landscape, appearing as an unwelcome urbanising form. The existing access to Keighley Road is unsuited to support an increase in traffic flow having regard to the substandard visibility splays at the site entrance. It is noted that the Council's Highway Engineers are of the opinion that the required visibility splays cannot be achieved due to i) the canopies of street scene trees obscuring forward views and ii) the need to involve third party land. There is also a lack of supporting ecological information to demonstrate that a Biodiversity Net Gain can be provided as part of the development.

For these reasons the proposal fails to accord with Policies DS1, DS2, DS4, EC5, EN2 and EN4 of the Core Strategy Development Plan and the approach to safeguarding the Green Belt from inappropriate development as set out in the National Planning Policy Framework. The scheme is also inconsistent with the guidance contained in the Council's Landscape Character Supplementary Planning Document and the adopted Steeton with Eastburn and Silsden Neighbourhood Plan.

### **Community Safety Implications:**

There are no implications for community safety.

### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

### Reasons for Refusal:

1. The site is located in the Green Belt where the Local Planning Authority must regard the construction of a new two storey building to house a retail shop and café together with associated car parking as an inappropriate form of development. The National Planning Policy Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such very special circumstances sufficient to clearly outweigh the harm identified have not been demonstrated in this submission. The development would represent an urbanising influence beyond the present limits of the built-up area. It would harm the openness of the Green Belt and present clear conflict with its purposes, including to check the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment.
2. The proposed new retail, café and car park development would introduce incongruous urban features within an area of open Floodplain Pasture. This would result in a detrimental intrusion into the Airedale Landscape Character Area, which would represent significant harm to the appearance of the immediate area and the character of the wider landscape. For these reasons, the development is contrary to policies DS2 and EN4 of the Core Strategy Development Plan Document.
3. The site is not in a town or local centre. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Retail development should be located in town centres. The Council is not convinced that a robust Sequential Test has taken place, and the applicant has not demonstrated convincingly that Silsden Town Centre could not provide a location for the shop and café. The proposal is therefore contrary to Policy EC5 of the Core Strategy Development Plan Document and the guidance set out within the National Planning Policy Framework and the ethos of the Steeton with Eastburn and Silsden Neighbourhood Plan.
4. The proposed development would lead to a significant intensification of use of the existing vehicular access onto Keighley Road, the A6034. The proposed visibility splays are unachievable due to the presence of intervening street scene tree canopies and the fact that they involve third party land. The proposal therefore fails to provide a safe and suitable access arrangements to serve the proposed development likely to result in conditions prejudicial to pedestrian and highway safety contrary to policy DS4 of the Core Strategy Development Plan Document. It also conflicts with the National Planning Policy Framework which seeks to prevent unacceptable impact on highway safety and to create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
5. The application, as submitted, provides insufficient information to enable its proper consideration by the Local Planning Authority. Whilst the application is supported by a Preliminary Environmental Assessment this is not sufficient to establish a base line level of the biodiversity value on this site. A Biodiversity Net Gain Assessment has also not been provided. In the absence of this information, it is not possible to fully and properly consider the application against Policy EN2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.