

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 11 June 2009 in the Council Chamber, Keighley Town Hall

Commenced 1000
 Adjourned 1055
 Reconvened 1100
 Site Visit 1130 - 1220
 Concluded 1258

PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Shabir Hussain
Hill	Pullen
Servant	Rowen

Apologies: Councillors Ellis and Lee

Councillor Greaves in the Chair

1. CHAIR'S ANNOUNCEMENTS

The Chair welcomed everyone to the first meeting of the Panel in the new municipal year. He reported that Councillor Lee was not well and on behalf of the Panel forwarded their best wishes to Councillor Lee for a speedy recovery.

2. DISCLOSURES OF INTEREST

Councillor Hill disclosed a personal interest in Minute 9 for matters relating to the Former Highways Depot, Low Bank Lane, Oakworth as he knew one of the objectors to the application. As the interest was prejudicial he withdrew from the meeting during the discussion and voting on this item.

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



2006-2007
 Improving Rural Services
 Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



3. MINUTES

Resolved -

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

4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

5. PUBLIC QUESTIONS

There were no questions submitted by the public.

**6. ENFORCEMENT COMPLAINTS CLOSED BY THE PLANNING MANAGER
(ENFORCEMENT & TREES) DEEMED AS NOT EXPEDIENT TO PURSUE**

(i) **2 Lodge Cottages, Langbar Road, Middleton, Ilkley** **Ilkley**

Non-compliance with condition 4 of planning permission 07/04213/FUL.

The Panel would be informed in due course of the outcome of the above case and the date of the closure of the enforcement file.

Resolved –

That the report be noted.

ACTION Strategic Director, Regeneration

7. DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS DISMISSED

(i) **25 Kilnsey Fold, Silsden** **Craven**

Construction of front entrance porch – 08/06305/FUL.

(ii) **1 Ivy Terrace, Thwaites Brow, Keighley** **Keighley East**

Construction of conservatory with raised decking area above existing garage – 08/01159/FUL.

(iii) **Springwood Farm, Whitehill Road, Oakworth** **Worth Valley**

Replacement of dog kennels with single dwelling house and wind turbine - 08/02313/FUL.

(iv) **Cherry Tree Barn, Street Lane, Morton** **Keighley East**

Alleged unauthorised change of use from agricultural to garden – 08/00184/APPENF.

(v) **82 Banks Lane, Riddlesden** **Keighley East**

Construction of detached dwelling – 08/03309/FUL.

(vi) **Annex, Highfield House, Hangingstone Road, Ilkley** **Ilkley**

Reconstruction of hostel building and re-use as residential annex – 07/09652/FUL.

APPEAL PART DISMISSED, PART ALLOWED

(vii) **Asda Store, Bradford Road, Keighley** **Keighley Central**

53 advertisement signs – 08/07360ADV.

Resolved –

That the decisions be noted.

NO ACTION

8. **19 ROMBALDS LANE, ILKLEY** **Ilkley**

Full planning application to construct a new 3 bedroom 2-storey house and demolish an existing free standing garage on land forming part of the garden and grounds of New House, 19 Rombalds Lane, Ben Rhydding, Ilkley – 09/01226/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 and had asked for referral to the Panel citing overdevelopment, out of character, parking issues and previous refusal on appeal. Three objections had been received and the summary of representations received was as outlined in Document "AJ".

The Strategic Director, Regeneration reported that the proposal was considered to have overcome previous reasons for refusal due to the reduction in the size of the dwelling and its positioning further back into the site, so that it would be unobtrusive and better related to the layout, scale and height of adjacent and neighbouring dwellings and retaining a better balance of space between buildings. It would now appear appropriate to the character of the area and raised no significant concerns in respect of highway safety. The proposed dwelling would not have any significant adverse impact on the amenity of occupants of neighbouring dwellings. The scheme would retain the most significant trees

and other vegetation on the site. The development was considered to accord with Policies UDP3, UR3, D1, NE4/NE5/NE6 and TM19A of Bradford's Replacement Unitary Development Plan. He therefore recommended that subject to conditions the application be approved.

