

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 03 August 2009

E

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	Tesco Store Springs Lane Ilkley West Yorkshire LS29 8UA [Approve]	Ilkley
2.	Land At Railway Road And Mayfield Road Ilkley West Yorkshire LS29 8JB [Refuse]	Ilkley
3.	14 Yewbank Terrace Ilkley West Yorkshire [Approve]	Ilkley
4.	2 Coles Way Riddlesden Keighley BD20 5DD [Approve]	Keighley East

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Portfolio:
Environment and Culture

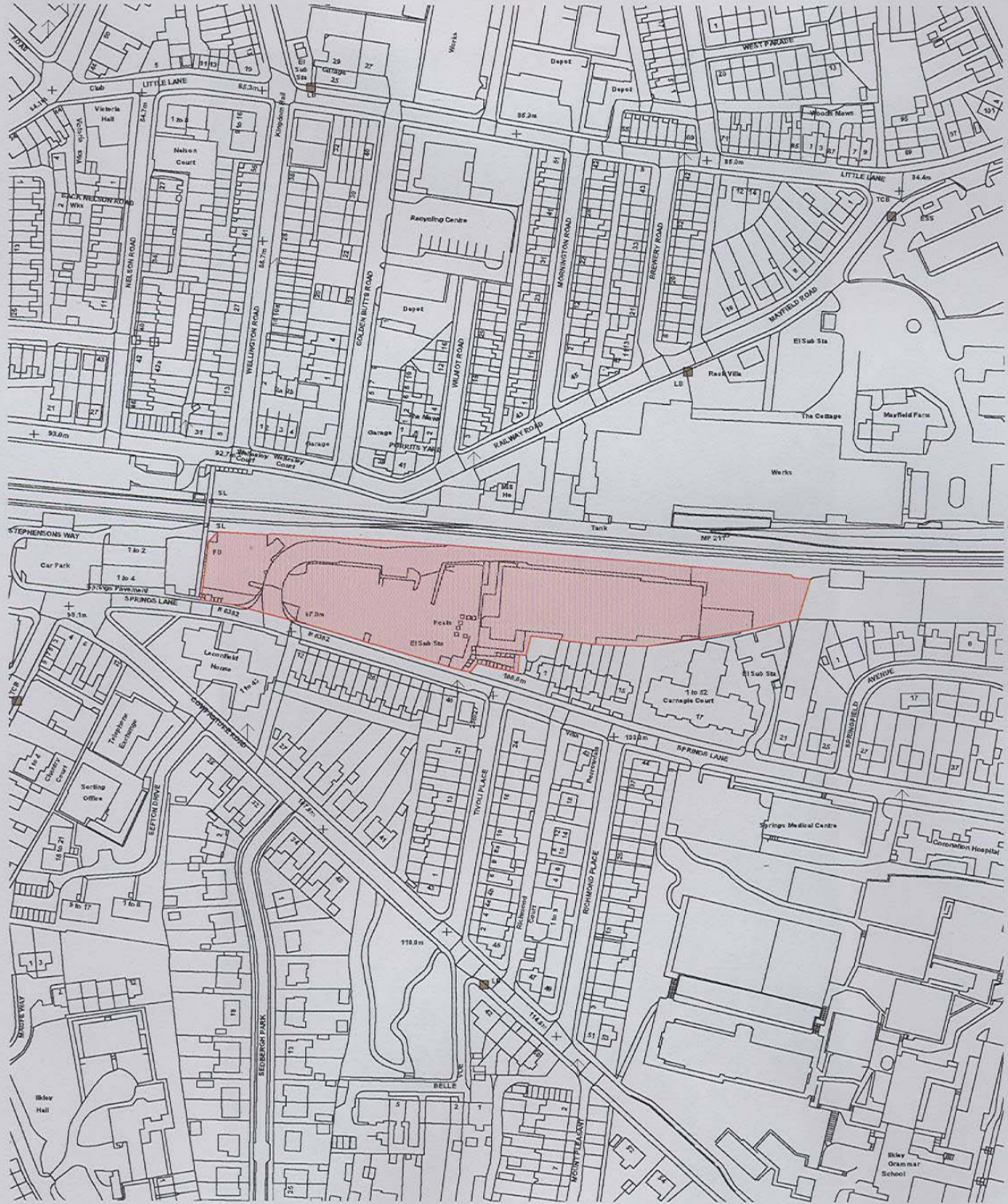
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley)

DATE
3 August 2009

09/00871/OUT



ITEM NO. : 1

LOCATION :

Tesco Store, Springs Lane, Ilkley.

Scale: 1:2500

3 AUGUST 2009

Item Number: 1

Ward: ILKLEY

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT

Application Number:

09/00871/OUT

Type of Application/Proposal and Address:

An outline application with all matters reserved for a mixed use development to provide 5 single storey B1/B8 business units (929 sqm), office floor space (1858 sqm) and a residential care home (60 bedroom with associated car parking and landscaping works at Tesco Store, Springs Lane, Ilkley.

Site Description:

This application site covers an area of 1.2 hectares and is located within the Central Shopping Area of Ilkley Town Centre. The site contains the existing Tesco store and its associated car parking and service areas. The existing building and car parking on the site are sited several meters down from Springs Lane. Vehicular access for customers and servicing is from Springs Lane via a ramp. Pedestrian access is via several flights of steps or a pedestrian ramp. The closest corner of the site lies 155 metres from the primary Shopping Area.

The site is bounded by the railway line along its northern boundary, by Springs Lane and terraced properties to the south and Carnegie Court (a nursing home) to the south-east. To the west lie several commercial properties within the Central Shopping Area.

Relevant Site History:

Planning application 07/10230/OUT for the redevelopment of the site for mixed use purposes was withdrawn from determination.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is within the defined Central Shopping Area of the Replacement Unitary Development Plan.

Proposals and Policies

UDP1 – Promoting sustainable patterns of development

UDP2 – Restraining development

UDP3 – Quality of built and natural environment
UDP4 – Economic regeneration
UDP6 – Continuing vitality of centres
UDP7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The local impact of development
UR6 - Planning Obligations and conditions
E3A – Office Development
H7 – Housing Density – expectation
H8 – Housing Density – efficient use of land
H9 – Affordable housing
CT1 – Development within City and Town Centres and Defined Expansion Areas
CR1A – Retail development within centres
CR4A – Other retail development
BH7 – New development in conservation areas
BH10 – Open space within or adjacent to conservation areas
TM1 - Transport Assessment
TM2 – Impact of traffic and its mitigation
TM8 - New Pedestrian and cycle links
TM11 – Parking standards for non-residential developments
TM12 – Parking standards for residential developments
TM13 - On Street Parking controls
TM19A – Traffic management and road safety
D1 – General design considerations
D4 – Community safety
D5 - Landscaping
D6 - Meeting the needs of pedestrian
D9 – Urban design in city and town centres
NR16 - Surface Water Run Off and sustainable Drainage Systems

The Ilkley Design Statement
Planning Policy Statements 1 and 6
Planning Policy Guidance Note 4

Parish Council:

Recommend refusal of the application. The proposal is a departure from the UDP – designated retail land. Did not justify change of use – site ideal for current use. Over development. No consideration made of being adjacent to a conservation area – key view for Sprints terrace. Loss of historical features e.g. metal railings, wall. Access – position of ramp should remain as is. Insufficient parking – would greatly affect Springs Terrace and Springs Lane. Egress onto Springs Lane. Noise Level concerns. Would like to see some smaller workshops e.g. for trades such as joinery. Height of the proposed buildings.

Publicity and Number of Representations:

The application was publicised by site notices and individual neighbour notification letters with the statutory period for comments being 26th March 2009. 18 letters of representation have been received.

Summary of Representations Received:

- If Tesco vacate the premises there appear to be no planning grounds to prevent another retailer such as LIDL moving onto the site. This would affect the Retail assessment supporting the railway road application.
- The employment use could be created at Railway Road without any change of use
- Suggest the application be refused until the new allocations development plan in 2012
- Potential overlooking and loss of privacy
- Additional vehicular noise and noise from the railway line which is currently masked
- Loss of security
- The proposal offers no benefit to Ilkley – this is not the time to increase the supply of office and business units
- The need for large scale residential care facilities is diminishing
- Object to the new store
- Traffic volumes on Springs Lane will become unbearable
- The size of the buildings are out of keeping with the conservation areas
- Increased traffic will bring increased problems for pedestrians
- A overdevelopment of the site – Ilkley needs more car parking
- Should utilize the site for commuter car parking
- Loss of light.
- The new access would represent a significant loss of amenity
- Insufficient car parking
- Out of keeping with Ilkley
- The roads cannot cope with the increases in traffic
- The development neither preserves nor enhances the appearance of the conservation area
- The removal of some or all of the retaining wall and railings opposite springs Terrace are intrinsic to its character
- Out of character with Ilkley
- Loss of residential amenities
- Should not be change to industrial use ad the swap proposed is not equal and would leave a lot less industrial land in Ilkley

Consultations:

(i) Economic Development Service – The increase in the amount of development of the site will result in a greater economic development potential. In particular, the increase in office accommodation from 5,000 sq ft to 20,000 sq ft will provide more opportunities for high value businesses wishing to locate or expand in Ilkley.

The residential care home is classed as an employment generating use. As this is an outline application the market will dictate if such a use in this location is viable. The proposed office and workshop units could potentially accommodate 127 jobs whilst the residential care home could provide 65 jobs. The residential care home is an employment use in planning terms and will employ a significant number of staff, but

the economic impact of such a development may not be as significant as the office and business units.

The Employment Land review recognises that Ilkley has a shortage of employment land. This development will provide an opportunity for modern accommodation suitable for a wide range of uses to be provided in Ilkley. This in turn will have positive economic benefits to the town in terms of almost 200 people employed on the application site.

- (ii) Policy section – whilst a mixed use application is welcomed for this site, it would also be appropriate to include some retail use in the scheme especially at the western part of the site where the proposed layout shows a residential care home. The provision of some smaller new retail units in this part of the site would increase the retail offer of Ilkley Town Centre.
- (iii) Highways (Development Control) Section – it is noted that the application is outline with all matters reserved. Notwithstanding the above a highway assessment has been made and there are no objections the principal of the development. The following advice is given:

Transport Assessment (TA) – a combined TA has been submitted for both the new Tesco store on Mayfield Road (09/00857/FUL) and this outline application for the redevelopment of the existing Tesco store site. The TA demonstrates that the current proposal for a mixed use of care home, B1/ B8 business units and office units will lead to an overall de-intensification in the use of the site.

Parking – further information is required to be submitted as part of any Reserved Matters application in order for a full assessment to be carried out.

Visibility – No visibility splays have been demonstrated. These should be submitted with any Reserved Matters application.

Site Access Road – The TA states that a new ramp will be create to provide access to the site. The Council is unlikely to adopt such a structure therefore the applicants (and their successors in title) will be required to enter into a legal agreement to maintain the internal access road and parking layouts in perpetuity. It should be noted that the gradient of the new access from Springs Lane should be no steeper than 1 in 20 for the initial 10m and then no steeper than 1 in 10 for the remainder via a transition curve. Also the existing access would no longer be required to serve the development and therefore the footway on Springs lane shall be reinstated to full footway status. These issues should be deal with in any Reserved Matters application.

Traffic Regulation Orders (TRO) – Currently there is a parking lay-by on the southern side of Springs Lane (opposite the development site) for the residents of number 2 to 42 Springs Lane. It is considered that any additional parking on the northern side would lead to an obstruction to the free flow of traffic and also possibly an obstruction to visibility at the site entrance. A TRO will therefore be required along the site frontage on Springs lane to prohibit parking at any time. The cost of promoting a TRO is currently around £5000 and shall be met by the developer.

Bus Stops – The proposed development is likely to lead to an increase in the use of the bus stops in close proximity to the site. Therefore, as advised by metro, the applicant should provide a raised kerb at bus stop no. 25162.

(iv) Design Enabler – No comments to make at this stage as the application is merely to determine the principle of uses at the site.

(v) Police Architectural Liaison Officer – No objections in principle to the application subject to conditions regarding boundary, lighting, landscaping, CCTV, parking and access control treatments.

(vi) Network Rail – No objection in principle to the development. Because of the nature of the proposed development it is considered that there will be an increased risk of trespass onto the rails. The developer must provide a suitable trespass proof fence adjacent to networks Brails boundary (minimum of 1.8m) and make provision for its future maintenance and renewal. The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made to provide adequate soundproofing for each dwelling.

(vii) Landscaping – It is considered that the proposal will not be detrimental in the immediate locality or in the wider context. Details required of the paving specification for the anti-slip and block paving and details of the public open space adjacent to Railway Road.

(viii) Drainage – No objections in principle subject to conditions.

(ix) Yorkshire Water – No objections in principle subject to conditions attached to any permission granted.

(x) Environment Agency – No objections in principle subject to conditions.

(xi) Metro – Advise that the nearest bus stop should have raised kerbs installed at a cost to the developer of around £3,000. All kerbs at bus stops in the area of the development should be raised to Metros guideline height of 180mm and also introduces measures to ensure that buses can pull into the stops fully parallel with the kerbside. This is to ensure level boarding onto buses for elderly and disabled passengers. Good pedestrian access to/from bus stops would be provided taking into consideration the needs of the elderly and mobility impaired.

