

# Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 15 November 2017 in Council Chamber - Keighley Town Hall

Commenced 10.00 am  
Concluded 11.20 am

## Present – Councillors

CONSERVATIVE	LABOUR
Miller Riaz	Lee Amran Bacon Mullaney

Apologies: Councillor Adrian Naylor

## Councillor Lee in the Chair

### 18. 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 Panel for determination with any interested parties.

**Action: City Solicitor**

### 19. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

### 20. PUBLIC QUESTION TIME

There were no questions submitted by the public.

### 21. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

**(a) 12 Middlefield Court, East Morton, Keighley**

**Keighley East**

Householder application for the construction of a two storey extension to the side to create a dependent relative annexe at 12 Middlefield Court, East Morton - 17/04514/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 a two storey side extension in order to provide accommodation for an elderly family member. The annex would consist of two bedrooms, a lounge and a kitchen and would provide the occupier with independence. The extension would be 5 metres wide and be constructed from stone and tiles to match the host property. Members noted that the proposed development would be linked to the existing house via the conservatory at the rear and would have a lower ridge line, which would make it subservient. The Strategic Director, Place reported that officers were satisfied that the scheme was an annex, as it was clearly attached and shared the existing property's space. He confirmed that the site was well clear of trees and roots and the retaining wall in the garden would be moved. A condition to agree the methodology of the reconstruction of the boundary wall had been placed on the application. The application was then recommended for approval, subject to the conditions as set out in the report.

In response to Members' queries, the Strategic Director, Place stated that the dwellings would be connected via a doorway in the existing conservatory. He added that if the properties were separated this would be a breach of the planning permission and a further application would have to be submitted.

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

- He lived at 6 The Harrows.
- His property was not overlooked and the garden was private.
- There were no windows on the gable end of the existing property, which retained his privacy. If there was to be a window in the extension, obscured glass should be used.
- Tree root protection measures would be required.
- He believed that the party wall issue was a planning matter.
- A clear red line was not shown on the submitted plans.
- He did not intend to give consent to the boundary fence.
- Section 66 of the National Planning Policy Framework (NPPF) stated that discussions should be undertaken to resolve design issues, but the applicant had not been in contact.
- The proposal contained numerous errors and design flaws.
- Section 64 of the NPPF stated that poor design should be refused.
- The development did not meet Council requirements.
- The application should be refused.

In response to some of the comments made, the Strategic Director, Place confirmed that officers believed that the development was sympathetic, functional, subservient to the existing dwelling and complied with the Council's Housing

Supplementary Planning Document (HSPD). He indicated that the small side window was located on the hallway, which was a non-habitable room, however, a condition could be placed on the application that obscured glass be used. If there were party wall issues that could not be agreed, then a new application may have to be submitted.

In response to a Member's queries in relation to the trees, the Strategic Director, Place clarified that the permissible distance to the trees depended upon the size of the tree, however, it was usually 7 metres.

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

- That a connection between the house and annex was usually sought.
- The host property was three storey with a garage and kitchen at ground floor level.
- The large conservatory at the rear would be used to connect the two properties.
- The proposal would provide accommodation for the current occupier of the house and it was not intended to be a new house.
- The property had originally been bought off plan.
- A large amount of earth had been removed to build the house.
- The roof line would be below the tree line.
- A revised plan had been submitted on 12 September 2017.
- Issues raised in the objections had been answered.
- The amended plans provided additional car parking space.
- The boundary issue related to dam issues.

The applicant was present at the meeting and addressed the Panel:

- She had lived at the property for 14 years.
- Due to a medical condition it would be difficult for her to remain in the house.
- Family members would move into the house when she moved into the annex.

During the discussion Members acknowledged the well laid out plans and welcomed that neighbours would be consulted.

**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) 13 Parish Ghyll Road, Ilkley**

**Ilkley**

Full application for change of use from garage and store to a studio dwelling with integral garage at 13 Parish Ghyll Road, Ilkley - 17/05205/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that Ilkley Parish Council had objected to the application but were unable to attend the meeting. In light of this information, Members agreed that their additional submission should not be taken into consideration.

