

ILKLEY NEIGHBOURHOOD DEVELOPMENT PLAN (2020 TO 2030) COMMENTS FORM (JULY 2021)

The Ilkley Neighbourhood Development Plan has been submitted to City of Bradford Metropolitan District Council (CBMDC). The Council is now required to consult on the plan for a period of at least 6 weeks. The Plan and supporting documents are available to view electronically at: www.bradford.gov.uk/consultations as well on the Council's Opus Consult portal: <https://bradford.oc2.uk/>. Hard copies are available to inspect during normal opening hours at:

- CBMDC Customer Service Centre, Britannia House, Hall Ings, Bradford, BD1 1HX
- City Library, Centenary Square, Bradford, BD1 1SD
- Ilkley Town Council Office, Ilkley Town Hall, Station Road, Ilkley, LS29 8HB
- Ilkley Library, Station Road, Ilkley, LS29 8HA
- Ilkley Visitor Information Centre, Town Hall, Station Road, LS29 9HB
- Clarke Foley Community Centre, Cunliffe Road, Ilkley, LS29 9DZ

This consultation seeks your views on whether the Ilkley Neighbourhood Development Plan meets the Basic Conditions¹ which are that the plan:

- Must be appropriate having regard to National Planning Policy
- Must contribute to the achievement of sustainable development
- Must be in general conformity with the strategic policies in the development plan for the local area
- Must be compatible with human rights requirements
- Must be compatible with EU obligations.

All comments received will be sent to an independent examiner who will examine the plan. If the examiner determines that the plan meets the basic conditions, then a referendum shall be held on whether to 'make' the Neighbourhood Plan.

The consultation period starts on **Friday 16th July** and closes at 5pm on **Wednesday 15th September 2021**.

How to submit your comments?

Comments can be submitted via the following:

- **Online:** <https://bradford.oc2.uk/> (*Registration required*)
- **Email:** planning.policy@bradford.gov.uk
- **Post:** Local Plan Team, City of Bradford Metropolitan District Council, 4th Floor, Britannia House, Broadway, Bradford, BD1 1HX (*Please ensure that there is sufficient time to guarantee delivery to our offices by the closing date for comments*)

Completing the Comment Form

There are two parts to this form; *Part A: Personal/Agent Details* and *Part B: For Comment*.

Contact Details:

If you have any further questions please contact the Local Plan Team using the details below:

- **Telephone:** 01247 433679
- **Email:** planning.policy@bradford.gov.uk

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012
REGULATION 16: PUBLICISING A PLAN PROPOSAL
ILKLEY NEIGHBOURHOOD DEVELOPMENT PLAN (2020 TO 2030)
COMMENT FORM

For Office Use only:	
Date Rec.	15/09/2021
Date Ack.	
Respondent ID	7042
Representation Ref:	29882

- **Address:** Local Plan Team, City of Bradford Metropolitan District Council, 4th Floor, Britannia House, Hall Ings, Bradford, BD1 1HX

PART A: PERSONAL DETAILS

Please provide your personal contact details. If an agent is appointed to represent you, then they would need to provide their full contact details in addition to your Title, Full Name and Organisation (where relevant). This information is required to enable the independent examiner and/or the Council to contact you for further information if required during the examination of the Neighbourhood Plan.

You and/or your appointed agent (if relevant) can request to be notified once City of Bradford Metropolitan District Council has decided to "make" the Ilkley Neighbourhood Development Plan, following the Independent Examination and local referendum. This decision is the final statutory stage in adopting the Neighbourhood Development Plan. Please indicate below whether or not you wish to be notified.

1. PERSONAL/AGENT DETAILS		
	PERSON / ORGANISATION DETAILS*	AGENT DETAILS (if applicable)
Title		█
Full Name		█ Darley
Job Title (where relevant)		█
Organisation (where relevant)	Craiglands Ltd	Lichfields
Address	(c/o Agent)	█
Post Code		
Email Address		
Telephone Number		

2. FUTURE NOTIFICATION

Please tell us if you would like to be notified when City of Bradford Metropolitan District Council decide to make the Plan under Regulation 19 (to bring it into legal force after examination and local referendum).

Yes

No

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Data Protection Statement - Any information we receive will be processed in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. A Local Plan Privacy Statement sets out CBMDC Local Plan Team processes your personal data. This notice should also be read in conjunction with the Council's Corporate Privacy notice and other specific service notices, which are available at <https://www.bradford.gov.uk/privacy-notice/>

PART B – YOUR COMMENTS

If responding using this form, please use a separate Part B sheet for each different part of the Plan or supporting document that you are commenting on, and clearly state to which part of the document it relates.

