

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 14 June 2017 at Council Chamber - Keighley Town Hall

Commenced 10.00 am
Concluded 12.00 pm

Present – Councillors

CONSERVATIVE	LABOUR
Miller	Lee
Riaz	Amran
	Bacon
	Farley

Observers: Councillor Khadim Hussain (Minute 5(e)) and Councillor Valerie Townend (Minute 5(a))

Apologies: Councillor Beverley Mullaney and Councillor Adrian Naylor

Councillor Lee in the Chair

1. DISCLOSURES OF INTEREST

The following disclosure of interest was 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.

Action: City Solicitor

2. MINUTES

Resolved –

That the minutes of the meetings held on 22 March and 26 April 2017 be signed as a correct record.

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

4. PUBLIC QUESTION TIME

There were no questions submitted by the public.

5. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) 15 Prod Lane, Baildon

Baildon

Construction of detached dwelling at 15 Prod Lane, Baildon - 17/01702/FUL

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 a detached dwelling that would be similar to the dormer bungalow known as 13B Prod Lane. It was noted that improvements would be made to the driveway and parking would be provided at the rear for both properties. A similar application had been granted on 25 February 2015 and the new submission had been slightly altered. A number of representations had been received and a Ward Councillor had requested that the application be considered by the Panel. The Strategic Director, Place informed the Panel that the principle of development had been accepted in 2015 and the scheme was similar to 13B Prod Lane, which was the adjoining plot. He confirmed that the design and materials were comparable and the conditions were the same as those imposed on the permission granted in 2015. The Council's Highways Department had not objected to the scheme, Prod Lane was a reasonably wide road and had Traffic Regulation Order (TRO) restrictions in place. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- The development would be detrimental to neighbours due to the rising nature of the site.
- The proposed dwelling would be set further forward and have a higher roof line than the previously approved scheme.
- Access to the property would require the demolition of the garage and this would create parking issues.
- The other detached houses had not been completed when the original permission had been granted in 2015.
- There were parking issues on Prod Lane due to the Shipley Glen Tramway.
- The proposal would be an overdevelopment of the site.
- The development would impact on the properties to the rear.
- The application should be refused.

An objector was present at the meeting and commented that:

- He lived to the north of the site and was representing other residents in the vicinity.

- Permission had been granted in 2015 despite issues raised by neighbours.
- The proposal was contrary to the National Planning Policy Framework, as the dwelling would be located in the wrong place.
- It had been accepted that a bungalow would be constructed.
- The new application was higher, wider, longer and have additional doors and windows than that previously approved.
- The new proposal would be a larger property and have more occupants.
- The principle of development was already in place as a dormer bungalow had been built on Prod Lane.
- The proposal would breach the building line.
- Valid objections to the scheme had been raised.
- It was not a similar design to the existing approved scheme.
- The proposal would cause overshadowing and be overbearing.
- The extant permission should not be used to obtain a new planning permission.

In response to some of the comments made, the Strategic Director, Place explained that there was a history of infill development in the area and it would be difficult to see the proposed house from Prod Lane, therefore, it would not impinge on the character of the area. He confirmed that no windows faced onto the site from the properties on Ellenthorpe Road and there would not be a significant impact on these or adjacent properties. The site was elevated and the height at the development's ridge would be greater, which would have a slight affect, therefore, a condition had been placed on the application in relation to screening.

Resolved –

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

Action: Strategic Director, Place

(b) 31 Bark Lane, Addingham

Craven

Full application for demolition of a garage and construction of a new dwelling at 31 Bark Lane, Addingham - 17/01719/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. Members were informed that the existing garage would be demolished and a new house constructed to sit between and aligned with the two properties. A conifer hedge to the rear of the site provided good screening to the existing houses that were at a lower level. The proposed property retained the required boundary gaps and two parking spaces would be provided along with a reversing area. It was noted that the proposed house had an unconventional design with two hipped roofs, which had been chosen in order to keep the roof ridge height lower and would be constructed in stone and natural slate. The Strategic Director, Place reported that a number of objections had been received and the issues were identified within the officer's report. He confirmed that the Council's Highways Department had not raised any issues,

even though it was acknowledged that the road was used as a through route to the Yorkshire Dales. No habitable room windows would look onto 29 Bark Lane and there was sufficient distance to the houses at the rear. The boundary screening would be retained and the application was recommended for approval, subject to the conditions as set out in the report.

An objector was present at the meeting and stated that:

- He lived opposite the site.
- He appreciated the need for new housing.
- New developments should retain the character of the area and the submitted proposal did not.
- The Parish Council had not supported the application.
- The vertical design was at odds with other properties in the vicinity.
- The new development would not be similar to 29 Bark Lane.
- There would only be a gap of a few metres between the properties.
- The proposal jarred with existing houses.
- The application should be refused.

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

- He lived at 29 Bark Lane.
- The red line boundary had been drawn around both properties, which gave the impression of a large plot.
- The space available had not been accurately conveyed.
- The proposal would have a negative impact.
- The development would be the only property in the vicinity where one drive would serve two houses.
- The wall included as part of the site belonged to 29 Bark Lane.
- The proposal would not fit comfortably in the site.

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

- The design merits of the scheme were available to see.
- The site had a 100 metre radius and 25 properties in the vicinity had smaller plots.
- The gaps were not misrepresented.
- The materials were appropriate.
- There was no reason to refuse the application.
- The applicant was happy to discuss how the hedge at the rear could be dealt with.

Resolved –

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

Action: Strategic Director, Place

(c) 95 Main Street, Bingley

Bingley

Change of use from an estate agent (Class A2) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment and other external alterations at 95 Main Street, Bingley - 17/01035/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the property was vacant and located within the Bingley Conservation Area. A change of use to a Class A5 takeaway had been proposed along with some minor alterations to the flue, extraction units and front door. A number of objections had been received and the Town Council along with a Ward Councillor had requested that the application be considered by the Panel. The Strategic Director, Place stated that a variety of commercial uses were located within town centres, however, there were no takeaways within the immediate vicinity and only a few were located along the stretch of road in question. The premises had originally been used as a bank then an estate agents and it was not believed that the proposed use would have a negative effect on the Town's vitality. Members noted that the Council's Hot Food Supplementary Planning Guidance ensured that areas near to schools were avoided, however, it was acknowledged that it would be unrealistic to apply the policy in a town centre location. The building was located by a busy central junction that was already protected by a Traffic Regulation Order (TRO), however, there were parking bays in the vicinity and car parks near by. It was also on a bus route and near to the train station. The Council's Highways Department had not objected to the application, there was space to the side of the property to store waste bins and, therefore, the application was recommended for approval, subject to the conditions as set out in the report.

A representative of Bingley Town Council was present at the meeting and made the following points:

- The proposal would have a detrimental impact on the Town Centre.
- The application should be refused on highway and parking grounds.
- The property was located on a busy junction.
- There was no safe parking for the building.
- The nearby off street parking was always full.
- Delivery vehicles would not park in the car parks.
- The visual impact of the signage was not clear from the plans.
- The building was located in a conservation area.
- The change of use was not in the interest of the vitality of the town centre, would not provide a public benefit and would be contrary to the Council's Replacement Unitary Development Plan (RUDP).
- Litter was a huge problem in Bingley and a high proportion was food and packaging waste.
- There was not a bin outside the site.
- The premises was in close proximity to primary schools and youth venues.
- Another takeaway would not reduce obesity in the District.

In response to a Member's query, the Strategic Director, Place confirmed that the provision of a bin area was part of the application. He explained that the signage would be controlled separately under advertising consent and that the sign would

not be any larger than the one in situ or it could be smaller. With regard to litter, it was noted that Main Street had bins and the issue was wider than this proposal. The Council's hot food policy did not apply to the application.

