

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 2 August 2023 in Council Chamber - City Hall, Bradford

Commenced 1000
Concluded 1325

Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Engel Dearden Humphreys	Herd Sullivan	Warnes

Apologies: Councillor Nazam Azam

COUNCILLOR ENGEL IN THE CHAIR

1. DISCLOSURES OF INTEREST

The Chair disclosed a personal and prejudicial interest in the item relating to Land at 1-3 West Lane and 14 The Fold, Haworth, BD22 8DU (Minute 1(a)), as the applicant was a previous Labour Party councillor and colleague. She therefore withdrew from consideration of this item in accordance with the requirements of the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

ACTION: Director of Governance

2. MINUTES

Resolved –

That the minutes of the meeting held on 22 February 2023 be signed as a correct record.

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

4. PUBLIC QUESTION TIME

There were no questions submitted by the public.

COUNCILLOR WARNES IN THE CHAIR

5. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

(a) Land at 1-3 West Lane and 14 The Fold, Haworth, BD22 8DU

Change of Use from 3 x C3 dwelling houses, 1-3 West Lane and 14 The Fold, Haworth, BD22 8DU, to a Sui Generis use comprising 11 holiday lets: construction of two additional storeys with dormer windows above 3 West Lane, alterations to the frontage of 3 West Lane and associated alterations.

The Area Planning Manager (APM) was in attendance and with the invitation of the Chair, gave a synopsis of the report to the panel.

Following presentation, the following question and answer (Q&A) session ensued:

- In light of the proposed development, how would this influence the flow of traffic and impact on current parking provisions?
 - The majority of dwellings and operating businesses in the area had no parking provision. However, the area was adequately served with parking provision that helped to ease the centre free of vehicular traffic. In regard to the influence on current traffic volume, a traffic assessment had not been undertaken, as this part of the process, officers were only responding to the applicant's proposal.
- In response to safety provision and the management of the building, what had been proposed by the planning department?
 - This was responsibility for the applicant to ensue with Building Regulations and not the Local Planning Authority.
- Had the dormer windows been assessed?
 - Yes, and following assessment, the proposed dormer windows would be pitched roofs, be 1.4 metres wide and set well back into the roofline. The submission of revised drawings shown the barge board depth now being increased which appeared to be more in keeping with the area.
- As this was a proposed change of use from three C3 residential dwellings to a sui generis use providing 11 'aparthotels' for short term holiday lets, then was it possible for the applicant to submit a later application for a further change of use?
 - This was possible however restrictions could be imposed to restrict applicants to submit further change of use.

Following Q&A, the following comments were made by the panel:

- The implications of 11 units accommodation on the already congested nature of this part of the conservation area was of concern due to the detrimental influence of additional traffic and, the unfavourable impact on

parking provision for existing local residents and businesses. The consequence of guests arriving in vehicles during weekends to visit occupiers of the proposal would cause harmful impacts on the local amenity.

- Due to the association with the Bronte family and the Keighley Worth Valley Railway, the area had always been a high tourism attraction. Along with the proposed development, could possibly burden the area with significant increase of vehicles in the area.
 - In response, parking provision was easily and quickly accessible for everyone.

A Councillor of the Haworth with Stanbury Parish Council was in attendance and with the invitation of the Chair, made the following representations to the panel:

- The proposal for 11 apartments would go against the agreed Neighbourhood Plan.
- The current parking provision was currently used heavily by Hotel Inns and with the addition of the projected new 11 occupants of the proposal would heavily burden not only the existing parking provisions within the area but also have a detrimental impact on existing traffic.
- The consequence of construction of several new apartments in addition to the existing dwellings would instigate a nuisance behaviour that would result existing residents to involve of Police.
- In accordance with the National Policy Framework, a transport statement had not provided with the application.
- There was no indication contained in the report on how refuse collection would be undertaken for the construction of the 11 apartments.

Resolved –

That the application be refused for the following reason:

The proposed development would have a detrimental impact on the local transport infrastructure, residential amenity and would be too overbearing in comparison to its surroundings, particularly neighbouring properties, and would be contrary to policies TR2 and DS5 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

COUNCILLOR ENGEL IN THE CHAIR

(b) 11 Staveley Road Shipley BD18 4HD

Householder Planning application for construction of a single-storey rear extension and rear dormer window at 11 Staveley Road Shipley BD18 4HD.

At the invitation of the Chair, APM introduced the report to the panel.

A Q&A session ensued:

- Despite the agent stating that the access door was needed for cleaning and maintenance of the roof, how had the concerns of the objectors been met in regard to restricting possible outdoor events on the flat roof balcony?
 - The planning condition prevented the future use of outdoor events on the balcony. In addition, if the applicant intended in the future to use this roof as a raised balcony/sitting area that would require Building Regulations approval.
- Was it correct to assume that the whole concept of having an access door point to the balcony, was the intention of future use for activities?
 - Not sure if future use for events could be enforced; and,
- Was it possible to condition the development by sealing the access to the balcony from the intended point of entry?
 - The planning department did not condition balcony rooftops.

