

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Keighley) held on Wednesday 25 February 2009 in the Council Chamber, Keighley Town Hall

Commenced 1010  
Adjourned 1125  
Reconvened 1135  
Concluded 1327

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Shabir Hussain
Servant	Rowen
Ellis	

Apologies: Councillors Hill and Lee

### Councillor Greaves in the Chair

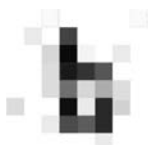
#### 107. CHAIR'S ANNOUNCEMENT

The Chair reported that Councillor Lee was not well at present and on behalf of the Panel wished her a speedy recovery.

#### 108. DISCLOSURES OF INTEREST

Councillor Rowen disclosed a personal interest in Minute 120 for matters relating to Nell Bank Centre, Denton Road, Ilkley as she had a nephew who was autistic, 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 120 for matters relating to Nell Bank Centre, Denton Road, Ilkley as his former wife was a trustee at the Centre, but as the interest was not prejudicial he took full part in the discussion and voting on this item.



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



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

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

110. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

111. **ENFORCEMENT COMPLAINTS CLOSED BY THE AREA PLANNING  
MANAGER - NOT EXPEDIENT TO PURSUE**

(i) **Land at Green Lane, Newsholme, Keighley** **Worth Valley**

Unauthorised tipping – 07/00815/ENFUNA.

Date enforcement file closed: 6 January 2009.

(ii) **Land at 67 Drewry Road, Keighley** **Keighley Central**

Protected tree – 07/00602/TPOCN.

Date enforcement file closed: 23 December 2008.

(iii) **Land at Cragg House Farm, Fishbeck Lane, Silsden** **Craven**

Unauthorised tipping – 07/01062/ENFUNA.

Date enforcement file closed: 9 January 2009.

**Resolved –**

**That the reports be noted.**

***NO ACTION***

112. **ENFORCEMENT ITEMS**

(i) **18 Barley Cote Road, Riddlesden, Keighley** **Keighley East**

The unauthorised erection of a garage – 08/00417/ENFAPP.

The owner of the property had submitted an application to build a dwelling house on part of his garden that adjoins Barley Cote Avenue in 2004. This application – 04/01704/FUL – was granted on 27 July 2004.

In Spring 2008 the owner had built a double garage on the site of the proposed dwelling and on 21 April 2008 the Council requested that he submit a retrospective application for the retention of the garage. The owner had not submitted such an application, however, it was considered that if such an application were submitted it would be approved by the local planning authority. In the circumstances it was not considered expedient to take any further action.

(ii) **Sunderland Street Works, Sunderland Street, Keighley** **Keighley Central**

The unauthorised erection of a wall and gates – 07/00101/ENFUNA.

This was an industrial property and was adjacent to other industrial properties. The owner had erected a 1.8m high wall and installed 2m high gates along the frontage with Sunderland Street in order to secure his property. A retrospective application had been requested but not received. The wall and gates were in keeping with existing structures along Sunderland Street and required for the security of the premises. It was considered that if an application were submitted it would be approved by the local planning authority. In the circumstances it was not considered expedient to take any further action.

(iii) **67 Drewry Road, Keighley** **Keighley Central**

Unauthorised pigeon loft – 06/00957/ENFUNA.

An unauthorised pigeon loft was constructed at the dwelling in 2006. A retrospective application was subsequently submitted and refused. Despite negotiations with the owner the pigeon loft still remained unauthorised.

The Assistant Director, Corporate Services (City Solicitor) has been instructed to serve an enforcement notice.

**Resolved –**

**That the reports be noted.**

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

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

**APPEALS DISMISSED**

(i) **Land at Cringles Park, Bolton Road, Silsden** **Craven**

Siting of a porta-cabin type building without planning permission – 08/00143/APPENF.

The appeal failed on a number of grounds and succeeded on only one ground. The notice was upheld with an extension to the compliance period.

(ii) **37 Valley View Close, Oakworth** **Keighley West**

The unauthorised carrying out of engineering operations involving the alteration of land levels and construction of retaining walls so as to form a hard surface area upon which

surrounding timber fencing had been erected.

The appeal failed and planning permission was refused. The enforcement notice was upheld with extensions to the compliance periods.

