

# Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 16 February 2016

**M**

---

## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

| <u>Item No.</u> | <u>Site</u>  | <u>Ward</u>      |
|-----------------|--|------------------|
| 1.              | 28 Lindisfarne Road Shipley BD18 4RD - 15/05119/FUL [Approve] (page 1)   | Shipley          |
| 2.              | Handwash Limited Bingley Road Shipley BD18 4RS - 15/04044/FUL [Approve] (page 8)                               | Shipley          |
| 3.              | Keighley Post Office 44 Towngate Airedale Shopping Centre Keighley BD21 3QE - 15/07608/FUL [Approve] (page 37) | Keighley Central |

---

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**

Change Programme, Housing and Planning

**Improvement Committee Area:**

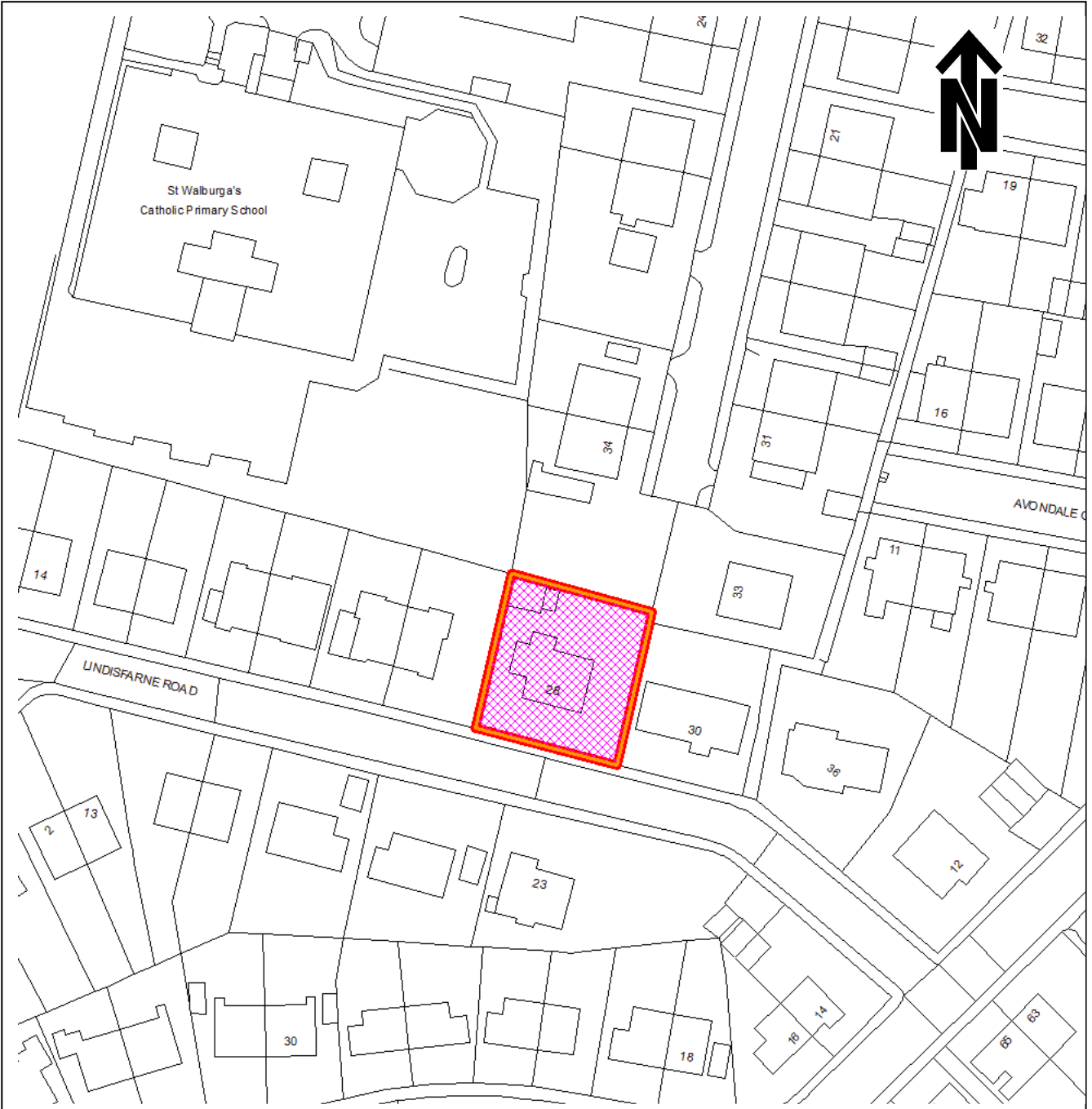
Regeneration and Economy



**Area Planning Panel (Keighley/Shipley)**

**15/05119/FUL**

16 February 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

|                     |   |
|---------------------|---|
| <p>ITEM NO. : 1</p> | <p>LOCATION:<br/><b>28 Lindisfarne Road<br/>Shipley</b></p> |
|---------------------|---|

**16 February 2016**

**Item Number:** 1  
**Ward:** SHIPLEY  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/05119/FUL

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

Full planning application for extension of existing bungalow to form a two storey dwelling with side, rear and front porch extensions.

**Applicant:**

Israr Hussain

**Agent:**

Laurie Reader Designs

**Site Description:**

This proposal seeks the substantial extension of this existing 2-bedroom 1930's bungalow to turn it into a two storey house. The existing bungalow has a hipped tiled roof with a stone front and rendered sides and rear walls. The bungalow occupies a plot between two storey houses to east and west. A rear garden extends behind the property at a lower level. The property stands on the north side of Lindisfarne Road within a wholly residential area to the south west of Shipley town centre. Lindisfarne Road is characterised by a variety of houses and bungalows running along the north and south sides of the road. Those opposite the application site occupy elevated positions such that their apparent roof height is comparable with the two storey dwellings that face them.

**Relevant Site History:**

None for this property.

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

The National Planning Policy Framework is now 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:-

- i) 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;
- ii) 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;
- iii) 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

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

**Allocation**

Unallocated.

**Proposals and Policies**

UDP3 – Impact of development on the natural and built environments

UR3 – local impact of development

D1 - design issues

TM12 – residential parking standards

**Parish Council:**

None for this area.

**Publicity and Number of Representations:**

Publicised by neighbour letters. 23 objection letters have been received.

The application is referred to panel for determination by a Ward Councillor.

**Summary of Representations Received:**

1. Redeveloping bungalows is not helpful to elderly residents.
2. The site may prove expensive to develop.
3. Surface water is a problem in this area and will be made worse.
4. A large two storey house is out of keeping with the area.
5. The large parking area will cause traffic problems.
6. There would be no ground left around the house.
7. Wildlife will be harmed.
8. Proposal looks more like an office block.
9. The proposal would dominate Farfield Road.
10. Development will overlook and dominate surrounding houses.
11. The development may be used for very high occupancy once it is built.
12. Bats may occupy the roofspace.

Ward Councillor objection: The proposed building is an ‘over-development’ of the site that is not in keeping with existing properties and would have a substantial negative impact on the amenity of neighbouring residents. The proposed roof line, for example, will be higher than other properties and its style and design is not in keeping with the local architecture.

The difference in ground level between the side of No 34 Farfield Road and Lindisfarne Road is substantial, meaning that the existing bungalow is therefore in an elevated position in relation to Farfield Road and this new development is equivalent to building a three-story development on flat land. The proposed development will overlook No 34 Farfield Road in a way that will result in a significant loss of privacy in several parts of that home and that garden.

In addition, the provision of car parking spaces for four vehicles is surely excessive bearing in mind that this development is located in the midst of a quiet, close-knit residential area.

## **AMENDMENTS**

Since these objections were received, amendments proposing a reduction in the proposed scale of the work has been submitted. The amendment was re-advertised and any further comments received will be reported at the Panel meeting.

### **Consultations:**

Drainage Section: No comments to make.

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

Principle.

Local residential amenity.

Highways.

### **Appraisal:**

The principle of extending or enlarging an existing dwelling within a residential area is acceptable subject to consideration the implications for surrounding occupiers and the street scene.

The application here involves building extensions onto the existing modest bungalow – effectively replacing it with a two storey house on the existing property footprint, with single storey projections, including a garage, to either side. A hipped form is retained to the roof.

The design presented is an amendment of the original submission, which was of substantially greater scale and which Officers agreed was excessive in terms of its likely effects on the street scene and on the amenity of immediate neighbours. The original proposal was for a 5-bedroom house. The amendments have reduced the scope of the extensions at 1<sup>st</sup> floor level, but it would still provide 4 bedrooms and a double garage.

### **Impact on neighbours**

The scale of the proposals therefore still represents a significant enlargement of the present bungalow upwards and sideways, but this bungalow stands on a reasonably generous plot between two storey houses standing to either side. The proposals have been amended so that the two storey extensions no longer encroach to the side boundaries, thus maintaining a degree of openness between the proposed house and the properties on each side. This would ensure that the completed development would not encroach upon neighbouring dwellings to a degree that might be harmful to outlook, light or privacy. The retention of a hipped roof will also help reduce any harmful impact on neighbours to either side and will help maintain a sense of spaciousness between the dwellings lining this side of Lindisfarne Road.

The single storey side projection to the eastern flank of the proposed dwelling would be more than 3 metres from the common boundary, whilst the western flank projection would approach to within 1.2 metres of the common boundary with the dwelling to that side. However the neighbouring dwelling to the west is set more than 7 metres from that common property boundary.

These separation distances are considered sufficient to ensure that no significant harm would arise for these neighbouring occupiers to either side and a sense of spaciousness would be maintained in views along the street.

The two storey central element of the replacement dwelling would be set 7 metres from the neighbouring dwelling to the east and over 10 metres from the dwelling to the west, these being distances that would be acceptable in any comparable residential setting.

At the same time the replacement dwelling would extend slightly further backwards than the existing bungalow, retaining a separation of 7.6m to the northern boundary with properties on Farfield Road. Objections have been tabled on grounds that the proposed development will overlook and dominate No.34 Farfield Road and its garden. The amendments have, to some extent reduced the impact in terms of dominance. With regards to overlooking, the existing bungalow already has a number elevated windows looking towards the property to the north. The house at 34 Farfield Road is actually sited a considerable distance away, with a side wall facing the site, and so there would be no significant impact compared with the existing dwelling that might justify objection to the proposal or refusal.

It is also noted that objections have been submitted from occupiers of properties directly opposite, including 23 Lindisfarne Road. However, the dwellings across the road are set well above the level of Lindisfarne Road and above the land levels on the application site. Consequently, with the width of the street between the proposed house and those properties opposite, there would not be any appreciable adverse impact in terms of dominance of outlook or loss of light.

On this basis the enlarged dwelling proposed here would be sited at an appropriate distance away from neighbours' boundaries such that significant overshadowing, overlooking or over-dominance would not arise.

### **Design**

The existing bungalow has a stone front and rendered side and rear walls. The proposed house would retain the existing natural stone faced at ground floor level, with matching render used to the 1<sup>st</sup> floor, side and rear walls. The roof would be tiled. The proposed materials reflect both the materials of the existing property and others in the vicinity, and supporting 3D visuals now received from the architect shows that the intention is for the proposed two storey dwelling to strongly reflect the design characteristics and materials of the existing bungalow.

