

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 10 July 2019 at 10.00 am in Council Chamber - Keighley Town Hall

Commenced 10.05 am
Concluded 1.30 pm

Present – Councillors

LABOUR	CONSERVATIVE	THE INDEPENDENTS
Engel Abid Hussain Godwin Mullaney	Barker Ellis	Naylor

Observers: Councillor Debbie Davies (Minute 10(f)), Councillor Anne Hawkesworth (Minute 10(b)) and Councillor Khadim Hussain (Minute 10(e))

Councillor Engel in the Chair

7. DISCLOSURES OF INTEREST

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

Councillors Godwin, Ellis, Abid Hussain, Mullaney and Naylor disclosed that they had been Members of the Panel when a previous application concerning 5 Dale View, Ilkley (Minute 10(b)) had been considered. They undertook to approach the issue with an open mind and to consider all the relevant material planning issues before making a decision.

Councillor Ellis disclosed that he had been a Member of the Regulatory and Appeals Committee when a planning application for the demolition of two existing properties and the erection of ten replacement dwellings at Darkwood House, The Street, Addingham had been considered in relation to Minute 10(c). He undertook to approach the issue with an open mind and to consider all the relevant material planning issues before making a decision.

Councillor Ellis disclosed that he was a member of the Yorkshire Regional Flood and Coastal Committee.

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) 19 Hollin Head, Baildon Baildon

Householder Application to add a pitched roof to an existing flat roofed extension to the rear of 19 Hollin Head, Baildon - 19/02356/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that the matter was before the Panel because the applicant was an employee within the Planning Department. He informed Members that no objections had been received against the proposal and recommended it for approval.

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

Full planning application for a change of use for a section of land from adopted highway to private curtilage at 5 Dale View, Ilkley - 19/01578/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that the application site was a grass verge within the adopted highway at the junction of Dale View and Beverley Rise. The surrounding area comprised of modern detached houses. The application site was a triangular shaped open verge between the footways and the existing boundary to the curtilage of the detached house at 5 Dale View which was occupied by the applicants. There was also a hard surfaced pavement running north-south alongside the adjoining curtilage which was also part of the land for which change of use permission was sought. Photographs of other grass verges in the area were shown to Members. He stated that this was a re-submission following a refused application by the Panel in July 2018 which was later dismissed on appeal by the Planning Inspector in December 2018. The previous application

had sought to incorporate the entire grass verge into the residential curtilage of 5 Dale View and the applicants had now much reduced the extent of verge they were applying to incorporate within their curtilage and had stated this was for additional privacy within their garden. The application proposed to extend the residential curtilage by 2.1 metres to the side (east) of the plot to encompass the footpath and a triangular area of land to the north east. A timber fence, 800mm high, was proposed to create the new boundary along the side and a low stone wall (600mm high) was proposed along the front boundary with Dale View. The proposal would leave 150.5 square metres of open space as verge out of the total of 250.5 square metres of land. 22 objections, including one from a Ward Councillor had been received and Ilkley Parish Council recommended the application for refusal. He stated that the land had been formally listed as an asset of community value (ACV); however, he did not consider the ACV status to carry much weight in the planning balance and recommendation. He considered the proposal had overcome the Planning Inspector's concerns regarding the previous proposal and that the size of the remaining verge would be comparable with others in the area and then recommended the application for approval.

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

- The applicant would need to apply for consent under Section 247 of the Town and Country Planning Act 1990 to extinguish the highway before any planning permission could be implemented; the removal/relocation of the post pouch box on the site would need to be considered at that stage.
- The applicants had provided the title deed which indicated that the grassed verge was shown within their registered title.
- There were suggestions of legal challenges to this land which was a separate legal matter.
- The sale of the land could be delayed by 6 months due to its ACV status.

A Member queried why the red line boundary presented in the report covered the whole of the grass verge. In response, the Strategic Director, Place confirmed that the application was for the triangular piece of grass verge and footpath measuring 2.1 metres as per the submitted plans.

