

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 18 December 2008 in the Council Chamber, Keighley Town Hall

Commenced 1012
Adjourned 1207
Reconvened 1215
Site Visits 1400 - 1435
Concluded 1512

PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Shabir Hussain
Hill	Lee
Ellis	Rowen

Ward Councillor present: Councillor Pullen

Councillor Greaves in the Chair

83. DISCLOSURES OF INTEREST

Councillor Ellis disclosed a personal interest in Minute 87(ii) for matters relating to 3 and 7 Bridge Lane, Ilkley as the property concerned belonged to his late son's fiancé. As the interest was prejudicial he withdrew from the meeting during discussion and voting on this item.

Councillor Rowen disclosed a personal interest in Minute 95 for matters relating to The Brambles and The Elms off Damems Lane, Keighley as she was a Non-Executive Director of the Aire Wharfe Housing Trust, which had done business with the applicant company. As the interest was prejudicial she withdrew from the meeting during discussion and voting on this item.

84. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



85. PUBLIC QUESTIONS

There were no questions submitted by the public.

86. ENFORCEMENT ITEMS

(i) **25 East Parade, Ilkley** **Ilkley**

The unauthorised construction of a means of enclosure that exceeds the permitted height under the General Permitted Development Order – 07/01215/ENFCOU.

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

(ii) **10 Hillcrest Avenue, Silsden** **Craven**

The unauthorised change of use of a domestic garage for use for motor vehicle repairs – 08/00754/ENFCOU.

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

(iii) **Land at Wayside Mews, Banklands Lane, Silsden** **Craven**

The unauthorised stationing of caravans – 08/00924/ENCOU.

The site was now clear and the file has been closed.

(iv) **The Grouse Inn, Keighley Road, Silsden** **Craven**

The unauthorised erection of a lighting column and lamp head – 04/01443/ENFUNA.

The Assistant Director Corporate Services (City Solicitor) has been instructed to issue an enforcement notice for the removal of the column and lamp.

Resolved –

That the reports be noted.

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

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

(i) **1 Bronte Street, Haworth** **Worth Valley**

Alleged non-compliance with a planning condition, 1 Bronte Street, Haworth – 08/01170/ENFAPP.

Date enforcement file closed: 10 October 2008.

(ii) **3 & 7 Bridge Lane, Ilkley**

Ilkley

Unauthorised low level decking in garden areas – 08/01069/ENFUNA.

Date enforcement file closed: 11 November 2008.

(iii) **110 Upper Hird Street, Keighley**

Keighley West

Non-compliance with approved plan at 110 Upper Hird Street, Keighley
– 07/01435/ENFCON.

Date enforcement file closed: 17 November 2008.

Resolved –

That the reports be noted.

NO ACTION

88. DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS DISMISSED

(i) **14 Oakbank Drive, Keighley**

Keighley West

Proposed detached dwelling - bungalow – 08/00267/FUL.

(ii) **Land South of Crofters Green, Hill House Lane, Oxenhope**

Worth Valley

Construction of three storey detached house with integral garage and attached garage with conservatory over – 07/08587/FUL

(iii) **The Sidings, Wheatley Lane, Ilkley**

Ilkley

Proposed 700mm increase in roof height to accommodate rooms in roof space – 08/02672/FUL.

(iv) **17 North View Street, Keighley**

Keighley Central

Proposed front and rear dormer windows – 08/03321/FUL.

Resolved –

That the decisions be noted.

NO ACTION

89. **17A LAWKHOLME CRESCENT, KEIGHLEY****Keighley Central**

Full application for change of use of an existing second floor office to a use as a taxi/private hire booking office at 17a Lawkholme Crescent, Keighley – 08/05940/COU.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Keighley Town Council had no objections to the application. No individual letters had been received and a petition objecting to the application had been received which stated that there was no need for a further booking office in the town centre and that the attraction of further taxis into the area would cause traffic mayhem.

The Strategic Director, Regeneration reported that the reuse of vacant upper floor accommodation within the town centre improved the apparent vibrancy of, and activity within the town to the benefit of local economic and social regeneration and was in accordance with Policies UDP3 and UR3 of the Replacement Unitary Development Plan. Occupancy of this building throughout the hours of darkness would also assist in ensuring security for surrounding properties in accordance with Policy D4 of the Replacement Unitary Development Plan. The booking office did not provide a waiting room or other facilities for visiting customers to await collection and therefore there were no implications for highway safety or the free flow of traffic in Lawkholme Crescent or surrounding streets. He therefore recommended approval of the application subject to conditions.

Members made the following comments:

- How many taxis would operate from the booking office?
- Where was the access door to the premises?
- There was also another taxi firm nearby and what would stop taxi drivers parking there at night?
- Was illegal parking a problem to be dealt with by the Council, the police or other enforcement agencies?
- There should be a condition to ensure that part of the road would not be used as a waiting area.
- There were always taxis parked outside the booking office.

