

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 23 November 2016 in the Council Chamber - Keighley Town Hall

Commenced 10.00 am
Concluded 12.10 pm

Present – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Miller Riaz	S Hussain Bacon Farley Lee	Naylor

Apologies: Councillor Abid Hussain and Councillor Mike Pollard

Councillor S Hussain in the Chair

26. DISCLOSURES OF INTEREST

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

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.

Councillor Lee disclosed, in respect of the item relating to The Croft, Keighley (Minute 30(e)), that the site was within her Ward and she knew the area but had not discussed the application.

Action: *City Solicitor*

27. MINUTES

Resolved –

That the minutes of the meetings held on 15 June, 13 July and 16 August 2016 be signed as a correct record.



28. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

29. PUBLIC QUESTION TIME

There were no questions submitted by the public.

30. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) **188 Bradford Road, Riddlesden, Keighley** **Keighley East**

Construction of hip to gable roof enlargement, front and rear dormer windows, single storey extension to the side and part single storey and part two storey extension to the rear at 188 Bradford Road, Riddlesden, Keighley - 16/07306/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was for the construction of a single storey extension to the side, a part single storey extension to the side and rear, changes to the roof and front and rear dormers. It was noted that a number of schemes had been previously submitted and refused due to the impact on the adjoining property. A number of representations had been submitted in support and against the application and the issues were detailed in the officer's report. Members were informed that the amendment to the roof from hip to gable and the rear dormer were covered under permitted development rights. The first floor extension to the rear and the front dormer were also in accordance with the Council's Householder Supplementary Planning Document (HSPD). The Strategic Director, Regeneration confirmed that the side extension would be widened, however, there would still be a 1metre gap to the boundary hedge and the rear extension would project out by 4.8 metres, which was the same distance as the sun room on the adjoining property. He indicated that the proposal would effect the neighbours property, but on balance it would not warrant that the application be recommended for refusal.

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

- Would the proposed front dormer be acceptable?
- The roof of the dormer would meet the apex of the roof and the pitched roof effect would be lost.
- The appearance of the two dwellings needed to be preserved as much as possible.
- The symmetry of the two dwellings would be lost.



- The proposal was not acceptable and was in stark contrast to other houses in the neighbourhood.
- Other neighbours were in agreement that the development was not acceptable.
- A petition had been submitted in objection to the proposal by local residents, however, those in support lived far and wide.
- He had purchased his property because of the sun room to the rear which was used as a library.
- The proposed scheme would cause a significant reduction in light to his sun room and have a negative impact on his home.
- The issues had been discussed with the new owners.

In response to a comment made, the Strategic Director, Regeneration confirmed that the front dormer would require planning permission.

The applicant's agent was present at the meeting and stated that:

- The previous application was refused due to the two storey side extension element.
- The submitted application was for a different extension.
- The light in the neighbour's sun room was already reduced due to the bookshelves.
- The proposal complied with Council policies.
- The development would not obstruct, overlook or create problems for other properties.
- There would not be any windows facing the neighbour's sun room.

Resolved –

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

Action: Strategic Director, Regeneration

(b) Land adjacent to 3 Woodlands Court, Bingley

Bingley

Full planning application for the demolition of an existing garage and construction of a two bedroom house and associated parking on garden land adjacent to 3 Woodlands Court, Bingley - 16/02521/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application was for the construction of a two bedroom dwelling and associated parking at a site off Longwood Avenue that was accessed via a private drive, which sloped down to three existing dwellings. There was currently a flat roof garage on the site, which was surplus to requirements for the existing property, in line with the Council's parking standards. It was noted that the proposed house would have a contemporary appearance and be modest in size. It would not be dominant in the



street scene as it would be set into the sloping ground and this would reduce the impact. The stone walls would harmonise with other properties in the area and the materials to be used would be subject to a condition. In terms of the access, no objections had been raised to the additional dwelling and two parking spaces would be provided in line with the Council's policy. The existing property would also retain its parking arrangement. The Strategic Director, Regeneration stated that in relation to residential amenity, the land nearest the proposed dwelling was used for parking and not amenity space and the separation distance was adequate. He informed the Panel that there would be a retaining wall to the rear, as the house would be built into the slope of the land. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- The proposed dwelling would be in an elevated position and would overlook his kitchen window.
- He had moved into his property 6 years ago for privacy issues.
- The drainage system had been installed for 11 properties and there had been numerous blockages.
- The main issue was overlooking.
- Some trees and shrubs would be removed.
- The proposed house would be elevated and directly overlook his property.
- The proposed development would be adjacent to the gable end of his house.
- His side door would face directly onto the new house.
- The distance between the houses would be 9 metres.

In response to the last comment made, the Strategic Director, Regeneration stated that the plans detailed a distance of 14.8 metres between the properties.

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

- Work on the scheme had been ongoing for 2 years.
- Plans had been altered in light of complaints.
- The building had been difficult to orientate.
- The applicant owned the entire site.
- It had been a difficult space to use.
- It was an unused brownfield site.

A Member queried whether the Council's Biodiversity officer was satisfied in light of the additional survey and the Strategic Director, Regeneration confirmed that there was no threat to bats. He explained that the further assessment had included the surrounding trees and the oak tree in particular, however, it would not be affected by the development.

During the discussion Members acknowledged the need for housing in the District and indicated that the proposal would be a good use of a redundant piece of land.



Resolved –

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

Action: Strategic Director, Regeneration

(c) Land at Back Baildon Road, Off Sandals Road, Baildon Baildon

Full application for the construction of a detached dwelling on land at Back Baildon Road, off Sandals Road, Baildon - 16/06912/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was for the construction of a dwelling on a plot that was currently occupied by two garages, which were in a poor state of repair. The site was accessed by a 4 metre wide access road that ran behind a row of terraced houses that were reliant on it for parking. The road was adopted and there was street lighting but no footways. Members were informed that the existing garages would be demolished and the proposed house built in their place. A similar detached property to the proposal had been constructed in 2013 on the adjacent plot. The Strategic Director, Regeneration confirmed that a number of objections, including one from a Ward Councillor, had been submitted and the issues were detailed in report. He indicated that the scale and design of the proposed dwelling was acceptable and was in keeping with the area, however, the suitability of Back Baildon Road was an issue. It was noted that there was reasonably good visibility down the road and at the two junctions, therefore, on balance, it was considered that a refusal of the scheme on the basis of highway safety could not be substantiated. The application was then recommended for approval, subject to the conditions as set out in the report.

The applicant was present at the meeting and stated that:

- The double and single garage could accommodate three vehicles.
- Traffic movements would not increase.
- The existing garages would be demolished and a driveway created.
- The proposed house would be set back from the road.
- The road would be widened at the plot site.
- He would consult with neighbours regarding construction and delivery times.
- The proposed property would be three storey but be two storey in appearance.
- The scheme would be an improvement on the existing garages.



Resolved –

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

Action: Strategic Director, Regeneration

(d) Marsh Farm, Banks Lane, Riddlesden, Keighley Keighley East

Full planning application for construction of a new boarding kennel for up to 44 Dogs and associated parking facilities at Marsh Farm, Banks Lane, Riddlesden, Keighley - 16/08142/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. She reported that the application proposed the construction of a boarding kennel for 44 dogs and associated parking. An application had been granted in May 2016 for the construction of an agricultural building, however, the work had not been carried out and the submitted proposal was for a new building. It was noted that a late response had been received from the Council’s Countryside officer, who was not in favour of the development due to the lack of ecological appraisal and the removal of a tree. The applicant had been made aware of this late response, but had not been able to submit a Phase 1 habitat survey. The property was situated outside the built up area, however, two dwellings would be affected by noise. An acoustic report had been submitted by the applicant, however, the Council’s Environmental Health Unit had raised concerns. Additional information had then been presented by the applicant but the Environmental Health Unit had not been able to respond in time. This information included technical details and comments from Environmental Health were required. The Strategic Director, Regeneration explained that the access would be developed and parking would be provided, which satisfied the Council’s Highways Department. She confirmed that permission for a similar building had been recently granted for agricultural uses that would support the farm use. The applicant had been requested to provide justification for the construction of the kennel building in the Green Belt and a statement had been submitted, which was circulated to Members. It was noted that there was no planning permission for the boarding of cats, so the Council’s Enforcement Team were investigating the matter. In relation to points in the applicant’s statement, the Strategic Director, Regeneration questioned why an application for an agricultural building had been previously submitted when the owner did not have any experience in the industry. She informed Members that there was a private water supply that ran across the land and issues had been raised as to whether it would be adequate. Insufficient information had been submitted to provide assurance that there would not be an adverse effect on residential amenity and very special circumstances had not been provided to support development in the Green Belt. The application was then recommended for refusal as per the reasons set out in the officer’s report.



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

- The landscape was upland pasture and the proposed development would have a detrimental effect.
- The previous approved application had been for an agricultural building, which was permitted in the Green Belt.
- The existing chicken shed was not in use for this purpose.
- The application had been validated on 7 October 2016.
- The Council's Environmental Health Unit had been contacted in relation to providing a response to the noise issues.
- The Environmental Health officer involved with the case had significant experience regarding dog noise and had indicated that it would be difficult to mitigate the noise and enforce conditions.

A Member expressed concerns in relation to the lack of information provided and suggested that consideration of the application be deferred until a full response regarding the noise matters had been submitted. In response the Strategic Director, Regeneration reiterated that the site was within the Green Belt and the Panel should give considerable weight to this. He confirmed that it was the applicant's responsibility to state the very special circumstances for the development, but the application was lacking in information and a report substantiating the viability of the business had not been submitted. Another Member agreed that additional information was required regarding the noise issues. With regard to the existing chicken shed, the Strategic Director, Regeneration informed the Panel that it could be converted if it was not in use. In conclusion Members agreed that further information in relation to the water contamination and noise issues was required.

Resolved –

That the application be deferred and referred back to the meeting on 18 January 2017 in order for the issues regarding noise, water contamination and biodiversity to be resolved and for the applicant to substantiate the very special circumstances in respect of the proposal.

Action: Strategic Director, Regeneration

(e) The Croft, Keighley

Keighley East

Full planning application for construction of three detached houses, improvements to access drive with turning head at The Croft, Keighley - 16/06629/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. Members were informed that the application was for the construction of three detached houses with improvements to the access and the provision of a turning head. A number of representations against and in support of the proposal had been received. Previous planning



applications in the vicinity had been refused in the past due to the noise from Byworth Boiler Hire Ltd and its incompatibility with residential properties. The testing of boilers was undertaken in an insulated building, however, noise was still generated. The Strategic Director, Regeneration confirmed that it was a B2 industrial area and the site was not within the Green Belt. It was reported that the site was located on an unadopted road that was accessed via a sharp left turn and part of the proposal was to widen the road and improve the access. The site sloped upwards and was suitable in principle for residential properties, however, there were noise issues. The proposed houses would benefit from driveways and integral garages and visitor parking would also be provided. Byworth Boiler Hire Ltd had stated that if the houses were built, noise complaints would be submitted to the Council's Environmental Health Unit and this would jeopardise the business. The Strategic Director, Regeneration indicated that the need for housing had to be balanced against the amenity issues and on balance there could be an impact on jobs. The application was then recommended for refusal as per the reason set out in the officer's report.

In response to Members' questions, the Strategic Director, Regeneration stated that:

- The noise issues had been ongoing for many years.
- In order to make the development acceptable in highway terms, the road would be widened to 4.8 metres and the visibility to the left would be improved. Some of the wall would also be removed at the access point.

A Member indicated that the walls were listed and part of the area's heritage. The ownership of the land proposed for the turning head was also queried. Another Member raised concerns regarding vehicles reversing out onto the road and stated there would still be visibility issues if the road was widened.

The applicant's agent was present at the meeting and commented that:

- A previous application had been refused in January 2009 for the construction of five dwellings due to the relationship with Byworth Boiler Hire Ltd.
- The submitted application complied with Council policies, except in relation to Byworth Boilers.
- The issues raised had not arisen for the development at "The Cobbles".
- Triple glazing would be installed in the proposed properties.
- Noise concerns had not been raised in relation to applications on 'The Croft'.
- The warehouse had been conditioned to protect residential amenity.
- The properties proposed in the previous application had been closer to the Byworth Boiler site.
- There were no objections from Environmental Health on the Council's website.
- The Public Health consultation on the Council's website indicated that they were not minded to object to the scheme.
- Relationships between the residential properties and the industrial use had



been successfully managed since 2008 and there was no reason as to why it should not continue.

- The applicant owned all the land in question.
- Rights to the land would be a private matter.

In response to a Member's query about noise complaints, the Strategic Director, Regeneration confirmed that comments had been obtained from the Council's Environmental Health Unit and Public Health Department, who had raised concerns. Another Member reiterated concerns regarding the ownership of the land proposed as the turning head for the properties and indicated that there were ongoing issues regarding the Byworth Boilers site. In conclusion it was acknowledged that the site was acceptable for development, however, the future problems outweighed the benefits of the development.

Resolved –

That the application be refused for the reason as set out in the Strategic Director, Regeneration's technical report.

Action: Strategic Director, Regeneration

31. MISCELLANEOUS ITEMS

The Strategic Director, Regeneration presented **Document "L"** and the Panel noted the following:

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

(a) **44 Westgate, Shipley** **Shipley**

Unauthorised externally mounted roller shutter - 15/00535/ENFUNA

On 26 September 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(b) **Land at Laurel House, Woodville Road, Keighley** **Keighley Central**

Unauthorised change of use of the land for the siting of a container - 16/00422/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 19 October 2016.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS ALLOWED



(c) **43 St Aidans Road, Baildon** **Baildon**

Conservatory to rear - Case No: 16/03296/HOU

Appeal Ref: 16/00107/APPHOU

(d) **Harrop Farm, Lane Side, Wilsden** **Bingley Rural**

Appeal against Enforcement Notice - Case No: 15/01237/ENFCOU

Appeal Ref: 16/00023/APPENF

(e) **Harrop Farm, Lane Side, Wilsden** **Bingley Rural**

Appeal against Enforcement Notice - Case No: 15/00601/ENFUNA

Appeal Ref: 16/00024/APPENF

APPEALS DISMISSED

(f) **Harrop Farm, Lane Side, Wilsden** **Bingley Rural**

Use of natural stone to previously approved stables 14/04798/FUL and proposed static caravan on the site with electric meter box and extended access road - Case No: 15/03098/FUL

Appeal Ref: 16/00021/APPFL2

(g) **Land at Chelker House Farm and Upper White Well Farm, Craven
Addingham**

Installation of 2 no Endurance E-4660 wind turbines - Case No: 15/02458/FUL

Appeal Ref: 16/00034/APPFL2

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

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



City of Bradford
Metropolitan District Council

