

During the meeting and in the interests of transparency Councillors Lee and Abid Hussain disclosed, in respect of the item relating to Land to the West of 300 Spring Gardens Lane, Keighley (Minute 4(k)), that they had been Members of the Panel when an application for an adjoining site had been determined.

During the meeting and in the interests of transparency Councillor Miller disclosed, in respect of the item relating to Land to the West of 300 Spring Gardens Lane, Keighley (Minute 4(k)), that he was acquainted with one of the objectors in attendance at the meeting.

2. MINUTES

Resolved –

That the minutes of the meetings held on 27 January, 16 February and 23 March 2016 be signed as a correct record.

ACTION: City Solicitor

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

4. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) **5 West View, Wells Road, Ilkley** **Ilkley**

Full application for the conversion of eight bed-sit flats into five self contained apartments – 16/02397/FUL.

A representative of the Civic Society spoke in objection to the proposal raising the following points:

- This was a key unlisted building and was in the centre of the Conservation Area.
- The Heritage Statement had not been updated.
- The flat roof and the dormer windows remained a concern.
- There was insufficient space for bin storage.

The applicant’s agent made the following comments in support of the application:



- Records suggested that the property had originally been converted in 1997. It had now been unoccupied for a significant period of time and its neglect was apparent. This proposal was an opportunity to secure investment and the re-use of this building.
- The relevant drawings indicated the bin storage provision.
- No traces of bats had been observed on the site but no physical alterations were proposed to the roof in any case.
- The garages would be demolished.
- Any damage to boundary walls was a civil matter.
- Two trees were to be removed. One, a Sycamore, was not apparent in the streetscene; the other, a Laurel, was not appropriate in the context and was positioned too close to habitable rooms; this would be replaced with a more suitable alternative.
- It was considered that this application exemplified the proactive approach to planning with amendments having been made to the scheme and many issues resolved prior to this point. The Parish Council now recommended approval.
- There was a chronic shortage of housing in the district.
- This development would offer a high standard of accommodation.
- The proposal accorded with the requirements of the National Planning Policy Framework and the Replacement Unitary Development Plan.

Members noted that the applicant had done what had been requested in terms of amending the proposal and the officer's recommendation was accepted.

Resolved –

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

ACTION: Strategic Director, Regeneration

(b) **53 Mallard View, Oxenhope, Keighley** **Worth Valley**

Householder application for the construction of two single storey extensions to the rear – 16/00612/HOU.

The Strategic Director responded to questions from Members, as follows:

- In normal circumstances the extension to the side would have been allowed under permitted development rights but these had been removed at the time that the properties had been built.
- The roof to the proposed extension to the gabled elevation sloped away from the boundary, the measurement to the peak was 3.95 metres.

A Parish Councillor made the following comments:



- There had been an application for an extension to this property last year and the Parish Council had considered that it was oversized, out of proportion and would have an adverse effect on the adjacent property.
- This proposal would be higher than the previous one as that had included a flat roof.
- The development would cause overshadowing; sunlight only reached the adjoining property, No. 55, from the west in the afternoon and this proposal would remove that leaving the garden feeling like a prison enclosed behind a large fence.
- The accuracy of the plans was of concern; the property appeared to have been drawn as a detached house which was misleading.
- This proposal was more intrusive than the previous one.

The Strategic Director said that planning agents were encouraged to indicate other properties on the plans but assured the Panel that officers visited every site. He was well aware that this property was situated within a row of properties (not detached) and the photographs before the Panel also showed this clearly. The effect on the adjoining property had been assessed.

In response to a question about whether the present proposal was higher than that refused previously he said that the previous application had incorporated a flat roof whereas the current one had a pitched roof.

A Ward Councillor outlined objections to the application, as follows:

- She had visited the site at different times of the day.
- The boundary fence was a fairly new addition.
- The neighbours were very concerned about the impact of the proposed extensions on their quality of life.
- It was considered wrong that their property had not been shown on the plans.
- The subject property already projected outwards and already affected light to a large proportion of the neighbours' garden area. There were issues with drainage; surface water in the garden did not dry up.
- The kitchen window was very close to the boundary wall. Any increase in the size of the adjacent property would have a detrimental effect upon a key room.
- It was considered that No.53 was already a large property that extended into the garden.
- The potential overdevelopment of the site and the proportions of the extensions were of concern.
- The structure would lead to a loss of amenity for the neighbours affecting light to their kitchen and the rear garden.

The Strategic Director responded to additional questions from Members:

- The rear gardens of the properties faced North.
- It was not known who owned the boundary fence. If it was below two metres in height its erection was acceptable under permitted development rights.