3. To which document does your comment relate? Please place an 'X' in one box only					
Neighbourhood Development Plan	<input checked="" type="checkbox"/>	Basic Conditions Statement	<input type="checkbox"/>		
Consultation Statement	<input type="checkbox"/>	Other (please specify)	<input type="checkbox"/>		
4. To which part of the document does your comment relate?					
Whole document	<input type="checkbox"/>	Section	<input type="checkbox"/>	Policy	<input type="checkbox"/> INDP2
Page Number	<input type="checkbox"/>		<input type="checkbox"/>		
5. Do you wish to? Please place an 'X' in one box only					
Support	<input type="checkbox"/>	Object	<input checked="" type="checkbox"/>	Make an observation	<input type="checkbox"/>
6. Please use the box below to give reasons for your support / objection or to make your observation and give details of any suggested modifications.					

**NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012
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Please see detailed objection as contained in the accompanying letter and appendix.

In accordance with paragraph 41-056-20180222 of the Planning Practice Guidance, we request that the Examiner considers the matters raised by this representation in an oral hearing, to allow for a full examination of the issues raised to take place and to allow our Client a fair chance to fully put forward their case.

6. Signature:



Date:

15/9/21

Local Plan Team,
City of Bradford Metropolitan District Council,
4th Floor, Britannia House,
Hall Ings,
Bradford,
BD1 1HX

Respondent ID: 7042
Representation Ref: 29882
Received: 15/09/2021

Date: 15 September 2021
Our ref: 63871/01/CD/CD/20126062v5
Your ref:

Dear Sir / Madam

Ilkley Neighbourhood Development Plan - Regulation 16 Consultation - Representations on behalf of Craiglands Ltd

We act on behalf of Craiglands Ltd ("our Client"), who are part of Edgeman Ltd, the owners of several hotels throughout the north of England.

Our Client welcomes the opportunity to be able to comment on the Regulation 16 draft of the Ilkley Neighbourhood Development Plan 2020-2030 ("draft Neighbourhood Plan"). Indeed our Client is fully supportive of Ilkley Town Council's desire to deliver a Neighbourhood Plan, which alongside the wider suite of documents that make up the Bradford Local Plan will steer development in Ilkley over the long term, in accordance with its visions and objectives. However, our Client objects to the terms of a specific policy (INDP2) within the draft Neighbourhood Plan, which for the reasons contained within these representations, does not meet the requisite 'basic conditions'.

By way of background, our Client is a long-term and committed operator and custodian of Craiglands Hotel, having taken ownership in 1999 and since that time has invested considerably in the building and its ongoing operation as a hotel. In addition to its general up keep and repair, this has included the creation of a new gym/spa facility, investment in the banqueting suites and modernisation of the rooms. Part of this has been made viable through enabling development in the wider grounds.

In its present form, the hotel operates under the Best Western Plus brand, offering 63 bedrooms, together with a bar and restaurant, a gym and spa, and wider banqueting facilities. Further information on how the hotel operates is contained in a letter dated 14th September 2021 prepared by our Client, which is appended to these representations and is referenced throughout.

Comments on Policy INDP2

Our comments on the draft Neighbourhood Plan relate to draft Policy INDP2 – "Protecting and Enhancing Community Facilities". The policy lists a wide range of services, businesses and local facilities in and around Ilkley. Importantly, this is a list formulated as of the time that the draft Neighbourhood Plan was published for consultation. The list amounts to a total of 52 facilities, including Craiglands Hotel (ref. INDP2/39).

Whilst our Client does not object to the principle of a policy that seeks to protect community facilities, they strongly object to the current form and specific wording of the policy on a range of separate, but inter-related grounds.

Overall, the draft Policy in its current form does not comply with the 'basic conditions' required of a Neighbourhood Plan as set out in Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990. This is explained in detail below.

Consistency with the NPPF and Policy INDP2 itself

Firstly, and most importantly, the identification of Craiglands Hotel as a community facility is inconsistent with the definition of such facilities in the National Planning Policy Framework (NPPF). In this regard the policy fails to comply with Basic Condition A of the Regulations. It is also inconsistent with how Policy INDP2 of the draft neighbourhood plan itself identifies such facilities.

At national level there are several references to community facilities within the NPPF¹. None of those include reference to a hotel being such a facility. At paragraph 20 an overarching definition is provided, where categories of community facilities are identified as health, education and cultural infrastructure. At paragraph 84 of the NPPF, which relates to supporting a prosperous rural economy, a more prescriptive definition of community facilities (albeit also including local services) is set out, where it states:

“Planning policies and decisions should enable:.....

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.” (our emphasis)

Paragraph 93 which relates to promoting healthy and safe communities and the provision and use of shared spaces, community facilities and other local services, incorporates the exact same definition of community facilities and local services as that set out in paragraph 84 and repeated above.

Nowhere within the NPPF are hotels defined as a community facility, or indeed a local service. On the contrary, hotels are excluded from the consistent definition of such facilities throughout NPPF as referenced above².

Therefore to seek to define a private hotel of the nature of Craiglands is wholly contrary to the NPPF.

Not only are hotels excluded from the definition of community facilities in the NPPF, but it is also noted that in its current form INDP2 also excludes hotels within its own definition of the type of community facilities that are deemed appropriate as part of any redevelopment for the wider policy not to apply³. In this regard, it is somewhat perverse (certainly disproportionate) to seek to include a commercial facility such as Craiglands Hotel within the policy list, when out with the implicit definition of such facilities in the policy itself.

¹ See paragraphs 20, 28, 84, 93 and 187 of the NPPF (2021)

² Whilst it is acknowledged that the NPPF definition is not a 'closed list', it is clear that the typology and characteristics of that list (i.e. their purpose) is as facility that plays an important role to the local community and they perform that function, rather than private commercial enterprise.

³ These are defined in INDP2 as *“health, education, or community type uses (such as community halls, local clubhouses, health centres, schools, public houses and children’s day nurseries).”*

Accordingly the approach of INDP2 in seeking to protect Craiglands Hotel as a community facility is both internally inconsistent (i.e. the Craiglands Hotel does not fall within any of the categories to which the draft policy refers) and wholly contrary to the NPPF. It therefore fails to comply with Basic Condition A of the Regulations.

In addition to the above, the separate Regulations relating to “Assets of Community Value”⁴ is also of relevance. Such “assets” are defined⁵ as buildings or land which furthers the social well-being or social interests of an area. Importantly those Regulations states that hotels, being residences, are excluded from such a definition. Whilst a separate regime, such an approach is consistent with the NPPF definition of community facilities in not including hotels.

Definition of Craiglands Hotel as a Community Facility

The second part of our Client’s objection to Policy INDP2 is that, in addition to the policy definition conflict, Craiglands Hotel cannot be reasonably deemed to function as a “community facility” of the nature that the policy is seeking to, or ought to protect. As the accompanying letter from our Client clearly demonstrates, the hotel operates as a commercial entity and in way that serves a very limited (and increasingly limited) local function. In particular, we are informed as follows:

- The bar and restaurant, whilst open to the general public derive negligible trade (estimated to be no more than 1% of their custom) from walk-in customers (i.e. those not staying at the hotel). In this regard it is in no way serving the function as a community facility that needs to be protected as such. There is no material use of the bar and restaurant by the community. It is therefore quite different in its operation to the other ‘hotels’ listed within INDP2 (i.e. Cow and Calf Hotel, Wheatley Hotel, Dalesway Hotel, Crescent Inn, Midland Hotel and Station Hotel) all of which function as public houses as their primary (or very significant) purpose, with associated bedrooms. It is appreciated that public houses can perform an important social function as part of a community and as highlighted above are referenced in the NPPF as such a community facility. However, Craiglands is a privately operated commercial hotel, distinct in its functions from these other businesses, which operate as public houses. The Craiglands is therefore not a “community facility” in that regard.
- A large majority of the patronage of the hotel rooms is taken up by coach parties using the hotel as a stopover base (42.35% of room lettings in 2019), the market for which is more sensitive to price, rather than location. This is not serving a local need (other than local employment, like any other business) or serving as a facility to the local community. Furthermore, just 3.5% of rooms let in 2019 were contracted to corporate businesses requiring to be in the local area (which in any event is not a community function). Again this demonstrates the absence of the local function it serves. The remainder of the hotel lettings is more akin to bed & breakfast style operations, the uptake of which is not by the community, but visitors to the area.
- Whilst the owners have recently invested heavily in a new spa and gym facility, it serves a very limited local function. As the accompanying letter confirms, the locally based contribution (i.e. people from the immediate local area to which the draft NP relates) to the spa is less than 5% of total spa treatments, with the majority of customers coming from a much wider area as part of discounted spa breaks. The gym presently has just 33 memberships, with the remainder of its use being by residents of the hotel or the spa. This further highlights that it is not an important or regularly used

⁴ Assets of Community Values (England) Regulations 2012

⁵ As defined in the Localism Act 2011

facility to the local community. In any event it is noted that other standalone gyms in Ilkley are not identified by the policy as representing community facilities.

- Whilst the hotel offers a range of banqueting facilities and the owners have invested in their modernisation, it hosted just 5 locally based events in 2019 amounting to less than 3% of total hotel revenue. This has fallen from in the order of 75 such events in 1999 and the trend is largely attributable to the increasing competition in this time (i.e. Chevin Hotel, Hollins Hall and The Coniston Hotel). The number of weddings the hotel hosts has also fallen in recent times due to the increased range of competition in the local and wider area. Indeed in 2019, of the weddings hosted by the hotel just two were of residents of Ilkley, with the balance coming from people living within the wider Leeds and Bradford conurbation, where clearly Craiglands competes with a multitude of different venues. Whilst the Covid-19 pandemic has restricted the ability to host events in the last 18 months, the information provided by our Client confirms that there are presently just 7 weddings booked in for 2022 and none of these are bookings from people residing in Ilkley (or indeed a 5-mile radius of the hotel).

Reflecting the above, it is clear that the role which Craiglands Hotel plays in serving a local function is both extremely limited/negligible and diminishing. It is very different to many of the other community facilities listed in draft Policy INDP2, insofar as it is a commercial operation that does not serve the local community as its main function. Its local use is both extremely limited and a minor, ancillary part of its operation. Put simply, it is not being used by the local community as such a facility, or operating in such a way. In this regard as a commercial operation serving a wider function, it is quite distinct from the other facilities listed by the policy. Whilst the hotel employs local people, this on its own should also not qualify it as a community facility to be protected in this way; as this applies to varying degrees to any business operation in the local area.

Approach to identifying and listing community facilities

Our Client's final ground for objection relates to the actual operation of the policy itself and its practical application. By seeking to incorporate a list of all existing community facilities, the draft policy only provides a snapshot in time (at the point at which the plan is prepared) and as presently drafted the policy would not apply any protection to a new community facility that may open in future years. Effectively it seeks to preserve Ilkley in 'aspic' and pays no regard to the fact that towns are dynamic and change over time. Ultimately, over the long term the policy would fail to do what it seeks to and indeed facilities which are listed may be undermined by the fact that new facilities, not on the list, will not be subject to such constraints. It would potentially lead to an inconsistent approach being applied to the protection of community facilities. As such, it would not be compliant with the Planning Practice Guidance (PPG) which states that *"a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications."*⁶

The PPG also requires *"Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order."*⁷ In this regard we are not aware of any analysis that underpins the Neighbourhood Plan which seeks to justify the inclusion of the facilities listed.(for

⁶ Planning Practice Guidance –ID: 41-056-20180222

⁷ Planning Practice Guidance - ID: 41-040-20160211

example any consideration of those facilities, and the extent to which they may perform an important or unique local role to the local community).

In the absence of such analysis and reflecting the comments above about its practical application, the policy should be redrafted in a way that it becomes a simpler, but importantly more effective policy that provides a clear and specific definition of the 'type' of community facility (consistent with the NPPF) that the protection afforded by parts a) and b) of the policy would apply to. In doing so it would therefore also protect community facilities in the future that presently do not exist.

A suitable form of wording (leaving the latter part of the policy largely unchanged) would be as follows:

“There will be a presumption in favour of the protection of existing community facilities.

Where planning permission is required, the change of use of community facilities (defined as places of worship, community halls, local clubhouses, health centres, schools, public houses and children’s day nurseries) will only be supported for other health, education or community type uses. When a non-community use (e.g. housing) is proposed to replace, either by conversion or re-development, one of the facilities listed below such development will only be supported when one of the following can be demonstrated:

a) The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking.; or

b) Where facilities are considered to be no longer needed or suitable for continued community facility use, satisfactory evidence is put forward by the applicant that, over a minimum period of 12 months, it has been demonstrated, through active marketing of the site, that its continued use is no longer viable, or there is no longer a need or demand for the facility.” (Underlined text depicts additional wording)

In respect of part b) above the additional reference to uses no longer being viable (as demonstrated through marketing) will provide for a more thorough assessment of the suitability of a facility to remain in continued use.

