

Minutes of a meeting of the Area Planning Panel (Keighley & Shipley) held on Wednesday 29 April 2015 in the Council Chamber, Keighley Town Hall

Commenced 1005
Concluded 1145

PRESENT – Councillors

CONSERVATIVE	LABOUR	GREEN
Barker	Farley	Love
Brown	Abid Hussain	
	Lee	
	Ross-Shaw	

Apologies: Councillor Naylor

Observers: Councillor L'Amie (Minute 66(a)) and Councillor Warnes (Minute 66(c))

Councillor Lee in the Chair

62. DISCLOSURES OF INTEREST

The following disclosures of interest were received in the interest of clarity:

Councillor Farley was a member of English Heritage in relation to Minute 66(c) and (d).

Councillor Love and Councillor Ross-Shaw were Members of the Shipley Area Committee and aware of the petitions in relation to Minute 66(c) and (d) but had not discussed the application.

Councillor Lee and Councillor Abid Hussain were Members of the Regulatory and Appeals Committee, however, they would consider this application separately in relation to Minute 66(c) and (d). The Assistant City Solicitor confirmed that the Regulatory and Appeals Committee had looked at the legal aspects of disposal and had not made a decision. The proposal submitted to the Panel was a planning application and would be judged on its own merits.

ACTION: Assistant City Solicitor



63. **MINUTES****Resolved –**

That the minutes of the meeting held on 25 February 2015 be signed as a correct record.

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

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

65. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

66. **PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

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

(a) **18 Reins Avenue, Baildon****Baildon**

Householder planning application for construction of a two storey side extension; single storey side and rear extensions; conversion of the roof space to form an additional bedroom and the addition of a rear dormer at 18 Reins Avenue Baildon - 15/00560/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application proposed the demolition of two outbuildings and the construction of a side and rear extension. The scheme would provide additional bedrooms, a larger kitchen and living room. It was noted that a rear dormer had also been included and was within permitted development rights, however, it had been amended in order to comply with the Council's Householder Supplementary Planning Document (HSPD). Baildon Parish Council had objected to the size of the proposed scheme and a Ward Councillor had raised issues in respect of the height difference and the overdominance to Number 16. Planning officers had looked at the concerns raised and did not consider that the extensions would cause significant harm to Number 16. The difference in levels was acknowledged, however, it was not believed to be overdominant. The Strategic Director, Regeneration and Culture stated that it was an acceptable proposal and complied with the Council's HSPD. He then recommended the application for approval, subject to the conditions as set out in the report.

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

- He was not against the principle of development, but was opposed to the magnitude of the proposed extensions.
- The house occupied a prominent position on a cul-de-sac.
- The scheme would create a significant change and dominate the street scene.
- The Council's HSPD stated that in a semi detached setting it advocated a

subordinate approach.

- The proposed extensions nearly doubled the width of the property.
- The extension did not comply with HSPD guidance and was not sub-ordinate to the host property.
- When was an extension an extension and when was it classed as a new construction?
- The proposal could be acceptable without the single side extension.
- The two side extensions pushed the definition of subordinate.
- The property was at the head of a cul-de-sac and the drive accessed onto the turning head.
- The development would be constructed over the existing drive and the garage would be demolished, which could cause on-street parking issues.
- The height difference caused an element of overbearing to Number 16.
- There would be a loss of amenity to Number 16.

In response to a number of Members' queries, the Strategic Director, Regeneration and Culture confirmed that there was parking provision for two vehicles, which was standard and the front of the property could still be accessed.

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) **5 Elm Grove, Silsden**

Craven

Householder application for the construction of a single storey extension to the rear at 5 Elm Grove, Silsden - 15/00460/HOU

The Strategic Director, Regeneration and Culture explained that the application had been withdrawn by the applicant.

Resolved –

That it be noted that the applicant had withdrawn the application.

ACTION: Strategic Director, Regeneration and Culture

(c) **Salts Mill Weir, Downstream Of Footbridge/Roberts Park,
Victoria Road/Higher Coach Road, Saltaire, Shipley**

Shipley

A full planning application for the construction of an Archimedes screw hydropower scheme and associated fish passes at Salts Mill weir, downstream of the footbridge to Roberts Park, Victoria Road/Higher Coach Road, Saltaire, Shipley - 15/00040/FUL

The Assistant City Solicitor explained that the Panel would be considering a planning application for a hydropower scheme and that issues in relation to land rights, ownership and subsequent objections were not to be discussed. The Panel could only decide on the planning merits of the proposal, grant planning permission, if they were minded, and were not able to overwrite any legal obstacles.

The Strategic Director, Regeneration and Culture began by explaining that a late objection had been received from the Heritage Lottery Fund last week but was not included within the officer's report as it had already been published. An email from an objector had also been received yesterday and the issues raised had been covered in the report. He then gave a presentation setting out the proposals and tabled plans detailing the layout. It was noted that 53 objections plus an additional 2 since the report had been published, 20 letters of support and 2 general comments had been received. Baildon Parish Council had also acknowledged the application. The issues raised were detailed within the officer's report along with the consultations undertaken. The Council's Biodiversity and Conservation Teams and the Environment Agency supported the proposal. The general consensus amongst the other consultees had also been that they were supportive of the scheme in principle, however, the Yorkshire Garden Trust had raised objections in relation to the harm that would be caused to the historic context of the north bank of the River Aire and Roberts Park.

Members were informed that the proposal was for the construction of a turbine housing and Archimedes screw hydropower scheme and that the proposed fish pass was subject to detailed information. The turbine housing would have a glazed viewing area and be constructed from course natural stone. A full replanting scheme and general landscape plan would be required and viewing platforms would maintain the views across to New Mill. The Strategic Director, Regeneration and Culture reported that climate change presented an environmental challenge and renewable energy helped to combat the effects. He confirmed that the National Planning Policy Framework (NPPF) supported the approach and stated that a Local Planning Authority did not have to demonstrate the need. The Council's policies, NR12 and UR2, within the Replacement Unitary Development Plan (RUDP) were relevant and in principle the proposal was accepted.

It was noted that the site had historical significance and the scheme would impact on its ecology due to the loss of trees and bat roosts. The Saltaire World Heritage Site and other important areas were nearby and any development in a sensitive area had to be sympathetic to the historical context and provide public benefit. A full heritage appraisal had been undertaken and the findings stated that the scheme would have a slight adverse effect on the most important heritage assets. The development would result in a new feature being present in the views, however, it would still retain a visual connection with the Saltaire World Heritage Site views. The Strategic Director, Regeneration and Culture explained that the application provided the potential for the Victoria Road Bridge to be reinstated at some point and the viewing platforms would provide benefits and help to mitigate the slight harm caused by the scheme. He informed Members that illustrative material would be installed around the site, which would also assist in the minor impact on the World Heritage Site. The scheme did not pose any substantial harm, it provided public benefits, was considered acceptable and addressed all the concerns raised by English Heritage and the Council's Conservation Team. A condition had been placed on the application in relation to the signage, however, a condition would be required in respect of the necessary archaeological recording.

The Strategic Director, Regeneration and Culture reported that there was sufficient distance to neighbouring properties and the scheme would not cause any overlooking. He confirmed that the main issue raised was in relation to noise, however, the turbine would be partly enclosed and would not make a significant disturbance. There was already the background noise from the weir. A detailed noise survey had been undertaken to British Standards and the turbine achieved the requirements of the Council's Environmental Health Department. It was acknowledged that there would be noise issues during the construction, though this would be for a temporary period and could be conditioned. The Environment Agency was satisfied with the ecology of the river, subject to conditions being

placed on the application and any tree removal would be covered by the condition for a replanting scheme. In relation to the riverside walk, Members were informed that it was not a right of way, however, it could be re-routed. In conclusion the Strategic Director, Regeneration and Culture recommended the application for approval, subject to the conditions as set out in the report and the addition of conditions relating to the archaeological recording and illustrative signage.

In response to questions, Members were informed that:

- The fish weir was the responsibility of the Environment Agency.
- The Council had consulted as much as possible in respect of the planning element and the Environment Agency was satisfied with the elements for the fish.
- The glass roof on the turbine would be constructed from specialist toughened glass and it would be surrounded by railings.
- 14 trees would be removed from the site, some were mature and their loss was regrettable, however, there was a condition in respect of re-planting.
- Details of the trees to be removed could be requested as part of the condition and the replanting would be undertaken on the site.
- The Victorian road bridge had been demolished some time ago, however, there had been suggestions that it would be reinstated and the turbine housing would be partly under the road.

A Ward Councillor was present at the meeting and outlined the following concerns:

- A great deal of concern had been raised regarding the issue.
- He had requested that the Planning Department contacted the residents of Riverside Court on a number of occasions.
- The Council was trying to make the transition to low carbon, however, it was a slow process.
- The proposal would provide pay back within 10 years and provide an income stream for the Council, however, more schemes like this would be required in the future.
- Concerns had been raised in relation to the noise and visual impact, however, assurances had been made.
- There were issues regarding the fish pass.
- 14 trees, two thirds of which would be mature, would be lost.
- On balance the impact of the scheme would be minimal.
- It would deliver benefits for the local community.
- The scale of the project had been revised.
- The fish would be able to migrate.
- Conditions in relation to tree replacement and construction hours were required.

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

- Noise was a factor for the residents of Riverside Court.
- It was at a low frequency and annoying.
- There would be disruption during construction.
- There was a school and children's play area nearby.
- Riverside Court and the boathouse had been flooded 15 years ago, the drains had not coped and the river had flooded.
- The weir would be narrower and exacerbate issues.

Another objector was present at the meeting and made the following points:

- He was representing Friends of Roberts Park, Anglers, residents of Riverside Court and others.
- The Heritage Lottery Fund and the International Council on Monuments and sites (ICOMOS) had asked for a postponement.
- ICOMOS were not aware of the planning application and wanted the proceedings to be halted.
- The Lottery Fund needed permission for the work to be undertaken and had the power to reclaim the money from Bradford Council.

In response to some of the comments made, the Assistant City Solicitor explained that the Panel's decision would be based on planning details and planning merits only. He stated that issues such as lottery funding and ICOMOS would not be considered as they were not classed as planning matters.

The objector then continued stating that:

- The Heritage Lottery Fund and ICOMOS wanted the application to be deferred.
- The layout of Saltaire was fundamental in obtaining the World Heritage Site status.
- The power plant on the north bank should be dedicated to recreation.
- The people who used the park would be the most affected and they hadn't been consulted.
- Concerns had been raised in relation to the river ecology and the silt, as it was an important breeding ground for fish.
- The NPPF stated that where an application would lead to less than significant harm there should be substantial public benefits, but there were none.
- The plant would only supply energy for a small number of homes.
- Commissioning and decommissioning costs needed to be taken into consideration and there was no evidence that this had been undertaken.

The Chair reiterated that the application could only be deferred on planning issues and neither the Lottery nor ICOMOS had requested that the application be deferred. The Assistant City Solicitor confirmed that matters such as noise and ecology could be considered, but not funding issues.

The Strategic Director, Regeneration and Culture reported that:

- The Planning Department had limited means and notification of the application had been undertaken in accordance with Government Regulations. Letters had been sent to residents, notices had been placed in the press and around the local area.
- Tree planting was covered by two conditions on the application.
- The construction hours would be from 0800 to 1800, which was reasonable, and the applicant had been requested to provide the details.
- Flooding issues had been considered by the Environment Agency.
- Significant efforts had been made to consult with ICOMOS and they had not responded.
- The power generated was irrelevant according to the NPPF.

A supporter of the application addressed the meeting and made the following statements:

- The proposal would be an enhancement of Roberts Park.
- Bradford Council had been successful in installing eco friendly initiatives.
- Renewable energy generated income and would save money for everyone in

Bradford.

- Several consultations had been undertaken.
- The objections were acknowledged.
- The proportional gain would be enormous.
- The fish pass would encourage people to become interested.
- The Lottery Fund was not interested in improving buildings, its aim was to educate the public and the scheme would achieve this by the public learning about renewable energy.
- The noise would be at a low level.
- Friends of the Earth were delighted with the proposal.
- Saltaire had a wonderful past.
- The new proposal enhanced the mill built by Sir Titus Salt.
- The proposal bound together the World Heritage Site.
- The hydropower scheme would help to determine the future.

In response to further Members' queries the Strategic Director, Regeneration and Culture confirmed that a water cooled system would be slightly less noisy, however, the proposed air cooled system emitted low level noise and had not raise any concerns. He clarified that the NPPF stated that the amount of electricity produced by the scheme did not have to be considered, however, 339,000-kilowatt hours of electricity would supply 100 homes per annum on average and some years would generate more energy than others.

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 and subject to the following additional conditions:

- (i) **No demolition or other works shall commence until a programme of archaeological work including a 'Written Statement of Investigation' has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions and:**
- 1. the programme and methodology of site investigation and recording;**
 - 2. the programme for post investigation assessment;**
 - 3. provision to be made for analysis of the site investigation and recording;**
 - 4. provision to be made for publication and dissemination of the analysis and records of the site investigation;**
 - 5. provision to be made for archive deposition of the analysis and records of the site investigation; and**
 - 6. nomination of a competent person or persons/organisation to undertake the works set out within the 'Written Scheme of Investigation'.**

No demolition or works shall take place other than in accordance with the 'Written Scheme of Investigation' so approved. The works shall not be occupied until the site investigation and post- investigation assessment has been completed in accordance with the approved 'Written Scheme of Investigation' and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of recording historic detail and ensuring historic assets are retained to safeguard the appearance of the Saltaire World Heritage Site and Saltaire Conservation Area in which the site is located, the

setting of listed buildings and Roberts Park and to accord with policies UR3, BH4A, BH7, BH9, S/BH14 and BH16 of the Replacement Unitary Development Plan.

