

# Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 10 April 2012

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## Summary Statement

### Miscellaneous Item

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.

**Application Number:** 11/05268/MAF

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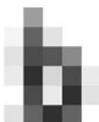
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**Portfolio:**

Change Programme, Housing and Planning

**Improvement Committee Area:**

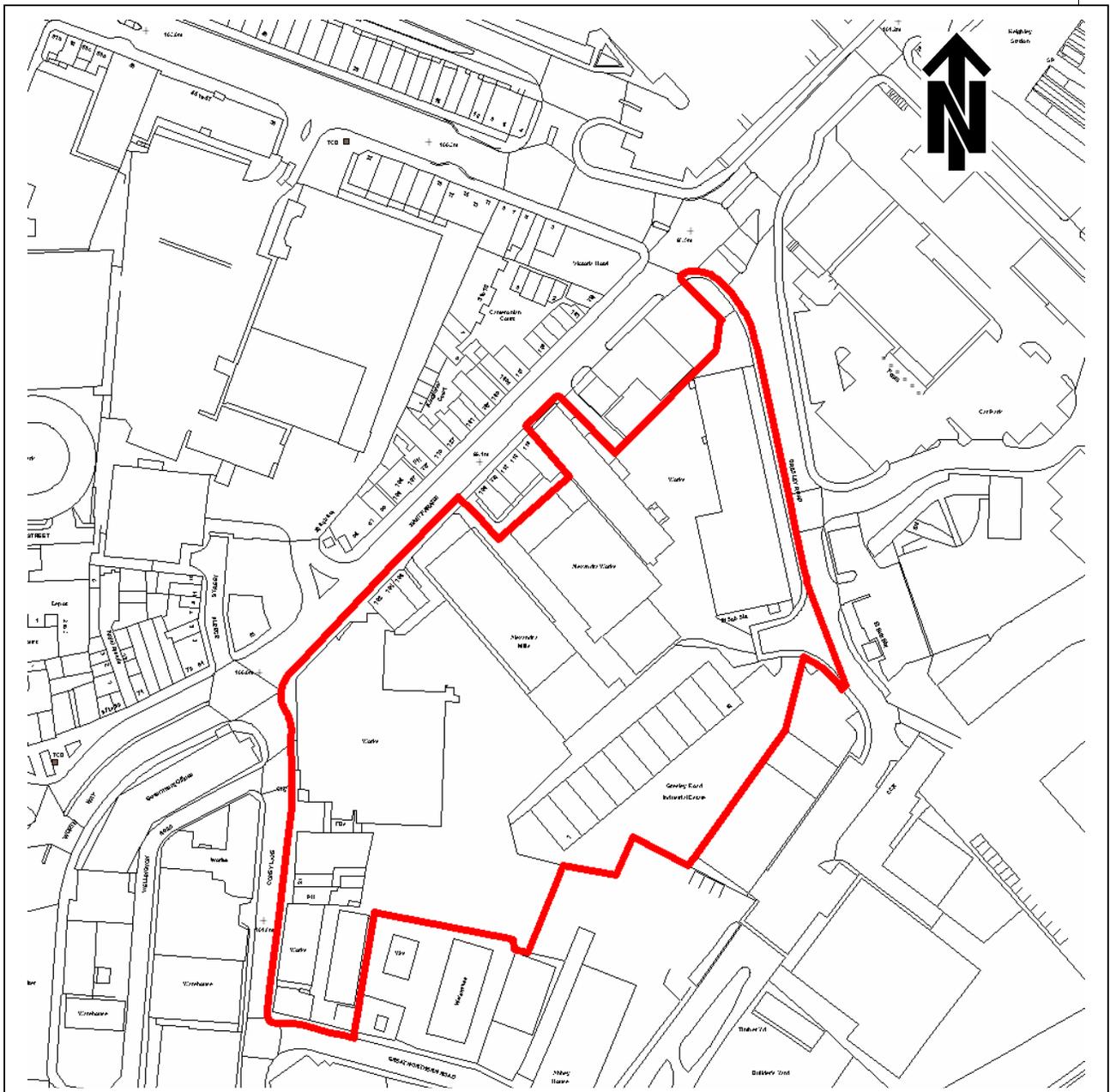
Regeneration and Economy



# Area Planning Panel (Keighley)

11/05268/MAF

22 March 2012



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ITEM NO. :  
Misc Item

LOCATION:  
Land At East Parade And Gresley Road  
Keighley

10 April 2012

**Ward:**  
**KEIGHLEY CENTRAL**

**Recommendation:**  
**TO RECOMMEND TO THE APPEALS AND REGULATORY COMMITTEE THAT  
PLANNING PERMISSION SHOULD BE GRANTED SUBJECT  
TO CONDITIONS AND A S106/278 LEGAL AGREEMENT. THE  
APPLICATION REQUIRES CONSULTATION WITH THE  
SECRETARY OF STATE**

**Application Number:**  
11/05268/MAF

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

Land at East Parade and Gresley Road, Keighley

**Applicant:**  
Stainsby Grange (Keighley) Ltd

**Agent:**  
Mr. Jay Everett, CBRE

**Background:**  
At the request of the applicants this application was deferred prior to its consideration by Members of the Keighley Area Planning Panel on 22 March 2012. The deferral was requested due to the late objections to the scheme from the lessee of the Airedale Shopping Centre on highway grounds and the inaccuracies of the Transport Assessment which had been submitted. This early part of the report will deal with this issue of deferment and will also deal with potential legal challenge to any planning permission granted, and how these issues have been, or can be appropriately addressed. The original planning report to the March Keighley Planning Panel follows on from the discussion of the actions and starts with the paragraph noted 'site description'. It should be noted that the original report has also been updated in certain areas e.g. number of representations received, comments on letters of representations, highway consultations comments. At the time of writing the substantial part of this report, Planning Policy Statement/Planning Policy Guidance (PPS/PPGs) were still referred to but Members are advised that the National Planning Policy Framework was published on the 27<sup>th</sup> March which effectively supersedes and consolidates the PPS/PPGs into a 58 page document.

A. Actions - Transport Assessment issues - An addendum Transport Assessment (TA) has been submitted by the applicants to resolve the deficiencies identified in the original TA deficiencies which resulted in the deferral of the application. Members should note that the consultation part of this report under the highway section has now been updated to reflect the

assessment of the addendum document. This updated highway assessment also forms part of the appraisal part of the report.

B. Actions - Potential legal challenge to any planning permission granted -A letter of representation has also been received from legal representatives of the lessees of the Airedale Shopping Centre regarding the procedural nature of the application. Indeed, it is asserted that there could be grounds to challenge any grant of permission pursuant to the Application if the issues of the delivery of the relief road (which the objectors assert is important to any expansion of the Keighley shopping area in this location).

The Replacement Unitary Development Plan (RUDP) under policy TM20 states that the Council will safeguard land required for transport and highway improvement scheme as shown on the Proposals Map. Indeed, the Local Transport Plan makes provision of highway network development and where this requires land outside the highway the land for the scheme is safeguarded through Policy TM20. The area planning policy statement in the Proposals for the Keighley Constituency Volume of the Replacement Unitary Development Plan also sets out how the different parts of the centre of Keighley may change to accord with policy CT1 of the RUDP.

With regard to the Worth Way (east) Expansion Area (upon part of which this application is located), the RUDP informs that this area is one of three expansion areas which “have been allocated to allow from the growth of the town centre and to provide the ability for qualitative improvements to facilities in the town centre to take place.... (that) their designation took account of the need to maintain a compact centre, to keep walking distances to the edge of the primary shopping area to a minimum and to ensure any obstacles to easy and safe pedestrian movement around the expanded centre can be alleviated...in order to provide for the East Parade/Worth Way relief road proposal on its route as shown on the Proposals Map, (schemes) will be permitted only where they would not prejudice the construction of the road” (pages 24-25). It should be noted by Members that the Replacement Unitary Development Plan does not require that this road be constructed prior to the approval of retail or other town centre uses in the area east of the River Worth. It should also be noted that the Council has not had an intention for the last few years to deliver any relief road for Keighley in this location via the Local Transport Plan. Indeed, the Council are pursuing alternative and updated transport strategies within Keighley Town Centre (which are explained in the highway section of the report).

However, having analysed the Councils documentation on this issue, it is clear that whilst the relief road scheme has ceased to be pursued within any Local Transport Plan and alternative transport schemes for Keighley have taken its place, the relief road is still a saved policy in the RUDP . As such, it can be considered that the proposal could be judged as being not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out. However, this overlooks the fact that the formerly proposed road is not required before any retail development is started or completed on the application site and despite the fact that the road (if there was a strategy to build it) would be fully paid for from the public purse via the Local Transport Plan.

Bearing in mind the above statements, this application – given the recommendation below and if the panel is minded to grant planning permission – has to be referred to the Regulatory and Appeals committee on 12<sup>th</sup> April 2012 then, if that Committee is minded to grant permission, the Secretary of State needs to be consulted on it before any permission can be

granted. This is a matter of procedure to accord with the Town and Country Planning (Consultation) (England) Directions 2009.

**Site Description:**

The site forms part of a large, declining industrial area which is located in close proximity to the Town Centre, railway station and the River Worth. The site itself is a 1.98 hectare irregular shaped site, a small part of which is located within the Central Shopping Area boundaries of Keighley Town Centre (as identified within the Proposals for the Keighley Constituency of the Replacement Unitary Development Plan). The majority of the site however is located within the Worth Way East Expansion Area of Keighley Town Centre.

The application site fronts onto East Parade which forms its northern boundary, wraps around the existing commercial premises which have residential units above them and returns to form a boundary with Sainsburys petrol filling station. The site then fronts back onto Gresley Road along its eastern boundary and forms a rear boundary with existing industrial/commercial premises which back onto/are in close proximity to the River. Along its western boundary the site fronts onto Coney Lane and extends to the end of the curtilage of the existing Crickets Arms pub (which is to be retained with extensions forming part of this application scheme).

Currently a vehicular access to the site is via Gresley Road and East Parade. The Replacement Unitary Development Plan also proposes a new link road which runs alongside the south-western boundary of the site.

