

Minutes of a meeting of the Area Planning Panel (Keighley & Shipley) held on Thursday 27 November 2014 in the Council Chamber, Keighley Town Hall

Commenced 1005
Concluded 1240

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown	Abid Hussain	Naylor
Shaw	Lee	
	Ross-Shaw	
	M Slater	

Apologies: Councillor Farley

Observers: Councillor M Smith (Minute 44(b) and 44(i))

Councillor Lee in the Chair

40. DISCLOSURES OF INTEREST

The following disclosure of interest was received in the interest of clarity:

Councillor Naylor had been involved in the enforcement action in relation to Minute 44(e) and he therefore withdrew from the meeting during the 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: Assistant City Solicitor

41. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

42. PUBLIC QUESTIONS

There were no questions submitted by the public.



43. **PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

The Interim Strategic Director, Regeneration and Culture presented **Document “I”** and **“J”**. Plans and photographs were displayed and/or tabled in respect of each application and representations summarised.

(a) **21 Fairy Dell, Cottingley, Bingley**

Bingley Rural

An application for outline planning permission for the construction of one detached dwelling in the garden of an existing dwelling at 21 Fairy Dell, Cottingley, Bingley - 14/03782/OUT

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was outline for the construction of a detached dwelling with the means of access, layout and scale only for consideration. The site was located in a residential cul-de-sac that contained a mixture of houses with no common design and was adjacent to a bungalow. It was noted that the proposed dwelling would be two storey with three bedrooms and fit in the gap between the properties where there used to be a garage. A previous application had been refused and another withdrawn, as the proposal had been too large for the plot. The Strategic Director, Regeneration and Culture reported that the application was a modest proposal, the scale and height reflected the character of the area and two car parking spaces would be provided. He confirmed that there would not be any windows to the side elevation and officers were satisfied with the proposal. A number of objections and a petition had been received from local residents and the issues raised were covered within the officer's report. Members were informed that officers were satisfied with the character and scale of the proposal and that there would not be any overlooking to the side. The adjacent property, 25 Fairy Dell, was not affected as no windows faced onto the plot and the Highways Department had not raised any objections in light of the low level of traffic that would be generated by the proposal. The Strategic Director, Regeneration and Culture stated that the existing dwelling would maintain its own access and egress and recommended the application for approval, subject to the conditions as set out in the report.

The applicant's agent addressed the Panel and noted the support of officers from the Planning and Highways Departments. He then confirmed that the proposal complied with the Council's policies.

Resolved –

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

ACTION: Strategic Director, Regeneration and Culture

(b) 35 Parish Ghyll Drive, Ilkley**Ilkley**

Full planning application for the demolition of two houses (35 Parish Ghyll Drive and 10 Parish Ghyll Lane) and construction of seven new houses at Land at 35 Parish Ghyll Drive Ilkley - 14/03398/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was for the demolition of 35 Parish Ghyll Drive and 10 Parish Ghyll Lane and the construction of seven new houses. The site sloped and the development would have two frontages, one onto Parish Ghyll Drive and the other onto Parish Ghyll Lane. It was noted that a house had already been built within the curtilage of 35 Parish Ghyll Drive. Parish Ghyll Lane was an unadopted road and the existing property was set behind a stone wall. The site was not within the Ilkley Conservation Area, though it was close by and the Council's Conservation officer had raised concerns that the development could affect the setting of the Conservation Area. Members were informed that previous schemes had been refused as they had proposed the construction of eleven and thirteen houses on the site and there had been substantial objections. The Strategic Director, Regeneration and Culture reported that the new application proposed a lower density for the site and the scheme could be served by the existing access. He explained that it was a more suburban development, with five properties on the lower site and two off Parish Ghyll Lane at the top of the site and would retain the stone wall. There would be less pressure on the trees and not as much excavation would be required. The proposed dwellings would be individual and modern in style with an integral garage. The majority would be two storey, though some would have three. It was reported that eleven objections had been received and the issues raised were covered in the officer's report.