(x) Parks and Landscaping – Due to the nature of the development, policy only allows us to request a recreation contribution base on open space and playing pitch contributions and not towards children's play. For this development a contribution of £9,150 is sought in order to enhance provision in the vicinity of the development.

Summary of Main Issues:
Principle

- Mixed use business development within the Central Shopping area of Ilkley
Highway and pedestrian safety
Impact of development in terms of
- Design/landscaping
- Adjoining properties/uses
- Surrounding locality and adjacent Conservation Area

Other issues

- Contamination
- Flooding/drainage details
- Noise

Community safety issues

Heads of terms of S106 agreement
Comments on representations made

Appraisal:

1. Outline Permission is sought for a mixed use redevelopment of the existing Tesco store to provide the following development:-
 - 5 x single storey B1/B8 units (929sqm)
 - Office floor space (1858sqm)
 - 60 bed residential care home

The proposed scheme is indicative only with all matters (access, scale, layout, landscaping) reserved for future consideration. As such, the application is essentially to establish whether the principle of development of this Central Shopping Area site for a mix of business uses is considered appropriate.

Principle

2. Current Government policy expressed in PPS1 is to promote mixed-use development as a way of achieving sustainable development and improving the vitality and viability of urban areas. Within such areas it is important to ensure that a balance of uses is maintained in order for the objectives of mixed use to be achieved. The key principles of the document are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. In light of the above policies, it is considered that in general terms mixed use development should be promoted.
3. Planning Policy Statement 6 specifically identifies offices as a town centre use. Policy E3A of the Replacement Unitary Development Plan also advises that proposals for office development should wherever possible be located in the city, town and district centres and reflect the scale of the centre.
4. The application site falls within the town centre boundary of Ilkley and as such, it is considered appropriate to develop the site with offices. Moreover, it is acknowledged

that there has been a lack of opportunity to attract or expand high value business in Ilkley. Therefore, it is considered that the proposal to develop small to medium sized business space to meet the requirements of entrepreneurs who wish to be based in Wharfedale is welcomed.

5. Whilst it is considered that the proposed care home facility is not the most desirable use for this site (due to its location adjoining the railway and within the Central Shopping Area) this use is considered to be an acceptable use within the scheme, ensures Brownfield land is used to its maximum potential and will provide clear economic benefits by the creation of a approximately 65 jobs. It is clear that there are alternative uses which may provide more community benefits to Ilkley i.e. a commuter car park or alternatively small scale retail space. However, these proposals have not been put forward and there are no valid planning reasons to refuse planning permission for a care home facility on the site.
6. As such, it is considered that the principle of a mixed use scheme on the site is acceptable. Such a scheme can provide valuable economic benefits and allow an appropriate amount of commercial floorspace on a Brownfield site in a town centre location to be brought forward. The proposed mix of uses is considered to be in conformity with planning policy statement 6 and policies UDP6 and E3A of the Replacement Unitary Development Plan.

Highway/Pedestrian Safety

7. Access to the site has not been put forward for consideration as part of this application. A Transport Assessment has been provided which indicates that the proposed development would not adversely affect transport infrastructure. Indeed, the TA demonstrates that the current proposal for a mixed use of care home, B1/ B8 business units and office units will lead to an overall de-intensification in the sure of the site.
8. Visibility, parking provision and site access fall outside the scope of this outline application but will need to be considered as part of any Reserved Matters application. Matters which can be addressed at this stage include (i) the provision of traffic regulation orders and (ii) upgrading of the nearby bus stop.
9. Currently there is a parking lay-by on the southern side of Springs Lane (opposite the development site) for the residents of number 2 to 42 Springs Lane. It is considered that any additional parking on the northern side would lead to an obstruction to the free flow of traffic and also possibly an obstruction to visibility at the site entrance. A TRO will therefore be required along the site frontage on Springs lane to prohibit parking at any time. The cost of promoting a TRO is currently around £5000 and shall be met by the developer. The proposed development is also likely to lead to an increase in the use of the bus stops in close proximity to the site. Therefore, as advised by metro, the applicant should provide a raised kerb at bus stop no. 25162.
10. It is consider that the proposal is acceptable in principle from a highway point of view and in conformity with policies TM1, TM2 and TM19A of the Replacement Unitary Development Plan.

Impacts

11. Design and landscaping
Scale, layout, appearance and landscaping are all reserved matters. As such, all these issues will be dealt with in any subsequent application. Plans have been submitted as part of the scheme but these are merely illustrative and indicate that it is possible to fit a certain quantum of development on the site. It should be noted that despite the indicative layout, the uses which have been applied for can be accommodated in a different format in any Reserved Matters application. The varying levels between Springs Lane and the application site also give the potential for a suitably creative scheme to be put forward.
12. It is however suggested that a condition is attached to any permission granted to limit the amount of land that can be used for the care home facility. This will ensure that the bulk of the application site is developed for office and small workshop facilities.

Adjoining properties

13. As scale, layout, appearance and landscaping are all reserved matters it is not possible to assess impacts on adjoining properties at this stage. These matters will all be fully considered at the Reserved Matters application stage. It is however clear that the proposed uses can be accommodated on the site in an appropriate form which will not undermine the residential amenities of the surrounding properties.

Surrounding locality including adjacent conservation area

14. Again, as scale, layout, appearance and landscaping are all reserved matters it is not possible to assess impacts on the surrounding locality, including impacts on the Conservation Area, at this stage.
15. It should however be noted that on any subsequent Reserved matters application, Planning Policy Statement 1 and Planning Policy Guidance Note 15 will both be taken into consideration to ensure that good development is provided that is of sufficient quality to enhance the environment and the adjacent conservation area. Replacement Unitary Development Plan policies seek to ensure that, on sites located adjacent to conservation areas, development responds sympathetically to the site and its locality but also create distinctive, innovative places acknowledging that good modern design can co-exist alongside historic design.

Other issues

Contamination

16. A Phase I desk top assessment of the site has been undertaken that concludes that that site is at low to medium risk of contamination and that a Phase II environmental assessment should be undertaken. This document should focus on the location of the historic railway uses and current electricity sub-stations and refrigeration units along with groundwater and ground gas monitoring. Conditions are recommended to ensure that further intrusive investigations are undertaken and that a remediation strategy is put into place in order that the site is remediated appropriately and development of this site is 'fit for purpose'.

Flooding/drainage

17. All issues with regard to flooding aspects and the surface water drainage proposals have been satisfactorily resolved; as such, the proposal, subject to conditions attached to any permission granted, is considered to comply with policies UR3 and NR16 of the Replacement Unitary Development Plan.

Noise

18. The site is adjoining the main train line into Ilkley. All the railways operations past the proposed care home and commercial premises into and out of the main station. Having regard to the potential disturbance from noise, vibration, fumes etc the land use change from retail use to residential/care home occupation means that site is now likely to be affected by railway traffic in amenity terms. However, in accordance with advice contained in PPG24, it is considered acceptable and appropriate to attach conditions to any permission granted regarding measures to improve sound insulation to the care home facility. This will ensure that there is minimal conflict between the proposed residential uses and the established railway use.

Heads to Terms of any S106 legal agreement

19. In line with policy UR6 of the Replacement Unitary Development Plan, it is considered necessary and appropriate to seek a planning obligation if any permission was granted. This ensures the provision of social infrastructure such as recreational provision and encouragement to use public transport.
20. Policy OS5 of the RUDP requires that new residential development (the care home in this instance) make appropriate provision of or equivalent commuted payment for recreational open space. Since no recreational space is provided within the development, there is a requirement for a commuted sum of £9,150 to be provided in order to enhance provision in the vicinity of the development. With regard to other contributions, there is a requirement for the applicants to upgrade public transport infrastructure and to fund
21. In light of the above policies and the requirements requested by consultees, it is considered necessary for the developer to enter into a S106 agreement that will address the above issues in detail. Head of Terms of any agreement should include: -
- Payment of off site recreation contribution;
 - The upgrading of public transport infrastructure in the vicinity of the site (kerb at bus stop 25162).
 - The funding of a Traffic Regulation Order along the site frontage on Springs Lane to prohibit parking at any time.

Community Safety Implications:

22. As the scheme is in outline only, it is considered that issues of detail with regard to (i) defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space including appropriate boundary fences; (ii) access control and postal arrangements to the communal buildings; and (iii) lighting of the development can be satisfactorily resolved when the reserved matters application is submitted. Overall, the proposal will accord with the spirit of policy D4 of the Replacement Unitary Development Plan.

Comments on representations made

23. The comments raised in the letters of representation have been addressed in the above report. It should be emphasised that the scheme is in outline only with all matters reserved therefore many of the issues of detail which have been raised cannot be assessed or appropriately dealt with at this stage.

Reason for Granting Planning Permission

The development of this site with a mixed use employment generating scheme is considered an acceptable reuse of a visually unattractive site that gives the opportunity to provide a sustainable pattern of commercial development within the existing urban fabric of Ilkley. The effect of the proposal on the adjacent conservation area, the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable with the scheme, in principle, having the potential at detailed design stage to provide a positive enhancement of the locality. In principle a suitable access to the site can be provided as well as sufficient parking for the proposed uses. As such, the proposal allows for the redevelopment of a Brownfield site in a sustainable location by the delivery of a mixed use scheme. Overall, it is considered that the provision of a mixed use scheme in the manner proposed is in conformity with the principles outlined within national planning policy and the Replacement Unitary Development Plan.

Approval is recommended accordingly subject to a section 106 legal agreement and the following conditions: -

Conditions of Approval:

1. Application for approval of the matters reserved by this permission for subsequent approval by the LPA shall be made not later than the expiration of three years beginning with the date of this permission
2. Time limits on commencement of work – within the expiration of three years from the date of this notice or the expiration of two years from the date of the approval of the matters reserved by this permission.
3. Before any development is begun plans showing the access, scale, appearance, landscaping and layout must be submitted to and approved by the LPA
4. Removal of permitted development rights to limit the right to change a limited amount of B1 office floor space to B8 use.
5. The development hereby permitted shall not be commenced until such time as a scheme to improve the existing surface water disposal system has been submitted to, and approved in writing by, the Local Planning Authority. Sustainable Drainage Systems (SUDS) should be utilised to reduce the existing peak surface water run-off rate by at least 30% up to and including 1 in 100 year return period rates. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.
6. Drainage – foul and surface: to be provided before development commences
7. The landscaping and layout reserved matters application will be accompanied by a management plan covering all areas of communal space throughout the site. It should also include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas. The landscape management plan

shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

8. A scheme for protecting residents at the residential care home from both existing and future noise sources shall be submitted to and approved in writing by the Local Planning Authority. Such measures which may be agreed shall be implemented prior to the occupation of the building.
9. Hours of construction including demolition shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays and 0730 and 1300 on Saturdays and at no time on Sundays and Public Holidays, unless specifically agreed otherwise in writing by the LPA.
10. No development shall take place until plans detailing arrangements for servicing and parking shall be submitted to and approved by the LPA
11. The areas to be used by vehicles including parking, loading and unloading areas shall be surfaced, sealed and drained before the development is occupied/brought into use and thereafter retained to the satisfaction of the LPA
12. Prior to construction commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the LOA. The schedule shall include the point of access for demolition/construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule through the period of construction.
13. Development to be carried out in full accordance with the travel plan details or as may be agreed in writing by the LPA.
14. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - (i) A preliminary risk assessment that has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
 - (ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved
15. Prior to development commencing, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the

remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
17. The site shall only be developed for the mix of uses shown on dwg. 3706.56B (schematic) submitted on 23 February 2009. For clarification, not more than 0.32 hectares (net developable area) of the site shall be developed for the care home with the remainder of the site being developed for a minimum of 1858 sqm of office floor space and a minimum of 929 sqm of B1/B8 floor space.
18. The development shall not begin until a plan showing the positions, design and materials of boundary treatments has been submitted to and approved in writing by the LPA. The treatments so approved shall then be provided in full prior to the first occupation of the buildings/dwellings and shall thereafter be retained. It should be noted that anti-trespass fencing measures will be required along the railway line boundary.
19. The development shall only be carried out in accordance with the approved Flood Risk Assessment and the mitigation measure detailed within it.
20. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 meters either side of the centre line of the sewer which crosses the site.

Heads of terms of agreement

- Payment of off site recreation contribution of £9, 150 to be used in the near locality;
 - The funding of Traffic Regulation Orders
 - Provision of raised kerb at bus stop 25162 on Springs Lane
-

Area Planning Panel (Keighley)

DATE
3 August 2009

09/00857/FUL



ITEM NO. : 2

LOCATION :

Land at Railway Rd, and Mayfield Rd, Ikley.

Scale: 1:2500

Report Item 2 **3 AUGUST 2009**

Item Number: 2
Ward: LKLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/00857/FUL

Type of Application/Proposal and Address:

Full application for the construction of a replacement Class A1 retail store with car parking, landscaping and associated works on Land at Railway Road and Mayfield Road, Ilkley

Site Description:

This wedge shaped application site covers an area of 2.23 hectares and is unallocated within the Replacement Unitary Development Plan. The site contains a number of vacant industrial buildings following the relocation of the former employment use (Spooners Industries Limited) onto an adjoining employment site to the east (identified as K/E1.10 on the Proposals map of the Replacement Unitary Development Plan). The site also contains a number of vacant residential properties. There are three groups of preserved trees (TPOS) on the site.