An objector was in attendance and with the invitation of the Chair made representations to the committee. It was difficult to understand why the owner, a property developer, advised by an architect failed to recognise the need for planning permission for this development or indeed to consult neighbours over their intention prior to development. It was clear that the submitted plans failed to detail or accurately reflect the build which was incorrectly referred to as a rear extension. There was no planning application included for the major rebuild and alterations to the old side extension, the roof of which had been raised by almost a metre. This modified side extension had been integrated with rear extension to form large wraparound extension involving the whole west side and rear of the original property. The height of the wraparound extension within 1.5m of the boundary measured between 3.4m at the rear and 4.2m at the front. This extension, which as can be seen from the included annotated photographs was certainly not subservient as indicated in the planning officers report and the cumulative effect of this extension and the linked covered pool area generates a very dominant building complex (contravening Design Principle 3), and the extension is far more intrusive than the buildings it replaces. Council documents recognised that privacy was an essential part of feeling safe and secure in your home. This development, which was within close proximity to the boundary, was overbearing and breached the human right to privacy. Even though the windows had minimal frosted glazing, CCTV cameras on the extension overlooked our property and provided direct views into our garden and potentially our home (contravening Design Principle 2). A new door from the main property onto the flat roof provided easy access to what was in effect an overlooking viewing platform, the current and future use of which could not be effectively monitored by the Council. It was therefore urging the Council to stipulate that the roof access door is removed, and the CCTV repositioned irrespective of the committee's final decision to restore a degree of privacy and diminish the potential voyeuristic nature of the development. By failing to involve the Council and neighbours earlier in the design process the developers had contravened DS1 and as a result had produced a large flat roofed wraparound extension that was substantially out of keeping with the character and form of the host dwelling and other dwellings in the area. The build conflicted with design principles within the Council's adopted Householder Supplementary Planning Document, especially due to its lack of subservience and the unsympathetic roof form that was unsympathetic to the character and appearance of the original building. In addition to being inescapably dominant the build unpleasantly encroached on the west boundary and as such

impacted on the residential amenity of neighbours. Although largely at the rear of the property, the earlier unauthorised removal of TPO protected trees by the owners from the front and side of the property (contravening DS2), had resulted in the pool building and the rear and side extensions being readily visible from the road. These harm the visual amenity of the street scene contrary to policies DS1 and DS3 of the Core Strategy Development Plan. The submitted documentation referred to increased parking available on site. This had only been achieved by the felling of TPO trees and the replacement of this area by hard surfacing. The increase in hard surface area and the slope of the property had already led to increase rainwater runoff and local flooding on Staveley Road potentially causing local road safety issues. The build was not in line with Council policies DS1 DS2 DS3 DS5 and the Supplementary Planning Document. It impacted on local residential and visual amenity and removes the right to privacy of neighbours. It was therefore respectfully suggested that retrospective planning permission should be refused on these grounds.

Further objections by another objector that detailed various concerns of the development for the committee's consideration prior to the meeting and had been noted at the meeting.

In response to the objector's statement, the APM stated that all concerns had been addressed as highlighted in the report. Furthermore, the development was a relatively small-scale extension and did not increase overbearing and that the application was solely on whether it fell under permitted development guidelines.

A Ward Councillor was in attendance and in support of the objectors' made representations to the committee.

- There was no mention of the height of the development in the officer's report.
- The boundary extension had significant overbearing due to the considerable height.
- Reasons for an access door to the balcony was a concern and had there been no intentions for activities on the balcony then what was the reason for an access door.
- The report stated that the rear extension was a well matched, subservient addition that did not have a detrimental effect on the character of the area or the amenity of adjoining occupiers.
- However, the development was a major impact in itself.
- If the committee was minded approving, then a request to condition the removal of the access door was paramount.

In response, APM explained that impact of the development was a minimal one and that this application was to oversee the permitted development rights.

The committee made the following comments:

- Concerns for a proposed access door despite the applicant stating the need for the access door due to periodic cleaning purposes was unconvincing.
- The matter of health and safety was paramount especially in favour of young children not being aware of dangers; and,
- Had the applicant consulted with the neighbours prior to development,

surely everyone impacted with the development would have come to a mutual understanding. However, this had not taken place and the concerns voiced by objectors were valid due to the scale of the side elevation and the impact on neighbours' outlook.

In response APM stated that, officers had evaluated the overall balcony and access door and it had been deemed acceptable.

Resolved –

That the application be refused for the following reason:

That the extension is disproportionate and overbearing, being very close to a neighbouring property's boundary, and its flat roof accessed via a doorway offers potential use as an elevated terrace, which is unacceptable due to the impact on privacy of adjoining neighbours. The rear dormer window is overpowering on views of the rear of the house and overlooks gardens/houses on Nab Lane to the rear. The proposal is therefore contrary to policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.

Action: Strategic Director, Place

(c) West of Cross Lane Oxenhope, Keighley BD22 9LE

Outline application for residential development of 9 houses on the land, requesting consideration of access at land West of Cross Lane Oxenhope, Keighley BD22 9LE.

Further to the detailed presentation of the report by the APM, he also stressed the essence of the application being an Outline Application Permission.

The applicant was invited to make representations to the committee.

- The Bradford district had a shortage of affordable housing and that this outline proposal conformed with the National Planning Policy Framework.
- That as opposed to objections since the site notice and publication of the application seven letters in support had been received by neighbours.
- The land was an open field, the application land, and the field extending westwards, were not part of the Green Belt.
- Following consultation with the Highways Development Control no objections had been raised.
- Further to the concerns to the removal of the Mill Race having detrimental impact on the Millennium Green, however parts of the site had already collapsed.
- Following a Heritage Statement, the conventional scale of residential development would have very limited effects on the setting as the site was not part of any key views of, or from the Conservation Area.
- It was an obligation to prioritise and provide affordable housing for next generation families.

A Ward Councillor was in attendance and was invited by the Chair to make her

representations. She commenced by voicing her strong objections to the outline proposal and that her representations were also on behalf of her Ward Councillor colleagues and the Village Council.

- The Oxenhope Neighbourhood Plan emphasised on smaller scale developments and that the proposal was in contrast to this plan for the area.
- The site was immersed with flowing water which was something that was not controllable.
- The site was near Moorhouse Beck which is a wildlife corridor providing habitat.
- The proposal would harm the value of the site as a wildlife corridor and there was nothing in it to enhance green infrastructure.
- This was an important area of habitat for many species including badgers, otters, and deer.

An Oxenhope Councillor was also in attendance to articulate his concerns and those on behalf of Oxenhope residents. He voiced strong concerns to the loss of green space, the detrimental impact on the wildlife corridor, the consequence of extreme parking issues following the development, significant harm to the conservation area and the site itself being a problematic one.

In response, APM explained that the allocation of the site was proposed as a Preferred Option document suggested that the site was eligible for consideration for residential development and was preferred to other sites within the settlement.

Another Oxenhope Councillor was invited to put forward his objections to the committee. The proposed was near Moorhouse Beck which was a wildlife corridor providing habitat. The proposal would potentially harm the value of the site as a wildlife corridor and there was nothing in it to enhance green infrastructure. This is an important area of habitat for many species including badgers, otters and deer. The detrimental impact on local tourism. The loss of at least 40% as the current availability of parking would cease resulting in issues of parking for parents undertaking school runs for their children.

In response, the Highways Officer stated that the peak would probably occur before school start time. Based on those trip generation factors, a residential development of 9 houses would be expected to generate approximately 5 cars (shared between both access points) leaving the development site and 2 entering the development within the AM peak hour (usually 07.30am – 08.30am). The benefit of the proposal would ultimately outweigh the loss of a few parking spaces.

A Q&A session ensued:

- Who would finance the cost towards a footway?
 - A full width footway was proposed to be created along the west side of Cross Lane. This would maintain the present width of the vehicular carriageway – the footway would be provided using the application land. At present there was only a margin of varying width. A full width footway would improve, safety for pedestrians and so achieving the objectives of the NPPF and accords with Policy DS4 of the Core Strategy DPD.

- Had the concerns of drainage been looked at in detail by the responsible authority?
 - The Lead Local Flood Authority had no objections to the surface water.
- What was the assurance of raising the biodiversity level?
 - This was an outline application and the applicant had shown to be working towards the required habitat creation and enhancement works and the achievement of 10% Net Gain.
- How many access points into the site?
 - The development would be served by two access points from Cross Lane. One being a private driveway to the northern end of Cross Lane, and the other a driveway to the south in the form of a new adopted road.
- Why was this proposal being recommended for approval if the report stated that the land was defined on the Proposals Map as Village Greenspace and development will not be permitted where it would result in the loss of open space which is important to the character, visual amenity and local identity of the settlement?
 - A Neighbourhood Plan only gave guidance for development to be more appropriate to local needs and it was not a policy for development.
- The concerns of drainage could be conditioned as part of the approval.
 - Housing prices was controlled by the housing market and not under the control of s Zs planning.

The committee commented on the site being immersed with heavy water, the top layer of soil would be too loose for development purposes. It clearly seemed that maybe the issues related to drainage had not been scrutinised in detail for the reason that the underground drainage systems were extremely old and not effective for the current drainage issues on the site. It was evident how local residents expressed strong objections associated with the development of this proposal that would entail highways issues, drainage, and the development in contrast to a current attractive green space.

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 and subject to the additional condition of no more than 9 houses be developed.

Action: Strategic Director, Place

(d) Land at Longridge, Dockroyd Lane, Oakworth, Keighley BD22 7RH

This application plot is a rectangular shaped piece of agricultural land located west of Dockroyd Lane. The site is bounded by a stone wall along the boundary with Dockroyd. There is a large Sycamore tree located in the northeast of the plot adjacent to the highway. The land slopes down gradually from east to west.

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) Construction of six apartments at Robin Hill, Clifford Road, Ilkley LS29 0AX

Full application for demolition of existing dwelling and construction of six apartments Robin Hill, Clifford Road, Ilkley LS29 0AX

The applicant was invited to make representations in support for his application to the committee:

- The APM's proposed conditions, as contained in the report, were welcomed.
- The development was aimed at people wishing to relocate to a more affordable accommodation within the Ilkley area, or for those who wish to remain in Ilkley but to downsize.
- The current owners also wished to live in the proposed development.
- That extensive work had been undertaken between his newly appointed consultant team in consultation with conservation, planning, ecology, trees departments in the Council.
- Hence, there being no objections from the planning, tree, conservation or any other departments in the Council.
- An earlier larger proposal for 9 apartments had previously been refused by the panel, however this new proposal had taken into consideration reasons for previous refusal and resulted in a wholesale review of the proposed development.
- Further to the concerns expressed by the objector, the proposed development has been substantially reduced to the extent of Officers being in support of the new development.
- Attempts had been made on many occasions since 2021 to discuss the proposals and understanding concerns of neighbours who had made representations, but to no avail.
- The objections had previously been considered and addressed, as detailed in the report.
- The distance between the windows and boundaries accords with the Council's standards; and,
- This proposed development will provide much needed smaller scale accommodation in this part of Ilkley.

An objector who was also a resident voiced the following concerns to the planning application. This was an area characterised by large homes with large, landscaped gardens worthy of Conservation Area status. The scale and massing of this building was significantly overbearing, and not in accord with its neighbours' properties. The extension with large balconies went against the character of the area. The footprint remained unchanged following previous refusal.

In response, the APM explained that the application had addressed previous issues of the development. That there was an existing large development plot located nearby and that this development was for a large building on a large plot.

The committee referred to whether the proposal was in character with the wide variety of building types including a nearby golf course.

In response, APM explained that the development was a contemporary design and would have its place in a conservation area context whilst providing affordable housing.

Resolved -

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

Action: Strategic Director, Place

(f) Householder planning application at Thornhill, Clifford Road, Ilkley, LS29 0AL

Householder Planning application for the construction of a one and half storey side extension and a single storey rear extension, including demolition of the existing extension and outbuildings, at Thornhill, Clifford Road, Ilkley, LS29 0AL.

The agent was invited to make representations in support of the application. He explained that he acknowledged concerns raised by the Town Council and residents however the application was cleared by the agricultural specialist. Other comments made by the Town Council had also been taken into consideration and some were conditioned as part of meeting the approval of the committee. That all conditions set in the report by the planning department were agreed by the applicant.

A resident who was objecting to the proposal made the following comments. The proposed demolishing of the potting shed was a valuable heritage asset under Town and Country Planning Act. The footprint of the development was almost twice the width of Thornhill itself. The demolish of an existing side extension, removal of a flat roofed dormer window and demolition of a detached garage went against the significance of the heritage and conservation of the area. The removal of trees had already been a huge loss to the area. This was an over dominating development and looked directly into his residence bedroom. Overall, the whole proposal was a great concern.

In response, the APM explained that the removal of the potting shed was viable under permitted development rights. The development would have no overbearing and existing trees would be retained. In terms of separation distance of around 20metres would be maintained between this neighbouring plot and the side wall of the extension and this went beyond the mandatory requirement of 17metres. In relation to the orientation, changes in levels, the existing boundary treatments and the notable degree of separation, the scheme raised no concerns

for the occupants of this property. No windows were suggested in the upper floor side wall. With the proposed extension, the proportion of the plot at Thornhill occupied by buildings would still be around 13.8%. This was a reasonable ratio, and the extensions would not cause the plot to appear as an over-development. The extension was in character with the area.

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

6. MISCELLANEOUS ITEMS

The Panel considered other matters which were set out in **(Document “B”)** relating to miscellaneous items:

(A-B) Items to noted.

(C - F) Decisions made by the Secretary of State – Allowed.

(G - R) Decisions made by the Secretary of State – Dismissed.

(S) Decision made by the Secretary of State – Varied and Upheld

Resolved –

That the decisions made by the Secretary of State as set out in (Document “B”) 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).