

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday 22 March 2017 at Keighley Town Hall

Commenced 10.10 am
Concluded 1.50 pm

Present – Councillors

CONSERVATIVE	LABOUR
Miller Riaz	Bacon Farley Abid Hussain Shabir Hussain

Observers: Councillors; Poulsen (Minute 47 (g)), M Slater (Minute 47(h)) and
B M Smith (Minute 47(a) and (d))

Apologies: Councillor Naylor

Councillor S Hussain in the Chair

43. DISCLOSURES OF INTEREST

Councillor Riaz disclosed, in respect of the item concerning Cullingworth and District Conservative Club, 21-23 Station Road, Cullingworth (Minute 47(e)) that he was a member of the Conservative Party, had frequented the Club concerned and knew the applicant. He therefore withdrew from the meeting during consideration of this item in accordance with the Members Code of Conduct (Part 4A of the Constitution) and the Members and Officer Planning Code of Conduct (Part 4B of the Constitution).

In the interests of transparency, Councillor Miller disclosed, in respect of the item concerning Cullingworth and District Conservative Club, 21-23 Station Road, Cullingworth (Minute 47(e)) that he was a member of the Conservative Party but had not visited the Club concerned for at least three years and did not know the applicant.

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 Miller disclosed in respect of the item concerning Land to the North of Well Cottage, Black Moor Road, Oxenhope, Keighley (Minute 47(g)) that he was acquainted with the applicant but he had not discussed the matter with this individual.

44. MINUTES

Resolved –

That the minutes of the meetings held on 20 October, 23 November, 14 December 2016 and 18 January 2017 be signed as a correct record.

45. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

46. PUBLIC QUESTION TIME

There were no questions submitted by the public.

47. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) 110 Skipton Road, Ilkley

Ilkley

Construction of detached car port with office above plus associated works at 110 Skipton Road, Ilkley - 16/07296/HOU.

The Strategic Director summarised a written representation from the applicant, who was unable to attend the meeting, which stated that: he was self employed and worked at various locations dependent upon his clients; the development would allow him to re-locate from the existing office within his house; there was already an existing car parking area which had been in place for a number of years; there would be no significant impact or increase of highway use on Riverside Walk as a result of the works and that the proposed office and car port would be above an existing structure.

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

- The access road (Riverside Walk) was very narrow and he did not believe that cars parked on it very often due to the obstruction this caused.
- The roof lights proposed on the front elevation would be at head height and he considered there would be overlooking of properties 5, 7 and 9 Riverside Walk. An increase in the height of the roof lights would be an improvement.
- The right of access on Riverside Walk was a private legal matter which was



for residents to resolve.

- He considered the proposal to be an overuse of the site.
- He believed that trees had already been removed from the site without authority.

An objector to the application put forward the following points:

- He considered the size of the proposals would dominate Riverside Walk and be out of character.
- The officer's report stated that the conifer hedge between the property and No. 7 Riverside Walk was 4 metres high, but this hedge only covered 45% of the boundary and the proposal would be an additional 3 metres higher. The development would therefore have an overbearing impact upon neighbouring residents.
- It was questioned why the applicant didn't appear to be subject to the same restrictions as other residents of Riverside Walk.
- Residents would have to reverse out of Riverside Walk if vehicles parked there as it was very narrow and there would be no turning facility.
- He believed the applicant's statement in relation to the existing concrete hard standing having been built years ago to stabilise the rear garden area after the removal of a former dilapidated garage to be untrue. He stated there were numerous photographs available since the development of houses on Riverside Walk to verify this.
- Previously this garden had included a number of trees that had been removed. Consent for removal of the Ash tree on the site had been refused but branches had still been removed.
- The drawings showed one small car and one medium car on the site but this could not be controlled. It was considered that it would not be possible to drive into the carport in one movement. All other properties off Riverside Walk had the facility to turn.
- The site had not been used regularly for parking.
- A planning consent in 2009 (for the removal of a garage and a side extension) had been permitted on the basis that it was not used as a separate dwelling but it was understood that this was now the case. Residents were concerned that the proposed development could be used as a separate dwelling.
- There was ample car parking space available at the front of the property and no need for a car port at the back of the property.

The Strategic Director, Place reported that:

- The Council had no evidence in respect of the past removal of trees from the site.
- It was not considered that the roof lights needed to be amended; they were to provide light not a view and it was not believed that there would be undue overlooking.
- Riverside Walk was a private access road and any rights of access issues were a private legal matter, separate to the planning application.



