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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 26 March 2009 in the Council Chamber, Keighley Town Hall

Commenced 1005
Adjourned 1100
Reconvened 1110
Concluded 1150

PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Shabir Hussain
Hill	
Ellis	

Apologies: Councillors Lee and Rowen

Councillor Greaves in the Chair

134. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

135. MINUTES

Resolved -

That the minutes of the meeting held on 22 January 2009 be signed as a correct record.

136. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



137. PUBLIC QUESTIONS

There were no questions submitted by the public.

**138. ENFORCEMENT COMPLAINTS CLOSED BY THE PLANNING MANAGER
(ENFORCEMENT AND TREES) AS NOT EXPEDIENT TO PURSUE**

(i) 2 The Harrows, East Morton Keighley East

Erection of a fence exceeding one metre in height adjacent to a highway at 2 The Harrows, East Morton – 08/00423/ENFUNA.

Date enforcement file closed: 4 December 2008.

(ii) Land to the North of Ilkley Road, Burley in Wharfedale Wharfedale

Alleged unauthorised security fencing erected – 08/00089/ENFUNA.

Date enforcement file closed: 13 June 2008.

Note: The above item is to be considered by the Area Planning Panel (Shipley).

(iii) Low Mills, Low Lane, Addingham Craven

The stairwell was not constructed in accordance with the approved plans. Details of landscaping and lighting had not been submitted to the local planning authority for approval – 07/00266/ENFAPP.

Date enforcement file closed: 27 February 2009.

(iv) End of Bethel Street, East Morton Keighley East

The erection of two metre high gate piers and gates at the end of Bethel Street, East Morton (a cul de sac) to access Heathfield, Morton Lane, East Morton – 09/00009/ENFUNA.

Date enforcement file closed: 17 February 2009.

(v) Northfield Manor, View Road, Keighley Keighley Central

The introduction of a velux window as opposed to a dormer window as approved under 07/08463/FUL at Northfield Manor, View Road, Keighley – 08/00889/ENFAPP.

Date enforcement file closed: 17 February 2009.

Resolved –

That the reports be noted.

NO ACTION

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

APPEALS UPHELD

(i) **38 Haworth Road, Lees, Haworth**

Worth Valley

First floor extension – 08/04024/FUL.

APPEALS DISMISSED

(ii) **Land at Moss Carr Farm, Moss Carr Road, Long Lee,
Keighley**

Keighley East

The carrying out without planning permission of building operations involving the partial demolition of a former farm dwelling and the construction of a partially built structure – the appeal was dismissed and the notice was upheld without variation – 08/00191/APPENF.

Resolved –

That the decisions be noted.

NO ACTION

140. **SYKE HOUSE FARM, BOLTON ROAD, ADDINGHAM**

Craven

A full application submitted concurrently with listed building consent application 08/06961/LBC for the construction of a single storey extension to the side of Syke House Farm, Bolton Road, Addingham – 08/06960/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Addingham Parish Council had objected to the proposals on the grounds that it was not in keeping with the Grade II listed building. No further representations had been received in respect of the application.

The Strategic Director, Regeneration reported that the proposed development was considered to be of an appropriate contemporary design that would appear appropriately subordinate and separate from the Grade II listed building and so maintained its special architectural and historic character. It was not considered to cause any harm to the setting of the listed building or the surrounding area of open countryside and would therefore accord with the requirements of Policies UR3, D1, BH4 and BH4A of the Replacement Unitary Development Plan. He therefore recommended that subject to the conditions contained in his report the application be approved.

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

- The development would be too modern and inappropriate.
- This Yorkshire farmhouse was a 19th century Grade II listed building and a more traditional extension would be more appropriate.
- The Parish Council was not questioning the design or the quality of the building but just its location which was out of keeping with the surrounding area.
- He asked why he had to attend this meeting as the Parish Council had made representations in respect of this issue.

The development designer was present and made the following points:

- He had wanted to create a light link into the glazed area of the development which would give a maximum view of the surrounding area and which would have a minimum impact on the surrounding area.
- He wanted to merge the old with the new part of the development so that they would complement each other.
- The development was not dominate in any way.

Members made the following comments:

- The protocol was that if the Parish Council was the only objector then a representative would come to explain why the Parish Council was objecting.
- The building was of good quality materials and the application should be approved.
- Would the development be used as a conservatory?
- In this instance the application does seem to be appropriate in its setting.

The development designer confirmed that the development would also be used as a kitchen and lounge area as well as a conservatory.

Resolved –

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

ACTION: Strategic Director, Regeneration

141. SYKE HOUSE FARM, BOLTON ROAD, ADDINGHAM

Craven

A listed building consent application submitted concurrently with planning application 08/06960/FUL for the construction of a single storey extension to the side of Syke House Farm, Bolton Road, Addingham – 08/06961/LBC.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Addingham Parish Council had objected to the development on the grounds that it was not in keeping with a Grade II listed building. No further representations had been received in respect of the application.

