

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 12 November 2009 in the Council Chamber, Keighley Town Hall

Commenced 1000  
Adjourned 1043  
Reconvened 1053  
Concluded 1217

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Rowen
Hill	
Ellis	

Apologies: Councillors Shabir Hussain and Lee

Ward Councillor: Councillor Mallinson

### Councillor Greaves in the Chair

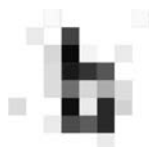
#### 54. CHAIR'S ANNOUNCEMENTS

The Chair on behalf of the Panel wished a speedy recovery for Councillor Lee who was not able to attend the meeting due to illness.

#### 55. DISCLOSURES OF INTEREST

Councillors Ellis and Hill disclosed a personal interest in Minute 65(iii) for matters relating to 5 Constable Road, Ilkley as they had been approached by the owner, but as the interests were not prejudicial they took full part in 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)



BRADFORD  
METROPOLITAN DISTRICT COUNCIL

**56. MINUTES**

**Resolved -**

**That the minutes of the meeting held on 16 September 2009, be signed as a correct record.**

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

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

**58. PUBLIC QUESTIONS**

There were no questions submitted by the public.

**59. THE WHEATLEY HOTEL, 101 WHEATLEY LANE, ILKLEY**

**Ilkley**

A full, retrospective application for repositioning of fire escape, provision of fence screening to bin storage, provision of decking and platform to first floor bedroom suite and modification to car parking and landscaping at the Wheatley Hotel, 101 Wheatley Lane, Ben Rhydding, Ilkley – 09/03357/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 and that 13 letters of objection had been received from nearby addresses. The summary of representations received were as outlined in Document "K".

The Strategic Director, Regeneration reported that the proposal, as amended, would improve the appearance of the property, make better provision for parking and reduce nuisance to neighbours compared with arrangements on site at present. It was considered to comply with Policies UDP3, UR3, D1, TM19A and BH7 of the Replacement Unitary Development Plan. He therefore recommended approval of the application subject to conditions.

Members made the following comments:

- Mature plants should be installed around the railings.
- The railings to the roof terrace should match the colour of the existing railings.
- If the height of the extractor fan was changed then it might be necessary for the applicant to obtain planning approval for this change.
- It was suggested that the Parish Council could amend their standing orders to give their Chair delegated power to look at amendments or call a meeting of the Parish Council to consider amendments to planning applications.

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

- The position of the Parish Council was originally to recommend refusal of the application. Since seeing the officer recommendation real progress has been made in respect of this application and he would support the application.

- The issue of the fencing not fitting any of the surroundings had been dealt with.
- The issue concerning the extractor fan in relation to noise and smells had been dealt with and it was recognised that this would be an environmental health issue.

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

- The negotiations mentioned earlier were only going on last week.
- He would answer any questions from the Panel.
- There would be increased parking and a grass area would be used for this purpose and he recommended that planning permission be granted and there would be a significant parking gain.

**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:**

- (i) That mature plants be installed around the railings.**
- (ii) That the railings to the roof terrace match the colour of the existing railings.**
- (iii) That a footnote be added indicating that if the height of the extractor fan is changed in the light of Environmental Protection action, then it may be necessary for the applicant to obtain planning approval for this change.**

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

**60. THE WHEATLEY HOTEL, 101 WHEATLEY LANE, ILKLEY**

**Ilkley**

A full, retrospective application for retention of a raised path and terrace with stone retaining wall around the north and west sides of the Wheatley Hotel, 101 Wheatley Lane, Ben Rhydding, Ilkley – 09/04232/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 approval of the application. The Council had received five letters of objection, and some of the comments received in respect of the separate planning application for the car park and other matters also raised objections to the details covered by this application. The summary of representations received were as outlined in Document "K".

