

City of Bradford Metropolitan District Council

www.bradford.gov.uk

(mins.dot)

Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 21 January 2010 in the Council Chamber, Keighley Town Hall

Commenced 1000
Concluded 1147

PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Shabir Hussain
Hill	Lee
Ellis	Rowen

Councillor Greaves in the Chair

78. DISCLOSURES OF INTEREST

- (i) Councillor Hill disclosed a personal interest in Minute 82 for matters relating to Land to the East of Girvan, Scott Lane, Riddlesden, Keighley as the residents of Girvan were close friends of his. As the interest was prejudicial he withdrew from the meeting during the discussion and voting on this item.
- (ii) Councillors Greaves, Ellis, Shabir Hussain, Lee and Rowen disclosed a personal interest in Minute 82 as they knew one of the objectors, but as the interest was not prejudicial they took full part in the discussion and voting on this item.

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

79. MINUTES

Resolved -

That the minutes of the meetings held on 12 November and 10 December 2009 be signed as a correct record.



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD
METROPOLITAN DISTRICT COUNCIL

80. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

81. PUBLIC QUESTIONS

There were no questions submitted by the public.

**82. LAND TO THE EAST OF GIRVAN, SCOTT LANE,
RIDDLEDSEN, KEIGHLEY****Keighley East**

Full planning application for construction of a building comprising two flats on land opposite 10 Scott Lane, Riddlesden, Keighley – 09/04501/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Keighley Town Council had said that it would "follow planner's guidelines". Seven objections had been received in respect of the application. A Ward Councillor had requested referral to the Panel. The summary of representations received were as outlined in Document "O".

The Strategic Director, Regeneration reported that the redevelopment of this previously developed land in a sustainable location in the built up area was accepted in principle. The siting, scale, design and materials of the dwelling would be appropriate to the Leeds Liverpool Canal Conservation Area and to the character of the surrounding area. Subject to the imposed conditions, the development would have no significant adverse impact on the amenity of occupiers of the adjoining properties and land. Parking and servicing arrangements were considered satisfactory and the development would have no significant impact on protected trees or the ecological importance of the canal. As such it was considered that the proposal would accord with Policies UDP1, UR2, H7, H8, BH7, BH20, D1, UR3, NE4, NE5, NE6, NE9, NE10, TM2, TM12, TM19A and D4 of Bradford's Replacement Unitary Development Plan. He therefore recommended approval of the application subject to conditions.

Members made the following comments:

- The area for parking spaces should be kept clear for parking only and condition 8 should be amended to reflect this.
- What would be the impact on the bus site and would it be necessary to move the bus stop?
- Would the window of the house be facing the tennis court?
- The tennis court was owned by the Riddlesden Tennis Club and it was a well used and attended club.
- Do the balcony windows open and were they 'juliet' balconies?
- Was the Institute or the tennis club informed of the proposals?
- Were the flats to be sold or for rent?
- Don't have a problem with the removal of a self-seeded sycamore. It was more important to have a good proposal for a brownfield site.
- Had some problems with the window overlooking the tennis courts and not happy with the flats as it should have been houses.

- The proposed materials to be used in the development were good but it seemed that it might be in the wrong location as people need their privacy.
- In respect of overlooking of the tennis courts people could overlook the tennis courts from along the lane.
- Parking does meet the minimum requirements and on balance taking into account planning requirements the application should be supported.
- There did not seem to be any substantial issue of overlooking the tennis courts and a lot of houses were often turned into flats.
- The only concern was to ensure that the car parking spaces were used only for parking.
- It was suggested that there be a footnote indicating that Metro be contacted if it is necessary to remove the bus stop a short distance.

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

- To put flats on the site would be out of character with the surrounding area.
- Every building on the map was a single house and the proposal intended to introduce flats into the area.
- There did not seem to be any difference in respect of this application and to a previous application refused in late Spring 2009 and the reasons given that it was unacceptable and contrary to planning policies was as valid now as before.
- The Tree Officer was unable to support the application and said that he had concerns about the application.
- The plans were inaccurate on the eastern elevation.
- The photo provided by the neighbour showed his garage and ridge of his house which was visible.
- The ridge line of Girvan was raised above what it was in reality.
- Girvan was much lower down than as indicated in the drawing and would be very low down into the ground.