A Ward Councillor spoke in objection to the application and stated that:

- Many homeowners with grass verges at their frontage had deeds showing their ownership of the verge but the land still remained a public highway.
- The previous application had been refused by the Panel and the Planning Inspector on appeal.
- This proposal was for 40% of the land contained on the site of the previously refused application.
- The proposal would remove a pavement which was well used by residents and children on their way to school.
- An appeal against the ACV status had been dismissed.

An objector to the application addressed the Panel and stated that:

- The Planning Inspector's reason for refusal in relation to the previous application had been comprehensive.

- 5 Dale View was a corner house and its present boundary could be enhanced without this proposal.
- The land was on a well used junction.
- The land needed to be retained for highway safety reasons.
- There was a real strength of feeling within the local community against the loss of amenity this proposal would cause.
- The verge was an integral part of the highway.

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

- No objections had been raised by Highways Development Control regarding this application.
- Although the Planning Inspector had dismissed the previous application on appeal, he had concurred with the views of the Highways Authority that it was not detrimental to highway safety.
- The applicants had stated personal circumstances to explain why the proposal was important to them as a means of improving their privacy which were of a medical nature and had been omitted from his report for reasons of privacy.
- The applicant could increase the height of their boundary wall up to one metre under permitted development rights.

Members made the following comments:

- It was unclear as to how the additional land would add to the applicant's privacy.
- This application could be considered as 'land grabbing'.
- The absence of the applicants and any information in relation to their personal circumstances to support the application at the meeting was noted.
- It was noted that an application for a two storey extension to the side of 5 Dale View had been approved, but not yet built.
- The proposal was considered to impact on the openness of the area.
- The same reasons for refusal as per the previous application were considered to still apply to this proposal.
- The proposal would have a detrimental impact on the spaciousness and open character of the junction.

The Strategic Director clarified that, in making his recommendation, he had not afforded any planning merits to the applicants personal circumstances.

Resolved –

That the application be refused for the following reason:

The proposed change of use would not maintain an appropriate sense of spaciousness and open character around the junction of Dale View and Beverley Rise and therefore would cause significant harm to the quality of the local environment, local character and appearance of the area contrary to Policies DS1 and DS3 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

(c) Darkwood House, The Street, Addingham Craven

A full planning application to alter the approved house types on plots 1 – 5 of the development approved by permission 17/00570/MAF at Darkwood House, The Street, Addingham - 19/01843/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that the application proposed amendments to the design of five houses that were part of an on-going residential development, previously approved by the Regulatory and Appeals Committee. The design amendments were outlined which included the addition of single storey rear extensions of a depth of 1.9 metres on the rear elevation of each of the five dwellings. He stated that the proposal would not increase the overall eaves or ridge height of any of the dwellings and that internal adaptations would be made to achieve the head height to create the additional bedroom in the roof space of the houses on plots, 1, 3 and 5. He stated that 23 objections had been received against the application but stressed that the majority of the concerns raised related to the principle of the development which had already been approved. He then recommended the application for approval.

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) 1 Wrexham Road, Burley in Wharfedale, Wharfedale
Ilkley**

Construction of detached bungalow (revised scheme to application number 18/04252/FUL) at 1 Wrexham Road, Burley in Wharfedale - 19/01618/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that 1 Wrexham Road was a detached dwelling located on a corner plot with Sun Lane. The proposal was for the construction of a one-bed detached bungalow on the site. The existing detached garage was proposed to be removed to accommodate the unit and the existing dropped kerb returned to full face status. The existing raised deck to the rear of 1 Wrexham Road was to be removed and the plans showed a new driveway to the front of the existing dwelling with access of Wrexham Road. The side garden area to the bungalow would be overlooked by the existing house at 1 Wrexham Road due to their close proximity. A previous application for the construction of a bungalow had been refused in November 2018 and an appeal against the decision was on-going. Three letters of support and two in objection had been received including one in objection from a Ward Councillor. Whilst the design of the proposal was acceptable he considered the proposal to represent a cramped and incongruous form of development that would be at odds with the existing balance between

buildings, gardens and landscaping and it would have an overbearing impact upon the occupiers of 1A Wrexham Road given its close proximity to the neighbouring property and he therefore recommended the application for refusal.

