

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Keighley) held on Wednesday 12 May 2010 in the Keighley Council Chamber, Keighley Town Hall

Commenced 1000  
Concluded 1117

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Shabir Hussain
Hill	Pullen
Ellis	

Apologies: Councillor Lee

### Councillor Greaves in the Chair

#### 109. CHAIR'S ANNOUNCEMENTS

The Chair thanked all the officers and Members of the Panel for their support for the work of the Panel over the last 12 months.

The Chair also thanked Councillor Rowen who was due to retire at the election as a Councillor for the good work she had done over the years.

Councillor Hill was also thanked for his work on the Panel and offered best wishes during his mayoral year.

#### 110. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD  
METROPOLITAN DISTRICT COUNCIL

## 111. MINUTES

### Resolved -

**That the minutes of the meetings held on 24 February and 25 March 2010 be signed as a correct record.**

## 112. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

## 113. PUBLIC QUESTIONS

There were no questions submitted by the public.

## 114. 36A WHEATLEY AVENUE, ILKLEY

### Ilkley

A full planning application for the construction of a two storey side and single storey rear extension of No. 36A Wheatley Avenue – 10/00836/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 refusal stating that the proposal constitutes overdevelopment of the site, was too close to the boundary and appeared to have a terracing effect. The Parish Council had requested that the application be decided by the Panel if the recommendation of the officer differed from theirs. One representation was received. The summary of representations received were as outlined in Document "V".

The Strategic Director, Regeneration reported that the proposed two storey side and single storey rear extension was considered to relate satisfactorily to the character of the existing dwelling and to preserve the character and appearance of Ben Rhydding Conservation Area. The impact of the extension upon the occupants of neighbouring properties had been assessed and it was considered that it would not have a significantly adverse effect upon their residential amenity. As such this proposal was considered to be in accordance with Policy UR3, BH7 and D1 of the Replacement Unitary Development Plan (2005) and the Revised House Extensions Policy (2003). He therefore recommended approval of the application subject to conditions as outlined in Document "V".

Members made the following comments:

- Does it meet the Council's house extensions policy?
- What was the distance between the extension and the house boundary?
- The permission that was needed from the next door neighbour, was this an issue for consideration by the Panel?

An objector was present at the meeting and expressed her concerns that construction of the development would result in overlooking of their property which would have an effect on their roof light.

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

- The Parish Council had objected in principle to the terracing effect and joining of the buildings closer to each other.
- He agreed with the Conservation Officer that it was a tight space and it would have been acceptable if it had been further in.

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

- In defence of the one objection received guidance from the Planning Officer had been followed throughout the design of this proposal.
- A significant change to this submission had been made to create a clear definition between the two houses, that being to pull the first floor back one metre from the front of the property. In addition to this and to address the objector's concerns all boundary measurements were checked prior to re-submission.
- We do not accept that all comments had been disregarded as the objector states.
- In respect of overlooking the lines of sight from the upstairs rear bedroom windows for both 36A and 38B were the same in terms of overlooking the gardens. All gardens in this area were overlooked already by neighbouring properties.
- The line of sight from the proposed rear bedroom window, through the Velux window of next door's sunroom would be at worst 1.86 metres above floor height. This was above most people's head heights. In addition to this, the shallow angle of the Velux creates reflections which make overlooking even less possible.
- Concerning overshadowing the extension would not create any shadow on next door's property as it was directly north. This objection holds no merit.
- In respect of parking and vehicular access this proposal complies with "car parking standards" Policy No. 3.10 "...a minimum of one car parking space for each dwelling, capable in the case of a house of accommodating a garage".
- In respect of structural integrity and risks to foundations of 38B this was a party wall issue and not a planning issue.
- Concerning benefits of appearance Wheatley Avenue consists of a mixture of terraced, detached and semi-detached properties. A regular pattern of mass and spacing exists between the properties. Reducing the gap between 36A and 38B does not in any way interrupt this pattern, which was out of step as 36A and 38B currently stand. The extension would in fact maintain the pattern of spacing, bulk and density. Reducing the gap between 36A and 38B would lessen the visibility of the large expanse of render on both properties. It was intended the render on 36A would be painted.
- There was an approved plan for an extension to 38B, which was 4m wide. The proposed plan for the extension of the scheme was also 4m wide. Keeping the two houses the same would maintain a sense of balance and uniformity within the street scene.
- The owner of 38B currently requires access to the south boundary of the applicant's land to maintain his property. We would be more than happy for this arrangement to continue.
- The garage was necessary for parking of the applicant's car and it would also allow his family quick and easy access to bicycles, cutting down on the use of a car for local journeys.
- The property as it stands rates second to worse on energy efficiency rating. On completion the applicant was confident that energy efficiency would be near the top end of the ratings.
- With respect to the question of overdevelopment the proposed house extension constitutes approximately 40% of the overall plot size. The five bedroom properties

