

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Tuesday, 6 September 2016 at Keighley Town Hall

Commenced 10.05 am
Concluded 12.55 pm

Present – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Miller M Pollard	Abid Hussain Shabir Hussain Lee	Naylor

Observers: Councillor Khadim Hussain (Minutes 19(c) and (e))

Apologies: Councillor Cath Bacon and Councillor Adrian Farley

Councillor S Hussain in the Chair

17. DISCLOSURES OF INTEREST

In the interests of transparency, Councillor Lee disclosed, in respect of the item relating to 133 North Street, Keighley (Minute 19(e)), that she was a Governor of the school located on the opposite side of the road to the site.

In the interests of transparency, Councillor Abid Hussain disclosed, in respect of the items relating to 9 Glenlyon Drive, Keighley and 133 North Street, Keighley (Minutes 19 (c) and (e)) that both sites were within his ward but he had no connection with any of the applicants and had not discussed the applications with any interested parties.

In the interests of transparency Councillor Miller disclosed that, having lived in this area for a lengthy period, he may know people associated with any of the applications but he had not discussed any of the matters now before the Committee for determination with any interested parties.

During the meeting and in the interests of transparency, Councillor Naylor disclosed in respect of the item relating to 3 Gilstead Way, Ilkley (Minute 19(b)) that he was acquainted with the applicant having worked with him in the distant past but had not discussed the application with the individual concerned.



18. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

19. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) **13 Parish Ghyll Road, Ilkley** **Ilkley**

Application for change of use from garage to studio dwelling with integral garage – 16/04451/FUL.

The Strategic Director, Regeneration responded to questions from Members:

- The red line on the plan indicated the land that the applicant considered was in his ownership.
- It did appear that there was a conflict with the adjacent car parking space.
- The proposed bin storage area was within this curtilage.
- There were on-going legal issues with respect to land ownership but these were a private matter.
- In respect of the projection of the proposed first floor window at an angle and the potential for overlooking towards Abbeyfield Court; there was an area of common land to the boundary and open space beyond.
- The applicant had said that he owned 800mm of the land around the garage.
- Two cars were normally parked adjacent to the garage.
- The management company of the flats owned the rest of the land.
- The projecting window at first floor level did appear to overhang the highway. It was considered unlikely that the relevant licence to allow this would be granted in these circumstances.
- It was not known who had laid the paving stones shown on the photographs around the garage.
- Whether or not a further planning application would be required if the proposed access/egress changed would depend on what works were necessary to effect that change.
- Building Control would deal with matters such as whether the existing garage structure was suitable to support the proposed works.

An objector to the application made the following comments:

- The owner of one of the flats was elderly and had restricted mobility. Her parking space, at the side of the garage, had been purchased along with the flat in 1987. She was in danger of losing her parking space as it would become un-useable if the development went ahead as proposed.
- There was no control over the use of the parking spaces opposite the site.



- The development was considered to be inappropriate.
- There were on-going disputes about the ownership of the land.
- The site was within a Conservation Area which should strengthen control over the preservation of its character and appearance and safeguard the local distinctiveness.
- The large glass window frontage was considered to be poor design and did not respect or fit in with the character of the area. The Parish Council concurred with this view.
- The garage/store had been constructed in 2001 and it was regrettable that this had not been challenged at that time. It had been made ready for conversion and had subsequently been detached from Flat 2.
- The scheme would compromise the open amenity areas associated with the parent property for all the existing residents.
- Originally there had been four flats with four parking spaces, now there were only two spaces and a further one of these was now under threat.
- There was only an 8 metre gap from the proposed access point to the basement flat.
- It was believed that the access proposals would not comply with Building Regulations.
- There would be no room to manoeuvre the bins.
- There would a clash with the parking space for Flat 1 or its use would entail trespass.
- There would be a substantial loss of amenity for neighbours. The velux window would look across into the bedroom of Flat 2, the kitchen and bedroom of Flat 1 and overlook the garden area.
- The application would only provide a tiny upstairs flat with restricted access.
- It would be much better to retain the parking and storage facility.
- It was alleged that the separation of the garage/land from the freehold of the parent property had been done without consent.
- The Panel was urged to refuse the application as it was inappropriate, would harm the Conservation Area and reduce parking provision.

The applicant addressed the Panel in support of the application:

- It was understood that the garage was set back from the footpath and the proposed window would only project out to the curtilage of the site. If this needed to be altered this would be done.
- He had owned the freehold of the land since 2006.
- The one metre footpath had never been imposed; it had only ever been intended to allow access.
- During the preceding ten years the central space between parked vehicles, as shown on the displayed photographs, had always been used to gain access.
- He had written to the management company of the flats to clarify that there was no intention to change the current arrangements.
- There had been a refusal to allow him to walk through the middle section of the parking area.