The site slopes from the south to the north ranging by up to 5m in height difference from the edge of the site adjacent to the railway down to Mayfield Road. The closest corner of the site to Ilkley Town Centre lies 354 metres to the east of the primary Shopping Area and over 180 metres from the central shopping area.

The site is bounded by the railway line along its southern boundary, by Mayfield Road to the north and by an existing employment use to the west. Several residential properties front onto Mayfield Road. Beyond Mayfield Road, there are several residential streets. Access to the site is currently via Mayfield Road.

Relevant Site History:

Planning application 07/10224/FUL for the construction of a retail store with associated car parking was withdrawn from determination.

Relevant history for the adjoining site:

Planning permission 05/08447/FUL was granted for the construction of one industrial building with associated car parking on land to the east of the current application site. This building has now been constructed and the former occupants of the application site have relocated to the newly constructed unit.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated within the Replacement Unitary Development Plan. Relevant planning policies include:-

UDP3 – Quality of built and natural environment
UDP6 – Continuing vitality of centres
UDP 7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The local impact of development
UR6 – Planning obligations and conditions
E3 – Protecting Existing Employment Land and Buildings in Urban Areas
CT1 – Development within City and Town Centres and Defined Expansion Areas
CR1A – Retail development within centres
CR2A – Areas of deficiency
CR4A – Other retail development
TM1- Transport Assessment
TM2 – Impact of traffic and its mitigation
TM8 – New Pedestrian and Cycle Links
TM10 – The National and Local Cycle Network
TM11 – Parking standards for non-residential developments
TM13 – On-street parking controls
TM18 – Parking for People with Disabilities
TM19A – Traffic Management and Road Safety
D1 – General Design Considerations
D2 – Energy Efficiency and Sustainable Design
D3 – Access for people with disabilities
D4 – Community Safety
D5 – Landscaping
D6 – Meeting the Needs of Pedestrians
D7A – Meeting the Needs of Public transport through design
D9 – Urban design in city and town centres
D10 – Environmental Improvement of Transport Corridors
D14 – External lighting
NE4 – Trees and woodland
NE5 – Retention of trees on development sites
NE6 – Protection of trees during development
NE10 – Protection of natural features and species
NE11 – Ecological Appraisals
NR16 – Surface water run off and sustainable drainage systems

The Ilkley Design Statement
Planning Policy Statements 1 and 6
Planning Policy Guidance Note 4

Parish Council:

Recommend refusal of the application. Full comments will be reported orally at the Panel.

Publicity and Number of Representations:

The application was publicised by site notices and individual neighbour notification letters with the statutory period for comments being 26th March 2009. Substantial numbers of representations have been received including:-

Objections to the scheme - 1346 letters (which includes 964 pro-rotas) and 3 petitions with (5466 signatures).

Support to the scheme -12 letters.

Summary of Representations Received:

- The new building will be over dominant in a town like Ilkley and harm the town centre and daily life of nearby residents
- Existing transport infrastructures will be put in jeopardy
- The surrounding streets and junctions and walking routes to the schools will be burdened with significantly more traffic than can be safely supported
- The development will move both supermarkets in Ilkley to the north of the railway line which is detrimental to access for those with mobility problems
- Traffic will increase of the surrounding narrow residential streets to that at peak times the number of car trips will be 936 an hour
- Estimated that there will be 20 large delivery lorries per day.
- Would lead to parking and access problems for local residents
- A large store will have a detrimental impact on the vitality and viability of the existing town centre
- Existing employment land must be protected. The proposed development for the existing Tesco site may never be built
- Conflicts with national and local planning policies
- Failure to provide any new meaningful local consultation
- Scale of new store is inappropriate and it is in an inappropriate location
- Unhappy with the design of the store
- Ilkley already has major traffic problems
- Unacceptable increase in traffic and associated road safety issues
- Many small local independent retail shops and businesses would suffer
- Aspects of the building design are an eyesore – i.e circular funnels, larch cladding will look tatty in 18 months
- Huge increase in light pollution
- Should have restrictions in the out of hours use of the car park if permission is granted
- The roads to the site are residential in nature and safety would be compromised
- Lack of need for this extra retailing offering in Wharfedale
- Impact on the natural environment – loss of 178 trees on the site
- The proposed building is totally out of keeping with the historic nature of the town centre and its immediate environs in terms of scale, design, materials use and visual impact.
- Increased traffic flow and consequent parking/loading restricts will conflict with present working patterns of nearby business
- Delivery vehicles will cause disastrous traffic problems
- Increase pollution and noise in the existing residential location
- Traffic congestion in general will create significant problems
- No quantitative need or qualitative need demonstrated
- There are better located sites including the existing Tesco site

Consultations:

(i) Tree Section – The revised landscaping details are a significant improvement and will help soften the impact the proposed development long term. However, unable to support this proposal due to the extent of the loss of protected trees.

(ii) Highway Agency – No comments to make due to the proposals remote located from the Strategic Road Network.

(iii) Highways (Development Control) Section – The proposal will undoubtedly lead to intensification in use of the highway network surrounding the proposed store location. The increase in the number of vehicle movements will lead to local residents experiencing greater inconvenience and disruption than they do at present and this could also normally result in an increase in highway safety risks. However, given the number of mitigation measures being proposed by the applicant these highway risks would be minimised.

Traffic and Network Capacity - The Transport Assessment (TA) submitted within the application demonstrates that the capacity of the existing network would be able to accommodate the predicted levels of traffic even at the busiest operating times of the store. However residents living close to the new store and those along Valley Drive will experience a significant increase in the levels of traffic using the highway network surrounding and leading to and from the store. Also Brook Street leading to The Grove and Church Street is likely to become more congested. As a result local residents within the vicinity of the store and shoppers/visitors to Ilkley Town Centre are likely to experience greater disruption and inconvenience than they do at present with residential issues likely to arise.

Highway Safety and Public Transport Contributions - Whilst the applicant has suggested that the existing network has sufficient capacity to accommodate the additional traffic that the new store would attract, they are proposing to introduce a number of highway safety improvement measures in order to try to address the concerns raised by local residents and the Governors from Sacred Heart Primary School. These have been split into two phases:-

Phase I measures will be delivered prior to the new store being brought into use and are a combination of Section 278 works (to be completed by the developer) and works to be completed by the Council using the Developer contributions. These are shown indicatively on Figures 13 of the TA (which will be tabled at the Panel meeting).

The applicant will be expected to carry out the following works as part of a Section 278 agreement prior to the new store being brought into use:

- Conversion of Little Lane/Mayfield Road to a mini-roundabout
- Entry Treatments at ends of road between the development site and town centre
- Road marking amendments at Brook Street/Railway Road junction to provide right turn

- Slurry seal of footways on Railway Road between the development site and town Centre.

The Council will carry out the other measures (shown indicatively in Figure 13) using developer contributions.

Phase II measures shall be implemented by the Council using developer contributions if and when a need for additional highway safety improvements is identified following the opening of the store. These are shown indicatively on Figure 14 of the TA. If these Phase II contributions are not used within 5 years of the opening of the store then the funds will be returned to the applicant.

The total funds agreed for both phase 1 and phase II measure is £1,033,000. This figure includes public transport improvements.

Service Delivery Routes – With regard to the proposed service routes to the store, there are some highway safety concerns. The new Tesco store is to be located within the Spooners factory site on Mayfield Road. The main proposed service route to the site for Tesco is along the A65/Wheatley Lane/Valley Drive/Little Lane/Mayfield Road. This route is also currently used by Spooners to service their factory and also forms part of the local public transport bus route.

The dual use on the development site (Spooners and the proposed new store) could expect to receive up to around 30 artic/HGV deliveries i.e. potentially up to 60 two-way movements to and from the site a day at busy times.

Therefore, in the interests of pedestrian and highway safety in order to ensure that service delivery vehicles can safely negotiate the proposed delivery routes, and to avoid a possible conflict of vehicle movements occurring between buses, residents and shoppers along these routes, a need for some new Traffic Regulation Orders (TROs) has been identified.

New TROs prohibiting parking at any time will therefore be required on:

- Both sides of Railway Road between Golden Butts Road and Wilmot Road.
- Along the site frontage on Mayfield Road (as shown on Figure 13)
- Along the frontages of numbers 1-10 Mayfield Road and extending around the corner to opposite number 5 Wood Mews/87 Little Lane and also along the frontages of number 5 Wood Mews/ 87 Little Lane to the boundary of 97 Little Lane
- On both sides of Valley Drive at its junction with Wheatley Lane.

The required TROs would need to be successfully promoted and implemented in site prior to any construction starting toward the development of the new store in order to avoid conditions prejudicial to highway safety. It should be noted however, that nos 2, 4, 8 and 10 Mayfield Road do not have any off street parking and from those that do some just have enough space for one vehicle. Implementing the above TROs will result in the loss of some on street parking which is currently available to residents. Given the level of objection to the store from local residential the new TROs are likely to be resisted.

Conditions are suggested to be attached to any permission granted.

(iv) Design Enabler – It is considered that the proposal is acceptable in terms of architectural design.

(v) Police Architectural Liaison Officer – No objections in principle to the development. Conditions can be attached to any permission to ensure that issues regarding natural surveillance, defensible space, lighting, and access and landscaping can be fully addressed within the development.

(vi) Police Terrorism Unit – No objections in principle subject to construction of the structure to an agreed enhanced specification and use of a barrier control to the service yard access ramp.

(vii) Landscaping – It is considered that the proposal will not be detrimental in the immediate locality or in the wider context. Details required of the paving specification for the anti-slip and block paving and details of the public open space adjacent to Railway Road.

(viii) Drainage – No objections in principle subject to conditions.

(ix) Yorkshire Water – No objections in principle.

(x) Environment Agency – No objections in principle.

(xi) Metro – Advise that the two nearest bus stops should have shelters installed (at a cost to the developer). All kerbs at bus stops in the area of the development should be raised to Metro's guideline height. Good pedestrian access to/from bus stops would be provided taking into consideration the needs of the elderly and mobility impaired.

Summary of Main Issues:

Principle

- Retail assessment – need, appropriateness of scale, sequential test, impact, accessibility, summary
- Loss of employment land
- Highway and pedestrian safety
- Design/landscaping/loss of preserved trees
- Impact on surrounding properties/amenities
- Effects on the character of the locality
- Other issues
- Flooding/drainage details
- Noise
- Biodiversity
- Community safety issues
- Heads of terms of S106 agreement
- Comments on representations made

Appraisal:

1. Permission is sought for the construction of a relocated Tesco store comprising some 7,507 sq m (gross) of Class A1 retail floorspace together with car parking, landscaping and associated works. The development comprises the following:-

- a net sales area (defined as sales area and checkouts) of the proposed store comprising some 4,361 sq m, which represents 58% of the total floorspace. This net sales area comprises 2,097 sq m for the sale of convenience goods and 2,264 sq m for the sale of comparison goods. The majority (52%) of the net floorspace will be for the sale of comparison goods. The replacement store is identified to result in an increase in sales area of 2,484 sq m, most of which is for the sale of comparison goods (increasing by 2,136 sq m, from 128 sq m to 2,264 sq m) with the net convenience sales area increasing by 348 sq m (from 1,749 sq m to 2,097 sq m).
- the proposed store is proposed to incorporate a single floor trading on a raised platform supported by stilts. As such, the retail trading floorspace is at first floor level with undercroft parking beneath.
- the development provides 469 parking spaces which are provided at ground level and accessed from Mayfield Road. Disabled spaces and cycle provision is also provided.
- the service yard is proposed to be located on the eastern elevation of the building, in close proximity to the southern site boundary. The service yard is also proposed to accommodate the stores home delivery facility and an enclosed cage marshalling area. Commercial vehicles will gain access to the service yard via a link road leading off the shared access point.
- the proposed materials are a mixture of Yorkshire Stone, glazing, grey vanilla panelling and timber cladding. The new store itself will use larch timber cladding (for its high insulation properties). On the roof wind cowls are proposed to allow air to naturally escape from the building whilst allowing cold air to naturally enter the building to help provide circulation of fresh air without mechanical means.

Principle –

Retail assessment (policy issues)

2. The Local Planning Authority instructed White Young Green Planning and Design (WYG) to assess the retail evidence submitted in support of this application. Various assessment details shown below are taken from the consultants report on the application.
3. Current Planning Policy Statement 6 (PPS6) 'Planning for Town Centres' was published in March 2005 and sets out the Government's key objectives for town centres, including promoting their vitality and viability by:
 - Planning for the growth and development of existing centres; and
 - Promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

In order to deliver the Government's objectives of promoting vital and viable town centres, paragraph 2.1 of PPS6 states that: '...development should be focused on existing centres in order to strengthen and, where appropriate, regenerate them.' Policies CR1A and CR4A in the Replacement Unitary Development Plan also pursue these objectives as part of the retail strategy of the Council.

