

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Tuesday, 6 February 2018 in the Council Chamber - Keighley Town Hall

Commenced 10.00 am
Concluded 11.35 am

Present – Councillors

CONSERVATIVE	LABOUR
Miller	Lee
Riaz	Amran
	Mullaney

Observers: Councillor Khadim Hussain (Keighley Central)

Apologies: Councillor Cath Bacon and Councillor Adrian Naylor

Councillor Lee in the Chair

29. DISCLOSURES OF INTEREST

In the interest of transparency, Members of the Panel disclosed that they were acquainted with one of the applicants of 6 Park Road, Bingley (Minute 33 (b)) as a fellow elected Member but had not discussed this application with him.

Action: City Solicitor

30. MINUTES

Resolved –

That the minutes of the meeting held on 15 November 2017 be signed as a correct record.

31. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

32. PUBLIC QUESTION TIME

There were no questions submitted by the public.

33. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) 20 Victoria Avenue, Ilkley

Ilkley

Full application for construction of a two-storey, detached 4-bedroom dwelling in the side garden of 20 Victoria Avenue, Ilkley - 17/06546/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He corrected an error within the appraisal of the report and stated that the land was in the ownership of no. 20 Victoria Avenue. Ilkley Parish Council had recommended refusal of the application and one representation of objection had been received. The application was recommended for approval subject to the conditions as set out in the report.

An Ilkley Parish Councillor was present at the meeting and raised the following issues:

- The site was unsuitable for the proposed development.
- It was too dominant.
- The proposed dwelling would be out of keeping with the street scene and would be up against the boundary of no. 22 Victoria Avenue.
- Houses in the area were orderly and spaced out.
- He found it surprising that Planning Officers had not taken more account of the street scene.

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

- The proposed dwelling had been designed to create a third floor and would be disproportionate to neighbouring properties.
- The narrow gap between no. 20 and no. 22 Victoria Avenue would not reflect the street scene.
- A similar application on Parklands, Ilkley had been refused as it had not met planning policies UR3 and D1 of the Replacement Unitary Development Plan (since replaced by policies SC9, DS1 and DS3 in the Core Strategy).
- He referred to an application granted approval on Bolling Road, Ilkley comprising of a large house on a small plot which had been refused previously and looked cramped.
- He encouraged the Panel to undertake a site visit, including to the other sites mentioned.
- Policy DS1, relating to achieving good design, was about taking a holistic and collaborative approach to design and putting the quality of the place first.
- Ilkley was considered a jewel in Bradford’s crown and this was acknowledged in the Core Strategy so particular care was needed.
- Ilkley Parish Council had recommended refusal of the application and Ilkley Civic Society had also made comments against the application.
- In accordance with Policy DS3 (relating to urban character), the proposal should create a strong sense of place and be appropriate to its context, taking account of its scale, layout, density, details and materials and responding to the existing positive patterns of development.



- Policy SC9 related to the creation of high quality places which included being appropriate to local distinctive character; this proposal did not respond to the character of large, well spaced houses.

The applicant's agent was present at the meeting and raised the following issues:

- At the early design stages of the application, the applicants were clear in their brief that they wanted a two storey family home which fit in with the street scene.
- The proposed roof line followed the natural topography and the line of the neighbouring houses.
- The proposal was for a two storey home and it was not uncommon for such homes to have a loft conversion.
- The proposed development had a 35 degree pitched roof and there had been no attempt to oversize the roof area.
- There was a mix of housing in the area with roofs varying from 30 to 45 degree pitches.
- No objections had been received from neighbours at the proposed development's rear elevation.
- The proposal was in keeping with the area; it sat centrally on the site and repeated the pattern of development along Victoria Avenue.

In response to a Member's question, the Strategic Director, Place confirmed that planning permission was not always required for the development of loft/roof space.

