

## Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 30 October 2019 in Council Chamber - Keighley Town Hall

Commenced 10.20 am  
Concluded 1.55 pm

### Present – Councillors

LABOUR	CONSERVATIVE	THE INDEPENDENTS
Engel Abid Hussain Godwin Greenwood	Ellis Pollard	Naylor

### Councillor Engel in the Chair

#### 24. DISCLOSURES OF INTEREST

- (1) Councillor Ellis disclosed a pecuniary interest in Minute 28(h) as he worked for one of the businesses that was raising objections and left the meeting before this item was considered.
- (2) Councillor Ellis disclosed an interest that he was a Member of the West Yorkshire Combined Authority and a Member of the Yorkshire Regional Flood and Coastal Committee.
- (3) Councillor Ellis disclosed an interest in Minute 28(e) as had been a Member of the Panel when a previous application concerning Land South of Royd Lane Keighley was considered. He undertook to approach the issue with an open mind and to consider all the relevant material planning issues before making a decision.
- (4) Councillor Pollard disclosed an interest in Minute 28(c) as the application was within his Ward, however, he had not disclosed any of the matters now before the Panel for determination with any interested parties.
- (5) Councillor Abid Hussain disclosed an interest in Minute 28(e) and 28(h) as the applications were within his Ward, however, he had not disclosed any of the matters now before the Panel for determination with any interested

parties.

- (6) Cllr Godwin disclosed an interest in Minute 28(d) as the application was within his Ward, however, he had not disclosed any of the matters now before the Panel for determination with any interested parties.

Action: City Solicitor

**25. MINUTES**

**That the minutes of the meeting held on 7 August and 18 September 2019 be signed as a correct record.**

**26. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

**27. PUBLIC QUESTION TIME**

There were no questions submitted by the public.

**28. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL**

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

**(a) 21 Nab Wood Drive, Shipley Shipley**

A ‘Householder’ planning application for a two-storey side extension with front dormer window, single-storey rear extension, front porch and bay window extension at 21 Nab Wood Drive, Shipley – 19/02942/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 application site comprised a semi-detached dwelling built of natural stone and render with a red concrete tiled roof. The dwelling was situated in a residential area surrounded by properties of a varying designs. The property faced onto Nab Wood Drive, and was situated near a cross roads between Nab Wood Drive and Nab Wood Grove.

It was reported that the previous application was withdrawn by the agent following discussions with the Planning Service, which identified harmful issues principally due to the design of the two storey side extension. Following receipt of the current application, a number of revised plans had been submitted to further amend the design of the proposal. The amendments were:-

- reduce the width of the side extension and the front dormer window,
- alter the roof design of the side extension,
- increase the setback of the side extension
- reduce the size of the front porch.

It was reported that the revisions addressed all the points of concern and potential reasons for refusal that were previously identified.

Members were informed that seven objections had been received, including one from a Shipley Ward Councillor with a request to refer the application to the Area Planning Panel; three further comments had been received in response to the revised plans; these were received from existing objectors which included that the two storey side extension was disproportionate to the neighbourhood; overshadowing; overlooking; loss of hedges; no account taken for drainage run off; plans did not accurately reflect the true parking arrangements; negative impact on the natural environment.

An objector (resident of No 19) attended the meeting and spoke of his concerns in relation to the extension which included the extension would cause overshadowing due to its height; the height of the property would overshadow the Solar Panels on his property; the hallway was a habitable room and could be overlooked and cause loss of privacy; concerned that the extension could cause sinking.

In response it was reported that given the height and position of the side extension any loss of light to Solar Panels would be minimal; the loss of light to a solar panel did not affect residential amenity and so it was not a material planning consideration; sinking or collapse was a matter for compliance with any relevant Building Regulations; hallways were not classed as a habitable room but acknowledged the objectors point on how it was used.

It was reported that the rear extension would be three metres in depth and would be positioned 0.15 metres from the boundary of the adjoining neighbour; the maintenance of a boundary fence was not a material planning consideration, instead being a private matter to be resolved by the parties affected.

The applicant attended the meeting and spoke in support of his application and emphasised that his application was in accordance with legislation and did not have any impact on neighbouring properties.