- (ii) Notwithstanding any details required by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the development shall not begin until a written interpretation strategy has been submitted to and approved in writing by the Local Planning Authority. The interpretation strategy shall include (i) a signage scheme with details of their location, design, materials and content, and (ii) locations and drawings for webcams and quick response (i.e. 'QR') codes at key locations in the site. The details so approved shall be implemented in full prior to the first operation of the development hereby approved.

Reason: Interpretive signage for the development would assist visitors to the site in the appreciation and understanding by maximising learning about water power generation, providing information about the historical context of the location and conveying the outstanding universal value of the World Heritage Site in compliance with policies UR3, D1, BH4A, BH7, S/BH14 and BH16 of the Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration and Culture

(d) **The Lodge, Roberts Park, Coach Road, Saltaire**

Shipley

An application for listed building consent for temporary dismantling of three stone pillars, associated metal railings and stone plinth, and formation of temporary pedestrian access in boundary wall to Coach Road associated with construction of new hydropower scheme at 'The Lodge' and Roberts Park, Coach Road, Saltaire, Shipley - 15/00044/LBC

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the dismantling of part of the wall, stone pillars and metal railings would be for a temporary period in order to enable the construction of the turbine and that everything would be restored following the installation. It was noted that there were conditions on the application in order to limit the amount of materials removed and that the other elements would be stabilised.

During the discussion Members raised concerns in relation to the structures and materials to be removed and their restoration. It was deemed appropriate that conditions be placed on the application in order to link the work to be undertaken to the commencement and completion of the hydropower scheme.

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 and subject to the following additional conditions:

- (i) **Further to the requirements of Condition 3, the works hereby permitted shall only be undertaken in the 28-day period immediately prior to the substantive building works associated with the housing structure that accommodates the hydropower system at Saltaire Weir.**

Reason: In the interests of the character and appearance of the site's historic context in accordance with policies BH4, BH4A, BH9, S/BH14 and BH16 of the Replacement Unitary Development Plan.

- (ii) **Further to the requirements of Condition 3, works to reinstate the structures hereby permitted to be dismantled shall commence no later than 28 days from substantial completion of construction of the associated hydropower scheme at Saltaire Weir and the reinstatement works shall be completed within six months of their commencement.**

Reason: In the interests of the character and appearance of the site's historic context in accordance with policies BH4, BH4A, BH9, S/BH14 and BH16 of the Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration and Culture

(e) **Request for Enforcement/Prosecution Action**

(i) **12 Church Street, Keighley**

Keighley Central

Installation of externally mounted roller shutter - 14/00983/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 14 April 2015. The notice requires the removal of the shutter.

(ii) **Land at 12 Highfield Lane, Keighley**

Keighley Central

Construction of white UPVC clad dormer windows to the front and rear elevations of the property - 13/00574/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 14 April 2015. The Notice requires either removal of the dormer windows or works to re-clad using matching materials.

(iii) **12 Manley Road, Ilkley**

Ilkley

Construction of an unauthorised raised patio - 13/01079/ENFAPP

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 24 March 2015.

(iv) **274-276 Skipton Road, Keighley**

Keighley Central

Construction of platform with storage void and stepped access to the roof - 14/00775/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 14 April 2015.

(v) Land at 5 Edensor Road, Keighley

Dormer windows to the front and rear elevations of the property - 14/00318/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 14 April 2015. The notice requires removal of the dormer windows from both front and rear roof slopes.

(vi) 50s Grill, 5c Alice Street, Keighley**Keighley Central**

Installation of new shop front and timber cladding - 13/00406/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 14 April 2015.

(vii) Land at Lime Kiln House, Morton Lane, Crossflatts, Bingley**Bingley**

Construction of timber boundary fencing - 12/00714/ENFCON

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 14 April 2015.

(viii) 60 The Grove, Ilkley**Ilkley**

Construction of timber shelter to the rear of the premises - 13/00994/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 1 April 2015.

(ix) Land at Silsden Beck, St Johns Street, Silsden**Craven**

Construction of flood defence mechanism - 14/00654/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 12 February 2015.

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

(f) Decisions Made by the Secretary of State

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

APPEAL ALLOWED**(i) Aire View Farm, Harden Road, Long Lee, Keighley****Keighley East**

Installation of one medium scale 50kW Endurance wind turbine on a 24m monopole mast - Case No: 14/01561/FUL

Appeal Ref: 14/00100/APPFL2

APPEAL DISMISSED

(ii) **Light Bank House, Brown Bank Lane, Silsden**

Craven

Two storey extension to form additional accommodation - Case No: 14/00631/HOU

Appeal Ref: 14/00080/APPHOU

Resolved –

That the decisions be noted.

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.

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