

# Minutes of a meeting of the Area Planning Panel (Keighley & Shipley) held on Monday 29 June 2015 in the Council Chamber, Keighley Town Hall

Commenced 1005  
Concluded 1220

## PRESENT – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Miller	Bacon	Naylor
M Pollard	Abid Hussain	
	Shabir Hussain	
	M Slater	

Apologies: Councillor Farley

Observers: Councillor B M Smith (Minute 4(a), (c) and (d)) and Councillor Khadim Hussain (Minute 4(g))

## Councillor Shabir Hussain in the Chair

### 1. DISCLOSURES OF INTEREST

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

Councillor Abid Hussain had been involved with the press, but had not contacted the applicant in relation to Minute 4(f).

Councillor Naylor was a Member of Silsden Town Council but had not seen or discussed the planning application in relation to Minute 4(g).

***ACTION: Assistant City Solicitor***

### 2. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



### 3. PUBLIC QUESTIONS

There were no questions submitted by the public.

### 4. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

The Strategic Director, Regeneration and Culture presented **Document "A"** and **"B"**. Plans and photographs were displayed and/or tabled in respect of each application and representations summarised.

#### (a) 2 Hollin Hall Drive, Ilkley

Ilkley

Full application for the extension and alterations to the rear elevation of the existing property and alterations to the roof space at 2 Hollin Hall Drive, Ilkley - 15/01251/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 was for extensions to the front and rear of a detached house along with a proposal for the roof to be raised in order to provide additional bedroom accommodation. The proposed single storey rear extension would be four metres deep and have a balcony on top and the dense shrubbery at the bottom of the garden would provide screening. It was noted that ten objections had been submitted, including one from a Ward Councillor and the issues raised were covered in the officer's report. Amendments to the development had been submitted in order to provide additional screening to the side of the balcony and the existing boundary would be retained. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- There was a small balcony in existence, but the new proposal would be twice the size of a small garage and could be used for entertaining.
- The proposed balcony would be located on the north of the property and not the south, so why was it required?
- The scheme would increase the number of bedrooms from four to six.
- Previous applications for an extensive balcony had been discouraged.
- There was no need for a balcony of that size.
- The rear gardens of adjoining properties would be overlooked.
- The proposal failed on items two and three of the National Planning Policy Framework (NPPF).
- The proposal was against Council policies.
- The application should be refused.

In response to the comments made, the Strategic Director, Regeneration and Culture stated that each case was considered on its own merits and the effects on neighbours had been considered.

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

- A larger balcony was proposed to replace the existing small balcony.
- The proposed side screens would not stop the overlooking of numbers 4 and 20.
- The balcony area amounted to approximately 48 square metres and permitted the panoramic view of neighbours' gardens.

- Neighbouring gardens would be overlooked and neighbours would be able to see the balcony.
- The proposed balcony could be used as an entertainment area.
- The existing balcony did not have any screening, however, it was not able to be used.
- A metal staircase would be noisy.
- The proposed balcony would not be a replacement for the original.
- The design would not afford privacy for neighbours.
- The size of the proposal would be dominant on the area and neighbours.
- The hedging between numbers 2 and 4 provided a degree of privacy but gardens would be overlooked from the balcony.
- Hedges were not permanent.
- The proposal would result in the loss of amenity and privacy of neighbours and would be overdominant and overbearing.

In response to some of the comments made, the Strategic Director, Regeneration and Culture explained that the solid permanent boundary to the side of the property would channel views down the garden. He confirmed that the screening would assist in relation to the indirect views. It was a residential property and the use of the balcony would be weather dependent.

The applicant was present at the meeting and stated that:

- His family and elderly parent had moved into the property two months ago.
- The proposed extension was for the family's use and his elderly parent enjoyed the open space.
- The proposal aimed to create an outside area so that the family could be together.
- It was a family home and had not been purchased for developing.
- The proposal had been amended in light of comments received.
- He was a good neighbour and would try to resolve any issues.
- The property was located forward of the other houses and did not look into other houses or gardens.
- The existing balcony was more open and permitted views of neighbours' properties.

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

- It was unclear who owned the far end screening, however, it was in the interest of both parties that it be retained for privacy.
- The proposed extension would be 4 metres in depth and the stairs would protrude a further 2 metres.
- If the stairs were internal then accommodation would be lost inside. It would be possible to secure access to the garden and it was not thought that the metal stairs would create a noise issue.
- The distance to the boundary of the garden that was overlooked was between 12 and 15 metres.