Such a revision would address our Client’s objections. It would provide a clear definition consistent with the NPPF (satisfying Basic Condition A) also allow for a more consistent approach to be applied by the Policy in contributing towards the achievement of sustainable development. (Basic Condition D of the Regulations). The overall purpose of the policy in protecting community facilities would be strengthened.

Summary / Conclusion

In its current form our Client strongly objects to draft policy INDP2 of the emerging Neighbourhood Plan. The definition of community facilities within the draft policy (and in particular its identification of Craiglands Hotel) is both internally inconsistent and contrary to the NPPF which excludes hotels as such facilities. It has also been demonstrated that Craiglands Hotel does not operate as a “community facility”. The draft policy therefore fails to comply with the basic conditions of a Neighbourhood Plan as required by the Regulations (specifically Basic Conditions A and D). As a minimum therefore, Craiglands Hotel should be removed from the list of community facilities as set out within the policy.

It is also a cumbersome policy that has not been formulated based upon on a robust or well considered evidence base. It only protects facilities listed within the policy as they exist today and would not afford any protection to future such facilities. Its application would not contribute towards the promotion of sustainable development in Ilkley.

A revised and more simplified wording for the draft policy is proposed that would apply protection to all facilities (that both exist now and may exist in the future) that meet a correct definition of a “community facility” as defined by the NPPF. This would make for a more robust and practical policy and one that would satisfy the basic conditions.

We trust that these comments will be taken into consideration as part of the next stage of the preparation and examination of the plan. Indeed, in accordance with paragraph 41-056-20180222 of the PPG, we request that the examiner considers the matters raised by this representation in an oral hearing, to allow for a full examination of the issues raised to take place and to allow our Client a fair chance to fully put forward their case.

Yours sincerely



Darley
Senior Director



Annex 1: Letter from Craiglands Ltd



The local based events for 2019 are;

Ilkley Football Club	Ball	290
Ilkley Swimming Club	Dinner Dance	200
Ilkley Rugby Club	Ball	150
Beef & Beer	Private Dining	244
Ilkley Grammar Winter Ball	Ball	153

The contribution of the above events to total hotel revenue is just 2.8%.

There were 19 weddings held in 2019 of which 2 were couples from Ilkley. Weddings business has dwindled since 1999 with weddings reducing from circa 100 per annum to just 19.

There are just 7 weddings confirmed for 2022. None of these weddings are Ilkley based or within a 5 mile radius.

The hotel was successfully branded as a 'Best Western Plus' property in May 2017 which has helped with tourism business. This has mainly come in the shape of 'tours and groups' business which tends to be price sensitive. As such it provides volume business but with low profit margin.

Tours & Groups contributed 5,286 room nights in 2019 which is 42.35% of total rooms sold.

The remaining rooms are none 'tour and group' leisure business which represents 27 rooms a night, which considerably low. This level of business is more suitable to B&B style operations given the loss making nature of subsequent low level restaurant business.

Out of the 12,482 rooms sold in 2019 just 435 (3.49%) rooms were contracted corporate business requiring to be in the Ilkley area. This equates to just 1.19 rooms per day or 1.89% of occupancy.

The accommodation is massively skewed towards weekend business with very little midweek business.

The Moorside bar and lounge and reception were refurbished between 2016 and 2018. All business generated are from residents of the hotel. Local Ilkley based contribution to this revenue stream is less than 1%

As well as continuing rooms refurbishment works the hotel has benefited from the installation of a spa & leisure club in the basement of the property with the £2m project completing in December 2019.

Best Western Plus The Craiglunds Hotel & Spa

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This included a refurbishment of the brasserie and large parts of the ground floor public areas.

With regards to the spa treatments business most treatments are associated with;

- Residential spa breaks
- Discounted 3rd party business (e.g. Groupon) with the average guest travelling up to 1.5hrs for spa day.
- Ilkley based contribution to the spa business is less than 5% of total the spa treatments business.
-

Memberships tend to be locally driven business. Currently we have just 33 memberships, which are mainly short term memberships (less than 12 month commitments) and have been obtained since December 2019, the opening date of the facility. This number of members is significantly low with a breakeven level considered to be circa 300 members. The remainder of the use of the gym is by guests of the hotel or spa who have complimentary access to the gym and are charged for use of wet facilities.

I hope that this provides you with a clear indication of how the hotel operates. The trading information that I have provided clearly demonstrates that it is serving only a very limited local function. If I can provide any further information to assist you, or Ilkley Town Council then please do not hesitate to get in touch.

Yours Sincerely

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Director
Craiglands Ltd

Best Western Plus The Craiglands Hotel & Spa

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