The Strategic Director, Regeneration reported that the development was of sympathetic visual appearance and was not considered to adversely affect the character or appearance of the Ben Rhydding Conservation Area. Subject to a reduction in the area devoted to external seating through compliance with the amended plan that showed part of the hard surfaced area replaced by planting, the potential conflict with the amenity of occupiers of adjoining residential properties was considered to be acceptable. The proposals, as amended, were considered to comply with Policies UR3, D1 and BH7 of the Bradford Replacement Unitary Development Plan. He therefore recommended approval of the application subject to a condition.

Members made the following comments:

- Should the tables be removed?
- Was there an area where people could smoke?
- Could have a situation where there are less customers at the hotel and it has to close again.
- Were there any umbrellas available that could be put up when it rained?
- Concerning the garden area at the back and the paving area towards the beer garden, if somebody had a function would the public still have access around the back?
- Happy with planting around the fence but not closer to the building as there are plants already there.
- Licensing issues were not issues for the Panel to consider.

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

- The Parish Councillor had previously recommended approval of the application but this was a more serious issue.
- People outside drinking and eating were causing problems and this was disturbing neighbours. Planting around the corner might address this issue.
- He handed out the photos which showed the closeness of the Wheatley Hotel to No. 99 Wheatley Lane.
- He suggested removal of the benches and just have the area as an access path.
- He was pleased to see that there would be increased parking spaces as there were parking problems at present.

The agent for the applicant responded that there would be access for members of the public around the back of the hotel during any function.

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

- Yes there were other areas where people could sit and smoke at the hotel.
- The hotel could put out portable umbrellas for people when it rained but would need planning permission to erect permanent umbrellas.
- It would not be reasonable to request the removal of the benches.

**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) The submission of a planting scheme which shall consist of mature and substantial plants for approval by the local planning authority**

**Note:**

**It was made clear that the Panel did not seek removal of the benches in front of the bay windows at the front of the building.**

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

61. **12 BRADLEY RISE, SILSDEN****Craven**

A full planning application for the construction of a two storey extension with incorporated garage to the side of 12 Bradley Rise, Silsden – 09/03893/HOU.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plan detailing the layout. He reported that Silsden Parish Council had stated that there was no call for the application to be referred to the Panel but the Parish Council had considered this application to be overdeveloped for the plot. Six representations were received, three were from residents within Bradley Rise, one from a previous occupant of the property, one from the original designer of the housing development on Bradley Rise and one objection was from a Ward Councillor. A different Ward Councillor had also requested the application be determined by the Planning Panel if officers recommended the application for refusal. The summary of representations received were as outlined in Document "K".

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

Members made the following comments:

- The extension was not in character.
- Photos produced at the meeting showing the closeness of the development to neighbouring properties and showed that the window from the neighbouring property would be covered over and would take light from that property.
- The extension would be overbearing.

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

- The residents from No. 14 Bradley Rise had lived there for a long while and stress had been caused to them as a result of the application and they would not be able to speak about this at the meeting of the Panel themselves.
- This was a monstrous application that would have a big effect on the lives of the residents at No. 14 Bradley Rise.
- The application had been turned down previously and it had been refused by Silsden Parish Council.
- There was no evidence why another Ward Councillor had wanted it considered by the Panel.
- The residents at No. 14 Bradley Rise were not opposed in principle to the development if a reasonable plan had been tabled but negotiations had come to nothing.
- What was left was the same monstrous extension.
- The proposed development was not in keeping with neighbouring property and the letter from the architect who designed the houses had indicated this.
- The Planning Officer had shown why the application should be refused as it was contrary to Policy 1 of the Council's Approved House Extensions Policy and Policy UR3 of the adopted Replacement Unitary Development Plan.
- He hoped that the Panel would come to the same conclusion as officers and refuse the application.

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

- The internal photo taken from the bedroom was not square but had been taken at

an angle.

- A site meeting was held on 27 April 2009 with Planning Officers.
- A lighting report had been produced and this had concluded that the massing of the extension would not have any detrimental effect on lighting.
- In respect of planning guidance nobody had the right of view from their property.
- Housing Extensions Policy does not refer to outlook and the outlook was acceptable.
- The extension would not harm the character of the street.
- There would be no adverse impact on daylight and amenity neighbouring properties.
- The outlook was not a planning matter and loss of view was not an issue.
- The application was in line with the Council's Housing Extensions Policy.

