

Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Wednesday, 14 February 2024 in Council Chamber - Keighley Town Hall

Commenced 10.00 am
Concluded 11.25 am

Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Engel Azam Dearden Humphreys	Herd Loy	Warnes

Councillor Engel in the Chair

19. DISCLOSURES OF INTEREST

In the interests of transparency, the Chair declared that all Members of the Planning Panel were acquainted with the applicant, Cllr A Hussain in relation to minute number 23, item C.

20. MINUTES

No resolution was passed on this item.

21. INSPECTION OF REPORTS AND BACKGROUND PAPERS

No requests were received.

22. PUBLIC QUESTION TIME

No public questions were received.

23. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

Item A. Meadow View, 37 Southway, Manor Park, Ilkley Wharfedale

This was a Householder planning application to retain the raised land levels and retaining structures in the rear garden at Meadow View, 37 Southway, Manor Park, Burley-In-Wharfedale, Ilkley. The garden was situated on a plot containing a newly constructed detached dwelling with the garden levels falling away

towards the rear boundary. The field to the rear of the garden formed part of the flood plain for the River Wharfe and was located in the Green Belt.

The application attracted 14 representations, one of which was from a Ward Councillor who requested that the application be determined by the Panel should Officers be minded to approve it.

Officers presented the application showing an aerial view and description of the garden alongside images of the new construction that included a basement excavation and garden with the sloping lawn. Members were also shown photographs of the sleepers used to contain the distributed soil. Officers confirmed that the bottom of the garden was also in the flood zone but that Drainage Officers deemed the work satisfactory. They also stated that the new development had better drainage than the previous property on the plot and were shown area maps indicating flood zone areas.

The only significant difference related to the very bottom of the garden which was now deemed as acceptable following a site visit.

The Ward Councillor who was objecting to the application attended the meeting and addressed the Panel and stated that there was a discrepancy between Officers measurements and the neighbour's own which affected structural calculations. He made reference to legislation used to calculate these and stated that water pressure was not factored in. He stated that the height of ground stood at 1.3 metres versus the 950mm as stated and requested that Members visit the site to address the inaccuracies in calculations.

Officers were then given the opportunity to respond to the Ward Councillor's objections stating that there were no concerns when considered in conjunction with flood risk and were satisfied that it was adequate. The sleepers used to retain the soil were not deemed out of the ordinary and the choice of design and materials were private matters.

Members were then given the opportunity to ask questions and comment. There was only 1 question asked which related to a manhole cover seen in the site photographs and the direction of pipes whether across or through the property's garden. The plans supplied did not confirm either way.

Resolved –

That the application be approved subject to the conditions set out in the Strategic Director, Place's technical report (Document "G").

Item B. Cedarcroft, Shann Lane, Keighley

Keighley Central

This was a full application for the construction of a replacement dwelling as well as new access and detached garage annex at the above address.

The application site had a single storey timber clad dwelling present and plan would be to demolish this and replace it with a four storey, 7 bedroomed house with integral parking for 4 vehicles, as well as an additional access route and

separate 2 storey double garage with storage space above.

The application was advertised as per usual procedures and 8 objections were received, details of which were included in the report and related to the height and overlooking issues with the proposed new dwelling and separate garages which could potentially be used as a separate annex, ecology concerns as it appeared that trees had been felled including at least one that was subject to a tree protection order (TPO), flood risk and drainage concerns.

In addition, there were 2 representations in support and 2 Ward Councillor had requested that the application be determined by the Planning Panel if Officers were minded to refuse permission.

Officers presented the application with the proposed access which contained protected trees. They showed Members photographs of the existing house, areas showing evidence of tree removal, a pond and provided photographs indicating that non-protected frontage trees had been removed between April 2022 and up to the meeting in 2024. The presentation also included the following information and illustrations:

Plan of original dwelling

Development site drawing

The garden which was high than nearby bungalows

Root protection area – these would ideally be avoided when work was undertaken

Elevation drawings of proposed dwelling

Floor plans

Garage drawings and associated parking

Section drawings

Images showing missing trees

It was noted that there was insufficient information submitted to explain how the proposed driveway could be implemented. The image submitted by the applicant was not site specific as there was a height difference on site. There were no section drawings or specification to show how trees would be affected or how the difference in ground levels would be dealt with.

Adequate bio-diversity information to address identified concerns was absent from documentation submitted. The preliminary ecological report indicated that a number of protected species may be present such as badgers, owls, bats and Great Crested Newts and further investigations were necessary, it also advised that tree clearance on site should cease immediately. There was no bio-diversity net gain information provided and Officers did counter the point made in that the development made no net gain to housing stock as it was a replacement.

Officers also stated that they were unable to support the proposed driveway and garage due to a lack of information as to how it would impact upon the protected trees. There was also the possibility of the applicant being required to replace trees which had potentially been removed without authorisation if protected (TPO). The potentially unauthorised tree removal was being investigated.

There was a brief discussion relating to a submission of some additional proposals from the applicant, but these were deemed to amount to a new scheme

which would be subject to consultation and planning application procedures. They were submitted at the end of the previous week so were not appropriate to include for consideration.

Members were given the opportunity to ask questions and were urged to clarify and only consider the application as submitted.

Officers commented on the range of ecological surveys required which were time limited for validity and should be obtained throughout the year as per a schedule that the applicant had previously been aware of. There was some misunderstanding relating to the surveys required but this was not the role of Planning Officers to advise.

Due to the number of outstanding issues, the application was withdrawn by the applicant.

No resolution was passed on this item as the application was withdrawn.

Item C. Land at Nab Wood Drive, Shipley

Shipley

The application presented to the Panel related to the construction of one detached house on land at Nab Wood Drive between the houses at 78A and 78.

The proposal under consideration was the fourth request for development on the site which had previously included a parcel of adjacent land in the same ownership. The application was submitted to the Panel for determination as the applicant was a Bradford Councillor. Officers presented the site plans and photographs for Members to see details of what was currently being proposed, as per the technical report previously published and circulated.

Photographs showed the application site and proximity to the neighbouring properties either side. The road was mainly lined with pairs of semi-detached houses. Officers did point out a point of concern that habitable windows in the neighbours' property would be adversely affected.

The proposed property would be built over 3 storeys with 4 bedrooms and the rear garden would be in the green belt. There was no information relating to the impact on the trees as it was noted that some would need to be removed to facilitate a garden space.

Officers also provided an impression of the view that would be present from the neighbours if allowed showing an expanse of plain, brick wall. They further added that there were constraints due to differing levels, green belt location, the impact on neighbours' amenity, the narrow width and mining legacy. The development would be of an elongated design and have an overbearing impact that was deemed detrimental on their outlook and achievable natural light.

There was a lack of information that mitigated the potential harm to the future of the trees as these could be cleared. Officers also stated that there were land stability issues in the area.

The application had received 11 objections, the nature of which were listed in the report and 10 letters of support, but these did not include any specific reasons.

Following the Officers' presentation, Members were then given the opportunity to ask questions and comment, the details of which and the responses given are as below.

A Member asked for confirmation of the width of the site and was advised that it was approximately 10 feet or 3 metres.

A Member then asked about the land to the rear and how access would be possible as building on the proposed site would effectively land-lock it. No clear resolution was suggested to this matter.

An objector also attended the meeting and addressed the Panel with his concerns as one of the neighbouring property occupants. He stated that the entrance would be a maximum of 4.6 metres, the proposed house would be 'skinny' and out of keeping with the street scene as the road was mainly occupied by pairs of semi-detached houses and would be in the middle of two (his being one of these). The normal width of other properties in the same street was 15 metres and would overshadow both neighbours and present a negative outlook and loss of light. He also stated that a mains sewer ran through the site and could further affect the width available.

He further stated that the site had parking access for 1 car which would make access and egress hazardous and add to the problem of pavement parking. He also noted the issue of construction traffic delivering and the storage of materials. He stated that there was a subsidence risk to neighbouring properties and that there would be an impact on wildlife such as badgers and otters (referring to evidence published in November 2023). He also cited previous applications that were all refused.

Following the objectors' representation, Officers were then given the opportunity to respond and stated that an application was withdrawn in 2023 and whilst changes had been made, it still presented outstanding issues. These consisted of the need for a tree survey, mining risk assessment, land stability and bio diversity reports. A request was made by the applicant to defer the decision so that the reports could be obtained and submitted but Officers stated that these would only address some of the reasons for refusal if they were taken into account.

Officers then reminded Members of the reasons for refusal again taking a revised scheme into account.

Members were then given the opportunity to comment and ask questions and a Member stated that the reports discussed would only address 2 of the reasons for refusal.

Another Member commented that it could not be deferred as it would be too different and inconsistent and should not have been presented to the Panel for consideration as it was unsuitable.

A Member asked if there was a limit applied to plot sizes and Officers provided a brief explanation the nationally described space standards known as 'National Design Spaces' which were more targeted towards room sizes and windows. They added that the curtilage also needed to be considered.

Following the discussions, the application was withdrawn by the applicant.

No resolution was passed on this item as the application was withdrawn.

***To be actioned by:* Interim Director of Legal and Governance**

24. MISCELLANEOUS ITEMS

Members were asked to consider the requests for enforcement/prosecution action contained in the Strategic Director, Place' report (**Document "H"**)

Resolved –

That the miscellaneous items in the Strategic Director, Place' report (Document "H") be noted.

***To be actioned by:* Interim Director of Legal and Governance.**

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