Members made the following comments:

- Who were the objectors?
- It could be a condition that the plans submitted should have proper measurements outlined in them.
- The hedge between Streymoy and the new house on the eastern boundary should be retained.
- Permitted development rights should be withdrawn from "New House" and the new house at 19 Rombalds Lane, Ilkley.

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

- He congratulated Bradford Council officers on the report.
- The build was exemplary. The main objection was the site as the density was low in this area.
- It felt like this new building was being shoe-horned.
- He had looked at the site and his vehicle had been blocked in the drive.
- The owners of "New House" wished to dispose of the land so there was an issue of parking in respect of the New House.
- The tree officer had objected to this development.
- The Panel should consider a site visit.

The architect was present on behalf of the applicant and made the following points:

- He apologised that the measurements were not clear.
- He had arrived at the final solution having worked closely with the planners to get the best solution.
- The application meets national local planning policy.
- A development of this nature prevents development in the conservation area.
- The issue of sustainability was important in this respect as it was a very innovative approach in respect of sustainability.
- He confirmed that the hedge belonged to the application site.

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

- The owners of Streymoy had objected.
- The issue of the plan measurements could be dealt with under delegated powers.
- There was a lot of space at the site and the existing parking for "New House" was on a tarmacked area and the drawing indicated parking in front of the proposed property with at least two parking spaces per unit.

Resolved –

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

(1) That the hedge between Streymoy and the new house on the eastern boundary

be retained.

- (2) That approval of the plan measurements be deferred and delegated to the Strategic Director, Regeneration.
- (3) That permitted development rights be withdrawn from “New House” and the new house at 19 Rombalds Lane, Ilkley.

ACTION: *Strategic Director, Regeneration*

9. **FORMER HIGHWAYS DEPOT, LOW BANK LANE, Worth Valley
OAKWORTH**

Full application for construction of 12 one bedroom flats (in two rows of six) at the former Highways Depot on Low Bank Lane, Oakworth, Keighley – 08/00263/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 27 letters of representation had been received (from 13 addresses) in respect of the application. The summary of representations received was as outlined in Document "AJ".

The Strategic Director, Regeneration reported that this proposal represented development of previously developed land in a sustainable location and therefore the principle of residential re-use was acceptable. The siting, design, height and materials of the buildings and the associated works were considered to be compatible with the character of the surrounding area. The development would have no significant adverse effects on the amenity of occupiers of neighbouring properties. The traffic generation from the development was considered to be within the capacity of the surrounding highway network and the proposed means of access and improvements to Griffie Gardens was considered to ensure that appropriate and satisfactory arrangements for servicing, vehicular and pedestrian access and car parking was provided for the development. The proposal was considered to accord with Policies UDP1, UR2, E4, H7, H8, UR3, D1, TM2, TM12, TM19A and D4 of Bradford’s Replacement Unitary Development Plan. He therefore recommended that subject to conditions the application be approved.

An e-mail had been submitted from a Ward Councillor outlining the following points:

- He was not against the application in principle but against future problems that would be created.
- There would be an impact of the access to the garage if the owner left the garage doors open.
- The road was very narrow and refuse vehicles would have to mount the verge.
- He had not been consulted in respect of this application.
- There was a problem of visibility displays.
- A site visit may help members understand better the issue of visibility displays.
- There would be an impact on neighbours.

Members made the following comments:

- What was the distance between the wall and the proposed housing?

- It was important that the widening of the carriageway to Griffe Gardens as shown in the approved layout drawing should be completed to base course level and to the satisfaction of the local planning authority.
- Concerning the visibility display, there was not a very good view.
- Would there be enough space for 36 wheelie bins?
- Would it be better to allocate a space per flat rather than a free for all?
- Would it be possible to condition a play area on the site as part of the Section 106 Agreement.
- A play space should be provided in close proximity.
- The refuse storage of collection arrangements should be submitted to approval by the local planning authority.
- Permitted development rights relating to the erection of satellite dishes on the proposed buildings should be removed.
- Installation of a lighting column should be agreed by the local planning authority.

A letter had been received from a Ward Councillor which made the following points:

- Any land involved in the sale that was adopted would remain so and open to objection, but no road closures had been advertised and this was legally wrong.

