

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Keighley) held on Monday 6 July 2009 in the Council Chamber, Keighley Town Hall

Commenced 1005  
 Adjourned 1110  
 Reconvened 1120  
 Site Visits 1330 - 1420  
 Concluded 1445

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Haigh
Hill	Rowen
Byrom	

Apologies: Councillors Ellis and Lee

### Councillor Greaves in the Chair

#### 10. CHAIR'S ANNOUNCEMENTS

The Chair reported that Councillor Lee was still unwell and on behalf of the Panel forwarded their best wishes to her for a speedy recovery.

#### 11. DISCLOSURES OF INTEREST

Councillor Greaves disclosed a personal interest in Minute 16 for matters relating to Goff Well Farm, Goff Well Lane, Keighley as he had received emails and a letter from the applicant but had then informed him of the correct protocol that he should follow in respect of this matter, but as the interest was not prejudicial he took full part in the discussion and voting on this item.

Councillor Hill disclosed a personal interest in Minute 14 for matters relating to 57 - 59 Mill Hey, Haworth, Keighley as the objectors had come to his surgery and he informed them to attend the meeting of the Panel, 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



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



## 12. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

## 13. PUBLIC QUESTIONS

There were no questions submitted by the public.

## 14. 57 – 59 MILL HEY, HAWORTH, KEIGHLEY

### Worth Valley

Full planning application for change of use from A1 retail shop to A3 restaurant/bistro with A5 takeaway at 57 – 59 Mill Hey, Haworth, Keighley - 09/01714/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that 13 representations of objection had been received plus one petition of objection signed by 10 local residents (one of the 13 objections were signed by five people). The summary of representations received was as outlined in Document "C".

The Strategic Director, Regeneration reported that the proposed use would be introduced to a mixed residential and commercial area where other restaurants were already in operation. There was no evidence that significant harm would be caused to the amenity of local residents subject to the imposed conditions including restricting hours of operation. Parking outside the premises was prohibited by existing Traffic Regulation Orders and a public car park was available nearby. It was considered that the proposal would have no appreciable adverse impact on the amenity of neighbouring occupiers or on highway safety. The development was considered to accord with Policies UR3, D1, TM2 and TM19A of the Replacement Unitary Development Plan. He therefore recommended that subject to conditions the application be approved.

Members made the following comments:

- Could the number of bistros and coffee shops already in the area be taken into account?
- A Juliette balcony was not a traditional balcony in this area. Was it necessary?
- Why not replace the proposed Juliette balcony with an openable window?
- If an A5 takeaway consent was approved it could be sold later on and become a full takeaway.
- If the applicant was to withdraw the application for A5 takeaway consent then the application could be deferred and delegated to the Strategic Director, Regeneration for approval.
- There was the issue of details of bin storage (including appropriate screening).
- The new plan reference for any amended plan should be included in the third condition of approval.
- How many takeaways were there on the street?
- It was necessary for a warden to patrol to get cars off the yellow lines on the road at 57-59 Mill Hey, Haworth.
- Nobody else seems to have restrictions on their premises.
- It should be possible to see what time the warden operated and to request that

enforcement takes place in the evening as well as during the day.

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

- Handed out photos of the view of the restaurant and objector's house.
- There was no evidence of commercial activities.
- It would be an invasion of privacy of neighbours and of the objector.
- It was only 10 metres from the property that it overlooks.
- They would be able to look into every room of the objector's property.
- The access to River Street was a dead end.
- There would be noise and smells coming from the extraction system.

A second objector was present at the meeting and made the following points:

- People would be able to look out over the Juliette balcony into neighbouring properties and into people's bedrooms.
- There was also the issue of rubbish and tourists did not want to see stinking wheelie bins everywhere.
- There was the issue of a public entertainment and/or liquor licence.
- Another issue was parking and traffic control in the evening which was not very good with people parking on double yellow lines.

The Council's legal representative advised that the issue of whether there was a public entertainment and/or liquor licence for the restaurant/bistro was a licensing and not a planning issue.

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

- Dealing with smells was an issue and the extractor fan was a satisfactory solution to this problem.
- He agreed that there was an issue of parking and people did tend to park on double yellow lines.
- It would be an Italian/Mediterranean type bistro and there was adequate parking a minute away.
- The bins at the rear of the property would not detract from the appearance of the premises.
- He was prepared to build a fence at the property to house the bins.
- This was a small property and it would contain a small bistro. It would not be a large restaurant.
- In respect of opening hours the applicant was happy for customers to be off the premises by 11 pm and all staff to be off the premises by 12 am.
- He wanted to have a quality restaurant with a nice balcony and this would not cause any loss of privacy than a normal window.
- It would be less of a privacy issue than with the existing large window.
- The applicant confirmed that the business operator would want a takeaway facility available.