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

- There were already six private hire booking offices in the vicinity of 17a Lawkholme Crescent.
- Taxi Drivers would park at the bus station to pick up their customers.
- There was a petition signed by 20 persons against the application and against a further private hire business setting up in the area.

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

- There were a number of taxis parking illegally in areas of Keighley.
- The Panel should try to prevent parking at Lawkholme Crescent by taxi drivers.
- Cars do tend to park illegally at Lawkholme Crescent.
- The bus service would be affected by the establishment of another private hire booking office.
- Residents and businesses in the area had not been notified of the application.
- The application should be refused on the grounds of inadequate parking facilities.

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

- He confirmed that there would be 24 hour access to the booking office and that there would be a tea room for drivers at the office.
- In respect of parking at Lawkholme Crescent Taxi Drivers could park in the court yard which was an unadopted private yard and which had space for 25 cars.
- The takeaway used parking spaces to pick up customers and did not cause mayhem or congestion.
- Security would be improved with the establishment of a private hire booking office at Lawkholme Crescent.
- The office would be open 24 hours.
- The petition submitted was a false petition.
- There were no toilet facilities for hackney carriage drivers at present and they could use those at the booking office.

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

- Taxis were able to park lawfully in the area.
- The access door to the premises was located on the side at the bottom of the road.
- Planning policy did support competition.
- It could be conditioned that no customers park at the facilities.
- Buses at Lawkholme Crescent do not use this road but come through the station.
- A list had been produced of neighbours that had been notified in respect of this application.
- A public notice had also been placed on the footpath.
- An application for a waiting room would be considered on its merits but lack of parking would restrict the application.

Following the points made by the objector Members made the following comments:

- They noted the applicant's confirmation that there would be 24 hour access to the booking office and that there would be a tea room for drivers at the office.
- Where would the drivers park during the day?
- Information had been given to the Panel by the applicant confirming that drivers would use the facility 24 hours a day and 7 days a week, including using the parking spaces around the area.
- Twenty four hour parking would disrupt the people living in the flats near the premises.
- The application should be refused because the booking office was not just a booking office but would provide services to all taxi drivers.

Resolved –

That following the information provided by the applicant at the meeting concerning the proposed frequent and continuous use of the premises by taxi/private hire drivers and parking arrangements for said drivers, the application be refused for the following reason:

The proposals would result in substantially increased vehicular activity, manoeuvring and parking on highways surrounding the site to the detriment of highway safety, the free flow of traffic, existing servicing arrangements for nearby

businesses and the residential amenities of occupiers of nearby flats. As such the proposals are contrary to Policies UR3, TM2 and TM19A of the Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration

90. HAWTHORNE, OWLER PARK ROAD, ILKLEY

Ilkley

Full application for demolition of existing house and construction of two detached houses at Hawthorne, Owler Park Road, Ilkley – 08/02385/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, citing lack of justification for demolition of the existing house, lack of road proposals, drainage run off and sewerage drainage problems, out of keeping with the design of nearby properties, excessive size and materials not in accordance with the Council's Sustainable Design Guide. Eleven letters of objection had been received from ten properties in Owler Park Road and from the Chairman of the Ilkley Design Statement Group. A letter of no objection to the amended plans and traffic calming proposals had been received from the Chairman of the Owler Park Road Maintenance Fund. A summary of representations received were as outlined in Document "R".

The Strategic Director, Regeneration reported that subject to compliance with the amended plans, the proposed development was considered to have no significant adverse impact on the amenity of occupants of neighbouring properties, to incorporate adequate design arrangements for access, parking and servicing and to be appropriate to the character of the area. It was considered to accord with Policies D1, UR3, NE5 and NE6 of the Replacement Unitary Development Plan. Subject to securing measures to improve local road safety by means of the suggested condition, the development was considered to be capable of being accommodated safely within the capacity of the local highway network and to accord with Policies TM2 and TM19A of the RUDP. He therefore recommended approval of the application, subject to conditions.

A Parish Councillor was present at the meeting to speak on behalf of an objector and made the following points:

- The drainage issue should be considered by the Panel.
- There was a need to consider the views of residents and pedestrians.
- It was necessary to ensure that there was adequate site management at the development location.
- He showed photos of conditions at the site.
- The objector and his neighbours had been caused anxiety by the proposal.
- The proposed drainage condition would help to address the points made by the objector.

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

- The demolition taking place was not in the Conservation Area.
- It was a standard timber frame house and there had been poor quality 1960's timber frame houses that had been built.
- Stone slate would be used in the new buildings and the development had green

credentials.

- The density of the development was adequate.
- The development would be integrated well with neighbouring properties.
- There was a case for the development considering other nearby properties.
- It was a sustainable scheme and work would be carried out with the Environment Agency.
- The proposed drainage works would help to improve the drainage in the area.
- There would be grey water recycling.
- Acceptable traffic calming measures would improve the situation and also there would be street lighting in the vicinity of the development.
- He was surprised that the objector had not been consulted by the Owler Park Road Maintenance Fund.
- The developer has a good track record and had received an award from the Civic Society.

Members made the following comments:

- Any approval of the application should be subject to the submission of a drainage scheme to the local planning authority for approval prior to commencement of development.
- Condition of approval No. 5 should be amended to require the inclusion of all necessary consents for any highway works.
- Condition of approval No. 6 should be amended to ensure that no work would be carried out on Saturday afternoons or on Sundays.

Resolved –

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

(i) That condition of approval No. 5 be amended to read as follows:

"That the development shall not commence until details of a scheme for the improvement of pedestrian safety and reduction of vehicle speeds at Owler Park Road complete with all necessary consents has been submitted to, and approved in writing by the local planning authority (“the Approved Scheme”); and the Approved Scheme shall be implemented as approved, or in accordance with such other details as may be agreed in writing by the local planning authority prior to the commencement of development; and once implemented the measures shall remain in place and shall not be removed except with the prior written permission of the local planning authority.”

(ii) That condition of approval No. 6 be amended to read as follows:

“ The hours of construction shall be restricted to 07.30 – 18.00 Mondays to Fridays and 07.30 – 13.00 Saturdays, with no working on Sundays and Bank Holidays and/or Public Holidays.”

(2) That details of a drainage scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of

development.

ACTION: Strategic Director, Regeneration

91. 148 SKIPTON ROAD, ILKLEY

Ilkley

Full application, as amended, for the erection of a one and a half storey side extension and removal of part of the existing garage at 148 Skipton Road, Ilkley – 08/04906/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. They felt it would unbalance the symmetry of a unique pair of semis and that the proposal did not accord with the Council's House Extensions Policy. One letter from the Ilkley Civic Society was received in objection to the proposal. The summary of representations received were as follows:

- The proposed extension was out of character with the design of the building. It unbalanced the symmetry.
- The windows proposed were not the right style for the age of the property.

The Strategic Director, Regeneration reported that the development was not considered to adversely affect the character of the host dwelling or the character of the 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 and the Council's revised House Extensions Policy Document. He therefore recommended approval of the application, subject to conditions.

The Panel agreed that if the application was to be approved then the west elevation wall of the extension should be faced in render materials coloured to match the render of the existing building.

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

- The windows looked modern and he objected as there was no symmetry to the structure of the building.
- It was a beautiful building.
- He agreed that the dormer should not be included.
- There was the issue of symmetry or balance, was it a terrace or part of a semi detached house?

The applicants were present at the meeting and made the following points:

- They were fully committed to the use of sympathetic materials to maintain the period and character of the property.
- The amendments to the property had been highlighted.
- The access to the property was tight at the moment but it would be improved.

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 and the following condition:

The west elevation wall of the extension hereby permitted shall be faced in render materials coloured to match the render of the existing building.

ACTION: Strategic Director, Regeneration

92. 90B BOLLING ROAD, ILKLEY

Ilkley

A retrospective application for fencing fronting onto Bolling Road at 90b Bolling Road, Ilkley – 08/06121/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. They would like to see the fence stained a dark green, taken down to a height of 1.2 metres above the level of the street along Bolling Road and a hedge planted behind it without delay. They felt that the fence had a high, and detrimental, visual impact in a prominent location in the Conservation Area and that this was a problem which warranted immediate rectification. One letter had been received from the Ilkley Civic Society objecting to the development. The summary of representations received were as outlined in Document "R".

The Strategic Director, Regeneration reported that it was considered appropriate to permit the retention of the fencing at its current height for a temporary period only in order to provide the occupants of the dwelling with a secure boundary in the interest of safety and security whilst a replacement hedge matured that would provide a more visually appropriate boundary for the site in the longer term. Subject to conditions, the development was considered to be in accordance with Policies UR3, D1, BH7 and D4 of the Replacement Unitary Development Plan. He therefore recommended approval of the application, subject to conditions.

Members made the following comments:

- The hedge should come back now and the fence should be put behind the hedge.
- Supported the officer recommendation.
- The fence should be painted green.
- It was important to ensure security for a six month old child.
- It was up to the applicant to ensure the planting was of a suitable quality.

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

- It was a contentious issue in Ilkley.
- The fence was fairly prominent.
- The fence should be chopped down immediately and more substantial planting should be introduced behind it.

