

## Minutes of a meeting of the Area Planning Panel (Keighley & Shipley) held on Wednesday 8 April 2015 in the Council Chamber, Keighley Town Hall

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Commenced 1005  
Concluded 1155

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Brown	Farley
	Abid Hussain
	Lee
	Ross-Shaw

Apologies: Councillors Barker and Naylor

### Councillor Lee in the Chair

#### 57. DISCLOSURES OF INTEREST

The following disclosures of interest were received in the interest of clarity:

Councillor Lee was acquainted with the applicant's relative in relation to Minute 60(f) but had not discussed the application.

***ACTION: Assistant City Solicitor***

#### 58. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

#### 59. PUBLIC QUESTIONS

There were no questions submitted by the public.



## 60. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

### (a) **120 Main Street, Burley in Wharfedale, Ilkley**

### **Wharfedale**

Full application for the change of use of the premises from offices (B1) to a Pilates clinic (D1) at 120 Main Street, Burley in Wharfedale - 14/04989/FUL

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 change of use to a Pilates clinic on the ground and first floor over the hairdressing salon. The site was located in the Burley in Wharfedale Conservation Area and the local centre. On street parking was an issue and Traffic Regulation Orders were in place around the junctions. The Clinic would consist of a reception area, exercise studio, physiotherapy room and kitchen. Members were informed that a petition and a number of representations from local residents and the Parish Council had been submitted against the application. The issues raised were covered within the officer's report. A late objection from the petition lead also reinforced the petition points.

The Strategic Director, Regeneration and Culture reported that the property was situated in the commercial centre of Burley in Wharfedale, it was located in an accessible part of the village and was acceptable in principle. He confirmed that there were no off-street parking facilities, however, there were unrestricted on-street spaces in the vicinity. The previous office use had generated parking requirements and the applicant had provided information in relation to the size of the business. It was noted that the Council's Highways Department had not lodged an objection to the proposed use, however, they had noted the demand on parking but did not consider the business to be a high traffic generator. The property was accessible on foot and by public transport and had a long established office use. The application was then recommended for approval.

### **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) **18 Barley Cote Avenue, Riddlesden, Keighley**

### **Keighley East**

Full application for construction of detached dwelling land at 18 Barley Cote Avenue, Riddlesden, Keighley - 14/04831/FUL

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 the construction of a detached dwelling on a residential street. The site was located below street level and the property would be constructed to the side of the existing bungalow. Previous applications had been refused and an appeal for the construction of four houses had been dismissed on the grounds of visual impact. A scheme for an

extension to the bungalow had been approved in 2013, however, this new application proposed the construction of a detached house. The eaves would be raised, so the property would have three levels and there would be four parking spaces provided to the front, two for the existing and two for the new property. It was noted that Keighley Town Council had recommended approval of the application, however, 14 objections had been submitted from local residents and the issues raised were covered in the officer's report. The proposed property would be the same height as the approved extension and have a similar impact on the street scene. The Council's Highways Department had not objected to the application and it was then recommended for approval, subject to the conditions as set out in the report.

In response to Members' queries, the Strategic Director, Regeneration and Culture confirmed that the distance between the proposed property and Number 20 was 3.3 metres and would be the same if the extension was built. He stated that the drainage would be separate, the footprint would be the same and the gap would be smaller.

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

- It was the sixth application submitted.
- The approved extension would have resulted in single occupancy of the site, however, the new submission would not.
- The usage of the site would be different.
- The applicant had assumed possession of Council land at the front of the site.
- It was an overdevelopment of the area and no different to previous applications.
- There were issues in relation to the street scene.
- The application was a money making scheme.
- There were plenty of houses in the area.
- If the application was approved it would set a precedent.
- The Council was responsible for the grass strip at the front of the site.
- The proposal did not fall under Council policies UDP3, UR3 and D1.
- The original application detailed indicated that the house would be built on a strip of land to the left.
- The proposed dwelling would be small.
- The illustrations were deceptive as the ground fell away.

