

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 12 November 2020 in

Commenced 10.00 am
Concluded 1.20 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton (Chair) Amran Wainwright Watson	Ali Brown	Reid

Observers: Councillors Corkindale and Walker (Minute 24) and Councillor Slater (Minute 26)

Councillor Warburton in the Chair

21. DISCLOSURES OF INTEREST

In the interest of transparency the following declarations were made:

Cllr Wainwright involved with previous application and Cllr Warburton on panel which considered original planning application but this is a separately considered reserved matters application and will consider this with an open mind – has received emails from numerous different parties, late ones not considered. – item 6 reserved matters planning application number 20/03358/MAR

Cllr Brown is member of Keighley Area Committee re 20/00359/MAF (item 5) and has asked questions to full council regarding applicant. Also expressed concern re previous application and has been approached by Members and the public in relation to the site. Has read all correspondence in relation to the item.

22. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no declarations of interest in matters under consideration.

23. MEMBERSHIP OF SUB-COMMITTEES

RESOLVED -

That the Membership of the District Planning Panel be approved as follows:-

Membership of Sub-Committees and appointment of Chairs and Deputies

District Planning Panel

Conservative	Labour	Liberal Democrat and Independent
Riaz	Shabir Hussain (Chair)	R Ahmed
Barker	Godwin (Deputy Chair)	
	Amran	
	Watson	
Alternates	Alternates	Alternates
<i>Sullivan</i>	<i>Aneela Ahmed</i>	<i>Reid</i>
<i>Whitaker</i>	<i>Jenkins</i>	
	<i>Abid Hussain</i>	
	<i>Mukhtar</i>	

ACTION: The City Solicitor

(Yusuf Patel – 07970411923/Su Booth – 07814 073884)

24. SITE OF FORMER ALEXANDRA WORKS GRESLEY ROAD KEIGHLEY WEST YORKSHIRE - 20/00359/MAF

The Assistant Director, Planning, Transportation and Highways submitted a report (**Document “AI”**) which set out a hybrid planning application for the construction of a retail store (use class A1), together with car parking, landscaping and associated works and outline planning for a retail unit (use class A1) and coffee drive thru (use class A3/A5).

The Assistant Director provided an overview of the application showing the area map as well as photographs with building, floor and elevation plans. Details of the neighbouring properties were provided which comprised mainly of retail and industrial units. A number of support letters had been received which identified the benefit the proposed store would bring to Keighley plus the possible additional employment and development of a derelict site. In response to the letters of objection, the Assistant Director confirmed that no sequential test was necessary and no other suitable sites were identified within the town centre. The apparent lack of pedestrian access to the town centre and the inward facing nature of the development was raised as a concern but the Assistant Director indicated that the applicant’s agent could address this issue during his submission.

The developer had been asked to consider a design review to discuss the issues identified but no concessions had been made by the applicant. Concern was

expressed that the application was for a large retail development which was not considered to relate to or be appropriate in terms of its design. The disconnect of the additional retail units from the town centre and the drive through unit were also highlighted as a concern in relation to it being a drive through for vehicles. The Assistant Director stated that the development failed to address pedestrian movement between the site and the town centre and hence, would not be a positive addition.

In conclusion the Assistant Director recommended that the application be refused for the reasons set out in the technical report.

Members asked a number of questions in relation to the application, the questions and responses are detailed below;

The Chair asked whether the former 'Beales' store would be a suitable alternative site in conjunction with the relocation of an existing Marks & Spencer store. In response, the Assistant Director stated that given the nature of the development with a proposed drive through and more than one additional retail unit it would only be suitable for a replacement store site.

A Member asked if the site was secure as it had been empty for some considerable time. In response, the Assistant Director stated that he had not been made aware of any issues and that the site was secured with fencing and hoardings.

A Ward Councillor attended the meeting to support the application stating that the brownfield site was unsightly and this development represented a significant financial investment for Keighley. The walk into the town centre was only a short distance. He also stated that there were very few Victorian buildings in the vicinity of the site and that other buildings in Keighley town centre were of a similar design.

In response, the Assistant Director stated that there were still Victorian buildings in the area and there was concern that the development would erode the nature of the town centre. It was felt that this may not be the right design for the area but the Assistant Director stressed that he was willing to work with the developer to address the site design and pedestrian access issues..

A second Ward Councillor also attended the meeting and addressed Members. He queried whether access was the key issue on this application. He also stated that the site had been vacant for a number of years and that Beales and Marks & Spencer sites had no parking. He then urged Members to approve the application.

The agent for the applicant was also in attendance at the meeting and addressed the Committee and stated that the site had been allocated for retail use as part of the Local Plan. The developer had undertaken a public consultation and had received overwhelming support for the new and improved proposal. He also stated that previous technical planning matters had all been addressed and that the materials proposed were compatible and felt that the recommendation for refusal was unfair. He further stated that the applicant was willing to continue working with the Planning Service to resolve the outstanding issues and has done

so previously making changes as requested. The plan included six new pedestrian access amendments and it was intended that the new store would open in 2022. The agent stated that the new store would improve choice and convenience and would offer employment opportunities and urged the Committee to support the application.