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

- There was some privet hedge there.
- It was bad during the winter as the developers had dropped the top soil on the garden and piled it on the privet fence.
- It did not look good or safe and he and his wife would like the fence to stay as it was.
- He had a six month year old son who did tend to get out.
- He was aware of security issues.
- He was happy to stain the fence in any colour including green.
- He was happy to plant behind the privet hedge and to reduce the fence to 1.2 metres.

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.

ACTION: Strategic Director, Regeneration

DECISION FOLLOWING SITE VISIT

93. 1 THE CROFT, THWAITES, KEIGHLEY

Keighley East

A full planning application for construction of four detached dwellings on land at Croft Cottage, 1 The Croft, Keighley – 08/01569/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Keighley Town Council had said that it would follow planners guidelines in respect of this application. Five letters of objection have been received. A summary of representations received were as outlined in Document "S". The reasons for refusal of the application were also as outlined in Document "S".

Members made the following comments:

- There were no highway issues.
- Were the tests on the boiler carried out by Environmental Health?
- There were no complaints from the nursing home.
- Important issues were the distance from the proposed development to the nursing home and the newly built houses.
- The proposed development would be a lot closer to Byworth Boilers than the existing houses.
- There was a possibility that people would move into the property and then complain about the noise.
- A site visit should be carried out.

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

- He was attending the meeting to represent the applicant who had previously been refused permission to build a detached dwelling.
- The applicant had paid for an independent survey to be carried out at a cost of £1,500.
- The main cause of concern was noise from the railway tracks and several persons had houses that were built near the railway tracks.
- Some people buy houses near railways as they like trains.

- Traffic was not a problem.
- Any concern the applicant had was noise problems which might arise from future residents.
- A complaint had been made by the school in 2001 but none had been made by residents.
- He dealt with boiler systems on a daily basis and it was not an issue of unloading the boiler but of reversing vehicles.
- The boilers were not tested on the premises but on the buyers property.
- Residents had not complained about any noise problems.
- The building itself was an acoustic barrier.
- If you buy a house near a railway track you will get noise.

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

- One complaint had been received in respect of Byworth Boilers in 2001 when tests were carried out for the Greek Navy.
- People who buy houses on the site should expect noise close to the railway and the industrial site.
- The Environmental Health Officer had agreed with the acoustic survey and that there would be a need for residents to close their windows at all times.
- There would be no noise reduction in external areas and in the garden areas.
- Residents would be unable to enjoy their outside amenity such as their garden due to noise nuisance.

Following a site visit Members made the following comments:

- Having visited the site and looked at the railway it was not feasible to introduce screening between the proposed properties and Byworth Boilers to deal with noise issues.
- There could be problems in respect of the train noise.
- This proposed development would be near both the railways and the factory and this would create big problems in respect of noise nuisance for the future occupiers of the development.
- Is it the right place for housing?
- The application should be refused for the reasons as outlined by the Strategic Director, Regeneration in his report.

Resolved –

That the application be refused for the following reasons:

The proposed dwellings would be located immediately adjacent to an established boiler manufacturing factory and the Airedale railway line and in close proximity to the Aire Valley Road, all of which generate significant noise nuisance. The proposed residential dwellings are incompatible with the adjoining general industrial use and this location would not provide appropriate, quality setting for a residential development or offer a reasonable standard of amenity for prospective occupants who would be subject to noise nuisance, particularly when windows are open or they are using their gardens. The noise mitigation proposals suggested by the applicant are not considered sufficient to convince the local planning authority that noise nuisance problems can be satisfactorily overcome so as to ensure an

adequate standard of amenity for future occupants. The proposal is unacceptable having regard to the guidance contained within PPG24 and Policies P7 and D1 of the Replacement Unitary Development Plan (2005).

ACTION: *Strategic Director, Regeneration*

94. **EXCLUSION OF THE PUBLIC**

That the public be excluded from the meeting during discussion of the item relating to The Brambles and The Elms off Damems Lane, Keighley on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if they were present exempt information within Paragraph 3 (Financial or Business Affairs) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and it is considered that, in all the circumstances, the public interest in allowing the public to remain is outweighed by the public interest in excluding public access to the relevant part of the proceedings for the following reason:

As it is in the overriding interests of proper administration that Members are made fully aware of the financial implications of any decision without prejudicing the financial confidentiality of the applicants.

95. **THE BRAMBLES AND THE ELMS OFF DAMEMS LANE, KEIGHLEY**

Keighley West / Keighley East

Not for publication Document "T" relating to the planning applications for The Brambles and The Elms off Damems Lane, Keighley.

Resolved –

That the matter be referred to the Strategic Director, Regeneration to enable him to engage in further discussions with the applicant, and that a further report be brought back to the next meeting of this Panel, or, if discussions have been concluded sooner, to an earlier meeting of the Regulatory and Appeals Committee.

ACTION: *Strategic Director, Regeneration*

Chair

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

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