In light of some of the comments made, the Panel asked further questions and were informed that the land to the front was part of the public highway and the Council would have to be contacted in relation to its use.

During the discussion Members raised concerns in relation to the proposed parking, the effect on the street scene and the intensification of the use of the site.

**Resolved –**

**That the application be refused for the following reasons:**

- (1) The proposal would intensify the residential use of the site and the proposed dwelling is dependent on the forming of off-street parking spaces within part of the public highway and be contrary to Policies TM12 and TM19A of the Council's Replacement Unitary Development Plan.**

- (2) **The proposal would be over dominant on the street scene and on the properties at a lower level to the site on Barley Cote Grove. It would adversely affect the amenity of occupiers of adjoining properties and the street scene, contrary to Policies UR3 and D1 of the Council's Replacement Unitary Development Plan.**

***ACTION: Strategic Director, Regeneration and Culture***

(c) **2 Old Mill Close, Burley in Wharfedale, Ilkley**

**Wharfedale**

Construction of two-storey side extension with single storey rear extension and a single storey garage extension on the front of the dwelling at 2 Old Mill Close, Burley in Wharfedale - 14/04184/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was to construct a two storey side extension with a single storey rear extension and a garage on a partly enclosed site within an open plan estate. The property was a detached four bedroom house which had an existing double garage and driveway. It was noted that six objections had been received and the Parish Council had supported the side extension but not the addition to the garage. The proposed rear extension and the siting of a shed were covered by permitted development. Members were informed that the width of the side extension had been reduced in response to issues raised by neighbours and that the Parish Council had expressed concerns in relation to the garage extension to the front. The Strategic Director, Regeneration and Culture reported that the housing estate was not uniformed and the garage sat back from the street scene. He explained that there was access for a mobility scooter to the garage and that previous approvals had included an almost identical garage extension. The scheme would not seriously affect the character of the street scene, therefore, the application was recommended for approval, subject to the conditions as set out in the report.

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

- He was a resident and was representing a number of residents of Old Mill Close.
- Residents sympathised with the occupants' needs.
- The proposed extension to the garage would not be in keeping with the street scene.
- It was believed that the grassed area would be concreted.
- It had been claimed that the double doors were to allow access for the motorised scooter, however, a better solution would be to have motorised access to the garage doors.
- The garage's double doors and velux window had not been approved.
- Residents were opposed to the side extension as it would extend to the full extremity of the property.
- The proposal was unnecessary and an overdevelopment.
- The previous application that had been granted in 2011 was supported, as it was a smaller extension.
- The approved extension would provide a large bathroom on the ground floor.
- The shed was to be sited 6.5 metres from the garage of Number 4, which was not accurate.
- Inaccurate drawings had been submitted and accurate plans were required.
- The current plan gave the impression that there was plenty of room.
- Land was being claimed from the parking area.

- The shed would not match the existing buildings and it was unclear why such a large one was required.
- Residents were disappointed that they had not been consulted.
- The Parish Council had been misled by inaccurate plans.

In response to Members' queries the Strategic Director, Regeneration and Culture explained that the land claimed by the applicant was detailed within the plans and the proposed velux windows in the garage would let in daylight.

The applicant addressed the meeting and made the following points:

- Planning officers had been consulted prior to submitting the application and the requirements explained.
- The primary need was to future proof the property for his disabled wife and make it wheelchair friendly.
- A bedroom would be located on the ground floor.
- The neighbours had been informed.
- There had been errors in the plans, which had been addressed and new plans had been submitted on 1 December 2014.
- There was no intention to develop over the lay-by.
- It was a quiet road and the lay-by was not over used.
- The reclaimed land belonged to Number 2 and only a small portion would be used.
- The tree threatened the drainage and had been highlighted when he had bought the property.
- The shed would be used for gardening purposes.
- The garage would house vehicles.
- There were no environmental issues.
- The garage extension had been passed. Only the doors and windows required approval and they were required for light purposes.
- The drive could currently accommodate many cars.
- He would project manage the scheme.
- Revised plans had been submitted as the proposal had been reduced in size.
- The size of the property would be similar to others in the area.
- The proposed extensions were not unreasonable.
- The scheme would future proof the property.