**Recent Site History:**

There is no history for the redevelopment of this parcel of land.

In 2011 a prior notification application (11/03668/PN) was received for the demolition of some of the buildings on the site. Approval was granted for this demolition as a suitable methodology for the demolition actions to be carried was received.

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

***Allocation***

Within the Proposals for the Keighley Constituency of the Replacement Unitary Development Plan the site is primarily identified as being within a Town Centre Defined Expansion Area under policy CT1. A small parcel of land is also partly located within the Central Shopping Area boundaries. This expansion area, named as the Worth Way East Expansion Area is also noted within the Area Planning Policy Statement of the Proposals documents. The following policies are relevant:-

***Proposals and Policies***

UDP1 – Promoting sustainable patterns of 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

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  
CR4A – Other retail development  
CL2 – Leisure and Entertainment Development In Expansion Areas  
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  
TM19 – Cycle Parking  
TM19A – Traffic Management and Road Safety  
TM20 – Transport and Highway Improvements  
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  
D7 – Meeting the needs of Cyclists  
D9 – Urban design in city and town centres  
D10 – Environmental Improvement of Transport Corridors  
D14 – External lighting  
NE10 – Protection of natural features and species  
NE11 – Ecological Appraisals  
NR16 – Surface water run off and sustainable drainage systems  
P7 – Noise

***BMDC – Supplementary Planning Guidance***

Planning Obligations  
Planning for Crime Prevention

Airedale Corridors: A Master plan & Strategy for Airedale

***The Yorkshire and Humber Plan - Regional Spatial Strategy (RSS) to 2026:  
Policies***

YH1 – Overall Approach and Key Spatial Priorities  
YH4 – Regional Cities and Sub-Regional Cities and Towns  
YH5 – Principal towns  
YH7 – Location of Development  
LCR1 –Leeds City Region  
E2 – Town Centre and Major Facilities

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

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

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

As such Local Planning Authorities should seek to approve development proposals that accord with development plans without delay. In terms of retail proposals Local Planning Authorities are advised in their policy making to promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

### **Town Council:**

Original comments - Recommended for approval in accordance with planners' guidelines.

Revised comments (22/03/12) – would like to withdraw their 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 TC has the following comments:-

- the number of units has changed from 9 to 14 and includes smaller units and the inclusion of these smaller indicates that smaller retailers will be attracted to the site
- the original plans showed the units facing onto East Parade. In the amended scheme all face onto the car park presumably there will be no access onto East Parade. The secondary entrances onto East Parade do not mean that they will be used.
- there would be road improvements on Gresley Road to get traffic movements onto Worth Way. Would not the coast be met by the developer
- the existing Grade II listed cinema will be killed off by a new cinema.
- the Town Council is not against the development. If we get it wrong the whole town will suffer. The proposal as put forward in the first place complemented the town centre. This new proposal appears to merely draw people in to the store and not the town as a whole. There has been a through for footfall and walkers.

The TC asks for a deferment of the application. As the development is not due to start for a least 12 months it questioned "why the rush".

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

Site notices were displayed at the site, advertisements were placed in the local paper and individual neighbourhood notifications were also carried out with the original statutory period of expiry date for comments being 22 December 2011. Additional publicity in terms of consultation letters, site notices and press notices have also been carried out advising of amendments to the scheme with the final statutory period for comments being 16 February 2012. Eight letters of objection have been received from 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) has been carried out following the receipt of an Addendum Transport Assessment which has been submitted by the applicants

to correct the earlier Transport Assessment and to address concerns raised regarding the operation of the highway network. The period given for comments is by the 6<sup>th</sup> April 2012 and any representations received after the publication of this report will be reported orally to the Panel.

#### Statement of Community Involvement

Members should also be aware that 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 the 14<sup>th</sup> and 15<sup>th</sup> 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.

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

- There is a lack of access by road to the proposed shopping centre from the Coney Lane side
- There is also a lack of access to car parking from Coney Lane.
- Consider that the opportunity to create another access to the shopping centre must be taken to avoid extra vehicles queuing to turn right against the traffic flow from Coney Lane.
- The current proposal will block access from delivery vehicles along Coney Lane
- The planned staff car park could easily be integrated into the normal car park
- If free car parking was allowed in the new store for 2 hours that would help existing businesses as well as the new shopping centre.
- The application wholly inappropriate as Keighley does not lack retail provision
- This site presents a valuable opportunity to provide the urban renaissance indicated in the Core Strategy
- The site could provide a mixture of family and affordable homes in a sustainable location making use of previously developed land.
- The site has potential for use of the adjacent River Wroth
- The developer should be commended for wishing to invest in the town but be encouraged to rethink the application.
- The provision of a staff car park is condemning Coney Lane as a back street as there is no retail entrances to the planning new shops on Coney lane.
- Going to be overshadowed by this huge enterprise.
- The application will undermine the existing Airedale Shopping Centre – the owners of which are exploring opportunities to improve the existing retail offer in the town centre through reconfiguration, extension and alteration.
- Permission as recently been granted to extend the Airedale Centre onto the Laycocks site
- The development is not a town centre scheme and will result in significant adverse impact on the Primary Shopping Area and defined town centre
- The development is a retail park on the edge of the town that will fail to integrate into the fabric of the town centre both physically and in the minds of town centre shoppers
- Consider that this is not the most sequentially preferable site in the town

- Do not consider that the proposal accords with the sequential or impact tests in PPS4 nor does it deliver the link road as detailed in the Development Plan which exacerbates the impact on the town centre.
- There is insufficient occupier demand in terms of new retailers to Keighley to justify the new development
- The disaggregation point of the scheme remains unaddressed and there is no evidence from any party of any requirement for co-located modern, large format units.
- The LPA should be viewing this development itself as a piecemeal redevelopment of the retail expansion area which could be prejudicial to that allocation particularly without any contribution or delivery of the bypass road or part of the cost towards it
- Approving the application in its current form increases the likelihood that any future redevelopment of these area should continue this form and pattern of development poorly related to the town centre exacerbating what we already consider a significant adverse impact
- No evidence has been presented to demonstrate why there is a requirement for larger modern units to be co-located
- The Airedale Centre has secured planning permission for new floor space which is comparable in area to the largest unit provided by Stainsby Grange – this floor space is clearly more suitable in sequential terms and is available and viable.
- There is clear evidence that town centre retailers are being approached by the applicants and their agents to relocate to the development thus leaving voids in the Town Centre. This should be accounted for as lost income from the town centre not merely a diversion
- Enclose undisputed evidence that the public sentiment of the applicants' argument is flawed.
- There are a significant amount of other key centre tenants who are high risk in terms of their vulnerability to approaches from this applicant as a result of the unexpired term on their current town centre leases.
- The proposal is a departure from the Development Plan in that it does not deliver the bypass road to the south of the site as required
- There is a strong case to make that this bypass road, or a variation of it, is necessary in order to make the proposed development acceptable in planning terms.
- It is considered that the development is over parked and could function in reality by being free of car parking all together. This would mean that the existing town centre car parking would does not operate at full capacity would be used by prospective shoppers of the Stainsby Grange development
- The above argument states that there should be no requirement for car parking provision within the development proposals as this would ensure that the retail frontages would only be originated towards East Parade with no need for any retail entrances and as such the users of this development would continue to use the rest of the town centre thus substantially lessening the retail impact.
- Ad development of this size, complete with 365 car parking spaces and a whole range of retailers some of which may vacate the Airedale Centre should not be allowed. There are enough empty units without poaching the create retailers we have
- Retailers are having a difficult time as it is and a development of this stature can only have a detrimental effect to the fabric of the town centre.
- Traffic congestion is also an issue, it is bad enough now at peak times without the added traffic built up and no new highway have been proposed
- This scheme will be in direct competition as is Foster Square to Bradford. Larger units

- are needed to enhance the town centre but they need to be properly integrated.
- Feel a better scheme could be achieved on this site which will benefit the existing Town Centre and not take shoppers out of it
  - My business is just hanging on and if this development goes ahead that will be the end
  - Plumb Centre object as the applicant has not dealt with site specific planning policy considerations in that they have failed to consider local impact of development, lack of clarity in the delivery of the highway works to ensure full access for existing businesses is maintained, the car parking is excessive, pedestrian linkages to the Town Centre are also considered to be poor.
  - Would require a condition on delivery times to the site.
  - Overall, the applicant has not demonstrated that the proposed development adequately overcomes the adverse impact upon an adjoining business with regards to the disturbance during construction and following the completion of the scheme.
  - The operator of the existing cinema in Keighley objects on the ground that it would force the closure of the cinema. The business is only just viable at the moment.
  - The Transport Assessment contains evidence that demonstrates that their traffic analysis is based upon an error that forecasts the busiest Saturday peak hour at around 1/4 of the traffic to the site than would be likely to occur. This error results in the TA significantly underestimating the traffic flows on key road within the town
  - Significant queues would be formed on side roads and within the existing development and council car parks which will impact on the local economy. The queue length forecasted from Gresley Road would be far in excess of that which can be accommodated on the road.
  - The application fails to address the delivery of the bypass road as part of the overall expansion of this area and no mention is made of the wording of the Proposals Report.
  - If Members are not minded to act in accordance with the Proposals Report and are minded to allow the application to be granted despite the omission of any provision for or adequate contribution toward the relief road then the Council would refer the matter to the Secretary of State under the Direction otherwise there are clear ground for judicial review of any permission granted in contravention of that requirements.
  - It should be noted that there are other matters of a substantive and procedural nature which could give rise to grounds for challenge of any grant of planning permission to the application on the basis of the information currently available to the Council.

### **Consultations:**

**Local Development Framework Policy Section** – The Council engaged White Young Green consultants to assess the retail statement submitted by the applicants planning consultants in support of the application. Full details of the consultants' retail audit form part of the planning appraisal report below. The Councils retail consultants have also provided comment and evidence with regard to the letters of representation received which refer to retail matters.