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

- The applicant had had discussions with representatives of the Institute and the tennis courts were used by members of the local community and a tennis element had been considered in the proposal.
- The strips on the northern side of the development had been small holdings where pigs had been kept.
- The Conservation staff were happy with the proposal. It was proposed to use natural slate in the development which would be better than some of the materials on surrounding properties.
- The West Yorkshire Ecology Service and the Council's Countryside staff had no objections to the application.
- There was a distressed tree on the development site which was owned by the canal company.
- The applicant does want to be a good neighbour.
- The applicant wants to use the flats for himself.
- He had spoken to the owner of Girvan and had made some changes to the proposals.
- The remaining objections were addressed on page 7 of the Strategic Director, Regeneration's report.
- The proposals were realistic use of the land and it was in keeping with the planning policies.
- On Scott Lane the properties were in all shapes and sizes.

- Concerning the tennis facilities any future expansion would have to be considered on its merits by the local planning authority.
- The applicant had considered all the 13 conditions of the report of the Strategic Director, Regeneration and also the amendment to condition 8.

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

- The trees did have a group value but not any individual merit.
- It was necessary to remove some of the trees for construction and the Tree Officer did have some concerns but most of the trees would be retained.
- There was a need to get houses onto a brownfield site.
- The scheme would not have a significant impact on the conservation site.
- It might be necessary to move the bus stop a short distance.
- A window of the proposed development would be facing the tennis courts.
- There would be a 'Juliet' balcony in the development.
- The Institute had been informed about the proposed development.
- There had been discussions about whether the flats were out of character.
- This scheme seems to work on its own merit.
- The scheme balances up with Girvan and it was looked at to see if it fits into the character of the area.
- The West Yorkshire Ecology Service and the Council's Countryside Officers supported the application.
- The Council's Conservation staff were supportive of the application.

The Council's legal representative reported that it was up to Metro to decide whether or not to move the bus stop.

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:

- (i) **That condition 8 be amended to read "Formation of parking spaces prior to occupation of the dwellings and that these spaces be used only for parking thereafter".**
- (ii) **That a footnote be added that Metro be contacted if it is necessary to remove the bus stop a short distance.**

ACTION: Strategic Director, Regeneration

**83. PADDOCK ADJACENT TO WEST RIDDLESDEN HALL, Keighley East
SCOTT LANE, RIDDLESDEN, KEIGHLEY**

Full, retrospective application for access track to approved canal side mooring at Paddock adjacent to West Riddlesden Hall, Scott Lane, Riddlesden, Keighley – 09/05002/FUL.

This application was submitted by a member of Council.

The Chair asked if the application would have been brought before the Panel if it had not been submitted by a member of Council and whether members had any issues with the application.

The Strategic Director, Regeneration responded that the application would otherwise have been dealt with under delegated powers if it had not been submitted by a member of Council to the Panel.

The Panel had no issues with the application and supported approval of the application.

The agent for the applicant was present at the meeting and he supported the officer recommendation for approval of the application as outlined in the report of the Strategic Director, Regeneration.

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

**84. SUGDEN END HOUSEHOLD WASTE SITE,
HALIFAX ROAD, CROSS ROADS, KEIGHLEY**

Worth Valley

A full application for the installation of a replacement landfill gas control flare within an existing fenced compound adjacent to the closed Sugden End Landfill Site, to the north-west of Sugden End Household Waste Recycling Centre, off Halifax Road, Cross Roads, Keighley. The application also includes the provision of additional soft landscaping and replacement fencing – 09/04919/FUL.

The application must be determined by the Regulatory and Appeals Committee as it represented Green Belt development as defined by paragraph 4 of the Town and Country Planning(Consultation) (England) Direction 2009.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Haworth, Cross Roads and Stanbury Parish Council had no objections to the application. No representations had been received in respect of the application.

The Strategic Director, Regeneration reported that the proposed replacement gas flare would have an impact on the openness of the Green Belt, and therefore constituted a departure from Policy GB1 of the Replacement Unitary Development Plan. However the flare was needed to mitigate risks to people and the environment associated with unmanaged releases of landfill gas and therefore it was considered that very special circumstances existed which justify the development. It was considered that the proposal was consistent with the objectives of Policy UDP9 of the Replacement Unitary Development Plan.

The proposal included additional landscaping measures which would serve to improve the visual setting of the site and mitigate the impact of the gas flare on the character of the landscape. It was not considered that the proposed flare would have any significant adverse impact on the surrounding environment or the occupants of adjacent land. It was

considered that the proposal accorded with Policies D1, D5, UR3 and NE3 of the Replacement Unitary Development Plan.