Consequently, though the house would be bigger, the proposal would maintain the architectural character of the street, reflecting the hipped roof form of the [present bungalow and maintaining openness at 1<sup>st</sup> floor level to the plot boundaries and space to the houses to either side. The resulting building would have no greater impact on its surroundings than other two storey houses on this road some of which are built quite close to side boundaries. Given the mixed character of housing along the street, Officers are now satisfied that the amended and reduced proposals would maintain the general character of the street and the surrounding area.

The proposals are therefore considered to satisfy Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

### **Highway safety and parking**

The property is presently a single dwelling and a single dwelling, albeit larger, would result from the proposed development. The proposals indicate the necessary off-street parking normally required for a residential development – i.e. a minimum of two parking spaces formed by an attached double garage and a standing area for cars formed in permeable bound gravel in front of this.

There are therefore no highway implications arising from the proposals.

### **Community Safety Implications:**

No implications.

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

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

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

The proposed development has been amended to reduce the scale of the proposed extensions. The revised scheme now achieves an appropriate balance between making more efficient use of this site whilst satisfying all relevant policies that aspire to appropriate design and the reduction of adverse effects on the amenities and living conditions of neighbouring residents and the quality of the wider street scene.

### **Conditions of Approval:**

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

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

2. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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

3. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

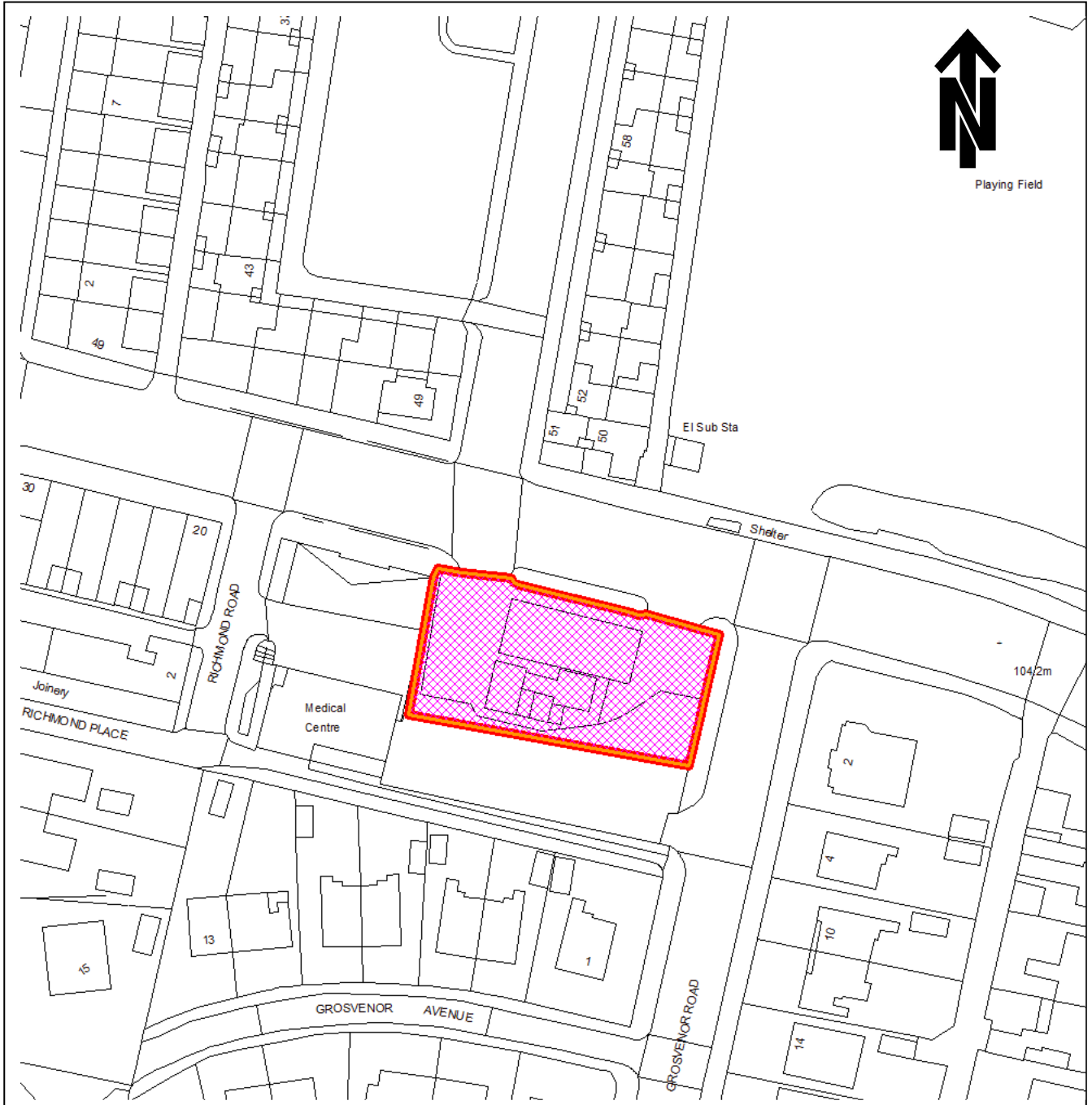
---



**Area Planning Panel (Keighley/Shipley)**

**15/04044/FUL**

16 February 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

|                     |  |
|---------------------|--|
| <p>ITEM NO. : 2</p> | <p>LOCATION:<br/><b>Handwash Limited</b><br/><b>Bingley Road Shipley</b></p> |
|---------------------|--|

**16 February 2016**

**Item Number: 2**  
**Ward: SHIPLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/04044/FUL

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

Full application for construction of a new Sainsbury's Local convenience store (Use Class A1) with a gross floor area of 360 sq m along with associated access, 13 car parking spaces and landscaping, following demolition of the existing hand car wash buildings and structures.

Handwash Limited, Bingley Road, Shipley BD18 4RS

**Applicant:**  
Sainsbury's Supermarkets Ltd

**Agent:**  
Turley Associates Planning Consultants

**Site Description:**

Since 1998, this site has operated as a car wash trading as Qasim's. It was once a petrol filling station and has a frontage to the busy Bingley Road occupying a corner plot at its junction with Grosvenor Road. The site includes a kiosk building, the old petrol station canopy and associated areas of hard standing. There are some poor quality trees on a narrow strip of land to the rear that is above the level of the site. Behind the site, to the south, is a fenced car park used by the adjacent medical centre staff. A public footpath runs between the car park and the back gardens of semi-detached houses on Grosvenor Avenue. Residential properties are also across Grosvenor Road to the east and there are dwellings occupying the listed buildings across Bingley Road to the north.

The site is in the Local Centre of Saltaire with retail and other commercial uses extending along Bingley Road to the west of the site. The site is outside the Saltaire Conservation Area and World Heritage Site, but is in very close proximity to these heritage assets and to various listed buildings within the conservation area to the north.

**Relevant Site History:**

15/00819/FUL : Construction of a new Sainsburys Local convenience store (Use Class A1) with a gross floor area of 357 sq m, along with associated access, 14 car parking spaces and landscaping, following demolition of the existing hand car wash buildings and structures. Application withdrawn 23 July 2015.  
99/00350/ADV Illuminated free standing pole sign. Refused 12.04.1999  
98/02201/COU : Change of use from petrol filling station to car care centre. Granted 17.09.1998

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

The National Planning Policy Framework is now 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:-

- i) 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;
- ii) 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;
- iii) 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

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

***Allocation***

In the Saltaire Local Centre.

Adjacent to Saltaire Conservation Area and within the buffer zone for the World Heritage Site.

***Proposals and Policies***

BH4A Within the Settings of Listed Buildings  
BH7 New Development in Conservation Areas  
BH10 Open Space Within or Adjacent to Conservation Areas  
BH14 Saltaire World Heritage Site (WHS)  
CR1A Local Centres  
D1 General Design Considerations  
P7 Noise  
TM11 Parking Standards for Non-Residential Developments  
TM19A Traffic Management and Road Safety  
TM2 Impact of Traffic and its Mitigation  
UR3 The Local Impact of Development

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by individual neighbour notification letters (including all previous contributors) and by site notice. Publicity Expiry Date: 23.10.2015.

340 objections have been received.

12 representations received in support.

5 representations offering comments or arguments for and against the proposal.

## **Summary of Representations Received:**

### **In Objection:**

1. **It is not needed - detrimental impact to independent shops of Saltaire**

There is no need for a further supermarket in the area. There is sufficient provision already with local shops, a nearby Co-op and a large ASDA store. A further supermarket will damage business for local independent shops and help to force out the smaller traders who make the area such an interesting place to shop. Its presence would detract from the distinctive character of the world heritage site that is Saltaire. The Local Planning Authority (LPA) should encourage the growth of independent speciality shops in places like Saltaire, this proposal would seem to go against these aims. There are always empty retail units on the nearby high street and the building of extra retail space seems to make no sense for the local area.
2. **Detrimental effect of the increase in volume of traffic through Saltaire and Bingley Road**

The proposed store will generate more congestion in the area. The road is already very busy and the idea of the increased traffic especially the huge delivery lorries that would be unloading every day is most worrying. The already high volume of traffic in Saltaire causes delays, congestion and difficulties for pedestrians. The extra traffic generated by another convenience store would only add to this congestion and impact on the residents around the store.
3. **Proposal will be detrimental to highway safety**

The store will cause increased traffic dangers, the planned entrance/exit to this development is a serious concern. The plans proposed mean all cars will enter and exit at the same point. The closeness of this point to Grosvenor Road will increase the complicated traffic movement that already exists. This is already a dangerous junction for turning right with potential conflicts with right-turning traffic into Victoria Road and overtaking from the bottom of Victoria Park. Cars turn up Grosvenor Road from both left and right to reach St. Walburga's School or to avoid the traffic on the main road, and simultaneously cars are coming down and turning both left and right. To add to this complicated junction would greatly affect the cause the safety problem to become even worse. The likelihood that lorries will attempt to cross from Saltaire Road to Bingley Road because of the lack of right turn at Saltaire Roundabout will only be increased.
4. **Impact on pedestrians**

The route past the site is well used by pedestrians and by a significant number of people walking their children to school either in Saltaire or to schools/nursery on Farfield Road and Victoria Park. It is already treacherous crossing this road. Sainsbury's own traffic impact statement 5.2.19 predicts 62 extra vehicles crossing the pavement per hour at peak times of which 40-60% are newly generated by the store's presence (5.3.4). Drivers waiting to drive out of the proposed car park will block the passage of pedestrians along the frontage and increase risk to pedestrians trying to cross the site entrance and the A650. The impact on pedestrians and motorists needing to use the Health Centre next door should be considered. It increases the risk to the elderly and vulnerable.

5. **Increased parking problems**

There are already difficult parking conditions on Bingley Road. The World Heritage Site does not need more cars, or more obstructions to the road due to illegal parking. Users will park on Grosvenor Road in preference to the car park. This street is already used by visitors to the doctors, shoppers and does not need additional daytime parking - often encroaching on the junction. Extra car visits and lorry deliveries to the new store will compound the problem. Parking for residents in Saltaire is already hard enough. This proposal will add even more vehicles to those streets, or else motorists will park illegally on the roadside in order to 'pop' into the shop.