The Assistant Director confirmed that the application was a hybrid and reiterated that the scheme was not right at this time for the site and would require significant changes in order to address the concerns raised.

A Member stated that the report suggested that the applicant had not been cooperative and sought to ascertain how they had engaged with Planning Officers. The agent confirmed that they had been working with the Planning Service and had added walkways, as well as alterations to boundaries and that the design was not generic as suggested, with the proposed use of stone and glazing.

A Member expressed concern with the layout of the site and the effect it would have on a nearby business (public house). He suggested that the application should be withdrawn to allow the applicant to work with the Planning Service on the design of the site layout.

Members suggested that the application be deferred in order for further negotiations to take place and improvements to be made. The Assistant Director stated that deferring the application would only be an appropriate decision if the applicant was willing to work on improvements as the outstanding issues were fundamental to viability of the application.

The agent confirmed that the applicant was willing to continue working with the Planning Service to reach an agreeable plan and it was therefore:

Resolved-

That the application be deferred to the January 2021 meeting of this Committee, to allow the applicant to undertake further consultation with the Assistant Director (Planning, Transportation and Highways) on the layout of the site and the pedestrian link to the town centre at the intersection of East Parade/Coney Lane.

ACTION: Assistant Director (Planning, Transportation and Highways)

(Stewart Currie – 01274 434380)

25. UNIT 7 LAND AT GAIN LANE AND WOODHALL ROAD BRADFORD WEST YORKSHIRE - 20/03358/MAR

The Assistant Director Planning, Transportation & Highways submitted a report (**Document “AJ”**) in respect of a Reserved Matters application which requested consideration of appearance, landscaping, layout and scale for an industrial and warehousing unit with ancillary office, associated gatehouse, substation, car parking, service yards and landscaping (pursuant to outline approval 17/02463/MAO). This application was submitted to the Committee due to its size.

A Member queried the number of landscaping management plans and the Assistant Director confirmed that separate plans for each reserved matter application were addressed in the report by planning conditions 3 and 4.

A Member asked whether the Council have responsibility for Fagley Beck and the Assistant Director advised that the matter would be raised with the Drainage Service.

Resolved –

That the reserved matters application be approved, subject to the conditions set out in Appendix 1 of Document “AJ”.

Action: Assistant Director (Planning, Transportation and Highways)

(Malcolm Joy – 01274 431977)

26. KAP CENTRE KEIGHLEY AUTO PAINT BEECHER STREET KEIGHLEY WEST YORKSHIRE BD21 4AP - 20/03121/FUL

The Assistant Director Planning, Transportation and Highways submitted a report (**Document “AK”**) which detailed a full planning application for the construction of a single storey extension to an existing workshop building and a new storage building within the existing site at Beecher Street. The report also summarised objections and letters of support which had been received.

Details of a Ward Councillor’s objections to the plan were circulated to Members prior to the meeting. The Assistant Director explained that the proposal allowed for improvement rather than intensification of business activity with the new storage building providing better security. The new build would replace a metal storage container which was in the same location on site as the proposed replacement. There would be no extra noise or additional vehicles as a result of the application and turning/manoeuvring within the site was possible so would not contribute to traffic issues. Condition 3 of the report would ensure that the new building would only be allowed to be used for storage.

A Member asked about deliveries, and whether delivery vehicles were parking on the road or in the yard and due to the extended nature of existing opening hours, could a time restriction be imposed on working hours? In response, it was advised that this would not be possible as the business was already established so retrospective operating times restrictions would not be possible or appropriate to impose.

A Ward Councillor was in attendance at the meeting and addressed the Committee stating that there had been problems experienced by residents over some years. The business has been in existence for many years but not under the current proprietor. Objections received related to problems with dust and noise at unsociable hours and that vehicles were worked on in the street causing access issues for residents. The frequency and magnitude of work had led to a significant loss of amenity and residents felt that this would increase significantly if the application was granted.

In response, the Assistant Director stated that noise and pollution issues would be better addressed through Environment Health as statutory nuisance came under different legislation. The scope of consideration for the Committee extended to the planning application only. There were no grounds for refusal on planning merits.

The issue of restricting operating hours was raised again, but the business was able to operate with unrestricted hours and the development represented no further intensification, therefore there were no grounds upon which to impose additional operational restrictions.

Resolved –

That the application be approved subject to the conditions set out in Appendix 1 of document “AK”.

Note: That the attention of the applicant be drawn to condition 3 of the report:

‘The proposed storage building shall be used only for purposes of storage, or for the parking/garaging of vehicles in connection with and ancillary to the occupation and use of the site and shall at no time be severed and occupied as a separate independent unit’.

Reason: In the interests of amenity and highway safety and to accord with policies DS1, DS5, TR2 and SC9 of the Core Strategy Development Plan Document.’

ACTION: Assistant Director (Planning, Transportation and Highways)

(Martyn Burke – 01274 433876)

27. 47 PARISH GHYLL DRIVE ILKLEY WEST YORKSHIRE LS29 9PR - 19/03875/FUL

The Assistant Director (Planning, Transportation and Highways submitted a report (**Document “AL”**) which detailed the application for the construction of a detached house with access from Parish Ghyll Lane on land to the south of 47 Parish Ghyll Drive, Ilkley.

Objections had been received in relation to access and damage to the road as well as wildlife and tree matters. Officers advised that these were third party matters which would need to be addressed between the affected parties and the developer. There were no questions raised by Members and the Assistant Director recommended that the application be approved subject to the conditions contained within the report.

Resolved –

That the application be approved subject to the conditions set out in Appendix 1 of Document “AL”.

ACTION: Assistant Director (Planning, Transportation and Highways)

(Martyn Burke – 01274 433876)

**28. FORMER SITE OF SANDBEDS METHODIST CHURCH SWINE LANE EAST
MORTON KEIGHLEY WEST YORKSHIRE - 19/04817/MAF**

The report of the Assistant Director Planning, Transportation and Highways was submitted (**Document “AM”**) detailing the planning application for construction of 8 dwellings on the site of the former Sandbeds Methodist Church, Swine Lane, East Morton, Keighley. Plans had been revised following comments received by Highways and in relation to bio-diversity and revised schemes, both now met requirements in terms of landscaping, with conditions included to improve bio-diversity.

Additional letters of objection and support in relation to the development had been received and whilst some were late in submission, they raised no new issues and the application was recommended for approval subject to conditions set out in the report.

A Member asked about the re-positioning of a bus stop and whether this was scheduled or had been discussed with WYCA, as there was concern regarding access to the new development and he suggested a condition to re-site it be stipulated before work commenced. The Assistant Director stated that the applicant would need to negotiate the matter with WYCA but a condition could be included accordingly.

The agent for the applicant attended the meeting and addressed the Committee and confirmed that they had engaged with Planning throughout and would feed back to the client regarding the bus stop.

Resolved –

That the application be approved subject to the conditions set out in Appendix 1 of Document “AM” together with the following additional condition:

‘That the applicant consults with the West Yorkshire Combined Authority (WYCA) to re-site the bus stop prior to any commencement of works, on the grounds of safety.’

ACTION: Assistant Director (Planning, Transportation and Highways)

(John Eyles – 01274 434380)

**29. ANNUAL SECTION 106 AGREEMENT AND COMMUNITY INFRASTRUCTURE
LEVY (CIL) REPORT**

The report of The Assistant Director Planning, Transportation and Highways was submitted (**Document “AN”**) which informed Members of progress with Section 106 Agreements and the Community Infrastructure Levy for financial year

2019/2020. The report was summarised and details of S106 income data was shared to inform Members of the position in terms of income and expenditure. The report would be in a different format from the start of 2021 and be known as the Infrastructure Statement report.

Resolved –

That the contents of the report be noted.

ACTION: No Action

(Andrew Marshall – 01274 434050)

30. ANNUAL DEVELOPMENT MANAGEMENT REPORT FOR PERFORMANCE AND KEY ACTIVITIES

The report of The Assistant Director Planning, Transportation & Highways was submitted (**Document “AO”**) which informed the Committee about Development Management performance and key activities undertaken over the last year (1 April 2019 – 31 March 2020) and it’s performance against the national planning performance criteria for planning applications, local performance indicators NI157a, b and c and local performance indicator BV204. It also provided information relating to other types of applications and enquiries dealt with by the service. The service submits a quarterly return in respect of planning applications received and applications determined by type to the Ministry of Housing, Communities and Local Government (MHCLG).

There were a high number of complaints received (as in all years) but the report provided a main overview of statistics. The data may be slightly different in 12 months time in light of the COVID-19 pandemic.

Resolved –

That the contents of the report be noted.

ACTION: No Action

(Jenny Seaman – 01274 434195)

31. REVISED SCHEME OF DELEGATION OF PLANNING DECISIONS

The report of the Assistant Director Planning, Transportation and Highways (Document "AP") was submitted to the Committee which set out proposed changes to the Scheme of Delegation of Planning Decisions and requested that Members adopt the revised scheme. Officers explained that the proposed changes were due , in the main, to changes by central Government and that each time changes occur, the Scheme of Delegation was brought back to this Committee.

Subject to some minor drafting errors it was:

Resolved –

(1) That the revised Scheme of Delegation as set out in Appendix 2 of

document “AP” be approved in substitution for the current Scheme of Delegation as set out in Appendix 1 of Document “AP”.

- (2) That the Assistant Director (Planning, Transportation and Highways, in consultation with the City Solicitor and the Chair of this Committee make any minor alterations to the wording of the revised Scheme of Delegation as set out in Appendix 2 of Document “AP”.
- (3) That the revised Scheme of Delegation shall remain in force until such time as it may be substituted, modified, varied or repealed by decision of the Regulatory and Appeals Committee or such person or body inheriting the powers of the Regulatory and Appeals Committee, or the Council.

***ACTION: The Assistant Director (Planning, Transportation and Highways)
/City Solicitor***

(Jenny Seaman – 01274 434195)

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.