**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) 61 Leeds Road, Shipley****Windhill & Wrose**

Full application for change of use from car sales/valeting & hand car wash to car sales, valeting & office at Land at 61 Leeds Road, Shipley - 15/00876/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 was retrospective for the change of use from a car sales, valeting and hand car wash to car sales, valeting and office. The premises had been in use for car sales and wash for a number of years, however, over the years the emphasis had become predominantly more sale based. Local residents and businesses had raised objections to car parking issues and enforcement enquiries had been undertaken. It was noted that the correct details of the use of the site had now been received and the Council's Enforcement Team could now progress the matter. A customer parking area was available for use at all times and the Council's Highways Department had not objected to the proposal. Parking on the highway was also not a planning matter. The Strategic Director, Regeneration and Culture informed the Panel that a Ward Councillor had indicated that the use of the site was not an issue, however, the lack of available customer parking had caused considerable distress to local residents and had requested that the matter be managed on the site. In conclusion the application was recommended for approval, subject to the conditions as set out in the report.

**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) Craiglands Hotel, Cowpasture Road, Ilkley****Ilkley**

An application seeking the removal of Condition 2 on planning application 13/04578/FUL. Craiglands Hotel, Cowpasture Road, Ilkley - 15/00575/VOC

Prior to the presentation, a Member stated that applications to vary the conditions had previously been considered and the original approval was being altered piecemeal. In response the Assistant City Solicitor confirmed that amendments to the original application were permitted under planning law.

The Strategic Director, Regeneration and Culture then gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was to remove condition 2 of the planning permission granted in October 2014. The site was currently used as a car park and was located in a conservation area and next to a Special Protection Area (SPA) and Site of Special Scientific Importance (SSSI). Representations had been received from the Parish Council and residents with regard to car parking in the vicinity. It was noted that condition 2 restricted the use of the facility to hotel guests only due to the capacity of the remaining car park and highway safety issues. A Traffic Regulation Order (TRO) had been suggested at the time, however, it had not been considered necessary as the condition had specified that the use would be for guests only. The Strategic Director, Regeneration and Culture reported that the removal of the condition was due to the viability of the hotel and that the Council's Highways Department supported the proposal subject to alternative mitigating measures that were detailed within the officer's report. He confirmed that the applicant would be prepared to fund the

implementation of a TRO, which would prevent or control the parking in the area and alleviate the impact of the removal of the condition. A suitable Section 106 Legal Agreement would also be required. The application was then recommended for approval, as it would not have a significant impact to the detriment of neighbours and highway safety.

In response to questions, Members were informed that:

- The site was located close to the town centre and there were public parking areas nearby. The hotel did have parking issues but these were mainly when functions or events were taking place and not on a daily basis.
- The TRO would deal with the problems highlighted and the existing restrictions would be extended to the surrounding streets. The Council's Highways Department had not submitted any objections.
- The TRO would cover the unprotected residents parking.
- The impact of the Spa facility in conjunction with the removal of condition 2 had been taken into account. Highway safety had been considered and the location of yellow lines would be subject to consultation with local residents. Parking would probably be displaced, however, the impact of the Spa would not be severe enough to warrant refusal of the application.
- The TRO could be amended.
- Another application had been submitted that proposed the construction of sheltered housing on the site but it would not be considered for some time.

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

- It was important that condition 2 remained especially over the weekend period.
- It was accepted that yellow lining was required now.
- The photographs did not detail the parking on a weekend.
- Car parking in the area was already substantial.
- Vehicles parked on the road even when the car park was not full.
- The existing car park should be utilised correctly.
- The highway works should be referred to the local councillors and parish council.
- Condition 2 should be retained.

**Resolved –**

**That the removal of Condition 2 be approved subject to the completion of a Section 106 Agreement to fund and implement a Traffic Regulation Order (TRO).**

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

(d) **Hadfield House, Old Lane, Ilkley**

**Ilkley**

Full application for the construction of a single detached dwelling at the side of Hadfield House, Old Lane, Ilkley - 15/00873/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 for the construction of a detached house in the grounds of Hadfield House that would be sited near to the gate off Old Lane. The development would be contemporary in design and mostly be two storey with car parking and a garage. A new access would be created along with parking provision for Hadfield House and the separation distances between the

two premises were acceptable. Members were informed that representations had been received from the Ilkley Civic Society and a Ward Councillor, however, the Parish Council had recommended that the application be approved. Officers believed that there was adequate space on the site and the proposed house had been designed to fit into the corner plot. It would not overdominate or compromise the existing dwelling and the materials would match. It was noted that that sufficient boundary hedging would be retained and the trees that had been removed had not been protected. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- The proposed dwelling was to be built on the eastern side of the boundary which raised issues.
- There would be a significant impact on the street scene.
- The proposal would affect the existing tree to the west of the entrance and it would need to be protected.
- There was a one way system on Old Lane to discourage the use of Cowpasture Road due to visibility issues.

