

# City of Bradford Metropolitan District Council

[www.bradford.gov.uk](http://www.bradford.gov.uk)

(mins.dot)

## Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 22 January 2009 in the Council Chamber, Keighley Town Hall

Commenced 1010  
Concluded 1215

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Lee
Hill	
Ellis	

Apologies: Councillors Shabir Hussain and Rowen

### Councillor Greaves in the Chair

#### 96. CHAIR'S ANNOUNCEMENTS

The Panel thanked Mr Colin Waggett for all his work and effort in the Planning Service and towards the work of the Panel and wished him a long and happy retirement.

#### 97. DISCLOSURES OF INTEREST

Councillor Ellis disclosed a personal interest in Minute 106 for matters relating to 21A Crossfield Road, Oxenhope as he had declared an interest in respect of his late son's fiancé concerning the application referred to in the Inspector's report (page 17 of Document "W"), but as the interest was not prejudicial he took full part in the discussion and voting on this item.

Councillor Lee disclosed a personal interest in Minute 106 for matters relating to 21A Crossfield Road, Oxenhope as she knew a member of the public attending the meeting from her time at the Magistrates Court, but as the interest was not prejudicial she took full part in the discussion and voting on this item.

Councillor Greaves disclosed a personal interest in Minute 104 for matters relating to The Brambles and The Elms off Damems Lane, Keighley as he was a Director of Incommunities, but as the interest was not prejudicial he took full part in the discussion and voting on this item.



2006-2007  
Improving Rural Services  
Empowering Communities



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



Councillor Lee disclosed a personal interest in Minute 104 for matters relating to The Brambles and The Elms off Damems Lane, Keighley as she was a member of the Board of Incommunities, but as the interest was not prejudicial she took full part in the discussion and voting on this item.

98. **MINUTES**

**Resolved -**

**That the minutes of the meeting held on 22 October 2008 be signed as a correct record.**

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

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

100. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

101. **ENFORCEMENT ITEMS**

(i) **31 Springs Lane, Ilkley**

**Ilkley**

The unauthorised use of land in connection with waste transfer and cleaning business  
- 08/00547/ENFCOU

The Assistant Director Corporate Services (City Solicitor) had been instructed to issue an Enforcement Notice on 1 December 2008 requiring the unauthorised use of the residential property to cease.

**Resolved –**

**That the report be noted.**

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

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

(i) **Dalesmoor, 9 Middleton Avenue, Ilkley**

**Ilkley**

Non-compliance with planning permission 08/00419/FUL for detached garage  
– 08/00918/ENFAPP.

Date enforcement file closed: 17 December 2008.

(ii) **3 Pinewood Close, Ilkley**

**Ilkley**

Breach of condition 3 of planning permission 00/01411/FUL  
– 08/00914/ENFCON

Date enforcement file closed: 18 December 2008.

(iii) **9 Glenlyon Drive, Keighley**

**Keighley Central**

Damage to Trees - 07/00417/TPOCN

Date enforcement file closed: 2 January 2009.

**Resolved –**

**That the reports be noted.**

***NO ACTION***

103. **DECISIONS MADE BY THE SECRETARY OF STATE**

**APPEALS ALLOWED**

(i) **Pickersgill Barn Low Lane, Silsden**

**Craven**

Unauthorised construction of dwelling house and detached garage neither which are in accordance with approved plans – 08/00125/APPENF.

Appeal against enforcement notice issued on 13 June 2008.

**APPEALS DISMISSED**

(ii) **41 Bracken Bank Grove, Keighley**

**Keighley West**

Construction of dwelling to the side of property – 08/00134/FUL.

**Resolved –**

**That the decisions be noted.**

***NO ACTION***

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

**Keighley West / East**

To consider requests and modifications to Section 106 agreement in respect of The Brambles and The Elms off Damems Lane, Keighley.

The Strategic Director, Regeneration reported that planning permission had been granted for two separate but adjacent sites at The Brambles (79 dwellings) and The Elms (10 dwellings) off Damems Lane, Keighley. The two sites had been developed by Skipton Properties under separate planning permissions and with separate Section 106 agreements. Both agreements referred to the requirement for off-site contributions for affordable housing and recreational facilities. The Council had received part of the required contributions for The Brambles and no contributions for The Elms.

The developer had submitted confidential financial information and supporting statements in requests to modify the terms of the two Section 106 agreements under the provisions of Section 106A of the Town and Country Planning Act 1990.

