

## Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 11 July 2018 in the Council Chamber - Keighley Town Hall

Commenced 10.10 am  
Concluded 1.25 pm

### Present – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Brown Ellis	Lee Abid Hussain Godwin Mullaney	Naylor

Observers: Councillor Whiteley (Minute 10(a)), Councillor M Smith (Minute 10(b), (c) and (f)), Councillor Hawkesworth (Minute 10(b) and (c)) and Councillor Khadim Hussain (Minute 10(h))

### Councillor Lee in the Chair

#### 7. DISCLOSURES OF INTEREST

The following disclosures of interest were received in the interest of clarity:

Councillor Ellis disclosed, in relation to land at grid reference 416584 447411, Leather Bank, Burley in Wharfedale, Ilkley (Minute 10(a)), that he was a member of the Yorkshire Regional Flood and Coastal Committee and that he may have been a member of the Panel that determined previous applications for the site, but stated he would consider the application with an open mind.

Councillor Lee disclosed that, whilst she knew a number of representatives in attendance at the meeting she did not know them personally and there were applications pertaining to her ward (Keighley East), but she had not discussed any of the matters before the Panel for determination with any interested parties.

Councillor Abid Hussain disclosed that, in relation to 48 Green Head Lane, Keighley (Minute 10(h)) he was acquainted with the applicant but had not discussed the application with him.

Councillors Ellis and Lee disclosed that, in relation to Land West of Holmfield, Jew Lane, Oxenhope (Minute 10 (i)) they were acquainted with the applicant but had not discussed the application with him.

**Action: City Solicitor**

## 8. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

## 9. PUBLIC QUESTION TIME

There were no questions submitted by the public.

## 10. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

### (a) **Land at Grid Ref 416584 447411, Leather Bank, Wharfedale Burley In Wharfedale, Ilkley**

Outline application for a new pedestrian bridge across the River Wharfe at the end of Leather Bank, following existing public right of way over ‘The Stones’ - 18/00663/OUT

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the bridge was proposed to link from the end of Leather Bank to the right of way on the north side, which entered into Harrogate. Harrogate Borough Council had granted planning permission for the part of the bridge within its area. He stated that there had been a long campaign by the Burley Bridge Association for the bridge. The route of the bridge would follow the line of the existing stepping stones and the applicant had provided supporting information on how the bridge would make crossing the river safer and promote walking in Burley. The outline application had the same position, layout and access to the bridge as a previous application approved by the Panel in 2015. The application had received 56 representations in objection and 56 representations in support of it. A summary of the consultation responses and proposed conditions, as set out in the report, were provided and the application was recommended for approval.

In response to a Member’s question, the Strategic Director, Place stated that the bridge would not generate traffic and Leather Bank was a private lane.

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

- She supported the application and believed the bridge would serve residents well.
- Plans for a bridge had been discussed for a long time.
- In response to concerns from objectors about cars parking near the bridge, she had lived in the area for 30 years and had never seen a huge number of cars at the nearby bridge.
- The stepping stones were used by walkers in the summer months but they were impassable and dangerous to use in the winter making it difficult to cross the river.

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

- Good dialogue had been established with the West Riding Anglers; the owners of the south bank and the river bed.
- Both local authorities (Bradford and Harrogate) had stated that they would consider using their statutory powers to allow the construction of the north access to the bridge to be undertaken without the permission of the landowner.
- It was estimated that it would take three years to raise £400,000 required to fund the bridge.
- Olympic triathletes Alistair and Jonny Brownlee supported the efforts by the Burley Bridge Association for a safer means of crossing the River Wharfe than the stepping stones.
- He considered the officer's report to be balanced and comprehensive.
- He understood that some objectors feared a change but considered the benefits of the bridge and a safe crossing all year round outweighed them.
- Yorkshire Heritage Way, a long-distance walk which linked Yorkshire's two World Heritage Sites, Saltaire and Fountains Abbey, would pass over the bridge.