#### **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) 26-30 Avondale Buildings Bradford Road, Shipley Shipley**

Planning application for a three-storey extension to rear of existing building and conversion of upper floors to form five apartments with new restaurant toilets to ground floor at numbers 26-30 Avondale Buildings, Bradford Road, Shipley – 19/02607/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 site comprised a three storey stone built C19 building

located within a commercial parade on the western side of Bradford Road, the A650. The ground floor of the building was last in use as an Italian restaurant, however this was currently vacant and under-going a programme of refurbishment. To the front of the building was a forecourt which was well used for off street parking. The upper two floors contained three residential flats. Adjoining the property to the north was 1 Avondale Road, a development of residential apartments. The surrounding area was generally residential in nature although some commercial uses aligned the main road.

Members were informed that Highways Development Control did not support a previous planning application on this site due to a lack of parking. The scale of the proposed extension had now been reduced and some parking was being retained to the rear. The overall number of 1-bed flats had been increased and the number of 2-bed, reduced.

It was reported that the application now submitted had been reduced in scale with redesigned smaller rear extension and a reduction in proposed apartments from 6 down to 5.

Members were informed that the principle of residential development on this unallocated site was considered acceptable subject to suitable impact on the usual planning considerations. Furthermore, given the lack of a 5 year housing land supply in the Bradford district, the NPPF (National Planning Policy Framework) required that local authorities must consider applications for residential development favourably unless there were clear material reasons otherwise.

It was reported that given the amendments suggested there would be no further highway objections to the proposal.

Members were informed that letters/emails had been received by 11 individuals objecting to the application including 2 from Shipley Ward Councillors.

It was reported that a summary of the objections received included the proposed extension would be out of keeping and too large; the proposed extension would overshadow neighbouring properties; the proposed extension would introduce overlooking of neighbouring property; the proposal had insufficient off street parking and would increase existing problems in the area with regard to parking spaces for both neighbours and nearby business.

Members sought clarification in relation to parking, ventilation, noise insulation and refuse storage. It was confirmed that these had all been addressed in the revised application.

In response to Members questions it was reported that the property had good transport links thus reducing the need for car dependency.

The Agent attended the meeting and spoke in support of the application, he reported that the number of 1 bedroom flats had been increased by 3 with the remaining two being two bed roomed; there would now be a dedicated entrance to

the flats; previous application had been refused due to overlooking and overshadowing the scheme had now been reduced and redesigned in consultation with officers; there was a new refuse store separate to the restaurant; there were good transport links; there was adequate parking; the issue regarding the extraction for the restaurant had been addressed.

Members were informed that the proposal was not considered harmful to visual amenity, residential amenity or highway safety and raised no other planning matters and therefore complied with the aforementioned policies of the Core Strategy Development Plan Document and the NPPF.

#### **Resolved-**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place's technical report.**

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

#### **(c) 37 Wensleydale Rise, Baildon**

#### **Baildon**

Full planning application for the construction of single storey bungalow in the garden at 37 Wensleydale Rise, Baildon – 19/02731/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 Wensleydale Rise was a residential cul-de-sac in the suburbs of Baildon. The street was a conventional estate road with footways and was lined by a mix of two storey houses and bungalows that were mostly built in brick and which dated from the 1970s. The cul de sac climbed up hill and terminated at a turning head which abuts this application site. The site was part of the garden of No 37 Wensleydale Rise - a two storey detached house standing to the south that was clad on some unusual green coloured tiles. There was a large, mature oak tree (subject to a preservation order) between the application site and the existing house. A public footpath connected the cul de sac turning head to Nidderdale Walk which was another residential estate cul de sac. No 13 Nidderdale Walk was a low rise bungalow which had a blank side wall facing towards the application site across the intervening footpath.

It was reported that the current application was a resubmission of previously refused application due to the development being unduly close to and having an unacceptable impact on the protected mature Oak.

Members were informed that the proposed bungalow was of a smaller scale to the last application; the 2018 application was for a dormer bungalow, i.e. with rooms in the roof space served by dormer windows; the proposal now was for a single storey dwelling with no rooms in the roof space; the roof lights on the south elevation were designed to serve the lounge.