- The application for consideration was for a car port and office; and, if approved, any alterations to that i.e. for a dwelling would need to be applied for and considered on its merits at that time.
- The relationship to No.7 was close but was considered acceptable; there was a 4 metre high hedge in-between and the nearest point was a garage not a habitable room.

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

- It appeared that the applicant worked from home and there was no information received to show that he had an office base elsewhere.
- The applicant had not stated where visitors currently parked their vehicles when visiting the property.
- The access to the office was from the front of the property.
- If Members were minded to approve the application they could require the removal of the roof lights or impose a condition in respect of their height.
- The width of the access road was approximately 3 metres.
- It was understood that the applicant intended to finish constructing the existing external steps to the carport; the access to the office would be from the lawned area at the top of the steps.
- The steps which currently existed on the site did not lead anywhere.
- He was not in possession of any evidence in respect of a garage having been located on the site previously.

Members made the following comments:

- If the Panel was minded to approve the application, a condition should be included for the level of the roof lights to be raised as there were concerns about overlooking.
- There were concerns about the access road being blocked by parked vehicles as it was believed that visitors would park there for convenience.
- Access for emergency vehicles was a concern if the access road became obstructed due to parked vehicles.
- In observing the officer's photographs of the site, it was noted that there were no tyre tracks on the leaves on the ground, which were both fresh and dead and this would suggest that the parking area was not used frequently.
- It was considered likely that inconsiderate parking would take place and this would lead to access concerns for other residents due to its narrowness.
- The potential loss of a large tree, as shown in the officer's photographs was a concern.
- The proposed development would have an adverse impact on the character and appearance of properties in the vicinity.
- The proposal was considered to overlook neighbouring properties due to the height of the roof lights.



Resolved –

That the application be refused for the following reasons:

- (i) The proposed development will have an adverse impact on the character and appearance of the area and the Ilkley Conservation Area contrary to Policies D1 and BH7 of the Replacement Unitary Development Plan.
- (ii) The building will have substandard access due to the narrow width of Riverside Walk and the increased likelihood of parking by clients of the proposed home business would cause obstruction. As such the proposal is contrary to Policies TM19A and TM2 of the Replacement Unitary Development Plan.
- (iii) The position of the roof lights on the submitted drawings is such that overlooking would be caused to occupiers of existing dwellings on Riverside Walk, resulting in loss of amenity to occupiers of these dwellings contrary to Policies D1 and UR3 of the Replacement Unitary Development Plan.
- (iv) The development would pose a threat to the trees immediately adjoining the site which is within the Conservation Area. This would be contrary to Policies NE4 and NE5 of the Replacement Unitary Development Plan.

Action: Strategic Director, Place

(b) 29 Greenside Lane, Cullingworth, Bingley

Bingley Rural

Householder application for a proposed two-storey side extension to 29 Greenside Lane, Cullingworth, Bingley - 16/09228/HOU

The Strategic Director made a correction to his technical report, in respect of the relevant proposals and policies reference should have been made to the 'Householder Supplementary Planning Document' rather than 'House Extensions Supplementary Planning Document'.

He also said that, in light of an objection made by the occupier of a neighbouring dwelling, Members may wish, if they were minded to approve the application, to impose a condition that the ensuite and dressing room be glazed with obscure glass.

An objector to the application put forward the following concerns:

- Three previous applications had already been rejected but the current application was recommended for approval.
- The earlier plans had included a swimming pool, play room and sun room.
- The worst part of the proposal was the two storey side extension.



- What about Replacement Unitary Development Plan (RUDP) Policies UR3 and UDP3? it was considered that this bulky addition lacked subservience even with the 1 metre set back.
- The floor area would constitute 60% of the original floor area and add 4 metres to a 10 metre frontage.
- The extension would be located right up against No. 27. The attractive open pattern of the housing in this area would be destroyed.
- Previous refusals had stated that the proposal would lead to a building that would be out of place, incongruous and would cause harm to the streetscene and character. It would have an overbearing impact on neighbouring gardens and it was considered that it would have an oppressive effect and would be harmful to residential amenity. Nothing had changed in this regard.
- There would be a loss of light to the adjacent garden and it would be overdominant affecting the outlook and amenity for adjacent residents.
- Policy UR3 allowed development if there was no adverse impact, development should improve the environment.
- The Town Council agreed that the development was detrimental to visual and residential amenity and would harm the local character and appearance.
- Cullingworth was an open community and residents had the right to be protected from ostentatious development.
- It was considered to be unfair and undemocratic to impose this on the neighbours and other members of the community.
- The proposal would cause permanent damage to the street and its amenity.
- It had been refused three times before and was still monstrous.

