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Minutes of a meeting of the Area Planning Panel (Keighley) held on Wednesday 22 October 2008 in the Council Chamber, Keighley Town Hall

Commenced 1005
Adjourned 1155
Reconvened 1205
Concluded 1512

PRESENT – Councillors

| CONSERVATIVE | LABOUR |
|--------------|---------------|
| Greaves | Shamin Akhtar |
| Hill | Lee |
| Ellis | |

Apologies: Councillor Rowen

Ward Councillors Present: Pullen, Mallinson and Miller

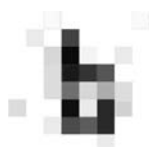
Councillor Greaves in the Chair

52. CHAIR'S ANNOUNCEMENTS

The Chair reported that after 33 years of service the Assistant Director, Planning Christopher Hughes was retiring. He thanked him for his contribution to the work of the Panel. The Chair also announced that the Area Planning Manager Colin Waggett would be undertaking work on special projects and would no longer be involved in the work of the Panel, he thanked him for all his contribution to the work of the Panel.

Resolved –

- (1) That the Assistant Director, Planning be thanked for all the work he has done for the Planning Service and the District.
- (2) That the Area Planning Manager Colin Waggett be thanked for all his contribution to the work of the Panel and the District.



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



53. DISCLOSURES OF INTEREST

Councillors Hill, Lee and Shamin Akhtar disclosed a personal interest in Minutes 60 and 63 for matters relating to Keighley Town Hall, Bow Street, Keighley as they had considered the issues as Members of the Keighley Area Committee. As the interest was prejudicial the Panel was no longer quorate and was unable to consider the above item and it would therefore be considered by the Regulatory and Appeals Committee.

Councillor Shamin Akhtar disclosed a personal interest in Minute 65 for matters relating to 1-5 Bolton Road, Silsden as she was friends with the applicant. As the interest was prejudicial she withdrew from the meeting during the discussion and voting on this item.

Councillor Ellis disclosed a personal interest in Minute 67 for matters relating to 31 Low Street, Keighley as he had used the restaurant in question, but as the interest was not prejudicial he took full part in the discussion and voting on this item.

ACTION: *Assistant Director, Corporate Services (City Solicitor)*

54. MINUTES

Resolved -

That the minutes of the meetings held on 10 July and 7 August 2008 be signed as a correct record.

55. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

56. PUBLIC QUESTIONS

There were no questions submitted by the public.

57. ENFORCEMENT ITEMS

(i) Land at Hebden Bridge Road, Hard Naze Lane, Oxenhope

Worth Valley

Untidy land – 08/00182/ENFCOU.

The Assistant Director, Corporate Services (City Solicitor) had been instructed to serve a 215 Notice on the owner.

(ii) Land at Wayside Mews, Banklands Lane, Silsden

Craven

The unauthorised stationing of caravans – 08/0094/ENFCOU.

The Assistant Director, Corporate Services (City Solicitor) had been instructed to issue an Enforcement Notice.

(iii) Wildfell, Cold Knowle, Edge Road, Stanbury

Worth Valley

The construction of balcony/decking to rear of dwelling – 06/01147/ENFUNA.

An Enforcement Notice was issued on 15 July 2008 requiring the removal of the structure and materials from the site. It was noted on 22 August 2008 that the Notice had been complied with in full. No further action was required.

(iv) The Fleece Inn, Main Street, Haworth

Worth Valley

Unauthorised canopy and means of fixing to the front elevation of the property – 07/00808/ENFUNA.

The fixing of the canopy to the building was detrimental to the special historic character of the building and the character of the Haworth Conservation Area within which the building was located. It was therefore contrary to Policies BH4, BH7, BH8, D1 and UR3 of the Replacement Unitary Development Plan.

The Area Planning Manager had authorised enforcement action under delegated powers on 25 September 2008.

(v) 1 Halsteads Way, Steeton

Craven

The construction of balcony to the rear of the dwelling – 07/00945/ENFUNA.

An Enforcement Notice was issued on the 16 June 2008 requiring the removal of the structure. The balcony had been removed and the Notice complied with in full. No further action was required.

**(vi) Land West of 5 Chapel Lane, (former Methodist Cemetery)
Oakworth**

Worth Valley

The unauthorised demolition of walls, gate, piers and wrought iron gates - 08/01173/CONSRV.

The Assistant Director, Corporate Services (City Solicitor) had now been instructed to serve an Enforcement Notice.

Resolved –

That the reports be noted.

**ACTION: Strategic Director, Regeneration/
Assistant Director, Corporate Services (City Solicitor)**

**58. ENFORCEMENT COMPLAINTS CLOSED BY THE AREA PLANNING
MANAGER AS NOT EXPEDIENT TO PURSUE**

(i) 5 Green Head Drive, Keighley

Keighley Central

Unauthorised garden wall at 5 Green Head Drive, Keighley – 08/00892/ENFUNA.

Date enforcement file closed: 8 September 2008.

(ii) 2 Westy Bank Croft, Steeton

Craven

Unauthorised decking at 2 Westy Bank Croft, Steeton – 08/01104/ENFUNA.

Date enforcement file closed: 18 September 2008.

Resolved –

That the reports be noted.

NO ACTION

59. DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS DISMISSED

(i) Millennium House, 74 South Street, Keighley

Keighley Central

Change of use of commercial property to form building with multiple occupation – 07/06050/FUL.

(ii) 61 Carlton Road, Thwaites Brow, Keighley

Keighley East

Dwelling with integral double garage, parking and turning area – 07/08455/FUL

(iii) 357 Halifax Road, Bocking, Keighley

Worth Valley

A detached dwelling – 07/10358/FUL.

(iv) 82 Bolling Road, Ilkley

Ilkley

Construction of one detached dwelling – 08/01454/OUT.

Resolved –

That the decisions be noted.

NO ACTION

60. **KEIGHLEY TOWN HALL, BOW STREET, KEIGHLEY**

Keighley Central

Full application for a new electricity sub-station at Keighley Town Hall, Bow Street, Keighley – 07/03903/FUL.

Note: That following declarations of prejudicial interests by three members of the Panel the Panel was no longer quorate and was unable to consider the above item and it would therefore be considered by the Regulatory and Appeals Committee.

ACTION: Strategic Director, Regeneration

61. **20 HOLLINGWOOD RISE, ILKLEY**

Ilkley

Full application for demolition of existing house and garage and construction of two detached houses and two detached double garages on land at 20 Hollingwood Rise, Ilkley – 08/03714/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Ilkley Parish Council had recommended refusal of the application and eleven objections from local residents and the Ilkley Civic Society had been received plus a petition objecting to the application signed by 61 persons. Two Ward Councillors had objected on the grounds of inappropriate density and harm to the woodland edge of Ilkley and had sought determination by the Planning Panel. A summary of representations received were as outlined in Document "K".

The Strategic Director, Regeneration reported that the proposed development would provide a density of dwellings appropriate to the high environmental quality of the surrounding townscape and landscape and which was compatible with the local pattern of streets and spaces. Subject to compliance with the amended drawings and subject to the attached conditions, the development was not considered to adversely affect the living conditions of occupants of adjoining or surrounding houses. Parking was adequate and the development would have no adverse effects on road safety. The development was considered in accordance with Policies UR3, D1, TM12, TM19A of the Replacement Unitary Development Plan (RUDP) and guidance set out in PPS3 on "Housing".

The Strategic Director, Regeneration recommended that the application be approved subject to conditions.

Members made the following comments:

- Concerns were expressed about the arrangements for drainage at the site.
- At this time of year the trees give no privacy and could the area between the garage and the sites be screened off.
- Was there any right to light?
- There was no issue of overlooking.
- There was a need for hedging and a need for privacy.
- Native deciduous species selected from the Natural History Museum's Postcode Planting Database should be used in any planting/landscaping scheme.

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

- He was representing the elderly owners of No. 18 Hollingwood Rise who would be affected by the application, they had purchased their property in 1966 and were opposed to the application as it would cause them distress.
- The density of the development should be reduced.
- The size of the development was totally inappropriate.
- When the property had been purchased in the covenant it had stated that only one property could be built.
- If planning permission was granted then this issue would be taken to court to enforce the covenant and if it was enforced no development could take place.

A second objector was present at the meeting and made the following points:

- He agreed with the objections made by the first objector.
- There would be overdevelopment on the site.
- Two five-bedroomed properties would be a big change on the site.
- A number of trees had been felled.
- There was the issue of right to light.
- There was the issue of screening and the need for privacy.
- The development had been squeezed onto the site to maximise its value.

The Strategic Director, Regeneration responded to Members and objectors comments and made the following points:

- The issue of the covenant was not a matter for consideration by this Panel.
- An appropriate water drainage system would need to be installed.
- It would be possible to have a hedge running between the garage and the application site. He had held a meeting with the objector and the Ward Councillor to discuss this issue.
- The engineer had said that the drive was acceptable.
- Tree felling had taken place on the site before the application was made. The trees were conifer trees which were not protected trees and the applicant had done nothing illegal.
- There would need to be an appropriate landscaping scheme.
- There was no right to light in planning law.

Resolved –

That the application be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report ("the report") and the following conditions:

(i) That condition of approval No. 4 be replaced by the following:

- (a) "That notwithstanding the planting / landscaping proposals shown on the approved plans, no development shall commence on the site until full details of a proposed landscaping and tree planting scheme for the site has been submitted to and approved in writing by the local planning authority. This landscaping scheme shall include a provision of continuous hedge along the western boundary of the site and planting proposals shall comprise native deciduous species selected from the Natural History Museum's Postcode Plants Database".**

(b) “In the first planting season following completion of the development, or as may otherwise be agreed in writing by the local planning authority, the landscaping and new tree planting shall be implemented in accordance with the approved details”.

(ii) That prior to the commencement of development details of the drainage proposals in respect of the drive shall be submitted to and approved in writing by the local planning authority and thereafter implemented as approved.

ACTION: *Strategic Director, Regeneration*

62. **ACRE PARK, DALTON LANE, KEIGHLEY**

Keighley East

Full application for the redevelopment of industrial estate to provide additional parking and turning facilities with external alterations and demolition at Acre Park, Dalton Lane, Keighley – 08/04726/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that the Town Council had recommended approval of the application. Two petitions had been received (one in the form of a letter from the residents of Strong Close and one with 37 signatures from 29 different households) and one individual letter of comment. The summary of representations received were as outlined in Document "K".

The Strategic Director, Regeneration reported that the principle of B2 (General Industry) and B8 (Storage and Distribution) development was acceptable in this location and was in accordance with Policies E3 and E6 of the Replacement Unitary Development Plan. The proposal had been considered in terms of its impact on the local environment (including protected trees), neighbouring occupants and highway safety and subject to conditions, it was not considered that the development would adversely affect these interests. As such this proposal was considered to be in accordance with Policies UR3, D1, D4, P4, TM2, TM11 and TM19A of the Replacement Unitary Development Plan.

The Strategic Director, Regeneration recommended that the application be approved subject to condition.

Members made the following comments:

- There should be no overnight parking of lorries on the boundary with Middle Way.
- Could the loading bay be moved to the top of the site where the car parking area was?
- Questioned the deletion of Condition No. 6.
- If there would be 390 parking spaces how many employees would there be at the site?
- The possibility of having a substantial hedge which prevents the intrusion of light onto nearby dwellings should be considered.
- There should be a tree management and landscaping plan.
- The quality of the fence was considered.
- There should be a toilet facility on the site as all employers had to provide toilet facilities.

- Concern was expressed at the volume of traffic.
- Any hedge should be a substantial solid maintained hedge suitable to minimise light intrusion.

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

- He was representing the people of the housing estate.
- There were many concerns about the application as submitted.
- A number of overhanging trees had damaged cars and residents had had to clean up the branches.
- The trees caused upset to neighbours due to lack of light with branches falling down.
- The owner of the site had not maintained the trees to a proper standard.
- There was also a tree pressing on a house at Bolton Lane.
- He was not against redevelopment on the site but wanted it done in a fair and just way.
- The green painted fence at the front of the building was in a poor state and a hedge should be installed in that area.
- He was fearful of the company's 24 hour operating schedule and this could increase the noise level on site.
- No overnight lorry parking should take place.
- The back of the building was used as a public convenience by workers to the annoyance of residents.
- During winter time lorry drivers put their engines on to keep warm and this increased pollution and noise levels.
- There was a gap between the two developments.
- There was a fear that noise would travel through an open building and would cause noise nuisance to the residents.

The applicants agent was present at the meeting and made the following points:

- He acknowledged the comments made by objectors.
- The site had previously been part of the Silentnight business and the area between the houses had been used before.
- The site was now occupied by a successful weaving company which was keen to expand and store materials on the site.
- Many of the issues that had been raised could be dealt with without resort to conditions.
- All the units on the site were able to operate for 24 hours a day.
- Part demolition on the site would ensure that the wall was further away from residents' houses.
- Units 1D and 1E were used by clothing companies and all of the sites had B2 use.
- Some of the trees were subject to Tree Preservation Orders.
- The applicant was willing to carry out work on the trees and had been allowed to cut down trees that did not have tree preservation orders on them.
- In respect of the provision of a hedge and dealing with HGV's parking this could be conditioned.
- There were 120 employees on this significant site which was in a good location and in a Council designated employment zone.
- Consideration could be given to moving the loading bay to see if there was an improvement in the situation.

- He supported the Council policies in respect of this application.
- It was a significant capital investment.

The Strategic Director, Regeneration responded to Members and objectors comments and made the following points:

- The trees were the subject of tree preservation orders.
- He had had a meeting with the owner of the site and with his agent in respect of Conditions Nos. 4 and 6. These conditions could limit the appeal of the units.
- The buildings in question had a general industrial classification any noise nuisance would be dealt with through environmental protection legislation.
- He also asked if the loading bay could be moved.
- In respect of Condition No. 6 planning permission was not always required for the installation of externally mounted flues, extraction chiller, compressor or similar equipment.
- The maximum of parking spaces on the site would be 356.
- It was important that the owners of the site and residents should liaise with each other.

Resolved –

That the application be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report ("the report") and the following conditions:

- (i) That condition of approval No. 4 in the report be replaced by the following condition: "That the hours of loading and unloading at units 1c, 1d and 1e be limited to take place from Mondays to Saturdays between 0700 and 1900 hours with no use occurring on Sundays or Bank Holidays.**
- (ii) That prior to the commencement of development the non-protected trees be replaced by a substantial hedge which prevents the intrusion of light onto nearby dwellings.**
- (iii) That prior to the commencement of development a matching fence be installed all around the development site.**
- (iv) That prior to the commencement of development a sample of the paint to be used on the fence referred to at (iii) above be submitted and approved in writing by the local planning authority ("the Approved Painting Scheme").**
- (v) That the Approved Painting Scheme be implemented prior to first use of the development, and thereafter maintained in good condition.**
- (vi) That there shall be no overnight parking of lorries between 7 pm to 7 am on the boundary with Middle Way.**

ACTION: Strategic Director, Regeneration

63. **KEIGHLEY TOWN HALL, BOW STREET, KEIGHLEY**

Keighley Central

Application for Listed Building Consent for a new electricity sub-station at Keighley Town Hall, Bow Street, Keighley – 07/03904/LBC.

Note: That following declarations of prejudicial interests by three members of the Panel the Panel was no longer quorate and was unable to consider the above item and it would therefore be considered by the Regulatory and Appeals Committee.

ACTION: Strategic Director, Regeneration

64. **11 JAMES AVENUE, EASTBURN, KEIGHLEY**

Craven

A full application for the construction of a two storey side extension and single storey sun room to the rear at 11 James Avenue, Eastburn, Keighley – 08/04500/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that no representations had been received. He reported that Steeton with Eastburn Parish Council had recommended refusal of the application as the proposed extension does not conform to the Bradford Council House Extensions Policy in that the extension is not set.

The Strategic Director, Regeneration reported the proposed two storey side extension and single storey rear extension was not considered to adversely affect the character of the host dwelling or street scene. It was considered that the proposal would not have any significant adverse effects upon the residential amenity of the neighbouring residents and was acceptable in terms of highway safety. As such the proposal was considered to be in accordance with Policies UR3, D1 and TM19A of the Replacement Unitary Development Plan.

The Strategic Director, Regeneration recommended that the application be approved subject to conditions.

Members made the following comments:

- Only natural stone which has been coursed to the building should be used in the development.
- Only natural slate which has been coursed to the roof should be used in the development.
- The windows of the proposed development should match the adjoining houses on James Avenue.

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

- Why should this application be an exception to Bradford Council's House Extensions Policy.
- Approval of the application would set a precedent.
- The current pleasant streetscene would be affected by the application.
- The character of the streetscene had already been altered. For this reason the application cannot be an exception to Bradford Council's House Extensions Policies.

Resolved –

That given the context of the streetscene in this particular area the application be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report ("the report") and the following conditions:

- (i) That only natural stone which has been coursed to the building shall be used in the development.**
- (ii) That only natural slate which has been coursed to the roof shall be used in the development.**
- (iii) That the windows of the proposed development shall match the adjoining houses on James Avenue.**

ACTION: Strategic Director, Regeneration

65. 1-5 BOLTON ROAD, SILSDEN

Craven

Full application for change of use from Use Class A1 (retail use) to a mixed use comprising a Use Class A5 (hot food takeaway) with (2 x shops in) Class A1 retail use and residential use for 3 flats at first floor level at 1-5 Bolton Road, Silsden – 08/03637/COU.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that the previous application had been refused by the Panel on 15 May 2008, when a recommendation to grant planning permission was made by planning officers. At that meeting Members resolved that planning permission should be refused for reasons of inadequate parking, inadequate bin storage facilities and lack of a litter bin.

Dealing with the question of principle, it remains the officer view that having regard to the overall character of the location, the proposed change of use would be acceptable subject to conditions aimed at reducing any potential impact upon local amenity or highway safety and to safeguard the appearance and quality of the Silsden Conservation Area.

The agent had claimed to have resolved two of the Panel's reasons for refusal by clarification of the bin storage arrangements and offering to provide a litter bin, in respect of the car parking issue, he argued that dedicated parking was not needed due to the presence of public car parks nearby.

The Strategic Director, Regeneration reported that the site was within an area that was predominantly commercial in character and as a consequence, the proposed use would have no significant implications for neighbouring occupiers and was therefore acceptable in light of Policies UDP3 and UR3 of the RUDP. There were adequate car parking facilities in the vicinity of the site and the proposals would have no significant implications for highway safety or the free flow of traffic. As such the proposals were acceptable in light of Policies TM2 and TM19A of the RUDP. The Strategic Director, Regeneration therefore recommended approval of the application subject to conditions.

Members made the following comments:

- Would like to see the plan revised.

- The pipe work should be removed.
- Any issues of concern should be dealt by Environmental Protection.
- There were no car parking concerns.
- Concerning noise within the shop, building regulations should ensure there was noise insulation.
- The applicant should be commended for working with Ward Councillors.
- There were no longer concerns in respect of dustbins as they would be removed quickly and the pipes would also be removed and the application should therefore be supported.

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

- He was speaking on behalf of other Ward Councillors as well and was of the opinion that all questions that had been raised at the May meeting of the Panel had been addressed accordingly.
- Car parking was always an emotive issue.
- Originally the building had been an off-licence and there had been a complaint about parking in the area.
- People did adapt and businesses should be allowed to flourish.
- There was a need for residential flats.
- The only problem with Condition 5 were the timber doors. The applicants had gone to great lengths to carry out the work and that there was work currently in PVC which should be acceptable in a conservation area.

The applicants' agent was also present at the meeting and made the following points:

- He thanked the Ward Councillor for his support.
- Permission to alter the shop should go ahead.
- He handed out a photo showing changes made to properties in the area.
- There was provision for waste storage.
- The pipe work would be removed to comply with Members' concerns.
- In respect to Condition 3 there would be three litter bins nearby and an additional bin would be provided.
- In the town centre individual buildings do not provide their own parking and there was public parking in the town centre.
- There were no highways objections.
- Concerns had been raised by the publican facing the site in respect of noise but takeaway customers were not noisier than those using the public house.
- Improvements had been made to the property.
- The application before the Panel was proper and adequate and he recommended that the application be approved.

Resolved –

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

ACTION: Strategic Director, Regeneration

66. 23 DALE VIEW, ILKLEY**Ilkley**

Full application for single storey extensions at front and rear, two storey extension to west side and dormer to front of 23 Dale View, Ilkley – 08/04262/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Ilkley Parish Council had recommended refusal of the application as originally submitted on the grounds that a proposed front dormer would be out of scale and give a three storey appearance. In response to the amended plans (which retain the front dormer but reduce the scale of the first floor addition) the Parish Council commented that “they were an improvement” and confirmed that it no longer objected to the application. Seven letters of objection from local residents had been received. The summary of representations received were as outlined in Document “L”.

The Strategic Director, Regeneration reported that the development, as amended, would have no significant adverse effects on local amenity or neighbours, and was considered to comply with Policies UR3, TM12, TM19A and D1 of the Replacement UDP. He therefore recommended that subject to conditions the application be approved.

Members made the following comments:

- Was the garage large enough for two cars?
- Materials to be used in the development should comprise of either teak, stone or rendered.
- Details of the materials to the rear extension should be submitted to the local planning authority.
- There were too many windows.
- Was it necessary to have three lights on the stairs?
- It should be delegated to officers to determine the dormer materials to be used.
- The number of velux windows in the front elevation should be reduced from two to three with the two remaining velux windows re-sited symmetrically beneath the dormer.

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

- The dormer window was a big issue on the street.
- The extensions would detrimentally affect the appearance of the building.
- A three storey house should not be allowed in a two storey house area.
- The dormer would still act as a precedent if the application was approved.
- An increased number of occupants in the property would mean more traffic generated.
- Any development should be in character with the surrounding area.
- The objector's house has a direct view on the development and it would have a significant impact on the view from his house.
- The development was not in keeping with surrounding properties.

The applicant's architect was also present at the meeting and made the following points:

- The applicant wanted to create an extension for the family home and had met with Council officers and local residents.
- The Council's House Extensions Policy had been adhered to as well as other policies.

- There was no issue of overlooking as the applicant's property was 27 metres from the adjacent property.
- In regard to the claim that the development was too large the density of the development had been reduced.
- Two cars would be able to fit into the garage and there was off-street parking for three vehicles.
- A permeable surface would be installed as well as appropriate drainage arrangements.

The applicant was also present at the meeting and made the following points:

- The extensions were being made to the house to accommodate the applicant's children and her mother.
- The applicants were making improvements to the house that the previous owners had not been able to do.
- Approval of the application would not set a precedent.

The Strategic Director, Regeneration responded to Members and the objectors comments and made the following points:

- There were no highways issues.
- Getting two cars into the garage would be a tight fit.
- The proposal to render the house had been discussed with the applicant and this was not a reason for refusal.

Resolved –

That the application be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report ("the report") and the following conditions:

- (i) (a) **That details of the materials for the rear extension shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.**

(b) **That the materials shall comprise of either teak, stone or rendered.**
- (ii) **That authority to issue the planning permission be deferred and delegated to the Strategic Director, Regeneration, pending receipt of an amended plan reducing the number of velux windows in the front elevation from three windows to two and then re-siting the remaining two velux windows symmetrically beneath the dormer. The permission shall thereafter be conditioned to be implemented in accordance with the amended plan.**
- (iii) **That an additional condition be added to require the dormer frame to be clad in matt grey material to harmonise with the roof tiles.**

ACTION: Strategic Director, Regeneration

67. 31 LOW STREET, KEIGHLEY**Keighley Central**

A full application for the construction of a new shopfront and a rear fire escape at 31 Low Street, Keighley – 08/04640/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that the Town Council had asked whether the shopfront was in accordance with the shopfront design guide. No representations had been received in respect of the application.

The Strategic Director, Regeneration reported that the proposed new shopfront was considered to have an adverse impact on the character and appearance of the Keighley Town Centre Conservation Area owing to the use of aluminium instead of timber for the frame construction. The proposal was therefore contrary to Policies D1, D9, BH7, BH8 and UR3 and to guidance contained within the Council's Shopfront Design Guide.

Members made the following comments:

- Was the shopfront in accordance with design guidance?
- There was no problem with this application.
- The design guide was only a guidance and was only a material consideration.
- The new shopfront would not have an adverse effect on the character or appearance of this part of Keighley Town Centre Conservation Area given the character and appearance of the shopfront on the existing premises on this section of Low Street.

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

- Circulated photos of the shopfront.
- Most of the shops in this area of Keighley had changed their shopfronts and the applicant would like to have a modern shopfront as well.
- One aim of the application was to help the applicant to improve their business.

The applicant was present at the meeting and made the following points:

- We are a large local confectioner and a large local employer.
- We need to be able to compete on the same level as other establishments.
- The shop employs three full-time and two part-time people and if the application was approved it would help to create more jobs.
- We need to cater to our strengths as a business.

Resolved –

That the application be approved for the following reason:

The Panel considers that, in the circumstances of this case, the proposed new shopfront is not considered to have any adverse effect on the character or appearance of this part of Keighley Town Centre Conservation Area given the character and appearance of shopfronts on the existing premises on this section of Low Street. In this instance the proposals are considered to accord with Policies D1, D9, BH7 and UR3 of the Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration

68. THE LODGE, THE WHINS, HALIFAX ROAD, KEIGHLEY**Keighley East**

Full application for the construction of an access track and the replacement of an existing shed with a double garage at The Lodge, The Whins, Halifax Road, Keighley – 08/01145/FUL.

This application involves development in the green belt and as such is a departure application as it does not accord with the policy set out in the Council's Replacement Unitary Development Plan, as such the Panel was invited to make a recommendation to the Regulatory and Appeals Committee on the local implications of the proposal.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that the Town Council had recommended refusal of the application as it would spoil the landscape. Representations objecting to the proposal had been received from 15 households and in addition to a petition signed by nine residents. The summary of representations received was as outlined in Document "M".

The reasons for refusing planning permission were as outlined in Document "M".

Members made the following comments:

- If the Panel was minded to approve or refuse the application then it would be referred to the Regulatory and Appeals Committee as a departure from the Unitary Development Plan.
- Was the applicant able to drive up and down their land and create a path?
- It was a matter of whether there was a special circumstance in relation to this matter.
- The special circumstance would be to enable the applicant access to his property.

In respect of the reasons for refusal and Paragraph 4 the applicant needed to provide adequate information in relation to the following:

- The gradient of the proposed access track.
- The level of the access track in relation to the level of the adjacent public right of way (Bridleway No. 107).
- The need for excavation and or retaining walls and the implications of construction on the boundary wall abutting the right of way.
- Arrangements for surface water disposal.
- The suitability of the proposed grasscrete surface for such a steep slope.
- The applicant should provide evidence of a lack of an alternative vehicle access to the dwelling at this site.

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

- He questioned the reasons for the application.
- The driveway was incredibly steep and structural work needed to be carried out.
- The building would hold four vehicles with a lot of traffic at the steep gradient.

A second objector was also at the meeting and made the following points:

- The driveway does not go straight up because it was too steep.
- The applicant has a right of way.
- There were no exceptional circumstances.

- The development would be unsightly on the beautiful landscape.

A third objector was present at the meeting and asked if the development was going to be a garage or a house and that previously there had been a container on the property.

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

- The route had been changed on the advice of the Panel.
- The portacabin would be removed.
- A garage would be constructed not a house.
- The applicant had a lot of problems in respect of accessing his property.
- I had asked for evidence from the applicant in respect of neighbour problems and cannot get it due to data protection and there would be a need to pay for such information as well.
- A lot of work had been done by the new owner of the property and he does not let people go past his house.
- In respect of the access down to the site the work had been completed as required.
- The applicant would plant more trees and wanted access to his property.
- There were special circumstances such as problems with his neighbour.
- He has access rights at Hill Top and he has done a lot of work since last February.
- He was willing to put in landscaping work.
- The applicant would install a proper access to his property with a permeable surface.

The Strategic Director, Regeneration reported that the proposal was for a garage and not a house but if there were any requests to have a house built they would need permission of the local planning authority. The applicant was able to drive up and down his land and create a path.

The Council's legal representative reported that the Panel did have a duty to determine this application.

Resolved –

That the Panel recommends to the Regulatory and Appeals Committee to approve the application provided:

- (i) That the applicant can convince the local planning authority that there are very special circumstances based on real and corroborated evidence of a lack of an alternative vehicular access to the dwelling at this site.**
- (ii) That before the application is considered by the Regulatory and Appeals Committee the applicant provides information on the following matters:**
 - **The gradient of the proposed access track**
 - **The level of the access track in relation to the level of the adjacent public right of way (Bridleway No.107)**
 - **The need for excavation and / or retaining walls and the implications of construction on the boundary wall abutting the right of way**
 - **Arrangements for surface water disposal**

- The suitability of the proposed grasscrete surface for such a steep slope

and that they be resolved to the satisfaction of Planning and Rights of Way officers and that they can be dealt with through application of appropriate conditions.

ACTION: Strategic Director, Regeneration

Chair

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

minutes\plk22oct

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