It was reported that the design on the proposed dwelling had altered by changing the orientation so that the roof ridge ran in a east/west direction and the gable end faced towards Wensleydale Rise. This was consistent with the design of the

existing dwellings along Wensleydale Rise which mainly had a roof gable elevated towards the highway. The proposed dwelling had a design, scale and appearance similar to numbers 33 and 35 Wensleydale Rise and number 11 and 13 Nidderdale Walk (to the rear of the site). The proposed bungalow was not, therefore, considered to be out of keeping with the established vernacular as expressed by the nearby dwellings.

Members were informed that the scale and design of the previously proposed development was not a reason for refusal.

Members were informed that the proposed bungalow had been re-sited so that no part of it was located within the Root Protection Area of the tree. Provided that conditions were added to the planning permission, should this application be granted, that protect the tree during construction work then it was considered that this proposal had sufficiently overcome the reason for refusing the 2018 application.

It was reported that 5 representations had been received including one from a Baildon Ward Councillor; an email had been received from the Ward Councillor who had asked for the previous objections to be taken into account which included the concerns of local residents in that the building would dominate the view at the top of Wensleydale Rise; proposed bungalow was not in keeping; the development would overlook neighbouring gardens; disturbance during construction by machinery noise and safety concern due to proximity of nearby snickett; access should not be from Nidderdale Walk; the oak tree would be damaged by the development; traffic chaos would be caused by extra cars; on street parking would be lost because of the proposed driveway; the driveway was in close proximity to the snickett and would be dangerous to users.

Members sought clarification in relation to the driveway and its close proximity to the snickett; the loss of on street parking; the impact on turning head and highway safety and the requirement of a screen boundary.

Members were informed that the scale of the dwelling had been reduced to a bungalow, and this would lessen any perceptions of dominance of the adjoining dwellings. The orientation of the main habitable room windows was towards the street or across the intervening public footpath towards the blank side wall of 13 Nidderdale Walk. The proposal would not harm the privacy, outlook or daylight of occupiers of the neighbouring dwellings. The dwelling had been re-positioned to outside of the Root Protection Area of the protected oak tree in the garden of 37 Wensleydale Rise and thus overcame the previous reason for refusing application and did not introduce any further concerns that would warrant a recommendation for refusal of this 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.**

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

**(d) 57 Braithwaite Avenue, Keighley**

**Keighley West**

Householder application for a two-storey side extension at 57 Braithwaite Avenue, Keighley – 19/03230/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 property was located on a residential street and was a two-storey semi-detached house, which was substantially unaltered with a rendered finish. The house was surrounded by other residential properties and a convenience store to the immediate east.

Members were informed that no objections had been received from local residents. The only objection received had been from Keighley Parish Town Council.

The Keighley Town Councillor attended the meeting and stated that Keighley Town Council had withdrawn its objection to the 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.**

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

**(e) Land South of 2 to 10 Royd Lane, Keighley Keighley Central**

Planning application for full permission for the construction of a three storey apartment building incorporating nine one-bed supported living units on land south of 2 to 10 Royd Lane, Keighley – 19/02346/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 site lay within the built-up area of Beechcliffe in Keighley last used as a builder's yard until around 1997 and seemed to have been used for a variety of commercial uses over its history. It was a largely cleared site though had become overgrown with vegetation. Mature trees were aligned to the north east and south west perimeters of the site and protected under a woodland order.

It was reported that the land sloped down from Arctic Street towards the railway line. The northern edge of the site was bounded by Royd Lane, where there were two storey residential properties facing onto the site. To the south of the site was

Marshall Street, where a row of terraced houses had their rear elevations facing onto the site, and these were set above the level of the application land. To the north east was a railway embankment and to the south west at a higher level was a second-hand car sales business, occupying a number of lock up garages. Existing access was via gated entrance leading off Royd Lane.

Members were informed that nine objections had been received to the application, the summary of representations included the proposed development was not in keeping with the surrounding area; Highway safety and lack of parking concerns; the site was not well served by services with only one small shop nearby; it would not support the needs of residents with learning difficulties and the proposal would lead to the loss of a green area by losing trees and impacting on wildlife using the site; the local community needed assurances that the accommodation would not be used for difficult residents that could put local residents at risk.