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

- Objectors had referred to the reduced spacing between the house and neighbouring properties which made the properties look cramped in.
- The proposed development would be fairly close to the neighbouring properties.
- Any reduction in scale of the development would need to be part of a new planning application.
- The development would have a oppressive effect on the view, daylight and outlook of the neighbouring property, it would have an effect on the enjoyment of nearby residents properties.

**Resolved –**

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

**The proposal would be harmful to neighbouring occupiers' amenity by reason of its size and siting. Specifically the two storey side extension would result in a over-dominant, overbearing and visually intrusive structure in close proximity to the bedroom window of No. 14 Bradley Rise resulting in a significant loss of outlook to the detriment of neighbouring occupiers' amenity. Consequently the proposal is considered to be contrary to Policy 1 of the Council's approved House Extensions Policy and Policy UR3 of the adopted Replacement Unitary Development Plan.**

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

**62. SWARTHA HOUSE FARM, HAWBER LANE, SILSDEN**

**Craven**

Full application for the demolition of farm buildings and construction of two houses and garages including alterations to vehicular access at Swartha House Farm, Hawber Lane, Silsden, Keighley – 09/04089/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 Silsden Town Council had raised no objections on the condition that only the two new builds were built on the site and that the previous

grant for six live/work units was withdrawn. One representation letter had been received. This was supporting the application. Submitted with the application was a petition in support consisting of 34 signatures, from 21 households. Eight of these households had also written separate representation letters which were again submitted with the application rather than in direct response to publicity.

All of the representations submitted with the application supported the proposal as the writers consider it was a reduction in the number of previously approved converted live work units. Thus reducing traffic and the need for highways alterations.

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

Members made the following comments:

- Was there a planning requirement to demolish agricultural buildings?
- There did not seem to be any special circumstances to approve the application
- A lot of what was proposed by the applicant could happen anyway such as in respect of the planting scheme.
- Anything that gets rid of the red building would be an improvement.
- Should be mindful of local support.

A letter from the Forest of Bradford was circulated at the meeting in support of the application.

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

- The Parish Council had made no objection to the application as the current site was a blot on the landscape.
- The proposed building would be in an existing suburbanised area. This area of Silsden was a popular area for walkers and the proposal would enhance the beauty of the conservation area.
- The redbrick buildings should be replaced as they were obtrusive and unsightly and visible from the footpath.
- There would be an improvement in the traffic situation.
- There was a lot of support from the community for the application.
- The application should be approved.

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

- The existing permission allowed seven dwellings to be built and this application would reduce that to two dwellings.
- The existing buildings were in open countryside.
- There would be a reduction in the footprint of the development.
- The openness of the Green Belt would be increased if the application was approved.
- He did not agree that there were no special circumstances as the Council had set a precedent in respect of previous developments.
- Concerning woodland cover there was a letter of support from the Forest of Bradford, Bradford Environmental Action Trust.
- The district had only a woodland cover of 4.5% with the national average being 10%.
- The proposal was seen as worthwhile locally.

- The proposals offered more open space.
- There would be less traffic generated as a result of the proposals.
- Tree planting would provide a benefit to the area.

A supporter of the application was present at the meeting and made the following points:

- The application had 100% support among residents in Swartha Hamlet.
- So many people wanted the scheme to succeed and supported the removal of the redbrick buildings.
- A petition had been submitted and she recommended that the application be approved.

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

- The scheme was against planning policy and it was an inappropriate development.
- The application could only be recommended for approval if there were any special circumstances which had to outweigh any harm to the conservation area.
- The scheme had a suburban feel to it.
- The Green Belt would be affected as a result of any approval of the application.
- The scheme was radically different from the scheme which had been given permission previously.
- The woodland would be beneficial but it was important to protect the open character of the Green Belt.
- The red agricultural buildings could be demolished at any time without planning permission.
- The application would be considered on its own merits and that was the case with applications that had gone before this and other Panels.
- The existing building was an eyesore but this had not justified approval of a development which was contrary to planning policy.
- Special circumstances have to outweigh harm to the conservation area.

**Resolved –**

**That the Regulatory and Appeals Committee is recommended to refuse the application for the following reasons:**

- (i) The proposed development would be 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 Belt) (PPG2). Within such areas it is both national and local planning policy to severely restrict inappropriate development other than those limited exceptions as specified in RUDP Policy GB1 and PPG2. The proposal for two new houses and a garage block represents inappropriate development that would be harmful to the openness of the Green Belt and the purposes of including the land in it. The local planning authority considers that very special circumstances that would warrant an exception to this policy have not been presented. The development would be contrary to Policy GB1 of the Replacement UDP and guidance in PPG2.**
- (ii) The proposed development would harm the visual amenity of the Green Belt and adversely affect the character of this part of the Airedale Landscape Character Area, as defined by Policy N3 of the Replacement Unitary**



**Development Plan, by introducing a suburban scatter of new housing and domestic curtilages on the site and no proposals are included within the submitted site layout for appropriate landscaping and screening that would integrate the development into its surroundings. The proposal would be contrary to Policies NE3 and NE3A of the Bradford Replacement Unitary Development Plan.**

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

**63. THE OLD RECTORY, LOW MILL LANE, ADDINGHAM, ILKLEY Craven**

Full application for the re-construction of an outbuilding to form garaging at the Old Rectory, Low Mill Lane, Addingham – 09/03787/HOU.

**Note: The above application was withdrawn by the applicant.**

**NO ACTION**

**64. THE OLD RECTORY, LOW MILL LANE, ADDINGHAM, ILKLEY Craven**

Listed building consent application for the re-construction of an outbuilding to form garaging at the Old Rectory, Low Mill Lane, Addingham – 09/03788/LBC.

**Note: The above application was withdrawn by the applicant.**

**NO ACTION**

**65. ENFORCEMENT ENQUIRIES CLOSED BY THE PLANNING MANAGER  
(ENFORCEMENT AND TREES)/SENIOR ENFORCEMENT OFFICER  
AS NOT EXPEDIENT TO PURSUE**

**(i) 2 Vale Street, Keighley Keighley East**

Alleged unauthorised fencing – 09/00283/ENFUNA.

Date Enforcement File Closed: 6 October 2009.

**(ii) 41 Southfield Terrace, Addingham Craven**

Alleged unauthorised shed – 09/00809/ENFUNA.

Date Enforcement File Closed: 6 October 2009.

**(iii) 5 Constable Road, Ilkley Ilkley**

Unauthorised decked platform in rear garden – 09/00426/ENFUNA.

Date Enforcement File Closed: 6 October 2009.

**(iv) Ingrow Primary School, Broomhill Avenue, Keighley Keighley West**

Alleged unauthorised sign – 09/00399/ENFADV.

Date Enforcement File Closed: 6 October 2009.

**(v) Northfield Manor Residential Home, 5 View Road, Keighley Keighley Central**

It was alleged that the development was not being constructed in accordance with the approved plans – 08/00889/ENFAPP.

Date Enforcement File Closed: 22 September 2009.

**Resolved –**

**That the report be noted.**

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

**66. ENFORCEMENT MATTERS**

**(i) 24 Box Tree Grove, Long Lee, Keighley Keighley East**

Unauthorised decking – 09/00848/ENFUNA.

The unauthorised decking had been removed by the owner prior to service of the Notice and the land restored to garden. No further action was required.

**(ii) 3 Thurlestone Court, East Morton, Keighley Keighley East**

Unauthorised rear extension – 09/00186/ENFUNA.

Enforcement action has been authorised.

**(iii) 3 Wardle Crescent, Keighley Keighley Central**

Unauthorised construction of block retaining walls, decking, block walls and fencing – 09/00213/ENFUNA.

Enforcement action has been authorised.

**(iv) 38 Malsis Road, Keighley Keighley Central**

Unauthorised dormer window to the front elevation – 09/00456/ENFUNA.