4. The current proposal by Tesco seeks to create a new store in an out-of-centre location. Therefore, in accordance with PPS6 (paragraph 3.4) the applicants are required to demonstrate:

- The need for the development ('Need');
- That the development is of an appropriate scale ('Appropriateness of Scale');
- That there are no more central sites for development ('Sequential Test');
- That there are no unacceptable impacts on existing centres ('Impact'); and
- That locations are accessible ('Accessibility').

Paragraph 3.5 of PPS6 states that: '...local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations'.

Retail Assessment (quantitative need and qualitative need)

5. Need, both quantitative and qualitative, must be demonstrated for any application for a main town centre use (e.g. retail) that would be in an edge of centre or out-of-centre location and which is not in accordance with an up to date development plan document strategy (as is the application site).
6. Firstly, in considering the test of need, it is important to take into consideration emerging retail policy and how proposed changes may impact on this test in the future. The recently published consultation draft Planning Policy Statement 4 'Planning for Prosperous Economies' (and the previous consultation draft on PPS6) seeks a more flexible and responsive planning system at the heart of which will be a set of planning policy statements that are proactive, proportionate and flexibly aimed at supporting growth and development. It is evident, that in terms of the 'decision-making' policies, the biggest change promoted by PPS4 is that there is no requirement on the applicant to demonstrate 'need'. Instead, the new guidance requires applicants to provide evidence on the sequential approach and the impact of the proposed development.
7. The draft PPS4 is a fundamental change in established planning policy on retail matters and reflects the emphasis now placed by the Government on specifically encouraging development within sustainable locations that will not undermine the future vitality and viability of established centres regardless of whether a need can be demonstrated. Despite the direction of emerging planning policy it is important to note that PPS4 is (as yet) not adopted therefore, in accordance with current PPS6, it remains important to consider the need for new retail development.

8. In seeking to demonstrate a quantitative need (or ‘capacity’) for the proposed development, the applicant has adopted a base year of 2009 and assessed need through to 2014. This reflects guidance in PPS6 (paragraph 3.1), which states that need for additional retail floorspace should normally be assessed no more than five years ahead. Given that the proposal is for the sale of both convenience and comparison goods, the applicant has assessed need for both types of goods. Again, this reflects guidance set out in PPS6 that promotes a goods based approach.
9. In seeking to identify the Primary Catchment Area (PCA) of the proposed development, the applicants undertook a household survey in March 2007 (survey of 1,000 households) in order to obtain a better understanding of existing shopping patterns within the wider Ilkley area. Based on the findings of the household survey the applicant has identified a catchment area that comprises the following post code sectors: LS29 0; LS29 7; LS29 8; and LS29 9. It is considered that the defined PCA represents a reasonable assumption to adopt in considering the PCA of the proposed development. The applicant considers that 80% of the proposed development’s turnover will be derived from the PCA. Although a full set of the household survey results are not attached to the Retail Assessment (in order to accurately consider the level of trade that will be derived from outside the PCA) this is considered a reasonable assumption to adopt.
10. The applicant has utilised MapInfo report data (2005 based) in order to identify local population and expenditure data within the defined PCA. The same source of data was used in the Bradford Retail and Leisure Study (BRLS) completed by WYG on behalf of the Council in June 2008.
11. The applicant identifies that the PCA has a resident population of 27,808 people in 2009, increasing to 30,139 people by 2014. In seeking to identify available expenditure, the applicants initially assumed a growth rate of +1.5% per annum for convenience and +4.0% per annum for comparison goods for the period between 2009 and 2014. These growth rates have been derived from MapInfo Brief 08/02 and were suggested by WYG as appropriate (prior to the submission of the supporting Retail Assessment). However, as acknowledged by the applicants in further correspondence (letter dated 29 April 2009) more up-to-date forecasts have recently been published by MapInfo (Revised Spending Outlook – March 2009). These latest forecast take into account the effect on the retail sector that the current downturn in the UK economy is having. In comparison, the forecasts utilised by the applicants were published before the end of 2008 prior to a better understanding of the impact the downturn would have on the retail sector. As identified by the applicants, the latest forecasts are as follows:

	Convenience	Comparison
2007-2008	+2.20%	+4.91%
2009-2012	-0.04%	+0.30%
2013-2016	+0.57%	+4.35%

12. Clearly, the latest forecasts are notably lower than those utilised by the applicant. Although the applicant considers that the latest forecasts are cautious, they have also undertaken ‘sensitivity testing’ based on these latest forecasts. It is acknowledged that the latest forecasts identified by MapInfo are likely to be reflective of the current economic position rather than a reflection of the longer-term position. However, it is

questionable whether the high forecast growth rates previously identified by MapInfo and initially utilised by the applicant would be as high again over the next five years given the impact the ongoing downturn in the economy is having on the retail sector.

14. In seeking to identify capacity for additional convenience and comparison goods floorspace within the PCA, the applicant has sought to identify the 'expected' turnover of existing retail floorspace. Given that only part of the household survey evidence has been provided by the applicants it is difficult to accurately assess whether the levels of turnover of existing stores derived from outside the PCA are reasonable. It is questioned whether it is realistic that the existing Co-op store on Brook Street (108 sq m net of convenience floorspace) would draw 82% of its turnover from outside the PCA. Indeed, this level of turnover from outside the PCA is comparable to that assumed by the applicants for the existing Tesco store in Ilkley (1,749 sq m net convenience floorspace) – 80%. Furthermore, it is considered that the applicants have underestimated the trading performance of certain stores within the PCA, namely the turnover of the existing Co-op stores and the existing Tesco Express store in Ilkley. In this respect, the assessment by WYG of trading performance of Co-op stores derived from Verdict (the same source utilised by the applicant) identifies an average sales of £6,079 per sq m (at 2005 prices), which compares to the applicants assessment of £5,864 per sq m. Similarly, it is questioned why an average sales density of £6,000 per sq m has been assumed for the existing Tesco Express store in Ilkley, when the company average (as identified by the applicants for the new store) is more than double this at £12,712 per sq m.
15. In addition, in seeking to identify future capacity for additional retail floorspace within the PCA it is important to take into account outstanding commitments. It is acknowledged that there are currently no outstanding commitments within the PCA, it is important to note that a new Asda is being developed in nearby Keighley (7,470 sq m gross / 3,716 sq m net). The catchment of this store will clearly will have some overlap with the defined PCA. Indeed, the household survey undertaken by the applicants identified that existing main food shopping trips in the PCA (c. 2%) are currently directed to facilities in Keighley.
16. It should also be noted that since the completion of the household survey undertaken by the applicants agent (completed in March 2007) a new Sainsbury's store has opened in Otley Town Centre in November 2008, which will also have impact on shopping patterns within and outside the PCA given the overlapping catchments. It is considered that both these stores will have an impact on considering future retail capacity within Ilkley, which have not fully been taken into account by the applicants.
17. The applicant has compared the available convenience goods expenditure generated within the PCA against the turnover (derived from the PCA) of existing convenience goods floorspace. On this basis, the applicant identifies a 'theoretical capacity' for additional convenience goods floorspace of £0.50m in 2009, increasing to £4.51m by 2014. This increases to £7.58m in 2014 by assuming the higher forecast growth rates. Based on this simplistic approach it is evident that regardless of which expenditure growth rates are applied, the applicant identifies that there is a demonstrable capacity for the proposed development, which results in an uplift in convenience goods turnover of £3.54m in 2014 from the PCA. However, as

previously highlighted the Councils retail consultants question some of the assumptions adopted by the applicant in seeking to identify this capacity. Based on applying the latest forecasts together with WYGs revision to the turnover of existing floorspace (allowing for some productivity) it is notable that the surplus capacity reduces to £1.90m by 2014 (£46.23m - £44.33m). Clearly, this is insufficient to support the uplift in convenience goods floorspace proposed.

18. In addition, the revised assessment undertaken by the applicant assumes that after allowing for the replacement Tesco store only 2% of all convenience goods expenditure generated in the PCA will be directed to facilities elsewhere. Given that the proposal is for a replacement Tesco store rather than representation from a retailer not currently located in the PCA, it is highly questionable that the proposal would have such a dramatic impact on current shopping patterns that only 2% of convenience goods expenditure generated in the PCA will be directed to facilities elsewhere as assumed by the applicant.
19. Notwithstanding this, 'sensitivity testing' of the approach undertaken by the applicant suggests that the turnover of existing floorspace together with the uplift in floorspace created by the new Tesco store would exceed the level of convenience goods expenditure generated in the PCA. Even by assuming the more optimistic growth rates our assessment identifies that after accounting the proposed development, less than 4% of expenditure will continue to be directed to facilities elsewhere. More importantly, the approach adopted by the applicant assumes that all the expenditure generated in the PCA is available to support the proposed development. Such an approach is considered unrealistic given the extent of the PCA and the strength and proximity of competing provision. Indeed, residents within parts of the PCA are as well positioned to shop in nearby facilities such as the Morrisons in Guiseley and the Waitrose in Otley. Similarly, there are likely to be a number of reasons why residents chose to shop at facilities elsewhere, such as work patterns, brand choice, etc. This is reflected in the household survey which identified that the Morrisons store in Guiseley and the Waitrose store in Otley attract 15% and 5% respectively of main food shopping trips undertaken within the PCA, including 36% and 11% respectively from the LS29 7 post code sector (which comprises Burley in Wharfedale) where 28% of the PCA's population is located. Given that a new Sainsbury's store has also recently been built in Otley, it is likely that more shopping trips within this zone are now being directed to facilities in Otley.
20. Therefore, regardless of any future improvement in the convenience goods offer within the PCA, it is inevitable that convenience goods expenditure will continue to be directed to facilities elsewhere. In considering expenditure being directed to facilities elsewhere, the Bradford Retail and Leisure Study highlighted (paragraph 8.97) that: 'WYG believe that given the proximity of these alternative destinations it is reasonable to expect some natural leakage of expenditure to competing centres due to travel to work patterns etc.'
21. Given the significant concerns with the assumptions made by the applicant, it is considered that a clear quantitative need for the level of convenience goods floorspace has not been demonstrated, regardless of which expenditure forecasts are utilised. This lack of need reflects the findings of the BRLS, which identified that

collectively existing convenience goods floorspace in Ilkley is undertrading. Consequently it is considered that there is currently no capacity for additional convenience goods floorspace in Ilkley in the short to medium term.

22. A similar exercise has been undertaken for comparison goods, where the applicant has identified a theoretical capacity of some £71.64m by 2014 to support additional retail floorspace. Although the BRLS identified surplus comparison goods capacity in Ilkley of £11.16 m in 2012 to £27.82m by 2017 (this was based on a growth rate of +5.3% per annum – as identified by MapInfo at the time of the BRLS). As already noted, since the completion of the BRLS there has been a notable decline in the UK economy that has an impact on retail forecasts. Given the significant downturn in the economy in recent months, whilst it is accepted that although there is some quantitative need for additional comparison goods floorspace in Ilkley, it is questionable whether there is sufficient quantitative need for the uplift in comparison goods floorspace currently proposed.
23. Although current PPS6 places greater weight on demonstrating a quantitative need for the proposed development, it is recognised that local planning authorities should take account of qualitative considerations that might provide additional justification for the development. Paragraph 2.35 of PPS6 states that: ‘a key consideration for a local planning authority will be to provide for consumer choice by ensuring that:
- *An appropriate distribution of locations is achieved, subject to the key objective of promoting the vitality and viability of town centres and the application of the sequential approach, to improve the accessibility for the whole community; and*
 - *Provision is made for a range of sites for shopping, leisure and local services, which allow genuine choice to meet the needs of the whole community, particularly the needs of those living in deprived areas.’*
24. In considering qualitative need for the proposal, the applicant highlights that the existing Tesco store has physical limitations. These include:-
- a narrow constrained site,
 - a shortage of car parking provision, and;
 - a size of store that has insufficient storage space and is not able to provide a full range of goods and services, which customer now expect.

The Councils retail consultant has visited the store (including the sales area and storage area) and accepts that the existing store is constrained and that there is a specific operator requirement to improve the existing store.

25. Whilst it is accepted that there are specific benefits resulting from a new Tesco store in Ilkley, it is notable that in considering qualitative need (as outlined in PPS6) that existing convenience goods provision is identified by the Bradford Retail and Leisure Study to be under trading. The applicant considers that this under trading does not suggest that there is an oversupply of convenience goods floorspace within the Ilkley area and that residents in the PCA are choosing to shop at alternative locations due to

a lack of appropriate retail facilities, thus indicating an undersupply of suitable floorspace. However, based on WYGs revised assessment, all the convenience goods expenditure within the PCA would be met by existing and proposed floorspace, which suggests that existing convenience goods provision is strong. Even if the approach adopted by the applicants is assumed, it is evident that the current level of 'leakage' (c. 1%) of convenience goods expenditure within the defined PCA is considered to be unrealistic. By taking into account actual shopping patterns to nearby provision located just outside the PCA, it is evident that the level of convenience goods expenditure available to Ilkley will be less than the expected turnover of existing floorspace.

26. Whilst it is accepted that there is a specific operator requirement to improve the existing Tesco store, it is considered that the qualitative need identified has been overstated. The survey of local businesses in Ilkley undertaken as part of the BRLS indicated that the majority of businesses rated food store provision to be good. Furthermore, the proportion of floorspace given over to the convenience goods sector (14.74%) is identified by DPP to be above the national average (9.08%).
27. With regard to qualitative need for additional comparison goods floorspace, the current retail offer in Ilkley is relative limited, although this is reflective of the size of the centre rather than its poor performance. Although it is accepted that there is a qualitative need to improve the comparison goods offer in Ilkley and help address current leakage, it is questionable whether there is a clear need for the level of floorspace proposed or that a Tesco store would achieve this.
28. Current PPS6 states that greater weight should be given to demonstrating a quantitative need rather than a qualitative need for new retail development. Despite this, it is considered that there is no clear evidence to suggest that there is a clear qualitative need for the level of floorspace currently proposed by Tesco. Indeed, less than 4% of respondents of the household survey undertaken by the applicant indicated that they consider that the existing Tesco store is too small. Furthermore, only 2% of respondents considered that there was a lack of parking, which compared to almost 10% of visitors to the existing Morrisons store in Guiseley suggesting that there is a lack of parking. No reasoned justification has been provided by the applicants as to why the store needs to be of the size currently proposed and why the specific operator requirements could not be met by providing a smaller store. Moreover, it is unclear why the store has increased in size (by 1,192 sq m gross) from the earlier scheme submitted in March 2008 when it was argued then that the store needed to be of that particular size to meet Tesco's requirements.

Retail Assessment (appropriateness of scale)

29. PPS6 states that future retail development should be appropriate to the centre and catchment that it is intended to service, complementing its role and function.
30. In considering scale, the applicant highlights the fact that Ilkley lies within the second tier in the District's retail hierarchy, performing an important role to residents in Ilkley. Although they consider the existing Tesco store to be performing well, they suggest that trade continues to be lost to large stores outside the PCA. However, as

previously highlighted, the level of expenditure being directed to facilities elsewhere is not considered to be particularly alarming and most is derived from residents within the peripheral areas (such as Burley in Wharfedale) who are as equally well positioned to use existing provision in Guiseley or Otley.

31. Although the applicant considers that the proposed store will be comparable to stores within other town centres in the district and wider region, it is not considered that a clear need has been demonstrated for the level of floorspace proposed. Given this, it is considered that the scale of the proposal at 7,507 sq m (gross) would be inappropriate to the catchment it is intended to serve and has not been justified. Indeed, the proposed store would be more than double the size of the existing store (3,219 sq m gross), would be almost three times the size of the Booths store in Ilkley (2,590 sq m) and notably bigger than the nearby Morrisons store in Guiseley (5,700 sq m gross).
32. Overall, it is considered that the applicant has not fully justified the scale of the current store as being appropriate and necessary. As acknowledged by the applicant, the current proposal is significantly larger than the previous application that was withdrawn. Consequently, the proposed replacement store in its current form is inappropriate in scale to the catchment it is intended to serve.

Retail Assessment – Sequential Approach

33. Given that it is not considered that clear 'need' for the proposed development has been demonstrated, it is not considered necessary to apply the sequential approach. Nevertheless, the Councils retail consultants, WYG have set out their assessment of the sequential approach undertaken by the applicants.
34. As acknowledged by the applicant, the sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. Paragraph 3.15 of PPS6 states that:

'In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:

- The scale of their development;
- The format of their development;
- Car parking provision; and
- The scope for disaggregation.'

PPS6 identifies that the purpose of this exercise is to explore the possibility of enabling development to fit onto more central sites by reducing the footprint of the proposal.

35. In applying the sequential approach, the applicant considers that the application site has all the characteristics of an edge-of-centre site given that it is well linked to the

centre, the pedestrian route is straight forward and barrier free with good visibility and the proposed development will encourage linked trips. Given this, the applicants argue that it would not be unreasonable for a food store within this location to be included within the town centre boundary as is the case for the existing Booths and Tesco stores. This assumption is questioned. The existing Booths and Tesco stores are located on main arterial routes into Ilkley and there is evidence of shoppers walking between the existing Tesco store and the town centre. In contrast the application site is hidden from the retail core of the town centre with poorer linkages with the town centre, being located within a predominantly residential area.

36. Given the site's location together with guidance in PPS6 it is considered that the application site is located in an out-of-centre location. PPS6 (Table 2, Annex A) states that in considering different locations for retail purposes, edge-of-centre is defined as: '...a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area.' The application site is identified to be located more than 300 metres from the Primary Shopping Area of Ilkley as identified in the Replacement Unitary Development Plan. Therefore, in accordance with PPS6 it is necessary to consider sequentially preferable sites within and at the edge-of the Primary Shopping Area, followed by out-of-centre sites with preference given to sites which are or will be well served by a choice of means of transport.
37. In applying the sequential approach the applicant considers that disaggregation of the comparison or convenience goods element of the proposed replacement store would be inappropriate. WYG accepts that it is commonly accepted that modern supermarkets (such as existing stores within and outside the PCA) comprise an element of comparison goods floorspace. It is also accepted that it would be unviable for the development not to include some comparison goods floorspace. However, it is worth noting that the majority of the net floorspace of the replacement store will be for the sale of comparison goods and therefore it is questionable whether the comparison goods offer can be considered complementary to the main convenience goods shopping role.
38. The applicant has considered alternative sites that could accommodate a larger more modern food store to meet the identified need. However, as previously highlighted it is not considered that a clear need for the level of floorspace proposed has been demonstrated.
39. The applicant has considered alternative sites within Ilkley only and they comprise:
- (i) Existing Tesco store;
 - (ii) Brook Street Car Park; and
 - (iii) Wellington Road Expansion Area.
40. The existing Tesco store is considered to be in a better location than the application site. This site falls within the defined Central Shopping Area and is closer to the Primary Shopping Area of Ilkley. Although both the site of the existing Tesco store and the application site are considered out-of-centre in retail planning terms, PPS6 (paragraph 2.44) states that in considering out-of-centre sites, preference should be

given to sites: ‘...which are or will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.’ It is considered that the existing Tesco store is much better positioned to encourage linked trips to take place. There is evidence of linked trips currently taking place between the existing Tesco store and the town centre.

41. The applicant highlights that any redevelopment of this site is constrained, with the site being bordered by Springs Lane and a number of residential properties to the south, the railway line to the north and modern office building and station car parking to the west. Consequently the applicant considers that developing a larger store on the existing site is not a feasible option. In considering the potential to provide an enlarged store on the existing site, the applicant considers that up to 558 sq m of floorspace could be provided through introducing a parking deck and extending the front of the store. However, the applicant state that such a development is not feasible for a variety of reasons, including:-
- a. the fact that the development would be extremely long and narrow which would be operationally inefficient and irregular.
 - b. that the existing store is extremely compromised in terms of storage space and any extension would need to be larger to address both the lack of storage and improving the retail offer.
 - c. that such a proposal is considered by the applicants to be expensive given the need for a car park deck and vertical circulation to access the store. Such development would be viable given the small uplift in floorspace.
 - d. that the proposal would not address current parking problems and any future design of the car park would result in a compromised layout.
42. It is accepted that some of specific operator requirements identified by the applicant will not be met by the level of additional floorspace that could be created by an extension to the existing store. However, as previously highlighted, it is not considered that a clear need (either quantitative or qualitative) has been demonstrated for the level floorspace currently proposed. It is also important to note that the current proposal by Tesco seeks to relocate a store in sequentially preferable location to a clearly out-of-centre location where opportunities for linked trips with the town centre are much less.
43. Brook Street Car Park is Ilkley’s main town centre shopper car park and is located adjacent to the Primary Shopping Area of Ilkley Town Centre. This site is therefore considered sequentially preferable to the application site. However, the loss of this car park is likely to have a detrimental impact upon the vitality and viability of the town centre unless appropriate replacement car parking could be provided. Furthermore, the development of this site for a large supermarket (as currently proposed) is unlikely to be appropriate given the location of the site within the town’s Conservation Area, although some smaller scale retail could be considered more appropriate. On this basis, it is considered that this site is unlikely to be available or suitable to accommodate a large-format food store.
44. With regard to the Wellington Road Expansion Area, it is noted that the site currently comprises builder’s merchants and is located adjacent to the existing Booths store.

The site is allocated in the Replacement Unitary Development Plan as an 'Expansion Area' in order to provide for modest growth and qualitative improvements to the town centre. Whilst this site has been identified in the Replacement Unitary Development Plan as an area to accommodate additional retail floorspace, the site is considered out-of-centre in retail planning terms being located more than 300 metres from the Primary Shopping Area of Ilkley. Although the applicant considers that this site offers no sequential advantage over the application site, with both sites being out-of-centre, as previously highlighted PPS6 highlights that in considering out-of-centre sites preference should be given to sites that are close to the centre and have a high likelihood of forming linked trips. It is considered that this site is better positioned than the application site (which is hidden from the town centre) to provide linked trips with the existing town centre. The findings of the household survey undertaken by the applicant identified that generally a higher proportion of linked trips took place from respondents who visit the Booths store (which adjoins this site) than with the existing Tesco store. Given that the proposed replacement store will be located further from Ilkley Town Centre than the current store, it is reasonable to assume that more linked trips will take place between the town centre and this site than between the town centre and the application site.

45. Whilst this site is unlikely to be able to accommodate the level of floorspace currently proposed by Tesco it is considered suitable and viable for some additional retailing that would better reflect the need identified. Despite this, and although the site is allocated in the Replacement Unitary Development Plan as an 'Expansion Area' given the current active use on the site the availability of the site is unknown and therefore questionable.
46. PPS6 advises that in considering new development, local planning authorities should ensure that developments are accessible by a choice of means of transport and whether the proposal would have an effect on local traffic levels. In support of the proposed development, the applicant highlights that the application site is well served by public transport with bus services along Railway Road and Ilkley train station is identified by the applicant to be located within 300 metres of the application site. They also highlights that improvements will be made to the surrounding highway network in order to enhance the pedestrian route and accessibility between the site and the town centre.
47. It is accepted that the application site does benefit from being reasonable accessible by a variety of modes of transport, although it is questionable whether accessibility is as strong as the existing Tesco store. However, should the Council decide to grant planning permission for the proposed development, there is an opportunity for the Council and the applicant to undertake a Section 106 Agreement in order to improve access to the store.

Retail Assessment (impact)

48. In terms of the potential impact of the proposed development, it is significant to note that PPS6 (paragraph 3.21) states that: 'The identification of need does not necessarily indicate that there will be no negative impact.' Accordingly, even if 'need' and the 'sequential test' are satisfied, the proposed development could still be refused if there are reasonable grounds to suggest that it would materially harm the vitality and

viability of any defined centre nearby. PPS6 (paragraph 3.22) advises that local planning authorities should consider the impact of the development on the centre or centres likely to be affected, taking account of:

- The extent to which the development would put at risk the spatial planning strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;
- The likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre or centres;
- The likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the rural catchment area of the proposed development and, where applicable, on the rural economy;
- Changes to the range of services provided by centres that could be affected;
- Likely impact on the number of vacant properties in the primary shopping area; and
- Potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community.

49. In considering the potential impact of the proposed development the applicant has undertaken an assessment of the 'health' of Ilkley Town Centre based on guidance contained in PPS6. Based on this assessment the applicant considers that Ilkley Town Centre benefits from low vacancy rates, attractive physical environment, 'high end' retailers, good transport links and a tourist trade. Overall, it is identified that Ilkley is an extremely healthy and viable town centre. This reflects the conclusions reached in the health checks completed as part of the BRLS. It is however, important to note that the health check undertaken by the applicants was completed in October 2008 and the health check as part of the BRLS was completed in November 2007. Since this time, Ilkley, like a number of town centres throughout the UK, has been affected by the downturn in the UK economy that has led to an adverse impact on the retail sector. Consequently, the trading performance of Ilkley has declined in recent months with the loss of a number of retailers/services from the high street, such as the loss of Woolworths.
50. In assessing the potential trade draw of the proposed development, the applicant highlights that it is important to note that the proposal is for a replacement of an existing store and not the introduction of wholly new store in Ilkley. Therefore, the applicant has assumed that the turnover of the existing store would transfer to the replacement store. Given this, the applicant's assessment has focused on the potential impact resulting from the uplift in turnover generated by the proposal. It is accepted that this is a reasonable assumption to adopt.
51. In considering the potential impact of the proposed development the applicant has assessed impact upon defined centres as a whole (both convenience and comparison) and also assumed that the proposed development will compete primarily with similar main food shopping facilities, namely the existing Booths store on Leeds Road in Ilkley and the Morrisons store at Guiseley. On this basis, the applicant identifies that the proposal will derive most of its turnover from the Morrisons store in Guiseley (7% of its turnover) and Booths store in Ilkley (6%). Although due primarily to the increased comparison goods offer of the replacement store, the applicant identifies that some 17% of the store's turnover will be derived from other town centre

shops in Ilkley (including the M&S Simply Food store). These levels of trade draw are identified by the applicants to result in an overall impact on Ilkley Town Centre of 10% (including an 11% impact on the Booths store) and 5% impact on Guiseley (including 6% impact on the Morrisons store).

52. In considering these levels of impact, the applicant highlights that both the Booths and Morrisons stores appear to be popular and busy and such levels of trade diversion will not cause any harm to their continued viability. However, in assessing future impact on these stores no consideration has been made by the applicants with regard to the findings of the BRLS, which identified that the Booths store was trading below expected levels. Consequently, the potential impact on this store is likely to be underestimated given that the applicant has assumed that this store is trading at company average levels rather than below expected levels as suggested by the BRLS. Furthermore, this level of trade draw identified by the applicant is based on the proposal drawing more than 75% of its turnover from facilities outside the PCA. This includes 57% (or £2.55m) of the proposal's convenience goods turnover and 80% (£17.37m) of the comparison goods turnover. As acknowledged by the applicant, the current application does not result in a new retailer being represented in Ilkley and as such it is questionable whether an enlarged replacement Tesco store (as proposed) would have such an impact on clawing back expenditure from competing facilities. As previously highlighted many shoppers may prefer the brand and choice elsewhere, be located closer to competing provision or choose to shop at particular destinations due to work patterns.
53. In addition, as identified by the applicant, by assuming existing convenience floorspace trades at expected levels, there is very limited (10%, or £4.51m) of convenience goods expenditure generated in the PCA in 2014 that will be directed to facilities elsewhere before taking into account the replacement Tesco store. This reduces to 4% (or £1.90m) based on WYGs 'sensitivity testing' of the approach undertaken by the applicant. Clearly, this suggests that there is extremely limited scope to claw back expenditure that is currently being directed to facilities elsewhere. Similarly, although the level of comparison goods expenditure generated in the PCA that is directed to facilities elsewhere is higher, this is to be expected given the strength and proximity of competing provision. Therefore, it is again questionable whether 80% of the comparison goods turnover of the replacement Tesco could be derived from expenditure that is currently directed to facilities elsewhere, such as Leeds, Bradford, etc.
54. Given the above, it is considered that the potential impact on existing centres (most notably on Ilkley) has been underestimated by the applicant. Even based on the optimistic levels of claw back assumed by the applicant the potential impact on Ilkley Town Centre is identified to be in the region of 10%. By applying more realistic assumptions with regard to claw back the actual level of impact will exceed this 10% level. A significant increase beyond this level would undermine the continued vitality and viability of Ilkley, particularly given that some retailers appear to be trading below expected levels.
55. Against this trade draw, the applicant highlights that the development would have a positive impact through linked trips of the additional customers drawn to the

replacement store who are presently choosing to shop outside Ilkley. Although the household survey identifies that there is currently some linked trips taking place from the existing store and the town centre, it is believed that the replacement store is not as well positioned for these linked trips to continue. The replacement store will be located further from the town centre with poor visibility to the town centre from the application site. In addition, given the increased range of goods proposed to be sold from the replacement store (notably in comparison goods which is identified to increase from 128 sq m net to 2,264 sq m net) the new Tesco store is likely to compete more directly with the town centre than the existing store. Given the significantly increased range of goods that would be available, the reasons for undertaking linked trips between the Tesco store and the town centre would reduce. Similarly, based on the likely impact of the proposal on the Booths store (which we believe to be underestimated), linked trips between the Booths store and the town centre currently taking place will also reduce.

56. In considering the potential impact of the proposed store, the applicant compares the potential situation within Ilkley with a number of case studies elsewhere in the UK. Reference is made to a customer survey undertaken at the Tesco store in Selby, which is identified by the applicant to be around 300 metres from the town centre. The applicant highlights that at the time of questioning 49% of respondents were intending to visit Selby Town Centre as part of their trip to Tesco, whilst 71% of all respondents stated that they undertook such a trip at least a quarter of the time that they visited Tesco. It is not clear what the linked trips were for. Also, it is notable that the Tesco store in Selby comprises only 3,265 sq m (gross), which is comparable to the size of the existing Tesco store in Ilkley (where it is acknowledged that linked trips take place), this compares to the large-format store currently proposed by Tesco, which comprises some 7,507 sq m (gross) of floorspace.
57. The applicant refers to the positive impact that a new Tesco store at Beverley has had in considering the potential impact of a new store in Ilkley. In this respect, in comparing the impact of the store in Beverley with the proposal in Ilkley it is notable that the Beverley example referred to by the applicant is for a new Tesco store rather than a replacement store. Furthermore, the Beverley store is identified to be closer to the Primary Shopping Area of the town centre than the application site would be to the Primary Shopping Area of Ilkley Town Centre. Indeed, the current proposal in Ilkley seeks to relocate an existing Tesco store from a good out-of-centre (almost edge-of-centre site) to a clearly out-of-centre location that offers limited visual linkage between the town centre and the application site. Again, the existing store in Beverley (5,464 sq m gross) is much smaller than that currently proposed in Ilkley. Given these notable differences, it is considered misleading to compare the effects of a much larger replacement out-of-centre store in Ilkley to the introduction of a new edge-of-centre store in Beverley.
58. A final example referred to by the applicants is again for an edge-of-centre store in Beccles. The applicants acknowledge that the Beccles example is not an exact match with Ilkley. Apart from the different locational characteristics, this example was for a new store that again is much smaller at only 4,614 sq m (gross) than the current proposal. Given the size of the proposal in Ilkley together with its out-of-centre

location, it is considered that limited weight can be given in considering that the same positive benefits would also occur in Ilkley.

59. Given the above comments, whilst it is acknowledged that there are operational benefits for Tesco of an enlarged store, it is considered that the potential positive benefits on the continued vitality and viability of Ilkley have been overstated by the applicants. More importantly, it is considered that the potential adverse impact has been underestimated. In addition, in considering impact it is evident that the applicants have failed to acknowledge the new Sainsbury's store in Guiseley. This store, and to a lesser extent the new Asda store in Keighley, will not only impact on the levels of claw back that could be achieved by the new Tesco in Ilkley, the potential cumulative impact of a new Tesco store and improved provision just outside the catchment is likely to have impacted upon the trading performance of existing provision within Ilkley.
60. Given that a clear need for the level of additional floorspace proposed has not been demonstrated by the applicants, together with the concerns of the Councils retail consultants with the assumptions adopted by the applicant, it is believed that the current proposal will have very limited positive impact upon the continued vitality and viability of Ilkley. Indeed, the proposal seeks to relocate the existing Tesco store from a marginal out-of-centre location to a clear out-of-centre location. Furthermore, given that the proposal seeks to more than double the size of the existing Tesco store selling a significantly extended range of goods, the potential for linked trips with the replacement store and the town centre are likely to be less than are currently taking place. Instead, the enlarged store is likely to compete more directly with existing businesses in the town centre than the current store. Therefore, the significant strengthening of retail provision in an out-of-centre location could impact on the future trading performance of Ilkley Town Centre and future investment in the town centre.

Summary of retail assessment

61. Overall, in conclusion of the retail issues, it is considered that WYGs analysis of the retail evidence prepared by the applicants in support of the current application for a replacement Tesco store in Ilkley, shows that there are a number of key issues that impact upon the scheme's conformity with national and local planning policy. Indeed, it is highly questionable whether there is sufficient quantitative need for the level of convenience and comparison goods floorspace proposed. As outlined in the above assessment, there have been significant changes in the retail sector in recent months that have implications on demonstrating a quantitative need for the proposal. In particular, WYGs assessment now identifies that there is insufficient 'retail spend' in the defined catchment to support existing and proposed convenience goods floorspace in the PCA. In terms of comparison goods, WYG questions whether the proposal would result in an increase in market share necessary to support the level of floorspace proposed, given the strength and proximity of competing provision. On this basis, it is not considered that there is a quantitative need for the proposed development.
62. Although the current PPS6 places greater weight on demonstrating a quantitative need (which we do not consider has been satisfied) it is also considered that the qualitative need for the scale of development proposed has been overstated. It is

accepted that there are specific retailer requirements for Tesco to operate from new premises. However, there is no reasoned justification as to why the level of additional floorspace currently proposed is necessary and why these issues could not be addressed by providing a smaller store. Indeed, the previous application that was subsequently withdrawn was for a smaller scheme to that currently proposed, despite the applicants (at the time) indicating that the smaller store was appropriate in size to meet Tesco's requirements.

63. Although Ilkley is identified as a town centre within the Borough and within the second tier of the local hierarchy, it is accepted that the scale of development would be appropriate, it is not considered that a clear need for the uplift in retail floorspace has been demonstrated. Therefore, there is concern that the scale of the replacement store is inappropriate to the catchment it is intended to serve. Given that a clear need has not been demonstrated for the proposed development, it is not considered necessary to apply the sequential approach. Despite this, it is notable that there are sequentially preferable locations (including the site of the existing Tesco store) that could potentially accommodate additional retail floorspace in Ilkley. Whilst these sites could not accommodate retail development of the type and scale currently proposed, a need for this level of floorspace has not been demonstrated.
64. It is considered that the positive benefits associated with the replacement store have been overstated. Whilst it is acknowledged that increased parking within Ilkley is a benefit associated with the scheme, this does not address concerns with regard to the potential adverse impact resulting from the proposal. It is considered that the applicant has underestimated the potential impact of the replacement store and the current benefits associated with linked trips between the existing Tesco store and the town centre are likely to be lost. Indeed, the current application seeks to more than double the size of the existing store and provide an enhanced range of goods that would provide more direct competition with existing retailers within the town centre. Over half of the net floorspace is intended to be for the sale of comparison goods. It is considered that the proposal would have limited positive impact on the town centre. Indeed, many of the benefits identified (such as town centre parking) are currently available at the existing store or could also be provided by providing a much smaller store than currently proposed.
65. The planning application seeks to develop a replacement Tesco store of 7,507 sq m (gross) comprising a sales area of 4,361sq m. This compares to the existing Tesco store comprising only 3,219 sq m (gross) / 1,877 sq m (net), resulting in an increase of 4,288 sq m (gross) in floorspace. This significant increase in floorspace will further strengthen the dominance of shopping patterns within the PCA and result in a store that is likely to compete more directly with existing businesses within the town centre than the current store.
66. WYGs assessment has demonstrated that a clear quantitative and qualitative need for the level of floorspace proposed has not been demonstrated. In considering need it is important to note that emerging planning policy (i.e. Draft PPS4) highlights that there is a change in emphasis from the Government with regard to the requirement for applicants to demonstrate need for retail development. However, this is not (as yet) adopted planning policy. Therefore, given the concern that a clear need has not been

demonstrated for the level of floorspace proposed it is considered that the proposal does not accord with current national retail planning policy. In addition, it is considered that the potential adverse impact has been understated, particularly given the lack of need identified and the optimistic assumptions with regard to claw back suggested by the applicant.

67. Although the Government is proposing to remove the needs test for applicants, given the relationship between the tests of quantitative need and impact, this lack of need is likely to result on the proposal having a much greater impact than identified by the applicant. Given this, it is considered that there is sufficient ground to refuse the application on retail planning grounds.

Loss of employment land

68. Policy E3 of the Replacement Unitary Development Plan seeks to ensure that within urban areas the development of existing employment land or buildings for other uses will not be permitted unless:
- (1) the proposal is in a mixed use area shown on the plan; or
 - (2) the proposal is within the defined city, town, district or local centres or the town centre expansion areas or within the valley road retail areas shown on the plan or
 - (3) the proposal is within Bradford/ShIPLEY/Baildon or Keighley, is less than one hectare in size, and is not within an employment zone; or
 - (4) the proposal is within the towns of Bingley, Ilkley, Queensbury or Silsden and is less than 0.4 hectare in size and not within an employment zone; or
 - (5) the proposal contributes positively to the re-use of a listed building or other historic buildings in a conservation area; or
 - (6) the proposal contributes positively to preserving or enhancing the character of a conservation area; or
 - (7) it is no longer appropriate to continue as an employment use because of the adverse affect on the surrounding land uses; or
 - (8) the building has become functionally redundant for employment use.
69. The proposed development would involve the demolition of vacant buildings with an established employment use for re-development with retail uses. The buildings have been vacant since Spooners moved onto the adjoining site in 2006. It is clear that the proposal would have to satisfy Policy E3 of the Replacement Unitary Development Plan but it is considered that the proposal certainly does not meet (1)-(7) of the above criterion.
70. Against point 8 of policy E3 the applicant is arguing that the site is not suitable for re-use as an employment site and that the site is functionally redundant. In the submitted Land and Building Analysis Report it is stated that "other than the main factory building the remaining buildings are physically incapable of beneficial occupation" and that "the main factory building is of little attraction in the market because of lack of access to trunk roads and motorways, proximity to residential areas and absence of suitable potential workforce. There has been no significant interest on occupation identified by our marketing".

