

## Minutes of a meeting of the Area Planning Panel (Keighley) held on Tuesday 10 April 2012 in the Council Chamber Keighley Town Hall

Commenced 1000  
 Adjourned 1123  
 Reconvened 1133  
 Concluded 1305

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Clamp	Abid Hussain
Ellis	Khadim Hussain
	Imdad Hussain
	Malik

Apologies: Councillors Dredge, Lee and McCabe

### Councillor Abid Hussain in the Chair

#### 74. DISCLOSURES OF INTEREST

- (1) Councillor Khadim Hussain declared a personal interest in Minute 77 for matters relating to Land at East Parade and Gresley Road, Keighley as it was in his ward, but as the interest was not prejudicial in accordance with the Members' Code of Conduct (Part 4A of the Constitution) he took full part in the discussion and voting on this item.
- (2) Councillors Abid Hussain and Imdad Hussain disclosed a personal interest in Minute 77 for matters relating to Land at East Parade and Gresley Road, Keighley as they were both Members of the Integrated Transport Authority, but as the interest was not prejudicial in accordance with the Members' Code of Conduct (Part 4A of the Constitution) they took full part in the discussion and voting on this item.
- (3) Councillor Clamp disclosed a personal interest in Minute 77 for matters relating to Land at East Parade and Gresley Road, Keighley as it would have an effect on her ward, but as the interest was not prejudicial in accordance with the Members' Code of Conduct (Part 4A of the Constitution) she took full part in the discussion and voting on this item.



- (4) Councillor Ellis disclosed a personal interest in Minute 77 for matters relating to Land at East Parade and Gresley Road, Keighley as the application would have an effect on his ward, he was a Member of the Integrated Transport Authority and also the Regional Flood and Coastal Defence Agency, but as the interest was not prejudicial in accordance with the Members' Code of Conduct (Part 4A of the Constitution) he took full part in the discussion and voting on this item.

**ACTION: City Solicitor**

#### 75. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents.

#### 76. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

#### 77. **LAND AT EAST PARADE AND GRESLEY ROAD, KEIGHLEY**

**Keighley Central**

A full application for the demolition of existing buildings and development of 14,865sqm of new floor space to provide retail and leisure uses (within A1, A3, A4 and D2 use classes). Provision of new public realm, vehicular access from Gresley Road, up to 360 car park spaces and the retention and extension of the Cricketers Arms Public House on land at East Parade and Gresley Road, Keighley – 11/05268.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and plans detailing the layout in respect of the application. He reported that Keighley Town Council had withdrawn their previous recommendation for approval for the application having since discussed the amendments with local bodies concerned with the effect on the town centre as a whole. The comments of the Town Council were as outlined in Document "T". Eight letters of objection had been received on the scheme (including a comprehensive objection on retail, impact, highway, legal and procedure issues from consultants acting on behalf of the existing shopping centre within Keighley – The Airedale Centre). Additional publicity (site notices and individual letters) had been carried out following the receipt of an Addendum Transport Assessment which had been submitted by the applicants to correct the earlier Transport Assessment and to address concerns raised regarding the operation of the highway network.

A community consultation exercise was undertaken by the applicants and their agents. Methods for engagement were, meetings with stakeholders, a two day public exhibition which took place on 14 and 15 October at a vacant shop unit within the application site and use of internet and social media. The key component used to determine the views of the local community on the proposed development was a questionnaire distributed at the public exhibition. 38 people responded to the questionnaire and concerns raised were about the appearance of the scheme along East Parade, the loss of mill buildings, the recovery of industrial heritage and use in the development and finally traffic flows along East Parade. The summary of representations were as outlined in Document "T".

The Strategic Director, Regeneration and Economy reported that an objection had also been received from Sainsbury which referred to the detrimental effect on the highway network as well as the effect on their food provision service. A second objection was received which stated that the Addendum Transport Assessment was a flawed analysis as Keighley already suffers from traffic congestion and there would be additional congestion as a result of the proposed development and this would have an impact on the local economy. Investment in the town centre would be undermined due to congestion. The second objector also stated that not enough time was given to submit objections and respond to consultations.

