

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 13 June 2018 in the Council Chamber - Keighley Town Hall

Commenced 10.00 am
Concluded 12.30 pm

Present – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Rickard Riaz	Lee Abid Hussain Godwin Mullaney	Naylor

Observers: Councillor Jenkins (Minute 5(a)), Councillor Townend (Minute 5(b)),
Councillor M Pollard (Minute 5(b)) and Councillor Bacon (Minute 5(c))

Councillor Lee in the Chair

1. DISCLOSURES OF INTEREST

All Panel Members disclosed that they had received emails from objectors in relation to the Branch Hotel, 106 Bradford Road, Shipley (Minute 5(a)) but had not responded to them.

Action: City Solicitor

2. MINUTES

Resolved –

That the minutes of the meeting held on 21 March 2018 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) **Branch Hotel, 105 Bradford Road, Shipley** Shipley

Demolition of the former Public House to facilitate a junction improvement scheme at the Branch Hotel, 105 Bradford Road, Shipley - 18/01310/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was solely concerned with the demolition of the building and not a future highways scheme for the area. He stated that in 2017, following an amendment to the Town and Country Planning (General Permitted Development Order), permitted development rights, which previously allowed for the demolition of public houses, was removed and therefore the application was before the Panel. He stated that the building was a prominent landmark on the junction of Bradford Road with Otley Road; it had a large tarmac car park to the rear; it was not a listed building; it was not sited within a conservation area; it was located at the southern extremity of the Saltaire World Heritage Site Buffer Zone; the public house had been closed since approximately 2013; and the application had been submitted by Bradford Council as owners of the site since 2017 in order to facilitate an eventual junction improvement scheme; there were no details about that scheme at present. 87 objections including those from Ward Councillors had been received to the proposal and were outlined in the officer's report. A number of concerns raised by objectors referred to the loss of a historic landmark but many also raised concerns about road congestion, pollution, air quality and cost in relation to a future highways scheme which was not relevant in determining the application. He also reported that eight additional representations had been received in objection to the application since the publication of his report; one of which was from Baildon Friends of the Earth raising concerns in relation to the road improvement works, which he stated were subject to separate processes during which information would be available in relation to detailed requirements and safety audits. He stated that very few objections referred to the loss of a public house for the community and he assumed, due to the building remaining vacant for a number of years, that it had not received interest from other public house operators whilst it had been on the market. In relation to the impact of the demolition on amenity; he stated that the tarmac car park would remain the same and the footprint of the building would be soiled and seeded with a low rail placed at the road frontage. In relation to the history and heritage issues raised by objectors, he reiterated that the building was not listed but acknowledged that it was a prominent feature and used as a direction finder and that many objectors had expressed an attachment to the building. He stated there were varying accounts of the age of the building but there was evidence that The Coach and Horses public house, which was believed to have been sited at this location, had in fact been located at a different site, therefore the building may not be as long established as 1850. He did not consider there to be any justifiable reason to

oppose the demolition of the building and therefore the application was recommended for approval.

In response to Members' questions, the Strategic Director, Place confirmed that; the Saltaire World Heritage Site has a number of approaches leading to it which the Management Plan for the heritage site had deemed important to consider when determining planning applications; the application had made reference to the demolition being required to facilitate a future road improvement scheme and this information had therefore been included in the report for transparency; the time scale for demolition would be subject to the procurement of a contractor but was expected to be fairly soon if the application was approved; and there had been no planning applications submitted since the closure of the public house for any alternative use of the building.

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

- She urged for the demolition to be halted as she considered the Panel to be making a decision in isolation.
- The traffic congestion was a huge issue for the community and nearby school.
- The building was part of Shipley's heritage.
- The outcome of a future road scheme was unknown and could make the current situation worse.
- There were children as young as three years old at Shipley CE Primary School playing near stationary traffic.
- She considered that the demolition of the building prior to any evidence of the road improvement scheme to be disrespectful to the Shipley community and she urged for a community consultation and expert input.