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

- The neighbouring property at 1A Wrexham Road had a conservatory and there were no other habitable windows that would be facing the site from that property.
- 72 and 74 Sun Lane (located on the opposite side of Sun Lane to the application site) had larger sized plots of land.
- The decked area was outside the red line boundary of the application site but would need to be removed to form the boundary of the proposal.
- Whilst there were trees between the proposed bungalow and 1A Wrexham Road which may grow and assist with screening, only the current situation could be considered.
- There were a mixture of renders and styles of houses on Sun Lane; this proposal appeared cramped in comparison.

The applicant's agent addressed the Panel and stated that:

- The applicant had long standing health problems and had support available to them in the area.
- The proposal would assist the applicants to remain in the area as they would be moving from 1 Wrexham Rd to this bungalow.
- The applicants had looked for alternative properties in the area prior to the submission of this application.
- Since the previous application, a number of amendments had been made, including the removal of the garage.
- The proposed height of the proposal had been informed by the garage which served 1A Wrexham Road.
- There was no requirement for 1A Wrexham Road to have a rear garden as this was a private space, enclosed by the existing boundary treatment.
- He considered there were no issues with regard to the impact of the proposal on 1A Wrexham Road.
- The proposal would have no impact with regards to the sunlight to 1A Wrexham Road.
- There had been numerous infill developments in the village.
- He considered the proposal to be a more spacious development than others in the area.
- The proposal would not front onto Sun Lane.
- He did not consider the proposal to be a cramped form of development.
- The removal of the decking was on the plans and would be carried out if the application was approved.

The Strategic Director, Place clarified that overshadowing did not form part of his reason for refusal. With regards to overlooking onto the garden area of 1A Wrexham Road, he stated that the expected minimum separation distance was 7 metres, but there would only be approximately 4 metres for this proposal and due to the close proximity he considered the neighbouring property would be overlooked.

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

- The proposal generally accorded with Policy BW1 of the recently adopted Burley in Wharfedale Neighbourhood Plan, which related to new developments within the settlement boundary.
- He did not support the principle of the development on the site therefore it was not suitable to defer the item for him to undertake further discussions with the applicant on amending the proposal.
- If the application was refused the applicant could consider other options such as adaptations to the existing property or an annexe.
- Burley Parish Council had not raised any objections against the proposal.

Some Members expressed concerns that the proposal was not in keeping with the character of houses on Sun Lane and was contrary to Core Strategy Policy DS3 while other Members considered the proposal to be in keeping with the built environment and did not consider it to present an excessively cramped development. It was therefore;

Resolved –

That the application be approved for the following reason:

That the proposed development is considered to be in keeping with the character of houses and the built environment of the area and would not represent a cramped or incongruous form of development. It is considered acceptable on the grounds of visual amenity and the amenity of the occupiers of 1A Wrexham Road. The proposal would accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document, the aim of the National Planning Policy Framework towards delivery of housing and is not considered a contravention of Policy BW1 of the Burley in Wharfedale Neighbourhood Plan.

And that it be subject to the following conditions:

1. Before development above damp proof course commences on site, 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. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission

of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no alterations comprising the addition of further windows, including dormer windows, or other openings shall subsequently be formed in the east (side), south (rear) and west (side) elevations or roof planes of the dwelling hereby permitted without the express written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

4. Before the development is brought into use, the off street car parking facility for both the proposed bungalow and the existing dwelling at 1 Wrexham Road shall be laid out, hard surfaced using porous materials and drained within the curtilage of the site in accordance with the approved drawings number 103A received by the Local Planning Authority on 10 April 2019. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan.

5. Concurrently with the construction of the new access and prior to it being brought into use, the existing vehicular access to Sun Lane shall be permanently closed off with a full kerb face, and the footway returned to full footway status, in accordance with the approved plan numbered 0014-103A received by the Local Planning Authority on 10 April 2019.

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

6. Records indicate that a watercourse crosses the site. Prior to the commencement of any development on site, the developer must investigate the site in the area of their proposed development in order to determine the extent of the land drainage network and submit proposals for dealing with any watercourses, culverts, land drains etc., affected by the development in writing to the Local Planning Authority and only the approved scheme shall be implemented within the agreed framework. The proposed works must impose no additional loading on the watercourse or restrict flow in any manner.

Reason: To prevent flood risk and to accord with Policy EN7 of the Core Strategy Development Plan Document.

FOOTNOTE

**1. Part of this site is within land identified by the Environment Agency as having the potential to be affected by surface water flooding. The developer should therefore consider raising internal floor levels, using flood resilient building materials and flood resistant construction techniques in the development where appropriate. For more information please visit the Communities and Local Government website:
http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf**

Action: Strategic Director, Place

(e) 453 Bradford Road, Sandbeds, Keighley Keighley East

Change of use from office to private hire control office at 453, Bradford Road, Sandbeds, Keighley - 19/01885/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that although the application form had described the proposal as a change of use to a private hire booking office, the applicant had since confirmed that the use should be described as a private hire control office as no facilities would be provided for customers. The hours of operation were stated as 06.00–23.00, seven days a week. The proposal was for conversion of part of the office of a car sales business which had a forecourt and fronted Bradford Road. The car sales business occupied a two storey rendered building that stood at the end of a row of terraced houses on Poplar Terrace. A hot food takeaway adjoined the car sales building and shared the forecourt. There was a demarcated cycle lane on the main road at the front of the site and a bus stop to the east. The application had received 81 objections and 117 representations in support. He reported that an additional representation in support of the application had been received from a Keighley East Ward Councillor. Concerns had been raised by objectors regarding noise disturbance and highway safety. He stated that the site was already congested due to the requirements of the existing car sales and hot food takeaway businesses which were to remain. The Council's Highways Officer did not support the proposal on highway safety grounds. Two car parking spaces had been indicated on the site layout plan which fell short of the requirement of five as stated in the Council's Core Strategy. The private hire office would be introduced into an already congested forecourt and there was insufficient off-street parking provision or turning space. He considered the parking layout would be operationally impracticable and would likely lead to vehicles reversing onto the highway to turn, causing overspill parking close to the junction, leading to indiscriminate parking in a bus bay and affecting a cycle lane. The proposal would cause an unacceptable impact on highway safety, and cause severe residual cumulative impacts on the road network contrary to policies DS4 and TR2 of the Core Strategy Development Plan Document. He then recommended the application for refusal.

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

- There were no demarcation lines to indicate which car parking spaces related to the businesses on the site.
- There were existing waiting restrictions to the front of the site on Bradford

- Road but none on Poplar Terrace.
- The bus lay-by near the site on Bradford Road was marked out.
 - The cycle route ran along Bradford Road at the front of the site and any parked vehicles there would block the cycle route.
 - He was unaware of what occupied the first floor of the building on the site, above the car sales business.
 - There were two access points to the forecourt: one from Poplar Terrace and the other from Bradford Road.
 - There were no other private hire control offices in the vicinity.
 - The submitted plans did not include information about facilities available on the site for drivers but he presumed there were facilities already on the site for staff of the car sales business.
 - There were no laws to stop vehicles from parking on cycle lanes if there were no parking restrictions already in place.
 - The applicant had stated that staffing would consist of two full-time and three part-time employees.
 - There were no double yellow lines immediately at the front of the site.