The Assistant Director said that he could make the previously refused plans available for Members if they wished but clarified that the development had been amended, including a reduction in its depth, and was now fully in accordance with the Council's planning policies. It was considered that it would not cause overshadowing, overlooking or be overdominant. The Local Planning Authority had not changed its mind about the application but had assessed the applicant's fourth application. If an application was refused any applicant was within their rights to resubmit a further application to try and address the reasons for refusal.

The applicant spoke in support of the application as follows:

- The existing garage was in a very poor state and the cost of repair would be significant. It had recently been subject to a break-in and he wished to demolish it and to integrate it into the property, which would help increase security.
- There was a need to increase the living space at the property due to the family circumstances.
- Several other properties in the locality had similar two storey extensions with no objections having been made.
- With the exception of one all the objections had originated from properties to the rear.
- The scheme had been amended to make it compliant with the relevant policies and to try to avoid upsetting the neighbours.



Members made the following comments:

- Obscure glazing should be used for the en-suite and dressing room.
- After a number of attempts the applicant had now achieved an acceptable scheme and officers recommended approval.
- The applicant's efforts to address the issues was welcomed.

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 an additional condition in relation to:

The first floor windows, serving the en-suite bathroom and dressing room, in the rear and side elevations of the extension hereby permitted shall be glazed in obscure glass prior to the first occupation of the extension and thereafter retained as such, in order to prevent overlooking of the adjacent property or garden area.

Action: Strategic Director, Place

(c) 3 Park Dale, Menston, Ilkley

Wharfedale

Full application for the construction of a detached dwelling with associated parking at 3 Park Dale, Menston, Ilkley - 16/08877/FUL

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

- The site was too tight and the proposed dwelling would be out of context with the existing residential properties in the area.
- The proposal only had two car parking spaces yet all other properties in the area had separate garages and gardens. It would mean the loss of the front garden.

An objector to the application tabled photographs to illustrate her points and put forward the following concerns:

- She resided in the neighbouring property which would be the most affected by the development.
- All residential properties in the area had gardens and garages which the proposed dwelling would not; this would change the character of the street.
- There would only be 1.5 metres of land around the proposal which would also be out of character for the area.
- The officer's report stated that the proposal would not have a 'significant adverse impact', but no shadow analysis had been undertaken.
- The apex of the roof would be visible from her sitting room. It was sited to the South.
- The proposal would be overdominant and cause overshadowing of her



- property. Light to sitting rooms would be blocked.
- The distance between the front of her dwelling and the one proposed was 7 metres yet this had not been addressed in the officer's report.
 - There had been two recent incidents of flooding at her property and at Nos. 6 and 8 Park Field; the proposal would increase the surface water run off and increase the likelihood of flooding due to the loss of the existing lawn.
 - The proposal would reduce the natural light to her property and affect numerous windows.
 - She considered there had been a lack of regard for her amenity.

The Strategic Director, Place reported that:

- No objections had been raised by the Council's drainage officers subject to the imposition of various conditions.
- Whilst no information had been received from the applicant's agent in relation to shadow analysis, the proposed development did not contravene the 45 degree rule and was not considered to have a significant adverse effect on daylight and sunlight to the neighbouring property.
- The relationship to the windows of the adjacent property had been assessed but it was not considered that refusal of the application was sustainable.

The applicant's agent put forward the following points:

- He had worked proactively with the Local Authority and had taken its advice prior to submitting the application to ensure that the design complied with planning policies.
- He had consulted Yorkshire Water about the drainage issues and had submitted a supplementary drainage plan which showed that there would be 750mm separation between the existing sewer and the footings of the proposed development. If the surface water drainage had to be re-routed it would be dealt with under Building Regulations.
- A 45 degree line from the proposal had been achieved.

Members made the following comments:

- There remained some concern about overshadowing.
- There was a need for new homes in the district.
- The absence of a garage was not considered to be an issue; there was off-street parking provision.
- Assurances had been given that the 45 degree rule had been met by the proposal.
- The design was not considered to be incongruous.

Resolved –

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

Action: Strategic Director, Place



(d) 5 West View Wells Road, Ilkley

Ilkley

Previous references: Minutes 4(a) and 35 (c) (2016/17)

Retrospective application for an extension to rear of the property to house a lift and staircase, at 5 West View, Wells Road, Ilkley - 17/00515/FUL.

The Strategic Director reported that two of the Ward Councillors had commented on the application and reminded Members that they had considered an application for an extension to house a lift shaft at the meeting of the Panel in December 2016. He explained that the lift tower, as constructed, projected 0.64 metres further from the rear elevation than approved.

In response to a Member's question he explained that there was a degree of separation to the sitting room of No. 6 which projected out from the rear elevation and this room also had another window on the opposite side. Although there would be an additional effect from this proposal it was not considered sufficient to warrant refusal of the application. He was content that the use of the four existing parking spaces would not be prejudiced.

A Ward Councillor said that:

- The approved plans had not been accurate.
- The development had affected the turning area for vehicles and made the parking spaces difficult to access.
- The developer had continued with the work after being made aware of the issues.
- It was considered that retrospective applications and the problems these caused for local residents would continue unless the situation was addressed.

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

- The property had been neglected and empty previously.
- The permission to convert it to apartments had given the developer the confidence to invest and renovate the property.
- The Panel had considered an application in December 2016 for remodelling of the stair tower to accommodate a lift. Members had discussed the proposals at this time and had concluded that there was merit in including a lift for the elderly and those with disabilities.
- The officer's report explained the reasons for the application. The practical problems had arisen once construction had commenced.
- The planning officer had been able to make an informed decision in this case as the work was almost complete.
- It had been built using recycled stone.
- Some supportive comments had also been submitted.
- In respect of the adjacent property; the room concerned had two windows.
- No changes were proposed to the parking.
- The Conservation Team had stated that it was acceptable.
- There would be no substantive effect on residential amenity.
- The 45^o rule would not be broken.



- The development was compliant with the relevant policies.
- Issues around noise had been discussed at the meeting in December. The lift would be modern and quiet and would be enclosed by stone walling. It would abut bedrooms internally and would be well insulated.
- It was not believed that the extension would be discernible from Wells Road and this view was supported by officers.
- The railings, which were in a very poor state, would be sent to a restoration specialist and then reinstated.
- The difference from the approved plans amounted to an additional 0.64 metres projection and the planning officer's conclusion was that planning permission should be granted.

In response to questions from Members the Strategic Director said that it did not appear that the extension projected any further out from the rear than the adjacent property. He also pointed out that retrospective applications were not illegal and may arise for a number of reasons. Although the work undertaken might be unauthorised the Local Planning Authority had a duty to assess it within the confines of the relevant legislation and policies. Anyone building without the relevant permission risked having enforcement action taken against them.

Members commented that:

- It was not believed that it would cause overshadowing.
- When it was realised that there was a problem it was considered that work should have ceased.

Resolved –

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

Action: Strategic Director, Place

**(e) Cullingworth and District, Bingley Rural
Conservative Club, 21 - 23 Station Road**

Cullingworth

Full application for an externally mounted flue to serve kitchen extract ventilation at Cullingworth and District Conservative Club, 21-23 Station Road, Cullingworth - 16/08874/FUL

The Strategic Director, Place stated that, on balance, he was recommending that the application be refused due to its location in the Cullingworth Conservation Area and concerns raised by the Conservation Team about the impact the proposal would have on its character and appearance. Discussions had taken place with the applicant's agent to determine whether the flue could be placed inside the building or at the back of the building where it would be less visible, but he had said that this was not a viable option. He had also pointed out that the proposal had been made on a voluntary basis to protect the amenity of the neighbouring properties.



The applicant's agent put forward the following points:

- The flue would eliminate noise and smell and improve air quality.
- This application had been made to help the neighbours, at their request.
- The neighbouring properties supported the proposal and there had been no objections.
- The flue would be designed to blend in with the building to minimise the impact and was therefore a bespoke product, costing significantly more than an 'off the shelf' flue.
- This was a long established club with approximately 1400 members; it took its responsibility to its neighbours and the village seriously.
- It was considered that the public benefit would outweigh the harm of the visual impact of the flue.

Members made the following comments:

- Whilst the proposal appeared to be a thoughtful application there seemed to be no problems in relation to the current flue system; there had been no complaints received by the Local Authority.
- There was concern about a precedent being set and similar and less sympathetic applications being put forward in other Conservation Areas if this application was approved.
- There were other flues in Conservation Areas in the district.
- It was not believed that this proposal would set a precedent.
- The proposal was a good will gesture from the applicant to their neighbours. It would improve the problems and as long as it was painted to blend in it should be approved.

Resolved –

That the application be approved for the following reason:

The flue will bring public benefits, in terms of an improvement to amenity for neighbours in respect of odour and noise, which are considered to outweigh the harm to the Cullingworth Conservation Area. The development is therefore considered to accord with Policy BH7 of the Replacement Unitary Development Plan and Paragraph 134 of the National Planning Policy Framework,

and subject to a condition in respect of:

The extraction flue hereby permitted shall be rectangular in shape and coloured to match the adjoining stonework as specified on the submitted drawings and written submissions and shall be retained in that form and colour thereafter.



Reason: To safeguard the character and appearance of the Cullingworth Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

Action: Strategic Director, Place

(f) Holmfield, Manor Road, Keighley

Keighley Central

Previous reference: Minute 82 (2013-14)

Full planning application for an amended house type on Plot 4 of the previously approved development at Holmfield, Manor Road, Keighley - 16/08785/FUL

In response to a question the Strategic Director clarified stated that, at the closest point, the distance between the proposed property and the existing property at 24 Manor Road was 12 to 13 metres, the properties being positioned at an angle.

Objectors to the application spoke against the proposal:

- She had lived at the nearest property to Plot 4 for fifty years.
- The development was a major intrusion on her privacy; if Members stood in the back garden of her house they would understand.
- The approval of the plans for the overall development had been accepted but this current application would mean a building of three stories on ground at a higher level than her property. The house was already significantly overshadowed and would be even more so if further extended as proposed.
- Development should not be allowed at the expense of existing residents.
- Enforcement action was ongoing.
- There were concerns about compliance with plans.
- The photographs illustrated the lack of light to 24 Manor Road. The photographs showed the situation in January; between October and March it was believed that it would not even reach below the bedroom windows.
- If this application was approved the lack of light would be even worse.
- The extension could mean more people and more cars. Space on this development was very tight.
- It was questioned how emergency vehicles would gain access.
- Refuse bins would have to be taken to the end of the access road.
- The existing willow tree in the garden of No. 24 absorbed a significant amount of water and was believed to be critical in easing flooding.
- Since the commencement of development streams had appeared in places where they had not been previously.
- Flooding had occurred in the locality.
- Looking out of existing property windows onto a roof or wall at a height of 46 feet and 28 feet wide was very unpleasant.



The applicant's agent made the following comments:

- It could be seen from applications considered earlier that it was not unusual for existing housing to be set 12 metres apart.
- The distance to the nearest existing property increased to considerably over 16 metres.
- It was considered that the proposal was in compliance with planning policy.
- A cross-section had been provided to demonstrate that the 25^o line was not crossed and there would be no adverse effect.
- The windows on the rear elevation of No.24 Manor Road were of a significant size; they were located at the furthest point from the development probably 18-19 metres away.
- It was believed that the situation had been improved upon that of the previous approval.

In response to questions from Members the Strategic Director indicated the closest point from the proposed extension to the nearest property and clarified that it was not considered that there would be any impact on properties on Aireville Close.

He also said that:

- He did not consider that there would be any significant highway impact that would give rise to safety concerns.
- An enforcement investigation was ongoing in respect of compliance with several conditions; some of the relevant details had been received recently but no determination had yet been made.
- The configuration of the building had been changed and the roof was now hipped.
- It did appear from the photographs that the existing hedge along the boundary with No. 24 Manor Road could cause shadow to that property.
- Flooding had been an issue considered in the determination of the original planning application and that was why enforcement was being pursued in respect of drainage issues. It was doubtful that the current proposal would have any impact in this respect.
- It was recognised that there could be issues with drainage whilst sites were under construction but this was usually temporary until the drainage system was established.
- The representations had originated from both the local area and from further away.
- Although it was accepted that adjacent properties could often be positioned closer than as proposed in this case, in his view the difference with this proposal was the difference in respect of height and potential dominance.
- The willow tree referred to was in the garden of No. 24 Manor Road; it had been alleged that construction would cause damage to it but it was difficult to tell if this would be the case.



Members expressed differing views and made the following comments:

- The application was acceptable.
- The existing boundary hedge was the cause of shadowing.
- On balance the distance was acceptable, it was not considered that it would make a significant difference.
- The proposal did not fail the 25⁰ line test.
- It was considered that an appeal would be successful.
- There had been nothing on the site previously so it was considered that any new structure could appear overbearing.
- The extension would be overbearing and the impact was considered to be unacceptable.

Further to which it was

Resolved –

That the application be approved for the following reason:

It is considered that the amendments to the house on Plot 4 would not result in the proposed dwelling having an unacceptable overbearing impact on the habitable rooms and rear garden area of the existing neighbouring property. As such the proposal would not be contrary to Policies D1 and UR3 of the Replacement Unitary Development Plan or Paragraph 17 of the National Planning Policy Framework,

and subject to the conditions applied to the previous permission 13/04890/FUL that are appropriate and including that no further windows, including dormer windows, or other openings shall be formed in the north elevation of the dwelling on Plot 4 without the prior permission of the Local Planning Authority, in order to prevent overlooking of the adjacent property or garden area.

Action: Strategic Director, Place

**(g) Land North of Well Cottage, Black Moor Road, Worth Valley
Oxenhope, Keighley**

Full application for conversion of stables to form one dwelling. Building on land North of Well Cottage, Black Moor Road, Oxenhope, Keighley - 16/07909/FUL

The Strategic Director, Place reported on the substance of further representations in the form of two supporting comments which, in summary, stated that the proposal would improve the area, provide for visual improvement and was a 'green' project which would involve the re-use of an existing building.



In explaining the reasons he was recommending the application for refusal, the Strategic Director, Place stated that whilst the National Planning Policy Framework (NPPF) stated, in relation to the Green Belt development, that existing buildings could be reused this was subject to them being of permanent and substantial construction. This application related to a single block-work stable building which was not insulated, was constructed of corrugated steel sheets and supported by light weight timber construction. The structural survey undertaken by the applicant did not provide any information about how the inner skin of the building would be tied or tethered.

A Ward Councillor spoke in support of the application:

- The proposal was on a brownfield site and was not a new build but a conversion.
- The development would take place on an existing footprint and would be in keeping with the surrounding area as there were five dwellings already on the farm.
- The proposal would allow space for a growing family which should be taken into consideration. There was a need for accommodation that would allow local families to remain in the area.
- The officer's report referred to the proposal's impact on tourism; however, she would not consider the site to be attractive area currently.
- The proposed development would blend into the moorland and would not detract from it. It was considered that it would not be detrimental to the experience of walkers in the area.
- The neighbours supported the proposed development as it would improve the area.
- The proposed development had been ecologically designed.
- The National Planning Policy Framework encouraged planning for people within their communities and this application would enhance an existing site for that purpose.

The Strategic Director, Place stated that whilst the term 'brownfield' referred to previously developed land, the fact remained that this proposal was within the Green Belt. He also reported that it was unclear from the application if it supported the agricultural use on the site or how it tied into local need. He also had concerns about whether the structure of the building would be able to support the roof and it was unclear how the building would be converted.

The applicant's agent put forward the following points:

- A structural survey had been undertaken and had concluded that the structure could be converted without major re-construction; he considered that this survey had been misinterpreted by planning officers.
- He considered the site to be brownfield land as defined by the NPPF which contained a presumption in the favour of development. The proposal was believed to be acceptable under Paragraphs 89 and 90 as it would be the same length and height as the existing building with a reduced width, therefore having less impact.



- He did not consider the proposal to conflict with Green Belt policy.
- The existing car parking would be retained. There would be no further impact.
- With regard to visual harm, he considered the proposal would improve the appearance of the site and have a positive impact on the Green Belt.
- Officers had raised the issue of the impact of a domestic curtilage but the existing equestrian use had a variety of equipment associated with it and it was hard to comprehend that domestic items would have a greater impact.
- Permitted Development rights could be removed if necessary.
- Neighbouring residents to the site had expressed support for the proposal.

The Strategic Director clarified that Paragraph 89 of the NPPF stated that one of the exceptions in respect of the construction of new buildings within the Green Belt was the replacement of a building, provided the new building was in the same use and not materially larger than the one it replaced. He also stated that Paragraph 90 acknowledged that existing buildings could be reused, provided that they were of a permanent and substantial construction. In considering the structural survey, he explained that he was not convinced that the existing building was of permanent stability. The works would require the construction of a new inner leaf and an outer leaf to external walls and a new roof structure. He considered that the submitted survey was an insubstantive document in terms of justification for the retention of the building. It also did not address how the conversion would work.

A Member queried whether there had been any changes in planning law since the previous application, to rebuild the stables with a new dwelling attached, had been refused in November 2011 and subsequently dismissed on appeal. In response, the Strategic Director stated that the NPPF had been introduced since then but the Council's policies remained the same subject to their compliance with the Framework.

A Member expressed the view that the application lacked sufficient information and suggested that the applicant could withdraw it and re-submit it with further information. The applicant's agent stated that he considered that the information was adequate.

Further to a Member suggesting that, although it would not be acceptable to knock the building down and rebuild, he may be minded to move approval subject to the conversion being possible, the City Solicitor informed Members that if they were minded to approve the application it would need to be referred to the Regulatory and Appeals Committee for determination.

Another Member expressed the view that the application should be refused as it was contrary to Green Belt policy and it was noted that a previous application and subsequent appeal had been refused/dismissed in 2011.



Resolved –

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

Action: Strategic Director, Place

**(h) Marsh Farm, Banks Lane, Riddlesden, Keighley East
Keighley**

Previous reference: Minute 30(d) (2016/17)

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

In presenting his technical report the Strategic Director explained that, although amendments had been made to the application, including the relocation of the kennel building, a reduction in the number of dogs to be accommodated and the removal of a proposed external exercising area, further to it being considered by the Panel in November 2016, the reasons for refusal in respect of the Green Belt and noise impact remained relevant and it was not considered that very special circumstances had been demonstrated to outweigh the harm to the Green Belt.

A Ward Councillor addressed the Panel in objection to the application:

- He was speaking on behalf of a significant number of local residents.
- There were 17 dwellings located within 400 metres of the site some of which were significantly closer than this.
- There were three main concerns; the effect on the water supply, noise nuisance and the impact on the Green Belt.
- Water was a basic need and the two semi-detached properties located 114 metres from the site were supplied from a spring that came from within the farm's curtilage. Since the present occupiers had taken residence serious problems had been experienced. Although Environmental Health had recommended the imposition of conditions these related to construction matters and the residents of these properties remained very concerned about the maintenance of their water supply. They did not want to have to enter into complex litigation on this issue.
- A third noise report had been submitted but Environmental Health's view was that the noise impact of the kennels would be unacceptable.
- There were not considered to be any very special circumstances that might permit development in the Green Belt; this was established in the officer's report.
- There were a number of very serious local issues with the application and clear and persuasive recommendations had been made by Planning and Environmental Health.
- The red line boundary shown was not the application site and the plan



published within the officer's technical report was believed to be wrong.

Local residents were in attendance at the meeting and made the following comments:

- Concerns had first arisen in October 2015 when the chemistry of the water supply had altered from acid to alkali.
- For ten weeks, around July 2016, there had been less than five hours water per day. Environmental Health had visited and the water had come back on around the same time.
- Either the spring was not producing as much water or it had been diverted.
- If the water supply was reduced it made things difficult and the properties would have no central heating.
- It had been difficult to keep track of what was happening with the planning application. Previously there had been an application for a new chicken shed for a thriving business but then an application for a large commercial dog kennels.
- None of the neighbours supported the proposals and they had serious concerns about noise pollution.
- The barking of dogs was one of the worst noises to inflict. It was universally acknowledged as difficult to deal with and a cause of stress.
- The proposal was to operate 365 days a year for 24 hours a day.
- A lot of evidence had been quoted in relation to noise but it was not considered that the reality of the noise had been acknowledged. It was not necessarily the numbers of dogs involved but their characters and potential trigger points.
- Numerous walkers and cyclists would pass the farm, in close proximity, on a daily basis, this could trigger a response.
- The animals would be in a strange environment and would be extra sensitive, the noise would be uncontrollable.
- The officer's recommendation in respect of the Green Belt was supported by local farmers and residents.
- There was no gap in the market for a kennels to justify very special circumstances. There were approximately eighteen such facilities within a six mile radius.
- There was sympathy for the family's circumstances but the proposals would have a detrimental, long term, negative impact on at least seventeen neighbouring properties, farms and the Green Belt.

The agent spoke in support of the application:

- Documentation had been submitted to demonstrate the special circumstances.
- The applicants had bought the farm as a family home.
- The family's circumstances had changed and they were trying to adapt the farm in order to create income and it was considered that this did constitute very special circumstances. This development was an opportunity for them to earn a living.
- There were a number of existing dog kennels, this demonstrated that there



- was a need for such facilities.
- The impact on the Green Belt had been reduced by the current proposals. An existing building would be replaced so there would be no real change.
- The applicants had tried to communicate with the Local Planning Authority and ensure that it was made aware of the sound expert's opinion but had not received a response from the Local Authority's sound expert.
- The proposed number of dogs to be accommodated had been reduced and the structure of the building changed. It was believed that the proposal now complied with all Environment Agency recommendations.
- In respect of local residents concerns about water; Marsh Farm was fed by the same spring so would also suffer if there was an issue with supply. There would be a significant drop in consumption with the current proposal.

The Strategic Director commented that there had been a lot of communication with the applicant in respect of noise impact but the feedback from the Council's consultation had identified the unpredictable and intermittent nature of the noise associated with such use and that this was very difficult to control, problematic for residents and difficult to monitor and take action on. The Environmental Health officer had visited the site and assessed the relative position of the properties and had considered that the noise would be plainly audible and would significantly alter the acoustic character of the area.

Members commented that:

- The proposed kennel building had now been moved closer to some residents.
- The use would cause noise no matter what kind of dogs were accommodated and it was not something that would be nice to live near.
- The personal circumstances of the applicants were appreciated but the Panel had to take a balanced approach. The circumstances did not constitute very special circumstances to allow development in the Green Belt.
- It was considered that the lack of an outside exercise area would not make the kennel business attractive. If dogs were bored they would bark.

Resolved –

That the application be refused for the following reasons:

- (i) **The site is in the Green Belt defined by the Replacement Unitary Development Plan for the Bradford District (the RUDP). Policy GB1 of the RUDP and the National Planning Policy Framework (2012) set a strong presumption against inappropriate development in order to prevent urban sprawl by keeping land permanently open and safeguard the countryside from encroachment. The proposal would present a prominent encroachment of new building, car parking and ancillary development not required for agriculture into an area of unspoilt open countryside. The development would not preserve the openness of the countryside and would conflict significantly with the purposes of including the land within the green belt. No very special circumstances have been presented that would outweigh that harm to**



the green belt and the proposal is therefore inappropriate development contrary to Policy GB1 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

- (ii) The Local Planning Authority is not convinced by the assessment of noise impact submitted by the applicant. It considers that noise associated with the dog kennels would have an adverse impact on the residential amenities currently enjoyed by the occupants of Hilltops and Paxton Bungalows, Bank Lane, Riddlesden. As such the proposal will conflict with Policies D1 and UR3 of the Replacement Unitary Development Plan and will not form sustainable development compatible with the National Planning Policy Framework.

Action: Strategic Director, Place

48. MISCELLANEOUS ITEMS

The Panel noted the following:

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

- (a) **31 Westgate, Shipley** Shipley

Unauthorised externally mounted roller shutters - 16/01019/ENFUNA.

- (b) **6 Edward Street, Saltaire** Shipley

Unauthorised change of use from residential to a mixed use including both residential and retail use for the operation of a bakery - 15/00989/ENFCOU.

- (c) **Land to the East of Long Gate, Sutton in Craven, Oakworth, Keighley** Worth Valley

Unauthorised development – 17/00053/ENFUNA

DECISIONS MADE BY THE SECRETARY OF STATE

APPEAL ALLOWED

- (d) **High Binns, Height Lane, Oxenhope, Keighley** Worth Valley

Barn conversion an ancillary to dwelling, minor extension of domestic curtilage, engineering works to create an underground car park within established curtilage and deposit of excavated material on adjacent field – Case No: 16/01852/FUL.

Appeal Ref: 16/00127/APPFL2.



APPEALS DISMISSED

- (e) **1 Thorn Gate, Whalley Lane, Denholme, Bradford** **Bingley Rural**

Change of use of agricultural building and land to residential use (C3) and associated external alterations – Case No: 16/04729/PAR.

Appeal ref: 16/00128/APPPAR.

- (f) **10 The Hallows, Keighley** **Keighley Central**

Appeal against Enforcement Notice – Case No: 15/00609/ENFUNA.

Appeal Ref: 16/00076/APPENF

- (g) **Broad View, Hob Cote Lane, Oakworth, Keighley** **Worth Valley**

Demolition of garden sheds and replacement with new garden store building – Case No: 16/05490/HOU.

Appeal Ref: 17/00002/APPHOU.

- (h) **Fair Deal Beds, Unit 2, Back Prospect Place, Keighley** **Keighley Central**

Appeal against Enforcement Notice – Case No: 12/00451/ENFUNA.

Appeal Ref: 16/00070/APPENF.

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