- The deeds could be changed to allow access to the resident of Flat 1 to a one metre space at all times and he would be prepared to do this thus allaying any fears about the use of the car parking space.

Members commented that:

- The impression given by the plans in terms of the scale and the lack of any measurements was a concern as was the front window potentially overhanging the highway.
- The main window was not considered to be in keeping with the Conservation Area.
- Although it may not be a planning matter for consideration by the Panel the parking arrangements needed to be resolved. If the parking area was compromised by this proposal this was not acceptable.
- It appeared that the garage had been built to try and squeeze another dwelling onto the site.

The City Solicitor commented that it would be very difficult for the Panel to impose conditions on the application in respect of maintenance of access to the parking until the legal issues in respect of land ownership were resolved. It was also noted that, regardless of the land ownership, the residents may have established rights to park on the land.

Resolved –

That the application be refused for the following reasons:

- (i) **The proposal constitutes overdevelopment of the site.**
- (ii) **There is insufficient information in the plans to determine the impact of the proposals, specifically in terms of the lack of measurements/dimensions.**
- (iii) **The design of the window is unsympathetic to the Conservation Area, contrary to Policies D1 and BH7 of the Replacement Unitary Development Plan, and it overhangs the public footway and so obstructs the public highway.**

ACTION: Strategic Director, Regeneration

(b) **3 Gilstead Way, Ilkley**

Ilkley

Application for the demolition of the existing house and reconstruction of a detached dwelling with integral garage – 16/02962/FUL.



The Strategic Director said that, if Members were minded to approve the application, he recommended that an additional condition be imposed in respect of the first and second floor windows to the side elevation being obscure glazed to prevent any overlooking of the amenity area of the apartments alongside. He also reported on comments received from one of the Ward Councillors in objection to the proposals.

He responded to questions from Members as follows:

- The adjacent apartment building had been required to be constructed to be above flood level.
- Any house built in this area now would need a Flood Risk Assessment.

Two objectors were in attendance at the meeting and put forward the following concerns:

- The owner of the adjacent property had seen the revised plans but still objected. It was considered that the proposals constituted overdevelopment of the site; the house would be double the volume of the existing dwelling and would be sited forward of the current building line.
- The development would lead to overlooking and the house would not be in keeping with the others on Gilstead Way.
- It was believed that those that had expressed support for the application did not live in the area.
- It was a good idea to make the property flood resistant but the scale of the development was the concern.
- The property would be over 1.65metres higher and would entail the use of 30 square metres of the garden area.
- The design included balconies and the use of render.
- The scheme would provide a six bedroom mansion over the footprint of a four bedroomed house; it was considered that it would be out of scale.
- It was believed that the plans had been carefully worded to suggest that the property would be in keeping but it would not. The houses in the vicinity were generally of the same height; the comparison with the adjacent apartment building was considered to be disingenuous.

The applicant spoke briefly in support of the application saying:

- The planning officer had submitted a sound report.
- The neighbours at 6 and 6a were in support of the proposals.
- The property had been flooded twice and the family had not been able to live there for nine and a half months; they wished to move back in.

The majority of Members expressed agreement with the officer's recommendation; the wish to make the property flood proof was considered admirable.



One Member said that although the argument for flood proofing was sound this did not rationalise the enlargement of the property on the scale proposed; it was considered that the development reflected the apartment block but not the remainder of the streetscene.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director – Regeneration’s technical report, together with an additional condition in respect of the use of obscured glass for windows in the eastern gable elevation facing Gilstead Court, to prevent overlooking.

ACTION: Strategic Director, Regeneration

(c) **9 Glenlyon Drive, Keighley**

Keighley
Central

Application for the construction of a single storey annex to the rear of an existing detached property – 16/00839/HOU.

The Strategic Director responded to Members’ questions as follows:

- It would only be possible for the annex to be sold separately to the parent property further to an application for a material change of use.
- In terms of a legal definition of an annex this was a matter of fact and degree; the relevant case law included matters such as scale of development and linkage.
- The access to the annex was via the existing property.

A Ward Councillor expressed support for the application; the objections had been addressed, it was adjacent to the parent property and there was adequate parking provision.

Members expressed the view that the proposal was acceptable, it was noted that there was no separate access to the annex.

Resolved –

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

ACTION: Strategic Director, Regeneration



(d) **Land adjacent 49 Cowpasture Road, Ilkley** **Ilkley**

Retrospective application for the construction of a detached dwelling – 16/04159/FUL.

In presenting the report the Strategic Director explained the background to the application which sought to vary plans associated with a previous planning permission to construct a dwelling on the site (12/04049/FUL).

In response to Members' questions he said that:

- Part of the agent's explanation for the error in respect of the position of the building relative to the adjacent flats (Richmond Court) was that the Ordnance Survey map was inaccurate in relation to the position of Richmond Court.
- The wall to the front did not affect the public footpath.
- The error had been noticed when the development was in the very early stages; the developer had chosen to continue with the work.

Objectors made the following comments:

- Only one objection had been made originally; the plans had shown the building to be in line with 49 Cowpasture Road and Richmond Court. All neighbouring residents now objected.
- There were no other properties on Richmond Place that projected in front of Richmond Court.
- The building had an impact on the local environment.
- The measurements on the plans were inaccurate; the driveway was shown as 3 metres in width but was actually 2.4 metres.
- There would be a massive impact on parking; there were already issues with on-street parking.
- These issues had been raised in February but building had continued regardless; it was questioned how this challenge to this system was allowed.
- The actual size of the building did not fit the site.
- There was a dispute about the ownership of the land used for the driveway.
- The driveway had an adverse impact on the adjacent outside sitting area.
- As a result of the building projecting forward it had led to a loss of light for neighbours; the plans showed it being set 1 metre behind Richmond Court but it was now set 1 metre in front.

A neighbour and former owner of the site and the applicant both spoke in support of the application:

- He had sold the land last year and had no vested interest in the development but remained an immediate neighbour of the site.
- The appearance of the building was considered to be consistent with the surrounding area.



- The style of the front wall of Richmond Court had been mimicked in order to help the new property to fit in and it was integrated into the remainder of Richmond Place by the use of stone, including the depth of the course used, and a slate roof. The height was halfway between No.49 Cowpasture Road and Richmond Court.
- The building had been carefully designed.
- The differences to the approved plans were only minor and did not impose on anyone.
- He was in agreement with the officer's report and hoped that the application would be approved.
- Passers by had been complimentary about the new building.
- There was room to park a car on the driveway and get in and out without issue.
- The house had been built exactly as proposed and with the correct dimensions; the adjacent flats had been built 1.2 metres further back than plotted in the 1960s/70s.

In response to a question from a Member of the Panel the Strategic Director confirmed that the building was in the right place according to the plans.

Members made the following comments:

- Continuing with the work after the error had been pointed out had been risky.
- It was considered that the chimney was better placed on the right hand side in terms of obscuring windows and the dispersal of pollutants.
- Although sympathetic to the view of the residents of the flats the building was where it should have been and the error was not the builder's fault.
- It was noted that retrospective applications were generally not welcomed.

Resolved –

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

ACTION: Strategic Director, Regeneration

(e) **133 North Street, Keighley**

Keighley
Central

Application for change of use of office building to nursery/after school activity use, including the construction of a single storey rear extension – 16/04767/FUL.



The Strategic Director gave the following information in response to Members' questions:

- It was not known how long the property had been empty, although it was believed to be at least twelve months. Nor was it known how many people had been employed by the previous business use.
- In assessing any planning application Highways Development Control would consider any existing Traffic Regulation Orders and a significant weight would be afforded to them. It was recognised that unlawful parking did take place and, in some cases, this would not necessarily cause a highway safety problem however, in this case, the proximity of the access to the adjacent junction and the nature of parking that would occur with the proposed use was of concern, thus the recommendation that the application should be refused.
- He was not aware of any serious incidents associated with this site and the previous business use that had operated but the nature of that business had been different to what was proposed.
- There was a dropped kerb.
- There would be no/very little outside play area with the proposal as it stood.

A Ward Councillor spoke in support of the application:

- This was a commercial premises that had been empty for the last two years or more, it needed to be brought back into use.
- The initial plans had been for an outside play area but the use of the yard as a car park had been put forward to address objections from Highways.
- There was a large (public) car park on Scott Street nearby that could be used. The applicant had undertaken to recompense his staff if they did so.
- Not all staff would have a car.
- The access gate could be closed.
- The previous use had been commercial it was not believed that there was a major difference.
- The development would alleviate the pressure on nursery schools in the area. After school provision would also be available.
- The scheme would help and support local children.

The applicant spoke in support of the application:

- The premises had previously been occupied by a commercial use, employing a significant number of people, for a period of 25 years with employees, visitors and deliveries going to and from the site. This had not been an issue for Highways.
- The company had relocated due to the level of demand for their services and the property had been unoccupied for two years.
- It was considered that a similar use to that previously based on the site would cause more issues than this proposal.



- The size of the premises was over 2000 square metres and the business rates were £575 a month so any use would need to accommodate a significant number of employees and generate a number of visitors in order for it to be viable.
- The accompanying letter to the application clearly stated that there would be up to five employees catering for up to twenty two children so it was wrong to suggest that there was no information on how many children were proposed to be accommodated. The suggestion that there would be significant traffic movements compared with the previous business use was therefore baseless.
- The use would only utilise the ground floor.
- Was it suggested that this use would be more of a problem than the premises being the location of a company's head office? It was considered that a small nursery was the least problematic of the possible options.
- The alternative was to leave another empty building.
- He would be happy for a condition to be imposed to require that staff should use the nearby car park on Scott Street.
- The yard area could be closed after the children were dropped off and then used as a play area.

Members commented as follows:

- This was a school area and was close to the town centre.
- It was not believed that the speed of vehicles on the road was fast.
- No major problems with the scheme were apparent.
- The use would only involve a limited number of children (22).
- The car park was limited but readily useable. It was improbable that it would be used for drop off/pick up purposes.
- The proposed hours of operation until 22.00 would be unusual for a nursery.
- It was questioned what the intention was in respect of the upper floors of the building.
- The yard/car park would be better used as a play area for the children, the use of it for dropping off/picking up children would be a concern.
- A similar proposal at a different location had been approved on appeal.
- There was already a school in this location and it was not considered that the effect on the highway would be a problem. Parents and children walked to this location.
- The potential dual use of the outside area was of concern.
- It was believed that the number of cars visiting the site at any one time would be minimal.
- A conflicting view was expressed that most people would turn up at the same time and that there could be two or three sessions a day.
- The property was not derelict.
- It was questioned whether the quoted number of staff would be sufficient for the numbers of children.



The Ward Councillor clarified that the 22.00 closing time was to allow time for clearing up after a supplementary school use between the hours of 17.30 and 21.00. This would provide extra tuition and religious teaching for between ten and fifteen children. During the day it was proposed that there would be two sessions from 08.30 to 11.30 and 12.15 to 15.15.

The applicant clarified that there would be five staff for the nursery which would not accept children under the age of two; 2 staff for 8 three to four year olds, 2 staff for 16 above the age of three and a manager. The staffing of the after school facility would be dependent on the demand from the community. After 17.30 there was more on-street parking in the vicinity.

Further views were expressed by Members:

- If the outside area was a play area and not a car park/drop off zone then it was considered that the application may be acceptable.
- The proposed re-use of the building was welcomed but there were highway safety concerns.
- This would be an asset for the community.
- Consideration should be given to the provision of a drop off/pick up zone outside the site, perhaps through the use of a Traffic Regulation Order.

The City Solicitor clarified that the Panel had to determine the application as submitted and the applicant was therefore asked if he wished to withdraw the application to allow further discussion to be undertaken with the Local Planning Authority. It was noted that a re-submission within twelve months would not be subject to a further fee.

The Panel noted the withdrawal of the application by the applicant.

ACTION: Strategic Director, Regeneration

20. MISCELLANEOUS ITEMS

The Panel noted the following:

ENFORCEMENT ACTION

- (a) **Land to the North of Springfield Farm, Halifax Road, Bingley Rural**
Cullingworth

The Planning Manager (Enforcement and Trees) had authorised the service of an Enforcement Notice, requiring the cessation of the unauthorised use of a building on the above site for purposes other than agricultural use, on 18 August 2016.

DECISIONS MADE BY THE SECRETARY OF STATE



APPEAL ALLOWED

- (b) **Non Addressable at Grid Reference 413586 447713, Ilkley
Cheltenham Avenue, Ilkley**

Demolition of existing garage/workshop and construction of two bedroom house –
Case No. 15/07559/FUL. Appeal Ref: 1600066/APPFL2.

APPEALS DISMISSED

- (c) **2 Stonegate, Bingley Bingley**

Construction of garage to front of dwelling – Case No. 16/01900/HOU.
Appeal Ref: 16/000800/APPHOU.

- (d) **Golden Fleece, 38 Long Lane, Harden, Bingley Bingley
Rural**

Appeal against Enforcement Notice – Case no. 14/00101/ENFUNA.
Appeal Ref: 16/00068/APPENF.

NO ACTION

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