The Strategic Director, Regeneration reported that the proposed development was considered to be of an appropriate contemporary design that would appear appropriately subordinate and separate from the Grade II listed building and so maintained its special architectural and historic character. It was not considered to cause any harm to the setting of the listed building and would therefore accord with the requirements of Policies UR3, D1, BH4 and BH4A of the Replacement Unitary Development Plan.

A Parish Councillor was present at the meeting and he made the points as outlined in Minute 140.

The development designer was present at the meeting and he made the points as outlined in Minute 140.

Members made comments as outlined in Minute 140.

Resolved –

That a listed building consent be granted for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report.

ACTION: Strategic Director, Regeneration

142. 72 CAVENDISH STREET, KEIGHLEY**Keighley Central**

Change of use from A1 (shop) to Class D1 drop in/advice centre with ancillary café and installation of a new shop front at 72 Cavendish Street, Keighley – 09/00027/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Keighley Town Council had recommended approval of the application and that eight objections had been received from local businesses. A summary of representations received were as outlined in Document "AC".

The Strategic Director, Regeneration reported that the proposal for a non-retail use of the premises would have no significant impact on the cumulative balance of retail and non-retail uses on this Primary Shopping Street and was not considered to conflict with Policy CT5 of the Replacement Unitary Development Plan or significantly harm the vitality or viability of Keighley Town Centre. The proposed shop front was acceptable in terms of its design and materials and the proposal would contribute to the productive re-use of this Grade II listed building. The proposal was therefore considered to comply with Policies UR3, D1, D13, CT5, BH4, BH4A and BH1 of the Replacement Unitary Development Plan. He therefore recommended that subject to conditions contained in his report the application be approved.

Members made the following comments:

- Would the issue of anti-social behaviour arise as a result of the use of the premises?
- Any approval would need to be subject to listed building consent.
- Was it possible to delegate the decision in respect of listed building consent to the Strategic Director, Regeneration?
- Would approval of change of use from A1 (shop) to Class D1 still enable the applicant to run a shop?
- There did not seem to be a limit on the hours of operation of the premises.
- Would the people that were to be employed by the charity be volunteers or paid employees?
- The hours of operation of the premises should be limited.

The Strategic Director, Regeneration responded to Members' comments:

- The application had strong conservation service support.
- The applicant would be advised that they did need planning permission and listed building consent.
- This would be an advice centre for mothers.
- The café would be ancillary to the advice centre.
- The times of operation could be conditioned.
- The café element would help to encourage a more formal and welcoming

atmosphere.

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

- The officer had addressed the objections.
- Cavendish Street was a good location for our clients.
- There would not be a problem of anti-social behaviour as the premises would have a coffee shop setting rather than that of a drop-in centre.
- There would be a strict entrance policy to the premises, entry to which would be manned at all times.
- Qualified counsellors would be on hand at the premises.
- Previously 72 Cavendish Street had been squatted in and broken into, the premises had been empty and derelict for the last three years and had no central heating or toilet facilities, it was not an asset to the retail sector, and this application would improve matters.
- His organisation was a member of the Keighley Town Centre Association.
- The landlord had no desire to restore the building but the applicant does.
- He would appreciate the input of the conservation team.
- The premises would have a window display.
- The applicant was making a significant investment of £50,000 and making a long term commitment to Keighley.
- He had undertaken to do the shop front but would not be able to start the work until approval was received from the Council.
- The facility would be a free service.
- There was the issue of using the shop front area and the facility was not a charity shop.
- The persons employed by the organisation would primarily be volunteers and other staff would be taken on if necessary.
- The hours of operation would be normal office hours (9 am – 5 am).

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 conditions:

- (i) **That the opening hours of the premises shall be limited to the following hours:**
- 0800 – 2200 – Mondays to Saturdays, for the protection of residential amenity**
- (ii) **That unless any new or relevant objections be received by the local planning authority, authority to approve the shop front and listed building consent application be delegated to the Strategic Director, Regeneration.**

Footnote - Listed building consent has not been granted by the above decision, and must be applied for and granted before any development commences.

ACTION: Strategic Director, Regeneration

143. **GREYRIDGE, 25 BRAITHWAITE EDGE ROAD, KEIGHLEY** **Keighley West**

Full application for a detached garage to the rear of Greyridge, 25 Braithwaite Edge Road, Keighley – 09/00268/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Keighley Parish Town Council had recommended approval of the application and that three representations had been received in respect of the application. A summary of representations received were as outlined in Document "AC".

The Strategic Director, Regeneration reported that subject to the imposed conditions, the proposed development was not considered to be harmful to visual amenity, residential amenity or highway safety and was therefore considered to comply with Policies UR3, D1, TM19A of the Replacement Unitary Development Plan and the Supplementary Planning Guidance contained within the Council's Revised House Extension Policy. He therefore recommended that subject to conditions contained in his report the application be approved.

Members made the following comments:

- There was not always a clear definition in respect of having a hobby and keeping and selling bikes.
- Would there be problems with engine noise.
- If the premises were the size of a double garage would officers make a recommendation for approval?
- If a Councillor had not asked for this application to be considered by the Panel would it have come before the Panel?

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

- The issue of whether it was a hobby or not could be tested on the criteria of whether problems arose due to a lot of people viewing the bikes.
- In respect of engine noise a condition could be added.
- If it was a double garage then vintage cars could be stored there.
- If a Councillor had not requested the application to be considered by the Panel then it would have been decided by officers from the local planning under delegated authority.

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

- All the area around the site would be done up.
- He was interested in motorbikes and they would be solely for his own use and enjoyment,
- He went to motorbike shows

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:

- (i) That condition 2 be amended to read as follows "the garage including its apron shall be used solely in connection with and ancillary to the enjoyment of the property as a single dwelling house and not for any business or commercial purpose.

ACTION: *Strategic Director, Regeneration*

144. **FAIRFAX COPPY FARM, MOSS CARR ROAD,
LONG LEE, KEIGHLEY**

Keighley East

Full planning application for the construction of a first floor extension to the rear of Fairfax Coppy Farm, Moss Carr Road, Keighley – 08/07043/FUL.

This application must be determined by the Regulatory and Appeals Committee as it constituted 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 Keighley Town Council had objected to the proposal as it was out of keeping with the original dwelling and had recommended refusal of the application. No further representations had been received in respect of the application.

The Strategic Director, Regeneration reported that the site was located within the Green Belt as defined in the Replacement Unitary Development Plan (RUDP) and was subject to the Green Belt policies of the RUDP and Planning Policy Guidance Note 2 "Green Belts". The proposed extension was considered to be a disproportionate addition to the original dwelling, contrary to the character of that original dwelling and detracting from the openness of the Green Belt. The extension was therefore unacceptable as it would be contrary to Policies GB1 and GB5 of the RUDP. The applicant had not submitted sufficient evidence with this application to demonstrate that there were very special circumstances to justify departure from normal Green Belt restrictions. He therefore recommended that the application be refused.

Members made the following comments:

- The Panel would need to go into exempt session if they started discussing the applicant's medical details.
- Would there be an additional bedroom?
- Does it differ from the last application refused in October 2008?
- There did not seem to be any special circumstances for approving the application.

EXCLUSION OF THE PUBLIC

That the public be excluded from the meeting during discussion of the item relating to Fairfax Coppy Farm, Moss Carr Road, Long Lee, 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 1 (information relating to any individual) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and that the Panel considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information for the following reason:

It is in the overriding interest of proper administration that Members are made fully aware of the implications of any decisions without prejudicing the confidentiality of the applicants.

On the re-admission of the public the applicant was present at the meeting and made the following points:

- He had originally put in an application for an extension for his son which had been refused.
- His mother-in-law had terminal cancer and the applicant had housed her for a while before she died.
- His father-in-law wanted to come and live with him and his wife.
- The main issue was to have a bigger bedroom for his father-in-law.

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

- Revised Green Belt policy allowed development and extensions in the Green Belt.
- He could extend one bedroom without permission and part of the building at the back of the house.
- He would rather get planning permission for doing any work.
- He passed round photographs to the Panel outlining the relationship with the applicant's property and surrounding developments and gardens.

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

- It was a disproportionate extension in the Green Belt and considering the medical evidence there did not seem to be any special circumstances for approval of the application.
- The application did not differ from the one submitted in October 2008.
- It was not disputed that the property was just in the Green Belt. Some of it did have permitted development rights. This needed to be determined by a Certificate of Lawfulness.
- Very special circumstances were needed for any approval of the application but it was not evident in this case.

Resolved –

The Regulatory and Appeals Committee is recommended to refuse the application for the following reason:

- (i) **The site is located within the Green Belt as defined in the Replacement Unitary Development Plan (RUDP) and is subject to the Green Belt policies of the RUDP and Planning Policy Guidance Note 2 "Green Belts". The proposed extension is considered to be a disproportionate addition to the original dwelling, contrary to the character of that original dwelling and detracting from the openness of the Green Belt. The extension is therefore unacceptable as it would be contrary to Policies GB1 and GB5 of the RUDP. The applicant has not submitted sufficient evidence with this application to demonstrate that there are very special circumstances to justify departure from normal Green Belt restrictions.**

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