

Minutes of a meeting of the Area Planning Panel (Keighley & Shipley) held on Wednesday 17 December 2014 in the Council Chamber, Keighley Town Hall

Commenced 1000
Concluded 1125

PRESENT – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Barker	Farley	Naylor
	Lee	
	Ross-Shaw	
	M Slater	

Apologies: Councillors Brown and Abid Hussain

Observers: Councillor Hawkesworth (Minute 48(d)) and Councillor L'Amie (Minute 48(c))

Councillor Lee in the Chair

44. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

45. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

46. PUBLIC QUESTIONS

There were no questions submitted by the public.



47. **PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

The Interim Strategic Director, Regeneration and Culture presented **Document “K”** and **“L”**. Plans and photographs were displayed and/or tabled in respect of each application and representations summarised.

(a) **3 Hollingwood Gate, Ilkley**

Ilkley

Construction of two storey side extension at 3 Hollingwood Gate, Ilkley - 14/04012/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application proposed a two storey side extension to a modern detached house that was stone built and had a tiled roof. The proposed extension would incorporate an integral double garage and amendments to the scheme had been secured in order to provide a 1 metre gap between the side boundary with the adjacent property. Members were informed that the effect on the street scene would need to be considered and noted that representations had been received from a local resident, a Parish and a Ward Councillor. The Ward Councillor had submitted an email that reinforced the objections on the grounds of overdevelopment and overdominance on the street scene and that the proposal did not accord with the Council’s Householder Supplementary Planning Document. The Strategic Director, Regeneration and Culture reported that the integrated extension was appropriate and officers did not believe that the proposal would appear unduly overdominant on the street scene in light of the amendment reached. He then recommended the application for approval subject to the condition as set out in the report.

In response to a Member’s query, the Strategic Director, Regeneration and Culture confirmed that the rear of the property could be accessed from both sides.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture’s technical report.

ACTION: Strategic Director, Regeneration and Culture

(b) **Bradford Hebrew Congregation, Spring Hurst Road, Shipley**

Shipley

Outline planning permission (with all matters reserved) for a residential development of nine houses on the site of the Bradford Hebrew Congregation Synagogue, Spring Hurst Road, Shipley - 14/03667/OUT

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the outline application proposed the demolition of the existing building and the construction of nine houses in principle, with all details to be considered at the reserved matters stage. It was noted that the existing building had been constructed during the 1970s and there was no objection to its demolition. Members were informed that there was a footpath at the end of Spring Hurst Road, Council recreation land to the side and unallocated land to the other side of the site. The existing building was sited below street level and the development would be limited to its current location. The land to the side would not be developed.

The Strategic Director, Regeneration and Culture reported that the site had the capacity to accommodate nine dwellings, which would be constructed in two terraces in order to reflect the properties in the area. He confirmed that the indicative layout proposed a distance of 5.5 metres between the existing properties and those proposed. A number of representations against the application had been submitted, including two from Ward Councillors, as well as three letters of support. It was re-iterated that there was no objection to the demolition of the building and the development of houses. The indicative layout was compatible with the area and the density of 50 dwellings per hectare was appropriate. The site was located within a sustainable location and the scheme proposed an effective use of previously developed land. The Strategic Director, Regeneration and Culture confirmed that there were no highways objections and that the majority of the concerns raised were in relation to the loss of open space, however, the development was now to be limited. He informed that Panel that there were no statutory designations of open space and that the applicant owned the land. In relation to the trees, it was noted that the original plans indicated that they would be removed. The amended plans detailed the retention of the trees, with the exception of two to the front of the site and it was expected that replacement trees would be planted as part of the landscaping scheme. The application was then recommended for approval subject to the conditions as set out in the report.

In response to a Member's question, the Strategic Director, Regeneration and Culture confirmed that there was no evidence that common land was part of the development.

An objector was present at the meeting and stated that:

- They had not had sight of the amended plans.
- Their protests related to overshadowing, however, it now appeared that the development would be sited further away from nearby properties.
- The revised layout provided a workable access.

The applicant's agent was present at the meeting and outlined the following matters:

- The proposal would improve the area, as the building was derelict and an eyesore.
- The proposed outline scheme had been amended and resolved the concerns raised.
- The proposed development would not impact on visual or residential amenity.
- The whole site was privately owned and was not common land.
- The trees, apart from two, would be retained.
- A full bat survey had been undertaken and no activity had been found.
- The Highways Department were satisfied in relation to parking and access.
- The scheme would have a positive impact upon the area.
- The development would not have a detrimental impact on residents.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture's technical report.

ACTION: Strategic Director, Regeneration and Culture

(c) **Site of Former Ashton Court, Lower Holme Park, Otley Road, Baildon**

A full planning application for the construction of a class A1 retail unit (500 sq m) at land at Ashton Court, Baildon, Bradford - 14/04159/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that amendments to the scheme had been secured in relation to the customer entrance and confirmed that a number of conditions had been placed on the application. It was noted that the proposal was for a 500 square metre unit and was part of a wider retail development that had been granted planning permission in 2013. The application was speculative and an occupier had not been identified, however, the applicant was hoping to attract a bulk goods provider. The building would be 7 metres high, which was significantly lower than the office building that used to be on the site and would be a conventional design. It was noted that a retail impact assessment had also been submitted. The Strategic Director, Regeneration and Culture reported that nine objections had been submitted, including one from Ward Councillors and the Parish Council, which raised issues in relation to the position of the customer entrance and that customers may use the residents' only parking. He informed Members that the entrance had now been moved as part of the amended scheme and there were many advantages to the proposed new layout. Pedestrians would be dissuaded from being in the area and a total of twenty-three parking spaces would be provided for the unit. There was also the wider car park for all the stores. The Ward Councillors had since indicated that the amendments went a long way towards resolving the concerns originally raised. In conclusion the Strategic Director, Regeneration and Culture explained that in light of the amended scheme, a number of the conditions that referred to the plans, the delivery hours and the external lighting would need to be changed. An additional condition would also be required to restrict the retail use hours. The application was then recommended for approval subject to the conditions in the report and the aforementioned proposed alterations.

An objector was present at the meeting and raised the following issues:

- She had been a resident of Lower Holme for 32 years.
- The proposal was located very close to residential properties.
- The revised plans showed the relocation of the access, however, it would still be close to residential properties.
- There was scope to move the access further away from properties.
- The applicant had every right to use the existing footprint.
- If the application was approved the position of the signs should be considered, as they would be opposite homes and be obtrusive.
- An existing sign illuminated her kitchen.
- Non-residential traffic was an issue, as the road was used as a rat run.
- Visitors to the retail park used the residents' only parking spaces.
- The access to the loading bay and the prolonged noise it created were issues.
- No information had been provided as to what the proposed unit was to be.
- The Eastern elevation faced onto a mountain of rubble and soil, which prevented public access and there had been no intention to remove it.

In response to a couple of points raised, the Strategic Director, Regeneration and Culture confirmed that a business for the proposed unit had not been identified as yet, however, the signage would be controlled and the site was still in the progress of being constructed.

A Ward Councillor was present at the meeting and raised the following concerns:

- He supported the residents of Lower Holme.
- Residents only parking could potentially be affected and clear signs were required to help enforce the scheme.
- Any illuminated signage should have restricted hours of use.
- The application proposed a retail use and the opening hours would not need to be from 0700.
- An existing retailer opened at 0700, as it was semi-trade, however, 0800 or 0900 would be more appropriate for a retail facility.

In response to Members' queries, the Strategic Director, Regeneration and Culture explained that:

- It had been suggested that the opening hours were the same as those of an existing retailer.
- There was a road between Lower Holme and the site, which provided a separation distance of 12 metres.
- There was a cobbled road in front of the houses and there would be a new light controlled access to the site.
- A residents' only access could be suggested to the developer if the Panel were minded to approve the application.
- The proposed opening hours were currently operated by another retail store on the site.

The applicant addressed the meeting and made the following points:

- He had listened to residents' concerns and altered the entrance.
- No operator had been identified for the store.
- The unit would be located 12 metres from the back of the houses.
- An additional parking bay would be added to the residents only parking and the area would be landscaped.
- The parking bays could be identified as residents only.
- He owned the land but had bestowed it upon the residents.
- Any signage would be subject to a separate application.
- A suggestion would be made to the future operator of the unit that any signage located on the North West elevation should not be illuminated.
- A considerable amount of money had been invested in the site.
- Twenty additional jobs would be created.
- The site had been derelict.
- The development would be an asset to Shipley Town Centre.
- That the application be granted.

During the discussion a couple of Members expressed concerns in relation to the proposed opening hours and requested that the residents parking bays be appropriately signed. It was agreed that the future occupier of the unit should be advised against the use of illuminated signage on the rear elevation.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture's technical report and subject to the amendment of the following three conditions:

Condition 1: “The scheme hereby approved by this permission shall be built in accordance with the following plans/details:

Location plan 253MAR/PL-01A

Site plan 253MAR/PL – 02A

Proposed elevations and floor plans 253MAR/PL- 03A

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.”

Condition 4: “Before development commences on site, details of the type and position of all proposed external lighting fixtures to the building and its external areas shall first be submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways and the amenity of adjoining residents.

Reason: To ensure that the amenities of occupants of adjoining dwellings and highway safety are not duly affected and to accord with Policies TM19A and UR3 of the Replacement Unitary Development Plan.”

Condition 9: “Delivery hours to each of the proposed units shall only take place between the hours of 0700-2200 Monday to Saturday inclusive and there shall be no deliveries on Sundays or Public Holidays.

Reason: To protect the amenity of the occupants of nearby dwellings and premises and to accord with Policy UR3 of the Replacement Unitary Development Plan”

And also subject to the following two additional conditions:

(i) The retail use hereby permitted shall not be open to customers outside the hours of 0900 to 2200 Mondays to Saturdays and from 1000 to 1600 on Sundays.

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

(ii) Before the retail unit is brought into use, the car parking spaces to the rear (North West) of the building shall be marked out into bays in a manner that clearly identifies that they are for the use of residents.

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

And that a footnote be placed on the application that future occupants of the building be advised that illuminated signage on the rear (North West) elevation of the building is not likely to be acceptable to avoid harm to the amenity of occupants of the adjoining dwellings.

ACTION: Strategic Director, Regeneration and Culture

(d) Unit 6 Station Plaza, Station Road, Ilkley**Ilkley**

Change of use from an A1 retail shop to A3 restaurant use at Unit 6 Station Plaza, Station Road, Ilkley - 14/04521/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the unit was currently trading as a clothes store and the application sought a change of use from Class A1 retail to A3 restaurant use only. It was noted that discussions were ongoing with potential occupiers and no external alterations would be undertaken. The drawings submitted indicated that the premises would operate on two levels and provide a possible 80 to 100 covers.

Members were informed that seven objections had been received including one from a Ward Councillor and the Parish Council. The Parish Council had sent a letter that reinforced their objections on the grounds that there were sufficient restaurants and food outlets in the area and that the proposal was contrary to Council policy. A Ward Councillor had also made further comments that the ratio of shops to restaurants in the vicinity was out of scale and parking was problematic.

The Strategic Director, Regeneration and Culture confirmed that the Council's Replacement Unitary Development Plan (RUDP) policies were ten years old and the Panel must look at the National Planning Policy Framework (NPPF), which promoted healthy town centres and consisted of a mix of uses. He reported that Ilkley Town Centre was relatively healthy and restaurants were well represented. It was noted that the current occupiers had objected to the application and that retail outlets were relatively under represented in the area, however, the applicant's agent had stated that A1 retail units were plentiful. There were eight units on Brook Street and six would remain as retail if the proposal was accepted. Station Road had a diverse mix of uses and overall both roads would still have a retail presence. The Strategic Director, Regeneration and Culture indicated that Members would need to consider if the application would have an adverse affect on the area. He stated that officers did not accept that the proposal conflicted with Policy CT5 and noted that there were no objections in relation to highways and conservation. The application for a change of use was then recommended for approval.

In response to Members' queries, the Strategic Director, Regeneration and Culture confirmed that:

- Any external alterations would require a further application and it would be expected that any ventilation equipment would be located to the rear of the property.
- Class A1 use included charity shops.
- The retail use class did not make a distinction in relation to charity shops.

A Ward Councillor was present at the meeting and raised the following issues:

- Her representations were on behalf of Ward Councillors and the Parish Council.
- It was a complex issue.
- The viability of the Town Centre was within the planning remit.
- The proposal would impact on the Town Centre.
- The National Planning Policy Framework (NPPF) stated that competitive town centres should be promoted.
- There were many bijoux shops, restaurants and charity shops in Ilkley.
- The whole issue of charity shops needed to be considered.

- There was a lack of shops that provided retail for the younger population in the Town Centre.
- Ilkley needed a variety of retail outlets as it had a diverse population.

An objector was present at the meeting and made the following comments:

- He was a director of the retailer that currently occupied the unit.
- The company had traded at the premises for 25 years.
- The company was involved in the local community and had held eight fashion shows to raise funds for local charities.
- The store sold mid range ladies and children's wear.
- The company wanted to remain represented in Ilkley.
- An Italian restaurant was interested in leasing the unit.
- The retailer should not be forced to vacate the unit.
- The proposal could lead to class A3 vacancies in the Town Centre.
- The major supermarket scheme was not going ahead.
- There would be a decline in comparison goods.
- Ilkley had an oversupply of restaurants.
- The proposal would be detrimental to the balance of the retail centre.
- Consideration should be given to the prosperity of Ilkley Town Centre.
- The application should be rejected.

The applicant's agent addressed the Panel and reported that:

- The application was not speculative.
- A high quality restaurant, with retail elements, wanted to take over the unit.
- The prospective business could not be named at present.
- The officer's report was comprehensive.
- The application should be determined in line with the NPPF, which did not cover the lease.
- Restaurants were key components of a town centre and added to the vitality.
- Policies CL1 and CT5 of the Council's RUDP permitted restaurant uses.
- The 2013 Retail Study had reported that Ilkley had a strong retail economy.
- Class A3 uses were a key component of the Town Centre.
- Towns needed a mix of uses.
- Charity shops were part of town centres and within the Class A1 use.
- The planning aspect of the proposal should be considered and the application approved.

During the discussion Members raised concerns in relation to the viability and vibrancy of the Town Centre and acknowledged that there already was a day and night time economy. It was noted that the store served a specific population within the Town, however, there was no guarantee that the retailer would be allowed to remain in the premises.

Resolved –

That the application be refused for the following reason:

The proposed change of use would have an adverse impact on the balance of retail and non retail uses at a unique position in this primary shopping street. This would be so great as to adversely affect the character of the shopping street and its attractiveness for shopping and so undermine the vitality and viability of Ilkley Town Centre contrary to Policy CT5 of the Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration and Culture

(e) Decisions Made by the Secretary of State

The Panel noted the following appeal decisions taken by the Secretary of State:

APPEAL ALLOWED

(i) 8 GLEN ROAD, ELDWICK, BINGLEY

Bingley

Construction of detached dwelling and garage - Case No: 14/02028/OUT

Appeal Ref: 14/00103/APPFL2

APPEALS DISMISSED

(ii) 12 HALLOWES PARK ROAD, CULLINGWORTH, BINGLEY

Bingley Rural

Construction of two storey extension to side of existing dwelling - Case No: 14/01360/HOU

Appeal Ref: 14/00093/APPHOU

**(iii) LAND NORTH OF FORMER SCHOOL, STATION ROAD,
CULLINGWORTH, BINGLEY**

Bingley Rural

Change of use from former blacksmiths (B2) to taxi booking office (Sui Generis) - Case No: 14/00551/FUL

Appeal Ref: 14/00075/APPFL2

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

Chair

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