An objector to the application put forward the following points:

- When the houses had been built several restrictions had been placed on them one of which had been the removal of permitted development rights. This had been done in order to prevent extensions. It appeared that this had been pointless.
- The roof of the main extension was now proposed to be pitched rather than flat but would be five feet higher and have a greater impact.
- Photographs clearly showed the effect on the adjoining garden; one side was in darkness with the other side having some natural light.
- The extension would impair their right to natural light to the kitchen and patio area.
- This now involved two extensions; in total the length would still be 6 metres.
- The original plans had been rejected. The present proposals were still overpowering and would cause overshadowing.
- The 6 foot boundary fence had been erected within the last few weeks.
- Amenity space was an essential part of the environment. Their quality of life would be severely diminished.
- The drainage issues could be seen on site. There had been no issues until an extension had been constructed to a nearby property.
- Their property was not shown on the submitted plans; although the Council said that they were aware of the position it was still believed that this was misleading.
- They had a right to light and to use their garden.
- A number of members of the family had health issues and this development would affect their use of the garden.

The Strategic Director confirmed that permitted development rights had been removed when planning permission had been granted for these properties but the purpose of this had not been to deny the opportunity to build extensions but to allow the Local Planning Authority to retain control. He also said that:

- One of the key material considerations in assessing such applications was the guideline within the Householder Supplementary Planning Guidance document which allowed an extension to the rear of up to 3 metres.
- The proposal would change outlook and light to a degree.
- The erection of the fence was covered by permitted development rights.
- On balance, with the amendments made whereby a large section had been moved back from the joint boundary, the development was considered acceptable.

and gave the following responses to further questions:

- The planning officer's opinion was that there would be no significant effect in comparison with the existing position.
- No professional advice had been submitted in respect of the effect on light.

Members made the following comments:



- Where light was a key issue it would be preferable to have some expert evidence in respect of the effect of a development.
- The issues described were caused due to the rear of the house facing North.
- Permitted development rights had been removed but this was to ensure that any proposals were fully considered and were not too large.
- There were no valid planning reasons to refuse this application and the officer's recommendation was accepted.
- The fence was already in situ.

Resolved –

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

ACTION: Strategic Director, Regeneration

(c) **7A Westgate, Baildon**

Baildon

Application for change of use from Class A1 retail (Post Office) to Class A5 (Hot Food Takeaway) at 7A Westgate, Baildon – 16/00980/FUL.

A Ward Councillor expressed the following concerns:

- A number of objections had been made to this application which indicated a widespread concern.
- There were already a number of similar outlets in the vicinity and an additional one would detract from the retail offer of the Town Centre. A daytime use was needed to support the viability of the Town Centre.
- It was important that the diversity of smaller centres was protected and just a couple of changes of use could tip the balance.
- Youth activities took place directly across the road from this property so the location was not appropriate.
- Westgate was already very congested and this would lead to an increase in parking in the evening. There were two church halls in the immediate vicinity that were well attended. Existing problems with lack of parking would be exacerbated.
- The use also had the potential to lead to an increase in litter and would have a negative effect on other businesses.

Objectors to the proposal made the following comments:

- The number of hot food takeaways was at saturation point; there being ten already in the locality, a number of which were on Westgate. There were also three pubs that served food.
- There was currently no access to the rear. It was questioned whether there



was an expectation that rubbish would be collected from the rear. If vehicles did try to access the rear of the premises this would be a concern.

- There was a zebra crossing in close proximity to the rear access and this would be a safety hazard.
- There was also a post office that was used by older people and a bus terminal that was used by a lot of school children.
- Litter was an on-going problem in the area with pizza boxes and chicken bones being thrown into the gardens of local residents.
- This change of use would mean a reduction in the number of retail units available to meet the needs of local people.
- The change of use would not enhance the character and vitality of the area.
- There was already an issue in the district with obesity and a further hot food takeaway would encourage this.
- The Government and the Council should be encouraging local entrepreneurs to open businesses in small units such as this.
- Business in this area had been slower since the closure of the post office.
- The unit needed to be open during normal business hours.
- This was a one-way street and cars pulled up on both sides when visiting hot food takeaways. There were already issues with parking and these would only be exacerbated.

In response to a question from a Member it was stated that the unit had been empty since just before Christmas.

Members made the following comments:

- There was no definition of 'undue concentration' in the relevant Supplementary Planning Document which meant that this was a subjective judgement. Within a radius of 100 metres there were at least four existing hot food takeaways.
- This was a small, empty shop unit and no reasons to refuse were apparent.
- An issue would be the provision of the flue which could prove expensive if accommodated internally but which should be done in this case.
- The Panel had to assess the application before it; no other proposals for use of the unit had been forthcoming.
- This was a very small unit and would not be suitable for many business purposes.
- There were bins shown outside the adjacent property.
- Littering was an education issue and was exacerbated by a lack of litter bins.
- It was preferable that the unit be occupied by a business rather than become a decaying shop.
- The provision of extraction equipment internally should be a condition of permission, if granted. A back door should also be provided to the rear in order to facilitate access to the bin storage area.

