



Appeal Decision

Site visit made on 19 September 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Appeal Ref: APP/W4705/W/23/3326013

Substation, Wheatley Lane, Ilkley LS29 8BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Paul Milner (Golburn Property Management LTD) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/01058/FUL, dated 24 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is described as, '*change of use to Class E(b) Sale of food and drink for consumption (mostly) on the premises*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the above banner heading has been taken from the original application form. The Council's decision notice also includes for demolition of existing sub-station which is also referred to in the appellant's statement of case and is not disputed. I have therefore determined the appeal on that basis.

Main Issues

3. The main issues are:
 - Whether the development would prejudice highway safety; and
 - The effect of the development on the character and appearance of the area, including reference to its effect on protected trees.

Reasons

Highway safety

4. The appeal site relates to an electricity sub-station located along Wheatley Lane to the rear of an existing retail unit close to the signalised junction leading onto the A65 Coutances Way which is a main route running through Ilkley. A linear row of mature trees line this side of the road running in a southerly direction with a row of residential properties located along the opposite side of the road to the east.
5. The proposed development seeks to demolish the existing sub-station on site and construct a building for use as a café. Such a use whilst only small in scale would result in a greater level of traffic generation and parking demand from both deliveries and customers over and above that of the existing use. It

cannot be assumed that most customers would be local and would not drive to the premises and, given the site's relatively peripheral location I consider that unlikely. The proposed development would not provide any off-street parking and would be highly likely to result in cars and service vehicles utilising on street parking nearby including along Wheatley Lane.

6. Although located at the very furthest point from the town centre, traffic flows in both directions along Wheatley Lane and is very frequent along this stretch given the close proximity to the junction. At my site visit, whilst only a snapshot in time, I observed several instances where traffic queued up at the junction whilst the lights changed and extended past the appeal site.
7. I also observed that there is pressure for on street parking associated with the residential properties located on the opposite side of the road and there were a number of cars parked along this side of the road in close proximity to the junction.
8. There is no restriction to parking nearby and the increase in parking demand could result in cars/deliveries parking on the western side of the road close to the appeal site which would obstruct the flow of traffic associated with the nearby junction. This would require vehicles to manoeuvre around parked cars in order to pass whilst other vehicles may be passing in the opposite direction who already need to navigate around the parked cars opposite, thereby increasing the potential risk of collisions. I have had regard to the photographs submitted showing traffic and vehicles passing one another. However, this is based on cars parking part way across the pavement which is not always the case and should not be encouraged in any case due to the obstruction it would cause for pedestrians. At my site visit, I witnessed a number of cars located wholly on the road opposed to being part straddled across the pavement and in such circumstances, I consider it likely that traffic could be reduced down to one lane.
9. I also acknowledge that there is some additional parking provision to the south of the appeal site. However, it can not be assumed that customers would use this parking provision and whilst only a short distance from the appeal site, it would not be the most convenient/preferable given the unrestricted parking that exists closer to the site. Moreover, it would not be a practical nor reasonable place to park for delivery drivers.
10. For the above reasons, I conclude that the proposed development would be prejudicial to highway safety. It would therefore be contrary to Policies TR2 and DS4 of the City of Bradford Metropolitan District Council Core Strategy, 2017 (CS) which together, amongst other matters, seeks to manage car parking to help manage travel demand whilst also seeking to create a safe and pleasant environment. For the same reasons, the proposed development would also be contrary to the aspirations of the National Planning Policy Framework relating to promoting sustainable transport.

Character and appearance - protected trees

11. As referred to above, a linear row of attractive mature trees are located along this side of the road. It includes two trees, as confirmed within the Arboricultural Impact Assessment, located within very close proximity of the appeal site to the direct south. These are covered by a Tree Preservation Order and the presence of these trees provide a sense of openness and spaciousness

within the street scene and thus makes a positive contribution to the overall character of the area.

12. The trees closest to the appeal site are located a very short distance behind the fence that separates the site from the trees and consequently, part of the canopy spread is over the appeal site.
13. The proposed development would be located within close proximity to the trees and a proportion of the canopies would continue to spread over the site particularly the proposed courtyard and ramp area. However, I have had regard to the findings of the Arboricultural Impact Assessment which confirms that no trees require removal to facilitate the proposed development. The root protection areas would also only marginally infringe into the courtyard and ramp area. The report sets out a number of tree protection measures which could be controlled by an adequately worded planning condition were I minded to allow the appeal. Although the proposed development may lead to some pruning of the canopy area given its spread over the appeal site, it would not be so substantial as to affect the long-term health and survival of the trees or their overall contribution to the character of the area.
14. For the above reasons, I conclude that the proposed development would not unacceptably affect the trees located to the south of the site. It would therefore accord with Policy EN5 of the CS which amongst other matters, seeks to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

Other Matters

15. I am aware that the proposal would develop brownfield land with a usable structure that may compliment other existing commercial uses in the area as well as providing a use suitable for local needs. I am also aware that the Council do not raise any particular concern in relation to the character of the area apart from in relation to the protected trees, and that there would be no harm to the amenity of existing or prospective users and residents. However, such matters have not affected my findings on the main issues and being neutral considerations would not outweigh the harm I have identified. Neither would power supply matters or land value.

Conclusion

16. Whilst the proposed development would not unacceptably affect the trees located to the south of the site, the development would be prejudicial to highway safety. The development therefore conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict. The appeal is therefore dismissed.

N Teasdale

INSPECTOR