It was reported that the applicant described the proposed dwelling as being supported living units, following further clarification the proposal was for private residential apartments falling within Use Class C3: Dwelling houses. No staff would reside in the building but would make daily visits. As such in terms of planning, the proposal related to a development for 9 private residential apartments. Comment had been received regarding the suitability of the site for the intended occupants, given the application was for private residential apartments the consideration in this regard was as under any residential scheme. The locality around the site was predominantly residential in nature.

Members were informed that the principle of residential development on this unallocated site was considered acceptable subject to suitable impact on the usual planning considerations; outline permission was granted for residential development of the site for a block of three townhouses under recent application and up to four houses in 2011.

It was reported that initial concerns raised regarding visibility splays, footpath link and bin store had been addressed by the submission of amended plans.

Members questioned whether the parking suggested for the development was sufficient and a condition should be added to provide a minimum of 9 off street car parking spaces.

An objector attended the meeting and spoke of her concerns in relation to the proposed development which included that the development was not close to the City Centre; there were no local shops close to the development; there were huge parking issues in the area; there was a footpath which was in a poor state; the materials used for the building were out of character; residents of the new development would most likely want to drive so adequate parking was necessary; loss of green area by losing trees and its impact on the environment.

In response to the objection raised it was reported that previous applications for a residential site at this location were approved; it was possible to include a condition to increase car parking spaces; the property would comprise of render

and stone with a slate roof; the area was not viewed as a traditional terrace site; there was already a mix of residential properties in the area and the proposal would improve visual improvement as it was untidy and would not be harmful to the area.

Members requested that the quality and maintenance of the footpath mentioned by the objector be looked into by the Highways Service.

In response to a Members question it was reported that the layout submitted showed opportunities for tree planting around the boundaries of the site; previous recent approval on the site required submission of a detailed landscaping and planting scheme to ensure the long term amenity value of the site; similar condition would allow for the appropriate planting to take place.

It was suggested that a requirement should be specified to include new tree planting along the Royd Lane frontage.

The Agent who was also the architect for the scheme attended the meeting and spoke in support of the application he reported that he empathised with the residents; the proposal was similar to the application approved previously; the proposal was a low key residential development which provided supported living accommodation and did not impact on residential amenity; the trees would be retained; the application would work with officers on the landscaping design; there would not be a huge impact on vehicle movement; the property would be stone and rough cast render.

Members were informed that the proposal was not considered harmful to visual amenity, trees or highway safety and was therefore considered to comply with the aforementioned policies of the Core Strategy Development Plan Document and the National Planning Policy Framework.

#### **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 with the addition of the following additional conditions:**

- **That notwithstanding the details shown on approved layout drawing PHA/333/200, before the dwellings are brought into use a minimum of 9 off street car parking spaces shall be provided within the site in accordance with details that have first been submitted to, and agreed in writing by the Local Planning Authority.**
- **That in addition to the landscaping details listed in Condition 13, a requirement should be specified to include new tree planting along the Royd Lane frontage.**

**Action: Strategic Director, Place**

**(f) Land to Rear of 14 Barley Cote Road, Riddlesden Keighley East**

Demolition of a single garage and construction of a detached house at land to the

rear of 14 Barley Cote Road, Riddlesden – 19/02232/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 site comprised part of the residential curtilage of an existing dwelling which was located on Barley Cote Road at significantly higher level to the rear (north) of the site. The curtilage of number 14 extended down steeply to Barley Cote Avenue and presently contained a single garage that fronted onto Barley Cote Avenue. Generally the site was within a wholly residential area.

It was reported that 8 objections to the proposal and 1 in support had been received.

The summary of objections included lack of parking and increase in traffic would exacerbate existing problems; excessive height, over dominant and poor design would not fit in with the area; overlooking concerns; poor amenity for existing neighbours and future occupants; poor water pressure in the area; lack of publicity; the applicant did not live locally and the development was profit driven.

The letter in support of the proposal stated that the application was fully supported and there were a wide variety of designs in the area.

It was reported that the proposed development of this plot for a detached dwelling had been the subject of a series of planning applications. Two applications did not progress, but on the remaining five applications planning permission was refused and three of those refusals were the subject subsequently of dismissed appeals.