Members made the following comments:

- They were concerned about visual intrusion.
- Was the gas collection system efficient?
- Had consideration been given to generation of electricity or converting gas to liquid fuel for use in vehicles?
- It was necessary to take into account policies on renewability and sustainability.
- A member of the Panel had visited a landfill site in York where the gases had been harnessed successfully on the site and a neighbouring local authority had also considered a similar proposal.
- What was the limited life time of the site and when would the gas run out?
- More information should be provided in the report about any possible alternatives that were available in respect of the viability of the site and utilisation of the gas at the site.
- It was necessary to look at green issues.
- Is the flare the best option in respect of sustainability.
- We have lost 13 years of gas use and it was necessary to get rid of the gas as there was a temporary flue in place at the moment.
- It was necessary to look at safety issues first.
- The application should be deferred for further information.

The Council's Legal representative reported that the applicant was entitled to have the application considered on its merits. It was not the Panel's role to consider the Council's other policies such as energy/waste management. It was about considering the merits of having a flare burning in the green belt.

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

- The gas collection system was efficient.
- The Government gave credit in respect of non-fossil fuels. It was very expensive but the proposal had failed as the payment return time was decreasing.
- Every day the commercial viability of the site for conversion of the gas for commercial purposes gets less as the pay back period was very short.
- There was about 20 years left of gas remaining at the site.
- It was clear what the Council's duty was and it was control landfill gas and the main way to do this was through a flare.
- Methane was a potent gas which could cause explosions and affect vegetation. This was the special circumstance for having a flare in the green belt.

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

- As there was less gas now being produced at the site then it would not be viable for generation of electricity or the conversion of the gas to liquid fuel.
- The proposal was for a gas flare as it was necessary to replace a temporary one.
- The question was whether there were special circumstances in existence?
- It was necessary to consider whether this proposal was the best management option.

Resolved –

That the application be deferred to allow for the submission of further information in respect of the viability of utilising landfill gas energy recovery systems at the site in order to inform the consideration of whether the proposal represents the most sustainable waste management option, in accordance with the advice of Planning Policy Statement 10.

ACTION: Strategic Director, Regeneration

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

(i) 34 Damems Road, Keighley Keighley East

Unauthorised decking to rear – 09/00454/ENFUNA.

(ii) 37 Valley View Close, Oakworth, Keighley Worth Valley

Unauthorised raised patio and fencing – 06/01257/ENFUNA.

(iii) The Coach House, Knott Lane, Eastburn, Keighley Craven

Unauthorised construction of external staircase to access car port roof supporting unauthorised greenhouse – 09/00582/ENFUNA.

Resolved –

That the report be noted.

ACTION: Strategic Director, Regeneration

86. ENFORCEMENT MATTERS

(i) Wyvern, Elam Wood Road, Riddlesden, Keighley Keighley East

Unauthorised raised hardstanding supported by gabions – 09/00383/ENFUNA.

A raised hardstanding for vehicles had been constructed within the green belt and within an area covered by a Tree Preservation Order. The structure was likely to cause the death of a protected tree and extended the residential curtilage into an area of protected woodland.

Enforcement action was therefore authorised on 26 November 2009.

Resolved –

That the report be noted.

ACTION: *Strategic Director, Regeneration*

87. DECISIONS MADE BY THE SECRETARY OF STATE

APPEAL ALLOWED

(i) Coach House, Knott Lane, Eastburn, Keighley **Craven**

Retrospective application for construction of greenhouse and timber staircase – Case No: 09/03026/HOU.

Appeal Ref: 09/00179/APPHOU.

APPEALS DISMISSED

(ii) 13 Grafton Road, Keighley **Keighley West**

Construction of attached dwelling – Case No: 08/07168/FUL.

Appeal Ref: 09/00140/APPFUL.

(iii) Bracken Field Bungalow, Green Lane, Silsden **Craven**

Extension to bungalow – Case No: 09/03381/HOU.

Appeal Ref: 09/00178/APPHOU.

Resolved –

That the decisions be noted.

NO ACTION

88. LAND TO REAR OF 77 BOLTON ROAD, SILSDEN **Craven**

Petition in relation to construction of a two storey dwelling at land to rear of 77 Bolton Road – 09/05073/FUL.

Publicity of the above planning application for a dwelling on garden land to the rear of 77 Bolton Road, Silsden attracted 18 objections and a petition with 50 signatures objecting to the proposed development. The application had been refused under officer delegated powers on the grounds of the development being incongruous and out of character and the poor vehicular access and arrangements for servicing.

Resolved –

That the petition be noted.

NO ACTION

Chair

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

minutes\plk21jan

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