

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 27 February 2019 in the Council Chamber - Keighley Town Hall

Commenced 10.10 am
Concluded 12.40 pm

Present – Councillors

LABOUR	CONSERVATIVE	THE INDEPENDENTS
Lee Godwin Azam Greenwood	Rickard Brown	Naylor

Observer: Councillor Rebecca Poulsen (Minute 41(b))

Councillor Lee in the Chair

37. DISCLOSURES OF INTEREST

Councillor Brown disclosed, in the interests of transparency, that he had received an email from the Co-operative Group in relation to Haworth Fire Station, Station Road, Haworth (Minute 41 (b)) but stated that he had not read or responded to it.

Action: City Solicitor

38. MINUTES

Resolved –

That the minutes of the meeting held on 12 December 2018 be signed as a correct record.

39. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

40. PUBLIC QUESTION TIME

There were no questions submitted by the public.

41. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) 24 Bingley Road, Shipley

Shipley

Full planning application for the change of use from a hair and beauty salon (Use Class A1) to bar (Use Class A4) (re-submission of 17/05818/FUL) at 24 Bingley Road, Shipley - 18/04421/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed the Panel that the site was located within a commercial row of units within the Saltaire Local Centre, but not within the Saltaire World Heritage Site Buffer Zone. He explained that planning permission had been granted, in February 2018, for the site's use to be changed from A1 to A4 and that the premises had been brought into use by the applicant during the summer of 2018 without three pre-commencement conditions being fulfilled; one related to noise insulation measures (condition 3) and two (conditions 5 and 6) related to an extraction system and flue. He stated that, as the plans did not include a kitchen area, unfulfilled pre-commencement conditions 5 and 6 were not considered necessary to satisfy at this time. He stated that the A4 bar use was to be confined to the ground floor of the premises, with customer toilet facilities in the basement and the first floor being restricted to staff welfare and office accommodation for the business. A residential flat would be retained at the second floor level. One letter of objection and a petition containing 18 signatures had been received against the application which was supported by two Ward Councillors. 64 representations had been received in support. The main issue raised by the objections related to noise and music from the bar and outside areas. He did not consider that noise levels from such a relatively small size of A4 use was likely to be a significant cause of loss of amenity for nearby residents. Environmental Protection had raised no objection to the application and were satisfied with the sound insulation installed by the applicant and recommended that the opening hours be restricted to 11.00am-11.00pm, seven days per week, as per the granting of the previous planning permission. He stated that whilst the hours of operation could be conditioned by the Panel, the noise from the outdoor seating area and live music played from the premises was a licensing, rather than a planning, matter. He then recommended the application for approval.

In response to Members' questions, the Strategic Director, Place stated that, if the application was approved with the hours proposed, planning permission would be required to amend them in future and that the application site was not within a conservation area.

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

- She resided near the site and found it difficult to sleep due to the sound of live music and singing from the bar.
- She started work early in the mornings and the noise disturbance to her sleep was affecting her health and wellbeing.
- She had reported the noise disturbance to the Council but had not yet received a response.

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

- He was the lead petitioner of the petition against the proposal.
- Whilst local residents were in favour of local businesses, the bar caused them noise disturbance late at night.
- The noise report did not take account of external noise coming from patrons who used the outdoor seating area and stood on the street.
- When customers congregated outside the bar the noise travelled to nearby residential properties.
- The acoustic report had recommended that the main entrance door remain closed during live music sessions, to contain the sound and reduce any undue loss of amenity for the neighbouring residents, but the door was not being kept shut and this was causing disturbance to local residents.
- He was aware that a Ward Councillor had approached the owner of the bar to discuss the issues affecting local residents but no attempt had been made by the bar owner to work with residents to resolve them.
- The proposal had an adverse impact on the amenities of nearby residents.
- If Members were minded to approve the application, he requested they insisted the external doors be kept closed when music was played on the premises.
- He hoped future issues could be resolved between the bar owner and local residents without the involvement of external agencies.

The City Solicitor advised Members that the issues raised by the objectors in relation to noise disturbance related to the licensing of the premises and that a review of the license could be sought. She provided the objectors with the contact details of a licensing officer for the local authority to pursue this.

The applicant's agent addressed the Panel to state that the applicant had not been fully aware of the planning conditions attached to the planning permission prior to opening the bar.

The applicant addressed the Panel and made the following points:

- He was very committed to working with the Council and local residents to avoid further complaints.
- Measures had been put in place to ensure that the music played from the premises did not exceed the levels set out in the noise report.
- When the doors had been kept closed during live music events it had led to complaints from customers due to the heat.
- The business provided employment to five members of staff.

In response to a Member's question, the applicant stated that live music was not played every night.

Members suggested that the applicant consider implementing an air conditioning system which would alleviate the issue of heat in the bar area when the doors were closed and display a notice for customers asking them to keep the doors shut.

The Chair urged the applicant to be mindful of his neighbours in relation to noise complaints and consider working with local residents to overcome them.

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) Haworth Fire Station, Station Road, Worth Valley
Haworth, Keighley**

Full planning application for demolition of existing building and construction of A1 food retail unit with parking and associated works and ATM machine at Haworth Fire Station, Station Road, Haworth - 18/02585/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He described the area surrounding the site located on the corner of Station Road and Bridgehouse Lane at a junction controlled by a mini roundabout. He outlined the design of the proposed flat roof building of modern design which would contain the A1 food retail unit and would have a floor space of 372 square metres. The application had received 13 objections, including one from a nearby convenience store, and 34 representations in support and he outlined the representations as summarised in his report. The Parish Council agreed in principle to the application but had raised concerns regarding unsympathetic materials and signage, lack of service vehicle turning space and a proposed uncontrolled (rather than a ‘Pelican’) pedestrian crossing. A Ward Councillor had also raised concerns about highway safety and the design of the building. The Conservation officer had stated that whilst the site was adjacent to, but not within, the Haworth Conservation Area it did not affect the setting of the grade II listed station building but may impact on Bridgehouse Mills. Having considered the flat roof, single storey structure of the proposed building and the height and location of Bridgehouse Mills, the Strategic Director, Place did not consider the proposal would impact adversely on the setting of Bridgehouse Mills. He stated that amendments had been made to the plans to reduce the amount of cladding to the building and increase the use of stone and he considered the design of the building to be acceptable, and in line with other similar food retail units, as well as fitting in with the industrial setting against the railway buildings in the vicinity. He informed Members that signage would be addressed through a separate application. He spoke of the concerns raised by objectors in relation to the site’s location but stated that the location, outside the local centres in Haworth (Main Street and Mill Hey), was considered appropriate. He provided a highway appraisal for the proposal which included: the use of the existing access that previously served the fire station, a car parking area containing 19 car parking spaces and a cycle storage area, a new footway to allow pedestrian access to the store with a pedestrian crossing on Station Road and sufficient access to allow deliveries from vehicles with a length of 10.35 metres (as proposed in condition 8). He stated that the proposal was acceptable in principle and raised no significant issues with regards to impact on local amenity or highway safety. He then recommended the application for approval.

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

- It had been indicated on plans that a Co-op store would be occupying the site.
- The applicant had indicated that small delivery vehicles (with a maximum length of 10.35 metres) would be used for deliveries to the store.
- Whether there would be alcohol sold from the store was a licensing matter and was not known at this stage.
- The location of the pedestrian crossing had been proposed taking into account the location of the mini roundabout junction and the entrance to Anchor Housing opposite the site on Station Road.
- The maintenance of the grassed area at the rear of the store would be the responsibility of store management.