With regard to the density, the Strategic Director, Regeneration and Culture reported that the proposal of around 12.5 dwellings per hectare was now appropriate for the area and that a higher density was unrealistic for the plot. The Council's Conservation officer also agreed that the lower density was more suitable. He stated that amendments had been made to the location of Plots 1 and 2 and the existing gateway to the site would be widened. The Council's Highways Department had confirmed that the visibility splays achieved the required standards. It was noted that Plot 3 had no habitable windows that faced onto the garden of 33 Parish Ghyll Drive. Members were informed that there were on street parking issues in relation to a nearby nursery, however, the Highways Department had considered that the increase in traffic and the access at Parish Ghyll Lane would be acceptable. A new planting and landscaping scheme would be undertaken and conditions in relation to the protection of the existing trees had been placed on the application. The drainage strategy had been accepted by Yorkshire Water and the Council's Drainage Team subject to a condition. The application was then recommended for approval, subject to the conditions as set out in the report.

In response to a Member's questions, the Strategic Director, Regeneration and Culture reported that the properties would have four and five bedrooms, with ensuite bathrooms. In relation to possible water issues on the site, he confirmed that a thorough drainage strategy had been prepared and approved by Yorkshire Water and the Council's Drainage Team.

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

- There was a highway issue on the road due to the nursery.
- Parish Ghyll Drive was a busy road and used as a link road to Victoria Avenue and Cow Pasture Road.

- Plots 1 and 2 would dominate neighbouring properties as they were lower down and their ridge height should be lowered.
- Plots 3 and 5 had windows close to the 2 metre high wall, which would be oppressive, so the wall should be stepped.
- The access from Parish Ghyll Lane to Plots 6 and 7 was not satisfactory.
- The Parish Ghyll Drive access was steep and further work would be required.
- It was accepted that the density of the site was low. The environment was more important and the density needed to be low.
- Car parking may be an issue, as due to their size each property could have three or four vehicles.
- The proposed scheme was better than previous submissions, however, it still required further work.

In response to some of the comments made, the Strategic Director, Regeneration and Culture acknowledged that Parish Ghyll Drive was used as a 'rat run', however, other roads in the vicinity were also used for this purpose. He stated that Plots 1 and 2 were set behind the wall and would not over dominate the properties below, as there would be the width of the street and drives between them.

A Parish Councillor was present at the meeting and raised the following concerns:

- There would be five new dwellings with access off the original drive.
- The Parish Council had been notified of a protected tree that had been removed off Parish Ghyll Lane and the issue needed to be investigated.
- There were drainage issues on the site. Yorkshire Water had accepted that there was insufficient capacity in the sewers and it was not known what was underneath the ground.
- The additional traffic would have an impact on the area.
- More and more dwellings were being constructed in the Town and there was insufficient capacity on the roads.

The applicant's agent was present at the meeting and stated that:

- Lengthy discussions had been undertaken with officers.
- The proposal was appropriate for the site and the area.
- The scheme's density had been significantly reduced and now addressed the concerns raised.
- The scale of the properties had been reduced to two storey, three storey in the centre of the site, due to the split level.
- The height of the dwellings on Parish Ghyll Drive had been reduced and the stone wall frontage retained.
- The site was not in the Conservation area, however, the scheme allowed more green space due to the low density.
- The Highways Department could not control the traffic appertaining to the nursery, however, the Parish Ghyll Drive entrance would be widened and a passing space would be created on Parish Ghyll Lane.
- The scheme reduced the amount of site intervention required as it utilised the existing levels.
- The development reduced the impact on the drainage.
- A detailed drainage study had been carried out on the foul and run off water.
- The development was a well balanced solution in a highly sustainable location and would be a significant asset to the site.
- The application should be supported.