Members were informed that the most recently refused application included a reason for refusal relating to the visual impact of the house in context of views within the street. This application had responded to the previously attached reason for refusal with the introduction of a short gable feature over paired first floor windows. The proposal now responded better to the property to the east which also had gable feature to front.

It was reported that the proposed development would make use of this current untidy garage site and respond satisfactorily to previous reason for refusal. An objector attended the meeting and spoke of her concerns in relation to the proposed development which included the impact the delivery would have on the neighbouring property; the design and height of the proposed dwelling was not appropriate; the height of the proposed development was similar to another property which had not received planning permission, the height of the proposed dwelling should be similar to the property on the left hand side; the views from her back garden would be blocked by a wall; the development was on a bus route and the proposed development would only have one parking space which would mean parking on the street causing issues for the bus and exacerbate existing parking problems; overlooking concerns; poor water pressure in the area and the impact this would have on residents and pressure on the drainage system in the area.

In response to the comments made it was reported that further amendments included the retaining boundary wall to the front being reduced by 1 metre in

height; the height of the proposed development also sat between the properties either side and would not appear harmful; there were no windows to the upper portion so there was no direct overlooking; windows to the rear allowed views into the rear garden and not into the neighbouring property; in terms of drainage the site was within a mature and established residential street and drainage would be connected to existing infrastructure; views for the properties higher up will be retained giving the difference in height; parking was in line with adjacent properties.

The Agent attended the meeting and spoke in support of the application and emphasised that the proposed development had been considerably amended in line with officers advice; the property was now 2 bedroom whereas the previous application was for a three bedroom; the proposed dwelling would not cause loss of daylight to existing properties; it would be good use of an urban site and replaced a dilapidated garage.

It was reported that the proposal was not considered harmful to visual amenity, residential amenity or highway safety and was therefore considered to comply with the aforementioned policies of the Core Strategy Development Plan Document and the National Planning Policy Framework.

#### **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) Littlegarth Sheriff Lane, Eldwick**

#### **Bingley**

An application to vary condition 10 of planning approval 18/05178/FUL (Construction of a detached dwelling) to substitute approved drawing 1665-18-001D with 1665-19-017 'Plans and Elevations' and drawing 1665-18-002A with 1665-19-018 'Proposed Site Plan' at 'Littlegarth' Sheriff Lane, Eldwick, Bingley – 19/03062/VOC.

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 site comprised former garden land to the south of the existing bungalow, 'Littlegarth', which was now subject to construction works for a detached dwelling that was substantially complete. The surrounding area was a mix of low density residential properties, infilled over recent decades, with open fields in the Green Belt extending beyond the southern boundary. Access was taken from Sheriff Lane, which was an unadopted road at this point.

It was reported that the construction of a detached dwelling was previously granted in February 2018 and relevant site history was detailed in the report.

Members were informed that the application had come before the panel because the applicant was related to a Member of the planning staff.

It was reported that four representations had been received; Bingley Town Council recommend refusal on grounds of overshadowing, overlooking and loss of privacy to neighbouring properties, loss of, or effect on trees and inappropriate design; modifications to the approved plans were excessive.

The summary of representations received included no previous concerns from neighbours regarding the December 2017 proposal; the house was not being built in accordance with the approved plans, being much higher (about 15%) and having a different window patterns: the approved plans did not show windows above the first floor level on the west elevation or the four large dormer windows built into the increased roof height; windows had been inserted into the south elevation; harm to residential amenity from increased overshadowing and overlooking, and loss of outlook; this building was of an inappropriate size and style, dominating the surrounding area; trees subject of a preservation order to Sheriff Lane had no protective fencing as required, scaffolding was within their branches; no lay-bys on Sheriff Lane had been provided; A site visit by the Planning Service was requested as was referral to the Area Planning Panel; It was alleged that one of the applicant's had confirmed that he was related to a staff member of the Planning Service, which was not declared on the application form.

The Town Councillor for Bingley attended the meeting and reiterated his concerns in relation to the proposed development.