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

- He was a local resident and employee of a local community centre and had heard a lot of views on the application from local people.
- The public house had been open until 2015.
- The proposals for the road had been on the Council's website since 2008 and were endorsed by the Council in 2012.
- The Council's published plans for the road had deterred buyers from wanting to buy the public house.
- The site was within the Saltaire World Heritage Site Buffer Zone.
- His neighbour was a Bradford historian and stated that the road had been built in 1820 and that the public house had been built between 1820-1830.
- The building was one of few Georgian buildings in Shipley.
- The building was important in terms of Shipley's heritage and history.
- Local people were concerned about the loss of the building with no plans for what would be put in its place.
- The Council had not provided any details about the road improvement scheme.
- The road scheme was submitted by the Council to the West Yorkshire Combined Authority in 2014 and had received feedback in 2015 and the three year delay meant the cost had increased from £340,000 to £1.6m. The scheme was massively over budget.

In response to a Member's question, the City Solicitor advised that the building had not been registered as an asset of community value at the time it was sold to the Council therefore there was no opportunity now for another party to put forward an alternative scheme for consideration unless it was registered as an Asset of Community Value and then the site was offered for sale by the current owners. She also confirmed that the application under consideration concerned only the demolition of the building and that any highways improvement scheme would need to go through due processes and consultations.

A representative of the applicant was present at the meeting and made the following points:

- The site was within the 'Bradford to Shipley Corridor Improvement Project' funded by the West Yorkshire-plus Transport Fund.
- The aim of the project was to unlock the regeneration potential of the area and support economic growth.
- The principal of the project was approved in 2013/14 and, due to funding from the West Yorkshire-plus Transport Fund, a fresh look was taken last autumn.
- As the site was on the market in 2017 it presented an opportunity to acquire a critical area of congestion and therefore it was purchased by the Council.
- It was the Council's policy that once a site was acquired prior to a project that it be demolished.
- The demolition of the site would protect against vandalism and structural problems which the site had suffered from.
- Following demolition, the site would be a green area.
- The overall project for the area was at a very early stage and would take a number of years to implement. A community consultation and engagement would follow as part of the process.
- Traffic modelling work to identify the nature of the traffic problems had just commenced.
- There were many approval processes for the project to go through via the Council and the West Yorkshire Combined Authority.

A Member commented that the applicant's representative had made arguments in relation to the road improvement scheme yet the Panel were only considering the demolition of the building. He also stated that there had been no mention in the report about the site being structurally unsound.

Another Member commented that it would have been useful for the Council to provide more information to the public in relation to the future use of the site.

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) Green Lane, Baildon

Baildon

Full application for the construction of a detached dwelling with garage on land off Green Lane, Baildon - 17/06921/FUL

The Chair stated that a request had been received for the Panel to undertake a site visit but she did not consider it necessary as many of the Members had been to see the site.

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the site was an overgrown triangular plot of land between Green Lane and the rear gardens of dwellings on Belmont Rise and Belmont Close. Green Lane provided access for existing dwellings and was also a bridleway. He stated that the application was considered suitable for the terrain and appropriate for the area compared to previous applications which had been refused. He provided a summary of the representations received from 34 objections and stated that the Ward Councillors and local MP had also objected to the proposal. As part of the application the applicant had proposed to widen the access road from 3m to 4.5m. He did not consider the increased traffic from one additional dwelling to be a significant amount. With regard to drainage, the site was remote from the public sewer and in principle the details of the drainage for the development were acceptable but would need to be subject to a condition to ensure that the site could be suitably drained. He considered the scheme to be acceptable and the application was then recommended for approval.

In response to Members' questions, the Strategic Director confirmed that the access was a lane and a bridleway; the land contained no habitat that he was aware of; an additional condition could be proposed to protect ash trees on the site, however, they were in a bad condition; the scheme would only be able to progress if drainage issues were resolved; and if there were flooding issues between the site and neighbouring properties in the future they would be considered a property dispute between neighbours.