The Strategic Director, Place explained that the application proposed a change of use from a garage to a dwelling, which would retain space for vehicles at the side. He confirmed that a similar application had been considered in September 2016 that had been refused and a subsequent appeal had been lodged. The Planning Inspector had dismissed the appeal and had agreed with the reasons for refusal. Members were informed that following the refusal and appeal the scheme had been amended and a more traditional arched window with Juliet balcony had been proposed. The alterations to convert the building would be modest and the Planning Inspector had concurred with this view. The development would not have any adverse effects in terms of dominance or daylight and would not have a significant impact on residential amenity. The Strategic Director, Place confirmed that the previous refusal for overdevelopment was now not sustainable along with the reason regarding the window, as it no longer existed. With regard to the perceived displacement of the car parking next to the garage, he stated that there was no intention to change the access and the ongoing legal issue was not a planning matter. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- She was representing the flat owners.
- The application should not have been submitted under the address as the applicant did not live there.
- This was the third application and two had previously been refused.
- The proposed access would result in a trespass of land.
- The proposed access was subject to legal issues.
- The plans were inconsistent and contained inaccurate dimensions.
- The plans failed to show the boundary wall and the issue had not been addressed.
- There would be a loss of privacy and amenity.
- The proposed dwelling would be within 5 metres of bedrooms and bathrooms.
- The scheme would be an overdevelopment of the site.
- The other garage conversions in the vicinity had been carried out by the family living in the host property.
- There was no current connection to sewerage or drainage.
- The parking would be reduced to one space for four flats.
- The Council had identified that resident parking was required in the area.
- There was an ongoing legal case between the occupiers of number 13 and the applicant.

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

- The applicant owned the 1 metre strip at the back and side of the garage.
- Parking rights would be granted by the applicant.

- There was access to the back of the garage.
- The red line boundary was correct and clearly shown.
- The proposal complied with national and local policies.
- The Council's Conservation Team were satisfied with the scheme.
- The alterations were acceptable.
- The development complied with conservation policies.
- There were no highway safety issues.
- The objectors' arguments had no planning remit.
- The Government wanted people to move back into towns.
- The proposed conversion to residential use was suitable.
- The site was in an accessible and sustainable location.
- The revised proposal took into account the Planning Inspector's comments.
- All the issues had been resolved.

During the discussion the Chair stated that only planning matters could be taken into consideration. Members noted that the Planning Inspector had agreed with the Panel in relation to the proposed window in the previous application and this had now been amended. A Member queried whether the Juliet balcony projected forward of the building line and requested that a condition be placed on the application in order to prevent any overhanging of the highway.

**Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place's technical report and subject to the following additional condition:**

- (i) **That the Juliet balcony must not protrude forward of the face of the building in order to avoid any overhanging of the footway and obstruction of the public highway.**

**Action: Strategic Director, Place**

(c) **42A Nelson Road, Ilkley**

**Ilkley**

Retrospective application for new front facade to main building with insertion of 8 No roof windows at existing second floor level at 42A Nelson Road, Ilkley - 17/04976/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was retrospective for alterations to a vacant workshop, which had been subject to a recent proposal to demolish the existing garages and construct seven new units. Members were informed that eight roof lights had already been fitted and some external works had been undertaken. The application did not seek a change of use, just the formalisation of material alterations on the front facade and the installation of eight roof lights. The roof height had not been altered, however, there had been reports of an extra floor. It had been confirmed that there was a historic staircase and roof lights and the floor had only been strengthened. Roof

lights were already present at the rear and additional ones were not being sought. The Strategic Director, Place reported that the conservation officer had clarified that a grey timber effect cladding, grey windows and render would be used, which would be satisfactory and an improvement to the building. With regard to the roof lights, he stated that the roof was steep and only the roof lines of neighbouring properties could be viewed, therefore, no amenity issues of overlooking would be caused.

The applicant then addressed the Panel and explained that he was trying to make best use of the building. He stated that the majority of the representations submitted related to other issues, not the proposed alterations and the application was retrospective due to the architect's delay in submitting the proposal.

During the discussion Members acknowledged that the proposal would make use of and improve an old building.

**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) Sunways, Otley Road, Eldwick, Bingley**

**Bingley**

Householder application for single storey rear extension and detached garage to the rear of Sunways, Otley Road, Eldwick, Bingley - 17/05520/HOU

The Strategic Director, Place informed Members that the applicant was a Ward Councillor and the application had been submitted for clarification and transparency purposes, as no objections had been received.

**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) Land at Hag Farm Road, Sandholme Drive,  
Burley in Wharfedale, Ilkley**

**Wharfedale**

Outline application for two dwellings at land at Hag Farm Road, Sandholme Drive, Burley in Wharfedale, Ilkley - 17/04724/OUT

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the site was located in the Green Belt and the boundary was formed by the Wharfedale railway line. The indicative plans detailed two large houses with garages and was inappropriate development within the Green Belt. Members noted that a previous application

had been refused in April 2017 and the proposal was a resubmission. Representations in objection, including one from a Ward Councillor and the local MP, and support had been received and the issues were detailed within the report. The Strategic Director, Place indicated that the Green Belt had to be safeguarded and the National Planning Policy Framework (NPPF) stated that development within the Green Belt was inappropriate and should not be approved apart for in exceptional circumstances. He reported that the applicant had presented arguments suggesting that a departure from policy was justified by the very special circumstances of the absence of a 5 year housing supply and a suggestion that land would be gifted for a cycleway. Members were informed that there was no programme for the implementation of a cycle route and it was unclear as to whether it would ever be delivered. It was a prominent open site on a public right of way and the two proposed houses would be very noticeable, which was a clear breach of Green Belt policy. The Core Strategy would need to review Green Belt policies, however, this would involve a measured look at all Green Belt sites across the District in order to identify land that could be used for housing. The NPPF protected Green Belt and stated that substantial weight must be given to its protection. The Strategic Director, Place reiterated that the two proposed houses would be a modest addition to the District's housing supply and the gift of land was unclear, as the cycle Greenway was aspirational at the moment. He added that the support from the Parish Council did not clarify why they wished the application to be approved. In conclusion it was noted that there would be a clear breach of Green Belt policy and the two proposed properties would not outweigh the detriment and harm to the Green Belt. A previous application had been refused on highway safety grounds and the applicant had indicated that the Greenway link would resolve the matter, however, the building of the link was not part of the submitted scheme therefore the highway issue remained.

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

- The officer's report was comprehensive.
- He lived on Hag Farm Road and was representing other residents.
- He believed that 42 objections and 12 letters of support had been submitted.
- 34 of the 42 objectors lived in Burley in Wharfedale, but only two of the supporters lived in the area.
- There was considerable opposition to the proposal in the village.
- The Parish Council had supported the applicants.
- He had attended the meeting where the Parish Council had been wrongly informed that there were no grounds for refusal.
- There was an assumption that the lack of a response from the Highways Department meant that the scheme was acceptable.
- Discussions had not taken place in relation to the strength of feeling in the village.
- The Parish Council had based their decision on incomplete information.
- The Wharfedale Greenway was a concept.
- There were other access issues that needed to be resolved before the Greenway Project could be started.

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

- He acknowledged the concerns in relation to the non-attendance of the Parish Council and the Greenway Project.
- The report did not reflect the discussions that had been undertaken with the Parish Council.
- The development would provide key infrastructure benefits for the Neighbourhood Plan.
- The site had been identified as being preferred for development in the Strategic Housing Land Availability Assessment (SHLAA).
- Only two dwellings would be feasible due to access issues.
- The Greenway Project had always been sought by the Parish Council and residents.
- The act of gifting land was not uncommon and it would belong to the Parish Council.
- Bradford did not have a 5 year supply of housing and would have to release Green Belt land.
- The land would be gifted with covenants.
- Other sites would be submitted in Burley in Wharfedale with special circumstances.
- There were no technical reasons as to why the application should not be approved.
- Two houses would not create any highways issues.
- He believed that planning officers had dismissed the objection of regarding the Neighbourhood Plan.
- The land was not as isolated as had been suggested.
- The development would provide the Parish Council with a significant gain.

In response the Strategic Director, Place confirmed that the level of support from the Parish Council was unclear and Bradford Council as the Local Planning Authority had to weigh the benefits against the harm caused. He reported that the proposal would cause significant harm to the Green Belt and it was unclear when the Greenway Project would be implemented. Officers had worked closely with the Parish Council and were fully aware of the Neighbourhood Plan.

**Resolved –**

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

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

## **22. MISCELLANEOUS ITEMS**

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

### **REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION**

- (a) **4 East Manywells Cottages, Doll Lane,  
Cullingworth, Bingley**

**Bingley Rural**

Use of land in connection with a business for the storage, sale and supply of firewood, house clearance and waste transfer services, the parking and hire of commercial vehicle, the storage of waste and storage of lawnmowers - 17/00270/ENFCOU

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 24 October 2017.

## **DECISION MADE BY THE SECRETARY OF STATE**

### ***APPEAL DISMISSED***

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

Construction of a new boarding kennel for up to 44 dogs and associated parking facilities. Amended details - Case No: 16/08142/FUL

Appeal Ref: 17/00079/APPFL2

**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