opposite, recently approved for planning and now nearing completion also constituted 40% of the overall plot size. Most properties on Wheatley Avenue were of similar density within the plots. This does not suggest an overdevelopment of the site but was in line with the density of surrounding plots.

- Wheatley Avenue was a beautiful tree lined road characterised by large stoned built, mainly semi-detached Edwardian houses. 36A and 38B were much later additions to the streetscape. They do not relate architecturally to the surrounding properties.
- The applicant hoped to create a family home that seeks to enhance the appearance of the street scene. He had drawn on all the neighbouring properties for architectural reference, creating a modern slant on the design principles that underpinned the conservation area. Replacement timber windows would give vertical emphasis. The extension itself would balance the awkward proportions of the house as it currently stands. Existing concrete roof tiles would hopefully be replaced with natural slate.
- The applicant believed that the development would be built to exacting high standards using the best materials. Care and consideration for all the neighbours during construction would also be a priority.
- In line with the design principle set out in the planning policy document, this proposal would undoubtedly improve the appearance of a property that was currently architecturally alien to its surroundings.

The Strategic Director, Regeneration responded to comments that had been made and made the following points:

- It would not be reasonable to refuse due to overlooking of a roof light which had been the concern of the objector.
- It does comply with the Council's house extension policy.
- There was a 1.5 metre gap on the side.
- If permission was needed from the next door neighbour then this was not a planning issue.
- Retaining a gap was not that critical.
- The case of overlooking was not significant and it was evident that there would be an overall improvement.

**Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report (Document "V") and subject to the following amendment to the suggested condition regarding materials:**

- (i) **That a sample of the colour of the proposed render to be used shall be submitted to the local planning authority for approval.**

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

**115. LAND TO SOUTH WEST OF 12 ELMWOOD TERRACE,  
INGROW, KEIGHLEY**

**Keighley West**

An outline planning application for the construction of 6 town houses with off-street car parking. Land to the south west of 12 Elmwood Terrace, Ingrow, Keighley – 10/00921/OUT.

Although the submitted drawings show full design and elevation details the application form sought permission only for the layout of the 6 houses. The design and elevation details were therefore regarded as for illustration purposes only. The application was before the Panel at the request of Keighley Town Council.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported Keighley Town Council had objected to the application and indicated that: "This proposal had a very bad access, the road was not sufficiently wide enough and there would be an overload of local services". No other representations had been received.

The Strategic Director, Regeneration reported that the site was located within the urban area of Keighley and comprised land that formed the curtilage of an existing dwelling. Its use for new housing would therefore represent a sustainable form of development in terms of efficient use of urban land and as such was acceptable in principle. The layout of the dwellings would result in a development that would be appropriate to the character of the locality and would sit comfortably in the street scene. The development would not give rise to significant harm to the general amenities or living conditions of existing occupiers in the locality. As such the proposals were considered acceptable in the light of Policies UDP3, UR3, D1, D4, TM2, TM12 and TM19A of the Bradford Replacement Unitary Development Plan. He therefore recommended approval of the application subject to conditions as outlined in Document "V".

Members made the following comments:

- Would it be possible to ask for a Traffic Regulation Order so that traffic had to go left?
- Was there a footpath to the left-hand side of the property?
- Would it be possible to paint a white line.
- Access to the rear of existing terrace carries onto the existing site. Would tenants of the site have use of it?
- A traffic survey for six houses would not be appropriate.
- A scheme for the relocation of the lamp post situated at the front of the development site should be approved by the local planning authority and the lamp post should be re-sited in accordance with any approved scheme prior to the commencement of development.
- There should be a scheme for the implementation of a traffic regulation order in order to formalise the one way access to the development site and establishment of no entry to prevent vehicular access to the back road.
- Any subsequent application for approval of reserved matters should be referred back to Panel for consideration.
- There should be a footnote stating that the permission of the Highway Authority may also be required before the lamp post is re-located in accordance with this permission.

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

- A Town Councillor had checked with neighbours and they had informed him that they had not received notice of the application. Ward Councillors had not been aware of either of the proposals.
- The traffic comes south from Ingrow Lane and Oakbank.
- Cars were parked there that obstruct the way and this was a busy road (Elmwood Road and Elmwood Terrace) with approximately 50 houses in the area.

- There was quite a lot of traffic in the area contrary to what highways officers might say.
- There was not enough parking to serve the local authority housing.
- The north bound traffic comes up the south carriageway and traffic crosses north/south traffic.
- The vehicles would cause an obstruction and a traffic survey should be carried out.
- Not a lot of thought had been put into the application.

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

- There had been no objections from the public but objections from the Town Council due to bad access.
- The issue seemed to be in respect of highway safety and highways issues had been addressed adequately.
- It was important to ensure that the communal area was not obstructed.
- Traffic does lead into Elmwood Road.
- There was not a footpath to the left-hand side of the property.
- It would only be possible to paint a white line if it was the only route out of the area.
- In respect of publicising the application those opposite the site and those adjoining the site had been notified.

The Chair reported that quite a few persons had been notified of the applications in accordance with policy. All Ward Councillors did receive a list outlining all applications submitted in their ward.

#### **Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report (Document "V") and subject to the following additional conditions and footnotes:**

- (i) **That prior to the commencement of development a scheme for the relocation of the lamp post situated to the front of the development site shall have been submitted to and have secured approval of the local planning authority. The lamp post shall be re-sited in accordance with any approved scheme prior to the commencement of development.**
  - (ii) **That prior to the commencement of development a scheme for the implementation of a Traffic Regulation Order in order to formalise the one-way access to the development site and the establishment of no entry to prevent vehicular access to the back road shall be submitted to and have secured approval of the local planning authority. The Traffic Regulation Order scheme shall be implemented in accordance with any approved scheme prior to the commencement of development.**
- (2) **That any subsequent application for approval of reserved matters be referred back to the Panel for consideration.**

**Footnote:**

**The permission of the Highway Authority may also be required before the lamp post is relocated in accordance with this permission.**

**Approval of the Traffic Regulation Order scheme will require the developer to enter into a legal agreement with the Council to pay the full cost of obtaining and implementing the Traffic Regulation Order scheme and prior authority of the Council's Traffic Regulation Authority.**

**ACTION: Strategic Director, Regeneration**

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

**(i) 16 Westwood Rise, Ilkley Ilkley**

Unauthorised pruning of TPO tree – TPO0456 – 09/01545/TPOCN.

Date Enforcement File Closed: 23 April 2010.

**(ii) 37 Grange Estate, Ilkley Ilkley**

Unauthorised pruning of protected trees – 09/00759/TPOCN.

Date Enforcement File Closed: 23 April 2010.

**Resolved –**

**That the reports be noted.**

**ACTION: Strategic Director, Regeneration**

**117. ENFORCEMENT MATTERS**

**(i) 3 Spearhead Way, Keighley Keighley Central**

Unauthorised prefabricated cabins - 09/01345/ENFUNA.

Two large prefabricated cabins had been placed, one on top of the other, on land to the front of the property at Spearhead Way and despite representations from the Council the owner had neither removed them nor submitted an application for their retention.

Enforcement action had therefore been authorised for the removal of these cabins.

**(ii) Holmes House, Skipton Road, Steeton with Eastburn Craven**

Unauthorised change of use for residential to a mixed use of residential and business use – 09/01504/ENFCOU.

The owners of the property were running a business on a scale that was considered unacceptable to the character of the use of the property as a single dwelling by virtue of the number of employees, deliveries and visitors to the dwelling. Enforcement action had therefore been authorised.

**(iii) Land to the West Side of 5 Chapel Lane, Oakworth,  
(Oakworth Methodist Cemetery), Keighley**

**Worth Valley**

Alleged breaches of planning control – 08/01173/ENFCAC.

On 17 September 2008 the Council received a complaint that the walls at the entrance to the former Methodist Cemetery at Chapel Lane, Oakworth were in the process of being demolished. These walls were protected by virtue of being situated within the Oakworth Conservation Area. Although work initially ceased, through the intervention of Council Officers, the walls, piers and wrought iron gates were demolished and removed from the site on Saturday 20 September 2008.

On 7 October 2008 the Development Manager authorised legal proceedings against James Templeton as the person who undertook the work to demolish the walls, gate piers and remove the gates contrary to Section 9 (as applied by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Summonses were issued in respect of both offences. Both matters were heard before Bradford Magistrates Court on Thursday 25 March 2010 when James Templeton pleaded guilty and Paul Rose pleaded not guilty.

The Magistrates found Paul Rose guilty of failing to comply with the requirement of the enforcement notice and fined him £1,945 and ordered him to pay a victim surcharge of £15. He was further ordered to pay the Council's costs of £2,055 making a total cost of £4,015. James Templeton was given a 12 month conditional discharge and ordered to pay £600 towards the Council's costs.

The Council were still pursuing action against Mr Rose to ensure that the enforcement notice was fully complied with.

**(iv) Land at Victoria Road, Haworth**

**Worth Valley**

Unauthorised static caravan – 09/00579/ENFUNA.

A large static caravan had been placed on land at Victoria Road, Haworth. Despite representations from the Council the owner/occupiers had neither removed the caravan nor submitted an application for its retention.

Enforcement action had therefore been authorised for its removal.

**Resolved –**

- (1) That the reports be noted.**
- (ii) That in respect of the enforcement issue concerning land to the west of 5 Chapel Lane, Oakworth officers be thanked for the work they have done to ensure a successful prosecution in this matter and that another report be submitted to the Panel in six months time to update them on any further action that has taken place in respect of this issue.**



**ACTION: Strategic Director, Regeneration**

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

**Appeals Allowed**

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

Alleged unauthorised building – Case No: 08/00328/ENFUNA.

Appeal Ref: 10/00008/APPENF.

**(ii) Wyvern Elam Wood Road, Riddlesden, Keighley Keighley East**

Retrospective application for reinforcements to bank and repairing of hardstanding and garage – Case No: 09/02862/HOU.

Appeal Ref: 09/00175/APPFUL.

**Appeals Dismissed**

**(iii) 14 Barley Cote Road, Riddlesden, Keighley Keighley East**

Construction of dwelling and formation of two new parking spaces - Case No: 09/04369/FUL.

Appeal Ref: 09/00207/APPFUL.

**(iv) 9 Cragg Lane, Denholme Bingley Rural**

Construction of a detached two storey dwelling - Case No: 09/01317/OUT.

Appeal Ref: 09/00192/APPOUT.

**(v) Four Winds, Panorama Drive, Ilkley Ilkley**

First floor extension over existing garage with addition of balcony to rear - Case No: 07/07160/FUL.

Appeal Ref: 09/00213/APPFUL.

**(vi) Moor Lodge, Two Laws Road, Stanbury, Keighley Worth Valley**

Change of use of former outbuilding to dwelling and construction of extension - Case No: 09/03857/FUL.

Appeal Ref: 09/00188/APPFUL.

**(vii) The 3 Acres Public House, Bingley Road, Keighley Worth Valley**

Retrospective planning application for car park extension - Case No: 09/03061/FUL.

Appeal Ref: 09/00218/APPFUL.

**(viii) Tomling Cote Farm, Holden Lane, Silsden**

**Craven**

Construction of an extension - Case No: 09/05180/HOU.

Appeal Ref: 10/00030/APPHOU.

**Resolved –**

**That the decisions 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