Enforcement action has been authorised for the removal of the dormer.

**(v) 38 Malsis Road, Keighley Keighley Central**

Unauthorised rear dormer window – 09/01158/ENFUNA

Enforcement action has been authorised for the removal of the dormer window.

**(vi) Far Dean Fields, Dean Edge Road, Oldfield, Keighley** **Worth Valley**

Unauthorised steel container in Green Belt – 09/01276/ENFUNA.

Enforcement action has been authorised for the removal of the container and restoration of the land.

**(vii) Intake Laithe Farm, Oldfield Lane, Oldfield, Keighley** **Worth Valley**

Unauthorised stationing of a static caravan – 08/00989/ENFUNA.

Enforcement action has been authorised for the removal of the caravan.

**(viii) Land to the East of Stones Cottage, Hebden Bridge Road, Oxenhope, Keighley** **Worth Valley**

Unauthorised change of use of land in Green Belt for storage of building materials and building waste – 09/01309/ENFUNA.

Enforcement action has been authorised for the removal of the materials from the land.

**(ix) Lower Laithe Barn, Providence Lane, Oakworth, Keighley** **Worth Valley**

Unauthorised construction of stables and tractor shed – 07/01394/ENFUNA.

Enforcement action has been authorised for the removal of the structures.

**(x) West View, Hill Top, Hainworth, Keighley** **Worth Valley**

Unauthorised timber chicken huts in Green Belt – 08/00328/ENFUNA.

Enforcement action has been authorised for the removal of the huts.

**Resolved –**

**That the report be noted.**

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

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

**APPEALS DISMISSED**

**(i) 30 Roedhelm Road, East Morton, Keighley** **Keighley East**

Construction of two storey rear extension and utility room – Case No: 09/01590/HOU.

Appeal Reference: 09/00117/APPCON.

**(ii) Lower Laithe Barn, Providence Lane, Oakworth**

**Worth Valley**

Retention of stable and tractor store with associated landscaping – Case No: 09/00748/FUL.

Appeal Reference: 09/00098/APPFUL.

**Resolved –**

**That the decisions be noted.**

**NO ACTION**

**68. LAND AT CASTLE ROAD, ILKLEY**

**Ilkley**

Consideration of an objection to Tree Preservation Order – 09/00044/G at Land at Castle Road, Ilkley, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that a Tree Preservation Order (TPO) was made on 28 May 2009 on a group of 18 trees as a result of a Conservation Area notice of intent to fell three trees (two Sycamores and one Poplar) under notice of intent 09/02273/CPN. The Poplar was felled within the notification period which was currently an enforcement issue. The two Sycamore trees were significant trees within the Conservation Area adjacent to the Manor House Museum and Art Gallery. The most visibly significant trees within the group were the two Sycamores. Officers considered the proposed felling to be unacceptable as there was considered to be insufficient evidence to support removal on poor condition grounds. The loss of these mature trees would impact unacceptably on the amenity value of the group of trees.

It was considered expedient to confirm this order as if not confirmed the Sycamores could be felled impacting on the character and amenity value of the group of trees within the Conservation Area.

There had been two letters of objection made in relation to the order on the grounds as outlined in Document "L".

The Strategic Director, Regeneration recommended that the objections be overruled and the Tree Preservation Order be confirmed without modification as the trees had significant amenity value in forming part of the character and setting of the built environment and it was expedient to confirm the order to restrict the possibility of the trees being felled to the detriment of the local landscape.

The Panel agreed that the issue of enforcement in respect of the breach in relation to the original notice of intent should be dealt with as a matter of urgency.

**Resolved –**

**That the objection be overruled for the reason set out in the report of the Strategic Director, Regeneration and due to the continued visual amenity value of the trees and for the purpose of expediency and Tree Preservation Order 09/00044/G be confirmed without modification and the enforcement in respect of the breach in relation to the original notice of intent be dealt with as a matter of urgency.**

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

Chair

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

minutes\plk12nov

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