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

- She had received a lot of comments locally; some people welcomed a new convenience store whilst others raised concerns about having two convenience stores on the same stretch of road.
- Some residents would prefer the store in a different location.
- She was not objecting to the plans as a Ward Councillor but had some concerns in relation to highway safety and pedestrian access.
- The mini roundabout was misused by many drivers.
- There were existing problems with the road layout.
- The junction was already a dangerous spot and this would be exacerbated by the proposal.
- Drivers approaching from Bridgehouse Lane would have difficulties seeing pedestrians using the proposed crossing on Station Road.
- There was no pavement on one side of Bridgehouse Lane.
- She raised safety concerns that people approaching the store on foot would walk along the road rather than cross over Bridgehouse Lane to use the footpath on the other side and cross back over again.
- The nearby Spar store had a car park but people often chose to park on the road for convenience and she raised concerns that if this was also the case for the proposed Co-op, it would be more dangerous given its close proximity to the mini roundabout.
- She had received many complaints about cars parking inappropriately outside the Spar convenience store.
- She welcomed the increased use of stone for the proposed building.
- She had concerns that if the proposed signage totem was illuminated it would be out of keeping with the area and detrimental to the flats, opposite the site, on Station Road.

In response to highway safety concerns expressed by the Chair, the Strategic Director, Place stated that:

- The mini roundabout was subject to an audit to consider how it was operating since its introduction.
- Any new footway introduced would need to meet safety standards.
- There were double yellow lines to restrict the parking of vehicles on the highway outside the proposed store.

- Anyone who contravened parking restrictions risked being fined.
- Bell Isle was outside the red line boundary of the site.
- It was not considered possible to implement a new footway over the bridge on Bridgehouse Lane.

A Member, who was also a Worth Valley Ward Member, stated that he considered the mini roundabout at the Station Road and Bridgehouse Lane junction had improved highway safety at that location. He considered the pedestrian crossing on Station Road may be better placed further away from the mini roundabout.

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

- She was representing Spar which had a convenience store nearby.
- The methodology of the applicant's speed survey had not been provided and there was doubt over the speed survey results presented.
- A subsequent speed survey had been carried out and showed vehicle speeds to be higher and requiring the need for larger visual splays.
- Sightlines were inadequate and could create unsafe highway conditions.
- She questioned the safety of the proposed pedestrian crossing facility.
- The existing safety issues at the mini roundabout would be exacerbated at delivery times.
- The proposal for delivery vehicle access was inadequate.
- The site was an awkward shape and too small to accommodate a convenience store.
- The application should be refused on highway safety grounds.

In response to a Member's questions, the Strategic Director, Place stated that amendments could not be made to the mini roundabout through this application but that a condition could be included to install railings around the site's boundary near the junction to encourage people to use the proposed crossing facility on Station Road.

The applicant addressed the Panel to state that the site plan they were considering was not the correct one and that an uncontrolled crossing was proposed on Bridgehouse Lane to improve pedestrian safety, which was not shown on plan before the Panel. Following advice from the City Solicitor, the Panel agreed to defer the item until the next meeting of the Committee in order for the correct plan to be presented.

Resolved –

That the application be deferred until the Panel's meeting on 27 March 2019 in order for the correct plans to be circulated.

Action: Strategic Director, Place

(c) Land at 5 Whiddon Croft, Menston, Ilkley Wharfedale

Full planning application for construction of single detached dwelling at land adjacent to 5 Whiddon Croft, Menston - 17/06959/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He stated that the site was an irregular shaped parcel of land formerly part of the garden to the adjacent property at 5 Whiddon Croft. He stated that an application for the construction of a detached dwelling had been refused in July 2015 and subsequently allowed on appeal by the Planning Inspector in February 2016, subject to 12 conditions. The proposal was broadly similar to the application allowed on appeal. The proposal would require the removal of one protected tree, along with a potential impact on the long-term survival of nine others. The application had received 26 objections and he reported on four additional comments received from objectors which had not raised any additional issues to those outlined in his report, which were then summarised. He reported on additional comments received via email from a Ward Councillor on behalf of local residents which sought clarification on the Green Belt boundary and raised concerns about the impact on the trees, future development on the fields behind the site and recommended a replacement planting scheme designed to prevent future access and development in the adjacent fields. The Ward Councillor had requested that if the Panel were minded to approve the application, appropriate conditions be included to protect future access to the paddock/field via this property. The Strategic Director, Place stated that the application site was not within the Green Belt and a planting scheme had been agreed with the Trees Officer and was subject to Condition 3. The application was then recommended for approval.

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

- The removal of the trees had been proposed after the Planning Inspector's decision to allow the previous application on appeal.
- Tree Preservation Orders could be placed on trees to be planted if they had an amenity value.
- Condition 3 proposed a five year protection period for the trees to be incorporated as part of the tree-planting scheme.
- Tree Preservation Orders could be requested by writing to the local authority.

The applicant's agent was present at the meeting. He provided a brief summary of the application site's history and made the following points:

- The application was very similar to the one approved on appeal by the Planning Inspector.
- The proposed development was a good fit with the site.
- The proposed development would integrate well with the edge of the fields and the trees proposed to be planted.
- The drainage system would be connected to a surface water sewer and plans had been put to the Drainage Officer.

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) The Holy Family Catholic School, Keighley Central
Spring Gardens Lane, Keighley**

Previous reference: Minutes 16 (f) and 34(d) (2018/2019)

Full application for the construction of a sand dressed FIH compliant synthetic turf hockey pitch capable of supporting a wide range of additional sporting activities with associated features including a club house, specialist sports lighting, perimeter fencing and access features.

The application had been adjourned at two previous meetings of the Panel in order for clarification to be provided on the type of pitch being proposed, further details in respect of floodlighting and the light spill onto neighbouring properties, for the originally proposed hours of use (8am-10pm) to be reviewed to take account of concerns of disturbance to local residents at unsocial hours and for the applicant to undertake a public consultation with local residents.

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He stated that the school had convened a public meeting on 30 January 2019 in Central Hall, Keighley which had been attended by 25 residents and a representative of the Airedale Hockey Club. Further to his presentation made to the Panel on 29 August 2018, he reported on the receipt of a number of additional objections, a petition against the proposal and a further comment from a Ward Councillor in support of the objectors concerns. He stated that the school had provided clarification that the proposed pitch would be capable of supporting a wide range of additional sporting activities but would be optimally designed for hockey use. The pitch would be used by the school to improve its sports facilities but would also be used by local sports clubs (Airedale Hockey Club) during the evenings and weekends and rented out for income generation purposes. He tabled a light spread plan which showed how the impact of the lighting would comply with environmental standards and outlined the work that had been undertaken to ensure the lighting was suitable for the pitch and the local area as outlined in his report. He stated that the proposed hours of use for the pitch had been amended to 8.00am-9.00pm, Monday to Friday, and 9.00am-6.00pm on Saturdays, Sundays, Bank and Public Holidays. Sport England had originally objected to the proposal but had since withdrawn it as they were now satisfied with the plans in place to ensure the sufficient provision of playing fields would be retained. He reported that Sport England had also withdrawn their objection subject to a Community Use Agreement and whilst Members could add this to the list of conditions, he did not consider it necessary to include due to the existing arrangements already at the school and as there was an agreement in the process of being approved by the school and sports club.

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

- Airedale Hockey Club's website stated that they were a Keighley club currently based at Titus Salt School in Saltaire, Shipley and had a total of 6 adult teams and 4 Junior teams.
- He considered that The Holy Family Catholic School would intend to intensify the use of the proposed hockey pitch by letting it to external users rather than using it for the school's own benefit.
- The Town Council were still opposed to the application.