In response to Members' queries, the Strategic Director, Regeneration and Culture confirmed that:

- The junction was unadopted highway and was not the Council's responsibility.
- It had never been the case that only five dwellings could be served off an unadopted drive. Once the amount of dwellings reached five, the road could be offered for adoption, however, many developers retained the road as private now.
- There was a mixture of large dwellings in the area and the materials used for the visible parts would be stone. The others would give the impression of stone.
- The development would not reduce the quality of the area.

Resolved –

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

ACTION: Strategic Director, Regeneration and Culture

(c) **9 Mansfield Road, Burley in Wharfedale, Ilkley**

Wharfedale

Full application for the construction of a detached dwelling on land at 9 Mansfield Road, Burley in Wharfedale - 14/03863/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was for the construction of a detached house on a residential street with various types of dwellings. The property would be built between 9 and 11 Mansfield Road. It was noted that the previous application had been reduced in height and altered to a three bedroom house. A number of objections had been submitted in respect of the original and the revised application and the issues were covered within the officer's report. The Strategic Director, Regeneration and Culture confirmed that the amended proposal was now more balanced and the required gaps had been retained to both sides. He reported that render and timber would be used in the construction and a condition had been placed on the application that required sample materials to be approved.

With regard to the impact on neighbouring properties, Members were informed that the scheme required the removal of an existing bay at number 9 to ensure that there was no overlooking and it was confirmed that there were no other windows that would overlook. The existing hedge would be retained and the distances between the properties complied with the required standards. The Strategic Director, Regeneration and Culture reported that concerns had been raised as the back of the proposed house projected beyond the neighbouring property, however, this would not cause a significant loss of outlook or be harmful to daylight. He stated that conditions in respect of the proposed construction hours and the removal of permitted development rights had been placed on the application. It was proposed that two car parking spaces would be provided and the existing house would retain its garage and a space to the front. The Council's Highways and Drainage Departments were satisfied with the scheme and the trees that had been removed were not protected. The application was then recommended for approval, subject to the conditions as set out in the report.

An objector was present at the meeting and raised the following issues:

- He lived at Number 7.
- Revised plans had been submitted but they still breached Council policies.
- The rear of the dwelling extended to within 5 metres of his property.
- Design Principle 3 stated that a dwelling should not extend beyond 3 metres.
- The proposal would have an adverse impact on his property.
- It would cause overshadowing and result in a loss of light, as it would be located on the south side.
- The rear would extend beyond the 45 degree angle. A line had not been taken from the nearest habitable window.
- An extension to his property had been approved and the distance between the two would be minimal.
- A new bedroom window was to be installed at his property.
- The proposed dwelling would be squeezed into the space.
- The drawings gave a false indication of the street view.
- It was a low density area and the development would be out of character.
- The proposed scheme would create a terraced effect.
- The proposed dwelling would have three large floor to ceiling windows which would compromise his property's privacy.
- Only two parking spaces would be provided and there would not be any facility for additional parking as the land belonged to Number 9.
- The proposal would require three or four parking spaces.
- The proposal breached policy TM18A.
- A tree protection policy was irrelevant, as they had been removed.

In response to a query from the Chair, the Strategic Director, Regeneration and Culture explained that the application for an extension at Number 7 had been submitted after this scheme. It had not been built as yet and there would be sufficient space available. In relation to the Design Principle mentioned, he confirmed that it applied to house extensions and was aimed towards terraced or semi detached properties. The relationship of the proposal to other dwellings had been considered and it was believed to be acceptable. Members were informed that the trees already removed had not been protected.

The applicant was present at the meeting and outlined the following matters:

- They had undertaken a year long renovation project of Number 9.
- They were committed to the village.
- They would not propose a development which would be detrimental to their own property.
- The removed trees had not been protected. One had been diseased and unsafe and the other had interfered with telephone lines.
- Fruit trees had been replanted and more would be added.
- The hedge would be maintained.
- Mansfield Road was a private road with very little traffic.
- The proposed extension to Number 7 would create a larger house and would reduce their garden space.
- The proposed dwelling would be smaller than Number 7 and have sufficient parking for three vehicles.
- Once extended Number 7 would be 14% larger and have less parking provision, therefore, the objections were unfounded.