**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***

(d) **32 Grange Road, Riddlesden, Keighley**

**Keighley East**

Householder application for the construction of a dormer window and a porch to the front elevation of 32 Grange Road, Riddlesden, Keighley - 15/00100/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was for the installation of a front dormer and front porch on a semi detached property that occupied a corner plot. It was noted that work had been undertaken on the property but had now ceased and there was a previous planning permission for a side and rear extension.

Alterations to the roof had commenced and complaints had been received, however, the changes were within permitted development rights and the extensions were currently being constructed to approved plans. The submitted plans had not mentioned the change of the roof design from hip to gable or the installation of a dormer, but these were also within permitted development rights. Dormers installed at the front of the property did require planning permission and, therefore, an application had been submitted. In relation to the porch to the front door, it was noted that permitted development rights covered structures up to three square metres and the proposal was slightly over, so it had been included within the proposal.

The Strategic Director, Regeneration and Culture reported that a number of objections and a petition against the proposal had been received and the issues were outlined within the officer's report. He confirmed that the normal separation distances had been achieved and there were no privacy issues. It was noted that there were no other dormers to the front of properties in the area, however, the proposal complied with the Council's Householder Supplementary Planning Document. It would be a box style, no more than three metres wide and set back from the roof ridge. The materials would match the roof and cladding would not be used, therefore, the proposed dormer would comply with the Council's design principles. In relation to noise issues, the Council's Enforcement Team had advised neighbours and would be monitoring the site. Private legal matters were also involved and the adjoining neighbour would need to approach a solicitor. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- The application was opposed.
- The proposal would add to a substantial rear and side extension.
- The applicant had stated that there would not be any detriment to the adjoining property.
- The roof had been removed on Christmas Eve and had left a gap and there was now damp on the party wall.
- Ward Councillors had seen the damage.
- The building work had caused a detrimental affect on their lives.
- The unfinished work required a party wall survey.
- The dormer would be out of character and have a drastic impact on the street scene.
- There were health and safety implications.
- Neighbours should be considered.
- The property should be made secure and water proofed.

Another objector was present at the meeting and stated that:

- The proposed dormer and porch were against the street scene and out of character.
- There was no provision for additional parking.
- The original plans proposed a six bedroom dwelling and had been rejected in August 2013.
- The submitted plans did not show that the rear had been already been developed.
- The rear dormer and the extension had not been mentioned.
- If the original house had not been suitable for a large family, why extend it from a three to a six bedroom property.

The applicant addressed the Panel and reported that:

- His family had increased and he needed to extend the property.
- He had submitted an application for an extension in August 2013, but the plans had been refused.
- He had contacted the Planning Department and requested advice.
- There would be seven people in a three bedroom house.
- The house was for his family.
- He had five children aged from one to eighteen years.
- There was only one car.
- It had been suggested that the loft be utilised and that as long as it complied with Council policies it would be acceptable.
- An application for the front dormer had been submitted, then amended and it was now set back.
- The neighbour had made unreasonable demands, so he had not agreed to them.
- A structural engineer had been employed to design an 'A' frame to bear the load so a party wall agreement would not be required.
- The neighbour had said that the damp in the dining room was present before and there was no damp in his property.
- The extension was for his immediate family.
- There was a driveway to the rear and there used to be a garage.
- The footprint would be the same.
- The proposal was not for financial gain.
- The development was within planning policy guidelines.
- There were similar properties in the area.

In response to a Member's question, the Strategic Director, Regeneration and Culture explained that the construction work to the rear did not require planning permission.

During the discussion concerns were raised in relation to the proposed dormer window to the front of the property due to its affect on and alteration to the street scene.

#### **Resolved –**

**That the application for the dormer window be refused for the following reason:**

**The introduction of the dormer window to the front elevation would have a detrimental effect on the street scene due to no other such dormer windows existing in the vicinity. It would harm the character of the area and be contrary to Policies UR3 and D1 of the Council's Replacement Unitary Development Plan**

***ACTION: Strategic Director, Regeneration and Culture***

(e) **Black Hat Public House, 11 Church Street, Ilkley**

**Ilkley**

Full planning application for the retention of three sheds to the rear beer garden/courtyard area for drinking and/or dining use and replacement fence with gate at Black Hat Public House, 11 Church Street, Ilkley - 14/05357/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the property had been formerly known as The Rose and Crown and had now been rebranded as The Black Hat. The application was retrospective and proposed the retention of three sheds to the rear of

the building that were used for outside drinking and dining. The site was within the Ilkley Conservation Area, however, the Council's Conservation Team had considered that the sheds would only have a limited impact.

**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***

**(f) Silsden Golf Club, Brunthwaite Lane, Silsden**

**Craven**

Change of use from function and changing rooms to detached dwelling and alterations to club facilities at Silsden Golf Club, Brunthwaite Lane, Silsden - 14/05160/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was to change the use of the function room and changing rooms of the Golf Club which was located within the Green Belt. The buildings had been constructed in the 1990s and a pathway existed between them. The function room had been used for all purposes by the members and the golf facilities would be relocated to the two storey building. Members were informed that part of the proposal was to remove a section of the lower car park and restore it to grass with some parking provision. The alterations to the windows were acceptable and the footprint of the building would not be extended. There was a public footpath across the site and the garden would stop short of it. The car park would retain 72 spaces.

The Strategic Director, Regeneration and Culture reported that Silsden Town Council had made representations against the proposal and a Ward Councillor had requested that the application be referred to the Panel for determination. He stated that the original idea had been for the function room to generate income, however, the building had been a liability and it was located too far from public transport and did not have any accommodation. The Club had been in receivership and the sale of the building for a conversion to a dwelling would help the continuation of the Club. The smaller two storey building would be sufficient for members. It was noted that the proposed use would be less intensive than the function room and no objections had been received from the Council's Highways Department. The scheme would benefit the landscape as part of the car park would be converted back to a garden. The National Planning Policy Framework (NPPF) and Policy GB4 permitted the use of existing buildings in the Green Belt. The Strategic Director, Regeneration and Culture had requested further information from the Club who had stated that the two storey building would be adequate for their future needs. He explained that the Ward Councillor had indicated that funding was provided by the lottery, however, it would be up to the fund providers to take up any issues. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- The Club had worked closely with the Planning Department.
- All the issues had been resolved.
- The scheme was recommended for approval.
- The Club had been in receivership since 2013.
- The membership was falling and the large function room had not been used.
- Only two offers to buy the property had been received since 2013.



- Members had agreed to the proposal to retain the club and change the use of the function and changing rooms.
- Sport England had supported the proposal.
- If the application was not approved only one other offer was available and the Golf Club would no longer exist.

**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***

**(g) Request for Enforcement/Prosecution Action**

**(i) 130 Main Street, Wilsden, Bingley Bingley Rural**

Untidy Land - 14/00575/215DS

The Planning Manager (Enforcement and Trees) authorised the issuing of a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the land to be cleared under delegated powers on 3 March 2015.

**(ii) 16-18 Kirkgate, Silsden Craven**

Installation of solar photovoltaic equipment upon the front roof slope of the property - 14/01041/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 04 March 2015.

**(iii) Land at 178 Skipton Road, Keighley Keighley Central**

The construction without planning permission of dormer windows to the front and rear elevations of the property - 12/00723/ENFAPP

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 11 March 2015.

**(iv) 7 Claremont Grove, Wrose, Shipley Windhill and Wrose**

Unauthorised front dormer window - 14/00847/ENFUNA

The unauthorised front dormer window remains in place and on 9 March 2015 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

**(v) Land at Grid Ref 402827 434490, Hebden Bridge Road, Oxenhope, Keighley Worth Valley**

Construction of two outbuildings and a shelter - 14/01072/ENFCOU

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 24 February 2015.

**Resolved –**

**That the decisions be noted.**

***ACTION: Strategic Director, Regeneration and Culture***

**(h) Decisions Made by the Secretary of State**

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

**APPEALS ALLOWED**

**(i) 1 Fairway, Shipley Shipley**

Resubmission of 14/00504/HOU - Construction of two storey side and rear extension with part single storey rear extension - Case No: 14/01675/HOU

Appeal Ref: 14/00076/APPHOU

**(ii) 117 Emily Street, Keighley Keighley Central**

Retrospective application for dormer window to the front elevation - Case No: 14/01076/HOU

Appeal Ref: 14/00078/APPHOU

**(iii) 19 Thornacre Road, Shipley Windhill and Wrose**

Two-storey side extension - Case No: 14/04323/HOU

Appeal Ref: 15/00021/APPHOU

**(iv) 2 Greenwood Road, Baildon Baildon**

Construction of garage within front garden - Case No: 14/04131/HOU

Appeal Ref: 15/00022/APPHOU

**(v) 3 Peasborough View, Burley In Wharfedale, Ilkley Wharfedale**

Construction of two storey side and single storey front and rear extension - Case No: 14/03505/HOU

Appeal Ref: 15/00017/APPHOU

**(vi) The Old Barn, Beck House, Beck Road, Micklethwaite, Bingley Bingley**

Construction of double domestic garage and log store - Case No: 14/02009/HOU

Appeal Ref: 14/00089/APPHOU

**APPEALS DISMISSED**

(vii) **1 Shannon Close, Ilkley**

**Ilkley**

Construction of double garage - Case No: 13/05211/HOU

Appeal Ref: 14/00071/APPHOU

(viii) **11 Rocklands Avenue, Baildon**

**Baildon**

Two dwellings in existing vacant plot - Case No: 14/00846/FUL

Appeal Ref: 14/00097/APPFL2

(ix) **22 Kings Road, Bingley**

**Bingley**

Construction of a new three-bedroom terrace house - Case No: 14/02722/FUL

Appeal Ref: 15/00007/APPFL2

(x) **36 West Lane, Baildon**

**Baildon**

First floor extension - Case No: 14/03478/HOU

Appeal Ref: 15/00020/APPHOU

(xi) **38 Rose Meadows, Keighley**

**Keighley West**

Construction of single storey rear extension - Case No: 14/02879/HOU

Appeal Ref: 14/00141/APPHOU

(xii) **49 Dale View Road, Long Lee, Keighley**

**Keighley East**

Retrospective application for conservatory, retaining wall, raised yard and timber fencing -  
Case No: 14/01994/HOU

Appeal Ref: 14/00115/APPHOU

(xiii) **6 Moorfield Avenue, Menston, Ilkley**

**Wharfedale**

Construction of two-storey extension - Case No: 14/01037/HOU

Appeal Ref: 14/00074/APPHOU

**Resolved –**

**That the decisions be noted.**

***ACTION: Strategic Director, Regeneration and Culture***

61. **OMBUDSMAN COMPLAINT REFERENCE 14 007 171**

The Assistant City Solicitor and the Assistant Director, Planning, Transportation and Highways submitted **Document “T”** which requested that Members noted and accepted the recommendations of the Ombudsman that related to the failure of the Council to record its reasons for granting planning permission to change a public house into a place of worship.

**Resolved –**

- (1) **That the Ombudsman’s conclusions and recommendations in relation to Complaint number 14 007 171 be noted and accepted.**
- (2) **That the need to ensure that Planning Members (including alternates) give adequate reasons for decisions, particularly where they wish to go against officers’ advice, be re-emphasised in the forthcoming Members’ training programme.**
- (3) **That it be noted that the Assistant City Solicitor has apologised to the Complainant, on behalf of the Council, for the need to make the complaint.**

**ACTION:** *Assistant Director, Planning, Transportation and Highways*  
*Assistant City Solicitor*

Chair

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

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THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER