

## **Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 18 January 2017 at Council Chamber - Keighley Town Hall**

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Commenced      10.05 am  
Concluded        12.15 pm

**Present – Councillors**

<b>CONSERVATIVE</b>	<b>LABOUR</b>	<b>THE INDEPENDENTS</b>
Miller Riaz	Shabir Hussain Abid Hussain Greenwood Lee	Naylor

Observers: Councillor Khadim Hussain (Minute 41(d)), Councillor Rebecca Poulsen (Minute 41(a)) and Councillor Martin Smith (Minute 41(b) and (c))

Apologies: Councillor Cath Bacon and Councillor Adrian Farley

**Councillor S Hussain in the Chair**

**37. 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 133 North Street Keighley (Minute 41(d)), that she was a Governor at St Anne’s Catholic Primary School but had not discussed the application.

***Action: City Solicitor***

**38. MINUTES**

**Resolved –**

**That the minutes of the meeting held on 6 September 2016 be signed as a correct record.**



### 39. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

### 40. PUBLIC QUESTION TIME

There were no questions submitted by the public.

### 41. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

#### (a) **Land at Fife Street, Haworth, Keighley** Worth Valley

Full planning application for construction of two dwellings, new access road and associated works at Land at Fife Street, Haworth - 16/08628/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed the Panel that Fife Street and Dove Street, which enclosed the site, had been surfaced with grass and provided with pavements and a small number of trees as part of a General Improvement Area (GIA) scheme in the 1980s. The proposal included the removal of some rowan trees. A number of objections referred to the loss of recreational land, however, there was open recreational land off Ashlar Close and this application was for currently undeveloped private land. He stated that the new access was subject to a Section 278 agreement and therefore approval of condition (4) required amending to ensure that the formation of access was completed prior to any works taking place on site to ensure the access was of an adequate standard.

In response to Members' questions he stated that:

- The grassed area, which formed part of the GIA scheme, was maintained by the local authority.
- If an access road was formed the land would remain Council highway land.
- In the absence of off-street parking, residents of Dove Street and Fife Street parked on Prince Street.
- He did not consider it likely for the proposed access road to be introduced for the rest of Fife Street however, each application needed to be considered on its own merits.
- Guidelines stated that residents should not have to wheel bins further than 25m to the boundary for collection; refuse collection was currently being managed in the area by residents of Dove Street and Fife Street.
- The proposed access affected two of the three rowan trees.
- The planting of trees on site was proposed.
- Dove Street and Fife Street were steep and the proposal would create additional surface water run-off; one of the proposed conditions would ensure



that the development was drained using separate foul sewer and surface drainage systems within the site boundary.

- The access road would be a shared surface subject to a detailed design.
- The trees were not subject to Tree Preservation Orders (TPOs).

The City Solicitor stated that a separate process would be required to re-instate any vehicular rights that had been removed by the GIA Order.

A Ward Councillor was present at the meeting and made the following comments:

- She had received many concerns from residents in the area, the biggest of which was the loss of green space.
- The green space on the site was well used by many young children as there were young families in the area.
- Terraced houses in the area did not have any outdoor space for children to play on.
- It would be a shame to lose the rowan trees on the site.
- Concerns were raised about drainage due to the proposed dwellings being on a steep hill, the loss of a grassed area which helped to soak up some of the surface water run-off and the history of flooding in the area.
- Concerns were raised of the proposed dwellings overshadowing surrounding residential properties.
- Her main concerns were of access, lack of amenities for children and drainage.

A Parish Councillor was in attendance at the meeting and made the following comments:

- The land on the site used to be an orchard.
- Parking on Prince Street was already at a premium.
- He considered that the new access road would get blocked by parked cars.
- The Parish Council objected to the application.
- There had already been seven new houses built opposite the site and residents who lived at the bottom of that hill had complained of damp appearing in their homes since they had been built.
- He raised concerns of overdevelopment in the area.

The Strategic Director, Place clarified that access to the site was intended via Ashlar Close, not Prince Street and the Council had to balance the protection of green belt against the best use of existing urban land.

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

- He had worked closely with officers in submitting the application.
- There was existing green space within a short distance of the site.
- This was not the first GIA to have access introduced.
- The site was private property.



- In relation to traffic and highways, the number of additional movements created by the proposal would be minimal.
- There was sufficient distance between habitable windows which complied with Council policies.
- The loss of trees would be compensated for by additional planting of trees on the site; the rowan trees that would be removed were Category C trees of low quality.
- There was potential for access to be opened up for the rest of the street in the future.
- The proposal would contribute to the shortfall of housing in the District.
- The proposed development would provide two good quality family homes, visually enhance the site, reduce pressures to build on the Green Belt and provide economical benefits.

Members made the following comments:

- The proposal would remove an area where children played and there were many families with young children in the area that would suffer the loss.
- None of the residential properties in the area had gardens.
- Concerns were raised with regard to the access and possible obstructions caused by vehicles.
- The access was an issue that the applicant would have to gain approval for separately to this application.
- The proposal would visually improve the site.
- The site was private land and it was considered there were no issues with it being developed for housing.

**Resolved –**

**That the application be approved for the reason and subject to the conditions set out in the Strategic Director, Place’s technical report and subject to the amendment of Condition 4 as follows:**

- (i) **Before any development works commence on site, full design details of the proposed means of access and the turning facility shown on the approved layout drawing shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be implemented in accordance with the details so approved prior to the commencement of any development.**

**Action: Strategic Director, Place**



**(b) & (c) Undercrag, Hollin Hall Drive, Ilkley**

**Ilkley**

- (b) Full application for two new dwellings in the grounds of Undercrag, Hollin Hall Drive, Ilkley - 16/07916/FUL
- (c) Householder application for two storey extension to existing dwelling at Undercrag, Hollin Hall Drive, Ilkley - 16/07919/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was for the construction of two new dwellings and a two storey extension to the existing house. Members noted that access to the site was via Hollin Hall Drive, which was an unmade road, and it was situated next to Panorama Woods and sloped steeply down to Panorama Drive. The existing house was currently unoccupied and surrounded by woodland that was subject to a Tree Preservation Order (TPO), however, the property and associated areas were excluded and the proposal would not affect the woodland habitat.

With regard to the application to extend the existing property, the Strategic Director, Place explained that the two storey addition would wrap around the existing gable and occupy the position of the unstable sun lounge. He confirmed that the materials would match and no planning issues had been raised. An ecological appraisal had been supplied and the bat roost identified within the house would not be affected by the extension, however, a bat licence would be required and a condition had been placed on the application that required the creation of a bat habitat within the extension.

The Strategic Director, Place then reported that the proposed two new dwellings would be built into the slope of the site, constructed using stone and slate, and located alongside the access drive. He stated that a number of representations had been received, including one from a Ward Councillor, and the issues raised were noted within the report. The Council's Highways Department had not raised any concerns and conditions had been placed on the application to cover the highway requirements. Members were informed that the site was not Green Belt but was covered by Policy OS1, the purpose of which was to maintain the open and green character and maintain the upkeep of the land. The policy also needed to be considered in relation to sustainable development within the National Planning Policy Framework (NPPF) and the lack of housing supply in the District. The Strategic Director, Place explained that a number of reports had been provided, including a Landscape Impact Assessment which indicated that the development would have a minimal affect on the greenspace. He confirmed that the new houses would be screened by the embankment and the applicant had provided a Woodland Management Plan that stated the woodland would remain as a single entity and be communally managed. Members noted that permitted development rights would be removed in relation to the erection of any outbuildings and a construction exclusion zone would be established. In conclusion the Strategic Director, Place stated that the tree loss would be modest and, therefore, acceptable and he then recommended the application for approval, subject to the conditions as set out in the report.



A Ward Councillor was present at the meeting and made the following points:

- Hollin Hall Drive was narrow.
- The embankment would have to be cut into which would cause disruption.
- The NPPF stated that the natural environment should be protected.
- Panorama woods were an integral part of the vista.
- A proposed development had been refused further down the road, as there had not been a turning area.
- The site was an urban green space.
- The previous owner of the property had wanted to link the green space to the town area.
- Houses had been slotted into areas in Ilkley.
- The application should not be approved until the Council's Core Strategy issues had been resolved.
- The application should be refused on the grounds that it was an urban open space, the scheme did not have a turning area and wildlife would be affected.
- A well used footpath was adjacent to the site.
- It would be against the wishes of the deceased owner to develop the site.

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

- Ecological surveys had been undertaken on the site.
- The woodland to the south of the site was of value so it would be retained and be subject to a management plan.
- Some non-native trees and shrubs would be removed.
- The bats roosting in the existing property would be protected.
- Wildlife had been identified on the site, but was over 30 metres from the construction site and a licence was not required.
- It had been recommended that the site be revisited to ensure that no harm came to the wildlife prior to the construction and a licence would need to be acquired.
- The scheme complied with Natural England guidance and would not have a negative impact.
- The proposal was for two additional units and they would not have an impact on the site.

In response to further queries, the Strategic Director, Place reported that the access road was unadopted and the Council would encourage the adoption of a street if five or more properties were to be constructed. He stated that a private drive of this type would not need to be of an adopted standard and the number of houses that could use it would not be restricted. There would only be two additional properties and it would be ensured that a passing place and turning head would be provided on the private drive.



**Resolved –**

- (b) & (c) That the applications be approved for the reason and subject to the conditions set out in the Strategic Director, Place’s technical reports.**

**Action: Strategic Director, Place**

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

**Keighley Central**

Change of use from office building to non-residential education and training centre/after school facility, and construction of a single storey rear extension at 133 North Street, Keighley - 16/08612/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reminded Members that an application to change the use of the building to nursery/after school activity and the construction of a single storey extension had previously been considered by the Panel on 6 September 2016, but had been withdrawn by the applicant at the meeting following deliberation by Members. At that time the application was recommended for refusal by officers due to highway safety grounds and Members had raised concerns about the lack of outdoor play space within the proposals which had included a day nursery. He stated that the current application was for an education and training centre for use by adults during the day and for the provision of childcare in the evenings until 8pm. Supplementary information stated that the adult classes would include subjects such as arts, crafts, health and wellbeing, computing and skills for work. The highways and parking provision concerns remained, as per the previous application, and it was therefore recommended for refusal on highway safety grounds due to insufficient parking, turning and drop off areas within the site.

In response to Members’ questions he stated that:

- There were four adequate car parking spaces available to the front of the building; to park any more cars on the site would require the movement of cars to allow egress.
- There had been approximately 26 employees at Keybury Alarms and the premises had B1 use at that time.
- There had been no information submitted by the applicant with regards to the age of the children that would be using the proposed facility.
- If Members were minded to approve the application, a condition could be placed on it to ensure that the premise was not used as a children’s day nursery.
- Cars parked off-street in the vicinity tended to be parked all day.

In response to a Member’s question, the City Solicitor confirmed that the legal definition of an adult was anyone over the age of 18 years.





A Ward Councillor was present at the meeting and made the following comments in support of the application:

- The premises had previously been used for commercial use for a long time.
- The provision of a nursery had been removed from the application since it was last considered.
- No children under the age of five would be using the building during the day.
- After 6.00pm traffic congestion in the area eased.
- Unlawful parking was an enforcement issue.
- He welcomed the proposed facility and considered it was a much needed one.
- He considered there was adequate provision for parking within the premises as there were up to 10 parking spaces on site.
- Classes at the proposed facility would host approximately 10 adults and there would be less staff at the premises than previously employed on the site.

In response to Members' questions, the Ward Councillor responded that:

- There was no similar provision in the area.
- The proposed facility was likely to be utilised by the local community.
- There was likely to be two classes held at the premises at any one time.

Members made the following comments:

- There was a car park within 50 yards of the site which St Anne's Catholic Primary School encouraged parents to use.
- There was a car park within 500 yards on Scott Street which was considered close to the location for patrons to use.
- Highway safety concerns remained in relation to young children using the facility due to the close proximity of a main road to the front of the building.
- The application was acceptable providing it did not include a nursery.
- There was considered to be sufficient parking on site and in the vicinity.

**Resolved –**

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

**That in view of the previous use of the site, the proposed development provides sufficient parking, turning and drop off areas and would not be likely to lead to an increased demand for on street parking. The application no longer proposed the provision of a day nursery, therefore, satisfies Policy TM19A of the Replacement Unitary Development Plan.**

**And be subject to the following condition:**

- (i) **That the development shall be used only for the purpose as stated in the application and not any other purpose within Class D1 of the use classes order.**

**Action: Strategic Director, Place**





**(e) Beacon House, Riverside Business Park, Dansk Way, Ilkley Ilkley**

An application to remove condition number 2 on planning consent 15/02269/FUL. This authorised the change of use from business office (B1) to assembly and leisure use (D2) at Unit A Beacon House, Riverside Business Park, Dansk Way, Ilkley - 16/08743/VOC

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application requested the removal of a condition from the permission granted in July 2015. It was noted that Unit A was a modern building on a business park that was served by Dansk Way and had a shared car parking area of 56 spaces that were divided between the four units. Members were informed that the gym business had moved from the end unit to Beacon House as it was larger. The Strategic Director, Place stated that officers had been reluctant to support the original application as the use should be in town centre localities and there was a shortfall of parking spaces for these units, which resulted in vehicles being left on Leeds Road. The applicant had submitted a strong case stating that the gym would be for a limited specialist use, that strong floors were required and there were not any suitable buildings available in Ilkley. The planning permission had therefore been granted subject to conditions. Complaints had then been received that other uses were on going at the premises and that two of the allocated 17 car parking spaces for Unit A were unusable. It was confirmed that 22 spaces were required for an unrestricted gym use, therefore, there was a shortfall in parking provision and this had been ratified by the Council's Highways Department. The Strategic Director, Place concluded that officers believed that the condition had a purpose and should remain, therefore, the application was recommended for refusal.

In response to Members' questions, the Strategic Director, Place confirmed that:

- Each unit had designated parking areas.
- Enforcement action was being held in abeyance due to the submission of this application.
- Planning permission had been granted for a Heavy Metal Gym (HMG) and not fitness classes.
- The undertaking of fitness classes was a breach of the planning condition.
- The submitted application was an attempt to regularise the planning permission.

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

- He was speaking on behalf of the other businesses.
- Consistency in planning permission was important.
- An application for class D2 use had been refused three years ago and nothing had changed since that refusal.
- The Council had been informed nine months ago that the premise was not a HMG.
- Parking concerns had been raised.



- The applicant had access to 17 car parking spaces, but not all the customers were able to park.
- It was an office park, not a leisure park.
- Users of Unit A were parking in other businesses' spaces.
- Each unit was allocated a number of car parking spaces.

The applicant was present at the meeting and explained that:

- He was not asking for unrestricted D2 access and wanted the current use to continue.
- The classes took place outside working hours and those that ran within working hours could only accommodate eight people.
- He had witnessed other people using the parking spaces allocated to the gym.
- Classes had taken place on the gym's allocated spaces as they were not required for parking.
- The objections were not based on evidence.
- The gym had been operating on the site for three years and had never over spilled onto Leeds Road.
- In relation to Policy CL3, the gym did not attract a great deal of people and a maximum of 20 would be in the premises.
- Policy CL3 had not applied to the Ilkley Tennis Club extension.
- Four extra staff had been employed since the classes had commenced.
- The staff walked to work.
- The facility provided affordable services.
- He was happy to accept any restrictions.
- He wanted the facility to continue as it was currently.

The Strategic Director, Place stated that it was for Members to consider the application submitted and it would cause difficulties if the use was altered.

**Resolved –**

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

**Action: Strategic Director, Place**

## 42. MISCELLANEOUS ITEMS

The Strategic Director, Place presented **Document "P"** and the Panel noted the following:



## REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

- (a) **Land West of Airedale General Hospital, Main Road, Steeton with Eastburn** **Craven**

Breach of hours of construction - 16/01070/ENFCON

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 6 December 2016.

- (b) **Land at Ashley Wharf, Ashley Lane, Shipley** **Shipley**

Unauthorised use of land for motor vehicle storage - 16/00853/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 6 December 2016.

## DECISIONS MADE BY THE SECRETARY OF STATE

### *APPEALS ALLOWED*

- (c) **24 Laurel Park, Wilsden** **Bingley Rural**

Amendment to planning application 14/05392/FUL replacing the approved pair of semi-detached dwellings for a single dwelling with separate garage - Case No: 16/02981/FUL

Appeal Ref: 16/00102/APPFL2

- (d) **Ravenswood, 62 Chevin Avenue, Menston, Ilkley** **Wharfedale**

Construction of replacement dwelling - Case No: 15/03489/FUL

Appeal Ref: 16/00059/APPFL2

### *APPEALS DISMISSED*

- (e) **1 Belmont Avenue, Baildon** **Baildon**

Construction of detached house and garage - Case No: 16/01938/FUL

Appeal Ref: 16/00114/APPFL2

- (f) **17 Jonathan Garth, Addingham** **Craven**

Two-storey side extension - Case No: 16/03028/HOU

Appeal Ref: 16/00123/APPHOU



**Resolved –**

**That the decisions be noted.**

***Action: Strategic Director, Place***

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