Resolved –



That the application be approved for the reasons and subject to the conditions set out in the Strategic Director of Regeneration's technical report, subject to the amendment of Condition 2 to require that the extraction equipment is fitted internally within the chimney, and the imposition of an additional condition relating to the submission of details of the provision for bin storage and access to it from the rear of the building for approval in writing by the Local Planning Authority.

ACTION: Strategic Director, Regeneration

(d) Hindleigh, Gawthorpe Lane, Bingley

Bingley

Previous reference: Minute 75(b) (2015/16)

Full application for the construction of a detached house and garage at Hindleigh, Gawthorpe Lane, Bingley – 16/01240/FUL.

The Strategic Director, Regeneration reminded Members that this application had been considered at the meeting of the Panel held on 27 April 2016 when it had been resolved:

'That consideration of the application be deferred to a future meeting in order to allow further amendments and investigations into the roof design; finished levels and clarification of the impact on sunlight/daylight to the adjoining property through natural light surveys.'

He explained the amendments that had been made to the design and tabled diagrams which illustrated the shade that would be cast by the dwelling. These indicated that although the garden of an adjacent property would be affected to some extent the majority of the shade would be cast by an existing hedge/planting, and that the windows would not be affected.

He read out a representation from the main objector, who was unable to attend the meeting, which expressed disagreement with the contention that there would be no loss of light and raised issues in respect of what was considered to be a minimal reduction in height, the distance between the properties and concerns about the enforcement of the requirement for additional planting. He also reported on the substance of additional objections received in respect of access and traffic.

The applicant was in attendance at the meeting and commented as follows:

- Further to the discussion at the last meeting the plans had been amended as suggested.
- The height had been reduced by 1.2 metres, the profile of the hipped roof had been reduced, the west facing window had been removed and a shadow/light survey had been undertaken.
- There were three trees of significant size in the grounds of the adjacent



- property that could affect light.
- The positioning minimised the effect on the adjacent property (Holly Lodge)
 - The distance to the other neighbouring property (Beck House) was in excess of 16 metres.
 - It was not believed that the building would be out of place; it would be constructed in coursed stone with a blue slate roof. The intention was to build a good quality development.
 - The current access was only 2.5 metres in width whereas the new one would be 10 metres. The new plans meant that it would now be possible to leave the site in a forward gear. Traffic speeds on the road were very low.
 - The National Planning Policy Framework supported the use of urban land.
 - All conditions would be complied with.

Member comments were as follows:

- The objections from the owner of the adjacent dwelling had been taken into account.
- There was no entitlement to a view.
- A lot had been done to address the issues that had been raised.
- The proposal was now considered to be appropriate.

Resolved –

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

ACTION: Strategic Director, Regeneration

**(e) Land adjacent to Cliffe Cottages,
Lees Lane, Haworth, Keighley**

Worth Valley

Outline planning application for the construction of 3 three-bedroom houses on land adjacent to Cliffe Cottages, Lees Lane, Haworth, Keighley – 16/01936/OUT.

The Strategic Director, Regeneration clarified that access was being considered as part of this application and that, should the Panel be minded to approve the application, Condition 3 would need to be amended to delete reference to the access.

He responded to questions from Members, as follows:

- Inadequate information had been submitted with the previous application in respect of the existing trees and the impact of the development on them.
- The trees would be protected during construction.

A Ward Councillor spoke in objection to the proposals:



- Many local residents had contacted her with regard to the proposed development.
- The main concern was the infilling of this site which was the last green space in Crossroads and would mean the removal of the only soft landscaping in the area.
- The Tree Preservation Orders had only been implemented in May.
- The layout had been amended to squeeze the properties onto the site.
- When the trees grew this could impact on the new properties and lead to applications for their removal.
- Access and parking was also of concern; in the evening on-street parking took place along the length of Lees Lane.
- The lane was unadopted and any additional traffic would lead to maintenance issues.
- The left hand turn into the site was very tight. On the plans the parking space shown as P1 was actually the access to Cliffe Cottage. P2 obstructed the driveway. Given the difficulties this was also a concern in respect of safety.

The Assistant Director responded to further queries from Members:

- The plans did not show a wall at the point of access. It was understood that part of this land was in separate ownership.
- It was accepted that this was a narrow driveway and that it would not sustain access to a major development but it was not considered to be problematic for 3 dwellings. This access was already in use and it was considered that there was insufficient weight to suggest that the application should not be supported. The requested number of parking spaces had been provided.
- It was not known if the window that could be seen on the displayed photographs was in a position that would mean that car headlights could shine into the room, nor whether the car parking spaces were to be allocated to the different properties.
- On the plans an indication was given that the existing hedge close to the access would be removed and that the wall was not within the boundary of the application site.
- The width at the point of turning into the site was approximately 2.9 metres.