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

- A number of applications relating to the site had previously been refused and an appeal against one of them had been dismissed by the Secretary of State.
- Baildon Town Council, local Ward Councillors and the MP for Shipley had submitted objections to the application.
- Green Lane was a public bridleway which the public were legally allowed to use.
- The proposal to widen the access would completely change its nature and make it into a road, increase the traffic and cause danger to dog walkers, horse riders and walkers who regularly used it.
- She considered the design to be out of keeping with the neighbouring properties.
- The proposal could cause a loss of privacy to neighbouring residents.
- The proposal could result in the loss of wildlife habitat.
- The proposals would create additional traffic in Baildon which already had a busy highways network.

- She expressed her disappointment that the Panel was not undertaking a site visit following her request.

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

- The site history showed that the construction of one dwelling had been refused in 1991 which he considered had ruled out the principle of development on the site.
- There were no legal rights for vehicles on the bridleway.
- He was not aware of how a Section 278 agreement could be achieved on a bridleway.

In response to the above point, the City Solicitor stated that the modifications to the highway proposed by the applicant were at the site frontage and contained in the application site, not on the highway; Section 278 was not therefore applicable in any event. She stated that the adjacent landowners on Green Lane would already have private access rights over the public bridleway.

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

- He considered there to be a low level of vehicle usage on Green Lane; traffic currently accessed the bridleway associated with two properties (Dove Hall Cottage and Hope Farm).
- The highway would only be widened on access to the private drive, not at the access point of Green Lane.

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

- The proposal would be large and overbearing.
- The widening of the bridleway would increase the speed of vehicles which would increase danger to pedestrians.
- The surface road was quite slippery and needed improving.
- The area was not rural and was very steep therefore proposals for a soak away were not appropriate and he raised concerns that a significant amount of water would go into neighbouring gardens.
- During the 2015 Boxing Day floods water had seeped from the site.
- The proposal was very close to neighbouring properties.
- The proposed drainage system was unsuitable for the site.
- The application should not be approved as there were too many unanswered questions.

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

- The rear of his property was less than 6m away from the bridleway.
- The proposed parking area was 2.7m higher than the ground level at his property.
- A 1.8m fence was proposed which would block out light to his property.
- A lack of maintenance at the site had caused deterioration to his wall.
- He considered that the applicant had made changes to the application in a reactive manner.

In response to a Member's question, the Strategic Director, Place stated that the 2015 Boxing Day floods referred to by one of the objectors had not been recorded as there had been widespread flooding in many locations across the district at that time.

A representative of the applicant was present at the meeting and made the following points:

- He and his family had lived at Dove Hall on Green Lane for over 30 years until 2015.
- He had worked with officers to develop plans which best suited the site and had withdrawn a previous application to make several changes including lowering the height of the proposed dwelling, undertaking a full tree survey to ensure none of the trees were protected under a Tree Preservation Order and ensure there were no bat roosts.
- He had offered to show the survey to Baildon Town Council but they had refused.
- A similar development had been introduced on Hardaker Lane in Baildon where the bridleway had also been widened.
- Objectors had raised concerns of safety but the widening of the bridleway would make the area safer for all users.
- He was not a developer and wanted to build a family home.

In response to a Member's question, the Strategic Director Place stated that, if approved, the development would not be able to commence until the Local Authority were satisfied that the site could be suitably drained without adversely impacting on neighbouring land, as stated in condition 5 of the conditions of approval.

A Member commented that an additional property at the location would not cause a significant increase in traffic on Green Lane.

Another Member commented that, although the flooding at the site in 2015 had not been recorded, it was a concern.