(iii) **Lower Turnshaw Farm House, White Lane, Oakworth** **Worth Valley**

A private access track and parking to an existing dwelling – 08/03643/FUL.

(iv) **Whitehill Farm, Whitehill Road, Oakworth, Keighley** **Worth Valley**

Proposed garage and workshop – 08/03162/FUL.

(v) **36 Albert Yard, Keighley** **Keighley Central**

Change of use of a dwelling to a waiting room (ground floor) for an adjacent private hire base – 08/00593/COU.

(vi) **22 Moorfield Road, Ben Rhydding, Ilkley** **Ilkley**

Demolition of existing dwelling and construction of 4 No. detached dwellings – 08/01315/FUL.

(vii) **Longlands, Skipton Road, Steeton with Eastburn** **Craven**

Construction of 12 No. apartment block and a 6 No. apartment plus 4 No. terrace house block plus associated works – 07/09911/FUL.

The appeal failed and no award of costs was made.

(viii) **Land to the South West of Sheep Hills Farm, Whitehill Road, Oakworth, Keighley** **Worth Valley**

Construction of field shelter, hay barn and all weather paddock – 08/00833/FUL.

(ix) **Parkwood House, Parkwood Street, Keighley** **Keighley East**

Proposed demolition of Parkwood House and the construction of 8 dwellings – 08/01571/FUL.

(x) **14 Daniel Close, Keighley** **Keighley East**

Use of part of field to rear of property as garden area – 07/08899/CLE.

**Resolved – That the decisions be noted.**

**NO ACTION**

114. **LAND AT 5 OAKBURN ROAD, ILKLEY** **Ilkley**

Consideration of four objections and a petition in relation to Tree Preservation Order (TPO) -08/00068/G. Section 201 Town and Country Planning Act 1990, Land at 5 Oakburn Road, Ilkley.

The Strategic Director, Regeneration reported that a Tree Preservation Order was made on 18 September 2008 as a result of a Notice of Intent within the Ilkley Conservation Area submitted on 4 August 2008 to fell the two trees (one Lime and one Sycamore) with no replanting.

The group of trees were of significant visual amenity value and highly visible from Oakburn Road, Ilkley, adjoining local roads and the surrounding area. The Council cannot refuse a Notice of Intent and must either allow the works or make a TPO.

It was considered expedient to confirm the Order as if not confirmed the tree work under the Notice of Intent could be carried out and there would be no requirement to replant which was essential to sustain this group of trees. There had been four objections and a petition on the grounds as outlined in Document "Y".

An e-mail from a Ward Councillor supporting the objectors to the TPO was circulated at the meeting of the Panel.

The Strategic Director, Regeneration reported on the officer comments in relation to the points of objection and made the following points:

- No evidence had been provided to suggest damage to the property.
- The trees were in a relatively confined area and it was considered that with sensitive pruning and thinning the trees could be retained and light increased to gardens and dwellings.
- He accepted that the trees would restrict the light to some extent after thinning.
- There was no right to a view in law.
- The trees were visibly significant from Oakburn Road and the surrounding area.
- No detailed condition report on the trees had been provided, however, dead wood could be removed without consent under the Tree Preservation Order legislation and should the trees be dead/dying or dangerous this could be dealt with under a five day notice to deal with health and safety issues.

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

- He was in support of the objections.
- The tree had been planted a hundred years ago.
- The tree had grown wild and it was not appropriate to its surroundings.
- There were concerns that the roots were going under the property.
- There was a crack in the west elevation of the property.
- He urged the committee to uphold his objection.

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

- He was at the meeting to speak on behalf of the petitioners.
- People had signed the petition who were affected by the tree.
- Only Council officers were speaking on behalf of the tree.
- There would be light pollution.
- The tree was 15 foot higher than a four storey house.
- A situation would develop which would be detrimental to residents.
- The TPO should be abandoned.

Members made the following comments:

- Was the sale of the houses anything to do with the Panel?
- Ward Councillors had asked for a deferral but the Panel did not have time to defer as there was a time limit to serving the TPO.
- The TPO should be upheld and the objection should be overruled as this did not prevent discussion after the event in respect of thinning and dealing with the dead wood.
- Officers should be asked to take a pro-active approach with residents on issues of lighting and thinning of the dead wood.
- Was there evidence that there were cracks in the stonework?
- The main concern would be structural damage if it was evident.
- In respect of right to light the property owner would be aware of the lack of light before they purchased the property.
- It was necessary to determine whether the trees were damaging the property.

The legal representative confirmed that the sale value of properties was not a matter for the Panel and she also confirmed that no evidence had been provided in respect of damage to the property caused by the tree.

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

- It was accepted that there would be a light restriction but this could be improved by thinning of the trees.
- The applicant still had the right of appeal.
- If the objector had presented to the Panel a structural report as evidence of structural damage to his property then this would be considered as an important issue. If there was proof then the Council would accept the loss of the tree.

**Resolved –**

- (1) That the objections be overruled and Tree Preservation Order 08/00068/G be confirmed without modification.**
- (2) That officers from the local planning authority be asked to work proactively with residents on the issues of lighting and thinning of the dead wood.**
- (3) That should residents produce a structural report showing damage to their properties/premises this issue be reconsidered by the Panel.**

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

#### **115. LAND AT 5 THE GREEN, ADDINGHAM**

**Craven**

Consideration of three objections to Tree Preservation Order (TPO) 08/00058/G, Section 201 Town and Country Planning Act 1990, Land at 5 The Green, Addingham.

The Strategic Director, Regeneration reported that a Tree Preservation Order was made on 24 July 2008 as a result of a Notice of Intent within the Addingham Conservation Area submitted on 10 June 2008 to fell five trees and prune a sixth tree part of the group of 11 Sycamore. The group of trees were of significant visual amenity value and highly visible

from Skipton Road, adjoining local roads and the surrounding area located at the edge of the built environment.

The Council cannot refuse a Notice of Intent and must either allow the works or make a TPO.

A further application was made under the Tree Preservation Order on 7 August 2008 to carry out the same works and subsequently consent was granted for the removal of four trees and minor pruning to a 5th tree with a requirement to replace with four new trees. It was considered expedient to confirm the Order as if not confirmed the tree work under the Notice of Intent could be carried out and there would be no requirement to replant which was essential to sustain this group of trees. There had been three objections to the Order on the grounds as outlined in Document "Y". The officer comment in relation to the points of objection were as outlined in Document "Y".

The Strategic Director, Regeneration recommended that the objections be overruled and the TPO be confirmed without modification.

**Resolved –**

**That the objections be overruled and Tree Preservation Order 08/00058/G be confirmed without modification.**

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

**116. 20 CRAIGLANDS PARK, ILKLEY**

**Ilkley**

Application under Tree Preservation Order (TPO) legislation to carry out works to a protected tree, Section 201 Town and Country Planning Act 1990, 20 Craiglands Park, Ilkley.

The Strategic Director, Regeneration reported that an application had been received on 19 December 2008 from an employee of the Council to balance and reduce the overall height of a Cherry tree to the side/rear of the property adjacent to a conservatory. An objection to the TPO (No. 08/00010/1) was recently overruled by this Panel and subsequently the Order was confirmed.

A summary of the application received and officer comments in relation to the application were as outlined in Document "Y".

The Strategic Director, Regeneration recommended that the application to reduce and balance the tree be denied as the proposals would be detrimental to the health and visual amenity value of the tree.

**Resolved –**

- (1) That consent to reduce and balance the tree as requested be refused as the proposed works would be detrimental to the health and visual amenity value of the tree.**
- (2) That the applicant be advised to work with the local planning authority's tree officer to improve the shaping of the tree.**

**ACTION: Strategic Director, Regeneration**

**117. KEIGHLEY TREE SERVICES LTD, WICKING CRAG SAWMILL,  
HALIFAX ROAD, CROSS ROADS, KEIGHLEY**

**Worth Valley**

Full application for erection of a log storage building at Wicking Crag Sawmill, Cross Roads, Keighley – 08/04991/FUL, (Departure Application).

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that this application was referred to the Panel so that it could advise the Regulatory and Appeals Committee on the local implications of the application. The application must be determined by the Regulatory and Appeals Committee as is it was a departure from the Replacement Unitary Development Plan and if that Committee was minded to grant planning permission the application would be referred to the Secretary of State under the Departure of Directions 1999.

The Strategic Director, Regeneration reported that the Parish Council had no objections to the application but wished to see the storage of timber alongside the road cease. No representations had been received in respect of the application.

The Strategic Director, Regeneration reported that the history of this particular industrial operation, the existing uses of the site for industrial purposes, the local visual improvements that would be made possible, the improved facilities for the re-use of timber resources in the interests of sustainability and the long term needs of this local employer were considered in this case to finally outweigh the presumption against this development in the Green Belt. Policies UDP3, UR3, D1, GB1, GB2, TM2 and TM19A of the Replacement Unitary Development Plan were therefore satisfied. He therefore recommended the Panel to advise the Regulatory and Appeals Committee to grant planning permission subject to conditions.

There were concerns about the existing operation of storage of logs in respect of loading and unloading but no accident had occurred at the premises.

The Council's legal representative reported that Condition 3 as outlined in Document "Z" would have to be deleted and a Section 106 Agreement would be needed requiring that no items be stored on land alongside the A629. The Section 106 Agreement would be an agreement between the landowner and the Council.

Members made the following comments:

- Would there be excessive traffic at the facility?
- The building if approved should not be used for any retail sales activity.

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

- It was a local business that employed eight persons.
- The firm stored timber on the east of the site and on the verge.
- The area suggested for housing of the building was the most logical sustainable location for the new building.
- The application if approved would improve the efficiency of the company.
- The logs currently on the roadside would be stored in the new building.
- There was a sufficient need for a new building and two extra persons would be



- employed.
- The application site was well screened and would also be screened from Halifax Road.
- No objections had been received from the Parish Council, or any of the consultees.
- He asked that the Panel approve the application.

**Resolved –**

**That the Regulatory and Appeals Committee be recommended to approve the application for the reasons set out in the Strategic Director, Regeneration’s technical report subject to a Section 106 Agreement requiring that no items be stored on the land alongside the A629 (the area to be identified clearly on a plan) at any time and subject to the conditions outlined in the Strategic Director, Regeneration’s technical report and the following additional conditions:**

- (i) **That condition 3 be deleted**
- (ii) **That the building hereby approved should not be used for any retail sales activity.**

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

**118. THE COACH HOUSE, MANLEY ROAD, ILKLEY**

**Ilkley**

Conservation Area Consent application to permit demolition of the existing Coach House to facilitate the construction of 2 new dwellings at Redgarth, 20 Manley Road, Ben Rhydding – 08/07149/CAC.

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 he considered that the case for demolition had not been made. Whilst four representations relating to the full planning application for the replacement dwellings had been received, none had referred specifically to the Conservation Area Consent application. No comments expressing specific concern over the demolition of the Coach House had been received.

The Strategic Director, Regeneration reported that the Coach House made a negative contribution to the character or appearance of this part of Ben Rhydding Conservation Area. The application submission was considered to contain sufficient justification for its demolition so as to facilitate a replacement development that, as amended, was sympathetically designed and would make a greater contribution to the character and appearance of the Conservation Area. The demolition was considered acceptable having regard to Policies BH9, D1 and BH7 of the Replacement Unitary Development Plan and guidance in PPG15 on “Planning and the Historic Environment”.

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

- The Parish Council was opposed to the demolition of the Coach House.
- There was an issue of sustainability and design.
- Why had the building not been adapted?
- There would be a loss of space between the garages.
- Contrary to what the officer reports had said in respect of parking two spaces would

- be lost.
- It would be very tight to get the parking spaces on the site as the building had a very narrow access.
- There would be a loss of green area in the Conservation Area.
- The application should be refused.

The Strategic Director, Regeneration responded that in respect of the issue of demolition the sustainability design guide did encourage use of buildings rather than demolition but in this case two new houses would be more sustainable.

The agent for the applicant was present at the meeting and he made comments as outlined in Minute 119.

**Resolved –**

**That Conservation Area Consent be granted to permit demolition of the existing Coach House, for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report.**

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

**119. THE COACH HOUSE, MANLEY ROAD, ILKLEY**

**Ilkley**

Full application for the demolition of the Coach House and the construction of two semi detached dwellings at Redgarth, 20 Manley Road, Ben Rhydding – 08/07145/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 due to the narrow drive for access to two additional houses, insufficient parking on the site, overdevelopment, impact on Redgarth (within 21m of a habitable room window). Four neighbour representations had been received along with one from the Ilkley Civic Society (five in total). A summary of representations received were as outlined in Document "Z".

The Strategic Director, Regeneration reported that the proposed dwellings would have no significant adverse effects on local amenity, the character or appearance of the Ben Rhydding Conservation Area within which the property was situated, or the amenity of neighbours. The design was considered sympathetic to its setting in terms of design, scale, height, massing and materials. The level of parking provision was found to be adequate and it was not considered that the development would have a detrimental impact on highway safety. It complied with Policies UDP3, UR2, UR3, TM12, D1, BH7, BH11 and NE5 of the Replacement Unitary Development Plan. He therefore recommended that subject to the conditions of consent the application be approved.

A Parish Councillor was present at the meeting and she made the points as outlined in Minute 118.

Members made the following comments:

- Given the housing around the development site it would be necessary to produce a construction plan to limit the construction working hours.
- Would the parking be allocated?

- Should there be a parking scheme introduced?
- The two parking spaces adjacent to property one as shown on the drawing should be allocated to property one.

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

- He commended the officer report.
- This was the second application that had been made and the mass of the property was greater on the first application submitted.
- The applicant had responded to officers design concerns and had submitted a revised scheme which had been recommended for approval by officers.
- The current Coach House building had no merit and the replacement buildings would enhance the site.
- The new replacement building would keep in with the surrounding area.
- The application was supported by national and policy guidelines as it was a brownfield site within walking distance to Ben Rhydding station.
- The applicant would welcome any condition in respect of no parking in front of the garage.

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

- The two proposed garages were meant to replace two existing parking spaces for Redgarth.
- It would be difficult to monitor the parking as it was on private land and it would be difficult to enforce.

**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 conditions:**

- (i) **That the two parking spaces adjacent to property one as shown on the drawing be allocated to property one.**
- (ii) **That prior to the commencement of development a construction plan be submitted to and approved by the local planning authority and thereafter implemented as approved and that the hours of construction shall be restricted to 0730 – 1800 Mondays to Fridays and 0730 – 1300 Saturdays, with no working on Sundays and Bank Holidays and/or public holidays.**
- (iii) **That no parking takes place in front of the garage at 20 Manley Road, Ben Rhydding.**

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

120. **NELL BANK CENTRE, DENTON ROAD, ILKLEY**

**Ilkley**

A full planning application for the erection of a single storey outdoor education/activity centre incorporating residential accommodation for disabled users at the Nell Bank Activity Centre, Denton Road, Ilkley – 08/06875/FUL.

This application must be determined by the Regulatory and Appeals Committee as it was a departure from the Replacement Unitary Development Plan.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Ilkley Parish Council had recommended approval of the application as it considered that the design was sensitive to the environment and the existing development and supported the outdoor educational use of the facility. No letters of representation had been received in respect of the application.

The Strategic Director, Regeneration reported that the proposed development constituted a Departure from the Development Plan but it was considered that there were very special circumstances that existed to justify an exception to the presumption against inappropriate development in the green belt and as such the proposal would accord with Policy GB1 of the RUDP. The very special circumstances were considered to be the unique outdoor educational opportunities that would be opened up to young people with disabilities through provision of this independent accommodation building at an established centre of excellence in this field. With the mitigation measures proposed by the applicant, any impact on local visual amenity and landscape character would be insignificant. As such the proposal complied with Policies UDP3, UR3, D1, GB2 and NE3/NE3A of the RUDP. There were no adverse implications for neighbouring occupants or highway safety and as such the proposal complied with Policies UR3 and TM2 of the RUDP. He therefore recommended that the Panel advised the Regulatory and Appeals Committee to grant planning permission subject to conditions.

Members made the following comments:

- It was one of the best reports that I have ever read.
- The application should be commended by the Panel.
- A Member had been to the Centre's open day and they do tremendous work.

A Councillor who was Chair of the Trustees of the Nell Bank Centre and also supported the application made the following points:

- His involvement in the centre was one of the most rewarding things that he had ever done.
- He gave his personal thanks to the officers involved in this issue, Emma Cosgrif and Martyn Burke.
- He commended the application wholeheartedly to the Panel and to the Regulatory and Appeals Committee.