6. **Delivery problems**

There will be an increase in heavy goods vehicles delivering to the store. Other local small supermarkets (e.g. Co-Op) have deliveries to the rear of their premises. This proposal does not have such a facility. Wheeling pallets across the public footway will be necessary and would present a danger to the public, especially before and after school as many children walk this way to and from home. The automated teller machine (ATM) will also attract passing traffic to use the "Loading Only" bay.

7. **Adverse effect on the character and appearance of the Saltaire WHS**

The car wash is out of keeping, but surely the sight of a Sainsbury's late store at the end of the Victoria Road viewpoint is just as out of keeping, inappropriate and diminishing to the WHS experience. The location upon which Sainsbury's plans to build is significant because it is the first thing a visitor sees on exiting the top of Victoria road, having visited the mill and the shops. The new planned Sainsbury's will not respectfully blend into the nineteenth century architecture. The character of the area, the view up Victoria Road and the look of the store is important. The plans do not show what signage would be in place and whether the view up Victoria Road would be exploited with large Sainsbury's signage in place.

8. **Adverse effect of increased noise and pollution on the residential amenity**

The area behind the proposed site is residential. Residents on the north side of Grosvenor Avenue will be in close proximity to this proposed development and subject to increased noise nuisance from increased traffic and large delivery trucks in the early morning and late night deliveries, together with 24-hour refrigeration and air conditioning units operating. There will be noise from the lorry reversing alarms and the delivery cages being moved across the forecourt. This noise could travel significant distances. The existing car wash is only open about half the hours that Sainsbury's propose. The refrigeration units would have to be on constantly so even more noise/disturbance.

**In Support:**

1. The store is a small convenience store and not a large supermarket. Shopping habits are becoming more frequent and more local, so an additional store would add competition and choice for the local community and provide a welcome boost to consumer footfall for the area.

2. Objections relating to competition with small independent traders are unfounded as they mostly sell products which Sainsbury's will not be selling. Other shops will benefit from the increased footfall. The only retailer likely to be affected is the Co-Op. The development will provide some much needed competition for the large retail establishments in the area. Protection of other businesses income cannot be taken into account otherwise the local stores will continue monopolising the local trade.
3. The site is a car wash which is unsightly. It is adjacent to other modern looking buildings so a sympathetically constructed convenience store will only enhance the area. The store would not look out of place. It is not in the world heritage site itself but just outside, and would be a better fit for the area and certainly looks better than the car wash that currently occupies the site.
4. Regarding the comments on increased traffic, the roads in the area are already vastly overused due to the location and the surrounding population. The store will have a minimal impact and is unlikely to create increased car journeys, as most of the people visiting the store by car would be passing by on the main road anyway and local people would visit the store on foot. It might mean people don't need to use their cars to travel to ASDA in Shipley or further away.
5. It will provide employment opportunities for local people.

**Consultations:**

Highways Development Control

Bingley Road (A650) is a busy distributor road carrying large volumes of traffic and is particularly congested during the AM and PM peaks. The access to the car park is located close to the junction of Grosvenor Road with Bingley Road.

Following further discussions with the applicant's highway consultant an acceptable access, parking and highway arrangement has been agreed, which now overcomes my previous highway concerns.

The proposed mitigation works will require the developer to carry out works on Bingley Road to support the proposed development, namely extension to the existing traffic island and provision of new island; construction of servicing lay-by and provision of a traffic regulation order (TRO); provision of new footway along site frontage; amendment to existing bus box markings and TRO; construction of site access; and these have been shown indicatively on Dwg. No. 2015-093A-SK 006 Rev.B. In order to carry out the works within the highway the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council.

All the works shall be agreed and approved in writing by the Local Highway Authority prior to any construction towards the development starting on site and the works then completed on site before the development is brought into use. Standard planning conditions are suggested.

### Environmental Health Officer (EHO)

The Noise Impact Assessment produced by ENS shows that the main potential nuisance issues of deliveries and plant/refrigeration noise have been comprehensively considered by the applicant. The EHO concurs with the conclusion that, should the application be approved, control of noise associated with any fixed external refrigeration and air conditioning can be achieved by plant selection and standard noise mitigation so that noise from its use shall not exceed 35dB<sub>L</sub>aeq during the night time period at nearest noise sensitive premises. A suitably worded planning condition to control noise levels would be appropriate in this respect. It is understood that deliveries will take place during the time frame of store opening hours, namely 0700 to 2300 hrs. This should also be restricted by condition.

The EHO is “not minded to object to this application”.

### Historic England (HE)

Does not wish to comment in detail but notes that the application site lies within the nominated Buffer Zone to Saltaire WHS, adjacent to the Saltaire Conservation Area and within the setting of a number of grade II listed buildings. The SWHS Management Plan identifies the application site as a detractor and it is visible in critical axial views looking south along Victoria Road. HE considers there is an opportunity here to provide a development of a high quality design and which is appropriate in its context and the Council must be satisfied that the proposed form including roofscape, scale, elevation treatment and palette of materials will enhance views looking south along Victoria Road. In addition the development must positively respond to the historic character on the north side of Bingley Road.

HE notes that this amended scheme has sought to revise the design of the proposed convenience store and welcomes, in particular, the improvements made to the roofscape. HE is concerned, however, regarding the proposed use of zinc sheeting and request that this is replaced with a traditional slate roof. In addition HE notes that an ATM and bollards are proposed to the right hand side of the shop front, and requests that these are relocated elsewhere on the building, in order to improve the appearance of the shop front which is visible in views along Victoria Road. It also recommends that good quality signage with external lighting is sought for the north elevation. HE urges the Council to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of its specialist conservation advice.

### Minerals Planning

No risk is identified from nearby landfill sites. Notes that the applicant’s intrusive ground investigation did not encounter any physical evidence of ground contamination from the old fuel infrastructure and no petrol vapours were detected during monitoring of standpipes installed within the boreholes. The Council’s Environmental Health Land Quality Team should be consulted for its expert advice on the contamination report. If Environmental Health are satisfied that contamination issues have been appropriately assessed conditions should be attached requiring the approval of a remediation scheme and verification of the successful implementation of the approved remedial works (especially cover for soft landscaped areas).

Environmental Health Land Quality Team

Environmental Health have reviewed the submitted Phase I and I site investigation and recommends that conditions are included on any permission to require an updated Phase II Site Investigation Scheme and risk assessment methodology, including a remedial options appraisal scheme and detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination. This shall be submitted to and approved in writing by the LPA. The remediation strategy must include proposals for verification of remedial works.

**Summary of Main Issues:**

Background.

The principle of A1 retail development on the site.

Impact on heritage assets: design, scale and appearance.

Safety of road users and pedestrians.

Noise and nuisance - impact on the amenity of adjoining residents.

Site remediation.

**Appraisal:**

**Background**

The proposal is for the demolition of the existing hand car wash structures and the erection of a new single storey Sainsbury's Local convenience store (Use Class A1) with a gross floor area of 360 sq m along with associated access, 13 car parking spaces and landscaping. The main store footprint, set behind gables would be finished in a mix of ashlar and pitched face sandstone with zinc box guttering at eaves level. The shallow pitched roof to the store front areas is finished in a dark grey zinc standing seam roof system representing a contemporary approach but with a matt colour finish matching the slate roofs typical in the area.

Sainsbury's has said the scheme aims to increase consumer choice and create around 25 new jobs.

This is a resubmission of planning application 15/00819/FUL, which was withdrawn on 23 July 2015 following adverse comments from Officers regarding the design of that previous store and unacceptable arrangements for servicing and car parking. This earlier proposal also attracted a high volume of objection. Through this revised scheme the applicant seeks to address those comments.

The new proposals are also opposed by a large number of local residents. This is clearly a proposal about which there are strong feelings amongst the Saltaire community, although there have been some representations in support.

The key issues raised are:

1. The principle of retail development on the site.
2. The design, scale and appearance of the building and its external areas, especially given the presence of the site alongside a major road and the approach to the Saltaire Conservation Area and World Heritage Site (WHS).
3. Safety of road users and pedestrians given the site location and requirements for providing servicing, facilities for delivery and customer car parking for this type of use.
4. Noise and impact on the amenity of nearby residential properties.



### **The Principle Of A1 Retail Development On The Site**

The proposal is for a convenience store of 360 sq m. Many objectors have referred to it as a "supermarket", but the applicant describes it as small scale convenience store designed to serve the resident population at Saltaire for top-up shopping requirements.

By way of comparison, the store would be the same size as the applicant's existing convenience store alongside Keighley Road further towards Bradford (366 sq m) and at Oxford Road in Gomersal (384 sq m). The store would be very slightly smaller than the Tesco convenience store at Berry Drive, Otley Road, Baildon (which has a gross floor space of 379 sq m). It would have less floorspace than a local store recently opened by Sainsbury's in an existing retail property on Main Street, Bingley (414 sq m).

The applicant says that products offered at Local stores would typically include a selection of fresh fruit/vegetables, milk, bread, chilled ready meals and small selections of household goods such as washing powder, as well as alcohol and cigarettes. The product range is for top-up shopping, rather than for a weekly shop.

Crucially, in terms of planning allocations, the site lies within the Local Centre of Saltaire, as identified and defined in the 'Proposals for the Shipley Constituency' section of the adopted RUDP. The relevant saved retail policy in the RUDP is CR1A which is permissive of retail development within Local Centres, provided it is of a scale which is compatible with the role of the centre and the catchment it serves, and would be unlikely to have an adverse effect on the vitality and viability of any equivalent or higher order centre. Draft Policy EC5 of the emerging LDF Core Strategy is relevant in that it seeks to ensure that new retail development is encouraged in sequentially preferable locations, with Local Centres being the focus for "appropriately-sized local supermarkets". Again, the agents are right to say that this emerging LDF policy is supportive of a store of this relatively modest size in the Saltaire Local Centre.

In assessing applications for main town centre uses (including retail), the NPPF only requires applicants to apply the sequential approach for proposals that are not in an existing centre and are not in accordance with an up-to-date Local Plan. A sequential assessment could not reasonably be requested in this instance because the proposal is within an existing Local Centre where the principle of retail development is acceptable. Even if the site had been outside the Local Centre, the NPPF says that LPAs should require an impact assessment only if the development is over a proportionate, default threshold of 2,500 sq m. At 360 sq metres, this proposal is well below that threshold and so the applicant is not required to justify the store on the basis of retail need.

The site is previously developed land in the form of an existing hand car wash facility and former garage and has been in a form of active commercial use for many years. Paragraphs 17 and 111 of the NPPF identify previously-developed land as the first priority for redevelopment. The development is in accordance with this objective.

The accompanying Transport Statement, demonstrates that the site is accessible by foot, being well-served by existing footpaths, and is convenient for access by bicycle. Its location on Bingley Road also means it is accessible by regular and high frequency bus services (622, 623, 662 and 760) operating and stopping along the main road passing in front of the

site. The site is therefore in a location highly accessible via sustainable, non car modes of transport, which is encouraged by Section 4 of the NPPF.

Many of the objectors say that a further convenience store is not needed and there is fear that it will help put other local stores out of business and thereby lead to the closure of existing independent businesses. Its impact on Saltaire WHS would then be significant as empty shops would not contribute to vitality or an active street frontage. These fears are understood, but there is no evidence that a store of the relatively modest scale intended would impact in this way. As explained above, the NPPF does not oblige the applicant to assess such impact. As a counter to objector criticisms, the applicant argues that the Local store would offer a conventional range of convenience goods rather than specialist or quality products in competition with the specialist and independent retailers nearby, and argues that such stores can help adjoining independents by attracting enhanced footfall to an area.