A Keighley Central Ward Councillor spoke in support of the application as the applicant's Ward Councillor and stated that:

- There was existing business use attached to the site.
- The proposal was for a booking office only which would take telephone calls.
- The applicant had come to an agreement with the owner of the car sales business on the site regarding car parking therefore he did not understand why the Highways Officer had objected, particularly as the proposal was for a booking office only.
- No issues of increased car parking would arise from the proposal.
- He suggested that a condition could be imposed to restrict the times that taxis could park on the site if this was of concern.
- The takeaway business next to the site operated until approximately midnight and the proposed private hire control office would close at 23.00.
- He urged the Panel to approve the application.

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

- He had received emails from local residents stating that the applicant had put pressure on them to remove their objections.
- The proposal would have a detrimental impact on car parking at the site and on Poplar Terrace as there was not enough space to accommodate additional cars to park on the site.
- He supported the concerns raised by objectors in relation to this proposal.

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

- A condition in relation to car parking on the site was unenforceable and customers of the car sales or takeaway businesses were not prevented from parking on the two car parking spaces included as part of this application.
- He considered car parking spaces would be required when drivers were between jobs, collecting wages, taking a rest break etc.

- Car parking on the site was not included in the red line boundary of the application site.

Members made the following comments:

- The forecourt on the site had two access points therefore a one-way system could be implemented on the site to avoid cars from reversing onto the highway.
- It was acceptable for car parking spaces not to be marked out for this business as it was not yet operating on the site.
- The proposed business was being blamed for existing problems that were not of its making.
- Bradford Road (to the front of the site) was a wide road and parked vehicles would not obstruct the highway.
- On visiting the site it had not been possible to drive through the forecourt due to parked cars relating to the car sales business.
- The proposal did not have the required minimum of five car parking spaces as required by the Council's adopted Core Strategy.
- The proposal would cause further issues in relation to access in addition to those already being experienced currently.
- Another business of the site would force vehicles to park on the highway and would cause disruption for local residents.
- This was a good opportunity for a local business which served local residents to be located at this site.

In response to a Member's question, the City Solicitor explained that the Panel needed to make a decision on the application considering the relevant material planning matters and could not rely on means of enforcement that could be taken by other authorities if the operator's licence in connection with the business was breached.

A Member alluded to the changing nature of the industry and the rise in app only operators. As the application was solely for a control office and no members of the public would be accessing the site to use the business he considered the application should be approved.

In response to a Member's question, the Strategic Director Place stated that, if Members were minded to approve the application, a condition could be included to prevent customers entering the premises.

Differing views were expressed by Members. Two Members expressed strong concerns that the proposal was impractical for the site, on a busy stretch of road, opposite a public house, did not meet the minimum number of car parking requirements as set out on the Core Strategy and would make the current situation worse for residents of Poplar Terrace. Other Members considered the proposal acceptable on highway safety grounds and concluded there would be very little highways impact from the private hire control office as no facilities would be provided for customers from the site.

Resolved –

That the application be approved for the following reason:

That the proposal is considered acceptable on highway safety grounds subject to the following conditions:

The private hire control office hereby permitted shall only be used for the arrangement of the private hire business by means of telephone or internet, and no facilities shall be created that allow customers to enter the premises or use the premises as a waiting room.

Reason: To prevent the office operating in a manner that attracts visiting customers, in the interest of highway safety and to safeguard the amenities of nearby residents to accord with Policies DS5 and TR2 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

(f) Land to rear of 19 Northgate, Baildon Baildon

Construction of a single-storey private hire vehicle booking office on land to the rear of 19 Northgate, Baildon - 19/01605/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that 19 Northgate was a mobile phone shop and residential flat and to the north of the site was a vehicular access which served the grade II listed Malt Shovel Public House opposite as well as acting as the service road to the nearby Baildon Co-op store. Parking restrictions in the form of a yellow box marking were in place on this access road to prevent indiscriminate parking to ensure that it was clear of obstruction at all times. Northgate was a well used road forming the main route through the village with double yellow lines along its route, close to the site. The proposal was for Baildon Taxis which was currently operating from 28 Northgate but had to find alternative premises. The proposal included a booking window where customers could book taxis directly in person and a covered waiting area to the front of the booking window. The proposal also included an office space and a toilet accessible from a rear external door only. The business would operate on a 24 hour basis and employ three full time office staff members and currently employed 25 drivers. A petition with over 30 signatories has been received against the proposal along with 21 letters of objection. 90 representations had been received in support of the proposal, including one from a local Ward Councillor stating that the business was well established and provided a valuable service to Baildon residents. He provided a summary of the main issues which related to highway safety implications, the impact on amenity of residential neighbours – particularly occupiers of the flat at 19 Northgate, visual amenity and character of the Conservation Area in which it was located. Two car parking spaces had been indicated on the site layout plan which fell short of the requirement of five as stated in the Council's Core Strategy; the car parking spaces indicated were outside the red line boundary and he considered they could not be relied upon as the local authority had no control

over them. Members were shown photographs of cars parked on the access road which led to the service yard of the Co-op. The Strategic Director, Place stated there was a need to keep the area open for effective land use and that it was already very congested without the proposal. He considered there was insufficient space to meet the needs of the private hire office and the Co-op had objected for this reason. He reported that drivers were likely to wait for up to four minutes at a time when picking up a fare and the impact on a busy road would be detrimental to pedestrian and highway safety and there would be increased noise and disturbance from visiting customers and associated vehicle movements at the premises. He then recommended the application for refusal.

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

- The current business had been operating in Baildon for over 20 years.
- The two demarcated car parking spaces were on an adopted highway and had been introduced by the current land owners.
- There was no minimum distance required between the application site and 19A Northgate; each application had to be considered on its own merits.
- There was no recorded planning history for the site.

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

- She fully supported the application.
- The flat was owned by the same person who owned the land and they were happy with the proposal and said they may apply to change it into commercial use in the future.
- The site was near a public house which played live music therefore noise should not be a reason for refusal.
- The requirement of five car parking spaces in the Core Strategy was met by the car parking spaces available to the business at Café Bar 12.
- There would not be any increase in off-street parking as the business was currently operating in the area.
- The parking spaces near the site would be for office staff, not private hire drivers.
- The site was not an area pedestrians would usually use.
- The business had a free-phone in the Co-op for customers so there should not be any impact on highway safety.
- She considered the officer's report to be over-cautious.
- The local business had been running successfully for 30 years and relied upon Baildon residents; therefore it was not in the best interest of the business to act irresponsibly and receive complaints from local residents.
- The business had to relocate and this site provided a good solution.
- The applicant would work with the Council and was very willing to be flexible as she did not want her business to suffer.

The Strategic Director, Place informed Members that a nearby business, Café Bar 12, had stated that they had an arrangement in place for the taxi firm to park on their land as and when necessary and that this could continue. The location of this business and its parking area was indicated to Members. He advised the Panel that this could not be relied upon as a solution except with a Section 106 agreement committing the owner of that car park to allowing the taxi business to

continue to use those spaces.

A representative on behalf of objectors to the application addressed the Panel and stated that:

- Vehicles would have to carry out multiple manoeuvres to enter the highway in forward gear from the proposed car parking spaces at the site which would likely lead to vehicles reversing onto the highway to turn.
- There was a lack of turning space for vehicles and vehicles would inadvertently trespass on land owned by the nearby brewery.
- The officer's report stated that the residents of the flat at 19A Northgate were likely to experience unacceptable levels of noise and disturbance from the comings and goings of customers and vehicles as the business would operate on a 24 hour basis and would have a booking window for customers.
- The two car parking spaces for office staff had not been identified on the application drawings.
- There was a lack of car parking on the site and the proposed car parking at a different site could not be given much weight.
- The Co-op had objected to the proposal.
- Offers of fencing and sound proofing could not be given much weight.
- He agreed with concerns which had been raised by the Environmental Health Officer at the pre-application stage.
- The proposal would be detrimental to the amenity of neighbouring residents and should not be supported.