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

- She did not agree that "the impacts of the proposal for residential amenity are not significant and are outweighed by the benefits of the proposals for sport and education" as stated in the Strategic Director, Place's report.
- The Holy Family Catholic School did not have a hockey team and had not had one for a long time.
- The proposed development would provide Airedale Hockey Club with facilities, but the club was currently based at Titus Salt School in Saltaire and did not have any ties with the local area or The Holy Family Catholic School.
- She considered the proposal to be opportunistic at the expense of the local community who would not benefit from it.
- The Strategic Director, Place's report stated that the applicant did not propose to apply for an alcohol licence but at the meeting with the school on 30 January 2019 it had been implied that the an alcohol licence for the club house would be applied for.
- She opposed the application on residential amenity and highway safety grounds.
- She did not consider the reasons for the application to be justified.
- Residents still had major concerns regarding the lighting from the proposal.
- The floodlights would impact on the aesthetic of the area and cause unacceptable light pollution.
- A more suitable site should be sought for the proposal.
- At the meeting with the school on 30 January 2019 residents had been assured that the proposed hockey pitch would not be used on bank holidays.
- Residents living near the site would not get any respite from the flood lighting.

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

- He thanked the Planning Officers that had been involved with the application and urged Members to support their recommendation.
- An all weather pitch was required at the school to deliver the PE curriculum and would help to improve the standard of facilities at the school.
- Sport England deemed the application appropriate.
- The school would have control over who used the pitch.
- The school had previously refused to allow a local football club to use its fields following concerns of disruption raised by neighbours.
- The lighting scheme had been designed taking account of local residents.
- The lighting scheme met all relevant standards.

- The proposed hours of use had been reduced.

In response to Members' questions, it was reported that the pitch would be owned by the school and rented out to the hockey club and any application for a licence to serve alcohol would need to be considered under a separate licensing application.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place's technical report and subject to the amended description of development and the amendments to suggested conditions 3, 4 and 5 set out in the supplementary report.

Action: Strategic Director, Place

- (e) **Buildings at Grid Ref 407023 443083, Keighley East
Banks Lane, Riddlesden, Keighley**

Application for the demolition of existing garage and construction of two storey detached dwelling with integral garage at land at Banks Lane, Riddlesden, Keighley - 18/05043/FUL

Resolved –

That the withdrawal of the application by the applicant's agent prior to the meeting be noted.

Action: Strategic Director, Place

42. MISCELLANEOUS ITEMS

REQUEST FOR ENFORCEMENT/PROSECUTION ACTION

- (a) **1 Green Lane, Addingham Craven**

Without planning permission the construction of a single storey extension on the side elevation of the building - 17/00760/ENFUNA

On 12 September 2018 the Planning Manager (Enforcement and Trees) authorised enforcement action requiring demolition of the extension, removal of the material and make good any damage to the property as a result of this remedial action.

- (b) **1 Green Lane, Addingham Craven**

Without planning permission the siting of a metal storage container within the curtilage of the property - 17/01087/ENFUNA

On 12 September 2018 the Planning Manager (Enforcement and Trees) authorised enforcement action requiring the removal of the container together

with all means of support.

(c) 4 St Pauls Road, Shipley **Shipley**

Unauthorised front dormer window - 17/01072/ENFUNA

On 6 February 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(d) 10 Gledhow Drive, Oxenhope **Worth Valley**

Condition 4 of planning permission reference number 17/05084/HOU - 18/00613/ENFCON

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 11 January 2019.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEAL ALLOWED

(e) Mother Hubbards, Bradford Road, **Keighley Central**
Keighley

Appeal against Enforcement Notice - Case No: 16/00066/ENFUNA

Appeal Ref: 18/00122/APPENF

APPEALS DISMISSED

(f) 1 Cross End Fold, Addingham **Craven**

Construction of single storey sunroom extension to side (Retrospective) - Case No: 18/03175/HOU

Appeal Ref: 18/00101/APPHOU

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

Appeal against Enforcement Notice - Case No: 17/00260/ENFUNA

Appeal Ref: 18/00120/APPENF

(h) 16 Cavendish Drive, Eldwick **Bingley**

Demolition of existing garage and construction of two storey side and single storey rear extension - Case No: 18/01517/HOU

Appeal Ref: 18/00099/APPHOU

(i) **2 Oakdale Avenue, Shipley**

Windhill and Wrose

Demolition of existing garage and construction of new two storey side extension with new porch to the front elevation. - Case No: 18/03018/HOU

Appeal Ref: 18/00123/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