In any case, it is well established that it is not the purpose of the planning system to protect existing shops from competition and planning policy and law do not differentiate between different types of A1 retail shop. A1 retail use has to be considered on its broad merits, not by reference to what goods the applicant intends to sell.

With regard to the principle of retail development, the store is of relatively modest size, it is on a previously developed site, accessible on foot and by public transport modes. Crucially, is within the Local Centre boundaries. Despite the unpopularity of the proposal and fears about its effects on other smaller shops, it would not be reasonable to argue on planning grounds that such a size of convenience store is unacceptable or out of scale with the Saltaire Local Centre. The principle of retail development at this location is acceptable when assessed against national and local retail planning policy.

#### **Impact On Heritage Assets:**

The proposed new building would not be inside Saltaire Conservation Area or inside the Saltaire World Heritage Site (WHS), but it would be adjacent to the Conservation Area and within the immediate setting of the Saltaire WHS as defined by the Buffer Zone safeguarded by Policy BH14 of the RUDP.

The Buffer Zone includes features, buildings and areas that have a historical association with, and make a positive contribution to the WHS. The Operational Guidelines for the Implementation of the World Heritage Convention set the procedure for the protection and conservation of World Heritage properties including stating that “Protection and management of World Heritage properties should ensure that their Outstanding Universal Value (OUV), including the conditions of integrity and/or authenticity at the time of inscription, are sustained or enhanced over time.” The Operational Guidelines define a buffer zone as “an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property” (paragraph 104).

The development site is strongly visually linked to the WHS, with views of the application site being obtained from within the heart of Saltaire along Victoria Road, within its ‘immediate setting’ and the development will be visible in important views approaching the site along Bingley Road from the east and from the north-west.

The site is also very close to the Conservation Area on the other side of the main road and close to the Grade II listed residential properties (including the Almshouses) across Bingley Road and along Victoria Road. Special regard must be given to the desirability of preserving and enhancing the setting of a conservation area and special regard must be given to the desirability of preserving the special interest or setting of a listed building.

A comprehensive Heritage Statement from the applicant has considered the scheme against relevant heritage legislation, policy and guidance.

Bradford Council's RUDP policies S/BH14, BH4A, BH10, BH7 and D1 all apply. Para.17 of the NPPF specifically seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Section 7 of the NPPF highlights the importance of good design. NPPF para. 63 specifically notes that great weight should be given to outstanding or innovative designs which will help raise the standard of design more generally in an area.

The position of the site in the immediate setting and Buffer Zone of the WHS makes it essential to assess whether this development impacts upon the OUV of Saltaire. The site is prominent, being alongside one of the principal roads through Saltaire, and the form, scale and design of a new building should respect the character and appearance of the conservation area and the WHS.

It is also essential to assess whether this development can make a positive contribution to the OUV of the site. These attributes are:-

1. The proposal's impact on integrity of Saltaire WHS

The integrity of Saltaire as a model industrial village is described as almost total. Some buildings (representing only 1% of the original buildings) were demolished in the past but those existing at the time of inscription and the layout of the complex are still intact. However, the buildings on the south side of Bingley Road are not part of the model village of Saltaire and so redevelopment in this area would not cause damage to the integrity of the actual model village settlement.

2. Assessment of the proposal's impact on authenticity

An intensive programme of sensitive rehabilitation and conservation of the entire complex has meant that its attributes - form and design, materials and substance, and function (in terms of a living community) - continue to express its OUV. The form and design of this proposed building is a simple, contemporary one and does not 'pastiche' the more ornately decorated architectural forms nearby. However, it is pointed out that it is not enough to simply insert a traditional or a contemporary building into this sensitive location and expect it to make a positive contribution because 'it is better than what is on the site at the moment'. Para. 131 of the NPPF notes that LPAs should take account of: 'the desirability of sustaining and enhancing the significance of heritage assets...' and 'the desirability of new development making a positive contribution to local character and distinctiveness'.

### Impact on OUV of Saltaire WHS

There are 5 attributes of the OUV of Saltaire. Assessing the proposal against these:

#### i. Model Village Ensemble

The proposed building does not detract from the understanding of this attribute of OUV because it is outside the WHS boundary and is on land which was never part of the designed model village assemblage.

#### ii. Urban and Industrial Plan

The proposed building does not detract from the understanding of the urban and industrial plan of the model village because it is outside the WHS boundary and on land which was never part of the designed urban and industrial plan. It is obviously a contemporary intervention but a retailing use would replace the existing detractor and continue an established retail frontage along this side of Bingley Road.

#### iii. Valley Location, Topography and Setting

The original rural river valley setting has gradually disappeared due to urbanisation over the last one hundred years but significant views remain. The buffer zone is important in this respect. The proposed development would involve redevelopment of a prominent site that is already developed and occupied by a detractor. There is a need for quality and sensitive design in the immediate setting and approach to the WHS.

#### iv. Communal Function

The proposed building provides A1 retailing adjoining a retail area. The WHS Management Plan 2014 (Objective 3.4) encourages active shop frontages on Bingley Road and using and enforcing existing A1 uses. The original design of Saltaire model village deliberately included many independent shops and this type of niche, independent retailing character is vitally important to maintain as it is part of an attribute of OUV i.e. the 'communal function' of the WHS. Concerns that a new store may impact negatively on smaller local traders thus putting this attribute of the WHS at risk are appreciated. However, there is no empirical evidence that this would occur and the planning system cannot be used to protect business against competition. As discussed above, the size of the store is modest and is not considered out of scale with the designated Local Centre.

#### v. Design Quality

Saltaire comprises of a harmonious ensemble of buildings of high architectural quality in a range of Italianate styles, designed by Lockwood and Mawson. The workers' housing is mostly in the form of symmetrical two-storey terraced rows with larger gable-fronted or three-storey end and mid-terrace properties providing relief. A hierarchy of housing types is expressed through the size and level of architectural detailing of each group of dwellings, reflecting the social status of their intended occupants. The harmonious designs are underpinned by a limited palette of materials commonly used in the locality including local stone for walling and paving, natural Welsh slate for roofing, timber for windows and doors and iron for rainwater goods and railings.

It is accepted that the high quality Italianate architecture that characterises historic Saltaire would not preclude the introduction of high quality contemporary or traditional architecture into the setting of the WHS. In addition to the high quality architectural attribute of the WHS, all new development should make a positive contribution to the environment through high quality design, layout and landscaping.

The Council's Conservation Team has supported the palette of materials and simple form of the proposal but also expressed concerns that the proposed building is not of sufficiently high design quality and whether it would enhance the key approaches to the site in a sufficiently positive manner. Para 17 of the NPPF seeks to secure high quality design, and a building on this site needs to be of a very high design quality to satisfy policies designed to maintain the setting of the heritage assets: setting of nearby listed buildings, the Conservation Area and WHS. A number of features were highlighted in consultation advice suggesting how this objective had not been sufficiently realised by this building which is a design typical of many recent small 'local' stores.

Detailed aspects of the store design are considered below.

### **Design, Form Scale And Materials**

Throughout negotiations with the agents, the Council's Conservation Officers have supported the general design approach of a simple but contemporary form to the building that would not compete with, or attempt to mimic the complex and uniquely decorative architecture of the WHS. Saltaire is known for its high quality Italianate architecture; however this does not preclude the introduction of high quality and sensitive contemporary or traditional architecture into the setting. In addition to adding to the high quality architectural attributes of the WHS, all new development proposals should make a positive contribution to the environment and the quality of life through high quality design, layout and landscaping to meet policies BH7, BH4A, BH14 and D1 in the RUDP.

Historic England (HE) has recognised how the site presents an opportunity for significant visual improvement of an eyesore and detractor alongside one of the principal gateways to the WHS. HE has not objected but advises that the Council must be satisfied that the proposed form, including roofscape, scale, elevation treatment and palette of materials will enhance views looking south along Victoria Road. In addition the development must positively respond to the historic character within the conservation area and WHS on the north side of Bingley Road

The detailed criticisms of the Council's Conservation Officers set out in consultation advice have included:-

- the absence of full advertising and illumination details;
- the adverse impact of the proposed ATM and associated signage on views up Victoria Road;
- the impact of the delivery/loading lay by on the frontage;
- treatment of zinc copings and fascias;
- lack of quality to hard and soft landscaping;
- the correct depth of coursing specified for the coursed stone elements.

HE was also critical of the placing of an ATM and bollards on the eastern side of the building, urging that these be relocated elsewhere to improve the appearance of the part of the shop front visible in views up Victoria Road. It also recommend that good quality signage with external lighting is sought for the north elevation. However, HE criticism of the zinc roof was not of concern to the Council's Conservation Team.

The agents have responded to the detailed concerns by tabling a number of amendments.

### Scale and Form

In terms of its scale and form, the Conservation Team recognises that efforts have been made to relate the form of the store building to existing buildings on Bingley Road. The building would be set slightly back from the street, below the level of Grosvenor Road and aligned with the older buildings of the shopping parade to the west. The scale of the building is such that it would appear modest and subordinate to the mass of the buildings further along Bingley Road and not dominant in relation to the nearest listed buildings across the main road in the nearby conservation area. A simple contemporary form is welcomed in this position near the complex and decorative architecture of the World Heritage Site.

The gabled form to the frontage reflects the dominant form and profile of local traditional buildings. The applicant's Design and Access Statement mentions taking some influence from the Old Tramshed, and the proposed building is said to mark a transition between the considerable height of shops along Bingley Road and the modest scale of listed properties at the south end of Victoria Road. The twin gables give the illusion of two storeys to Bingley Road but the scale of the store remains subservient to 50 Victoria Road. The building would therefore not compete with, or dominate, the older buildings nearby and the choice of natural stone materials would help the building blend into its surroundings.

### Siting

The siting of the store building towards the west side of the plot, and forward of the existing petrol station canopy has been driven by the Council's Conservation Team. It has been positioned so that views up Victoria Road will be terminated by a stone building, not a car park. In views along Bingley Road, its position towards the frontage would also give views of a building, filling the current gap occupied by the car wash, rather than a void. The siting would mean the building is seen both visually and functionally as a continuation of the Saltaire shopping parade and a building frontage that fills the current empty void is considered by the Council's Conservation Team to be preferable to views up Victoria Road being of a car park or blank wall.

### Materials

Natural stone is the dominant building material in Saltaire and so the choice of natural stone materials for the external elevations is appropriate for the locality. The stone would be a combination of smooth ashlar stone and areas of coursed pitched faced stone. The Conservation Team has asked that the intended coursing size of the latter needs to be comparable to that on the surrounding buildings in Saltaire, and the agents have now agreed that the pitch faced coursing will be to a maximum depth of 150mm not 225mm. This is now shown on the amended drawings received. In the event of approval, planning conditions should be imposed to require agreement of all external materials, including construction of a sample panel to ensure correct coursing depths and correct pointing materials.

Although Historic England has suggested use of natural slate for the roof, the Council's Conservation Officers consider that zinc would provide a reasonable non-reflective colour match for roofing in the area and is compatible with the contemporary influence to the overall design. Zinc will provide a dark grey matt finish to the roof and a reasonable colour match for roofing in the surrounding area. Some concerns have been raised regarding the application of zinc copings and their relationship to the stonework, but in response the agent considers such contemporary detailing to be in keeping with the overall approach to design. The agent points to the use of such treatment on the new Shipley College building and maintains that it would maintain the sharp, clean lines to the roofline. The agent does not accept that replacing these copings with stone would improve the design as it would dilute the contemporary approach that is, otherwise, generally supported. These features have not been amended.

The overall amount and size of glazed elements is also considered by the Conservation Team to be appropriate to the existing character of the locality in terms of design, scale, and materials.

#### Signage and Lighting

The shop signage on the north elevation facing Bingley Road will be extremely critical to get right. Signage would be visible from some distance into the heart of the WHS. The Council's Conservation Officers considered this so critical to the impact of the building, that details should be required prior to determination of this application so that its relationship to the architecture can be assessed.

It is fully acknowledged that the control of shop signage, particularly on the elevation facing Bingley Road will be very important. Poorly positioned and intensely illuminated and disproportionate signage in this position would be highly undesirable.

In response, the submitted elevations do show an indicative signage scheme. The agent describes this as being representative of the signage details that are expected to be included on the shopfront. However, the agent insists that signage should be controlled separately under the Advertisement Regulations and does not intend to submit that application at this stage. The agent insists it is not a matter for determination here as a separate application for express advertisement consent for the signage will be submitted dependent on approval of the planning application and this will ensure that the relevant consultees have the opportunity to review and comment on those specific proposals at the appropriate stage.

The submitted elevations show that an unobtrusive and sympathetic scheme of signage is feasible and the design would lend itself to a suitably restrained scheme of advertising. The applicant is clearly aware of the conservation restrictions on signage.

If approval is granted, a planning condition should be imposed to require agreement of any proposed external illumination of the building and car park.

#### Relocation of the ATM

Conservation Officers opposed the location of the ATM at the west of the site near to the store entrance door as this location is the most sensitive area of the building in terms of it being seen in views up Victoria Road. An ATM would inevitably be a modern feature, highly likely to require illumination.

Following discussions, the applicant has agreed to re-locate the ATM to the east of the building facing the car park, which would also provide natural surveillance; this detailed objection to design is now resolved.

### Landscaping

There has been some concern that the forecourt to the store is lacking in definition and there is a lack of landscape planting. In response to Conservation Officer concerns regarding this, a new low rise pitch faced stone wall will define the front of the customer car park. However, the nature of the development and the context of the site are such that its enclosure of the whole site by a wall does not seem essential to marry the building to the street scene.

The agents have given some consideration to enclosure by soft landscaping through a hedge that proposed along the Grosvenor Road boundary. This would relate visually to hedge planting at the medical centre, but the restricted dimensions of the site do not permit any other soft landscaping for the frontage of the development site. There is simply no space within which trees or shrubs would survive.

Self-seeded trees are to be removed from the top of the retaining wall at the back of the existing carwash. These trees are not protected and are of very poor quality and their position precarious given that they are on top of a retaining wall. Due to the limited size of the site, scope for replacement landscaping in the site is very restricted.

With regard to detailing of hard surfaced areas and other features, further detail of the treatment of hard landscaping and boundary walls have been shown on amended drawings. A conservation kerb will be proposed to the edge of the new footway around the delivery layby. Flags to the new footway will match the adjoining footway. The service layby is to be treated as part of the road surface to provide a clear delineation between the vehicle and pedestrian surfaces. White lining and 'Loading Only' text will help to define the lay-by for service use only. Stainless steel bollards will define and protect pedestrian routes to the store entrance from the car park. Parking spaces will be surfaced using charcoal grey tegula setts.

Although an expanse of retaining wall will be visible at the back of the car park, this is already a visible and harmful feature and is presently faced in concrete. The applicant proposes to face the exposed wall in natural stone which will represent a significant enhancement to its visual appearance compared with the existing concrete.

Previously, random coursed stone was shown for the boundary walls to the car park but was not regarded as locally representative. A regularly coursed wall is now proposed in accordance with Conservation Officer requests.



### Delivery Layby

The retention of a delivery loading bay on the principal frontage of the site is criticised by Conservation Officers as it prevents any effective enclosure to the site and the foreground to the building will be dominated by delivery access. However, all the existing shops along Bingley Road directly abut the footway and it is not agreed that the building itself would benefit from being separated from the street by a wall or other means of enclosure. The layby is a necessary feature of the scheme and alternative layouts discussed with the agent have shown very clearly that the site is too shallow in depth to accommodate deliveries and unloading inside the site at the same time as accommodating customer parking. The periodic presence of delivery vehicles on the road frontage would have an adverse effect on the view up Victoria Road, with an impact on the conservation area, but this is transient and the agent argues that the visual impact is no different to the effects of lorries queuing as they proceed along Bingley Road, which is a regular feature of the site.

### **Conclusion: The Balance Of Design And Heritage Issues**

The location of the development in relation to Saltaire WHS, the nearby listed buildings and the Saltaire Conservation Area are clearly vitally important material considerations and have been very carefully considered. Under the Planning (Listed Building and Conservation Areas) Act 1990, the Council, has statutory duties to have special regard to the desirability of preserving the special interest and setting of a listed building (s66(1)) and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas (s72(1)). This duty must be borne in mind strongly when considering cases where harm may be considered to accrue, and then the balancing of such harm against public benefits as required by national planning policy.

National Planning Practice Guidance states that, in decision making, a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. The assessments of significance should be proportionate to both the significance of the relevant heritage asset, the nature of the proposed development and the likely magnitude and form of effect.

However, the agent makes the point that this site is not inside any designated heritage asset, the WHS or conservation area, so the effects of the development will be indirect in nature, arising from impact on elements of the setting of the heritage assets that may or may not contribute to their significance. The site is in the WHS Buffer Zone which is strongly visually linked to the WHS itself. As well as views up Victoria Road, views along Bingley Road of the proposed development site are also important, giving many visitors their first glimpse of the WHS.

The Council's Conservation Team has tabled detailed concerns about this proposal which have been partially addressed through amendments and supplementary information. However, more generally, there is concern from the Conservation Team about whether the architectural treatment, design and overall composition of the development achieve the necessary calibre of design for a context of this significance.

On the other hand, the existing car wash is clearly of extremely poor appearance and does little for the setting of Saltaire in the views along Bingley Road and up Victoria Road. The WHS Management Plan identifies the car wash site as a detractor. This proposal presents an opportunity for the removal of the car wash and the petrol station canopy and kiosk and an opportunity for investment and enhancement through a new development. Also, the immediate context of the site is provided by modern suburban housing across Grosvenor Road and backing onto the site to the south. The two-storey, modern medical centre to the west is also of unremarkable appearance. The traffic here is heavy and the land uses are mixed as is the quality of many of the buildings.

In the WHS Management Plan 2014 (Appendix 7) the proposed development site has been classed as a key visual detractor that currently has a negative impact on the immediate setting of the WHS. Specifically, the advertisements on the hand carwash facility and the canopy and open forecourt all provide a strong and incongruous contrast to the historic character of the frontage on the north side of the main road. The lack of a building here causes discontinuity and an unsightly gap in the street frontage. A new building presents an opportunity to make a contribution to improving the immediate setting and experience of the WHS.

There has been much negotiation and amendment of this proposal. Its form, siting, materials and features have all been revised by the applicant's design team and various further amendments and improvements to detail secured. The siting, subservient form, use of natural stone and zinc roof, and the general contemporary approach are all supported. The ATM has been relocated as urged by Historic England and detailed amendments to materials and confirmation of landscaping detail secured.

The store building has to represent its intended function and features such as the car park and lay by to the front are necessities that cannot be avoided. The applicant therefore presents what is considered by their design team to be the final design proposal for determination, arguing that the proposed development responds to the surrounding architectural and historic context and includes elements of the prevailing architectural style whilst providing a contemporary addition to the streetscape along the south side of Bingley Road which already exhibits a variety of architectural responses to the character of the model village.

Although Council Conservation Officers are concerned whether the design quality is high enough, HE has noted how the amended scheme has sought to revise the design of the proposed convenience store (compared with the withdrawn application) and welcomes the improvements made to present a conventionally gabled roofscape. HE's concerns regarding relocation of the ATM and the clutter of bollards proposed to the right-hand side of the shop front have been secured to benefit the views along Victoria Road. It is appreciated that good quality signage (and details of external lighting) must be sought, but the submitted elevations suggest that a workable and suitably restrained signage scheme can be secured via a subsequent application under the advertisement legislation. It is proposed that a condition be imposed to control details of lighting.

The significance of the heritage assets under consideration is important but assessing the degree to which the proposed changes enhance or detract from that significance depends on the nature of the proposed development and the likely magnitude and form of the effects. Taking all such matters into consideration, the proposed development will meet the objectives of Policy BH14, and the added layer of protection given by the WHS Buffer Zone, by securing the removal a negative element that detracts from the significance of the heritage assets. The car wash will be replaced with a subordinate contemporary building which responds sympathetically to the historic context in terms of form, scale, position and materials. It will thereby sustain the significance of the WHS and conservation area and the listed buildings identified in the Heritage Statement.

Weighing these considerations, the proposals are considered to satisfy the relevant legislative duties, the NPPF and policies D1, BH4A, BH7 and S/BH14 of the RUDP, as well as emerging Policy EN3 Historic Environment of The Bradford District Local Plan.

### **Highway Safety Issues**

It is recognised that Bingley Road (the A650) is a busy distributor road carrying large volumes of traffic and it is particularly congested during the AM and PM peaks on its approaches to the Bingley Road/Saltaire Road/Moorhead Lane junction. Recent changes to the former roundabout to create a signalised junction have provided some relief to the traffic pressures at this location.

The existing use of the site is as a carwash which would be replaced with a 360 sq m convenience store plus 13 car parking spaces at the eastern end of the site. The existing car wash already generates traffic movements and takes access and egress across the footway in two places. The new store would have a single point of vehicle access to its car park towards the east end of the frontage.

The limitations of the site require that servicing of the store (loading/unloading) is to be by means of a new layby to be created along the site frontage by diverting the footway partly into the site. There is no loss of width to the footway and it would maintain a useable route alongside Bingley Road.

Many local objectors, including Ward Councillors, have raised strong concerns regarding the implications of the proposed store on local congestion, and road safety, including the safety on the main road and for those using the Grosvenor Road junction, and on the safety of pedestrians. Objectors have referred to the lack of separate arrangements for deliveries/servicing of the store and to significant footfall along the frontage of the site. The footway here provides access to the medical centre and the numerous shops further west along the shopping parade. Many objectors have also pointed out that the footway is part of a route for walking to nearby schools.

To address the traffic issues the application is accompanied by a Transport Statement (TS) which is a professional evaluation carried out on behalf of the applicant. This describes the situation of the site, and the presence of a Traffic Regulation Order (TRO) already in place along the main road frontage. The TS notes the existing right turning lane from the main road to Grosvenor Road which is of sufficient length to also provide an appropriate right turn access into the application site. The accessibility of the site by a variety of travel modes, including on foot and by bus, is described in detail.

Trip Generation: Existing Use

The applicant's TS provides generic 'TRICS' data which shows that a car wash of this size has potential to generate up to 24 two-way trips during a typical weekday and 23 a day on a weekend. The car wash appears to operate flexible hours depending upon factors such as the weather and demand, but it would tend to generate daily peak movements outside the traditional evening peak hour. Car wash trips tending to be relatively evenly spread between approximately 1000 and 1700.

The TS uses the 'TRICS' database to estimate trips and predicts 6 two-way trips to/from the carwash during both the weekday morning and evening peak periods, increasing to 9 two-way trips during the Saturday peak hour for the store.

Further to requests by the Council's Highways Engineer, the TS has been updated to provide site specific survey data of the trips generated by the existing car wash facility. This was completed on Tuesday 15th December 2015 and found the following two-way flows:

- 0800-0900 – 2 two-way flows ('TRICS' predicted 6)
- 0900-1000 – 6 two-way flows ('TRICS' predicted 12)
- 1700-1800 – 0 two-way flows ('TRICS' predicted 15)
- 1800-1900 – 4 two-way flows ('TRICS' predicted 6)

The applicant maintains that the generic 'TRICS' assessment appears to over-estimate the volumes of traffic using the carwash facility during peak periods, but the overall differences are minimal and not sufficient to alter the conclusions of the TS in relation to traffic impact.

Trip Generation: Proposed Use

In terms of traffic movements to the proposed retail store, the TS estimates that on average:

- (i) There would likely be up to 7 deliveries to the store each day (comprising depot deliveries plus bread, milk and newspaper deliveries).
- (ii) There would be up to 67 two-way pedestrian movements during the typical weekday peak hour and up to 126 such movements on foot during the Saturday peak hour (1700-1800).
- (iii) The average hourly trip rate to the store by vehicles would be 68 two way movements during the weekday peak (1800-1900) and 47 during the Saturday peak (1700-1800).
- (iv) If diverted or pass-by movements are discounted (these are customers who are already on the highway network rather than making a special trip), it is estimated that the new store would add approximately 31 new two-way vehicle trips onto the highway network during the weekday peak hour (and 25 during the weekend peak hour).

A significant proportion of vehicular trips to the proposed store would therefore be diverted or passby trips, (i.e. vehicles that are already on the network). When considered along with the number of trips already generated by the existing car wash, the TS calculates that the convenience store would generate in the region of 31 new two-way vehicle trips during the weekday peak period and 25 during the weekend peak. This is approximately one additional trip every two minutes during the weekday and weekend peak.

The applicant argues that the development proposals would not have any material impact upon the operation of the local highway network, and the proposed store would not

significantly add to congestion by materially adding to the volume of traffic on the surrounding network. These arguments are accepted by the Council's Highways Officer.

#### Accident data

Since 2009, there have been two recorded Personal Injury Accidents (PIAs) at the Grosvenor Road and Bingley Road junction, the severity of which are described as being 'slight', with one occurring in 2009 and the other in 2010. A number of sporadic accidents have occurred along Bingley Road in the locale of the site, the majority of these are also classed as 'slight'. A serious accident is recorded close to the junction with Ferncliffe Road. Other than this, the remaining accidents are classed as 'slight' with all incidents occurring relatively evenly over the 2009 to 2013 analysis period.

The applicant's Transport Consultant argues that, given the low total number of accidents recorded within the study area and their low severity, especially given the nature of Bingley Road as a busy arterial route, there is no existing accident issue that would be demonstrably exacerbated by the development proposals.

#### Delivery arrangements

Previous designs have demonstrated that the site lacks sufficient depth to create workable and safe delivery arrangements at the side or rear of the store. Instead, a proposed servicing layby is to be formed along the site frontage on Bingley Road and this could accommodate an 11.2m service vehicle arriving to the site from the east (Bradford direction) and exiting in a westerly direction (towards Bingley).

This has a positive advantage for pedestrian safety in that large delivery vehicles will not need to cross the footway, but they will need to off load goods across it.

There was concern by the Council's Highways Engineer that, while eastbound service vehicles can be easily accommodated, any service vehicles arriving from the west would cause safety problems if they attempted to cross the carriageway into the layby, or tried to exit in an easterly direction. This would likely result in HGV's stopping on Bingley Road facing oncoming traffic and then reversing into the layby against the traffic flow. Vehicles then leaving the lay-by would again have to cross oncoming traffic.

This issue was one of the central criticisms of the proposal by objectors and Ward councillors, and officers agreed that given that there could be up to 7 or 8 deliveries a day to the proposed store (potentially from different providers) the ability of the store manager to effectively restrict delivery vehicles so they only arrive at the store from one direction cannot be guaranteed by a delivery management policy.

In order to support the proposals, the Council's Highways Engineer has therefore sought a number of alterations to features within Bingley Road so that conflicts likely to arise from delivery manoeuvres are considered to have been addressed.

To prevent hazardous turning manoeuvres into the layby across the traffic flows, the existing pedestrian island to the west of the site frontage is proposed to be extended and an additional island inserted into the carriageway just past the Victoria Road junction. Tracking diagrams have demonstrated that this would still facilitate turning movements across from Victoria Road and would not affect the existing pedestrian crossing. A TRO would need to

be promoted within the layby to restrict its use to loading / unloading only. There was concern that the original proposals showed an ATM to be provided on the store frontage next to the delivery vehicle layby. This could have encouraged motorists to park in the layby preventing delivery vehicles pulling clear of traffic flows. However, this feature has now been removed from the Bingley Road frontage so the layby is more likely to remain exclusively for delivery vehicles.

#### Adequacy of Car Parking

The proposal is for a store with a gross internal area of 360 sq m. The layout offers 13 parking spaces including one space for disabled driver vehicles.

The TS describes how the new store would be closely related to the Saltaire Local Centre and is very accessible in terms of proximity of bus services and by walking from surrounding residential areas. It is therefore likely that many trips to the new store would be in combination with trips to other shops in Saltaire and to other facilities such as the medical centre. The NPPF encourages adoption of a more responsive approach to car parking requirements that reflects the character of the use and the locality.

The TS also provides estimates of demand for parking space based parking survey data collected from 7 representative Sainsbury's Local stores across the country. An average parking accumulation has been calculated for each hour over the weekday (Friday) and weekend (Saturday). From the results provided, the peak average parking accumulation for the 7 surveyed stores is 9 spaces which suggests that the proposed car park of 13 spaces would have sufficient capacity to serve the Saltaire store. The TS also points out that the stores forming the basis for the TS analysis have a higher average Gross Floor Area (482 sq m) than the store proposed at Saltaire. The applicant's consultant therefore says it can be demonstrated from other Sainsbury's Local stores that the development proposals will provide more than sufficient car parking to cater for likely demand. In addition, the scheme makes provision for motorcycle parking and one of the 13 spaces (closest to the store entrance) would serve motorists with disabilities.

The Council's Highways Engineer confirms that the scheme for 13 parking spaces would be acceptable given the evidence provided by the applicant's consultant and the likelihood of a significant proportion of trip to the new store being on foot or by other non-car travel modes.

Although the access to the car park is located close to the junction of Grosvenor Road and Bingley Road, it is accepted that the right turn facility for Grosvenor Road can also serve right turning into the store car park without significant conflicts between vehicle movements.

#### Conclusion on Highway Issues

Following further discussions with the applicant's highway consultant an acceptable access, parking and highway arrangement has been agreed, which now overcomes previous concerns of the Council's Highways Engineer.

In accordance with Policy TM2 of the RUDP, the highway impact of the development will be mitigated by proposed alteration works in Bingley Road comprising extension to the existing traffic island and provision of new island, together with associated changes to road markings. These and construction of the servicing lay-by and newly aligned footway along site frontage would require the developer to enter into a Section 278 Agreement with the Council under the Highways Act 1980. A negative condition is proposed to require completion of such works before the store is brought into use. The highway works together with construction of site access have been shown on drawing 2015-093A-SK 006 Rev. B. Technical detail and specification would be controlled under the Section 278 process.

Subject to this condition and other standard conditions relating to formation of the means of access, car parking and control of lighting, the Highway Engineer has confirmed that there are no objections to the proposals on highway safety grounds.

### **Noise And Nuisance - Impact on the Amenity of Adjoining Residents**

The nearest residential dwellings are the semi detached properties along the northern side of Grosvenor Avenue (Nos. 1, 3, 5 and 7), which have rear elevation windows facing towards the site but these are separated from it by the staff car park for the medical centre, and by an intervening public footpath. The properties on the east side of Grosvenor Road at Nos. 2 and 4 are also close and on the opposite side of Bingley Road, the residential properties at Nos. 49, 50 and 51 Victoria Road look southwards to the application site. Objectors have expressed concern about the impact on local residents that might arise from the additional comings and goings of customers, the impact of delivery traffic and noise from the refrigeration and ventilation extraction system on the rear of the proposed building.

To address these worries, the application is accompanied by a Noise Impact Assessment. The Council's Environmental Health Officer says this assessment has been prepared to an appropriate standard and that the main potential nuisance issues of deliveries and plant/refrigeration noise have been comprehensively considered. The noise is to be appropriately attenuated. The site is separated from the nearest houses by the width of the adjoining car park and an intervening public footpath. The control of noise associated with any fixed external refrigeration and air conditioning plant can be achieved with the judicious selection of refrigeration plant and/or standard noise mitigation techniques.

To prevent loss of amenity to close residential properties, the Environmental Health Officer recommends that, should the application be approved, control of noise associated with any external refrigeration and air conditioning plant can be achieved by standard noise mitigation so that noise from its use shall not exceed 35dB<sub>L</sub>aeq during the night time period at nearest noise sensitive premises. A suitably worded planning condition to control noise levels has been recommended and should ensure that the extraction and other equipment to be installed on the rear would not give rise to any significant harm to the amenity of local residents.

Increased customer activity would take place on the site's frontage to the busy main road. This road already carries significant vehicle movements and activity associated with nearby shops and the adjoining medical centre. This activity carries on throughout the day from an early hour and into the evening. The position of the main entrance is towards the retail frontage. It is understood that deliveries to the store will take place during the time frame of store opening hours, namely 0700 to 2300. The Environmental Health Officer advises that store deliveries should also be restricted by condition to between these hours so that delivery wagons do not cause a noise problem.

The Environmental Health Officer has not recommended imposing any conditions enforcing restriction of hours of customer use of the store.

Subject to the above, the Council's Environmental Health Officer does not object to this application. It is not considered that the store would cause significant additional noise nuisance or loss of amenity to adjoining or nearby occupiers of residential properties and there is no conflict with relevant policies D1 or P7 of the RUDP.

#### **Other Issues – Site Remediation**

The application is accompanied by a Phase I and II Geo-Environmental Assessment which includes an intrusive ground investigation (boreholes to a depth of 5m). This did not encounter any physical evidence of ground contamination with regard to the old fuel infrastructure and no petrol vapours were detected during monitoring of standpipes installed within the boreholes. The groundwater table within the sandstone is said to be deep (i.e. >25m) but there is currently no evidence which indicates that any leak has occurred. Contamination at this depth would not be disturbed by the development being proposed which would not require deep foundations.

Elevated levels of polycyclic aromatic hydrocarbons were encountered but only as an isolated source associated with the weathered asphalt and hardcore on the forecourt. The consultants recommend that any soft landscaped areas proposed should not be formed unless this distinctive layer of asphalt and underlying hardcore is removed.

The Council's Environmental Protection Officer has reviewed the Phase I and II assessment and recommends a condition be imposed on any consent to require that prior to development commencing, a proportionate, updated Phase 2 site investigation and risk assessment methodology, in addition to that already submitted, is provided to assess the nature and extent of any contamination on the site, and set out proposals for dealing with it and subsequent verification. Standard conditions will therefore ensure that risks from land contamination to the future users of the development and neighbouring land and the adjoining environment are minimised.

The environmental consultants advise that it would generally be prudent to remove the redundant fuel tanks, but that because the tanks are under an area proposed as car parking, it may be sufficient for specialist contractors to decommission the tanks in order to redevelop the site. Tank cleaning or removal of fuel infrastructure is a specialist process controlled under separate and specific regulatory processes exercised by the Licensing Authority, which is West Yorkshire Fire and Rescue Service. As separate regulatory processes govern tank removal and decommissioning it is not a matter that needs to be addressed by the LPA.



**Community Safety Implications:**

None apparent.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The convenience store is proposed on previously developed land inside the Saltaire Local Centre and its size is compatible with its role. The principle of retail development cannot reasonably be opposed on planning grounds. Concerns regarding noise and nuisance impact are acknowledged, but the site is on a very busy main road and there is reasonable separation between the front of the store and the location for refrigeration and ventilation equipment to ensure that planning conditions suggested by the Council's Environmental Protection officer would ensure no significant harm to the amenity of occupiers of any adjoining or nearby dwellings.

The subordinate scale, gabled form and materials of the building, and its siting are considered generally sympathetic to the setting of the site in relation to the Saltaire WHS and Conservation Area, and to the setting of nearby listed buildings. Detailed concerns regarding the position of the ATM have been resolved through amendment. Future signage is controlled separately under the Advertisements Regulations. On balance, the proposed development will meet the objectives of Policy BH14 (the WHS Buffer Zone) by securing the removal a negative element that detracts from the significance of the heritage assets. The existing car wash will be replaced with a subordinate contemporary building which responds sympathetically to the historic context in terms of form, scale, position and materials. It will thereby sustain the significance of the WHS, the Saltaire Conservation Area and the listed buildings identified in the Heritage Statement and so satisfy the relevant legislative duties, the NPPF and policies D1, BH4A, BH7 and S/BH14 of the RUDP, as well as emerging Policy EN3 Historic Environment of The Bradford District Local Plan.

Evidence in the TS demonstrates that the proposal would not significantly worsen traffic volumes on the adjoining highway and, based on demand at other stores, the car park spaces are considered sufficient to meet anticipated average peak hour parking demand. The delivery lay by proposed on Bingley Road would be sufficient to accommodate the typical delivery vehicles used by the operator and proposals for alterations to features within the carriageway would address concerns about potentially hazardous turning manoeuvres across the carriageway. The highway impact of the store is considered to be adequately mitigated such that the proposal is in accordance with Policies TM2, TM19A and TM11 the RUDP.

**Conditions of Approval:**

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

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

2. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the local, historic character, visual amenity and to accord with policies BH4A, BH7, BH14, UR3 and D1 of the Replacement Unitary Development Plan.

3. The works shall not begin until a sample panel of the proposed natural stone walling materials showing the method of coursing and the pointing to areas of natural stone walling has been constructed on site and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the coursing and pointing details so approved and retained thereafter.

Reason: To ensure the use of appropriate materials in the interests of the local, historic character, visual amenity and to accord with policies BH4A, BH7, BH14, UR3 and D1 of the Replacement Unitary Development Plan.

4. Before any works towards the development starts on site, full details and specifications of the works associated with Bingley Road, as shown indicatively on Drawing No. 2015-093A-SK 006 Rev. B, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Planning Authority.

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

5. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

6. Before any part of the development is brought into use, the proposed car parking and motor cycle spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TM11 of the Replacement Unitary Development Plan.

7. The control of noise associated with any fixed external refrigeration and air conditioning plant shall be achieved by the measures and standard noise mitigation outlined in the submitted Noise Assessment NIA/5768/15/5529/v2/ dated 18th September 2015 so that noise from its use shall not exceed 35dBL<sub>aeq</sub> during the night time period at nearest noise sensitive premises to the development.

Reason: To safeguard the living conditions and amenities of neighbouring residents and to accord with policies P7 and UR3 of the Replacement Unitary Development Plan.

8. Deliveries of goods to the retail premises shall only take place between the hours of 0700 to 2300 each day.

Reason: To safeguard the living conditions and amenities of neighbouring residents and to accord with policies P7 and UR3 of the Replacement Unitary Development Plan.

9. No light from any lighting comprised within the development hereby approved shall be caused to shine directly on to the highway or be directly visible to users of the highway.

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

10. Prior to the commencement of development, a proportionate, updated Phase 2 site investigation shall be undertaken to assess the nature and extent of any contamination on the site. The findings of the investigation together with a risk assessment methodology and a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall then be submitted to and approved in writing by the Local Planning Authority.

The remediation strategy must include proposals for the verification of the remedial works and, where necessary, shall include proposals for phasing of works and their verification. The remediation strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing, a 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 development being brought into use.

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 development 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.

11. 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 also 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.

12. In the first planting season following the completion of the building, the new hedge indicated on the approved drawings shall be planted along the boundary of the site to Grosvenor Road. This landscaping scheme shall comprise native hedge species, details of which shall first be submitted to and agreed in writing by the Local Planning Authority.

Any trees or plants comprising this scheme that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed 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/removal of the original planting.

Reason: To mitigate the impact of the building on the landscape, in the interests of visual amenity and to accord policies D5 and NE3/NE3A of the Replacement Unitary Development Plan.

13. No works towards construction of the external hard surfaced areas of the site shall be begun until samples or details of the proposed surfacing materials have been made available for inspection by the Local Planning Authority and approved in writing. The development shall then be carried out in accordance with the materials and details so approved.

Reason: To ensure the use of appropriate materials in the interests of the local, historic character, visual amenity and to accord with policies BH4A, BH7, BH14, UR3 and D1 of the Replacement Unitary Development Plan.

14. No external artificial lighting shall be installed at the proposed development site until a detailed scheme for such lighting has been submitted to and be approved in writing by the Local Planning Authority. The artificial lighting should be installed in accordance with the scheme so approved and retained thereafter.

The scheme should include the following information:-

1. The type of luminaries to be installed showing for each unit, the location, height, orientation, light source type and power.
2. The proposed siting of each illumination unit.
3. The predicted vertical illumination (lux) levels.

The proposals should be designed to minimise or eliminate glare from the use of the lighting installation when viewed from outside or from the residential properties in the vicinity of the site.

The luminaries should be installed in accordance with the submitted scheme so approved and retained thereafter. Any glare and over bright lighting should be mitigated or directed to avoid causing a nuisance from glare or raised lighting levels when viewed from the aspect of the residential properties in the vicinity of the site.

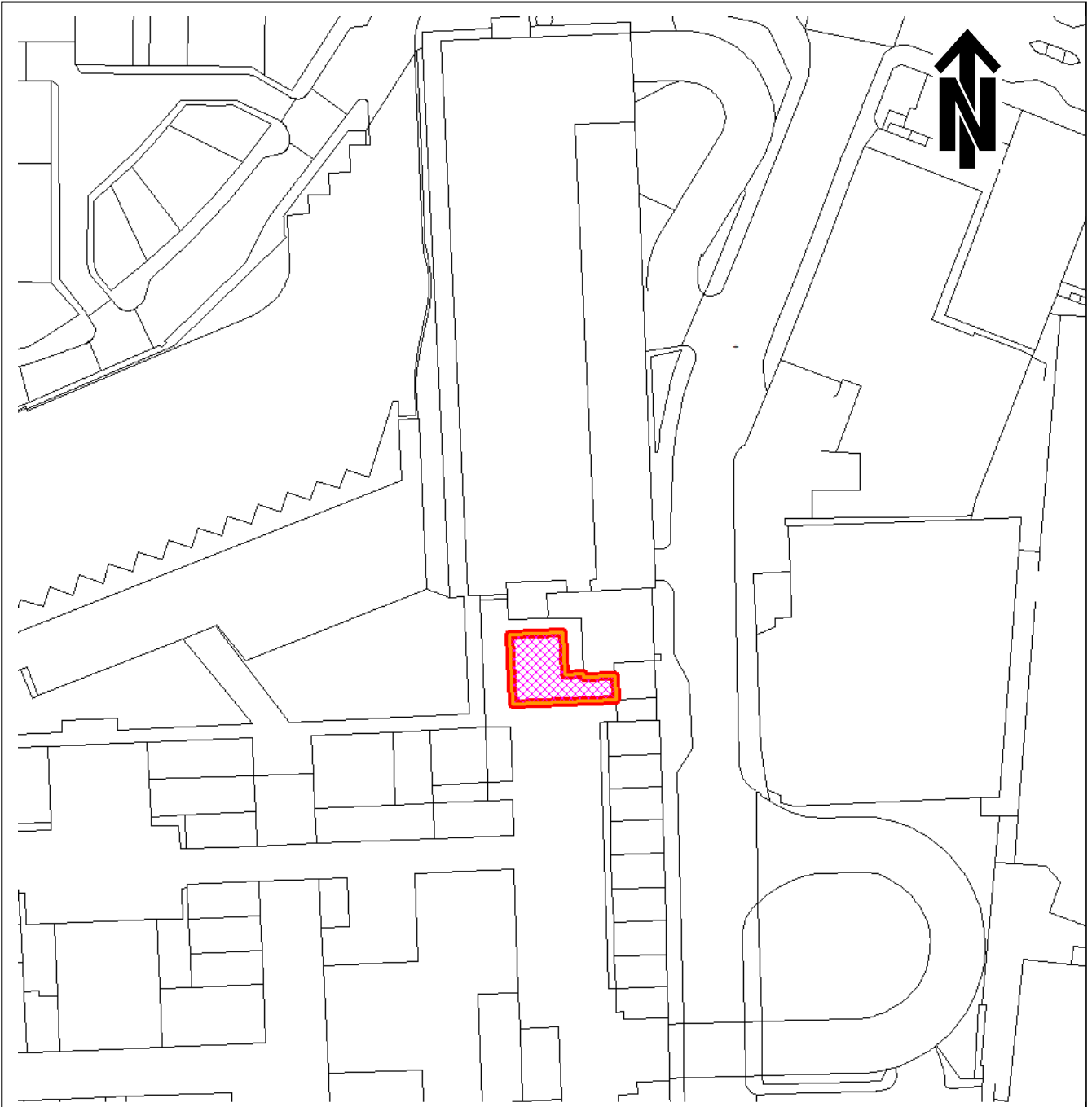
Reason: To ensure that any external illumination is sympathetic to the character and appearance of the adjoining Saltaire World Heritage Site and Conservation Area and is installed in a manner that will safeguard the amenity of occupiers of adjoining properties in accordance with policies BH7, D1 and UR3 of the Replacement Unitary Development Plan.

---

**Area Planning Panel (Keighley/Shipley)**

**15/07608/FUL**

16 February 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

|                     |  |
|---------------------|--|
| <p>ITEM NO. : 3</p> | <p>LOCATION:<br/><b>Keighley Post Office 44 Towngate<br/>Airedale Shopping Centre Keighley</b></p> |
|---------------------|--|

**16 February 2016**

**Item Number: 3**  
**Ward: KEIGHLEY CENTRAL**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/07608/FUL

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

Planning application for change of use from Post Office to betting shop (sui generis) at Keighley Post Office, 44 Towngate, Airedale Shopping Centre, Keighley, BD21 3QE.