**Resolved –**

**That this application is commended by this Panel and therefore is recommended to the Regulatory and Appeals Committee for approval for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report.**

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

121. **1 HIGH WHEATLEY, ILKLEY**

**Ilkley**

Full application for construction of one detached house and a single storey extension to the existing house at 1 High Wheatley, Ilkley – 08/05016/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 due to the scheme being over development of the site, the dangerous access and effect on the watercourse crossing the site. Sixteen objections had been received in respect of the applications. A summary of representations received were as outlined in Document "Z".

The Strategic Director, Regeneration reported that the proposed development would achieve more effective use of previously developed land for housing and subject to compliance with the amended plans, it 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. 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 that subject to conditions the application be approved.

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

- The Parish Council's decision was made in respect of the original plans and their objection was still valid.
- She expressed concern that the highway officer regarded the arrangements for development and the highway arrangements as suitable.
- It was necessary to prevent people reversing into Wheatley Lane.
- The development was a concern to neighbours.
- If approval was granted then all permitted development rights should be refused on any enlargement.
- The application should be refused.

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

- He was from No. 2 Wheatley Rise and represented the other objectors.
- What was the reason for condition No. 5 in respect of the ground floor side window being an "oriel" window?
- Photos do not show the extent of the property which towers over my property.
- There were concerns in respect of density and access.
- The development would not complement neighbouring buildings or those in the area.
- The proposed works would alter the flow of the watercourse as it was not a small stream but a substantially culverted beck.
- The development would exacerbate drainage problems.
- It was a busy road used heavily by locals and commuters as well as buses.
- The proposed parking arrangements would only be workable if it was assured that the turning area was kept clear.
- There had recently been two accidents at the site resulting in the destruction of part of the boundary wall.
- He recommended that the application be refused or deferred to consider any amended application.

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

- The development was on a well established brownfield site in a residential area.
- He acknowledged the changes to the pattern of the development concerning PPS3 and housing requirements imposed on Council by the Government.
- Concerning the watercourse consent had been obtained from the Environment Agency.
- There was no over development.
- There would be screening and the existing bedroom the annexe would be demolished.
- Some of the issues raised were private and not planning matters.
- The applicant would accept any conditions in respect of the existing bedroom annexe and the turning areas.
- It could be conditioned that the turning area was kept free parking.

Members made the following comments:

- Wheatley Lane was incredibly steep.
- There were parking issues.
- Could it be conditioned that the existing bedroom annex be demolished.
- Concerning the existing conservatory would any permission granted apply to a future conservatory?
- The beech hedge to the rear of the site should be retained at its existing height.
- A boundary fence should be installed on the north boundary to prevent overlooking.
- A construction plan should be introduced to restrict the hours of work as well as to include details of storage and location of materials
- In respect of the parking areas different colours of surfaces should be used to delineate between the parking and turning areas and where possible permeable surfaces should be utilised in the development.
- The Council planning website was not very user friendly for members of the public.
- The "proposed future conservatory" should not be included if this planning application was approved.

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

- It would be necessary to condition that a boundary fence be installed on the north boundary to prevent overlooking.
- Condition 5 in respect of the oriel window was necessary and this would mean that the applicant would need written permission from the local planning authority if he/she was to make any further changes.
- The issue of drainage was not significant as resurfacing work would be carried out and the house would be built on a solid site.
- The works to the stream and the grill over the watercourse had been approved by the Environment Agency.
- The amended drawings were scanned and placed on the planning website.
- The amendments made to the application would be beneficial to the objectors.
- Attempts had been made to try to improve the relationship of the new house with neighbouring properties.
- There was an intention to remove permitted development rights from the existing house.
- It was possible to have different colours and surfaces for the parking and turning

areas.

**Resolved –**

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

- (i) That the beech hedge to the rear of the site be retained at its existing height.**
- (ii) That a boundary fence be installed on the north boundary to prevent overlooking.**
- (iii) That prior to commencement of development a construction plan including details of the storage location of on site materials be submitted to and approved by the local planning authority and thereafter implemented as approved and "the hours of construction shall be restricted to 0730 - 1800 Mondays to Fridays and 0730 - 1300 Saturdays, with no working on Sundays and Bank Holidays and/or public holidays".**
- (iv) That in respect of the parking areas different colours and surfaces be used to delineate between the parking and turning areas, and that where possible permeable surfaces be utilised in the development.**
- (v) That all turning areas within the development (as shown on the approved drawings) shall be kept clear of obstruction at all times and not used for other purposes.**
- (vi) That the existing bedroom annexe shown to be demolished on the approved drawings shall be removed prior to commencement of development.**
- (vii) That for the avoidance of doubt the "proposed future conservatory" as described in the plan shall not be included in this planning permission.**
- (viii) That all the permitted development rights be removed from the dwelling house to be approved as well as from the existing house at 1, High Wheatley.**
- (ix) That prior to the commencement of development a landscaping scheme be submitted to and approved by the local planning authority prior to commencement of development and thereafter be implemented as approved.**

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

**122. PINFOLD HOUSE, 2 MOORSIDE LANE, OXENHOPE**

**Worth Valley**

Full application for the reconstruction of an existing derelict building to form a tractor shed and storage for agricultural machinery at Pinfold House, 2 Moorside Lane, Oxenhope – 08/06822/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Oxenhope Parish Council objected to the proposal and requested referral to the Panel. The Council had received one letter of

representation objecting to the proposal. The summary representations received were as outlined in Document "Z".

The Strategic Director, Regeneration reported that the re-submitted application provided the required justification to give the Council confidence that the replacement building was necessary for an agriculture purpose, and so it was considered appropriate within this green belt location and in accordance with PPG2 on "Green Belts" and Policy GB1 of the Replacement Unitary Development Plan. The building would replace an existing dilapidated structure and would be located between existing buildings and in an unobtrusive location. The materials and appearance of the proposed building would be acceptable. The development would not result in any harm to the openness of the green belt or harm the landscape character of the area. It was considered that the proposed development was acceptable against Replacement Unitary Development Plan Policies GB2, UR3, D1, NE3 and NE3A.

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

- The main objection was due to the size of the land to be used being exaggerated.
- 1.26 hectares of the owned land was to be used while the rest was on a grazing licence.
- A big building had been granted permission in 2004 and was adequate for the enterprise.
- The development would be in the green belt.
- He was sympathetic to the applicant as he was acting as the executor of the estate following the death of his uncle.
- The land in question was tiny.
- Much of the land was occupied by derelict and semi-derelict equipment.
- The site was at present a blot on the physical environment.
- The applicant does not employ anybody on the site and drives only one vehicle.
- A previous application had been turned down as it looked like an extension to the house.
- The new building was a disproportionate encroachment on the green belt.
- The new building would be visible from the footpath.

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

- The applicant does farm the land on licence and was new to farming.
- He does need vehicles to farm the land and a new building was required.
- The current building that he uses was full.
- The applicant would keep the farm land and would put tractors in the building.
- The new building would improve the situation and secure his property, prevent theft and it would cease to be an eyesore.

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

- Under PPG2 construction of buildings for agriculture were permitted.
- The applicant was registered with DEFRA as an agricultural holder.
- During the last appeal the applicant had been applauded by the planning inspector for keeping the farm going.
- Presently the site was visually unsightly.
- The applicant operated different agriculture holdings and was eager to diversify and wanted to move to the rearing of beef cattle.
- The applicant had refused to sell his land to a neighbour who had objected to the



application.

- The application would be a vast improvement on the landscape.
- At present machinery has to be stored in the open and theft of agricultural equipment does take place.
- The RUDP policy secured by design should be taken into account in this case.

Members made the following comments:

- Was there a definition of a small holding?
- It was not a small holding, it was a significant amount of land.
- Was it relevant that an objector wanted to buy the land?

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

- There was no definition of a small holding in planning terms.
- The applicant had a reasonable amount of land in his ownership.
- It could not be guaranteed that the applicant would always farm the land as he was not a freeholder.

**Resolved –**

**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 additional condition:**

- (1) That samples of materials be submitted to and approved in writing by the local planning authority prior to commencement of development and thereafter implemented as approved.**

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

**123. 7 LISMORE ROAD, KEIGHLEY**

**Keighley Central**

Full application for a two storey side/rear and single rear extension to 7 Lismore Road, Keighley – 08/07239/FUL.

The Chair reported that this application was only before the Panel due to a Parish Council objection which had now been withdrawn and as this was the case he recommended that the application be approved.

**Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report particularly due to the fact that the application was only before the Panel due to a Parish Council objection which had been withdrawn.**

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