**Airedale Partnership** - fully supports the redevelopment proposals for the area outlined in red on the plan bordering East Parade, Gresley Road and Coney Lane. The proposals by Stainsby Grange to create the new Worth Valley shopping centre will provide a much needed boost to the Keighley economy and help meet some of the aspirations of the Airedale Master plan for Keighley Town Centre

- We are encouraged to hear that the developers are targeting retail sectors that are not well represented in the town.
- It will regenerate a generally poor quality area by replacing rapidly degrading mill and associated buildings with a new modern centre that will enhance the area and improve the quality of the public realm
- It will expand the retail centre in Keighley but provide connecting routes to provide shoppers links with other parts of the centre to retain the integrity of the town centre
- It provides for signage that will link to the Airedale Greenway
- It helps create new jobs for the area
- It will provide a larger retail footplate to attract larger retail operators to Keighley
- The possibility of increasing the leisure facilities in the town

**Highways (Development Control) Section - Original comments** - An examination of the details submitted, which includes a Transport Assessment dated 14 November, shows that the majority of the highway network in the vicinity of the site will continue to operate within capacity in the year of opening 2012. In the design year (2017) some of these junctions are approaching or exceed capacity particularly the junction of South Street with Worth Way.

Given the benefits that this type and scale of development would bring to the town, and the extent of the off site highway improvements which have been agreed (shown on plan reference A702.2004.102 Revision C) the proposal is considered acceptable. Off site highway works include (i) an additional new controlled pedestrian crossing and island at the end of East Parade, (ii) a new controlled pedestrian crossing in the middle of East Parade outside unit 103 East Parade, (iii) the existing controlled pedestrian crossing widened to form a controlled crossing zone between the existing Victoria Hotel at the corner of Cavendish Street and East Parade and the existing Sainsburys petrol filling station. All existing traffic regulation orders to the site perimeter are to be amended to the satisfaction of the highway authority through a S278 agreement.

The parking and access arrangements along with the off site highway improvements being offered are considered acceptable and as such there is no objection to the proposal subject to a S106/S278 legal agreement and the provision of conditions (which are outlined at the rear of this agenda).

**Revised comments on the Addendum Transport Assessment** - Following the objection raised by WSP (on behalf of Propinvest Keighley Ltd) regarding the Trip Rates used by the Applicant to demonstrate the likely traffic generations in the Saturday peak time, in their Transport Assessment dated 14 November 2011 for planning application 11/05268/MAF, the Applicant has now provided further information to try and reflect more accurately the likely levels of traffic to be generated. Having examined the addendum to the TA, highways development control officers offer the following comment: **NB: This highway response should be read in conjunction with my previous consultation response to planning dated 03 Feb 2012.**

- **Revised Saturday vehicular trip rates** - although peak hour Trip Rates in the order of 2.4 for arrivals and departures had been identified for the Saturday peak hour the in the initial TA the Applicant had mistakenly applied the Friday evening peak trip rates of 0.682 arrivals and 0.615 departures to both days. Whilst the Friday peak hour trip rates are too low to be considered appropriate for a Saturday peak hour the applicant considers that a trip rate in the

order of 2.4 trips per 100sqm is too high and has stated the following as justification for the use of a lower trip rate:

- The development only provides 360 on-site parking spaces where the Council's maximum parking standard could require up to 595 parking spaces.
- Some of the trips would be from pass-by trade and would already be on the highway network.
- Unlike the sites selected in the initial TA for determining suitable Saturday peak hour trip rates, Keighley has excellent public transport links from its outer areas to the town centre, which could help to reduce the overall number of vehicular trips.
- Unlike the sites selected in the initial TA for determining suitable Saturday peak hour trip rates, the car park to be provided with the new development is a pay-and-display.

In addition to the above the applicant is proposing to provide a series of VMS information boards on strategic parts of the highway network, which will be used to manage the use of the existing and proposed car parking spaces available in the town centre more effectively and reduce / eliminate any unnecessary trips to the development site due to the car park already being full. The applicant will be required to enter into a Section 278 Agreement to provide five VMS information boards.

The Council is also looking at a scheme to provide a one-way system within the town centre, which will help to circulate traffic more efficiently both within and through the centre. It is hoped that this scheme can be delivered in 2013 however this would be dependent on sufficient funding being available. The applicant has also agreed to use part of the funding allocated to the provision of the VMS signs as a contribution towards the Council's one-way scheme if this is delivered prior to the development being brought into use. A maximum contribution of £50,000 has been agreed and only three VMS signs would then have to be delivered by the applicant.

The TRICS database has again been interrogated to find a more comparable site and the applicant has selected a site in Havant (HC-01-M-01). This has a smaller gross floor area (GFA) of 10,057sqm compared to 14,865sqm for the current application. It provides more on-site parking of 405 spaces. The current proposal only offers 360 spaces. Both car parks apply parking charges.

In the view of highway engineers, given the justifications listed above this site will provide a more accurate reflection of the likely trips to be generated by the proposed development than the sites previously selected in the initial TA. This site provides Saturday peak hour vehicular trip rates of 1.85 (arrivals) and 1.41 (departures).

- Junction Assessment - When the application was submitted in 2011 the expected year of opening was not known/stated therefore the year of application (2011) and a design year of plus five years i.e. 2016 was agreed.

Following a recent meeting with the applicant an expected year of opening of 2014 was given and therefore the actual design year should now be 2019.

This has not been reflected in the TA or the addendum to the TA.

However, given that growth in the Bradford Metropolitan District has been very low, changing the opening and design years is only likely to result in a very small increase, if any, in the RFC and vehicle queue lengths values shown in the addendum for the various junctions.

- Junction Assessments based on the design year 2016 - The operation of the junctions previously identified in the initial TA have been re-examined using these new trip rates and the results show that the junctions of East Parade/Cavendish Street/Bradford Road/Gresley Road and South Street/ Worth Way/Spring Row will be operating at above capacity in the design year of 2016.

However it should be noted that these two junctions would still be operating at above capacity in 2016 even without the development.

Table 1: Saturday Peak Hour

Junction	PRC 2016 Base (No Development)	PRC 2016 (with Development)
East Parade/Cavendish St/Bradford Rd/Gresley Rd	-6%	-37%
South Street/worth Way/Spring Row	-9%	-20%

PRC- Practical Reserve Capacity

The junctions of Bradford Road/Dalton Lane; Bradford Road/Bradford Street and Cavendish Street/North Street will continue to operate well within capacity with development in 2016.

- New relief road – The Replacement Unitary Development Plan does talk about the provision of a new relief road in Keighley town centre, which would allow for the expansion of the town centre across East Parade and worth way. The intended route is from Gresley Road southwards alongside the River Worth.

Highways officers clarify that this relief road has not been pursued as policy and does not appear in the Local Transport Plan. Therefore it should not form part of any material consideration from a highway perspective.

- Conclusion on highway issues

Notwithstanding the fact that the correct year of opening and design year have not been used for the purposes of this assessment their use is unlikely to result in any major changes to the RFC and vehicle queue lengths shown in the tables in the addendum to the TA at the various junctions. Therefore given the highway improvements being offered by the applicant and the strong likelihood of the Council’s scheme for the one-way system in the town centre being implemented in 2013, and bearing in mind the economic benefits this development would bring to Keighley, highway officers support this development proposal.

**Environmental Protection (Noise) Section** – No objections to raise subject to conditions being attached to any permission.

**Environmental Protection (Contamination)** – The existing geo environmental appraisal will need to be augmented in the areas currently covered by buildings. Conditions are recommended on any permission granted to ensure that the site is fit for purpose-

**Landscaping Section** - The planting design is satisfactory although from an urban design point of view more tree planting with the car parking is desirable. The opportunity also exists to create quality external spaces for people to meet and relax along Gresley Road as well as those detailed for the entrance area from East Parade.

**Design Enabler** - This is a big and important retail development for Keighley. It offers a range of floor plate sizes currently under represented or missing from the town altogether and so will help Keighley expand its retail offer with new operators. The application has been the subject of extensive pre-application discussions and permission is recommended for the scheme subject to the submission of further details in terms of materials, and a comprehensive schedule of signs. (Additional comments on design are integrated into the main report below).

**Police Architectural Liaison Officer** - The design and layout of access opportunities is of fundamental importance to designing out crime and needs careful consideration to avoid the creation of opportunities for crime.

In respect of the proposed car parking facility, the perimeter should have a clearly defined boundary, which identifies it as a private area. It may be necessary to include features which will prohibit unauthorised easy access to and removal of a vehicle from the parking facility. It should also incorporate traffic calming measures to prevent anti social use. Clear demarcation should be provided to encourage drivers and pedestrians to use only designated entry & exit routes.

Boundaries should offer a deterrent to offenders, and they can take a number of different forms. When deciding which type of boundary to use it is essential that it does not reduce any opportunity for natural surveillance. These are primarily there to direct users through safe and legitimate access and egress points whilst reducing the ease of movement for potential offenders and offending opportunity.

Recommend that this facility should achieve the Park Mark safer parking scheme accreditation.

The proposed footpath link adjacent to the Cricketers' public House, between Coney Lane and the car park, whilst offering necessary pedestrian access to the site throughout store trading hours, causes concern when the retail outlets are closed during the evening and night time. Movement frameworks based upon 'primary routes' and shared spaces, remove the need for under-used alley ways, short-cuts, footpaths and a large number of minor access points that can become vulnerable to or facilitate crime'. This area would benefit from access control, in particular during the above defined times, which should also take account of licensing hours. Suggest lockable gates, appropriately managed to direct any pedestrians using the 'night economy' facilities within the site into safe routes with good levels natural surveillance enhanced by movement of people and vehicles.

**Environment Agency** – There are no objections in principle subject to a condition attached to any permission granted regarding the submission and full implementation of a scheme to deal with surface water drainage

**Drainage Section** – The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Suggest conditions are attached to any permission granted regarding the surface water scheme details, pollution controls and foul water drainage.

**Yorkshire Water** – No objections in principle subject to conditions attached to any permission granted regarding surface and foul water drainage.

**Metro** – (Comments based on original TA submission) - Metro have no objections to the development of the site in principle but do have some concerns about potential impact of the development on the punctuality of bus services operating past the site. Whilst we support developments that are located in central locations that make use of existing public transport services, these locations are also the most sensitive to increased traffic levels. The TA indicates that the car parking for the site is below the permitted levels. It also states that car parking for this and other locations in the Town Centre are underutilised at most parts of the day. On this basis, we would support a further reduction in the car parking levels for the development. The availability of car parking can encourage car use. A reduction in the car parking at this site may encourage more sustainable travel patterns to the site and help reduce traffic congestion levels in the area.

We consider that some of the junctions assessed are likely to suffer from congestion and potentially cause delays to bus services and general traffic as a result of the development.

It is therefore essential that the signal timings are set up to give maximum green time to the Bradford Road / Cavendish Street as this is the primary bus routings into and out of the town centre and bus station. It is also important that the only access into the car park is from Gresley Road. Additional parking access points on East Parade would not be supported.

The development is likely to have a positive impact on the number of bus users accessing services from Coney Lane. Metro therefore recommends that the development includes a new bus shelter at bus stop reference number 21176.

In summary, Metro would like to highlight that the appraisal of the performance of the junctions around the site appears to be over optimistic. The council need to consider if the level of saturation expected in the assessed junctions is acceptable. Bus movements in the vicinity the area need to be protected through favourable traffic light timings to allow access particularly into and out of Cavendish Street. Metro feel that the number of car parking spaces could be reduced to reflect the central location of the site. The management of the car park also needs to be clarified.

**West Yorkshire Ecology** – Satisfied with the scope and conclusions reached in the ecological surveys which accompanied this application. No objections to the development.

**West Yorkshire Archaeology** – The site lies on the eastern edge of Keighley Town Centre and contains archaeological remains and standing buildings which relate to the 18<sup>th</sup> and later 19<sup>th</sup> century industrial development of the town. A number of undesignated heritage asset are recorded within the site. During redevelopment elements of the built and buried historic environment may be revealed or destroyed.

It is recommended that in accord with PPS5 an evaluation of the early mill pond area should be carried out prior to determination of the application and that a condition is attached to any permission granted to allow no demolition or development until architectural and archaeological recording has taken place.

**Minerals and Waste Section** - The southern tip of the site is situated on landfill site ref: 04SE10a and adjacent to landfill site ref: 04SE10b. Many years ago inert materials were deposited on two contiguous sites located on the site of Perseverance Mills, Great Northern Road, Keighley. This Authority has very limited information about these two sites; however a site inspection carried out in August 1998 revealed that the sites have now been redeveloped and accommodate two vehicle repair workshops and a car sales area.

The site is also located approximately 110 metres from landfill site ref: 04SE11. Located to the rear of The Globe Inn, Parkwood Street, Keighley, this site formerly provided access to the Great Northern railway line. It was in filled many years ago to form an embankment and car parking area. It has now naturally re-vegetated.

Given the historic uses on the site and the fact that the above record indicates that part of the site has been subject to tipping, there is reason to suspect that the site may be affected by contamination. Consultations with the Environmental Protection team are necessary.

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

Principle of development

- (i) Compliance with policy,
- (ii) Economic development,
- (iii) Sequential approach,
- (iv) Impact assessment,
- (v) Summary of above issues

Sustainability

Highway and pedestrian safety

Design/landscaping/pedestrian linkages

Impact on surrounding properties/amenities

Effects on the character of the locality

Other issues:-

- Flooding/drainage details
- Noise
- Contamination
- Historic Environment

Heads of terms of S106/S278 agreement

Comments on representations made

Community safety issues

### **Appraisal**

1. Permission is sought for the construction of retail/leisure development comprising some 14,865sqm (gross) of new floor space to provide retail and leisure uses (within A1, A3, A4 and D2 use classes). The development comprises the following elements:-

- up to a maximum of 14,865sqm retail (comparison goods),
- up to a maximum of 1500sqm retail (convenience goods),

- up to a maximum of 2100sqm of A3/A4 (restaurant/bar),
- up to a maximum of 2600sqm D2/leisure use (cinema, gym),
- floor space which will extend across the ground and first floors and which is formed by nine commercial units,
- retail units (1 to 5 and 8) will be accessed directly off East Parade where public realm improvements are provided including new seating and landscaping,
- units 6 and 7 will be accessed from the rear customer car parking area, and will sit to the rear of the existing Sainsbury Petrol filling station on East Parade,
- formation of vehicular access to/from Gresley Road with the provision of up to 360 car park spaces and including provision of servicing for the units. The car parking spaces are provided within a basement car park with surface car parking above.
- The retention and extension of the Cricketers Arms Public House. The extension will comprise a 2.5 storey extension to a maximum of 10.1m in depth x 5.3m in width. Following the demolition of the existing attached mill, the face of the public house will be rendered to match the existing building and a new parapet and coping will be put into place.

### Principle

2. The Planning Service instructed White Young Green Planning and Design (WYG) to assess the retail evidence submitted by the applicants in support of their application. The following paragraphs (3-13) are their assessment of the scheme and the panel is recommended to accept this assessment. It should be noted that the National Planning Policy Framework (NPPF) will be published on the 27<sup>th</sup> which forms national planning policy. Due to the timescales involved in the publication of the planning panel agenda, the NPPF report will be referred to briefly in the policy section of this report but the report also contains references to the previous PPS/PPGs. Essentially there is no change in material circumstances from the arguments already put before the 22<sup>nd</sup> March 2012 planning panel which are shown below.,

3. Planning Policy Statement 4 (PPS4) 'Planning for Sustainable Growth' was published in December 2009. PPS4 provides guidance to assist in achieving the Government's overarching objective of sustainable economic growth. In order to achieve sustainable economic growth, PPS4 sets out a number of key objectives for planning that can be summarised as follows:

- To build prosperous communities by improving economic performance;
- To promote regeneration and tackle deprivation;
- To deliver more sustainable patterns of development and reduce the need to travel;
- To promote the vitality and viability of established towns and other centres; and
- To raise the quality of life and environment in rural areas.

4. Policy EC10 of PPS4 requires that proposals for economic development should demonstrate that they will secure sustainable economic growth.

5. In dealing with applications for main town centre uses (including retail) that are not within an established centre nor allocated within an up-to-date development plan, Policy EC14 of PPS4 establishes the tests that need to be satisfied. Policy EC14 effectively replaces the previous five key tests set out by PPS6 and, as a consequence, when considering applications for retail development, it is now only necessary for the applicant to demonstrate

that a proposal accords with the requirements of the sequential approach (Policy EC15) and that the proposal will not lead to significant adverse impacts on existing centres (Policy EC16).

6. PPS4 re-worked the key tests and the most significant change in respect of the previous guidance (set out in PPS6) is the removal of the 'needs test'. The Government's town centre first policy remains through the need to apply the sequential approach (Policy EC15) to site selection. Furthermore, PPS4 sets out an expanded impact test (EC16), which should be taken into consideration by local planning authorities in determining retail applications. Policy EC16 identifies six impact criteria that should be considered when determining main town centre uses not within a town centre and not in accordance with the development plan.

7. Furthermore, the Government has recently published its Draft National Planning Policy Framework which sets out their economic, environmental and social policies for England. The policy framework confirms the Government's presumption in favour of sustainable development and as a result continues to support the 'town centre first' approach to retail development. In seeking to promote the vitality and viability of centres, the framework summarises and repeats much of what is contained within PPS4. The sequential approach is still considered to be valid as is the test of impact, albeit only to be applied where development exceeds 2,500 sq m or any threshold that is set locally. At this stage, the draft framework does not confirm whether this figure is net or gross. In terms of retail impact, the framework confirms that any impact on committed or planned investment in the centre must be thoroughly assessed as well as the vitality and viability of key centres generally. The framework also now suggests that impact should be considered up to ten years on from when the application is made. Overall, the document is supportive of the approach set out in PPS4 and is helpful in providing guidance on future policy direction, albeit only limited weight can be given to the document in its current draft form.

8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that: '...if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

9. Following the successful challenge in the High Court of the Government's earlier July 2010 revocation of regional spatial strategies (Cala Homes (South) Ltd v Secretary of State for Communities and Local Government, 2010), the statutory development plan for the area currently comprises the Yorkshire and Humber Plan Regional Spatial Strategy (RSS) (published May 2008), read together with the 'saved' policies of the Bradford Replacement Unitary Development (RUDP) (adopted 2005). It is accepted that, given the royal assent of the Localism Bill on the 15th November 2011, and subject to the outcome of an environmental assessment of the revocation of the RSS, limited weight should now be given to the RSS in this instance. The saved RUDP policies are considered to have more relevance to the application proposal and the review of WYG of retail policy therefore necessarily focuses on the RUDP and the requirements of PPS4. In addition, it should be noted that the Council have recently placed on consultation the Core Strategy for Bradford which will ultimately replace the RUDP on its adoption.

10. Policy UDP6 of the Replacement Unitary Development Policy sets out an aspiration to sustain and enhance the vitality and viability of centres through the promotion of their role

through the application of sequential preference to meeting retail, leisure and office development needs within established centres, which will also help towards the urban renaissance in Bradford. Policy CR1A sets out the preferred locations for retail development in established city and town centres. Policy CR1A states the following:

*Retail development will be permitted in the following locations:*

- i) Within the Central Shopping Areas of the city centre and town centres or, where sites cannot be found within Central Shopping Areas, a flexible approach having been taken, within the defined boundary of the city or town centres or in the expansion areas where it accords with the proposals report;*
- ii) Within the retail areas of district centre, and within local centres, as defined on the proposal map; Provided it is of scale which is compatible with the role of the centre and the catchments it serves, and, together with recent and potential development arising from unimplemented current planning permission, would be unlikely to have an adverse effect on the vitality and viability or any equivalent or higher order centre.'*

11. As stated by CBRE (acting on behalf of the applicants), part of the application site (where units 1 and 8 and are positioned) sits within the Central Shopping Area as defined on the proposal plan, with the remainder of the site located within the defined expansion area and is covered by policies CT1, CR1A, CL2 of the Replacement Unitary Development Plan. The RUDP also through Policy CT1 sets out that development should accord with the proposal report, in that sites and buildings within town centres and defined expansion areas should be developed in accordance with the area policy statements for each centre. In terms of the proposal report, the development of the area around Damside, Water Lane, and Worth Ways (East) expansion area for retail and leisure uses and other main town centre uses is acceptable, provided that no alternative sites within the centre are available, suitable and viable.