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) 6 Park Road, Bingley

Bingley

Full application for change of use from derelict station house (Use Class C3) to fish and chip shop restaurant with takeaway (Use Class A3) - including extensions to side and rear, new windows and door, new railing to boundary and bin stores - 17/06510/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided a brief history of the site and stated that the application related to a building unused for many years and located in a prominent position in the Bingley Town Centre and Bingley Conservation Area. In relation to objections referring to works on the site, he explained that planning permission was not required for the internal alterations which had been undertaken. The developer had stated that external alterations carried out were due to safety concerns and, following investigation by the Council's Planning Enforcement Service it was deemed not expedient to take any formal



enforcement action pending determination of this application. The developer had been warned that work to construct foundations was undertaken at their risk and it had now ceased. He provided a summary of the objections received and stated that Bingley Town Council had recommended refusal of the application. However, he considered the proposed use to be appropriate and acceptable within planning policy and although the property was within a Conservation Area, the scale of the extensions proposed were considered modest and matching stone materials were proposed so that the new build would be in keeping with the original property. Following objections on the grounds of threats to bats on the site, a bat survey had been carried out and had concluded that there were no bats in the building. The site was within the town centre; therefore car parking would not normally be expected to be provided for this type of application. The proposed restaurant and takeaway was considered to be easily accessible by public transport; it was close to a bus service which ran every 10 minutes and was located close to Bingley train station. He considered that the proposal would bring a derelict building back into use and would not pose significant highway safety issues and the application was therefore recommended for approval subject to the conditions set out in the report.

A Bingley Town Councillor was present at the meeting and raised the following issues:

- The available car parking was inadequate for the proposed use, particularly in relation to delivery vehicles and this would cause traffic and highway issues.
- There were already a number of fast food outlets in the town centre.
- The Design and Access Statement did not adequately reflect that the building was a prominent landmark in a Conservation Area.
- Traffic was generally congested at the junction.

In response to a Member's question, the Strategic Director, Place confirmed that there was a Bradford Council owned car park in the area, to the west of the site.

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

- The proposal was not principally a restaurant; it was a fish and chip takeaway with a restaurant attached to it.
- Opening hours of up till 1.00am on weekends would be serving the takeaway trade, not the restaurant trade.
- The takeaway trade would be the busiest part of the business for it to be sustainable which would generate high amounts of traffic.
- Customers visiting the takeaway would not use the pay and display car park.
- The car parks close to the site were usually full during the day as they were used by commuters using Bingley train station.
- If the application was approved it would cause significant risk to traffic as the site was located adjacent to the train station and taxi rank and on a busy road junction and there was no parking provision.
- There was no information in the application about the provision for delivery vehicles.
- He questioned why the Council's Highways Development Control Section had not commented on the application during the consultation period.



- He recognised that the Council had a responsibility under the Replacement Unitary Development Plan to encourage development, but stated that a takeaway business was not suitable in this location.
- He was the owner of a local fish and chip shop, a business man and local resident and stated that if this proposal went ahead it would take trade away from other businesses like his.
- He employed four full time and six part time staff and if his trade was affected he would be forced to reduce staffing. The proposal would not create new jobs, just displace existing.

In response to comments made, the Highways Officer stated that responses were only made on applications where input from the Section had been requested. Highways Development Control endeavoured to respond to all consultations at the earliest opportunity within the constraints of workloads, not to a specific timeline. He stated that the site was located on a busy road junction with an approach protected by a box junction with double yellow lines nearby to deter indiscriminate parking and he did not consider that, given the nature of the business, deliveries would be frequent throughout the day. Car parking and limited off-street parking was available in the area and, on balance, the proposal was acceptable.

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

- The split of business trade between restaurant and take away could not be predicted.
- Floor plans showed that the predominant floor space would be seating for the restaurant element of the business.
- In relation to a question about limiting the hours of operation, there were no nearby residential properties and there were other businesses in the area with night-time uses.
- The signage relating to the proposal would be subject to a separate application.

The Interim City Solicitor confirmed that there was a 30 minute exemption for loading and unloading from vehicles on double yellow lines. It would be possible to condition the introduction of a Traffic Regulation Order to restrict permitted loading times, which would be enforceable, but this would have to be at the expense of the applicant.

A Member raised concerns about loading and unloading at the site given the busy road junction with taxis parked on one side, the lack of parking and the width of the road.

Resolved –

That the application be refused for the following reason:

Due to the lack of parking and loading/unloading facilities, the proposed development is likely to lead to indiscriminate parking on adjoining roads and busy road junctions to the detriment of highway safety and contrary to



Policies DS4 and TR2 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

(c) Former Site of Bradford Hebrew Congregation, Shipley Spring Hurst Road Shipley

Previous reference: Minute 16(d) (2017/2018)
Minute 119 (2015/2016) Regulatory and Appeals Committee

Full planning application for external works to the rear of Plots 4 to 7, which form part of a residential development at the site of the former Bradford Hebrew Congregation Spring Hurst Road, Shipley - 17/06319/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He outlined the site history and stated that the Panel were considering departures from plans approved for 14 houses by the Regulatory and Appeals Committee in 2016. Work to build the 14 houses had commenced on site and included the construction of raised platforms to the rear of the houses on Plots 4-7, which did not form part of the original planning approval. On 18 October 2017 the Panel had considered and refused an application to amend external works to Plots 4-7, proposing raised platforms to the rear of Plots 5, 6 and 7, due to concerns about the loss of privacy and overlooking onto adjoining dwellings. This application was a re-submission of the previous application, which had since been amended to remove the platforms at Plots 4 and 5 but retain platforms at Plots 6 and 7. Screening was proposed to the sides of Plots 6 and 7 as well as the removal of steps from the platform at Plot 6. Five objections to the proposals had been received, included three from local Ward Councillors requesting determination by the Panel. Objections from neighbouring residents related to the height of the platforms, overlooking and loss of privacy and requested the removal or considerable reduction of the platforms or further screening to prevent overlooking. Photographs submitted by an objector were tabled. The Strategic Director, Place stated that there was a 14.5m distance between facing habitable room windows and that he considered the issue of overlooking had been overcome. The application was recommended for approval subject to the conditions as set out in the report.

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

- At a previous meeting of the Panel the developers were told to take the platforms down.
- The platforms were very close to her garden and home.
- Her property had already suffered from being overshadowed by the new houses and would lose even more privacy due to the raised platforms.
- The platforms had been built without planning permission.
- She had previously attended a meeting of the Panel on October 2017 to speak against the previous application due to the impact on her privacy.
- She acknowledged that there had been some changes made since the previous application was refused, however, the current proposals would not



prevent overlooking into her living room and kitchen from Plots 6 and 7, when occupiers of those Plots looked diagonally towards her home from the rear of those platforms.

- She referred to a photograph she had taken whilst sat in her living room showing work men on the platform of Plot 6.
- She proposed that the platforms be removed, considerably reduced or appropriately screened to avoid any overlooking into her home.

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

- He apologised for any distress caused to neighbours.
- The raised platforms had been constructed to reconcile differences in floor levels.
- The platform constructed at the rear of Plot 4 had been removed.
- The previous application refused by the Panel on 18 October 2017 was supported by officers, as was this application.
- The distances between the boundary wall of the raised platforms and the objector's property had been significantly increased since the removal of the platform at Plot 4.
- All distances were within the guidelines of the Householder Supplementary Planning Document apart from that from the platform at Plot 6 to the kitchen window of no. 16 Spring Hurst Road, however, the view was at an oblique angle and this was therefore sufficient to prevent loss of privacy.

In response to a Member's question, the Strategic Director, Place confirmed that the distances complied with the requirements of the Householder Supplementary Planning Document.

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) 51 Grafton Road, Keighley

Keighley West

Retrospective householder application for retention of means of boundary enclosure at 51 Grafton Road, Keighley - 17/04838/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He corrected an error in the report: the site was not within the Devonshire Park Conservation Area. The wall structures were prominent, included stone walling with decorative balustrading which were considered overly prominent features, of excessive height and not in keeping with the character of the boundary treatments along Grafton Road and therefore not in keeping with the street scene. In contrast, there was more variety of boundary treatments to the rear of the property, on Lawnswood Road, however, the boundary treatment to the rear was also considered too high and adversely



impacting on visual amenity. The application was recommended for refusal for the reason set out in the report.

In response to a Member's questions, the Strategic Director, Place stated that amendments had been sought from the applicant to reduce the height of the boundaries but he had not wanted to pursue this discussion; and Permitted Development Rights allowed for boundary treatments of up to 1 metre if adjacent to a highway and 2 metres otherwise. The height of the boundary (incorporating the ornamental illuminated globes mounted on the top) was approximately 2.3 metres.

A Member commented that she had visited the site and had found the boundary treatment to be too excessive and towering.

A discussion took place about the potential amendments that could take place to the boundary treatment in order to make it acceptable in planning terms. Members were informed of the potential options for the application to be withdrawn, deferred or for the decision on the application to be delegated to the Strategic Director, Place in order for him to determine the application following the submission of amended plans to reduce the height of the pillars. The applicant's agent was present at the meeting and concurred with this proposal.

Resolved –

That authority be delegated to the Strategic Director, Place to determine the application, subject to amended plans being submitted by the applicant to reduce the height of the pillars in accordance with the views expressed by the Panel.

Action: Strategic Director, Place

**(e) The Croft, Thwaites Brow Road,
Keighley**

Keighley East

Previous reference: Minute 30(e) (2016/2017)

Full planning application for the construction of three detached houses, improvements to access drive with turning head at The Croft, Thwaites Brow Road, Keighley - 17/06389/FUL.

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He stated that the land, on which the three houses were proposed, was sloping. To the west of the site there was a large industrial site occupied by Byworth Boiler Hire Ltd, which the proposed houses would face. A previous planning application for the construction of three detached houses had been refused in November 2016 on grounds of noise nuisance due to the close proximity of Byworth Boiler Hire Ltd and the adverse impact it would have on that business. An appeal against the refusal had been dismissed by the Planning Inspector in July 2017. Concerns had been raised



previously in relation to noise due to forklift trucks on the Byworth Boilers site and noise generated from the site due to the testing of boilers. This new application continued to generate concerns regarding the sites suitability for a residential development due to the noise generated by Byworth Boilers. Byworth Boilers was a local employer, employing approximately 150 people. Byworth Boiler Hire Ltd had previously raised concern that if the houses were built, noise complaints would be submitted to the Council's Environmental Health Unit and this would jeopardise the business. The applicant's agent had referred to a line of leylandii conifers along the boundary but no evidence had been produced to prove these trees would deflect industrial noise sufficiently and their longevity could not be relied upon. Whilst triple glazing was proposed to be installed in the proposed properties, this was considered to be a measure that may overcome the noise issue for occupiers during the winter months but not in the summer when windows were opened and would also not overcome the noise issue from garden areas. The only material change, since the previous application, was a proposed acoustic wall, but no acoustic reports had been submitted to evidence how this would sufficiently minimise the noise disruption. There were other houses on The Croft but they were older properties and located further away from the Byworth Boilers site and they also did not directly face the site. A petition in support of the application and one against had been received. The application was recommended for refusal for the reason set out in the report.

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

- The application was being recommended for refusal due to perceived noise and no other planning matter.
- A previous application by Byworth Boilers for an extension had been approved subject to an insulation scheme to minimise the impact of noise on neighbours, this suggested there was little impact on neighbours. There had been no recent complaints so it was clear that compliance with conditions was controlling noise.
- Since the previous application was refused in November 2016 and subsequent appeal dismissed in 2017, an acoustic wall had been incorporated into the plans in direct response to the Inspector's comment.
- Byworth Boilers had objected to the application for The Cobbles in 2005 yet that application had been approved with acoustic glazing despite the absence of an acoustic report. He requested that the Panel applied the same reasoning to this adjoining site.
- The application was for a small scale addition to existing buildings in the area and would have no impact on nearby residential amenities.

The Strategic Director, Place referred to open areas for the loading and unloading from HGVs and pressure testing on the Byworth Boilers site. He did not consider the site suitable for residential amenity due to these works being carried out and those mentioned within his report. In response to the applicant's agent's comment in relation to a previously approved application in the vicinity of the site, he stated that it pre-dated the National Planning Policy Framework, which made specific reference to avoiding noise impact, and he did not consider the reasons put forward by the applicant's agent justified three more houses being built in a more sensitive location.



A Member commented that the application being considered was vastly similar to the one previously refused in November 2016.

Resolved –

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

Action: Strategic Director, Place

34. MISCELLANEOUS ITEMS

DECISIONS MADE BY THE SECRETARY OF STATE

APPEAL ALLOWED

(a) 94 Gloucester Avenue, Silsden Craven

Construction of log cabin in rear garden for child minding business use - Case No: 17/03430/FUL

Appeal Ref: 17/00105/APPFL2

APPEALS DISMISSED

(b) 58 Old Main Street, Bingley Bingley

Installation of two CCTV cameras. One to each side wall of the property. - Case No: 17/00614/LBC

Appeal Ref: 17/00074/APPLB2

(c) 80 West Royd Drive, Shipley Windhill & Wrose

Replacement of existing wall sign with smaller canvas wall sign - Case No: 17/03663/ADV

Appeal Ref: 17/00122/APPAD1

**(d) Bank Bottom Laithe Farm, Turf Lane, Bingley Rural
Cullingworth**

Construction of Oak-framed car port - Case No: 17/01701/HOU

Appeal Ref: 17/00123/APPHOU



Resolved –

That the decisions be noted.

Action: *Strategic Director, Place*

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Area Planning Panel (Keighley and Shipley).

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