The Strategic Director, Regeneration and Culture confirmed that the Council's Highways Department had not objected to the proposal and natural stone and render would be used in the construction.

The applicant's agent was present at the meeting and made the following points:

- It was a very large site and both properties would have substantial plots.
- The proposed materials responded to Highfield House and natural stone would be used.
- Neighbours had not objected to the development.
- None of the trees were protected, however, those on the boundary would be retained.
- The Council's Tree Officers had not raised any concerns but had requested that a condition to protect the trees during construction be placed on the application.
- The proposed dwelling had a unique design, complied with policies and was not an overdevelopment.
- The existing access would be retained for the proposed property and the new access would not have an impact on highway safety.

**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***

(e) **Land South of Moor Lane, Addingham**

**Craven**

Outline application with all matters reserved for a residential development of up to five houses at Land South of Moor Lane, Addingham - 15/00773/OUT

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was outline on land that was allocated as "safeguarded" with all matters reserved for five

houses and the layout was indicative to show how the site could accommodate five dwellings. The site abutted land where permission for 11 dwellings had been granted and the proposed housing was compatible with the adjoining use. It was noted that the Parish Council had objected to the development stating that the site was not sustainable, however, the scheme would be a modest scale and not overwhelm local services. The indicative layout showed that five dwellings could be accommodated on the site, though issues would need to be resolved at the reserved matters stage.

Members were informed that the site was in close proximity to Addingham Moorside, which was part of the South Pennine Moors Special Protection Area (SPA). All details in relation to design and layout would be dealt with at the reserved matters stage and a suitable access could be formed with the retention of drainage ditches. The Strategic Director, Regeneration and Culture confirmed that the Council's Highways Department had not raised any objections to the proposal and the development would not commence until the details of a drainage scheme had been approved. He stated that that land was safeguarded for future development and that residential use was compatible with adjoining sites. All issues would be considered at the reserved matters stage and the application 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 reported that the moorland was protected and the applicant's ecological evidence indicated that it was not inhabited. He agreed that it would be preferable to consider the full safeguarded land area, which consisted of two fields off Moor Lane, however, it could not be insisted that the sites were joined.

The applicant's agent application addressed the meeting and made the following statements:

- There was a group of four fields that were safeguarded.
- This was the third application and was outline only.
- The site had been assessed by the Council as appropriate for housing.
- The principle of development was acceptable.
- The use of safeguarded land was now required.
- The conditions placed on the application were adequate and more stringent controls could be imposed at the reserved matters stage.
- One reserved matters application could be submitted for the two sites.
- That the application be approved.

#### **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) **Victoria Hotel, Cavendish Street, Keighley**

**Keighley Central**

Full application for conversion of existing public house and hotel into four retail units on the ground floor with associated external changes and the creation of nine self-contained units - 15/01468/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 convert the building into four retail units and nine residential flats. Representations had

been received in relation to the original application, seven more representations had been submitted in respect of the amended scheme and the issues raised were covered within the officer's report. Members were informed that no end users had been identified at present and that the flats were a good use of the first and second floor accommodation. The conversion proposals involved very few changes and conditions had been placed on the application on order to control the details of the scheme and the materials to be used. The Strategic Director, Regeneration and Culture reported that it was a land locked site that did not have any car parking provision, however, it was located in the town centre and close to the railway and bus stations and other services. He stated that bin storage was an issue and that the existing facility was insufficient, therefore, an internal store had been requested. The scheme would bring a disused building back into use and the application was then recommended for approval, subject to the conditions as set out in the report.

In response to a Member's query regarding the number of refuse bins, the Strategic Director, Regeneration and Culture indicated that four would be provided for the retail units and an area on Cavendish Street would be made available for the residential refuse. It was assumed that the Management Company would oversee the matter.

During the discussion Members raised concerns in relation to the lack of refuse storage available and a suggestion was made that the internal space could be reconfigured to accommodate the waste bins. It was also acknowledged that the proposal would bring a disused building back into use and provide residential accommodation.

#### **Resolved –**

**That the application be deferred in order to allow officers to consult with the applicant in relation to the bin storage issue and that the amended application be resubmitted to the Panel for further consideration.**

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

#### **(g) Laithe Bank Bungalow, Low Lane, Silsden**

#### **Craven**

Householder planning application for construction of extensions and adaptations to dwelling to provide disabled accommodation at Laithe Bank Bungalow, Low Lane, Silsden - 15/00922/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 adaptations and extensions to a bungalow that was sited in the Green Belt. It was noted that modest extensions could be permitted to existing buildings, however, they must not result in disproportionate dwellings. The existing dwelling was a modest bungalow and the proposal would enlarge the dwelling in order to provide accommodation for family and elderly parents, one of whom was disabled. The Strategic Director, Regeneration and Culture indicated that normally extensions that exceeded 30% of the original volume were classed as disproportionate, however, in view of the disability it had agreed that the extension could be larger but the proposal went beyond that agreed. He confirmed that the height of the existing house would be raised, extra ground floor accommodation would be provided and the garage converted. The double garage would be replaced and additional extensions added. Members were informed that the total floor space would increase by 260% and this would be harmful to the Green Belt. The property would be bulky and imposing and affect the openness of the Green Belt and the character of the landscape. In conclusion the development would be a disproportionate increase and contrary to the Green Belt policy. It was then recommended that the application be



refused as per the reasons set out in the report and noted that Silsden Parish Council also supported a refusal.

The applicants' agent was present at the meeting and made the following comments:

- The population was increasing and this was set to continue.
- Three generations of one family were to live together in order to provide support to a disabled relative.
- The statement within the report that the proposal was in excess of the requirements was challenged.
- All six family members would require their own space.
- Some of the proposal could be undertaken under permitted development rights.
- The application acknowledged that it was a Green Belt site.
- All the outbuildings would be demolished.
- An offer had been made in relation to the garages, however, it had not been accepted by officers.
- The extension was required for the extended family.
- The property had been chosen due to its scope to extend.
- There were a wide variation of dwellings in the vicinity.
- The scheme provided a commitment to in-family care.

A Councillor in support of the applicant was present at the meeting and explained that he acknowledged the special circumstances involved which were not a luxury but a necessary requirement that would enable the family to support elderly relatives.

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

- An appropriate percentage increase for extensions in the Green Belt could not be designated. The requirements of the family and the disabled person would need to be taken into consideration. However, an appropriate amount would be lower than the proposed scheme.
- Each case was considered on its own merits. There was a need to minimise the effect on the Green Belt by providing a balance and reducing the harm.
- The applicants had not lived at the property at the time of the application submission.

The applicants' agent informed the Panel that the applicants were prospective purchasers and did not currently live in the property. He confirmed that the proposed scheme would provide five bedrooms, including one for the disabled relative, for the six family members. It was a unique situation and the property could accommodate the family.

During the discussion a Member acknowledged the comment within the report that other more suitable dwellings could be available that would achieve the applicants' requirements.

**Resolved –**

**That the application be refused for the reasons as set out in the Strategic Director, Regeneration and Culture's technical report.**

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

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

(i) **50 Queen Street, Steeton with Eastburn** **Craven**

Construction of fencing and gate adjacent to the highway - 14/00218/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 9 June 2015.

(ii) **70 Victoria Road, Saltaire, Shipley** **Shipley**

Installation of windows to the rear elevation of the property - 15/00209/ENFLBC

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 9 June 2015.

(iii) **Bronte Park Nursing Home, Bridgehouse Lane, Haworth, Keighley** **Worth Valley**

Installation of boiler with two external flues to building - 15/00079/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 9 June 2015.

**Resolved –**

**That the decisions be noted.**

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

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

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

**APPEALS ALLOWED**

(i) **19 Albany Walk, Ilkley** **Ilkley**

Division of existing dwelling to form 2 dwellings, rear extension, new front door to front elevation, lowered garden terrace area to front garden, new front door to front elevation and lowered garden terrace area to front garden - Case No: 14/01672/FUL

Appeal Ref: 15/00010/APPFL2

(ii) **The Grange, Woodfield Road, Cullingworth, Bradford** **Bingley Rural**

Appeal against Enforcement Notice - Case No: 13/00774/ENFUNA

Appeal Ref: 15/00024/APPENF

**APPEALS DISMISSED**

(iii) **12 Manley Road, Ilkley**

**Ilkley**

Retrospective construction of new raised patio to rear - Case No: 14/04953/HOU

Appeal Ref: 15/00037/APPHOU

(iv) **162 Warren Lane, Bingley**

**Bingley**

Replacement of existing garage - Case No: 14/04871/HOU

Appeal Ref: 15/00045/APPHOU

(v) **30E Park Road, Bingley**

**Bingley**

Appeal against Enforcement Notice - Case No: 13/00566/ENFUNA

Appeal Ref: 14/00127/APPENF

(vi) **30F Park Road, Bingley**

**Bingley**

Appeal against Enforcement Notice - Case No: 13/00567/ENFUNA

Appeal Ref: 14/00129/APPENF

(vii) **39 Southway, Eldwick, Bingley**

**Bingley**

Appeal against Enforcement Notice - Case No: 13/00940/ENFCOU

Appeal Ref: 15/00006/APPENF

**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.**

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