- The distance between the properties would be 21 metres and less to Number 9 at the moment.
- The rear dwellings would not be overlooked due to the long garden.
- The proposal complied with the Council's Replacement Unitary Development Plan.
- The development was a suitable size for the plot, sympathetic and in keeping with the area.
- There were good local facilities available.
- Family size accommodation was required.

Resolved –

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

ACTION: Strategic Director, Regeneration and Culture

(d) Beggars Roost, 2 Heather View, Eldwick, Bingley

Bingley

Full planning application for the construction of a detached bungalow and access at Beggars Roost, 2 Heather View, Eldwick, Bingley - 14/04043/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that an identical application had been granted in 2011 by the Area Planning Panel (Shipley) and a site visit had been undertaken. It was noted that the hedges that formed the boundary and many of the trees would be retained. Issues had been raised in relation to the access from Glen Road, as the view was restricted and there were no footways. A previous application for a two storey house had been refused, however, the construction of a bungalow had been granted in 2011. The Strategic Director, Regeneration and Culture reported that nine representations had been received, as well as one from a Ward Councillor and the issues raised were covered in the officer's report. He reiterated that nothing material had changed to the proposal, hedges would be retained and the distances between the properties were satisfactory. The concerns as to whether Glen Road could accommodate the additional traffic were acknowledged and it was noted that the objections referred to an appeal for the construction of a dwelling in the garden of a nearby property. Members were informed that the appeal had been dismissed on the grounds of character only, as the Planning Inspector had agreed that the proposal would harm the character of the setting, however, the access via Glen Road had not been an issue. The Strategic Director, Regeneration and Culture confirmed that the Council's Highway Department had not raised an issue in relation to the infrastructure of Glen Road and had not objected to the development. He then recommended the application for approval, subject to the conditions as set out in the report.

An objector was present at the meeting and made the following comments:

- He was disappointed that Members had not been shown photographs of Glen Road.
- A Ward Councillor was unable to be present.
- The development contravened Council policies.
- Members had been misled by a flawed report.
- In 2013 a garden application had been refused at 17 Glen Road and in 2014 the Planning Inspectorate had upheld the refusal in respect of the character of the area.

- In July 2014 an application at 8 Glen Road had been refused on highways grounds.
- A garage had been approved at 10 Glen Road, with conditions in 2012.
- It was perverse to state that policies did not apply.
- Gardens were Greenfield sites and Brownfield site developments should be encouraged.
- The proposal was a bad design.
- The hedges would not obscure a 6 metre high building and could be removed.
- 14 Glen Road would be overlooked and the required distance between the properties had not been met.
- The proposed dwelling would be out of character, an overdevelopment and contrary to policies UR3 and D1.
- The Government's Manual for Streets had not been followed.

In response to some of the comments made, the Strategic Director, Regeneration and Culture stated that the issue in relation to 17 Glen Road had been covered previously, each application was considered on its own merits and a precedent had not been set.

In response to Members' queries the Strategic Director, Regeneration and Culture confirmed that a condition could be added to the application to ensure that the garage could not be used for any other purpose, if required. He explained that the retained hedges would help absorb the proposed dwelling into the area. The submitted plans were the same as those approved in 2011 and the windows would be placed at a high level to capture more light.

In relation to the Government's Manual for Streets, it was noted that the highway had to be able to support 120 dwellings or 100 vehicles per hour, which was the point at which a pedestrian would begin to feel insecure. It was confirmed that a Highway officer had inspected Glen Road and accepted that it was substandard, however, there had not been any accidents in the vicinity. The area was treated with respect, therefore, the highway was able to support the application.

Resolved –

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

ACTION: Strategic Director, Regeneration and Culture

(e) **Steeton Football Ground, Summerhill Lane,
Steeton with Eastburn**

Craven

Retrospective application for advertisement consent for advertising boards fixed to pitchside perimeter fencing at Steeton Football Ground, Doris Wells Memorial Field, Summerhill Lane, Steeton with Eastburn - 14/03890/ADV

The Strategic Director, Regeneration and Culture informed Members that signs were controlled under the Town and Country Planning (Control of Advertisements) Regulations, however, adverts on "enclosed land", that were not readily visible from outside, were exempt from control. He explained that Steeton Amateur Football Club (AFC) had erected the signs without consent, as they had believed that they were covered by the exemption and had placed 48 advert boards around three sides of the football pitch. The National Planning Policy Framework stated that "poorly placed adverts can have a negative impact" and the signs could be viewed from outside of the site. The signs did not raise any safety

concerns, however, there were amenity issues. The Strategic Director, Regeneration and Culture confirmed that the Parish Council had not made a representation and the Club had stated that the advertising provided an important source of income. He reported that officers were of the view that the signs altered the character of the area, but were not obtrusive, therefore, on balance the affect on amenity was not significant. The application was then recommended for approval, subject to the conditions as set out in the report.

In response to Members' queries, the Strategic Director, Regeneration and Culture that:

- the signs were not removable, as this would involve a great deal of work.
- the Club had stated that they required business sponsors.
- it had been suggested that the Club painted the rear of the signs, however, they had indicated that this would create a maintenance issue.

During the discussion a number of Members stated that they were not against advertising, however, there were too many for the village location.

Resolved –

That the application for advertising consent be approved subject to the following condition:

- (i) **That the advertising boards be displayed on match days only.**

ACTION: Strategic Director, Regeneration and Culture

- (f) **Old Oxenhope Farm, Old Oxenhope Lane, Oxenhope, Worth Valley
Keighley**

Full application for the installation of two x 11kW wind turbines on 18 metre high masts at Old Oxenhope Farm, Old Oxenhope Lane, Oxenhope, Keighley - 14/03122/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He confirmed that the application proposed the installation of two wind turbines to the North West of Oxenhope village. The site was located within the Green Belt on an open landscape of upland pasture. Members were informed that three previous applications for wind turbines had been refused and an appeal against the second application had been dismissed.

The Strategic Director, Regeneration and Culture explained that the proposed development was inappropriate in the Green belt, except in very special circumstances. He stated that the wind turbines would affect the openness, character and heritage value of the landscape, as visitors came to experience the Bronte landscape and isolation. The previous applications had been refused on the grounds of the harm to the landscape and Green Belt. Members noted that the proposal was for the installation of two wind turbines, which the applicant had stated were required in relation to renewable energy. The benefits to the farm business had to be balanced against the harm to the wider landscape and it was believed that the harm on the District as a whole outweighed the value of the energy that would be supplied by the proposed wind turbines. The Council supported the installation of wind turbines when possible, however, areas of the greatest landscape quality had to be protected. The Strategic Director, Regeneration and Culture reported that the wind turbines would have some affect on neighbouring properties, though the main impact would be on the openness and character of the Green Belt. He confirmed that Oxenhope and Haworth Parish Councils had objected to the application and other

representations against and in support of the proposal had been received. The issues raised were covered in the officer's report.

In conclusion the Strategic Director, Regeneration and Culture reiterated that the Council was unable to support the application, though it acknowledged the need for renewable energy. He indicated that if approved a precedent could be set for other farms and recommended the application for refusal as per the reasons set out in the report, which had been considered by the Planning Inspector.

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

- The Parish Council agreed with the officer's report and noted that the objections were well covered.
- They were supportive of farming in the village but a consistent approach was required in relation to wind turbines.
- It was acknowledged that the applicant was under pressure, but had other renewable energy options been considered.

A representative of the Bronte Society was present at the meeting and raised the following issues:

- The wind turbine would have an impact on the landscape.
- There would be an adverse effect on tourism and, therefore, the Bronte family heritage.
- It was the bicentenary of the Bronte sisters.
- The landscape brought tourism to the area.
- The application was contrary to policy UDP3.
- The Bronte Society was a 'green' organisation and they sympathised with the applicant.
- The proposal was the wrong development for the location.

An objector was present at the meeting and stated that:

- A carbon footprint could be reduced in many ways.
- He was unsure as to why the applicant wanted to install a wind turbine due to the landscape and history of the area.
- A wind turbine would not help the farm and a biomass converter would be more suitable.
- Other applications for wind turbines would be submitted.
- The 'green' issues were supported.

Another objector addressed the meeting and commented that:

- He lived at the nearest property to the development and there would be a great impact on his property.
- He wanted to protect the surrounding area.
- Currently two trees dominated the view of the area.
- The wind turbine would be twice the height of the trees and would devastate the views.
- The proposal would adversely affect the conservation area.
- The proposal would be located in a sensitive area that should be protected.

The applicant then addressed the Panel stating that:

- He had been raised on the farm.
- The recommendation repeated the previous reasons for refusal and had not considered the new information.
- The site was located in the Green Belt but not within a special area.
- The wind turbine would be erected within the farm's footprint of 35 metres.
- It was a farmed environment and farms needed to be preserved.
- His was the only farm left in the area.
- Council policies stated that it was important to maintain farming.
- He needed to secure contracts for the sale of milk and had submitted a summary sheet in relation to the Department for Environment, Food and Rural Affairs (DEFRA) Milk Road Map.
- The farm was audited for its carbon footprint per litre of milk.
- The farm had targets to meet and needed to be at 40% renewable energy.
- A biomass converter had been considered, but required a feed stock of maize.
- The farm already had solar panels, however, the milk was collected the majority of the time in darkness at 5am and 5pm, so they did not help.
- The farm spent money in the local economy and employed local people.
- Letters of support had been submitted.
- He would continue to make applications for a wind turbine, as the farm needed to sell milk and its carbon footprint had to be reduced.
- The proposal would impact on the Green Belt.
- Wind turbines were common on farms and in the rural area.
- It would be located near to farm buildings.
- The wind turbine was small, but would be visible from the road.

In response to a number of questions from the Panel, the applicant explained that the savings made from the wind turbine would allow the farm to remain in business. He confirmed that solar panels did not store energy and that a biomass converter was not a feasible option.

During the discussion a Member acknowledged that if approved the proposal would support an agricultural business and sustain employment. Another Member indicated that the wind turbine would not be incongruous to the area and believed that there were special circumstances.

Resolved –

That the application be approved for the following reason:

The proposal is acknowledged to be for inappropriate development in the Green Belt, but the provision of renewable energy and the contribution this will make to the viability of this farm business, and the ability of the business to maintain milk contracts, are also acknowledged to be significant benefits that favour the development. The Local Planning Authority considers that very special circumstances have been demonstrated which, in this instance, and subject to the imposed conditions, outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm.

And that the application be subject to the following conditions:

- (i) If Old Oxenhope Farm ceases to be a dairy farm enterprise, the wind turbines shall be dismantled and removed from the site and the land reinstated to agricultural use in accordance with details which have previously been submitted to and approved in writing by the local planning authority.

Reason: To maintain the openness of the Green belt in accordance with Policy GB1 of the Replacement Unitary development Plan, having regard to the fact that permission is granted on the basis of the very special circumstances in relation to the applicant's business.

- (ii) If the wind turbines hereby permitted ceases to be operational for the production of energy for a continuous period of 6 months, within 6 months of it becoming nonoperational the wind turbines shall be dismantled and removed from the site and the land reinstated to agricultural use in accordance with details which have previously been submitted to and approved in writing by the local planning authority.

Reason: To maintain the openness of the Green belt in accordance with Policy GB1 of the Replacement Unitary development Plan, having regard to the fact that permission is granted on the basis of the very special circumstances in relation to the applicant's business.

ACTION: Strategic Director, Regeneration and Culture

- (g) **Requests for Enforcement/Prosecution Action**

- (i) **79 Manor Road, Cottingley, Bingley** **Bingley Rural**

Construction of dormer windows to both front and rear elevations - 14/00460/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 23 October 2014.

Resolved –

That the decision be noted.

ACTION: Strategic Director, Regeneration and Culture

- (h) **Decisions Made by the Secretary of State**

The Panel noted the following appeal decisions taken by the Secretary of State:

APPEAL ALLOWED

- (i) **34 Wrose Road, Shipley** **Windhill and Wrose**

Construction of a two storey side extension - Case No: 14/00114/HOU

Appeal Ref: 14/00111/APPHOU

APPEALS DISMISSED

- (ii) **3 Thorneycroft Road, East Morton, Keighley** **Keighley East**

Construction of porch and WC to front and dormer window to front - Case No: 14/01452/HOU

Appeal Ref: 14/00069/APPHOU

- (iii) **42 Springfield Road, Keighley** **Keighley Central**

Two storey side and rear extension and single storey porch roof to front elevation - Case No: 14/01617/HOU

Appeal Ref: 14/00090/APPHOU

- (iv) **Elder House, Lee Lane, Wilsden, Bingley** **Bingley Rural**

Single storey side extension including removal of existing sheds - Case No: 14/02233/HOU

Appeal Ref: 14/00108/APPHOU

- (v) **Garage, Elm Grove, Shipley** **Windhill and Wrose**

Conversion of existing garage with additional first floor extension to form two storey dwelling - Case No: 14/01844/FUL

Appeal Ref: 14/00091/APPFL2

- (vi) **Upper Bradshaw Head Farm, Long Causeway, Denholme** **Bingley Rural**

Installation of one medium scale 250kW turbine on a 30m monopole mast - Case No: 13/03033/FUL

Appeal Ref: 14/00017/APPFUL

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

- (i) **Variation to the Section 106 Agreement -
Craiglands Hotel, Cowpasture Road, Ilkley** **Ilkley**

Full planning permission for a residential development of nine dwellings on the existing car park and formation of spa facilities in the basement of the existing Craiglands Hotel, Cowpasture Road, Ilkley - 13/04578/FUL

The Strategic Director, Regeneration and Culture explained that at the meeting held on 24 September 2014, the Panel had approved an application to develop nine dwellings subject to various conditions and a Section 106 Agreement. He reported that in order to avoid and mitigate possible effects on the South Pennine Moors Special Protection Area

(SPA)/Special Conservation Area (SCA) and Site of Special Scientific Interest (SSSI), the Panel had suggested a covenant to restrict the ownership of cats and dogs in the properties. Following the decision the Enforcement Officer had raised concerns, as it was anticipated that the restriction would be unworkable and there may be conflicts with the Equalities Act. The Planning Inspectorate had also stated that the restriction would not work and that they were not in favour of these clauses. The Strategic Director then recommended that the amendment to the Section 106 Heads of Terms to remove the aforementioned covenant be endorsed.

A Member indicated that it would have been beneficial to have been informed of this information at the previous meeting.

A Ward Councillor was present at the meeting and stated that the main issue was the proximity of the development to the SSSI and the possible issues raised by the ownership of cats and dogs by residents. He acknowledged that the Planning Inspectorate had not accepted the clause suggested by the Panel and requested a copy of their report.

Resolved –

That the variation to the Section 106 Agreement's Heads of Terms be endorsed.

ACTION: Strategic Director, Regeneration and Culture

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Panel.

i:\minutes\plks27Nov

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER