

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 25 March 2010 in the Council Chamber, Keighley Town Hall

Commenced 1000  
Concluded 1100

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Lee
Hill	Rowen
Ellis	

Apologies: Councillor Shabir Hussain

### Councillor Greaves in the Chair

#### 99. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

#### 100. MINUTES

##### Resolved -

That the minutes of the meeting held on 21 January 2010 be signed as a correct record.

#### 101. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

#### 102. PUBLIC QUESTIONS

There were no questions submitted by the public.



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



103. **LINGSTEAD, PANORAMA DRIVE, ILKLEY****Ilkley**

Full planning application for the demolition of the existing single storey garage and construction of a domestic garage, office and games room plus new parking area in stone setts at Lingstead, Panorama Drive, Ilkley – 09/05839/HOU.

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 subject to the proposal never becoming a separate dwelling. Seven representations of objection were received. The summary of representations received were as outlined in Document "T".

The Strategic Director, Regeneration reported that the development would have no significant adverse effects on local amenity, the character or appearance of the Conservation Area within which the property was situated, or the amenity of neighbours. It complied with Policies BH7 and UR3 of the Replacement Unitary Development Plan (2005) and relevant Supplementary Planning Guidance relating to House Extensions. He therefore recommended approval of the application subject to conditions as outlined in Document "T".

Members made the following comments:

- Should the trees that were to be removed be replaced through a planting scheme?
- Had notifications of the application been published?
- The number of supporters for or objectors to the scheme were not deciding factors but the key factors were planning matters.
- Had no objections to a pick-up truck on the property owner's drive.
- The applicant had lived at the address for a while and there were no bulldozers there at the present time.
- Was the reference to "incidental" strong enough in reference to condition 4?
- The new garage should be constructed from natural coursed stone.
- There was no need for the Juliet balcony and it was unsympathetic to the Conservation Area.
- Cannot see any reason for refusal, it meets all the requirements of planning law.
- There was not a need for more trees.
- No objections to the Juliet balcony as it would not overlook anybody.

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

- He was speaking on behalf of fellow residents.
- Disappointed with the notification letters as they had not been sent to properties opposite the proposed development.
- No one from the Conservation Team had come to the site.
- He was astonished that the Planning Team had said that the development would not have an effect on the amenity value of the area.
- It would be a house at some stage but how many garages had a kitchen?
- Should make sure that it does not become a separate building.
- The garage would need a separate application for a different use.
- The building materials were not appropriate as it was a unique building.
- Concerned about the parking area due to the applicant's job as a builder, as there would be JCB's that might do work from the location and other vehicles might be parked at the applicant's address overnight.
- Children play near the applicant's address and there were therefore health and

safety issues.

- It was a large building.
- The trees that were to be cut down would impact on the view from the main road.
- If the application was approved then this would make the Conservation Area meaningless.

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

- Neighbouring properties had similar sized garages and similar structures to what was proposed at Lingstead.
- The number of planning conditions would control the use of the building.
- The main objector who lived next to the applicant's house had been informed of the proposed works that were to be carried out.
- The main objector had recently submitted a planning application himself for an extension opposite the applicant's house.
- I am a builder who has a registered office in Queensbury.
- His house would not be used for work purposes as he had only purchased the house because his wife had a serious illness.
- He recommended that the Panel grant planning permission.

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

- A Ward Councillor had requested referral to the Panel and was concerned about loss of visual space and wanted confirmation of the materials to be used.
- Publicity letters were sent to the two properties immediately adjacent to the applicant's property. A site notice had also been erected.
- Notification letters had been published.
- Conservation officers had considered the issue and a senior planning officer had visited the location and approved the recommendations.
- The issue of a separate building had been dealt with and this could be considered later on, on its own merits.
- In respect of usage of the stone parking area the applicant might give reassurances on this and conditions would be enforced by the enforcement team.
- There had been no objections to a pick-up truck on the applicant's drive.

The Council's legal representative reported that use of the word "incidental" in condition 4 of Document "T" had been tried and tested previously. The word "ancillary" could also be used if necessary.

**Resolved –**

**That authority to approve the application be delegated to the Strategic Director, Regeneration subject to the conditions outlined in his report (Document "T") and the following additional condition and amendment:**

- (i) **That the new garage be constructed from natural coursed stone.**
- (ii) **That amended plans shall be obtained showing no Juliet balcony as part of the development.**

**ACTION: Strategic Director, Regeneration**

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

**(i) 10 Redding Wood Lane, Steeton with Eastburn** **Craven**

Alleged unauthorised tree works – 07/00733/TPOCN.

Date Enforcement File Closed: 23 February 2010.

**(ii) 7 Cardan Drive, Ilkley** **Ilkley**

Unauthorised fencing - 09/00556/ENFUNA.

Date Enforcement File Closed: 23 February 2010.

**(iii) 9 Glenlyon Drive, Keighley** **Keighley Central**

Unauthorised tree works – 09/00765/TPOCN.

Date Enforcement File Closed: 23 February 2010.

**(iv) Flat at the Snooty Fox Goodley, Colne Road,  
Oakworth, Keighley** **Worth Valley**

Trees not replaced – 09/00711/TPOCN

Date Enforcement File Closed: 23 February 2010.

**(v) Hainsworth House, Damens Lane, Keighley** **Keighley East**

Unauthorised work – mature trees felled - 09/00735/TPOCN.

Date Enforcement File Closed: 23 February 2010.

**(vi) Heathcliff, Haworth, Keighley** **Worth Valley**

Unauthorised tree works – 09/00778/TPOCN.

Date Enforcement File Closed: 23 February 2010.

**(vii) Land to the North of 13 Providence Lane,  
Oakworth, Keighley** **Worth Valley**

Work done on protected trees – 09/00777/TPOCN

Date Enforcement File Closed: 23 February 2010.

**(viii) Laurel Grove, Belgrave Road, Keighley** **Keighley Central**

Unauthorised tree works - 09/00744/TPOCN.

Date Enforcement File Closed: 23 February 2010.

**(ix) Steeton Court Nursing Home, Steeton  
Hall Gardens, Steeton with Eastburn**

**Craven**

Unauthorised tree works – 09/00731/TPOCN.

Date Enforcement File Closed: 23 February 2010.

**Resolved –**

**That the reports be noted.**

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

**105. ENFORCEMENT MATTERS**

**(i) Turkey Inn, 20 Goose Eye, Laycock, Keighley**

**Worth Valley**

Unauthorised erection of a large poly tunnel to the rear – 09/01332/ENFUNA.

An enforcement notice was authorised on 11 February 2010.

**(ii) 60 Skipton Road, Ilkley**

**Ilkley**

Unauthorised conservatory to the rear of the property – 09/00396/ENFUNA.

Enforcement action to remove the conservatory was authorised on 1 March 2010.

**Resolved –**

**That the reports be noted.**

***NO ACTION***

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

**APPEAL ALLOWED**

**(i) Dixon Hill Cottage, Oldfield Lane, Oldfield, Keighley**

**Worth Valley**

Construction of extension to provide new lounge, bathroom and entrance lobby – Case No. 09/03802/HOU.

Appeal Ref: 10/00005/APPHOU.

**APPEALS DISMISSED**

**(ii) 12 Bradley Rise, Silsden**

**Craven**

Construction of 2 storey extension to existing dwelling – Case No. 09/03893/HOU

Appeal Ref: 10/00006/APPHOU.

**(iii) 12 Oak Bank Mount, Keighley**

**Keighley West**

Construction of single storey side extension – Case No. 09/04161/HOU.

Appeal Ref: 10/00007/APPHOU.

**(iv) Hodsons Barn, Straight Lane, Addingham**

**Craven**

Construction of 2 storey extension – Case No. 09/00671/FUL

Appeal Ref: 09/00156/APPFUL.

**(v) Leeming Wells Hotel, Long Causeway, Denholme**

**Bingley Rural**

Construction of extension to hotel to form time share accommodation (14 suites and 3 double bedrooms) and single storey extensions to existing restaurant and main bar - Case No. 08/03110/FUL

Appeal Ref: 09/00180/APPFUL

**(vi) Rough Holden Farm, Holden Lane, Silsden**

**Craven**

Construction of an agricultural building for free range hens – Case No. 09/02753/FUL

Appeal Ref: 09/00149/APPFUL.

**(vii) Ryding Gate, Ilkley Road, Riddlesden, Keighley**

**Keighley East**

Alleged unauthorised construction of a swimming pool – Case No. 06/01260/ENFUNA.

Appeal Ref: 09/00189/APPENF.

**Resolved –**

**That the decisions be noted.**

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

**107. ALLOTMENT GARDENS NORTH OF PARKSIDE SOCIAL CLUB, BUTT LANE, HAWORTH**

**Worth Valley**

Consideration of an objection to Tree Preservation Order (TPO) 09/00062/I at Land adjacent to Parkside Social Club, Butt Lane, Haworth, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that a TPO was made on 15 October 2009 on two Sycamore trees as a result of the Conservation Area notice of intent (ref: 09/04465/CPN) to fell three trees in total. The two trees covered by the order were proposed to be removed for development purposes. The two trees were significant trees within the Conservation Area adjacent to Parkside Social Club and the adjacent site had little other tree cover.

A planning application (ref: 09/02789/FUL) for development of the land was refused on 12 August 2009.

It was accepted that these were not high quality trees in terms of condition. They did however provide significant visual amenity value. The loss of these trees would impact unacceptably on the amenity value of the Conservation Area.

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 Conservation Area.

There had been one letter of objection made in relation to the order on the grounds as outlined in Document "U".

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

Members made the following comments:

- As the trees were Sycamores would replanting with native species (after the trees were felled) be considered?
- If the TPO was approved and the objections overruled would it allow the applicant to replant other trees and pull down some other trees?
- They supported the officer recommendation.

An objector to the Tree Preservation Order was present and made the following points:

- No planning permission would apply in respect of permission for this single dwelling.
- The trunk of the tree was pressed up against the objector's property wall and if it became bigger it might bring the wall down.
- The trees were not a good specimen, their long term future was in doubt due to dead wood and he had spoken about this to the arboriculturalist.
- The tree should be replaced by native species.

The Strategic Director, Regeneration responded to the comments made by members and the objector and made the following points:

- The TPO would be made on the better two trees.
- It would be possible to have a replanting scheme if any of the trees were felled.
- British Standard (BS5387) in respect of trees construction outlined how to protect and grade trees.
- The wall in question was a dry stone wall and not a retaining wall.

**Resolved –**

**That the objection be overruled for the reason set out in the report of the Strategic Director, Regeneration (Document "U") and due to the continual visual amenity value of the trees and for the purpose of expediency and Tree Preservation Order 09/00062/I be confirmed without modification.**

**ACTION: Strategic Director, Regeneration**

**108. OLD HALL FARM, BRADLEY ROAD, SILSDEN**

**Craven**

Consideration of an objection to Tree Preservation Order (TPO) 09/00067/G at Land at Old Farm, Bradley Road, Silsden, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that a TPO was made on 12 November 2009 on two Beech trees as a result of a Conservation Area notice of intent to fell the trees. A consent was subsequently granted to remove the poorer of the two trees (09/06052/TPO 18 December 2009). The remaining Beech was of significant amenity value located in a prominent position within the Conservation Area and highly visible from Bradley Road.

The proposed felling of both trees was considered unacceptable and there was considered to be insufficient evidence to support removal. It was considered expedient to confirm this order as if not confirmed the remaining Beech could be felled impacting on the character and amenity value of the Conservation Area.

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

The Strategic Director, Regeneration recommended that the objections be overruled and the TPO be confirmed with modification as the tree had significant amenity value in forming part of the character setting of the built environment and it was expedient to confirm in order to restrict the possibility of the remaining tree being felled to the detriment of the local landscape. The modification was in the form of amending the plan and schedule to indicate one individual tree (T1) rather than the group of two (G1).

Members made the following points:

- Could the tree in question be reduced?
- What was the life span of the tree and how old was it?
- Both trees were so close together that they would be intermingled.
- If evidence of the objector not being able to obtain insurance was presented how would it affect the officer recommendation and how would the panel stand legally?
- Would the Council have liability if the tree fell over?
- It was a healthy tree and there did not seem to be any evidence to the contrary.

An objector to the TPO was present and made the following points:

- The location of the tree was near to his home and to the road and there were health and safety issues.
- It was a very tall tree.
- It constrained the roots and would affect his and his neighbour's property.
- Only one tree had been planted.
- I am not able to insure the tree and in the future I would not be able to insure my house.



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

- We would be left with a better quality individual tree.
- The tree was close to the owner's property.
- There was no evidence of subsistence damage.
- Could not see any defects to the tree in respect of health and safety.
- Reduction of the height of the tree would damage its health and reduce its life span.
- The life span of the tree was 150 years and it was approximately 80 to 90 years old.
- A second opinion had been obtained from an arboriculturalist and it was considered that there were two trees and it did seem that they were root grafted.

The Council's legal representative reported that the issue of insurance was a matter for residents and there was no evidence that the tree was a risk. Any decision should be made in respect of the quality of the tree and advice given by officers. There would be no liability to the Council as insurance companies do insure trees in gardens.

The Strategic Director, Regeneration responded that there was no evidence the tree was a danger to anyone.

**Resolved –**

**That the objections be overruled for the reason set out in the report of the Strategic Director, Regeneration (Document “U”) and due to the continual visual amenity value of the trees and for the purpose of expediency and Tree Preservation Order 09/00067/G be confirmed with the following modification:**

- **That the plan and schedule is amended to indicate one individual tree (T1) rather than the group of two (G1).**

***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