**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) 5 Dale View, Ilkley**

**Ilkley**

Change of use from adopted highway to private curtilage at 5 Dale View, Ilkley - 18/01209/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 grass verge within the adopted highway at the junction of Dale View and Beverley Rise. The application proposed a change of use for the grassed verge to be incorporated into the garden of the adjacent house at 5 Dale View; the applicant's home. He stated that, if planning permission was granted, the applicant would have to follow a legal procedure under Section 247 of the Town and Country Planning Act 1990 to obtain an Order to formally extinguish the public highway on the land concerned and that this would need to be acquired before any part of the planning permission could be implemented. He stated that 14 representations in objection to the application had been received, which included those from Ilkley Town Council and two Ward Councillors. Objectors had raised concerns about the loss of a valued open space and the impact on the sight lines at the junction. However, the Council's Highway Officer has no objections to the loss of the verge on highway safety grounds as an appropriate footway of adequate width would continue to provide a safe route for pedestrians, and the visibility splay required for the junction would not be affected. He considered that the grass verge had little value as a recreational space. The proposed change of use was considered

to have no significant adverse impact on local amenity or highway safety and was considered acceptable, subject to a condition regarding boundary treatment detail which had not yet been submitted by the applicant. The application was then recommended for approval.

In response to a Member's question, the Strategic Director, Place stated that any future planning applications would need to be considered on their own merits and conditions could not be imposed in relation to preventing future development on the site.

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

- That Ilkley Town Council had applied to have the application site registered as an Asset of Community Value.
- 14 residents had objected to the application as well as Ilkley Town Council and two Ward Councillors.
- Visibility for drivers would be restricted when entering Dale View from Woodlands Rise by a new boundary and a better view of traffic was required for safety, as it was a busy junction.
- He did not consider that the application complied with Core Strategy Development Plan Document policies as he believed it would have an adverse impact in relation to DS1, DS3, DS4, DS5 and SC9.
- He asked for legal clarification in relation to the application's status due to the application by Ilkley Town Council for the site to be registered as an Asset of Community Value.

The City Solicitor advised that; the Asset of Community Value application by Ilkley Town Council was not a material planning consideration; if the land was registered as an Asset of Community Value and was put up for sale, the community could have up to six months to raise funds to bid for it; and listed Assets of Community Value stayed on the local authority's register for up to five years.

An Ilkley Town Councillor was present at the meeting and made the following points:

- A number of residents had objected to the application.
- The site was the only recreational land on the residential estate and was used on a regular basis by dog walkers and children.
- The loss of the land would be of great detriment to the area.
- She believed there had been a misinterpretation of the title deeds and that the land should not be within the applicant's ownership.
- There was a risk that the land could be used to build a house on in the future and, if the application was approved, she urged Members to include a condition to ensure any future development on the site could not be implemented without prior approval from the local authority.

Another Ward Councillor was present at the meeting and stated that she considered the application to be 'land grabbing' and that it would significantly and negatively change the local area.

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

- He stated that it was not true that children played on the grass verge.
- He understood that neighbours had objected, and while he welcomed their views, he owned the land.
- He had no intention to build on the land.
- He wanted to incorporate the land into his garden for his young child to play on.

The Chair sought legal clarification with regard to the ownership of the land and the City Solicitor responded that the land subject of this planning permission was presently part of the highway and whilst public highway rights existed, the public had a right of access over it.

Some Members expressed support for the officer's recommendation, stating that it was difficult to see how the land was considered suitable for recreational use, whilst other Members put forward the following comments:

- The proposal would materially affect the amenity of the local area and would be detrimental to highway safety.
- Approval of the application could lead to housing being built on the site.
- The loss of amenity would be detrimental to local residents who would lose a local green space where events could take place.
- The land provided a green space in an area where there was very little amenity ground.

Further to which it was;

**Resolved –**

**That the application be refused for the following reason:**

**That the change of use would result in the loss of a prominent open area which would materially affect the amenity of the local area and is considered detrimental to highway safety.**

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

**(c) 10 High Wheatley, Ilkley**

**Ilkley**

Full planning application for the construction of a single detached dwelling within vacant garden area, which includes the creation of new vehicular access and amended access to the existing dwelling at 10 High Wheatley, Ben Rhydding, Ilkley - 18/01451/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was to construct a modern four bedroom detached dwelling which would share the same access point that currently served the existing house on the site. The dwelling would be constructed with large timber panels and would have a flat roof. 10 objections, including one from a Ward Councillor, had been received raising concerns which

included the visual impact, harm to trees, potential for flooding and highway safety. He stated that the house would be situated below the eaves level of the existing house and he considered it would not cause a loss of privacy to the neighbouring property at 8 High Wheatley as the minimum required distances between habitable windows had been met. The trees running along the front boundary of the site would remain and there were a number of protected trees on the site. A comprehensive Arboricultural Impact Assessment had been submitted with the application which provided satisfactory tree protection methods in relation to the trees on the site. Drainage details had also been submitted, and although indicative at this stage, were supported by the Council's Drainage Officer, subject to conditions for final approval of a scheme for foul and surface water drainage. A small stream crossed the site and the applicant would need to obtain Land Drainage Consent. He stated that, since the report had been published, the species of trees to be replanted had been agreed, therefore condition 10 within the conditions of approval would need to be amended to state that a detailed tree planting scheme for the site be in line with amended plans. The application was then recommended for approval.

In response to a Member's question, the Strategic Director, Place stated that the proposal had been designed so that habitable room windows were not shaded by existing trees on the site.

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

- There were too many houses being built in garden areas within Ilkley.
- Similar applications had been refused in 1998 and 2005 and he considered this application presented very little difference in comparison.
- 13 trees had been removed from the site without prior approval in 2015.
- The trees absorbed moisture from the ground and their removal would cause flooding.
- The application should be refused as it was on a very sensitive site close to a woodland area.

Another Ward Councillor was present at the meeting and stated that the site suffered from flooding and that the application should be refused.

In response to a Member's question, the Strategic Director, Place stated that the previous outline applications pertaining to the site had not provided a high level of detail and both had required access through existing trees; that issue no longer existed as the access point had been amended and was proposed to be taken from the same access point as the existing dwelling.

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

- He was a resident of High Wheatley and was representing neighbours.
- Two previous applications for the site had been refused.
- The proposal would cause damage to the trees on the site.
- 13 trees had been removed from the site in 2015 which he considered to be in preparation for this proposal.
- The proposal would increase the flow of water downstream.
- There would be an increased risk of flooding to neighbouring properties and

- their gardens and damage to the highway.
- Water had poured down to his garden from 10 High Wheatley.
  - He urged Members to visit the site to see the garden area which the previous owner had worked hard to create.

In response to concerns raised by the objector, the Strategic Director, Place stated that he understood the sensitivity of the site and that a lot of information had been submitted in relation to the trees and drainage which he was satisfied with and therefore considered that the proposal could be supported on the site.

In response to a Member's question, the Strategic Director, Place stated that, subject to further details of the scheme, he considered the proposal would lessen the flow of water if there was to be any flooding.

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

- Two principle concerns from residents related to drainage and trees and he had brought a drainage expert and tree consultant to the meeting who could provide details about how they would be managed.
- The water discharge rate would be reduced by 40% than the existing situation on the site.
- The house was designed so that it would be above the lawn area and avoid the tree roots on the site.
- Contrary to the residents' concerns, the design of the new house would provide benefits to the neighbours.
- The house was not a standard design and had been designed specifically for the site to ensure the materials fitted the landscape setting.
- A traditional dwelling would not have been appropriate for the site.
- The design of the house allowed for the future growth of the trees.

**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) 13 Sugden End, Halifax Road, Cross Roads, Worth Valley  
Keighley**

Full planning application to extend an existing dwelling into the existing barn and the construction of two new dwellings on land at 13 Sugden End, Halifax Road, Cross Roads, Keighley, West Yorkshire - 18/01439/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that site had poor access via an unmade access turning sharply off Bingley Road close to its junction with Halifax Road. The applicant had proposed to construct a new access from Halifax Road. The application had received seven objections, many of which assumed that the existing access would be used and raised concerns about that access being

unsuitable, which he considered irrelevant due to the proposed new access point. The site was located in close proximity to the Sugden End Landfill, gas compound and civic amenity site and it was therefore recommended that a precautionary approach towards contamination be taken, particularly towards landfill gas; conditions were proposed to deal with this issue and the application was recommended for approval.

In response to a Member's question, the Strategic Director, Place stated that the suggested conditions meant there would need to be extensive investigations to test for any land contamination, migrating landfill gas or leachate from the adjoining landfill site before any building work could take place on 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***

**(e) 3 Elderberry Close, East Morton,  
Keighley**

**Keighley East**

Householder planning application for a single storey front extension at 3 Elderberry Close, East Morton, Keighley - 18/01891/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the applicant had stated that the extension was required in order to provide accommodation for a dependant relative and that he had received medical information to support this. The application had received 10 objections, 27 representations in support and a supporting petition signed by 16 people. Since the report had been published Keighley Town Council had confirmed that they recommended the application for approval. Objectors had raised concerns that the house would be used for a home business in future but this was not a matter for the Panel's consideration as an application for a change of use may need to be submitted if that was to be the case. The extension was considered modest and subservient, it proposed a forward projection of 5.5 metres and was not considered to have a significant impact on the street scene. He reported that an additional representation had been received in support of the application since the report had been published. Additional comments had also been received from existing objectors with regard to the impact they considered the proposal would have on the properties opposite the site and the increased traffic that any future home business would attract to the area. He stated that an additional condition could be imposed to restrict the use of the extension but he did not consider it to be necessary. The application was then recommended for approval.

In response to a Member's question, the Strategic Director, Place stated that, whilst he had seen evidence of the personal requirements for the extension, the application was considered satisfactory against planning policy despite this.

A Keighley Town Councillor was present at the meeting. He addressed the Panel

to state that Keighley Town Council had considered the application at its Planning Committee and had recommended that it be approved. He also commented that the Ordnance Survey map did not show the existing extension and conservatory at the property.

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

- The extension was required for his father in order to assist with his care as his health had deteriorated.
- He and his family were currently living in his father's home to care for him but the facilities were inadequate.
- Adaptations would be made to the home to care for a disabled person.
- A downstairs bathroom with a hoist and a ramp to the front of the house would be put in place.
- He had spoken to the neighbours to reassure them that any works done would be in keeping with the character of the area.
- The property was his family's dream home and this was not something he had expected to do.

A Member commented that the proposed extension did not go against any planning rules and he was satisfied with the reasons for its intended use.

**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***

**(f) 6 Olicana Park, Ilkley**

**Ilkley**

Full planning application for the demolition of the existing detached 4 bed-house and garage and construction of new 4 bed-detached house with integral garage at 6 Olicana Park, Ilkley - 18/01844/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the location of the site was in a zone identified with a high risk of flooding but the floor space, which would be bigger than the existing property, was considered acceptable. The application had received 10 objections and six representations in support. The local authority had no objection to the demolition of the house. He stated that there were satisfactory degrees of separation between neighbouring properties, including a bungalow to the rear of the property, and that the proposal would not cause any significant loss of outlook to neighbouring properties. He acknowledged that the junction at Clifford Road was poor but as the proposal was not to increase the number of bedrooms at the dwelling he did not consider there to be any highway safety issues raised by it. Due to flooding in the area in December 2015 and following advice from the Environment Agency, higher floor levels were proposed so that the property could better withstand future flooding. The application was then recommended for approval.

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

- There was poor access onto Clifford Road as the bend was tight and the junction lacked visual splays due to there being high hedges on either side of the road.
- The proposal would be almost a metre higher than the existing house.
- The replacement dwelling would be out of scale with neighbouring properties.
- He considered the play room would be turned into a bedroom.
- The proposal would have a detrimental impact on the street scene due to its scale, mass and height and its design was not sympathetic to its surroundings.
- The site was within a conservation area.
- Trees had been removed from the site without permission.
- He considered there was a perceived need for large bedrooms due to depictions in magazines used for marketing purposes, but in reality this was not the case.
- The proposal could be achieved in a different design which was more sympathetic to the surrounding area.
- The glass in the bathroom windows needed to be obscure to avoid overlooking.
- Residents had raised concerns that their comments were not provided in detail within the officer's report.
- He asked that the application either be refused or deferred, for a more sympathetic design to be proposed.

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

- He was representing a number of residents.
- The proposed development was out of keeping with the area in terms of its size and height.
- Those who supported the proposal would not be directly affected by it.
- The proposal was too big and out of character with the nine properties on the cul-de-sac.
- The report stated that the new proposals, amended to address objections from neighbours and officers, presented a reasonably proportioned house that better fit the plot than the overbearing scale of what was previously proposed in early 2018 but he did not agree that the new proposal addressed the neighbours' concerns.
- The footprint of the property was 50% greater than the one it was replacing and that of its neighbours.
- The proposal was approximately 950mm taller than the existing house.
- The property would have a third liveable floor which was labelled as a play room on the plans but could easily be turned into a bedroom.
- The plans should be amended so that the proposal was in keeping with the surrounding area and to reduce its impact on the neighbours.

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

- The proposal posed less risk of flooding than the existing property.
- The new home would be more energy efficient.
- There would be improved off street car parking.

- The size and scale of the proposal was to provide an improved family home.
- Although the increased size and scale of the house had concerned neighbours, seven neighbours had supported the proposal.
- The new house would have a raised floor to reduce flood risk.
- The roof design was pitched for aesthetic reasons.
- Whilst the house would be taller, it would have a similar ridge level to 8 Olicana Park therefore the height of the building would fit in with the area.
- The use of the attic space had no bearing on the height of the building.
- The spacious suburban character of the street scene would remain.
- The footprint of the building was similar to 1 and 20 Olicana Park.
- Olicana Park did not have a distinct building line.
- The proposal for the garage was in order to provide more off street parking.

In response to a Member's questions, it was reported that there had been flooding to the south of Olicana Park in December 2015.

A Member commented that there was no consistency of housing in the area and he therefore did not consider the new proposal to be out of keeping with the street scene.

**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***

**(g) 24 Grange Road, Riddlesden,  
Keighley**

**Keighley East**

Construction of hip to gable roof extension with two storey side and rear extension and single storey rear extension at 24 Grange Road, Riddlesden - 18/00997/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that Grange Road was a well used street as it lead to Riddlesden Primary School. The property was located on the corner of Grange Road with Grange Crescent and was situated at an angle to the street, which posed difficulties for its extension. Photographs were shown of the adjoining property which had successfully incorporated a hipped roofed, two storey extension. The application proposed a hip to gable enlargement and a two storey side extension, which he considered would unbalance the semi-detached pair of houses. The extension would be in close proximity to 26 Grange Road and one of the bedroom windows proposed as part of the extension would cause overlooking to its rear garden. Whilst he sympathised with the applicant's desire for additional accommodation, he considered the scale of the extension needed reducing to be in line with its adjoining neighbouring property. The application was then recommended for refusal.

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

- An extension of a similar design to that of the adjoining dwelling would be better in terms of fitting in with the street scene and being less intrusive to 26 Grange Road, however such a proposal would need to be properly assessed.
- Two objections against the application had been received from one household.

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

- There were many houses in the areas that had undergone extensions and he wanted to do the same.
- He understood the neighbour's concern about the extension being close to their home but referred to a photo of two neighbouring properties that had both undergone extensions and were very close to each other; he did not consider he was doing anything different to those residents.
- The reason for the extension was to accommodate his family.

Two Members commented that they considered the proposal to be too big and detrimental in terms of its impact on the neighbouring property.

**Resolved –**

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

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

**(h) 48 Green Head Lane, Keighley**

**Keighley Central**

Householder planning application for the construction of a detached garage in place of an existing garage at 48 Green Head Lane, Keighley - 18/01380/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the site was a small plot of land to the rear of properties on Green Head Lane and adjoining a narrow back access from Green Head Avenue. There was an existing double garage on the site which had a length of 5.2 metres. The replacement building would have a length of 10.3 metres. The width of 5.5 metres would be the same as the existing garage. The application had received 16 objections and 19 representations in support, including one from a Ward Councillor. Objectors had raised concerns that the proposal was too big for the use of domestic purposes and would be out of keeping for the residential area. Supporting comments had included that the proposal would tidy up the site and act as a deterrent for antisocial behaviour. He considered that the proposed height of the garage seemed significant given the cramped size of the plot and the proximity to the surrounding houses, causing it to appear more intrusive and overbearing. The application had previously been submitted and withdrawn and plans had been amended to lower the eaves and ridge heights by 0.5 metre; they were now proposed at 5.1 metres at the roof pitch and 3 metres at the eaves. The proposed size was considered over dominant. Objections had been received from the neighbour to the rear of the

site at 2 Green Head Avenue, due to the impact the proposal would have on their conservatory which faced the site. The applicant's agent had stated that the impact on that neighbour's property would be softened by trees and hedges along the boundary but this was not considered acceptable. No information had been provided outlining the need for a garage of this particular size. The application was then recommended for refusal.

In response to a Member's question, the Strategic Director, Place confirmed that, if the size of the proposed garage was the size of the current garage, it would have been acceptable and recommended for approval.

A Keighley Town Councillor was present at the meeting. He addressed the Panel to state that Keighley Town Council had considered the application at its Planning Committee and recommended that it be refused due to the details given in the summary of objections and due to the proposed size, materials and access concerns. He also stated that he believed the application site was on Green Head Road, not Green Head Lane.

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

- He supported the application.
- The proposed garage would be used to store parked vehicles.
- The proposal would improve the local environment.
- A larger garage was necessary for the applicant.

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

- The height of the proposed garage was excessive, especially when a garage could be built with a height of 3 metres.
- The length of the proposed garage (10.3 metres) was excessive and unjustified.
- The proposed scale and massing was out of proportion for the area and would have a detrimental impact on neighbouring amenity.
- The garage would only be 3.7 metres from the side window of 2 Greenhead Avenue.
- The design was not appropriate for a domestic garage in a residential area.
- He questioned the validity of some of the comments put forward by supporters of the application and stated that it was clear from their comments that they did not live locally, whereas the objectors did.
- He urged the Panel to refuse the application as recommended in the report.

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

- He considered the reasons for refusal to be subjective.
- The proposal was reasonable and considered a small garage in modern standards for a double garage.
- The current garage was too small to allow access for the applicant's van and the proposed height of the roof would enable access and reduce vandalism.
- The eaves height was almost identical to that of the garage at 2 Green Head Avenue.
- Under Permitted Development Rights a fence could be erected at the back of

the site of up to 2 metres; the eaves of the proposal were 3 metres which was not much more.

- The proposal would allow for a garage to be built to modern standards.
- Roller shutters were proposed and there were two garages in the area that already had roller shutters.
- The proposed roller shutters would have a powder coated finish and would not look industrial.
- The application should not be confused with the potential for it being used as a house as that would need planning approval.
- He did not consider the proposal would pose as adverse an effect as raised by objectors.

In response to Members' questions, the applicant's agent stated that the height of the applicant's van was higher than the current eaves of the existing garage; and the van had been vandalised on more than one occasion.

In response to a Member's question, the Strategic Director, Place stated that if the application was approved, conditions could be added to ensure the garage had suitable shutters.

Some Members sympathised with the applicant's needs and commented that the existing garage was very outdated and did not appear fit for purpose and that the proposal was considered to improve the area. In considering that the garage would be used to park a van, they did not consider the proposal to be excessive in height. Other Members expressed concern about the detrimental impact of the proposal on neighbouring properties and, while appreciating that the applicant had a large vehicle, stated that the proposal was not for a commercial unit.

#### **Resolved –**

**That the application be approved for the following reason:**

**That the increased scale, height and massing of this garage compared with the existing structure on the site would not be incongruous or a visually intrusive feature. It would not appear out of proportion with its surrounding, nor detract from the character and appearance of the locality and is therefore not considered to be contrary to Policies SC9, DS1, DS5 and DS3 of the Core Strategy Development Plan Document.**

**And that the application be subject to the following conditions:**

- (i) **Before development is begun, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted - including details of the finish of the garage door. The development shall then be constructed in accordance with the agreed details.**
- (ii) **The development hereby permitted shall only be occupied or used in connection with, and ancillary to the occupation of the existing dwelling house at 48 Greenhead Lane and shall at no time be severed and occupied as a separate, independent unit.**

- (iii) **The development shall not begin until details of a scheme for its drainage has been submitted to and approved in writing by the Local Planning Authority.**

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

- (i) **Land West of Holmfield, Jew Lane, Worth Valley  
Oxenhope, Keighley**

Construction of a detached dwelling on Land west of Holmfield, Jew Lane, Oxenhope, Keighley - 18/01463/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the site was classed as 'key open space' in the Oxenhope Lower Town Conservation Area. He stated that a previous application for a house on the site had been refused due to highways concerns, impact on protected trees and the character of the conservation area. Planning officers had previously advised the applicant that a house on this land would not be supported because of the importance of the land and the mature trees that surrounded it. The application proposed a house in the gap between the tree belts. The application had received 13 representations in objection and nine representations in support of it, including one from a Ward Councillor. Whilst a comment had not been submitted from Oxenhope Parish Council at the time the report was written, they had since confirmed they had no objection to the application. He stated that the proposed house was of a modern style that would be out of keeping with the area and although the agent's submission said it fit in well with the trees, the Council's Tree Officer disagreed and commented that the application lacked arboricultural information as only a two page document had been submitted. The proposed parking area lacked details and was likely to require the construction of retaining walls. The proposed raised decking would result in overlooking to the neighbouring property, Wadsworth House. A number of representations in support of the application had stated that it would improve an untidy area, however, this was not considered to outweigh that the site was within a Conservation Area, the damage that would be done to protected trees and the design of the proposal was not considered appropriate. The application was then recommended for refusal.

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

- She lived adjacent to the land and was representing the views of other neighbouring residents who had also objected.
- The site was a challenging piece of land which had remained unchanged in the 17 years she had lived there.
- Highways officers had raised concerns in relation to the protected trees that would be affected by the proposal.
- There were five reasons for refusal outlined in the officer's report.
- The elevation and orientation of the proposal was of great concern to her as a neighbour.
- The proposal had been designed around the trees but had not taken enough account of the neighbouring properties.

- The proposed height and elevation of the proposal was out of keeping in comparison with her property.
- The site was within a conservation area and its location was highly visible from the road.
- It was important to value village green spaces for the future.
- The land should be protected from development.
- All 13 objections to the application were from the local area.

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

- Two previous applications for a conventional build had been refused.
- A Planning Officer had advised him to consider a single storey build with sustainable materials and details had been sent in advance to the Parish Council.
- Unfortunately the Ward Councillor who had supported the application was away on holiday otherwise she would have been in attendance at the meeting.
- There had been no heritage report and the Planning Officer said they would raise this with the Conservation Officer but he had heard nothing back.
- A detailed report had been previously submitted on the arboricultural aspect of the proposal.
- He was unhappy that he had not been given an opportunity to address concerns that had been raised during the consultation period.
- An application near Oxenhope Reservoir for an eco-friendly house had been approved.
- A suitably positioned fence could prohibit any overlooking onto the neighbouring property, but he had not been given the opportunity to put that proposal forward in response to the objector's concern.
- He considered the proposal to be in line with the National Planning Policy Framework and Neighbourhood Plan and urged Members to approve it.

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

- The proposed use of piling was not considered suitable as there was no evidence provided to show details of how it would work on the site.
- The proposed plan of the parking area showed that it was very close to two trees but no details were provided on how it would impact on the tree roots.

A Member expressed his disappointment at the lack of communication between local authority officers and the applicant, however, due to the lack of information submitted by the applicant, he did not consider there was sufficient information available to allow the application to be approved.

Another Member commented that she had sat on the Panel that had considered the application for the eco-friendly house in Oxenhope and that Members of that Panel had received a very detailed report prior to approving it.

The Strategic Director, Place stated that, whilst three out of the five reasons for refusal could be overcome with better information, there were still two fundamental issues in relation to the loss of an open space and the design of the dwelling which were more difficult to address.

**Resolved –**

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

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

**11. MISCELLANEOUS ITEMS**

**REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION**

**(a) 1 Wharf Street, Shipley Shipley**

Unauthorised extension (garage) - 17/00260/ENFUNA

The Planning Manager (Enforcement and Trees) under delegated powers authorised the issuing of an enforcement notice on 20 June 2018.

**(b) Land at Bank End Farm, Bank Lane, Silsden Craven**

Mixed use of land consisting agriculture and use of land as a contractor’s depot for a plant hire, waste carrier, construction, groundworks, landscaping and haulage contractor - 17/00847/ENFCOU

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, 20 June 2018.

**DECISIONS MADE BY THE SECRETARY OF STATE**

***APPEALS ALLOWED***

**(c) 18 Mornington Street, Keighley Keighley Central**

Change of use of ground floor from C3 dwelling to A2 estate agent's office (upper floors to remain as a dwelling) - Case No: 17/05853/FUL

Appeal Ref: 18/00006/APPFL2

**(d) 23 Springfield Road, Baildon Baildon**

Construction of new dwelling on vacant garden plot - Case No: 17/05001/FUL

Appeal Ref: 18/00022/APPFL2

**(e) 5 Long Meadows, Burley In Wharfedale Wharfedale**

Replace existing fence - Case No: 17/06242/HOU

Appeal Ref: 18/00015/APPHOU

(f) **Holly House, Spring Gardens Lane, Keighley** **Keighley Central**

Change of use from Class B1 offices to a registered nursery - Case No: 17/03315/PVS

Appeal Ref: 17/00135/APPPVS

***APPEALS DISMISSED***

(g) **31 Otley Road, Eldwick, Bingley** **Bingley**

Construction of detached dwelling (revised scheme to 17/01311/FUL) - Case No: 17/04848/FUL

Appeal Ref: 17/00134/APPFL2

(h) **39 Aire View Avenue, Cottingley, Bingley** **Bingley Rural**

Appeal against Enforcement Notice - Case No: 15/00951/ENFUNA

Appeal Ref: 18/00010/APPENF

(i) **9 Broadwell Drive, Bradford** **Windhill And Wrose**

Construction of detached store and games room - Case No: 17/05868/HOU

Appeal Ref: 18/00016/APPHOU

(j) **Foreside Mill, Halifax Road, Denholme** **Bingley Rural**

Erection of 42 affordable dwellings - Case No: 17/05256/MAF

Appeal Ref: 18/00024/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