It was reported that the amended plans showed a dwelling that was of the same general scale, massing, design, materials and detailing as the house previously granted planning permission in February 2019; though it was a dwelling of significant size, it would appear very similar to that previously approved, which was appropriate to the local context; it would not be unduly over dominant as the impact to Sheriff Lane would be mitigated by the degree of set back and the intervening tree belt; the roof alterations were not considered significant enough to warrant refusal of the application; for these reasons the scale, form and appearance of the amended dwelling continue to accord with policies DS1 and DS3 of the Core Strategy.

In response to a Members question it was reported that the footprint of the proposal remained the same as previously approved therefore provision of tree protection measures during construction, which was the subject of conditions, was a matter for the on-going enforcement process. Accordingly, it was appropriate to re-impose previous conditions requiring tree protection measures to be approved and installed.

The Agent attended the meeting and emphasised that the issues raised had been addressed and had already been outlined by officers.

It was reported that in comparison with the approved scheme, the detached dwelling indicated on the amended plans would have no adverse impact on visual or residential amenity, heritage assets, highway safety, trees or any other planning-related matters and so was compliant with the Core Strategy policies.

**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**

**(h) Marriner Road, Keighley**

**Keighley Central**

Application seeking change of use of land from B2 (General Industrial) to sui generis bus depot with associated parking for 58 buses at Marriner Road, Keighley – 18/05380/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 proposed site of 0.67 hectares was relatively steeply sloping, rising from north-east to south-west, and lay on the southern edge of Keighley town centre, between Marriner Road and South Street. The site was defined by an existing 2.1m galvanised palisade fence, with similar gates onto the access from Marriner Road and Greengate Road. To the east a natural stone boundary wall below the palisade fence was adjacent to Marriner Road. Marriner Road had a variety of uses on it with commercial sites along the northern end, and a small group of residential properties to the south.

It was reported that 15 objections had been received to the proposal. The summary of representations included lack of publicity in connection with the application; concern regarding impact on highway safety parking and congestion that would disrupt existing businesses on Marriner Road; residents at bottom of Marriner Road would be blocked in and at risk of emergency; vehicles struggling to get through; the additional traffic would back traffic up around the already congested Worth Way; noise from activity at the site would affect residential amenity of neighbours.

Members were informed that the impact of traffic using Marriner Road was the main issue on the application, the Councils Highways section had assessed the application thoroughly and had advised that whilst there could be occasional difficulties along Marriner Road, it would likely only be throughout short periods of the day particularly between 2:00 and 2:30pm; there were no sustainable highway reasons for refusal, the submitted surveys and studied all demonstrated acceptable impact on the immediate and wider transport network.

It was reported that the AM peak time for buses leaving the depot would be between 6.30am to 7.30am and would not coincide with the AM peak times on the highway network; buses were then likely to return at staggered times during and after the main AM network peak, which again did not raise a concern with regard to the operation of the two junctions surveyed.

Members sought further clarification in relation to impact of buses and commercial vehicles using the road while cars were parked; congestion that would be caused during peak times; why the depot was moving? who did the cars that

parked on the road belong to? was the road wide enough for a bus and HGV to pass? was this an existing gritting route?

In response to Members concerns it was reiterated that AM peak time for buses leaving the depot would be between 6.30am to 7.30am and would not coincide with the AM peak times on the highway network; the business was moving due to the landlord requiring the land; the road was wide enough for a bus and a van to pass but not a bus and HGV; the road did not have consistent movement throughout the day and was unlikely to be on a gritting route.

A Transport Consultant who represented a number of businesses on Marriner Road attended the meeting and presented concerns set out in a report submitted to the Council the week of the Committee meeting, he spoke of the objections raised by the businesses which included concerns regarding impact on highway safety, parking and congestion that would disrupt existing businesses on Marriner Road; the road was not wide enough for two buses to pass; impact on residents and pedestrians; planning portal did not include all the information such as the parking survey that had been undertaken etc.

In response to the objectors concerns it was reported that the entrance to the bus depot was wide enough for two buses, if that became a problem the gate could be widened; there was not a major footfall on this road, pedestrians did use it and there was good visibility; drivers did not have the right to park on the highway and could be prevented from parking formally through a Traffic Regulation Order.

The Agents to the applicant attended the meeting and spoke in support of the application they emphasised that the applicant took on board officers comments and would not cause highway safety issues; the bus timings were staggered; the business employed 270 people; buses did not have to pass each other, they went in one direction and came back in one direction; the depot was currently on a site it did not own and the landlord wanted the land back; buses would be leaving at non peak time periods and leaving before peak time started; there was no conflict between the pedestrian pathway.

It was reported that the proposal was not considered harmful to visual amenity, residential amenity or highway safety and raised no other planning issues and was therefore considered to comply with the aforementioned policies of the Core Strategy and the NPPF.

**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***

**(i) The Croft, Keighley**

**Keighley East**

Full planning application for the construction of three detached houses with

associated amended driveway serving all properties and continuing access to established properties, visitor parking spaces, pedestrian access routes, servicing and structured low maintenance landscaping - 19/02331/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 proposed site related to a plot of open land approximately located on the eastern outskirts of Keighley. The land was sloping and was dissected by an unadopted access drive that linked Thwaites Brow Road with the Regency Court Care Home and a cluster of 6 dwellings. To the south of the open land, at a higher level, was a modern residential property, "The Cobbles". To the east of the site was a field that lay in the Green Belt, and to the west of the site beyond the access drive was a large industrial site occupied by Byworth Boiler Hire Ltd. In addition, the Airedale railway line and the A650 dual carriageway were located around 75m and 300m to the north respectively.

It was reported that a number of previous application for the construction of four detached dwellings were refused on the grounds of noise nuisance due to the close proximity to Byworth Boiler Hire Ltd, the Airedale railway and the Aire Valley Road by-pass.

Members were informed that the reason for refusal was that the three proposed dwellings would be located adjacent to and facing onto an established boiler manufacturing business (Byworth Boilers) which generated significant noise nuisance from fabrication, pressure testing of boilers, servicing, loading and unloading and general activities. These occupiers would be subject to noise nuisance, particularly when windows were open or they were using their gardens. In responses to the previous planning appeal it was accepted that acoustic windows may control noise inside the houses for future occupiers, but only whilst the windows were closed. If the windows were left open the adjoining activities would cause a significant disturbance to occupiers and this situation had been pointed out as being less than ideal as well as not being a sustainable or environmental friendly solution.

It was reported that the submission had not demonstrated that the proposed acoustic mitigation measures would be sufficiently effective or robust enough to ensure good standards of amenity for future occupiers in accordance with the core objective of the National Planning Policy Framework. The proposal was also deemed unacceptable having regard to Policies EN8 and DS5 of the Core Strategy Development Plan Document.

Members were informed that 12 letters of support and 3 objections had been received to the proposal, the comments summarised in the letter of support included the appearance of the area would be improved; the access would be

improved; more family houses were needed; the area was not noisy; references made to conditions imposed on the original grant of approval for a new building at Byworth Boilers in 1999. The comments in the letters of objections included there was no attempt to mitigate noise from Byworth Boilers; the development may generate complaints against Byworth Boilers; the gardens were too small; poor access and lack of parking; poor drainage and impact on wildlife.

It was reported that Environmental Protection (Nuisance) objected to the proposal for the same reasons given by Environmental Health to previous applications for this site, in that noise generated from the Aire Valley by-pass, a railway and in particular the nearby industrial premises Byworth Boiler Hire Ltd, would cause significant disturbance to the future occupiers of the proposed development.

An agent for the applicants attended the meeting and spoke in support of the application. He emphasised that the previous applications had been refused due to concerns of noise, this application addressed the concerns relating to noise in that the windows of the dwellings would be triple glazed; majority of the habitable rooms were away from the business; mitigating noise measures also included acoustic fencing and mechanical ventilation; the residential houses that were already there were closer to Bywater Boiler Hire Ltd than the proposed dwellings; no official noise nuisance had been recorded since 1988; the business had restrictions such as any work involving noise being undertaken during normal working hours; conifers would provide screening for the occupiers of the proposed dwellings and reiterated there were residential properties already there.

In response to the comments raised it was reported that although there had not been a complaint made on the grounds of noise it did not mean that noise annoyance would not be caused taking into account previous refusals; conditions imposed on Bywater Boilers were in relation to operation of the building; mitigation measures had been considered in detail; the proposal of mechanical ventilation was not appropriate and occupiers should be able to open windows.

Members were informed that the proposed dwellings would be located adjacent to and facing onto an established boiler manufacturing business which generated significant noise nuisance from fabrication, pressure testing of boilers, servicing, loading and unloading and general activities; the proposed residential use was considered incompatible with this established adjoining use and the application site would not provide an appropriate, quality setting for a residential development or offer a reasonable standard of amenity for prospective occupants who would be subject to noise nuisance, particularly when windows were open or they were using their gardens.

It was reported that the submission had not demonstrated that the proposed acoustic mitigation measures would be sufficiently effective or robust enough to ensure good standards of amenity for future occupiers; the proposal also

had the potential to place unreasonable restrictions on the existing boiler business which would impact on the viability of this important local employer; therefore the proposal was not in accordance with the core objectives of the National Planning Policy Framework, including paragraph 182; the proposal was also unacceptable having regard to Policies EN8 and DS5 of the Core Strategy Development Plan Document.

**Resolved-**

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

**Action: Strategic Director, Place**

**29. MISCELLANEOUS ITEMS**

**DECISIONS MADE BY THE SECRETARY OF STATE**

The Panel was asked to consider other matters which were set out in **Document "J"** relating to miscellaneous items.

**APPEAL ALLOWED**

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
(a)	Shipley	2 Parkwood Road Shipley BD18 4SS  Demolition of existing garage and construction of gym/storage - Case No: 19/00598/HOU  Appeal Ref: 19/00081/APPHOU

**APPEALS DISMISSED**

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
(b)	Wharfedale	1 Derry Lane Menston Ilkley LS29 6NQ  Construction of bungalow - Case No: 19/01229/FUL  Appeal Ref: 19/00073/APPFL2
(c)	Keighley East	4 Grange Road Riddlesden Keighley BD20 5AA  Construction of single storey rear extension - Case No: 19/00245/HOU  Appeal Ref: 19/00078/APPHOU

- (d) Shipley 4 St Pauls Road Shipley BD18 3EP  
 Appeal against Enforcement Notice - Case No: 17/01072/ENFUNA  
 Appeal Ref: 19/00051/APPENF
- (e) Wharfedale 50 Lawn Avenue Burley In Wharfedale Ilkley LS29 7ET  
 Part two and single storey side extension - Case No: 19/01378/HOU  
 Appeal Ref: 19/00080/APPHOU
- (f) Ilkley 9 Denton Road Ilkley LS29 0AA  
 Front and rear dormer windows, hip to gable enlargement, ground and first floor rear extensions - Case No: 19/01183/HOU  
 Appeal Ref: 19/00089/APPHOU
- (g) Bingley Arden Gilstead Lane Gilstead Bingley BD16 3LN  
 Construction of four bedroom detached dwelling with detached car port, driveways and landscaping and demolition of existing garage - Case No: 17/06370/FUL  
 Appeal Ref: 18/00124/APPFL2
- (h) Bingley Arden Gilstead Lane Gilstead Bingley BD16 3LN  
 Construction of new detached dwelling with detached car port, driveways and landscaping and construction of linked garage extension to existing dwelling - Case No: 18/04964/FUL  
 Appeal Ref: 19/00072/APPFL2
- (i) Bingley Rural Land At County Bridge Denholme Bradford  
 Outline application for residential development for one dwelling (site area of 0.1 ha) requesting consideration of access and layout - Case No: 19/00386/OUT  
 Appeal Ref: 19/00071/APPOU2

- (j) Bingley Rural New Row Cottingley Bingley BD16 1PB  
Freestanding business sign supported on metal poles in arched metal surround (retrospective) - Case No: 19/00780/ADV  
Appeal Ref: 19/00062/APPAD2
- (k) Wharfedale The Hedge Row 29B West View Avenue Burley In Wharfedale Ilkley LS29 7LF  
Variation of condition 6 (obscure glazing) of planning permission 15/01766/FUL: Condition to be varied to allow 1 No (top hung) escape window from the first floor bedroom and a (bottom hung) window to the en-suite on a permanent restrictor. - Case No: 19/01044/VOC  
Appeal Ref: 19/00070/APPFL2

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