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

- There were no other takeaway premises in the street frontage within the vicinity.
- The nearest takeaway premises was on Main Street and not within the area.
- The building was in a town centre location with on street parking and car parks nearby.
- Evenings would be the busiest time and parking was not restricted.
- The junction was controlled and the Council's Highways Department had not objected to the proposal.
- The recycling area position would be enhanced.
- The proximity to schools complied with Council policy.
- The application complied with local and national policies.
- Jobs would be created.
- The application should be approved.

During the discussion, Members stated that empty properties should be brought back into use and there was also an employment opportunity.

Resolved –

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

Action: Strategic Director, Place

(d) Gateacre Mews, Hollingwood Gate, Ilkley

Ilkley

Full application for the demolition of two existing dwellings and the construction of five new dwellings at Gateacre Mews, Hollingwood Gate, Ilkley - 16/07366/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application was for the demolition of two existing dwellings and the construction of five new houses. The two semi detached properties would be built on the site of the existing properties and the detached dwelling on the lawn area. The new houses would be split level, which would suit the terrain of the site and would rise above the level of the existing dwellings. Members were informed that the previous outline planning permission had been granted in 2011 for the demolition of the existing houses and the construction of three houses. Several objections had been received and the issues were detailed in the officer's report. A Ward Councillor had objected and requested that the application be considered by the Panel. An additional representation had also been received that reiterated the issues covered in the report. The Strategic Director, Place explained that the site would be accessed from a cul-de-sac and the proposed houses would be higher, but comparable with

the previous outline permission and not overbearing. He confirmed that there was a large pine tree on the east of the site and a sycamore at the rear that were protected and would be retained. The reduction in the number of dwellings would minimise the impact on the trees and conditions had been placed on the application to protect them during the construction. Two off street parking spaces would be provided per dwelling along with two for visitor parking. The application was then recommended for approval subject to the conditions as set out in the report.

In response to questions posed, Members were informed that there may be private covenants on the land, however, this would be a civil law matter and the responsibility of the enforcer of the covenants.

A representative of Ilkley Parish Council was at the meeting and raised the following comments:

- The loss of high amenity mature trees would be critical to the area and have a major impact on the landscape if removed.
- The development would be an overdevelopment.
- The area was steep.
- A smaller development would be acceptable, as the proposed houses would be too large.
- The scheme would be out of character with the bungalows in the area.

In response the Strategic Director, Place explained that the applicant would be able to confirm the situation in relation to the trees. He confirmed that negotiations had taken place and that the retention of the trees was vital and would mitigate the impact of the scheme.

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

- The proposal would create highway safety and residential amenity issues.
- The Hollingwood Park scheme was causing traffic issues, as residents parked on the road and used the garages for storage.
- Visitor parking caused issues in the area.
- If the development was approved, 10 wheelie bins would have to be placed on the footpath on the main road.
- The scheme had a poor garden space provision.
- The properties would be three storeys, but the houses in the area were all two storey.
- There was a great deal of garden grabbing ongoing in the area.

The Strategic Director, Place confirmed that vehicles could exist and access the development in a forward gear and it complied with the guidelines for parking provision. He stated that the site was underdeveloped in density terms.

The applicant's agent then addressed the Panel and stated that:

- The applicant was a local family owned developer.
- The principle of development was covered in the officer's technical report.
- It was an ideal site.

- Outline planning permission had been granted in 2011.
- The building plots would be in similar locations.
- The original scheme had proposed three detached houses and this application was for the construction of two semi-detached and a detached property.
- The existing dwellings were three storeys.
- The development would make better use of the dead space due to the drop in levels on the site.
- Extensive discussions had been undertaken with the planning officer.
- The site was located in an urban area of Ilkley.
- The proposal was in keeping with the character of the area.
- The scheme minimised the impact on residential amenity and overlooking.
- Council officers had been consulted in respect of the trees.
- A strong boundary would be retained.
- Conditions had been placed on the application to protect the trees through the construction.

Resolved –

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

Action: Strategic Director, Place

(e) 34 Nessfield Drive, Keighley

Keighley West

Householder planning application for the construction of two storey side and two storey/single storey rear extension at 34 Nessfield Drive, Keighley - 17/01427/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was for the construction of two storey extensions to the side and rear of the property. The development was similar to previous applications that had been submitted in 2014 and 2015 and had been refused due to the size and design. A number of objections had been received and the issues were covered in the officer’s report. Members were informed that the principle of the extensions was acceptable and noted that the Council’s policy supported extensions and provided guidance. All applications were judged on their own merits. The Strategic Director, Place confirmed that the property was situated on a prominent corner and the application proposed a substantial extension within the street scene. He reported that the development did not comply with the Council’s Householder Supplementary Planning Document (HSPD), as it was not adequately set back and, therefore, more prominent. It was noted that the proposal did not overcome the previous reasons for refusal and was recommended for refusal due to the size and design.

In response to a Member’s query, the Strategic Director, Place reported that under permitted development a small single storey extension would be allowed, however, a side extension would require planning permission.

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

- It was a small estate near to a school.
- There were traffic issues in the area due to the size of the school.
- Traffic in the area would increase, as a number of planning permissions had been approved in the vicinity.
- The streets were lined with cars all day and the road was used as a rat run.
- The extension would be huge and was not in keeping with the area.
- The proposal was the fourth attempt to build on the site.
- Previous proposals had been refused.
- The application proposed another large wrap around extension.
- The application was contrary to policies D1 and UR3 of the Council's Replacement Unitary Development Plan (RUDP).

A Councillor was present at the meeting in support of the applicant and stated that:

- Three previous applications and amendments had been submitted.
- The applicant was currently living in a two bedroom terrace property.
- The family were currently living apart.
- The applicant was a foster carer.
- The proposed scheme would enable the family to live together.
- The applicant had been led to believe that the proposal would be acceptable if a one metre set back was provided.
- The development would not encroach or intrude on the privacy of neighbours.
- The extensions were necessary for the family.
- The application should be approved.

In response the Strategic Director, Place informed Members that the deed of covenant was a private matter, other extensions in the area could be permitted development and each application was dealt with on its own merits. He confirmed that this scheme was the fourth submission and the Council could not consider applications that were repetitious. The proposal still did not fully address the previous reasons for refusal, even though it had been altered. It was noted that in line with the Council's Householder Supplementary Planning Document (HSPD) the set back would be measured from the edge of the house and the issue of overcrowding could be taken into consideration, however, the Planning Department had not been made aware of this and the proposed plans did not address the issue. The Strategic Director, Place reported that the applicant had been contacted and advised to make the extensions smaller.

During the discussion a Member stated that he could not support the application due to it being incongruous and in light of the traffic issues in the area. Another Member acknowledged that the applicant had tried to rectify the issues and questioned whether he would be willing to withdraw the proposal and work with officers. In response the Councillor in support of the applicant stated that the application could be amended and the Strategic Director, Place explained that the applicant would need to submit the withdrawal in writing within 10 days.

Resolved –

That subject to written confirmation, this application be regarded as withdrawn and formal notification to be received by the Strategic Director, Place within 10 days.

Action: Strategic Director, Place

6. MISCELLANEOUS ITEMS

The Strategic Director, Place presented **Document “B”** and the Panel noted the following:

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

(a) 39 Aire View Avenue, Cottingley, Bingley Bingley

Construction of an extension to the rear of the property- 15/00951/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 10th May 2017.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEAL DISMISSED

(b) 77 Albert Road, Saltaire, Shipley Shipley

Refurbishment of property including structural repairs, refurbishment of rainwater goods and openings, demolition of outbuilding and services installations - Case No: 16/08258/LBC

Appeal Ref: 17/00040/APPLC2

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