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

- The slates had been removed by the developer and had not been stolen.
- The flats would be for rent and not for sale.
- There could be a different access out of the development.
- District carers would not use a bus pass.
- There would be no parking for visitors.
- During the evening the road would be congested but not during the day.
- The main problem was loss of amenity.
- More young children were coming along and they can play safely at the moment but would not be able to do so if the development went ahead.
- The developer gets a green space while residents get nothing.
- The developer tried to get the objector's aunt to move a disabled parking space.
- Immediate space was necessary for residents' children.

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

- There had been an objection in respect of the effect on vegetation but the vegetation should survive as a barrier between the properties.
- The main concern of residents was the highways proposal to widen the carriageway with (a third of verge) with a footway being constructed.
- The bin wagon had to mount the verge.
- In respect of parking there would be one space for each one bedroom flat, it was close to the centre of town and on a bus route.
- The telegraph pole would be re-located at the developers expense.
- There would be a communal bin for every four persons.
- A road closure was not necessary considering government guidance on parking standards which stated that one space was sufficient for a one bedroom flat.
- It would be difficult to enforce the allocation of a parking space per flat.
- There was not much space on the site for a play area and there could be a contribution for facilities elsewhere near the site.

The Council's legal representative advised that any proposal to develop some of the grass verge adjacent to the former Highways Depot would ordinarily be an obstruction of highway and under Section 247 of the Highways Act 1980 (as amended) there was a power for the Secretary of State to stop (or divert) a highway by Order, if he is satisfied that it was necessary for him to do so in order to enable the development to be carried out in accordance with planning permission granted under part III. The above procedure was easier than the procedure under the Section 116 Highways Act 1980. In respect of the above, development must not have first taken place, there were strict requirements for publicising proposals in local newspapers and if objections were raised the Secretary of State would cause a local inquiry to be held before making any Order.

The Council's legal representative also advised that the above highways related procedure was separate from the planning procedure and suggested that a Grampian condition and informative on the need for the applicant to apply for a Section 247 Order would be beneficial.

Resolved –

That the application be deferred and delegated to the Strategic Director Regeneration in order that it be granted for the reasons set out in his technical report subject to the following:

- (1) The conditions set out in the Strategic Director, Regeneration's technical report and the following additional conditions:**
 - i. That prior to the commencement of development, the widening of the carriageway to Griffie Gardens as shown on the approved layout drawing shall be completed to base course level and to the satisfaction of the local planning authority.**
 - ii. That, notwithstanding the details shown on the approved drawings, prior to commencement of development a satisfactory scheme clarifying the refuse storage and collection arrangements be submitted to and approved by the local planning authority, and thereafter implemented and maintained as approved.**
 - iii. That prior to commencement of development a maintenance plan for both hard and soft landscaping be submitted to and approved by the local planning authority, and thereafter implemented and maintained as approved.**
 - iv. That permitted development rights (under Part 25 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995) rights relating to the erection of satellite dishes on the proposed buildings be removed.**
 - v. That no development may commence until the developer has secured the implementation of a Traffic Regulation Order in respect of "No Waiting" restrictions on the eastern side of Griffie Gardens between the site entrance and Low Bank Lane and around both sides of the junction of Griffie Gardens and Low Bank Lane.**

- vi. That details of the extent of the proposed Traffic Regulation Order be submitted to and agreed in writing by the local planning authority prior to commencement of development.

(2) The completion of a section 106 / 278 agreement to secure:

- i. That prior to occupation of any dwelling within the development a lighting column be installed within the highway known as Griffes Gardens in the vicinity of the junction of the proposed development with this street, in a position to be agreed by the local planning authority.
- ii. That the developer pays a commuted sum at a level to be specified in writing by the local planning authority following consultation with the Strategic Director, Culture Tourism & Sport and in accordance with the provisions of RUDP policy OS5 towards the provision of recreation facilities within the vicinity of the development.
- iii. That the developer pays a commuted sum at a level to be specified in writing by the Strategic Director, Regeneration following consultation with the Assistant Director (Highways) in order to secure the implementation of the Traffic Regulation Order referred to above.

- (3) That any permission issued by the local planning authority contain a footnote regarding parking provision within the development to provide that in the event of the adoption of the parking court within the application site provision be made to ensure that each residential unit be allocated at least one parking space within the development.**

ACTION: Strategic Director, Regeneration

Chair

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