71. While it is acknowledged there may be access issues associated with the site and there have been no offers for the site despite a marketing exercise since the site became vacant, it is questionable whether this demonstrates 'functional redundancy' of the buildings. There may be capacity for the re-use of the existing buildings and site for similar or other employment uses. Essentially, it is hard to justify that they are functionally redundant. As such, it would be hard to argue conformity of the proposal with E3. Therefore, the proposal for retail use on the site would be contrary to development plan policies.
72. It should however be noted that whilst the Employment Land Review recognises a shortage of employment land in Ilkley, it also recognises there is limited demand for major industrial developments such as the current Spooners site. As such, when taking into account the proposals contained within the tandem application for employment uses on the existing Tesco site (09/00871/OUT), there are economic benefits to changing the employment use/s on this application site to the existing Tesco site off Springs Lane. Indeed, it is acknowledged that there has been a lack of opportunity to attract or expand high value business in Ilkley. Therefore, it is considered that the amount of development proposed on the existing Tesco site results in a beneficial economic development potential - especially the proposal to increase the office accommodation from 5,000 sq.ft to 20,000 sq.ft. In addition, the number of jobs which could potentially be accommodated in the proposed employment uses on the existing Tesco site is around 127 for the office/workshops uses and around 65 for the nursing home. This scheme could ensure that the Brownfield site on Springs Lane, would, at least in part, provide modern high spec small to medium sized business space to meet the requirements of entrepreneurs who wish to be based in Wharfedale.
73. It is considered that (i) taking into account the above issues along with (ii) the fact that the location of the existing employment site is in a residential area where certain types of B2 employment uses (which could operate from the site without planning permission) would not be welcome as they may be detrimental to established residential amenities, an argument can be made to move the employment uses to the Springs Lane site.

Highway/Pedestrian Safety

74. Where proposals have a detrimental impact on the transport network, planning permission will not be granted. However, where the Council considers that it would be possible to overcome these problems by implementing appropriate highway network improvements, public transport, walking and cycling schemes, contributions will be sought from developers through planning obligations and/or conditions. National policy supports the use of measures to mitigate unacceptable transport impact from development proposals, including the use of contributions to improve accessibility. Measures are strictly and proportionately related to the development in question, which may include access improvements to the area in which the development is located, but will not be used to relieve existing problems unless the development is likely to exacerbate these problems.
75. The proposal will undoubtedly lead to intensification in use of the highway network surrounding the proposed store location. The increase in the number of vehicle

movements will lead to local residents experiencing greater inconvenience and disruption than they do at present and this could also result in an increase in highway safety risks. However, given the number of mitigation measure being proposed by the applicant these highway risks could be minimised (although the disruption and detrimental impact on residential amenities would not and this issue is deal with later on in the report).

76. The Transport Assessment (TA) submitted with the application demonstrates that the capacity of the existing network would be able to accommodate the predicted levels of traffic even at the busiest operating times of the store. Nevertheless, the applicant has suggested (and the Council considers appropriate) that a number of highway safety improvement measures are undertaken in order to address the concerns raised by local residents and the Governors from Sacred Heart Primary School. These have been split into two phases:-

Phase I measures will be delivered prior to the new store being brought into use. Phase II measures shall be implemented by the Council using developer contributions if and when a need for additional highway safety improvements is identified following the opening of the store. (refer to the highway consultation section for specific details). The total funds agreed for both phase 1 and II measures is £1,033,000. This figure includes public transport improvements.

77. With regard to the proposed service routes to the store, there are some highway safety concerns. The new Tesco store is to be located within the Spooners factory site on Mayfield Road. The main proposed service route to the site for Tesco is along the A65/Wheatley Lane/Valley Drive/Little Lane/Mayfield Road. This route is also currently used by Spooners to service their factory and also forms part of the local public transport bus route. The dual use on the development site (Spooners and the proposed new store) could expect to receive up to around 30 artic/HGV deliveries i.e. potentially up to 60 two-way movements to and from the site a day at busy times. Therefore, in the interests of pedestrian and highway safety in order to ensure that service delivery vehicles can safely negotiate the proposed delivery routes, and to avoid a possible conflict of vehicle movements occurring between buses, residents and shoppers along these routes, a need for some new Traffic Regulation orders (TROs) has been identified.

78. New TROs prohibiting parking at any time will therefore be required on:

- Both sides of Railway Road between Golden Butts Road and Wilmot Road.
- Along the site frontage on Mayfield Road (as shown on Figure 13)
- Along the frontages of numbers 1-10 Mayfield Road and extending around the corner to opposite number 5 Wood Mews/87 Little Lane and also along the frontages of number 5 Wood Mews/ 87 Little Lane to the boundary of 97 Little Lane
- On both sides of Valley Drive at its junction with Wheatley Lane.

Failure to provide the above TROs is likely to lead to conditions prejudicial to highway safety and as such, the TRO must be delivered prior to any development commencing on the site.

It must be noted that nos. 2, 4, 8 and 10 Mayfield Road do not have any off street parking and from those that do some just have enough space for one vehicle. Implementing the above TROs will result in the loss of some on street parking which is currently available to residents. Given the level of objection to the store from local residential the new TROs are likely to be resisted.

79. Only if all the necessary TROs and traffic mitigation measures (phase 1 in the initial instance) and phase II (if deemed necessary once the store was opened) were put into place, could it be argued that the scheme was in conformity to established planning policies and may not be unduly prejudicial to highway and pedestrian safety. As such, a legal agreement to secure the mitigation measures and appropriate conditions are recommended in any permission granted.
80. Parking provision on the application is considered to be acceptable and in accordance with adopted parking standards; as such, the proposal is considered to be in conformity with policy TM11 of the Replacement Unitary Development Plan.

Design/landscaping/loss of TPO trees

81. The design of the proposed store is considered to be acceptable overall. The architects have worked closely with the Councils design enabler to provide a design which is contemporary but still fits within the context of the site. As such, the proposal is considered to be in conformity with policy D1 of the Replacement Unitary Development Plan.
82. In terms of appearance, some proposed materials, i.e. the use of Yorkshire stone on the front elevation and along the boundary reflect the surrounding locality. Other principal materials include grey ranilla panelling and eco friendly timber cladding. The applicants have advised the timber will be larch which is one of the most durable species of coniferous timbers and its high density provides excellent impact resistance and does not require additional chemical protection. The use of this timber cladding system will have high insulation properties.
83. One main feature of the design is that the provision of wind cowls on the roof. These allow warm air to naturally escape from the building whilst allowing cold air to naturally enter the building to help provide circulation of fresh air without mechanical means. This will be done by CO2 sensors monitoring occupancy levels within the store and automatically operating dampers within the roof vents to either allow warm air or cold air into the store. This feature will require minimal maintenance and is considered acceptable as part of the design of this structure.
84. With regard to tree issues, it should be noted that there are 3 groups of preserved trees (TPO) on the site. A total of 75 trees are to be removed of which 33 are covered by the TPO. All of these trees are Category C as assessed to BS5837:2005 which are defined in the British Standard as "those of low quality and value: currently in adequate condition to remain until new planting could be established ... C category trees will usually not be retained where they would impose a significant constraint on development". It should however be noted that the TPO trees do have a group value.

85. Trees and landscaping significantly enhance the appearance of development and provide a quality of life for the community. Tree Protection orders are actively used to sustain the landscape character of the District and influence the layout of new development. In particular, they are used to ensure retention of the mature treescape where development occurs providing visual amenity for the community. In this particular instance, it is considered that whilst there will be a loss of many category 'C' TPO trees, there will be replacement planting of 154 trees (including 28 semi-matures) in the application site which, once established will positively contribute to the amenity of this built up area.

Impact on surrounding properties/amenities/locality

86. The store has been set as far as possible into the site with the aim of reducing its dominance on the street scene along Railway Road and Mayfield Road. Nevertheless, it should be noted that the store is at a higher level than Mayfield Road and will be within 13m of no. 43 Railway Road, and within 15m of nos. 45 and 47 Railway Road. Revisions have been made to the scheme in terms of the entrance to the building and provision of obscure glazing to ensure that no undue overlooking or loss of privacy is created on these neighbouring properties. As such, it is considered that there will be no particular adverse effects created by reason of design on the nearby residential properties or on the street scene.
87. However, it is considered that the proposed scheme is unacceptable in terms of the detriment to surrounding properties due to highway congestion and traffic on the highway network in the vicinity of the new store and at the junction of The Grove/Springs Lane/Brook Street, Brook Street/Railway Road and Brook Street/Church Street/A65 Leeds Road. Indeed, due to the location of the development on a residential road and with access via residential roads, it is considered that there would be undue noise and disturbance in close proximity to existing properties which would be detrimental the established amenities; as such, the proposal is considered to the contrary to policy UR3 of the Replacement Unitary Development Plan.

Other issues

Flooding/drainage

88. All issues with regard to flooding aspects and the surface water drainage proposals have been satisfactorily resolved; as such, the proposal is considered to comply with policies UR3 and NR16 of the Replacement Unitary Development Plan.

Noise

89. An assessment of how noise that may be generated as a result of the proposal which may affect the amenity of adjacent properties has been carried out. Noise from mechanical services plant, servicing activity, the home shopping facility, recycling area and car parking activity forms part of the assessment. It is concluded that the development could proceed without the likelihood of subsequent operations harming the amenity of local residents on the basis of time limited opening hours between the hours of 0700-2300. Noise mitigation measures will also be required and it is suggested as part of the application that mechanical services and refrigeration plant will be designed such that the adopted noise rating level criteria of 36 dB an 35 bB night time at the nearest residential property are achieved.

Biodiversity

90. The presence of protected species is a material consideration in determining an application for planning permission. An appropriate ecological survey has been submitted and assessed as part of this application. Essentially, there are no specific records of bats from within the site although summer roosts of a number of different bat species were observed approximately 250 metres north of the site within the area of Ashlands Cemetery. Very limited evidence has been found that there were roosting Pipistrelle bats located in one of the buildings last year. Moreover, as the site comprises limited suitable foraging habitat for bats, and is located within an urban residential setting, it is also considered that the site is not used by groups of bats reliant on it for foraging/commuting purposes. In light of the above, it is considered that there will be no adverse impact on protected species if planning permission was granted for the development of this site in the manner proposed.

Heads to Terms of any S106 legal agreement

91. Despite the proposal being unacceptable in principle on this site, if Members were minded to grant planning permission for the scheme, consideration must be given to the requirements of any legal agreement for the necessary highway contributions and change in the employment use of the application site to the Springs Lane site. Most of the aspects of the S106 have been discussed in the highway section and the employment land section. Heads of Terms of any agreement would include the following:-

- A. Payment of a total of £1,033,000 towards phase 1 (measures that will be delivered prior to the new store being brought into use) and phase 2 (measures that shall be implemented by the council using developer contributions if and when a need for additional highway safety improvements are identified following the opening of the store).

Phase I measures include (i) conversion of Little Lane/Mayfield Road to a mini-roundabout,

- (ii) Entry treatments at the ends of roads between development site and town centre, (iii) road marking amendments at Brook Street/Railway Road junction to provide right turn, (iv) Slurry seal footways on Railway Road between the development site and town centre, (v) public transport improvements.

Phase II measures include additional highway safety improvements but if the contributions are not used within 5 years of the opening of the store then the funds will be returned to the applicant.

- B. Provision of TROs prior to commencement of development at the following locations:-
- Both sides of Railway Road between Golden Butts Road and Wilmot Road.
 - Along the site frontage on Mayfield Road (as shown on Figure 13)
 - Along the frontages of numbers 1-10 Mayfield Road and extending around the corner to opposite number 5 Wood Mews/87 Little Lane and also along the frontages of number 5 Wood Mews/ 87 Little Lane to the boundary of 97 Little Lane
 - On both sides of Valley Drive at its junction with Wheatley Lane.

- C. Cessation of the retail use of the original store upon the opening of the retail store on the application site. From the date of the commencement of development not to market or dispose of Tesco's interest in the original store otherwise than for uses which do not include food retail.

Community Safety Implications

92. Many of the issues raised by the Police Architectural Liaison Officer have been addressed with the submission of amended details regarding fences etc. The scheme will also be conformity with the enhanced specifications for the building structure and barrier controls required by the Counter Terrorism Unit. As such, conditions can be attached to any permission granted to ensure that the proposal will accord with the spirit of policy D4 of the Replacement Unitary Development Plan.

Comments on representations made

93. The majority of comments raised in the substantial number of representation letters received have been addressed in the above report. It should be noted that in terms of the highway implications of the scheme, it is considered necessary to pursue traffic regulation orders (TROs) for double yellow lines and residents only parking around the vicinity of the site. It is considered that it would be necessary to pursue such works prior to commencement of any operation on the application site and have recommended a condition to that effect be attached to any permission granted. If these TROs were not put into place, there would be a highway objection to the scheme on highway safety grounds. TROs are usually pursued via community consultation and there are opportunities for objections to be made. The Area Highway Committee then considers whether the comments and objections made to the TRO are valid.

Conclusions

94. It is considered that the proposal is wholly unacceptable in terms of its retail impact on the vitality and viability of Ilkley Town Centre. No quantitative or qualitative need has been demonstrated and there is concern that the scale of the replacement store is inappropriate to the catchment it is intended to serve. Given that a clear need has not been demonstrated for the proposed development, it is not considered necessary to apply the sequential approach. Despite this, it is notable that there are sequentially preferable locations (including the site of the existing Tesco store) that could potentially accommodate additional retail floorspace in Ilkley. In addition, the location of the proposed development in an essentially residential, 'out-of-centre' location is inappropriate and would be prejudicial to the established amenities of the residents due to highway congestion and traffic on the highway network in the vicinity of the new store. It is clear that the proposal is contrary to both national and local plan policies and as such, it is recommended that the application is refused.

Technical Note

95. It should be noted that if Members are minded to approve this scheme, the application must be referred to the Secretary of State in accordance with Circular 15/93: Town and Country Planning (Shopping Development) (England and Wales) (No 2) Direction 1993. Whilst this Circular is no longer in effect from 20 April 2009, the application was submitted prior to this date and thus still falls under the requirements of Circular 15/93.

Community Safety Implications:

92. Many of the issues raised by the Police Architectural Liaison Officer have been addressed with the submission of amended details regarding fences etc. The scheme will also be conformity with the enhanced specifications for the building structure and barrier controls required by the Counter Terrorism Unit. As such, conditions can be attached to any permission granted to ensure that the proposal will accord with the spirit of policy D4 of the Replacement Unitary Development Plan.

Reasons for Refusal:

1. The proposal is considered unacceptable in that it is located in an out-of centre location, outside the central shopping centre of the town centre and outside the identified town centre expansion sites. The Councils retail strategy is to sustain and enhance the centres and the proposed development fails to demonstrate that need, appropriateness of scale, the sequential approach and impacts on the vitality and viability of the town centre have been satisfied; as such, the proposal is considered to be contrary to policies UDP6, CR1A and CR4A of the Replacement Unitary Development Plan and Planning Policy Statement 6.
 2. It is considered that the proposed scheme is unacceptable in that, due to highway congestion and traffic on the highway network in the vicinity of the new store and at the junction of The Grove/Springs Lane/Brook Street, Brook Street/Railway Road and Brook Street/Church Street./A65 Leeds Road, there would be undue noise and disturbance in close proximity to existing residential properties which would be detrimental to the established amenities; as such, the proposal is considered to be contrary to policy UR3 of the Replacement Unitary Development Plan.
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Area Planning Panel (Keighley)

DATE
3 August 2009

09/01156/FUL



ITEM NO. : 3

LOCATION :

14 Yewbank Terrace, Ilkley.

Scale: 1:1250

3 AUGUST 2009

Item Number: 3
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
09/01156/FUL

Type of Application/Proposal and Address:
Full application for a single storey, conservatory extension at 14 Yewbank Terrace, Ilkley.

The application is reported to Panel because of the involvement of a Member of Bradford Council.

Site Description:

No. 14 is a 3 storey, late 19th. century, end terrace property split into flats, with a 2 storey bay window to the front and a 3 storey bay window to the side (south) elevation, a 2 storey rear wing, and a recently completed single storey rear extension. It has a minimal rear garden, and a side garden about 6m. wide, flanked by a low stone wall. Two tall beech trees stand just within the curtilage on the southern boundary. Their canopies reach almost to the flank wall of the property, but are just clear of the site of the proposed conservatory. Ground has been excavated at the south side of the property to a width of about 2.55 metres, to provide a low level entry to a basement flat, and a stone retaining wall has been constructed. Within this basement area there are steps down to the side entrance door.

Relevant Site History:

07/02547/FUL: Granted, 23/05/07, single storey rear extension, now completed.
07/06804/FUL: Refused, 25.09.07, lower and upper ground floor extension to south side.
08/03605/FUL: Withdrawn (15.08.08), conservatory in similar position to that now proposed.
08/05732/FUL: Refused (09.12.08), conservatory to provide entrance foyer. Refused due to unclear and conflicting information and drawings, and inappropriate materials and design.

Replacement Unitary Development Plan (RUDP):

Allocation

The building is within the Ilkley Conservation Area. The trees on the southern boundary were included as a group in a TPO, confirmed 26.06.08. There are no other Development Plan allocations.

Relevant Policies

UDP 3 –quality of the built and natural environment
UR3 – local planning considerations
D1 – design considerations
BH7—development in Conservation Areas

NE4/NE5/NE6 – retaining and protecting and enhancing tree cover on development sites.

Parish Council:

Ilkley Parish Council representation not received at time of report.

Publicity and Number of Representations:

By letters to 6 nearby properties and by Conservation Area site and press notice expiring 2 May 2009. No representations have been received.

Summary of Representations Received:

Impact on the Conservation Area.
Effect on trees.

Consultations:

Trees Officer

Notes lack of tree survey, but considers proposal acceptable in relation to nearby trees. Recommends protective fencing condition to any consent.

Summary of Main Issues:

Impact on the Conservation Area.
Effect on trees.

Appraisal:

The conservatory would be attached to the south facing gable wall of this end terrace property. It would be set at basement level, towards the rear and away from the street. It would provide a covered entrance foyer for an existing basement flat. It would be 2.55m. wide, 4.4m. long, and 4.8 metres high and would be built off the existing stone retaining walls, with a stone pier at the front where the conservatory would abut the existing property. Previous proposals for a similar extension were opposed due to an indication that upvc was proposed. However, specified materials are now painted timber frames and glass windows and roof. Unlike the previous application drawings, which indicated conflicting details for the elevations, the current drawings and application form are clearer as to details of materials and design. The Conservation Officer can therefore support the proposal. The conservatory extension would be a very modest, unobtrusive structure and the design details are simple, with a pitched roof at right angles to the side wall of the house, parallel to the ridge of the main building. Window details avoid the undue horizontal emphasis of the previous applications, and it is not considered that the design details would clash visually with those of the existing building.

The beech trees immediately south of the property have considerable canopies, but these would be clear of the site of the proposed conservatory, which would be built on the existing retaining wall and in the excavated area already constructed. The conservatory should not need any additional excavation, and the Council's Tree Officer can therefore support the proposal.

There would be no adverse effect on any neighbours.

Community Safety Implications:

None.

Reason for Granting Planning Permission:

The proposal overcomes previous reasons for refusal, and would have no detrimental effect on either the character of the Ilkley Conservation Area, or the health of nearby protected trees. Subject to the recommended conditions, the proposal is acceptable having regard to RUDP Policies UDP3, UR3, D1, BH7 and NE4/NE5/NE6.

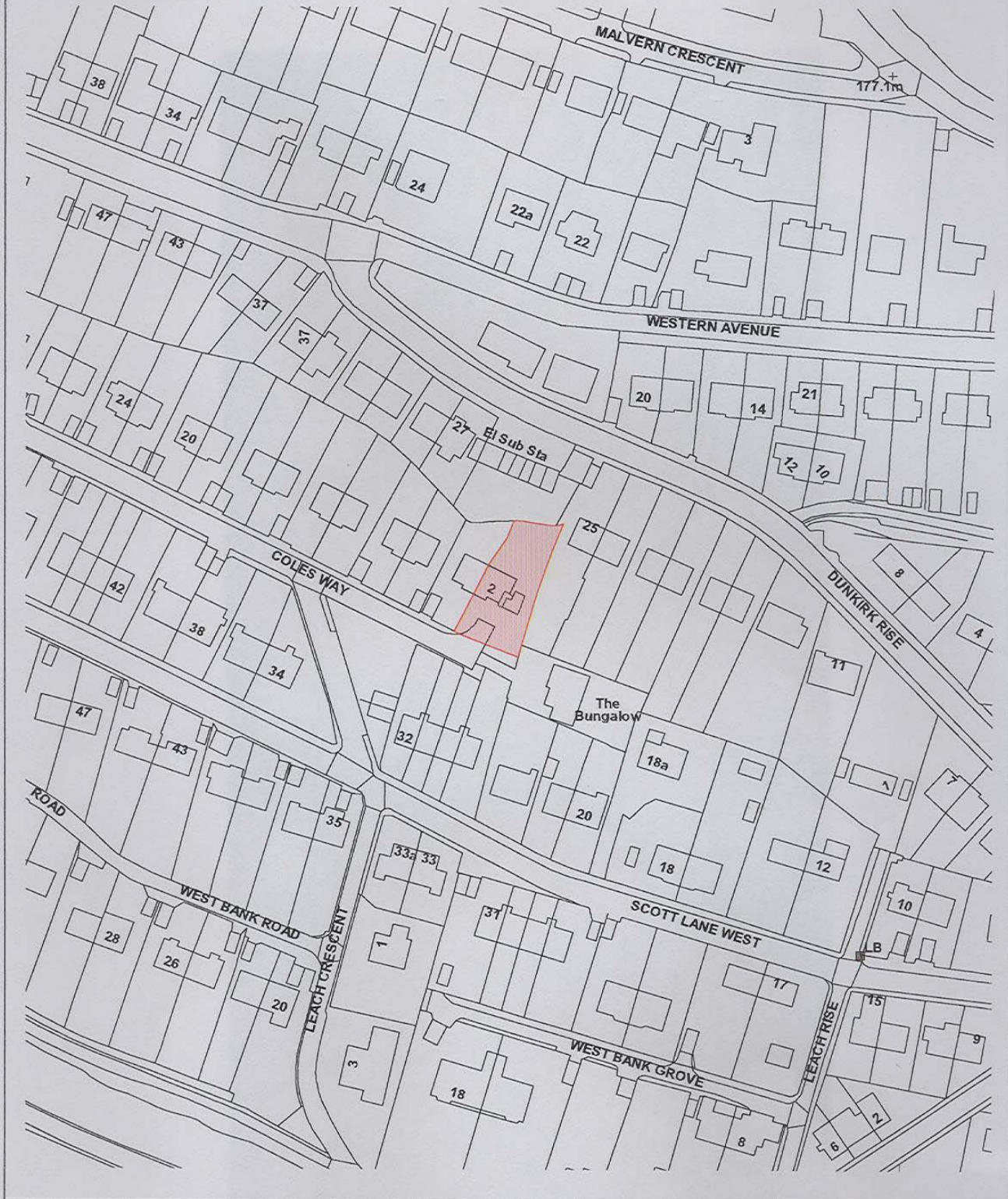
Conditions of Approval:

1. Standard 3 year time limit condition.
 2. All new walling to be in stone to match existing.
 3. Tree protective fencing to be installed prior to development commencing.
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Area Planning Panel (Keighley)

DATE
3 August 2009

09/02627/HOU



ITEM NO. : 4

LOCATION :

2 Coles Way, Riddlesden, Keighley.

Scale: 1:1250

3 August 2009

Item Number: 4
Ward: Keighley East
Recommendation:
To grant planning permission with conditions

Application Number:
09/02627/HOU

Type of Application/Proposal and Address:
Two storey extension to the rear of the property, canopy and new door to the front of 2 Coles Way, Riddlesden, Keighley.

Site Description:
No 2 Coles Way is a semi detached house located in an elevated position at the end of a cul-de-sac of similar houses in the Riddlesden area of Keighley. It is faced predominantly in render with a concrete tiled roof. The house has a previous 2 storey extension added to the side wall.

Relevant Site History:
76/02173/FUL Garage to side GRANTED 25.06.1976
02/00563/FUL Erection of single garage on existing hard standing GRANTED 17.05.2002

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated on the RUDP

Proposals and Policies
D1 Design considerations
UR3 Local planning considerations

Parish Council:
Keighley Town Council has not provided a comment on this application.

Publicity and Number of Representations:
This application was publicised by letter dated 18.06.2009 to seven surrounding neighbours with an expiry date for comments of 09.07.2009.
No comments have been received from neighbours or other parties.

Summary of Representations Received:
There are no objections or other comments on the application in response to publicity.

Consultations:
British Waterways and Bradford Council Minerals and Wastes Section were consulted on this application and replied that they had no comments to make.

Summary of Main Issues:

Impact on local visual amenity
Impact on local residential amenity

Appraisal:

The proposal is for the construction of a first floor bathroom extension over an enlarged utility room together with a new front door to the dining room and a canopy to the front of the property. Two velux roof windows are proposed to the bedroom in the existing extension which will lose an existing window to the rear.

The new extension would be positioned behind the previously constructed side extension, towards the rear of the property, and so would be largely hidden from the street. However, the proposed design and proposed use of matching materials are considered to be suitable to the existing building and the character of the area in general.

The proposed bathroom at 1st floor level would have one side window located 3.6 metres from the boundary with the rear garden belonging to No 25 Dunkirk Rise. This window is shown to be obscure glazed and will not cause any overlooking of the neighbour's garden. The house at No. 25 Dunkirk Rise is located at a much higher level to the east of the proposal so that the proposal will not have an adverse impact on the occupiers of No 25 Dunkirk Rise in terms of either any undue dominance or overlooking.

There are no other residential properties immediately to the north of the property that would be affected.

It is considered that the proposed new door and canopy to the front elevation of the property will improve the appearance of the existing side extension which seems to have been built some time ago under permission 76/02173/FUL. Matching materials are proposed.

The adjoining semi detached house will not be affected by the rear part of the proposal as this does not project past the existing back wall of the building. The canopy to the front is small scale and should not be visible from inside the adjoining property.

The properties to the south, across the cul de sac from No 2 Coles Way, are located a significant distance from any part of the proposal so that the occupiers of these properties will not be adversely affected by the addition of the small canopy and door alongside the window in the existing side extension.

Community Safety Implications:

None

Reason for Granting Planning Permission

The proposed two storey extension, canopy and new door would relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the

proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. This proposal is considered to be in accordance with Policies UR3 and D1 of the Replacement Unitary Development Plan 2005 and the Council's Revised House Extensions Policy 2003.

Conditions of Approval:

1. Three years time limit for commencement of development
 2. Extension shall be built in walling and roofing materials to match the existing building.
 3. Obscure glazing to be installed to side bathroom window to prevent overlooking.
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