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) 51 Grafton Road, Keighley

Keighley West

Retrospective householder application for retention of means of boundary enclosure at 51 Grafton Road, Keighley, BD21 1LJ – 17/04838/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application had previously been considered by the Panel on 6 February 2018 where Members had resolved

to delegate authority to him to determine the application subject to amended plans being submitted by the applicant to reduce the height of the pillars. A revised proposal had been submitted showing the three gate pillars abutting Grafton Road being reduced from 2.9m to 2.5m and the rest of the wall remaining the same height as well as the height of the gates remaining unchanged since the previous application. Due to the limited changes made to the application, he did not consider that the amended plans reflected the expectations of Panel Members expressed at the previous meeting and therefore recommended that the application be refused due to its excessive height and harm to visual amenity.

A number of Members who had been present at the Panel's meeting on 6 February 2018 concurred that the amended plans were sufficient in response to what they had requested the applicant to amend. As there were a number of new Members on the Panel, the City Solicitor advised that the application be determined afresh.

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

- The dwelling faced a large park and presented an impressive frontage.
- There were other properties in the area with frontages that were not well maintained but this one improved the area.
- There was a similar property on Grafton Road which had a veranda.
- Local school children had said this property looked like Buckingham Palace due to its frontage.
- She liked the design and considered it to be grand.
- The residents of the property were a well-meaning family who had invested in the area.
- The boundary of the property was not causing significant harm and had been in situ for almost three years.
- The wall may look high on photographs because the land sloped.
- The next door neighbours liked the boundary.

In response to a Member's question, the Strategic Director, Place stated that the works to the boundary enclosure had been reported to Planning Enforcement and following publication by neighbour notification, one letter of support and one letter of objection had been received.

A Keighley Town Councillor was present at the meeting and stated that Keighley Town Council had passed it as a retrospective application at their own Planning Committee and therefore had no objections.

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

- The applicant had amended the plans as he believed the Panel had requested on 6 February 2018.
- The park opposite the frontage of the property on Grafton Road was tree lined.
- He did not consider the pillars to be excessively high as it was part of a boundary for a four storey house.
- The pillars were proportionate to the height of the house.
- There was no homogeneity amongst the frontages on Lawnswood Road.
- Although the globes could be illuminated, they were not permanently on.

- Only one complaint had been received which had referenced the globes.
- The house was not a listed property.
- He did not consider the boundary to be harmful in planning terms.

A Member expressed his support for the application and considered it to be an improvement for the area, particularly as the property faced a park.

Resolved –

That the application be approved for the following reason:

The amended plans, as submitted by the applicant, are considered acceptable in terms of the height and design and it is considered that the boundary treatment will not cause significant harm to visual amenity or be out of keeping with the character of the area and is therefore not contrary to Policies DS1 and DS3 of the Core Strategy Development Plan Document,

and subject to a condition that the works necessary to accord with the amended plans be implemented no later than one month from the date of the issue of the decision.

Action: Strategic Director, Place

(d) Land at Halifax Road, Denholme

Bingley Rural

Full planning application for construction of an agricultural building for livestock, agricultural machinery and feed at Land at Halifax Road, Denholme, Bradford, West Yorkshire - 18/00256/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that; the site was a single field with a dry stone wall around it located within the Green Belt and that the proposed building would measure 17.5m x 8m and the height of the ridge would be 5.4m. He stated that, although agricultural buildings were an exception, there was still a need to carefully consider the impact of buildings on the Green Belt and whether such needs genuinely justified an exception to normal policy. He stated that the building could not be constructed under permitted development rights as the Town and Country Planning (General Permitted Development) (England) Order only allowed it on units of five hectares or more and this holding was less than one hectare. He considered that the applicant had not provided sufficient evidence to demonstrate why a stone building of this type and size was required in a small unit of land or how it was designed for a functional agricultural purpose. The applicant had emailed on 17 April and 11 June 2018 stating that the building was required to house sheep in bad weather conditions, however no agricultural activity had been seen on a recent site visit. He had concerns regarding the intention of the building given its size and permanent structure. The application was then recommended for refusal.

In response to a Member's question about the agricultural business, the Strategic Director, Place stated that the applicant had suggested that the sale of 40 lambs would cover the cost of the building.

The applicant had submitted four photographs which were shown to Members as he made the following points:

- This was not the only land he owned; he also owned Sunny Side Farm which was located across the road from the site and therefore the building should be allowed under permitted development rights.
- The building would be used to shelter sheep when it snowed and for storage purposes.
- The building would be 140 square metres.
- The height of the proposed building would allow for a tractor to be stored.
- The proposal was for a high quality building constructed of Yorkshire stone with Yorkshire boarding for ventilation.
- He had already purchased Yorkshire stone to construct the building.
- The neighbours were happy with the proposal.
- He did not want to construct a steel clad building that the neighbours would object to.
- The building would be screened by trees and shrubs on the access road.
- His business slaughtered up to 1,500 sheep a day and his business was doing well.
- There was a full-time vet on site.
- He was attending an auction the following day with the intention to purchase lambs.
- He ran an abattoir and was fully aware of the requirements for live stock.

The Strategic Director, Place stated that this was the first time the applicant had mentioned that he had additional land in relation to meeting the five hectares requirement for permitted development rights and that no information had been submitted in relation to the proposed building's ventilation.

In response to a Member's question, the Strategic Director, Place stated that if the application for this agricultural building was approved any change of use for the building would either require planning permission or may be changed under permitted development rights; either way there would be a process to undertake.

A Member commented that this presented a good opportunity for the applicant to rear lambs which he considered would be good for the local economy post-Brexit.

Another Member stated strong concerns about the viability of the business to cover the building costs.

Resolved –

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

Action: Strategic Director, Place

6. MISCELLANEOUS ITEMS

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

(a) **Land at Butler Lane, Baildon** **Baildon**

Unauthorised development to create a parking area involving the removal of a section of walling, excavation and the laying of hardcore - 16/00693/ENFUNA

The Area Planning Manager authorised the issuing of an Enforcement Notice under delegated powers, on 24 May 2018.

(b) **Land at Potter Brow Road, Baildon** **Baildon**

Unauthorised development including excavation work, deposit of materials, construction of timber outbuildings, construction of fencing and gates, storage of timber and building materials, depositing of hardcore, formation of access and felling and processing of timber - 18/00032/ENFUNA

The Development Services Manager authorised the issuing of a Temporary Stop Notice under delegated powers, on 22 May 2018.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS ALLOWED

(c) **Land Adjacent To 27 Kirk Drive, Baildon** **Baildon**

Demolition of garage and construction of a detached dwelling - Case No: 17/05665/FUL

Appeal Ref: 17/00131/APPFL2

(d) **Land South of 10-12 Main Road,
Steeton With Eastburn** **Craven**

Construction of two semi-detached two-storey houses - Case No: 17/03334/FUL

Appeal Ref: 17/00139/APPFL2

(e) **Wrose Lodge, Elm Grove, Shipley** **Windhill and Wrose**

Demolition of outbuildings and construction of earth-sheltered house and associated earthworks, landscaping and tree planting - Case No: 17/02638/FUL

Appeal Ref: 17/00120/APPFL2

APPEALS DISMISSED

(f) **1 Little Lane, East Morton, Keighley** **Keighley East**

Construction of decking to side - Case No: 17/05655/HOU

Appeal Ref: 18/00004/APPHOU

(g) **39 Mayfield Avenue, Ilkley** **Ilkley**

Construction of a two storey extension reducing to single storey to the front of the dwelling. - Case No: 17/05934/HOU

Appeal Ref: 18/00003/APPHOU

(h) **Baildon Woodbottom Working Mens Club,
Otley Road, Baildon** **Baildon**

Extension to form cellar and toilets - Case No: 17/05076/FUL

Appeal Ref: 18/00007/APPFL2

(i) **High Beck Park, Ilkley Road, Riddlesden** **Keighley East**

Change of use of land to form extension to caravan park for 6 twin units - Case No: 17/05399/FUL

Appeal Ref: 18/00005/APPFL2

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