**Applicant:**

Done Brothers (Cash Betting) Ltd

**Agent:**

Mr Andrew Windress, ID Planning Consultants

**Site Description:**

This application relates to the former main post office for Keighley. It is within Keighley's designated primary shopping area and town centre, next to the Airedale Shopping Centre and facing Keighley Bus Station. Since the relocation of the post office to within the W.H. Smith's shop in the Airedale Centre, the building has been vacant. The building is within a pedestrianized area, concealed from the surrounding road network by the bus station and shopping centre buildings, but it is seen by pedestrians alighting from buses and walking into and out of the Airedale shopping centre. The pedestrian access the Airedale Centre multi storey car park is directly next to the building. The building has a floor area of 110 square metres.

**Relevant Site History:**

15/06228/ADV - Proposed new signage. Granted 07.12.2015.

15/06227/FUL – Replace existing shopfront windows with aluminium framed windows. Entrance door to be moved. Granted 07.12.2015.

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

The National Planning Policy Framework is now 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:-

- i) 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;

- ii) 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;
- iii) 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

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

#### ***Allocation***

Primary Shopping Area CT5

Central Shopping Area in City and Town Centres CR1A Central

City, Town and District Centre Boundary CL1 Keighley Town Centre

#### ***Proposals and Policies***

UR3 The Local Impact of Development

CT1 Development within City and Town Centres and Defined Expansion Areas

CT5 Primary Shopping Areas

CL1 Leisure and Entertainment Development within City, Town or District Centres

TM11 Parking Standards for Non-Residential Developments

TM19A Traffic Management and Road Safety

D1 General Design Considerations

D3 Access for People with Disabilities

D4 Community Safety

#### **Town/Parish Council:**

Keighley Town Council recommends application for refusal. Consideration has been given to the number of betting shops already within the Airedale Shopping Centre and this will not increase footfall or the vitality of the town centre.

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

The application has been publicised by means of a site notice. Publicity will expire on 15 February 2016. At the time of producing the report the Council had received 21 representations objecting to the proposal.

Any further representations will be reported verbally to Panel.

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

1. Keighley already has a surfeit of betting shops and along with them far too many fixed odds betting machines. There are too many betting shops, Taxi Offices, charity shops and mobile phone shops in the town centre. There are already 5 well established betting shops within walking distance of the former post office. We do not need any more bookies in Keighley, and even if someone thinks we do, does it have to be right in the centre of the precinct?



2. There is a need for something here that will benefit the whole of Keighley which needs more quality retail outlets. This would be an ideal site for such an outlet. Keighley needs better shops that improve and serve the community. It would only put people off coming to Keighley altogether if the majority of shops are now betting establishments - especially when they are the first thing you see getting off the bus.
3. Alternatively, the premises would be better used to provide a community drop in centre, or a police point for coverage of the town centre, or as meeting facilities for the whole community to use - including elderly, lonely and less able bodied members of our community. The building is in a good position within easy access and could be used for something much more beneficial for Keighley and its visitors.
4. Keighley people don't need a use that will lead more people into gambling/debt. Too much of a temptation for the young and poor.
5. It would be detrimental to the image of the town and would be of little value to the general public.
6. Bradford now has a multi-million pound shopping centre to entice shoppers from surrounding districts whilst Keighley has yet another hole awaiting redevelopment. Keighley has nothing to give to visitors, except, Bookies, Mobile Shops, Charity Shops and Takeaways. We have little for visitors to enjoy. Please rethink this before it is too late.
7. There is evidence that shows that this kind of gambling only serves to increase the destructive social impact of high speed, high stake casino gaming in betting shops please don't let Keighley suffer from this anymore than we already do.
8. The proposed use will only diminish the retail offer, retail choice and retail competition in this defined primary shopping location. The proposal does not add to the diversity of uses on offer and simply replicates exiting gaming premises found in the town centre. It is the Council's duty to secure the long term vitality and viability of the primary shopping frontages in Keighley town centre and the loss of this prominent shopping unit will detrimentally harm the balance of retail and non-retail uses in this strategically important primary shopping frontage.

**Consultations:**

None considered necessary.

**Summary of Main Issues:**

Principle.

Visual amenity.

Inclusive access.

Highway safety.

Other matters.

**Appraisal:**

The proposal is for a change of use to betting shop of these ground floor premises which are underneath the Airedale Centre multi storey car park and which were previously used as a post office. Alterations to the double frontage to Towngate and signage have already been granted permission under previous planning and advertisement consent applications, 15/06227/FUL and 15/06228/ADV, which were submitted separately but were approved under delegated powers as they did not attract any objections.

**Principle**

The site is located within Keighley Town Centre and Keighley's Primary shopping area as defined by the RUDP Proposals Map.

The proposals document for Keighley, which comprises part of the RUDP states the Plan's vision for Keighley town centre as a centre which will continue to grow over the Plan period to enhance and expand its range of facilities and benefit the people of Keighley and surrounding area.

The extent and range of the town centre uses coupled with the existing public transport system and road network means the town centre is the best location for shopping, service, leisure and employment activities to serve people in Keighley and the surrounding area. The Plan therefore aims to facilitate the attraction of new investment into the centre to strengthen its role as a commercial, retail and leisure centre to benefit the community and visitors to the area.'

This policy objective generally accords with the National Policy Planning Framework, which states that planning policies should be positive, promote competitive town centre environments and provide for their management and growth. In drawing up Local Plans, local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality, with well defined primary and secondary shopping frontages that clearly indicate which uses will be permitted in such locations.

The former Post Office use was in retail Class A1 of the Town and Country Planning (Use Classes) Order, whereas the betting shop would be a sui-generis use. This material change of use of this central town centre site needs to be assessed against Policy CT5 of the RUDP as well as Policy CL1 of the RUDP.

Betting shops are obviously a conventional feature of all town centres throughout the country. In principle they are a form of leisure use that can add to the variety and mix of commercial activity and uses present in town centres. Policy CL1 of the RUDP says that proposals for leisure and entertainment uses will be permitted provided the proposal is appropriate in scale to the role of the centre and the size of the catchment that the centre serves. Given the scale and size of Keighley town centre, and the relatively small scale of the proposed use it is considered that it would be appropriate in scale and its approval would accord with Policy CL1 of the RUDP.

Policy CT5 seeks to avoid developing an over concentration of non retail uses along primary shopping streets so as not to undermine the attractiveness of such streets to shoppers.

With regard to Policy CT5 the shopping frontage along Towngate that includes the application premises presently consists of 3 x Class A2 (office/professional services) uses, 2 x sui generis betting / gaming uses (including an amusement centre) and 6 x conventional Class A1 (retail) uses. The proposal would lead to the decline of retail units by one and the increase of sui-generis betting/gaming uses by one to a total of 3.

Cumulatively, the change of use would change the percentage of non-retail uses in the Towngate frontage from around 30% to 38%. However, this is not a particularly large proportion of the total retail frontage along Towngate. Betting shops, A2 uses and other non-retail uses are not particularly numerous, nor are they concentrated in a discrete part of the frontages of the Airedale shopping centre to the degree that its retail character is noticeably affected.

Also, whilst there are other betting / gaming uses with individual frontages along Towngate, these are grouped at the other end of the frontage to the proposed new betting shop in the former post office. It would therefore not merge with the existing betting/gaming uses and would be separated from the other two betting /gaming uses by 7 intervening retail shops and the car park entrance. The premises occupy a corner and so have a double frontage, but the overall cumulative visual impact on the street scene will not be significant.

Consideration also has to be given to the prolonged vacancy of these premises. There is clearly no benefit in the property remaining vacant and unsightly. The proposal would bring the building back into active use and prevent a 'dead' frontage, thereby contributing to the attractiveness of the shopping centre. Marketing evidence to support the application has been submitted. Barker Proudlove Agents says the property has been vacant and available to the market for 1 year and 7 months, during which time the property was advertised on various property websites. The property has been extensively marketed for a significant period of time and a large incentive package was offered to entice offers. During the marketing process, the agents say there was no firm interest in the property until the interest of the current applicant - BetFred.

Continued vacancy clearly serves no purpose in terms of fostering the vitality and viability of the shopping centre.

In terms of the number and location of non-retail uses within this part of the town centre, the proposal would not result in the noticeable diminution of A1 retail use in the street as a whole. Nor would it appear that there was an over-concentration of non-retail uses (or bookmakers in particular) such that this would be likely to materially impact on the overall vitality or viability of this part of Keighley town centre. The proposed betting shop would not result in a dominance of such uses along this frontage to Towngate – either visually or proportionately in terms of the number of betting shops along the row.

In terms of planning and land use considerations, it is not accepted that the impact of the change of use would be so great as to adversely affect the character of the shopping street and its attractiveness for the shopping public. It is not contrary to Policy CT5 of the RUDP.

### **Visual amenity**

The building is double frontage. The alterations to the windows and door facing Towngate will be minimal and, as required by separate legislation, the windows and door will be obscured so that there is no active frontage to Towngate. This will not differ appreciably from when the Post Office occupied the premises as this also did not have an active retail display windows to Towngate. The proposed alterations to the exterior of the building associated with the proposed change of use, including signage, have been approved under references 15/06228/ADV and 15/06227/FUL.

### **Inclusive access**

The proposed change of use will retain inclusive access to the premises and will therefore accord with Policy D4 of the RUDP.

### **Highway safety**

The premises are located in a pedestrianised part of Keighley's town centre and users of the premises will approach it and leave on foot. The site is accessible via public transport and there is very convenient access to public car parking for those approaching the premises by car. It is not considered that in terms of parking or highway safety the proposal will differ from the previous post office use of the site and parking and highway safety will accord with Policies TM11 and TM19A of the RUDP.

### **Other matters**

A number of representations refer to the social / economic implications of the change of use that are not pertinent to consideration of land use planning issues. These include opposition due to concerns about gambling and the effects of specific gaming machines. However, this is not a land use consideration and is a matter for other legislation and licensing control.

Although other uses such as a community centre have been suggested, the viability of such alternatives is not demonstrated and interested parties do not seem to have presented viable proposals for alternative uses during the period that the post office has been marketed. In any case, the Local Planning Authority is only obliged to consider the merits of this specific proposal.

### **Community Safety Implications:**

The entrance to and from the property will be sited in a prominent position in the street scene, the location is reasonably well lit, open to surveillance from other street users, and the entrance affords those leaving the premises a good view of the street they will be entering. For these reasons it is not considered that the proposal will lead to any community safety issues and will accord with Policy D4 of the RUDP.

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

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The report makes it clear that the needs of disabled people and inclusive access have been taken into account in preparation of this report.

**Reason for Granting Planning Permission:**

The proposed change of use would add to the variety of uses in the town centre without compromising its overall retail function, and in this respect would not harm the vitality and viability of the shopping centre. Furthermore, it would bring a long vacant building back into use and so enhance the attractiveness of the shopping centre, increase pedestrian activity and offer some employment opportunities. This accords with economic objectives in the National Planning Policy Framework. The proposal will not have any adverse impacts on local visual amenity, highway safety or community safety. The proposal will accord with Policies CT5, CL1, D1, D3, D4, UR3, TM11, TM19A of the RUDP and is sustainable development compatible with the NPPF.

**Conditions of Approval:**

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

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

---