A further objector who was a representative of the Airedale Shopping Centre submitted two letters which stated that the Addendum Transport Assessment was flawed, that the traffic modelling was inadequate and that the proposal was a departure from the Replacement Unitary Development Plan.

The local planning authority's legal representative responded to the points made in the letter and made the following comments:

- The Directions Rules 2009 had replaced the old departure rules with a more simplified system with the possibility of referrals for the Secretary of State to call decisions in.
- One of the provisions reads in respect of outside town centre development where the development was not in accordance with one of the two provisions of the Replacement Unitary Development Plan, it was called directed development and the local authority could consult with the Secretary of State and if there was a refusal then you do not consult.
- If the application was approved then it must go to the Regulatory and Appeals in accordance with the Council's Constitution and then it goes to the Secretary of State.
- The solicitors for the Airedale Centre had argued that the development was not in accordance with the Replacement Unitary Development Plan.
- It was stated that the application was not advertised and there were a number of grey areas in respect of this and an argument could be made both ways whether it was in accordance or not with the Replacement Unitary Development Plan.
- There would be a meeting of the Regulatory and Appeals Committee on Thursday 12 April 2012 and then the application would be considered on the same basis.
- If the application goes to the Secretary of State and if he takes the view that it was not in accordance with the Replacement Unitary Development Plan then it would be re-advertised on that basis.

The Strategic Director, Regeneration and Culture reported that in recommending granting permission for this development the Council had taken into account all material planning considerations including those arising from the comments of many statutory and other consultees, public representations about the application and Government Guidance and policy as detailed in the National Planning Policy Framework, and the content and policies within the Supplementary Planning Guidance and The Development Plan consisting of the Regional Spatial Strategy and the Replacement Unitary Development Plan for the Bradford District 2005.

The Council considered that the following matters justify the grant of planning permission:

The delivery of economic development on a long established development plan allocation was welcomed and it was considered that the proposed scheme would not have a significant adverse impact on the existing town centre. Indeed the proposal would facilitate

much needed investment and innovation in the retail sector in Keighley and would encourage more people to visit and use Keighley as a shopping destination as well as securing sustainable economic development to the town. As such, it was considered that overall, the proposal accords with the National Planning Policy Framework and planning policies CR1A and CT1 of the Replacement Unitary Development Plan. The effect of the proposal on the surrounding locality and the adjacent neighbouring residential and commercial properties had been assessed and it was considered acceptable. The provision of an access to the site in the manner and location proposed was appropriate and would provide both highway and pedestrian safety and it was considered that sufficient car parking was also provided.

Overall, it was considered that the provision of a commercial scheme as proposed was in conformity with the development principles outlined within the Replacement Unitary Development Plan under Policies UDP1, UDP3, UDP4, UDP7, UR2, UR3, UR6, E3, CR1A, CT1, CL2, TM1, TM2, TM11, TM18, TM19, TM19A, D1, D2, D3, D4, D5, D6, D7, D9, NR16 and NR17A.

Approval was recommended accordingly subject to a Section S106/S278 legal agreement and the conditions as outlined in Document "T".

Additional representation letters had been received from a local firm which made the following points:

- The application would have an effect on them.
- The access to Gresley Road was already congested.
- Our client's customers would get delayed and it could lead to the closure of our branch.
- We are not opposed to development in principle but only the use of Gresley Road for access.

A Town Councillor was present at the meeting and made the following points:

- The Town Council does not object to the retail proposal but the infrastructure does not exist and the roads in the centre of Keighley are clogged up and gridlocked and we are expected to put up with more of the same as a result of this proposed development.
- Asda paid £800,000 as a result of their development and this development was only paying a small amount.
- This development would exclude the town centre.
- We have to get the development right if it is to go ahead.
- We need to make sure that people spend more in the town centre.
- Not everyone has been consulted.
- We have a cinema which the Council owns and it would close overnight.
- This development would take retailers from another site.

An objector to the application on behalf of the Airedale Shopping Centre was present at the meeting and made the following points:

- We are not anti-development.
- The application was in respect of an out of town retail development and not a town centre retail development.
- The car park would face away from the town centre.
- The retail development was nearly as big as the Airedale Shopping Centre.

- We have tried to let out a bigger unit but it had been difficult to let due to the uncertainty surrounding this development.
- You cannot walk from the proposed development to the town centre.
- In respect of the relief road that would allow for pedestrianisation no contribution was asked from the developer for this.
- There would be a retail impact on Keighley Town Centre with £100 million of non-grocery spend available in the Town and £16 million would be transferred from the town centre.
- £54 million would be spent on this new development which was half of the town centre non-grocery spend.
- There were already vacant retail units in the town centre.
- If about £40 million of non-grocery spend was transferred to this development it could lead to a lot more vacant retail properties.
- There would be an increase in traffic problems and the development would help to cause gridlock on Keighley roads.
- A lot of finance would need to be spent on traffic investment and we would not need to do this if the development was refused.

An agent of the applicant was present at the meeting and made the following points:

- A full public/stakeholder consultation had taken place.
- We have worked on this application for the last eight years.
- This £8 million investment would create 300 jobs as well as construction jobs.
- Leeds and Wakefield had improved their retail offer and we also need an improved retail offer in Keighley.
- We have amended the Transport Assessment and are happy to go with the Council's advice.
- As outlined in the report 76,000sqm of floor space was needed.
- There would not be an exceptional level of impact on other traders.
- A two day public preview had taken place with the attendance of 110 people.
- Forty questionnaires had been submitted with only eight objections.
- Only three out of 360 town centre retailers and businesses had objected to the proposed application.
- The representatives from the Airedale Centre had sent in last minute objections and were only objecting due to commercial reasons and were also trying to expand their own retail centre.
- The retail offer in Keighley should not be curtailed.
- Please approve the application as suggested and recommended by officers.

Members made the following comments:

- The solicitors for the Airedale Centre had said that they would challenge the Council decision by way of judicial review if the application was approved by the Regulatory and Appeals Committee.
- What additional impact would there be if the application was advertised?
- What impact would the development have on the surrounding area?
- In respect of the existing retail offer how many empty units were there in Keighley at present?
- If this application was approved what impact would this have on other businesses?
- In respect of the Airedale shopping centre and smaller shops would any businesses leave their present locations and go to the new development?
- It was clear that there would be some retail impact.

- What evidence do you have that other retailers will come to Keighley?
- We need a holistic approach to transport issues as some of the roads do come to a standstill. I know as I live in Keighley and one junction creates a tailback up to Victoria Park and two extra traffic crossings would have an impact.
- More people would come from outside Keighley and this would lead to more traffic problems.
- There are concerns in respect of congestion.
- What would be the impact of an one-way system?
- It was necessary to have clarification on when funding would be available for the relief road and it was necessary to ask for a contribution from the developer.
- There are some grey areas that need addressing.
- Once the existing warehouses and shops are demolished where would these businesses go?
- I support the scheme in principle but there are concerns about traffic issues.
- It was important that all businesses local to the proposed development have been consulted.
- The advertisement did not seem to be big enough.
- What evidence of the consultation that has taken place was there?
- Why was the developer not paying the full cost, while Asda paid for the full cost of improvement in respect of their development.
- The figure put forward by the objector concerning retail outflow of 60% can you provide clarification?
- We want this development to integrate well with other retail units.
- Consultation has taken place and there was a need to improve consultation as only a small number of people attended the meetings out of a population of 70,000 persons.
- This application was brought before us so that we can give the local perspective.
- This application was what Keighley needs as a lot of people in Keighley do travel to other areas for their non-food retail shopping.
- We should look at traffic issues and if we recommend approval of the application it would be more likely that a gyratory system would be introduced.
- The application should be supported.
- There were two main issues, the first being in respect of traffic and the second whether the application was a departure from the Unitary Development Plan.
- The application could be deferred.
- The developer would put money in.
- We cannot keep deferring this item.
- We cannot solve all the traffic issues and the developer might prefer to take their money elsewhere.
- The current condition 13 should be deleted and then replaced by condition 31.
- This was a fantastic opportunity for Keighley and it was a good investment in the present economic climate.
- As members of the Panel we need to look at the overall importance of this development.
- Consultation has taken place and it was not an issue for the Council if people do not make any representations.
- I do not see any merit in a deferment.

The Council's Retail Consultant responded to comments made at the meeting and made the following points:

- Some retailers might move from the Airedale Centre but this would be a more in respect of bigger units.
- The proposed development would bring in more shoppers into Keighley.
- The present units were too small in Keighley and the development would bring in new bigger operators into Keighley Town Centre.
- The owners of the Airedale Shopping Centre were refiguring their own retail floor space.
- £18 million of non food retail spend goes to other locations outside of Keighley and this might go to Keighley if we get the retail provision correct.
- A number of items had needed changing in respect of the application and the applicant had changed them.
- We were concerned with the traffic frequency and capacity problems at two junctions.
- It was found that the proposed application would meet the impact test and sensitivity test had also been carried out.

The Assistant Director, Regeneration and Culture responded to Members', objectors' and the applicant's agent's comments and made the following points:

- Comments had been made by Metro saying they were concerned at the impact on the bus service and they cannot support the application.
- There was congestion at present and there would continue to be congestion.
- There would be a flat line increase and some junctions would be at their peak despite any new developments.
- Keighley has a high level of sustainable transport as the proposed development was near to train and bus stations.
- There would be overall a net reduction but at the proposed development location there would be more traffic but it was not as high a trip rate as forecast by other interested parties.
- A modelling test had been carried out in highways and cases with and without the development factored in the gyratory system.
- In respect of the development the proposals would improve the overall movement of traffic in Keighley district.
- The relief road had not been pursued as part of the Local Transport Plan and was currently under review. It was highly unlikely to be taken forward due to funding reasons. What would go forward would be the gyratory system which was not part of this development.
- The proposed development would not prejudice the provision of the relief road as the land would still be available and had been secured.
- There were plenty of industrial units on the edge of Keighley.
- The development would be located on a brownfield site near the train and bus stations.
- The proposed development was a sustainable proposal.
- Site notices were issued and the application was advertised in the newspapers.
- Residents of Keighley were well aware of this application and there had also been representation from the cinema.
- Nearby businesses were notified with notices put up.
- A two day media event was held in respect of the application.
- Consultations had also taken place with businesses, the Town Council and other

interested parties.

- The Asda application has been subject to a public inquiry and Asda were asked to look at their site with Metro and had identified that there were limited bus links from Asda to the bus station. Asda then offered to commute a sum of money to expand the bus service to the Asda site and allow buses to turn around.
- Asda would provide £800,000 to cover a period of ten years, this was an agreement between Metro and Asda with the provision of an additional extended bus service which was a “one-off” agreement.
- The frontages of the proposed development would front the East Parade.
- There would also be an ungraded pedestrian crossing for the town centre.
- Parking was inadequate for this type of development but parking spaces would be utilised before people get to this development.
- There has been more than the minimal level of consultation required and local businesses were aware of this development and if they chose not to engage then that was their decision.
- The same type of engagement was done for this development as for Westfield and not a lot of public does get involved.
- If consideration of the application was deferred for further consultation then it would be unlikely to get any further representations than those already received.
- In respect of retail and traffic matters, you cannot really improve on this.

The Council’s legal representative responded to comments made at the meeting and made the following points:

- A judicial review application can be made within three months and the judicial court can look at any procedural issues such as whether the Council had followed its own procedures as well as its constitution including the reasonableness of its decision. This was a lengthy process under the first account if the Council’s procedure was not followed then it would give grounds for a judicial review challenge.
- The Council does not accept that it was not in accordance with the Replacement Unitary Development Plan.
- Any Freedom of Information requests made would be dealt with separately.

**Resolved –**

**That the application be recommended to the Regulatory and Appeals Committee for approval for the reasons and subject to conditions and a Section 106 / 278 legal agreement as set out in the Strategic Director, Regeneration and Culture’s technical report (Document “T”) and subject to the following additional recommendation:**

**“That the current condition 13 be deleted and replaced by condition 31”.**

**ACTION: Strategic Director, Regeneration and Culture**

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Committee.**

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