A separate "Not for Publication" report had been circulated to Members. This report contained confidential financial information which was restricted under paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

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

- Novel short term measures were needed to deal with design and planning gain issues.
- Skipton Properties had been affected by the current financial economic climate.
- The Council's objectives for affordable housing in respect of this application would be achieved.
- There had been a collapse in the housing market and in respect of Grove Mills regeneration was continuing.
- Skipton Properties had invested £8.5m on infrastructure without any return and it was necessary to be able to sell their properties.
- Key planning requirements would be achieved.
- Works in the Country Park and transfer of land outside the Park had been agreed at a meeting with the Strategic Director, Regeneration.
- Resources would be needed from companies to help to establish the cycle way.
- Flexibility was necessary to maintain a successful house building sector and there were implications for planning and other areas of life due to the economic downturn.

**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.**

**On the readmission of the public it was then,**

**Resolved –**

- (1) That in view of the exceptional circumstances in this case and subject to the applicant undertaking to pay the legal costs for the preparation of each deed of variation to the related Section 106 agreement prior to completion of each document , the requested modifications to the related Section 106 agreement be approved as follows:**
  - (i) That in respect of the Brambles a deed of variation be entered into to modify the section 106 agreement dated 23 December 2003 so as to pay a residual contribution of £92,150 plus retail price index for affordable housing and a residual contribution of £10,000 plus retail price index for off-site recreational facilities.**
  - (ii) That all of the abovementioned contributions be paid in full within one month of completion of the related deed of variation.**
  - (iii) That in respect of the Elms a deed of variation be entered into to modify the Section 106 agreement dated 19 May 2005 so as to require no contributions.**
- (2) That the detailed wording and any ancillary provisions of the deeds of variation be delegated to the Strategic Director, Regeneration in consultation with the Assistant Director Corporate Services (City Solicitor).**

***ACTION: Strategic Director, Regeneration***

**105. OLICANA PRODUCTS LIMITED, 59-61 EAST PARADE, ILKLEY Ilkley**

A retrospective full application to retain seven external, galvanised metal flues on the roof of Olicana Products Limited, 59-61 East Parade, Ilkley – 08/06152/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Ilkley Parish Council had suggested that there should be more information about noise levels, working hours, emissions and reflection from the shiny metal vents. Their Planning Chairman had since informally advised that the Parish would be unlikely to log an objection if the issues raised were properly explored. Comments were received from seven residential addresses. The summary of representations received were as outlined in Document "V".

The Strategic Director, Regeneration reported that the vents were considered to have no serious adverse effects on local amenity or neighbours. Limited harm to visual amenity was outweighed by the advantages of allowing the occupants to adapt their industrial processes and it was considered that this was a case where issues of noise or other pollution should be addressed by environmental protection legislation. The development was considered to comply with Policies UR3, D1, P1 and P7 of the Replacement UDP. He

therefore recommended approval of the application.

Members made the following comments:

- The application should be deferred and delegated to the Strategic Director, Regeneration to approve (once the appropriate noise levels have been set by the Strategic Director, Environments and Neighbourhoods).
- A condition should be imposed to limit the amount of noise emitted from the premises.

**Resolved –**

**That the application be deferred and delegated to the Strategic Director, Regeneration to approve (once the appropriate noise level has been set by the Strategic Director, Environment and Neighbourhoods) for the reasons as set out in the Strategic Director, Regeneration's technical report subject to an additional condition to the effect that:**

**“The flues installed shall be adjusted so that the rating level of noise emitted from them shall not exceed existing background ambient noise levels of 48-50 dBA by more than 3 dBA between the hours of 0700 and 1800 hrs Monday to Friday and background ambient noise levels of a level set by the Strategic Director, Environment and Neighbourhoods between 1800 hrs and 0700 hrs Monday to Friday or any time at weekends. The noise level shall be determined at the boundary of the nearest noise sensitive premises”.**

***ACTION: Strategic Director, Regeneration***

**106. 21A CROSSFIELD ROAD, OXENHOPE, KEIGHLEY**

**Worth Valley**

Outline planning application for construction of three bungalows and three garages on land at 21A Crossfield Road, Oxenhope, Keighley – 07/08032/OUT.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that the Parish Council had considered the amendment to the scheme reducing the development to single storey at its meeting of 8 January 2009 and considered that, in the light of the appeal decision at Crofter's Green, this development would not contribute to sustainable patterns of development. Representations had been received from six households and a Ward Councillor. The summary of representations received were as outlined in Document "W".

The Strategic Director, Regeneration recommended refusal of the application for the reasons as outlined in Document "W".

Members made the following comments:

- If the application was approved how would the applicant get to the development site without crossing someone's property.
- The Parish Council should be told to look at their own parish plans.
- Some parishes village design statements had been superseded by their parish plans.
- Had there been flooding at the development site?

- Were there bats in the area?
- The officer report was of great concern. It seemed that the officer had on the basis of one inspector's report overturned RUDP policy. It meant no development in Oxenhope due to their being no public transport service but there could be development in Riddlesden which had a bus service.
- There was no consistency of policy across Bradford.
- Officers had not mentioned that a certificate of lawfulness had been granted.
- This had serious policy implications.
- Was it or was it not a garden?
- In the past, persons with huge gardens who had only wanted to build one property had been told to build more.
- Have officers had the opportunity to adjust the density?

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

- The Planning officer had said that part of the gardens were brownfield sites.
- Going back to 1997, there was no boundary to the site.
- The site had full permitted development rights. Tennis courts and a swimming pool could be implemented but that could not be done on Crofters Green.
- Another crucial matter was the sustainability of .22 of hectare.
- Density figure here was higher than density in Crossfield Road.
- Reducing height of bungalow would have far less impact
- The Council had approved
  - four houses at Woodhouse Lane,
  - two houses at Moorhouse Lane
  - two houses at Vale Cottage.
- Have to apply consistency across the board.
- There was a target of 50,000 houses for Bradford and 150 dwellings in each development.
- Developers should be using gardens.
- Council's sustainability view does not stand up.

Following the applicants comments Members made the following comments:

- Why had this application come to the Panel? Was it due to an objection being received or the Parish Council against the application.
- Some buses do go by this location.
- Have no problem with the application if we apply tree policy and height limitation. Access to the site would also need to be approved.
- Other conditions would need to be submission of full details of the means of access and a need for a turning head
- There would be a requirement for implementation of flood risk measures as well as to retain the trees and have a bat survey.

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

- The application had been amended to three single storey dwellings in the outline application.
- There were no objections to the three dwellings and there was an open boundary to the land.

- Six objections had been received to the application in respect of:
  - inadequate access
  - flooding
  - adverse impact to wildlife
  - flood risk from streams
  - objections to height overlooking neighbour and
  - the site was of high amenity value and should not be evaluated as a brownfield site by the planning system.
- The importance placed on the village design statement was diminishing.
- The applicant had argued that the land was part of his garden and should be classed as a brownfield site.
- PPS3 does not mean it should be developed even if it was a garden.
- The issue was if the development would harm the character of Oxenhope.
- He referred to the recent appeal decision on Crofter's Green.
- The site was important to visual amenity and local identity.
- Parishes were moving towards parish plans and as time passed national planning policy changes.
- The stream was a corridor for bats and it was important to keep them at their present location.
- The recommendations in respect of the application did not overturn Council policy. The planning inspector had emphasised the need to promote sustainability and the key issue was visual amenity.
- It was not conclusive if it was a garden as there was not a statutory definition of what constituted a garden.
- Decisions on core strategy were up for debate, it had not been decided which areas would take major developments.
- A Ward Member who was in support of the application had asked for the application to come before the Panel.

#### **Resolved –**

**That the application be approved for the reasons outlined in (i) below and subject to the imposition of conditions to address the matters listed in (ii) below and the formulation of appropriate wording for the said conditions be delegated to the Strategic Director, Regeneration:**

- (i) The site is considered to be previously developed land and the small number of dwellings proposed is not considered to significantly affect the achievement of sustainable patterns of development. The reduction of the proposed development to single storey units and the presence and retention of trees along the site boundary will mitigate the effect of the development on local visual amenity and character such that the development is considered acceptable having regard to Policies D1, UR3, and OS8 of the Replacement Unitary Development Plan.**
- (ii) Conditions covering,**
  - **Protection and retention of the trees**
  - **Submission of a bat survey prior to commencement of development**
  - **Development to be restricted to single storey dwellings with accommodation restricted to one level only and no accommodation in the roof spaces**
  - **Implementation of measures identified within the Flood Risk Assessment**
  - **Full details of the means of access to be submitted to the local planning authority prior to commencement, and approved in writing by the local**



- planning authority and thereafter implemented
- The layout of the development shall include adequate provision for a turning facility for service and emergency vehicles within the site.

***ACTION: Strategic Director, Regeneration***

Chair

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

minutes\plk22jan

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