The City Solicitor pointed out that any issues associated with ownership of the land needed were matters for the developer to resolve.

A Parish Councillor was in attendance at the meeting and addressed the Panel:

- It was not understood why the application stated that the land was unused.
- Parking took place down both sides of the road at night.
- It was believed that a mains sewer or water supply ran across the site.
- This was the only bit of green space left in the village.
- Cars travelled at excess speed at night
- The emergency services would find it difficult to gain access.
- The application should be refused.



Members commented that:

- The access as proposed was unacceptable.
- The site was large enough for three dwellings.
- The parking, as proposed, was inadequate and could lead to disputes and a potential security risk.
- Car headlights might affect the property adjacent to the proposed access.

Further to which it was

Resolved –

That the application be refused for the following reason:

It is considered that:

- (i) The proposed access is inadequate due the very restricted width available for turning and manoeuvring at the entrance to the development site.**
- (ii) The increased use of the access as proposed would be detrimental to the amenities of existing residents due to light from car headlights shining into the immediately adjacent property in Lees Mill, and**
- (iii) The access and the parking layout as proposed would cause problems for access and turning of vehicles within the site and lead to the potential for disputes between existing and future residents,**

and the application is therefore contrary to Policies TM2, TM19A, D1 and UR3 of the Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration

- (f) Land adjacent to 15 Stirling Road, Burley in Wharfedale
Wharfedale, Ilkley**

Full application for the construction of a detached dwelling with external decking to rear – 16/00577/FUL.

The Strategic Director, Regeneration reported on the substance of further representations, including one from a Ward Councillor, in objection to the proposal. The issues raised included concerns about potential overbearing, the need for the retention of an existing hedge, the need for adequate car parking provision, overdevelopment, access issues and the loss of an ancient gatepost. He responded to the issues raised explaining that; sufficient separation distances would be maintained; the plans now indicated the retention of the hedge; and both the existing and the new property would have an integral garage and the potential for off-street parking.



Resolved –

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

ACTION: Strategic Director, Regeneration

(g) Land at West Lane, Baildon

Baildon

Outline application, with permission being sought to access, scale and layout, for the construction of up to two dwellings – 16/00350/OUT.

The agent spoke briefly in support of the application explaining that this was no longer an operational site for Yorkshire Water and access was not therefore required on a regular basis. The scheme had been amended further to concerns expressed in relation to loss of privacy and overlooking. No objections had been forthcoming from the statutory consultees.

In response to Members’ questions the Strategic Director, Regeneration said that:

- The application did not appear to require any significant changes to the embankment alongside the track that might lead to any concerns about land stability; the passing bay would only take up around two metres.
- Maintenance of the driveway would be the joint responsibility of residents and Yorkshire Water.

Resolved –

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

ACTION: Strategic Director, Regeneration

**(h) Norwood House, Green Lane, Baildon Green,
Baildon**

Shipley

Full application for the construction of two semi-detached dwellings – 16/01818/FUL.

The Strategic Director, Regeneration reported the receipt of an enquiry from the local Member of Parliament in respect of the application.

In response to questions he said that:



- Sufficient distance was achieved to the junction to Green Lane and the Highways Engineer had not suggested that there was any need for the provision of traffic calming measures.
- In terms of the Green Belt allocation of the verge across which a short length of the new access would be formed; Paragraph 90 of the National Planning Policy Framework (NPPF) set out a number of exceptions to the presumption against development and his view was that this proposal constituted an engineering operation that would not harm the openness of the Green Belt.

An objector was in attendance at the meeting and put forward the following points:

- Residents of Fernbank Drive were concerned about the impact on privacy, overlooking and the height of the gable end wall onto Green Lane causing overshadowing.
- Comparison had been made with Milner Road but whereas that development was 2 storey and set further back, this proposal was 3 storey.
- There were concerns about road safety. A speed bump had been installed on Green Lane after the repeated demolition of a resident's wall but this had not really helped the situation. The road suffered from speeding traffic and the footpath was used by school children on a daily basis. This would be at the narrowest point.

In response to a Member's question Strategic Director, Regeneration said that approximately five properties were served off the existing access track.

A Member commented that the land sloped down towards Fernbank Drive and it was not considered that there would be significant overshadowing.

Resolved –

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

ACTION: Strategic Director, Regeneration

- (i) **Unit 8, Valley Road Business Park, Gas Works Road, Keighley** **Keighley East**

Retrospective full application for the change of use to a children's party venue, including groups of children with autism, open weekends only – 16/02500/FUL.

The Strategic Director responded to questions:

- The hours of operation were as had been requested by the applicant.
- There was no additional information in respect of the ages of the children that



- would be using the facility.
- There would be no dogs at the adjacent unit at the weekend.

An objector to the application stated that:

- The use had already caused problems to her business (in the adjoining unit) and could do so in the future.
- There were issues with parking and with access for her clients being obstructed.
- High volumes of noise from loud music or screaming children would have a negative effect on the dogs using her facility causing anxiety and agitation; this should be a nice relaxed environment for the animals. A professional opinion had been sought in this regard and it had been confirmed by a vet that loud music could cause the dogs to be unsettled and anything over 80 decibels could cause hearing damage.
- She was concerned that customers would no longer want to use her business.
- A path had been put through land which was allocated to her unit without her consent.
- The police had said that the security measures installed were unsuitable.
- In the event of a fire the current arrangements could exacerbate an already stressful situation.
- What had been a private area to the rear of the units was now overlooked with CCTV having been installed by the adjacent operator; her female workforce felt threatened by this.
- Dogs and children would be in close proximity.
- It was understood that the applicants were intending to provide a special service for autistic children and it was questioned how appropriate this was next to a facility housing dogs.
- Her business would be unable to open on weekends if this use was approved.

In response to a question the Assistant Director confirmed that the dog day care business currently operated Monday to Friday and the children's party business at the weekend.

The applicant was also present and put forward the following points:

- The business only operated at the weekend with two parties being held on each day.
- The facility had proved to be very popular.
- The unit provided a very secure area, the children would be unable to access the outside area.
- Weekends had been chosen initially due to 95% of the surrounding industrial units not operating at the weekend including those closest to this unit. The adjoining business for dog care had not operated at the weekend previously but if it did it was not considered that it would be an issue for the operation of the party business.



- Environmental Health had assessed the levels of noise. It would be inappropriate for the children attending the unit to have the noise levels too high; part of the unit was also used for accompanying parents to sit and have a hot drink.
- They would be happy to install a limiting device (on noise) if this was considered necessary.
- The landlord had agreed to a fence being erected to the back of the unit to enable the safe egress of children in the event of a fire but it was considered highly unlikely that this would ever be needed due to the simple design of the building.
- All health and safety issues had been addressed.
- The Police had not said that the CCTV should be removed but had stated that it should only cover the relevant land to the rear.
- The service offered by this business was a bit different to the usual kind of provision as it catered for a number of children with autism.
- Approximately forty parties had been held to date with no complaints.

Members expressed concern at the retrospective nature of the application but considered that the use was acceptable. The use was operating on different days to the adjoining unit. Any legal issues in respect of the fencing installed to the rear were not a matter for the Local Planning Authority.

Resolved –

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

ACTION: Strategic Director, Regeneration

(j) 1 Belmont Avenue, Baildon

Baildon

Full application for the construction of a detached house and garage – 16/01938/FUL.

The Strategic Director, Regeneration reported the receipt of four late representations in objection to the application. These covered the same issues already raised by objectors.

An objector to the application addressed the Panel:

- The houses had been moved back on the site in comparison with the previously refused application but were now right up to a shared boundary.
- One of the garages was considered to be in an odd position and the doors were positioned in such a way that it was considered that it would be difficult to use.
- There were already a significant number of cars parking on the street and this



- proposal could add to the numbers.
- It was appreciated that the planning officer had taken account of the objections made.
- The application should be refused.

The applicant spoke in support of the application as follows:

Prior to speaking she stated that although she was acquainted with Councillor Pollard (a Member of the Panel) she had not spoken to him in respect of this application.

- Three policies had been put forward as the basis to refuse the application; D1, UR3 and UDP3.
- Policy UR3 permitted development if it would not have an adverse impact on the surrounding environment or the occupants of adjoining land. The paragraph of the officer's report concerning design and appearance stated that it would not appear out of place. The residential amenity paragraph stated that it was positioned at a sufficient distance to not have an adverse impact on the residential amenities of other properties. It was considered that this development would therefore have no adverse impact.
- Policy D1 concerned design and stated that proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping with eight factors to be satisfied. It was considered that this application did meet the relevant requirements; it would not be out of place, it would be a quality building constructed in stone; there was no landscaping at present so this would improve the situation; the height would not be intrusive; there would be sufficient storage provision; access for people with disabilities would be excellent; it would have no impact on prospective or existing residents and it would be of a good and sympathetic design. In addition local materials would be used which it was stated was a major factor in enhancing local distinctiveness. It was therefore considered that the proposal would not be contrary to Policy D1.
- Policy UDP3 concerned the quality of the built and natural environment. Hope Lane was an open area, it was considered misleading to describe it as tree lined or as having grass verges.
- The report stated that there had been a 'substantial' extension to No.1 but the footprint had not changed.
- In terms of overdevelopment a lot of plots in the area had been split and developed; a precedent had been set
- Permission had already been granted for a further extension, this had been omitted from the officer's report but was for similar floorspace and would not be built if this development went ahead.

In response to a Member's question the Strategic Director, Regeneration said that the application referred to by the applicant had not been indicated in the record of the planning history for the site.

Members expressed agreement with the Strategic Director, Regeneration's



recommendation; there had been no change in situation since the previous refusal. The comment was also made that the proposed house did appear to have been squeezed onto the site.

Resolved –

That the application be refused for the reasons set out in the Strategic Director of Regeneration’s technical report.

ACTION: Strategic Director, Regeneration

DECISION FURTHER TO A SITE VISIT

**(k) Land to the West of 300 Spring Gardens Lane, Keighley
Keighley Central**

Full application for the construction of five detached houses – 16/00448/FUL.

The Strategic Director, Regeneration clarified that any decision on this planning application would not prejudice the ability of Northern Gas Networks to pursue their rights (in respect of the gas main affecting the site).

In response to a question from a Member he said that the ownership of the boundary wall and adjacent footpath was not known.

A representative of objectors addressed the Panel:

- He was a longstanding resident of Shann Lane.
- There were concerns about fraudulent practices in respect of this application; it being alleged that a representation in support of the application had been put on the website in the name of a neighbouring resident who did not support the proposal.
- The proposals for four storey houses were entirely out of keeping with the character of the site and all surrounding housing despite there being a variety of properties in the area.
- This was a steep site and there were good views of it from a distance.
- The Highways officers did not use this road on a daily basis; the junction of Spring Gardens Lane and Shann Lane, which was nearby, was dangerous; there was a hairpin bend and people drove recklessly.
- This proposal would introduce additional traffic near to a school entrance and opposite the existing junction with Glenlyon Drive.
- Water regularly flowed down roads and footpaths in the area and development of this site would cause additional problems.
- There were owls in the trees on/around the site and also bats. The plans indicated the removal of only one tree but building on the site would lead to others being damaged and over time residents would complain about issues such as leaves and lack of light leading to requests for their removal.
- All the comments made by Historic England and the Conservation Officer



were endorsed.

The Strategic Director, Regeneration responded to further questions from Members:

- A large number of the trees were subject to a Tree Preservation Order so could not be removed and if they were action could be taken by the Local Planning Authority.
- There was no trend in terms of accidents at the Shann Lane/Spring Gardens Lane junction that would be a cause for concern. The only recorded injury accident had been in 2009 and this was noted as being a slight injury as a result of a driver overshooting the junction.

The applicant's agent made the following comments:

- The site was not within the Conservation Area.
- No objections had been made by officers in respect of highways, drainage or minerals and waste, subject to the imposition of appropriate conditions.
- The gas pipe was clearly indicated on the plans and the layout of the site related to this, the applicant had liaised with Northern Gas Networks about this matter.
- It was considered that Historic England were not opposed to the development in principle but had mentioned the boundary wall which was proposed to be reduced in length by approximately 15%; it was not considered that the public perception of the site would change.
- The Conservation Officer had stated that there were 'open views' but there were two layers of trees (on the boundary) that obscured any view.
- The footway was not continuous on the side of the road adjoining the site so it was not possible for pedestrians to walk safely adjacent to the boundary wall to try and access views onto or across the site.
- An application for the construction of four houses on a site at the bottom end of this piece of land had already been approved. It was considered that this development would obscure the proposed housing to some extent.
- The four storey elements would not be seen in the context of existing properties.
- Two separate, independent reports had been done on the trees which showed the same root zones; a different opinion had been expressed by the Council's Trees Officer. There were a number of ways of building in tree root zones. The closest distance between a house and a tree would be 13.5 metres. It was believed that the site could be developed without affecting the trees.
- It had been accepted that the tree to be removed was diseased.

In response to a question he stated that the closest distance to the previously approved development adjacent to the bottom end of the site was 22 metres.

Further to a site visit, the Strategic Director, Regeneration answered questions as



follows:

- The conifers on the site were shown on the plans as retained but they were not protected; it was not known how long they had been in situ.
- If Members decided to approve the application Highway Development Control Officers would be required to ensure that a safe access could be provided; the existing speed table would probably need to be relocated and this would have to be done at the expense of the applicant.
- Historic England had contacted the Local Planning Authority about the application in the first instance and it had subsequently been decided that they should be formally consulted.

Members commented that:

- Having looked all around the site, the principle of the development was considered to be acceptable although the proposed materials needed to be considered.
- It was considered that the trees could be accommodated.
- This was an urban site and there was a great need for housing in the district.
- The site visit had proved to be very useful. Looking up from the bottom of the site a tall building could be seen to the right hand side. It was not believed that the proposed dwellings would be any higher than that. It was considered that there would be more impact from the four dwellings, for which permission had already been granted, lower down the slope and there would be no impact in terms of aspect from the top of the site.
- It was considered that the permission granted for the lower part of this area of land had compromised the status of the site as Urban Greenspace (RUDP Policy OS1). Policy OS1 was not as strong as Green Belt Policy.
- The junction was a reasonable distance from the site access point.
- Drainage could be addressed and could possibly assist with the effect of springs.
- In terms of the setting of the Conservation Area and any potential harm it was noted that there was a wide mixture of housing in this locality including both older houses and modern bungalows. It was not seen how this development would cause harm if the bottom half of the land was developed.
- Four new dwellings were already to be built and these additional dwellings would not make a significant difference.
- In terms of the allocation as Urban Greenspace; permission had already been granted for the bottom part of the site.

The City Solicitor and the Strategic Director, Regeneration advised Members on the relevant policy considerations in respect of the loss of Urban Greenspace and the setting of the Conservation Area. They explained that the Panel needed to make a judgement on the potential harm to the setting of the Conservation Area and, if the harm was considered to be less than substantial, the balance between this harm and the public benefit of development must be assessed. Clear justification was also needed in respect of the weight given to protection of the Heritage Asset.



It was noted that the site adjoined the Conservation Area and was close to a designated Heritage Asset.

Members commented as follows:

- Each application was considered on its merits. It was not considered that the development was unacceptable in principle.
- The development would enhance the area.
- There was a great need for additional housing.
- If the leylandii trees were removed it was considered that this would actually improve the outlook.
- Although adjacent the site was not within the Conservation Area.
- There were no problems in terms of highways.
- There were a number of different styles of housing in the immediate vicinity.
- The access would not affect anyone.
- There were currently no views through/across the central part of the site.
- Building did take place within Conservation Areas.
- The site visit had assisted in reaching a decision.
- The development would not harm the setting of the Conservation Area and any harm was outweighed by the increase in housing stock albeit only by a limited number. There was a huge need for housing and it was preferable that a site such as this was developed rather than Green Belt.
- Paragraph 132 of the National Planning Policy Framework (NPPF) was relevant and stated that great weight should be given to the conservation of a designated heritage asset. Paragraph 134 was also applicable which stated that where there was less than substantial harm this should be weighed against the public benefits of a proposal. It was not believed that this development would cause substantial harm. It was noted that the site was adjacent to, not within, the Conservation Area. Consultation had recently been undertaken on the Council's new Local Development Plan and this harm had to be weighed against the need for housing in the district.

One Member of the Panel said that he did not consider that there was a clear and convincing justification for the harm to the setting of the Conservation Area.

Further to which it was:

Resolved –

(1) That the application be approved for the following reasons:

- (i) The Development will not conflict with Policy OS1 of the Replacement Unitary Development Plan (the RUDP) as it is considered that it will not significantly reduce the open and green character of the urban greenspace given the nature of the surrounding area and the previous planning permission for 4 houses on the lower part of the field.**
- (ii) The development site borders the Devonshire Park and Cliffe**



Castle Conservation Area but the impact of development on the conservation area's character and appearance and its setting is not judged to be significant. Due to the mixed variety of development in the local area it is considered that the proposed development would cause less than substantial harm to the significance of the designated heritage asset. Such less than substantial harm is considered to be outweighed by the public benefits of securing an increase in land for housing. The development is therefore not considered contrary to Policy BH7 of the RUDP.

- (iii) It is considered that the impact on protected trees can be overcome through the imposition of a requirement for further details of tree protection and construction methodology by means of planning conditions.

and subject to the following conditions:

- (1) The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning act 1990 (as amended).

- (2) Prior to the commencement of development, details of a scheme for the repair and reconstruction of the stone boundary wall abutting the footpath to the eastern side of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show details of proposals for repair of the wall and the proposed height and appearance of the boundary treatment to the dwellings abutting it. The details so approved shall be implemented prior to the occupation of the dwelling on Plot 1 of the development.

Reason : In the interests of visual amenity and to enhance the character of the Urban Greenspace to accord with Policies OS1, D1 and D5 of the Replacement Unitary Development Plan.

- (3) Notwithstanding any details shown on the permitted plans, the development shall not begin until arrangements have been made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

- (4) The development shall not begin until a scheme of landscaping



to enhance tree, hedge and shrub cover along the perimeters of the development site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of all trees to be retained on the site, and details of proposed new trees, hedges and shrubs - showing the extent of planted areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
- ii) The types of enclosure to all domestic curtilages.
- iii) Details of any regraded contours and details of changes in level within the site.

The landscaping scheme so approved shall be implemented in its entirety to the satisfaction of the Local Planning Authority during the first available planting season following the completion of the dwellings hereby approved.

Any trees or shrubs comprising the approved landscaping becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree or shrub of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree or shrub.

Reason: In the interests of visual amenity and to accord with Policies UDP3, UR3, OS1, D1 and D5 of the Replacement Unitary Development Plan.

(5) Notwithstanding arboricultural details submitted with the application, no development shall be carried out until a further Arboricultural Method Statement that complies with industry best practice has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall show details of tree protection measures and how development within Root Protection Areas shall proceed without harming protected trees and agreed tree root protection areas. The methodology and details shall be approved in writing prior to development commencing.

The submitted and approved Arboricultural Method Statement shall be undertaken in full or in accordance with any variation for which the Local Planning Authority gives its written approval.

Reason: To ensure tree damage is minimised and to safeguard the visual amenity provided by the trees on the site to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.



(6) Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

(7) Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

(8) Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

(9) Before any part of the development is brought into use, the 2.4m x 43m visibility splays shown on the approved on plan shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

(10) The development shall not commence until full details and calculations of the proposed means of disposal of surface water and foul water drainage up to the discharge point of the combined sewer within Manor Road have been submitted to and approved by the local planning authority.

Reason: To reduce the rate of surface water run-off from the



development and to protect adjoining properties from flooding and to accord with Policies NR16 and UR3 of the Unitary Development Plan.

(11) No development to take place until the location of the medium pressure gas main is located by means of intrusive site investigation and subsequently the drainage design as approved is shown to not encroach within the specified easement.

Reason: To ensure that a suitable form of drainage is made available to serve the development and to accord with Policies NR16 and UR3 of the Replacement Unitary Development Plan.

(12) No development shall take place until details for proposals for dealing with any existing watercourses, culverts, land drains or springs encountered during the works are submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To protect adjoining properties from flooding and to accord with Policies NR16 and UR3 of the Unitary Development Plan,

together with any additional technical conditions that the Strategic Director – Regeneration, after consultation with the Chair, considers necessary.

- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990 and the Highways Act 1980, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of

the relocation of the existing speed table in Spring Gardens Lane at the proposed access point to the site, at the developer's expense,

the legal planning obligation to contain such other ancillary provisions as the Strategic Director, regeneration (after consultation with the City Solicitor) considers appropriate.

ACTION: *Strategic Director, Regeneration*

5. MISCELLANEOUS ITEMS



The Panel noted the following:

REQUESTS FOR ENFORCEMENT ACTION

- (a) **131 Bradford Road, Shipley** **Shipley**

The Planning Manager (Enforcement and Trees) had authorised the issue of an Enforcement Notice in respect of the construction of a metal framed canopy structure and shelving/racking, under delegated powers, on 17 March 2016.

- (b) **296 Leeds Road, Shipley** **Windhill and Wrose**

The Planning Manager (Enforcement and Trees) had authorised the issue of an Enforcement Notice in respect of the installation of an unauthorised roller shutter, under delegated powers, on 18 April 2016.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEAL ALLOWED

- (c) **Ben Rhydding Post Office, 56 Wheatley Lane, Ilkley** **Ilkley**

Change of use from dwelling with retail/post office use to full dwelling with demolition of existing shop front display window and doorway. Appeal reference: 16/00025/APPFL2.

APPEALS DISMISSED

- (d) **3 Croft Rise, Menston, Ilkley** **Wharfedale**

Construction of two storey extension to the side. Appeal reference: 16/00002/APPHOU.

- (e) **Block Of 4 Lock-Up Garages, Great Pasture, Burley In Wharfedale, Ilkley** **Wharfedale**

Conversion of workshop and garage to a domestic dwelling. Appeal reference: 16/00012/APPFL2.

- (f) **Land To The North Of 13 Hebden Bridge Road, Oxenhope, Keighley** **Worth Valley**

Construction of two detached dormer bungalows with improvements to access, provision of public footway and improvements to existing open space area. Appeal reference: 16/00008/APPFL2.



- (g) **The Old Mill House, 6 Drakes End, Oakworth, Keighley** **Worth Valley**

Change of use of land and construction of domestic double garage. Appeal reference: 16/00022/APPFL2.

- (h) **White Lodge, Bradford Road, Bingley** **Bingley**

Construction of one detached dwelling. Appeal reference: 16/00035/APPFL2.

APPEAL ALLOWED IN PART/PART DISMISSED

- (i) **40 Main Street, Burley In Wharfedale, Ilkley** **Wharfedale**

Replacement of one window to kitchen – allowed on appeal. Internal alterations including removal of ground floor masonry walls forming entrance hall, construction of new dividing wall, replacement of stairs – dismissed. Appeal reference: 15/00137/APPLB2.

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Area Planning Panel (Keighley and Shipley).

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