12. From a review of the proposal plan, WYG confirms that the application site is clearly allocated for main town centre uses. However, the report also states that any development in this area should not prejudice the construction of the East Parade / Worth Way relief road. However, the proposal plan within the RUDP for Keighley, confirms that the proposed relief road's alignment is positioned to the south of the application site. It is clear that the extent of the development boundary will not prejudice the ability of the Council to physically deliver the relief road.

13. Overall, White Young Green has considered the principals of the development in terms of compliance with policy EC10 of PPS4 (as it relates to retail issues), the sequential approach, and the potential impacts. It is now considered that sufficient robust information has been presented to advise and inform that the proposal complies with the provisions of policy EC10, EC15 and EC16 of PPS4 and that the proposal complies with retail planning policy in CR1A and CT1 of the Replacement Unitary Development Plan. It should also be noted that specific retail comments also form part of this report in paragraphs 44-59. These paragraphs have been written in response to specific retail issues raised by objectors of this scheme.

## Sustainability

14. The National Planning Policy Framework advises that the purpose of the planning system is to contribute to sustainable development. For the planning system delivering sustainable development means:

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

15. The established approach to planning for sustainable development was formerly set out in Planning Policy Statement 1 (PPS1). The key principles of that document were that 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. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the overall aim is to protect the countryside for the sake of its character and beauty and the diversity of its landscapes.

16. It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. Indeed, the site is located within a central location of Keighley which gives encouragement to more sustainable travel patterns, given the proximity of the site to public transport facilities. Furthermore, the pedestrian routes connecting this site across East Parade to the established town centre are to be upgraded as part of this development proposal. (See section on conditions/legal agreement at the end of this report).

17. Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Evidence within the application informs us that environmental sustainability will be maximised by the applicants' commitment to undertaking and achieving BREEAM accreditation to secure buildings with lower CO2 emissions. Furthermore, the re-use of a previously developed site in itself provides for sustainable development in addition to the fact that the proposed development is considered to help claw back expenditure (mainly comparison goods) from other competing town and retail parks in the sub region which will help in reversing shopping patterns and encouraging more local residents to shop and visit Keighley.

## Highway/Pedestrian Safety

18. A comprehensive Transport Assessment (TA), Addendum Transport Assessment and Travel Plan have been submitted as part of the application. Vehicular access to the site is a junction with Gresley Road which leads into the proposed car parking areas and also leads to the servicing yard.

19. Given the benefits that this type and scale of development would bring to the town, and the extent of the off site highway improvements which have been agreed as part of this application and which will be brought forward as part of the S106 legal agreement, (namely (i) the provision an additional new controlled pedestrian crossing and island at the end of East Parade, (ii) the provision of a new controlled pedestrian crossing in the middle of East Parade outside unit 103 East Parade, (iii) the existing controlled pedestrian crossing widened to form a controlled crossing zone between the existing Victoria Hotel at the corner of Cavendish Street and East Parade and the existing Sainsburys petrol filling station) there are no highway objections to the proposed scheme.

20. Following the objection raised by WSP (on behalf of Propinvest Keighley Ltd – lessee of the Airedale Shopping Centre) regarding the Trip Rates used by the Applicant to demonstrate the likely traffic generations in the Saturday peak time, in their original Transport Assessment the Applicant has now provided further information to try and reflect more accurately the likely levels of traffic to be generated.

21. Although in the peak hour Trip Rates of the initial Transport Assessment the Applicant had mistakenly applied the Friday evening peak trip rates to both Friday and Saturday. Whilst the Friday peak hour trip rates are too low to be considered appropriate for a Saturday peak hour the applicant considers that a trip rate in the order of 2.4 trips per 100sqm is too high and has stated the following as justification for the use of a lower trip rate:

- The development only provides 360 on-site parking spaces where the Council's maximum parking standard could require up to 595 parking spaces.
- Some of the trips would be from pass-by trade and would already be on the highway network.
- Unlike the sites selected in the initial TA for determining suitable Saturday peak hour trip rates, Keighley has excellent public transport links from its outer areas to the town centre, which could help to reduce the overall number of vehicular trips.
- Unlike the sites selected in the initial TA for determining suitable Saturday peak hour trip rates, the car park to be provided with the new development is a pay-and-display.

In addition to the above the applicant is proposing to provide a series of VMS information boards on strategic parts of the highway network, which will be used to manage the use of the existing and proposed car parking spaces available in the town centre more effectively and reduce / eliminate any unnecessary trips to the development site due to the car park already being full. The applicant will be required to enter into a Section 278 Agreement to provide five VMS information boards.

22. The Council is also currently pursuing a scheme to provide a one-way system within the town centre, which will help to circulate traffic more efficiently both within and through the centre. This scheme would create one way traffic movements along East Parade (towards the direction of Morrisons), then divert traffic up and along Hanover Street (also proposed as one way) and then it would be funnelled back down Cavendish Street towards Sainsburys (in another one way route). It is intended that this scheme be delivered if at all possible in 2013 however this is dependent on sufficient funding being available. The applicant has agreed to

use part of the funding allocated to the provision of the VMS signs as a contribution towards the Council's one-way scheme if this is delivered prior to the development being brought into use. A maximum contribution of £50,000 has been agreed and only three VMS signs to manage traffic and parking around the town would then have to be delivered by the applicant.

23. When the application was submitted in 2011 the expected year of opening was not known/stated therefore the year of application (2011) and a design year of plus five years i.e. 2016 was agreed. Following a recent meeting with the applicant an expected year of opening of 2014 was given and therefore the actual design year should now be 2019. This has not been reflected in the TA or the addendum to the TA. However, given that growth in the Bradford Metropolitan District has been very low, changing the opening and design years is only likely to result in a very small increase, if any, in the RFC and vehicle queue lengths values shown in the addendum for the various junctions.

24. The operation of the junctions previously identified in the initial TA have been re-examined using these new trip rates and the results show that the junctions of East Parade/Cavendish Street/Bradford Road/Gresley Road and South Street/ Worth Way/Spring Row will be operating at above capacity in the design year of 2016. However it should be noted that these two junctions would still be operating at above capacity in 2016 even without the development. The junctions of Bradford Road/Dalton Lane; Bradford Road/Bradford Street and Cavendish Street/North Street will continue to operate well within capacity with development in 2016.

25. Within the Replacement Unitary Development Plan: Proposals for the Keighley Constituency there is provision made for a highway improvement scheme (policy TM20) which takes traffic along Gresley Road to Worth Way via the area in proximity to the Coney Lane Bridge. The Proposals Volume (page 23) informs that "the plan provides for the expansion of the town centre across East Parade and Worth Way. In order to provide a safer and pleasant environment for pedestrians in the expanded centre these highways need to be downgraded to function purely as access roads for properties in the centre. To achieve this, the route for a new relief road is safeguarded from Gresley Road southwards alongside the River Wroth to a point where the North Beck joins with the River Worth. The new road is expected to be construction at the end of the Plan period." Also within the Proposals for the Keighley Constituency (page 25) states that "in order to provide for the East Parade/Worth Way relief road proposals on its route as shown on the Proposals Map, (schemes) will be permitted only where they would not prejudice the construction of the road".

26. Highways officers have clarified that the construction/delivery of the potential relief road will not be prejudiced by the construction of the current application proposal. This is despite the fact that this relief road has not been pursued as policy and does not appear in the current Local Transport Plan (LTP) nor has it appeared in the LTP from 2006 -2011. Therefore it should not form part of any material consideration from a highway perspective as alternative proposals for Keighley Town Centre are currently being pursued by the Councils Strategic Highway Section.

27. Furthermore, the parking and access arrangements along with the off site highway improvements (the improved traffic regulation orders along East Parade and Gresley Road) are considered acceptable and overall the proposal is in accord with policies TM2, TM11 and TM19A of the Replacement Unitary Development Plan. Indeed, the applicants were asked to provide a further justification for the planned amount of car parking (of 360 spaces). This

justification which has been detailed below is considered acceptable in terms of established planning policies:-

- The 360 spaces represents 68% of the maximum allowable spaces under the Council's policy (530) and this reduction recognises the good public transport accessibility available to the site and Keighley more generally;
- Keighley town centre is currently served by 2,550 spaces so is well-served by existing parking but much is located to the north and west of the town centre and others are not operated to encourage use of them as common town centre facilities but managed with the owner/operator in mind. For example the 2 car parks nearest the development are Sainsburys and Aldi car parks which operate 2 hour and 1 ½ hour limits. In the applicants opinion this period is too short to provide true linked trip opportunities;
- In order for the proposed development to be commercially viable and attract the larger retailers that will result in more shoppers using Keighley, parking facilities need to be located close to the stores. However, the car park will be for wider town centre shoppers, with improved connections to the rest of the town centre, and will be managed to discourage long-term commuter stay. It should also be noted that a condition is suggested to be attached to any permission granted regarding the submission and implementation of a car park management strategy;
- The level of provision is very similar to the other major town centre facilities in terms of retail floor space per parking space.
- Airedale Shopping Centre has a larger car park of 460 spaces which represents circa 1 space per 50 sq m of floor space;
- Cavendish Retail Park has 168 spaces for 7170 sq m (i.e. 1 per 42 sq m).
- Bradford Councils maximum standards are 1 space per 25 sq m and for "Retail Parks" the market norm is between 1 space per 20 sq m and 1 space per 25 sq m.
- The application proposals provide 360 spaces for 14865 sq m which is 1 space per 41 sq m and are therefore comparable with existing town centre parking. The applicants also state that it is important to note also that the car park does not dominate the site, with the buildings covering circa 65% of the site area.
- The number of spaces has been determined therefore on balance when considering the needs of retailers and leisure operators, the provision of existing car parking, the need to encourage alternative forms of travel and the urban design of the site.

28. The Travel Plan promotes the integration of travel modes to improve the accessibility of the site by means other than the single person occupied car, to ensure that the travel plan framework meets the needs of the residents and employees, to make employees aware of the benefits to be derived from the travel plan, to minimise the level of vehicular traffic generated by the development and to enable the development to protect and enhance the environment as far as practically possible. It is considered that the provision of a travel plan will ensure that the development of this site in the manner proposed encourages, as far as practically possible, sustainable practices in this location in accordance with Planning Policy Statement 1 and Planning Policy Guidance Note 13. A condition regarding the implementation of a travel plan for this development is suggested to be attached to any permission granted.

#### Design principles/landscape

29. Policy D1 of the Replacement Unitary Development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which

development proposal are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing height and materials

29. The site and wider area developed rapidly during the latter half of the 19<sup>th</sup> Century as Keighley underwent industrialisation. This resulted in a rather adhoc, jumbled urban form characterised by mills and industrial buildings clustered around a large mill pond, and warehouses serving the goods yard of the Great Northern Railway. Throughout the latter half of the 20<sup>th</sup> century the area experienced a decline in its industry. The railway goods yard closed, the mill pond was filled in and many of the mills lay underused. New development mainly consisted of low quality commercial sheds and surface car parks. The result is a rather random collection of buildings, routes and spaces which fails to form a coherent urban structure but is nonetheless quite interesting. Some of the remaining industrial buildings which remain, such as the mills on Coney Lane and the former railway warehouses, do provide some townscape value and historic interest, though none are listed.

30. The scheme proposes to demolish all the buildings on the site, a process which is currently ongoing. Therefore it is important that any replacement responds to the historic character of the site and improves it. The different elements of the scheme have been assessed with regard to this.

- Coney Lane - The form and rhythm of the proposed building can be seen as a contemporary response to the former mill, and the retention of the Cricketer's Arms within the scheme helps to support local distinctiveness and the tradition of real ale in Keighley. The lower wall element should help to open up views of the wooded backdrop of the valley slopes as well as glimpses of the steam railway.
- East Parade - The height of the proposed buildings, the variation in their massing and appearance, the distinctive corner feature and the new public space helps the scheme respond to the role of East Parade as a key shopping route, integrating it into the wider town centre and unifying both sides of the street. The new contemporary building adjacent to numbers 108-116 East Parade responds to the scale and structure of this historic row of shops.
- Gresley Road - The lower height of the building and its long frontage can be seen as a response to the former railway warehouse which currently stands here. The proposed street trees will help to enhance the character of this route.
- The Car Park - Of all the elevations this is probably the one which performs least well in terms of providing visual interest, although it does have some variation in form and massing, fenestration and the use of materials. There is concern over the impact which the external car park will have on the character of the scheme.

31. In summary, it is considered that overall the scheme responds to the existing character of the site and enhances it. The site is bounded by Gresley Road, East Parade and Coney Lane. The scheme provides active frontages to all these elevations (as well as to the car park elevation) with regular windows and entrances. The building line defines these streets well and servicing is hidden within the block so as not to detract from the street scene.

32. Of particular importance is the way in which the scheme links to the existing town centre. Three new pedestrian crossings are proposed across East Parade which will provide good connections to the key shopping streets of Cavendish Street and Low Street. Of some concern is that half of the proposed 14 units (including the cinema) can only be accessed from the car park side of the scheme. For the pedestrian approaching from the Cavendish Street end these can be accessed relatively easily via Gresley Road. However for those approaching from the Low Street direction the access is not as direct and involves using a footpath link from Coney Lane adjacent to the Cricketer's Arms.

33. The Urban Design Study of the site identifies the potential of a central route through the scheme between East Parade and the car park. The scheme does not include this but it does propose large units with entrances to both frontages which will allow shoppers to move through the centre.

34. This is not an ideal situation – a proper shopping street through the scheme would be more preferable. However it is acknowledged that this poses challenges in terms of creating active frontages due to the large format of the stores. It is noted that in the most recent plans one of these stores (unit 5) has been split in two meaning that through access is no longer possible. It would appear that the servicing arrangements would preclude similar sub-division of the other units. However in order to ensure that this situation does not arise, to further ensure that the current floor plates are retained as currently proposed, and to prohibit any proposed retailer blocking off the East Parade entrances which could lead to the development turning its back on the town centre, a condition is suggested to be attached to any planning permission granted.

35. The scheme proposes a two deck car park with 150 spaces underground and 183 spaces at surface level. 'Planning for Town Centres: Guidance on Design and Implementation tools' (ODPM, 2005), which is a companion guide to PPS4, states that large amounts of surface parking are likely to detract from the overall appearance of a development, and where it is proposed it should be carefully located (i.e. to the rear) and conceived within the overall landscape proposals for the development.

36. With regard to this the scheme proposes the parking area to what could be termed the rear of the scheme (i.e. the opposite side to the existing town centre). A landscaped strip is proposed around the outer boundary of the car park and clear pedestrian routes are marked through it. It is acknowledged that little planting can be included within the car park itself due to the provision of an underground car park. In lieu of planting the applicant is proposing feature lighting columns and bollards which could help to improve its character.

37. Furthermore, the amended plans now propose a new cinema at unit 6 and the sub-division of two of the larger units into six smaller ones (units R1-R6). These smaller units are intended to provide for restaurants and cafes to complement the cinema use.

38. Policy D9 of the RUDP states that new development should, where appropriate, create public urban spaces which enhance the town centre's character in terms of variety and diversity of experience. It is considered that the scheme presents such an opportunity. Indeed, in front of the entrances to units R1-R4 a small 'piazza' type area has been provided as a space for the restaurants and cafes to spill outside, a meeting place for people going to the cinema, and an area where shoppers can relax for a while enjoying the southerly aspect which this space would afford. From an urban design point of view there is a desire to

achieve a larger area of open space than that which has been put forward however the applicant has advised that the space provided is sufficient and that its provision does improve the overall character and quality of the place and support it as a leisure and retail destination.

39. Overall the scheme is supported in design and landscaping terms and it will lead to much needed regeneration, activity and vibrancy in this part of Keighley. It is considered that the scheme responds to the existing character and context of the site and enhances it. It is considered that the scheme will link in well with the existing town centre with shop entrances onto East Parade and three new/updated pedestrian crossings. Also the buildings will animate and define the existing streets well. There is some concern regarding pedestrian permeability through the site and a condition is suggested to attach to any permission granted to ensure permeability is retained at all times.

#### Impacts on surrounding properties

40. Residential properties are sited to the north of the application site – the closest of which are located above commercial premises at 108-116 East Parade. The scheme has been carefully design to minimise any disruption to these properties by reason of undue noise from the servicing yard. It is considered that no undue loss of amenities would be created on any of the nearby residential properties and commercial premises. As such, it is considered that the proposal, as currently shown, complies with policy UR3 of the Replacement Unitary Development Plan.

#### Impacts on the surrounding area

41. The development is proposed within the the setting of the urban area of Keighley Town Centre. In principle, development of the site for the commercial uses proposed is acceptable. Indeed, it is considered there is no undue adverse impact which would arise out of the grant of planning permission on this site in the manner proposed subject to the imposition of conditions regarding construction noise as any build project progresses ad limitation on hours of opening of the units once the units are occupied. Further conditions are also suggested on any permission granted to ensure that a construction management plan is put into place to minimise any disruption to adjoining businesses. It is further considered overall that a thorough assessment of the urban design and landscape impacts has been made to date within this context of this application.

#### Other Impacts - flooding/surface water drainage

42. The Environment Agency has no objections in principle to the development subject to a condition mitigating surface water run off rates being attached to any permission granted. Once a scheme for surface water drainage has been submitted and approved this scheme shall be fully implemented and subsequently maintained in accordance with the phasing arrangements embodied within the scheme. It is expected that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS) which seems to mimic natural drainage systems and rain water on or near the site. It is considered the suggested condition will prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and comply with policies UR3 and NR16 of the Replacement Unitary Development Plan.

#### Other Impacts - Contamination Issues

43. A land quality review of the plans submitted has been carried with the objective of ensuring that the proposals will result in control of pollutant linkages associated with

identified contaminants of concern. The submitted report and plans have been examined to identify information which demonstrates that the site has been appropriately characterised.

44. As such, BMDC specialist officers concur with the recommendations laid down in the submitted information and it is recommended that further site investigations will be required prior to construction work commencing at the site. This is necessary to ensure that sufficient information is available to enable robust and sustainable remedial decisions to be made. The extent of the next stage of site investigation and the criteria for risk assessment must be tailored appropriately to the ground conditions. As such, conditions regarding the submission of a site investigation report, submission of a remediation strategy, implementation of any approved remediation scheme and final verification are recommended to be attached to any permission granted to ensure that the site is 'fit for purpose'. Conditions regarding unexpected contamination and the importation of materials to the site should also be attached to any permission granted.

#### Historic Environment

45. In terms of archaeology implications West Yorkshire Archaeology Advisory Service (WYASS) have advised that there may be sites of interest on the development site. WYASS have requested that if the Local Planning Authority is minded to grant permission a condition is to ensure that a programmed of archaeological and building recording is undertaken. The applicants have however argued that there has already been extensive trial pits and intrusive examination of the site during the contamination surveys and that nothing substantive was found during these investigations. An update on these issues will be orally presented to the planning panel.

#### Use of planning conditions/Legal Agreements/278 agreements/Contributions

46. Development of the scale proposed inevitably involves physical infrastructure works, public transport initiatives and management plans. In line with policy UR6 of the Replacement Unitary Development Plan it is usually appropriate that the developer should enter into Section 106 and Section 278 legal agreements to address the following issues – transport infrastructure and associated contributions.

47. In accordance with policies in the Replacement Unitary Development Plan and the Councils Supplementary Planning Guidance on Planning Obligations the Heads of Terms of any legal agreements should include: -

- Provision of 2 x Airedale Greenway sign boards – one in the development and one in Keighley Town Centre
- Provision of public realm works on land outside the ownership of the applicants
- The funding of Traffic regulation Orders along East Parade/Gresley Road – contribution £10,000
- Provision of 5 VMS management information boards, or the provision of 3 VMS management boards with a contribution of £50,000 towards the one-way traffic management scheme for Keighley (comprising a one way route along East Parade (alongside this application site), Hanover Street (to pass the existing Airedale Shopping Centre and its car park and then to pass and down Cavendish Street towards the traffic junction in the proximity of Sainsburys).
- Provision of a new puffin crossing pedestrian crossing across East Parade

- Provision of a new central pedestrian island on East Parade near the junction with Coney Lane
- The upgrading of the existing pedestrian crossing across East Parade
- Provision of appropriate commuted sum for the future maintenance of the crossings

#### Comments on the letters of representation

48. The majority of issues raised within the letters of representation have been addressed in the above report. A traffic assessment was submitted as part of the application and has been thoroughly assessed by the Councils highway engineers whom are content that the application details are appropriate and do not undermine highway or pedestrian safety.

49. A key objection to the scheme has been submitted by consultants DPP acting for the long leasehold owners of the Airedale Shopping Centre. DPP contend the proposal, as currently submitted, represents a significant threat to their clients' proposals for further private sector investment in Keighley Town Centre and will result in significant adverse impact on the Primary Shopping Area and defined town centre. The Councils retail consultant, White Young Green, has reviewed the issues raised by DPP and detailed below is the response to the comments of representation received on sequential approach and impact on town centre.

#### 50. Sequential Approach

DPP contend that there are still sequential alternatives that exist within the town centre and the primary shopping area and that the applicant has not fully tested these. DPP also contend that the applicant has not considered the disaggregation of the wider scheme as the proposed scheme comprises a range of units which could be located elsewhere. First WYG refer to paragraph EC14.2 of PPS4: which states:

*“a sequential assessment (under EC15) is required for planning applications for main town centre uses that are not in an existing centre and are not allocated in accordance with an up to date development plan”*

Given that the scheme is allocated in the development plan, then it can be argued the application of the sequential assessment is not applicable in these circumstances. Notwithstanding this, the applicant provides a robust and comprehensive review of other site opportunities, and none were found to be available, suitable or viable.

51. In response to DPP disaggregation argument, WYG notes that Policy EC15.1d (iv) clearly states that local planning authorities should consider:

*“the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable sites. However, local planning authorities should not seek arbitrary sub division of proposals”*

This is further explored in the Practice Guide (PG) to PPS4 where in paragraph 6.33 it states:

*“In every case it will be necessary to strike an appropriate balance between the requirements of the commercial sector and the requirements of national policy based upon local circumstances”*

DPP fail to acknowledge that the proposed development is allocated as a retail expansion area for Keighley town centre, and therefore to request that a comprehensive redevelopment that is a direct response to an allocation in the development plan should be disaggregated is misguided. This is especially pertinent given that the allocation has been based on previous empirical evidence and was subject to public scrutiny during the plan making process and has since been further justified from the results of the Bradford Retail and Leisure Study (BRLS) (2008) prepared by WYG. Therefore, splitting the proposed development into smaller elements around the town centre will do little to address and deliver the quantitative and qualitative improvements required in the town centre to satisfy local shopping needs in the longer term.

52. Furthermore, even if WYG acting for the Council accepted (which it does not) the disaggregation argument presented by DPP, by their own admission in previous objections, the level of floor space within the ASC (referred to as Laycock) which is to be reconfigured (2,545sq.m or which 81 sqm is actual new floorspace) is not sufficient 1 to accommodate the level of proposed floor space at Worth Valley Shopping Centre (WVSC). Therefore, DPP's argument is completely irrelevant to the local circumstances and should be dismissed.

53. The proposed development is a retail and leisure development that will not act as a standalone retail park, but will form a planned extension to the town centre where a number of measures have been secured to ensure that the scheme forms a logical part of the existing town centre fabric. This, in our view, will bring 'spin off' benefits to ASC in the long term as more people shop and visit Keighley. Notwithstanding the requirement to undertake such an assessment, WYG are satisfied that the sequential approach has been satisfactorily addressed by the applicant.

#### 54. Impact on the Town Centre

DPP argue that the proposed development will result in a significant adverse impact on Keighley Town Centre. This is on the basis that DPP argue that the applicant (CBRE) has down played the impact on Keighley by inflating the impact on out of centre retail parks.

55. It is however considered that their point is misguided; the reason for the poor trading performance of Keighley Town Centre is, in part, due to the advent of out-of-centre retail parks in Leeds, Bradford and elsewhere, coupled with the lack of provision in the town. The justification for the allocation and the recommendations within the BRLS was to respond positively to address current shopping patterns. The telephone household survey evidence (RMG Clarity) submitted by CBRE in support of the proposed development reaffirmed the evidence in the BRLS (undertaken by NEMS) that expenditure was being spent elsewhere due to the strength of modern shopping facilities and the quality of retail provision further a field.

56. Therefore, WYG found that the 'claw back' assumptions adopted by CBRE were wholly reasonable. That said, and as to present a robust case, WYG also considered a trade diversion of 50% on Keighley town centre, to consider a position if the estimated claw back did not materialise as suggested. This analysis found that there would still be no 'significant adverse' trade impact on the town centre.

57. As with previous objections, DPP have informed the local planning authority that agents to Stainsby Grange have been approaching current tenants within Airedale Shopping Centre. DPP have suggested that if this is the case, then this may lead to significant voids in the town

centre, and this is not reflected in trade diversion estimates. DPP have provided evidence by Green & Partners (G&P) who act as agents to Airedale Shopping Centre, who state that there is evidence to confirm that the applicant has been approaching existing tenants in the town centre, including Marks & Spencer, Next and Poundland. After a review of this evidence WYG cannot concur with that view with any degree of certainty to form the same conclusion. Nevertheless, the submitted evidence is to a certain degree superfluous as it adds little weight to the objector's argument.

58. DPP (through G&P) also indicate that there are a number of existing town centre tenants who are at high risk, in terms of vulnerability to approaches by Stainsby Grange, as seven leases (Farmfoods, Argos, Bodycare, WH Smith, Burtons, Dorothy Perkins and Boots) have expired. However, this list does not include M&S, Next or Poundland. Given the allocation of the site, WYG argue that it is not the role of planning system to control commercial interests of existing or future provision, as DPP's state in their own objection:

"The role of the planning system is to regulate and balance these purely commercial requirements with wider economic and social objectives and the aspirations of the development plan".

59. Indeed, the aspirations of the development are quite clear and the proposed development is based on aspirations to improve shopping provision in Keighley and to reverse outward shopping patterns and the current excessive expenditure leakage to other out-of-centre facilities in the sub-region. These issues are accepted and presented by both the applicant and WYG. WYG can confirm that the proposed development clearly addresses the key objectives of PPS4 which seek to deliver sustainable economic growth, promote regeneration and reduce the need to travel. More importantly, WYG believe that the proposed development will also facilitate improved local competition in the retail sector in Keighley through enhanced consumer choice through provision of innovative and efficient shopping and leisure provision to the local community, which is key policy driver of the government.

60. WYG find that the approach advocated by DPP only seeks to suppress the availability of retail facilities to the benefit of their client Airedale Shopping Centre and not necessarily to facilitate improved shopping to the local community which is much needed and identified. With this in mind, given the identified capacity, the lack of suitable, viable and available opportunities and the fact that there will not be a 'significant adverse' impact on the rest of the town centre, the allocation and the subsequent planning application are clearly acceptable. This is further supported by paragraph 6.32 of the Guidance which states that:

*"This will need to be set in the context of other national planning policy objectives for town centres, including the requirement to provide choice and a competitive town centre environment"*.

61. WYG in their capacity as retail consultants for the planning service do not consider the proposed development as a retail park, rather that it represents a logical extension of the town centre to meet future shopping needs that have been long established since 2005. It will provide a range of medium to large units that are required by multiple retailers to absorb the latent demand and qualitative deficiency in the town. As previously advised, WYG recognise and applaud the positive endeavours Airedale Shopping Centre are undertaking to reconfigure and enhance their asset, and this should be

encouraged; however, such measures are not sufficient on their own to first deliver the quantum of floor space identified for the medium to long term and, secondly, incremental improvements within the ASC are unlikely to address the qualitative improvements to allow Keighley to compete with other sub regional destinations.

62. In correspondence from the objectors, a number of published retailer requirements are listed which are generated by an industry database and state that based on this list there is insufficient demand for new tenants to secure space at the proposed development. Therefore (through supposition) the objectors suggest that given the lack of demand Stainsby Grange will need to approach existing tenants. WYG can confirm that the list is comparable to those identified on the CoStar Focus databases. WYG argue that this is a very simplistic view to take, as often the named operators who have identified requirements are not location specific and are usually applied across large areas where there is a significant population base and they are often already established in the subject town. Therefore the use of such indicators should be used with a degree of caution, as, in addition to such retail requirement, actual retail demand is usually driven by the availability and supply of suitable accommodation.

63. As part of any town centre redevelopment, WYG would expect developers to approach potential operators that may already be established in a town centre to assess whether their future requirements are being met and whether there are any opportunities to enhance their presence in a town. It is not considered that this process is unusual and it will ultimately encourage competition which will lead to enhanced and innovative shopping provision to be facilitated to the benefit of the consumer. However, the evidence provided by DPP is based on supposition and no tangible evidence has been presented which confirms that such retailers will actually relocate if the proposed development is proposed. However, even if this did occur both WYG and the applicant has addressed this within the trade diversion analysis which found that such impact would not be significantly adverse or detrimental to the overall vitality and viability of the town centre.

#### 64. Conclusion

From a review of the objection by DPP, WYG consider that the evidence provides little substantive evidence to supplement previously expressed views raised during the consultation period. The objections appear largely commercially based and seek to protect existing asset value of their client. There are no reliable planning grounds associated with the objectors' comments. The submitted evidence to date has clearly demonstrated that there are no sequential alternatives, even if disaggregation was considered (to deliver the capacity identified) and there will be no significant adverse impact resulting from the implementation of the proposed development. Accordingly WYG acting as the retail consultants for the planning service would once again recommend that the proposed development be approved.

#### **Community Safety Implications**

65. It is considered that the scheme is appropriately designed to provide (i) defensible space and the clear definition, differentiation and robust separation of public and space; (ii) access control arrangements to the communal buildings and car park; and (iii) lighting of the whole scheme. Overall, the proposal will accord with the spirit of policy D4 of the Replacement Unitary Development Plan.

## **Equality and Diversity**

66. Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case it is considered that the above characteristics have been fully considered within the scheme.

## **Reason for Granting Planning Permission**

In granting permission for this development the Council has 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 considers that the following matters justify the grant of planning permission:

The delivery of economic development on a long established development plan allocation is welcomed and it is considered the proposed scheme will not have a significant adverse impact on the existing town centre. Indeed the proposal will facilitate much needed investment and innovation in the retail sector in Keighley and will 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 is 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 has been assessed and is considered acceptable. The provision of an access to the site in the manner and location proposed is appropriate and will provide both highway and pedestrian safety and it is considered that sufficient car parking is also proposed.

Overall, it is considered that the provision of a commercial scheme as proposed is 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 is recommended accordingly subject to a section S106/S278 legal agreement and the following conditions: -

## **Conditions of Approval**

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

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

2. Notwithstanding the details shown on the approved plans, prior to the commencement of development, samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that use of appropriate materials in the interest of visual amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

3. External construction work (excluding the use of driven pilings), including any works of demolition associated with the approved development, shall only be carried out between the hours of 0730 and 1900 on Mondays to Saturdays and at no time on Sundays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenities of the locality and the amenity of nearby occupants and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. Construction work comprising the use of driven piling shall only be carried out between the hours of 0900 and 1630 Mondays to Fridays, 0900 and 1300 on Saturdays and at no time on Sundays and Public Holidays.

Reason: To protect the amenities of the locality and the amenity of nearby occupants and to accord with policy UR3 of the Replacement Unitary Development Plan

5. The development hereby approved shall only be carried out in accordance with the following plans:

A702.2004:101 Rev C; 102 Rev C; 103 Rev B; 104 Rev B, 105 Rev A; 106 Rev A; 107, 109, 110 and 2294/2,

the undertaking within the sustainability appraisal for the development to accord with the mandatory BREEAM requirements for a minimum very good standard or in accordance with any further detail required by condition.

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

6. The maximum retail/leisure floor space (GIA) shall be 14,865sqm and shall comprise the following:

- (i) up to a maximum of 14,865sqm retail (comparison goods);
- (ii) up to a maximum of 1500sqm retail (convenience goods);
- (iii) up to a maximum of 2100sqm of A3/A4 (restaurant/bar), and;
- (iv) up to a maximum of 2600sqm D2/leisure use (cinema, gym, other)

and no internal alterations to increase the amount of retail floor space shall be carried out without the prior written permission of the Local Planning Authority.

Reason: For the avoidance of doubt as to the terms under which the planning permission has been granted, to ensure that the impacts of the scheme have been fully assessed as part of the retail assessments for the site and to accord with policies CT 1 and CR1 A of the Replacement Unitary Development Plan.

7. No uses within Class A1 (as defined under the Town and Country Planning (Use Classes Order) (as amended) shall be open to customers outside the hours of 0700 to 2300 Mondays to Saturdays and from 0800 to 1800 on Sundays.

Reason: In the interests of the amenities of the neighbouring properties and to accord with policy UR3 of the Replacement Unitary Development Plan.

8. No deliveries shall be taken in or dispatched from the site outside the hours of 0700 to 2300 Mondays to Saturdays and 0800 to 1800 on Sundays.

Reason: In the interests of the amenities of the neighbouring properties and to accord with policy UR3 of the Replacement Unitary Development Plan.

9. Prior to the first occupation of the development a scheme of measures to achieve Secured by Design status for the car park and external landscaping areas, which shall include measures to provide for CCTV surveillance of all external areas has been submitted to and approved in writing by the Local Planning Authority. Thereafter all agreed measures shall be implemented and remain in place whilst ever the use subsists.

Reason: To ensure the site fully accord with policy D4 of the Replacement Unitary Development Plan

10. The development shall be carried out in accordance with the approved Framework Travel Plan (ref: 07-554-003.04) and shall be implemented in accordance with the timetables contained therein unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel measures, to accord with Planning Policy Guidance note 13 and policy TM1 of the Replacement Unitary Development Plan.

11. In the first planting season following the completion of the development, or as otherwise specified by the Local Planning Authority, the detailed tree planting scheme which forms part of the submitted scheme, shall be implemented.

Any trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree, unless otherwise agreed in writing by the Local Planning Authority.

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenity provided by the trees on the site and to accord with policies UR3, D1, NE4 and NE5 of the Replacement Unitary Development Plan.

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies UR3, D1 and T5 of the Replacement Unitary Development Plan.

13. Prior to first occupation of the development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3, BH7, BH20 and D5 of the Replacement Unitary Development Plan.

14. No use hereby permitted shall open for trade until details of the position and luminance of all external lighting to the building and car park areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the external lighting shall be installed and maintained solely in accordance with the approved details.

Reason: To avoid drivers being dazzled or distracted in the interest of highway safety, to protect the amenities of nearby premises and to accord with policies TM19A and UR3 of the Replacement Unitary Development Plan.

15. Development works shall not commence until a scheme detailing surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be implemented and subsequently maintained in accordance with the approved scheme before the development is brought into use or as set out in any phasing details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

16. Surface water draining from areas of hard standing shall be passed through an oil and petrol interceptor of adequate capacity prior to discharge to the public sewer. Roof water shall not be passed through the tradition 'stage'. The interceptor shall be retained and maintained thereafter.

Reason: To reduce the risk of pollution to the water environment and to accord with policies UR3, NR17 and NR17A of the Replacement Unitary Development Plan

17. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water mains, which cross the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times, in the interests of pollution prevention and to accord with policy UR3 of the Replacement Unitary Development Plan,

18. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 4.0 (four) metres either side of the centre line of the sewers, located close to the site boundary.

Reason: In order to allow sufficient access for maintenance and repair work at all times, in the interests of pollution prevention and to accord with policy UR3 of the Replacement Unitary Development Plan.

19. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

20. Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for its disposal and to accord with policy UR3 of the Replacement Unitary Development Plan

21. Prior to first occupation of any part of the development the vehicular and pedestrian accesses, vehicle service areas (including turning and manoeuvring space), and car park hereby approved have been laid out, hard surfaced, sealed and drained within the site in accordance with details to be submitted and approved in writing by the Local Planning Authority and shall be retained for that purpose whilst ever the development is in use.

Reason: In the interests of highway and pedestrian safety and to accord with policies TM2, TM11 and TM19A of the Replacement Unitary Development Plan.

22. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors

- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure the provision of proper site construction facilities in the interests of highway safety and amenities of the surrounding environment and its occupants and to accord with policies UR3 and TM19A of the Replacement Unitary Development Plan.

23. Prior to first occupation of the development, a car parking management plan, which shall include full details of how the car parking on the site is to be used, shall be submitted to and approved in writing by the Local Planning Authority. The car parking management plan shall be carried out in accordance with a timetable which has been agreed in writing by the Local Planning Authority and as approved whilst ever the use subsists. In addition, the footpath link to Coney Lane (adjacent to the Cricketers Arms public house) shall remain open at all times whilst the retail units and the cinema are in operation or as may be agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking is managed in accord with Town Centre management strategies for Keighley, to provide convenient pedestrian routes through the scheme which link to existing networks of routes and to accord with policies TM2, TM1, D4, D6 and D9 of the Replacement Unitary Development Plan.

24. Units 1, 2, 3 and 4 (as identified on drawing no.A702.2204.101 Revision C) shall not be sub-divided into smaller, separate units and the store entrances of the units of East Parade hereby permitted shall be fully completed prior to the use of the use of any floor space of that unit. The doors to East Parade shall remain whilst ever the floor space subsists in each unit and shall remain fully operational during the opening hours of each store to allow entrance/exit to/from the store(s) to/from East Parade at all times.

Reason: To ensure the scheme is developed in accordance with the submitted and fully assessed details in terms of its retail impacts, in the interests of securing pedestrian linkages to the Town Centre and to accord with Planning Policy Statement 1 and policies CT1, CR1A and D1 of the Replacement Unitary Development Plan.

25. Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing a Phase 2 site investigation and risk assessment methodology, in addition to that previously submitted, designed to access the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

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

26. Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing the Phase 2 site investigation and risk assessment, in addition to that previously submitted, must be completed in accordance with the approved site investigation methodology. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

28. Unless otherwise agreed in writing by the Local Planning Authority, the remediation verification report prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

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

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

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

30. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a verification report shall be submitted to, and is subject to the approval in writing by, the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that

contamination/pollution is not brought into the development site and to ensure that requirements of policy UR3 of the Replacement Unitary Development Plan have been accorded with.

31. A management plan/maintenance agreement for the long term management/maintenance of public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any part of the development. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan

### **Heads of Terms of any a Section 106 /S278 highways works agreement**

- Provision of 2 x Airedale Greenway sign boards – one in the development and one in Keighley Town Centre
- Provision of public realm works on land outside the ownership of the applicants
- The funding of Traffic regulation Orders along East Parade/Gresley Road – contribution £10,000
- Provision of 5 VMS management information boards, or the provision of 3 VMS management boards with a contribution of £50,000 towards the one-way traffic management scheme for Keighley (comprising a one way route along East Parade (alongside this application site), Hanover Street (to pass the existing Airedale Shopping Centre and its car park and then to pass and down Cavendish Street towards the traffic junction in the proximity of Sainsburys).
- Provision of a new puffin crossing pedestrian crossing across East Parade
- Provision of a new central pedestrian island on East Parade near the junction with Coney Lane
- The upgrading of the existing pedestrian crossing across East Parade