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

- It was not necessary to take into account the number of other bistros and coffee shops already operating in the area.
- Any use of the facilities as a full takeaway would be a breach of consent.

- There was no information available in respect of whether a public entertainment and/or liquor licence had been applied for.
- There did not seem to be any restrictions on neighbouring establishments.
- There were a number of restaurants and takeaways nearby.

**Resolved –**

**That authority to approve the application be deferred and delegated to the Strategic Director, Regeneration, subject to the following:**

- (i) Receipt of an amended plan illustrating the replacement of the Juliet Balcony with an openable window**
- (ii) The conditions outlined in the Strategic Director, Regeneration's technical report save that the new plan reference for the abovementioned amended plan shall be included in the 3<sup>rd</sup> condition of approval**
- (iii) An additional conditional requiring that prior to commencement of development details of the bin storage (including appropriate screening) be submitted to the local planning authority for approval and thereafter implemented and maintained as approved.**

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

**15. 61 BROWFIELD TERRACE, NORTH STREET, SILSDEN**

**Craven**

Full application to demolish existing large prefabricated garage and construct a three bedroom terrace dwelling at 61 Browfield Terrace, Silsden – 09/01935/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Silsden Parish Council had no objections to the application and there had been ten letters of objection which have been received. The summary of representations received was as outlined in Document "C".

The Strategic Director, Regeneration reported that the proposed development would make more efficient use of previously developed land for housing and the scale and design of the new house would be well related to the existing character of the locality. It would have no significant adverse effects on occupiers of any neighbouring properties and the scheme had made provision for adequate car parking within the site. It was not considered that the proposal would adversely affect the safety of road users. The proposal was considered to comply with Policies UR3, D1, TM12 and TM19A of the Bradford Replacement Unitary Development Plan. He therefore recommended that subject to conditions the application be approved.

Members made the following comments:

- Two parking spaces should be provided for the new house and one for the existing house at 61 Browfield Terrace, Silsden.
- Condition of approval eight should be amended.
- The roof line looked a bit unusual.

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

- Previously the garage had been used by the occupier of the house to store landrovers and to keep horses nearby.
- There were enough car parking spaces available.
- It looked horrendous at the moment.

**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 conditions:**

- (1) **That two parking spaces be provided for the new house and one for the existing house at 61 Browfield Terrace, Silsden.**
- (2) **That condition of approval 8 be amended to read as follows:**

**"Prior to occupation of the new dwelling hereby approved ("the new dwelling"), the parking spaces to be formed in the rear garden of 61 Browfield Terrace and the New Dwelling shall be formed in accordance with the approved plan [referenced xxxx] and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation), the abovementioned parking spaces shall at all times be retained solely as car parking for use by each respective dwelling house and shall not at any time be used for external storage or the erection of any permanent structures without the prior written permission of the local planning authority".**

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

**DECISION FOLLOWING SITE VISIT**

**16. GOFF WELL FARM, GOFF WELL LANE, KEIGHLEY**

**Keighley East**

A part retrospective application for change of use of land from agricultural to provide an outdoor manège including excavation works (already undertaken) at land to the west of Goff Well Farm, Hainworth, Keighley – 09/01811/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that the Council had received five letters of representation with two in support, two objecting to the proposal and one confirming the transfer of the land in question and access road from Goff Well Road. One of the letters of objection had no address. The summary of representations received was as outlined in Document "C".

The Strategic Director, Regeneration reported that the reasons for recommending refusal of the application were as outlined in Document "C".

An email had been received from a Ward Councillor in support of the application and it made the following points:

- The applicant and his advisors had ensured that the building work would not be intrusive.

- A stable for livestock would not be built.
- He recommended that a site visit take place.

Members made the following comments:

- Will the soil be removed?
- If it had been a track, when had the track been restored?

Following a site visit Members made the following comments:

- The reasons for refusal of the development was that it would be obstructive.
- It would be a blot on a green area.
- It was visually intrusive.
- It would not be very visible.
- If you want to compete in this field then you have to have a proper size manège.

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

- The excavations had already taken place.
- It was necessary to investigate the history of other applications.
- Twenty one sites had been investigated and a manège development was not inappropriate.
- It was an appropriate form of development in the green belt.
- The visibility of the manège was exaggerated.
- The application has been open to public consultation.
- A letter of support had been received from the National Farmers Union (NFU).
- A horse had had to be put down due to an accident.
- He requested that a site visit take place to look at manéges near Hainworth.
- There was no need for a highly visible access track.
- Overall there was a lot of support for this application.
- He had tried to email supporting statements to Councillors.
- A site visit had been requested with planning officers but this had not achieved much.

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

- There was a requirement for landscaping on the site.
- The track had always been a stone track that had been grassed over.
- Members should be mindful what might appear beside the manège such as floodlights and car parking.
- It was possible to see the mounds of soil.
- There were no landscaping details outlined in the application.
- Visibility was a problem.
- Each case had to be considered on its merit.
- Is this proposal an appropriate use in respect of outdoor recreation and does it preserve the openness of the green belt and stop encroachment of urban features? If it was not appropriate then it should be refused.
- It was a private facility and there was no supporting benefit to the local community in respect of the manège and so this was not a proper use of a green belt land.
- There were a lot of applications for manéges which usually involve excavation works and it was important not to set a precedent.

**Resolved –**

**That the application be refused for the following reasons:**

- (1) The proposed development would be obstructive and prominently sited in an area of open countryside defined for Green Belt purposes on the Replacement Unitary Development Plan (RUDP) and subject to the guidance contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). The degree of prominence of the development and the significant engineering operations required to set it onto this exposed, sloping site are such that it would appear as a very noticeable encroachment that would not maintain the openness of the Green Belt and would conflict with the purposes of including the land in it. The proposal represents an inappropriate development that would be harmful to the openness of the Green Belt and would be contrary to Policy GB1 of the Replacement UDP and PPG2.**
- (2) The excavation and formation of the ménage would cause unacceptable visual intrusion and disrupt the simple, smooth character of open, gently sloping pastures with grid-like patterns of dry stone walls which contribute significantly to local distinctiveness and the character and quality of this part of the countryside. The development would adversely affect the character of this part of the Wilsden Landscape Character area, as defined by Policy NE3 of the Replacement Unitary Development Plan, and would be contrary to Policies NE2, NE3 and NE3A of the Replacement Unitary Development Plan.**

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

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

**(i) 1 STRAWBERRY STREET, SILSDEN Craven**

Alleged unauthorised change of use to form part of garden at 1 Strawberry Street, Silsden – 09/00376/ENFCOU.

Date Enforcement File Closed: 13 May 2009.

**(ii) 6 CALVER GROVE, KEIGHLEY Keighley Central**

Alleged unauthorised fencing at 6 Calver Grove, Keighley – 08/01255/ENFUNA

Date Enforcement File Closed: 1 June 2009.

**Resolved –**

**That the reports be noted.**

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

18. **DECISION MADE BY THE SECRETARY OF STATE**

**APPEAL DISMISSED**

(i) **LAND TO THE EAST OF BELLE ISLE ROAD, HAWORTH** Worth Valley

Construction of two semi-detached dwellings with attached single garages and alterations to existing access – Case No: 07/09687/FUL. Appeal Ref: 09/00030/APPFUL.

**Resolved –**

**That the decision be noted.**

**NO ACTION**

19. **PETITIONS**

(i) **HAYHILLS HOUSE, HAYHILLS ROAD, SILSDEN** Craven

Change of use from Class B1 Office to Taxi Cab Office at Hayhills House, Hayhills Road, Silsden – 09/01019/FUL.

A petition of objection signed by 26 people was received in response to the above planning application. The application was refused under officer delegated powers on grounds of the detrimental impact of a taxi office on neighbouring residents and due to the substandard access, turning and parking facilities serving the site.

**Resolved –**

**That receipt of the petition and the refusal of the application under officer delegated powers be noted.**

**NO ACTION**

(ii) **LAND TO THE SOUTH OF 28 QUEEN'S DRIVE LANE, ILKLEY** Ilkley

Construction of detached dwelling and associated access on land to south of Queen's Drive Lane, Ilkley – 09/01880/FUL.

A petition of objection signed by 29 people was received in response to the above planning application, along with 15 letters of objection. The application was refused under officer delegated powers on grounds of the detrimental impact of the dwelling on trees, road safety and the design being inappropriate and harmful to Ilkley Conservation Area.

**Resolved –**

**That receipt of the petition and the refusal of the application under officer delegated powers be noted.**



**NO ACTION**

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