In response to a Member's question, the Strategic Director, Place stated that a booking window for customers was part of the submitted plans and if this was to be removed the application would need to be withdrawn and re-submitted as it would be a demonstrably different proposal; a condition could not be placed on the application stating that the booking window could not be used for customers as this was its intended use. Members were also informed that some concerns regarding the impact of the proposal on the amenity of the flat at 19A Northgate may still remain if the booking window was removed and that a re-submitted application would need to be advertised and consulted upon.

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

- The business was a family run business which had been established in 1981.
- She knew most of the Baildon community.
- She was happy to adhere to additional conditions.
- She did not want to see her employees lose their jobs.
- Her business had never caused any upset within the local community.
- She understood the concerns regarding the booking window but explained that it was mainly used by elderly members of the community who were not familiar with using technology but she had recently approached local businesses and asked them to assist those people with calling the business from their premises and a free phone had also been placed in the Co-op.
- She was willing to be as co-operative as possible so that her business could continue.

Members made the following comments:

- The proposed new location for the business was in close proximity to Café Bar 12.
- The building was very close to the rear door of the flat at 19A Northgate.
- The car parking at the side of the office and turning space was unacceptable.
- The officer's report stated that this new site would be 'equally unsatisfactory' than the previous base but the business had existed in the vicinity for a number of years without highway issues being caused which should be taken into account as a material consideration.
- The absence of the booking window would be detrimental to elderly members of the local community who did not use technology.
- The site had better car parking facilities than a previously approved application for private hire businesses; albeit it did not have a booking window.
- The business employed 25 drivers and had been serving the local community for over 30 years.

During the discussion a number of Members stated they were in favour of approving the application but had concerns regarding members of the public accessing the site which could not be resolved by placing a condition on the application. In response to a Member's question, the Strategic Director, Place stated that if the application was withdrawn and re-submitted, it would be considered at the very earliest by the Panel in September 2019. In response to a question from the Chair, the applicant stated she was currently operating the business from temporary accommodation and urgently needed a new base for her business.

A number of Members stated they were minded to support the application despite the public access to the site due to this being a long established business which would be on a well used access road which was used by the Co-op and nearly public house. They considered that private hire vehicles from this business would be picking customers up from those sites and in considering the matter of urgency for the business to re-locate in order to allow it to continue to serve the local community and continue employment of its staff it was;

Resolved –

That the application be approved for the following reason:

That the proposal is considered acceptable on highway safety grounds as the business is currently operating within the vicinity and is not considered to increase highway safety concerns. The proposal is also considered to have adequate existing car parking arrangements in place and therefore accords with Policies DS4 and TR2 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

11. MISCELLANEOUS ITEMS

DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS ALLOWED

(a) 26 Margerison Road, Ilkley Ilkley

Extension of existing raised patio area – Case No: 18/04922/HOU

Appeal Ref: 19/00025/APPHOU

(b) Public Conveniences, Keighley Road, Harden Bingley Rural

Change of use and extension of existing disused toilet block into retail unit. –
Case No: 18/01490/FUL

Appeal Ref: 18/00133/APPFL2

APPEALS DISMISSED

(c) 7 Bertram Drive, Baildon Baildon

Construction of a detached dormer bungalow - Case No: 18/04057/FUL

Appeal Ref: 19/00001/APPFL2

(d) Former Glengate, 44 Lucy Hall Drive, Baildon Baildon

Division of existing dwelling into two dwelling houses – Case No: 18/02531/FUL

Appeal Ref: 19/00021/APPFL2

(e) The Old Dairy, Glen Road, Baildon Baildon

Single storey extension to rear – Case No: 18/04998/HOU

Appeal Ref: 19/00012/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).

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER