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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 11 November 2010 in the Council Chamber, Keighley Town Hall

Commenced 1000
Adjourned 1055
Reconvened 1102
Concluded 1120

PRESENT – Councillors

CONSERVATIVE	LABOUR
Byrom	Lee
Gibbons	Abid Hussain
Greaves	Pullen

Apologies: Councillors Clamp and Dredge

Councillor Lee in the Chair

31. DISCLOSURES OF INTEREST

Councillor Gibbons disclosed a personal interest in respect of Minutes 36 and 37 for matters arising in respect of Brookfield Croft, 67a Bolling Road, Ilkley and Land East of 20 Cheltenham Avenue, Ilkley as he was an Ilkley Parish Councillor and he knew some of the people that were attending the meeting to speak but as the interest was not prejudicial he took full part in the discussion and voting in respect of these items.

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

32. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)

33. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

34. **8 STUDLEY CLOSE, EAST MORTON, KEIGHLEY**

Keighley East

Replacement sun room to side of 8 Studley Close, East Morton, Keighley – 10/03804/HOU.

Following an enquiry from a Member the Strategic Director, Regeneration confirmed that this item had been referred to the Panel by Keighley Town Council and there were no representatives of the Town Council at the meeting of the Panel.

The Panel agreed that as this was the case then the application should be approved with the conditions as outlined in Document "H".

Resolved –

That the application be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report (Document "H").

ACTION: Strategic Director, Regeneration

35. **8 STUDLEY CLOSE, EAST MORTON, KEIGHLEY**

Keighley East

Replacement sun room to side of 8 Studley Close, East Morton, Keighley – to grant a listed building consent with conditions – 10/03805/LBC.

The Strategic Director, Regeneration following a query from a Member confirmed that this item had also been referred by Keighley Town Council and that there was no representative from the Town Council at this meeting of the Panel.

The Panel agreed that as this was the case then this application should be recommended for approval with the conditions as outlined in Document "H".

Resolved –

That the application for listed building consent be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report (Document "H") .

ACTION: Strategic Director, Regeneration

36. **BROOKFIELD CROFT, 67A BOLLING ROAD, ILKLEY**

Ilkley

An application to remove condition 16 of planning approval 05/04712/OUT dated 20 June 2006 demolition of existing bungalow and construction of 19 apartments. The condition required the provision of pedestrian refuges on Bolling Road, Ilkley.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Ilkley Parish Council would like to see traffic calming measures in the place of the traffic islands and would like the application to be determined by the Panel if officers were minded to approve the application without these measures.

Two representations had been received in respect of the application and the summary of representations received were as outlined in Document "H".

The Strategic Director, Regeneration reported that the application remained identical to the original approval other than the removal of the requirement to install pedestrian refuges on Bolling Road. Given that the introduction of the refuges would impede access for larger vehicles and that the proposal achieves satisfactory visibility splays their removal was considered to be acceptable. In all other respects the proposal remained acceptable in terms of its impact on visual amenity and neighbours' amenities. Subject to the same conditions as previously attached, with the exception of condition 16, the proposal was considered to comply with Policies H7, H8, D1, UR3, NE5, NE6, TM2, TM12, TM19A, NE10, NE11 and OS5 of the Replacement Unitary Development Plan.

He therefore recommended approval of the application subject to the conditions as outlined in Document "H" and removal of condition 16 of permission 05/04712/OUT (dated 26 June 2006) for the demolition of existing bungalow and construction of 19 apartments.

Members made the following points:

- There could be a sign to make people slow down.
- If you look at the picture the slow sign was on the wrong side of the road.
- You could have a "cross roads approach with caution" sign.
- There should be some form of notification.
- The cost of introducing white lines would be minor.
- Young persons using the flats would lead to greater traffic movement.

The Council's legal representative confirmed that it would be possible to as part of a 106 Agreement require the developer to make a contribution for the signage.

The Panel agreed that this should not exceed more than £2,000.

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

- She had no quarrel with the developer but with the Council as the area was not wide enough for a traffic island.
- There was a need for some traffic calming measures as from the 19 proposed properties there would be 38 traffic movements.
- The developer shouldn't fund the traffic calming measures.
- She supported the proposal for a traffic calming table at Springs Lane.
- It was a narrow road, it was necessary to slow traffic down.
- It was not acceptable that no traffic calming measures were put in as a lot of children from Ben Rhydding School crossed the road.

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

- The developer had come to the Council to ask how the traffic islands could be

implemented but had been informed by highways that the location was not suitable for the traffic islands and had recommended that the developer should go to the Planning Panel to remove this condition.

- There might be a decision to offer the road up for adoption and to have slow markings on the road.
- A slow notice would not be necessary.
- Any contribution for signage should not exceed the sum of £2,000 and this should be for a road signage and highways markings on Bolling Road.

Resolved –

That the application be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report (Document "H") and subject to:

- (i) Condition 16 being removed from the permission.**
- (ii) A Section 106 agreement to require the developer to make a contribution of no more than £2,000 towards road signage and/or road markings in Bolling Road, details of which shall first be submitted to, and approved in writing by the local planning authority and the measures so approved shall be implemented prior to occupation of the first dwelling comprised in the development.**

ACTION: Strategic Director, Regeneration

37. LAND EAST OF 20 CHELTENHAM AVENUE, ILKLEY

Ilkley

Outline planning application for the construction of 6 dwellings on Land Opposite Oak Garth, Cheltenham Avenue, Ben Rhydding, Ilkley – 10/03956/OUT.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout in respect of the application. He reported that Ilkley Parish Council had recommended refusal of the application due to concerns in respect of drainage to the railway line and dangerous access and egress onto Wheatley Lane. Twelve objection letters from local residents had been received. A Ward Councillor for Ilkley had objected to the application on the grounds that the junction of Wheatley Lane and Cheltenham Avenue was not adequate to take additional development and that the proposal would harm the character of the locality. The summary of representations received were as outlined in Document "H".

The Strategic Director, Regeneration reported that previous applications for residential development on this site had been refused due to the conflict with Replacement UDP policies UR4 and H7 and the national planning guidance contained within PPS3 "Housing". Policy UR4 was not "saved" by the Secretary of State and expired on 31 October 2008. PPS3 was modified by the Government in June 2010. Due to these changes in planning policy the principle of residential development on this site was now considered acceptable. Whilst the proposed density of 16 dwellings per hectare was below the minimum requirements of policy H7 it was considered to reflect the character of the area in line with the revised version of PPS3. The proposed development would not result in significant harm to highway safety, trees or residential amenity and was therefore considered to comply with the requirements of Policies UDP1, UR2, UR3, D1, NE6 and NE7, NR16, TM2, TM12 and TM19A of the Replacement Unitary Development Plan, Planning Policy

Statement 3 and the Manual for Streets. He therefore recommended that approval of the application subject to the conditions as outlined in Document "H".

Members made the following comments:

- Does the maintenance have to be agreed today?
- The traffic problems were understated.
- The turning head was only used by some.
- There were concerns about the drainage under the railway. A long time had been spent to shore it up.
- There were concerns about parking.
- The applicants had sought a residential allocation of the land but the Inspector had rejected their arguments, concluding that the inadequacy of access arrangements described by his fellow Inspector in 2001 were a "compelling reason for not allocating this site for residential purposes".
- There would be traffic problems.
- It was under development.
- It was over development.
- It was better than having 30 houses in the same location.
- The turning head would be good for emergency and other vehicles.
- It seems to be an appropriate development.

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

- No proper plans had been available on the Council's website and this information should have been made available to us.
- It was over development and out of character with the area.
- There were drainage issues.
- There were concerns about changes to land levels.
- She was concerned about the additional water run-off from the six houses which could affect the railway.
- The junction of Cheltenham Avenue and Wheatley Lane was dangerous.
- The Highways Officer had made no reference to the junction.
- The turning head was an issue for residents.
- The Inspector had said that the junction was inadequate.
- Not all accidents were reported.
- Parents need to take their children to and from Ben Rhydding School.
- She had been informed that it would not be possible to enforce the white line street markings.
- Referring back to previous refusals was not the way forward.

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

- The site was a field outside a settled boundary.
- The site was not a housing site in the UDP and visually formed part of open countryside which was an important part of the rural area of Ben Rhydding.
- PPS3 was defined as being previously developed land in the guidance.
- Previously an application for four houses had been refused and the 2007 scheme for four dwellings was identical to the present scheme.
- The fundamental constraint was access to the site.
- There would be substandard visibility for residents.
- There had been an accident yesterday with a motorcyclist near the railway bridge.

- You should not allow a bad situation to get worse.
- A development of six houses would introduce a pattern of housing at odds with the surrounding area.
- There was no need for these dwellings.
- If planning permission was granted how many more sites would become vulnerable?
- She recommended that the application be refused.

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

- The site had a history of planning applications.
- A number of issues had been considered such as the level of traffic operation, safety recommendations, impact of the development, the availability of local facilities and the benefits to existing persons in Cheltenham Avenue.
- Road traffic accidents had been examined over the past ten years both morning and afternoons and at peak hours and there were no injury or accidents during the ten years on Wheatley Lane and Cheltenham Avenue.
- There would be only six vehicle movements which was only two vehicle movements above the previously accepted number.
- The low level of additional traffic would not have an effect on safety in the area.
- The site was well situated for the use of buses and trains.
- There were substantial traffic options.
- There was no turning head at Cheltenham Avenue at present and the turning head would be of benefit to future occupants.
- The traffic assessment had revealed that there were no issues to prevent the development scheme from succeeding.
- The development would be an improvement to Cheltenham Avenue.

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

- A maintenance agreement was necessary before the start of the work on the development.
- White lines were not as enforceable as yellow lines.
- You can consider only accidents which were reported.
- The PPS3 was seen as restrictive in urban areas.
- In respect of drainage and reference to the railway line which was to the north of the site, most of the run-off would be towards the stream. There was a condition to agree a water drainage scheme to ensure that it flowed in the appropriate direction and it would be looked at by the Drainage Section. There was no risk to the railway and techniques were available to control any water run-off.
- What was fixed was that it would be six dwellings.

Resolved –

That the application be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report (Document "H").

ACTION: Strategic Director, Regeneration

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

(i) **Braithwaite Edge Quarry, Black Hill Lane, Keighley** **Keighley West**

Alleged restoration levels exceeded – 07/00247/ENFCON.

Date Enforcement File Closed: 22 September 2010.

(ii) **Hog Holes Quarry, Glen Lee Lane, Long Lee, Keighley** **Keighley East**

Alleged unauthorised tipping – 08/00389/ENFUNA.

Date Enforcement File Closed: 22 September 2010.

(iii) **Land at Grid Ref 402990 440357, Lower Holme
Way, Laycock, Keighley** **Worth Valley**

Tipping in field – 09/00972/ENFUNA.

Date Enforcement File Closed: 22 September 2010.

(iv) **Main Road, Steeton with Eastburn** **Craven**

Unauthorised pruning – 09/00753/TPOCN.

Date Enforcement File Closed: 12 October 2010.

Resolved –

That the reports be noted.

ACTION: Strategic Director, Regeneration

39. **ENFORCEMENT MATTERS**

(i) **118 Skipton Road, Ilkley** **Ilkley**

Breach of condition attached to planning approvals 03/03483/COU and 10/00976/FUL stating that:

“The child minding use hereby permitted shall be limited to the care of no more than 16 children, not including children normally resident as part of the occupier's family, and no more than 5 childminders or assistants (other than the property occupier) shall be engaged at the premises at any one time.”

Enforcement Action for the breach of the above condition was authorised on 12 October 2010 as it was considered that the breach of the condition was detrimental to highway safety due to the lack of off street parking provision within the site. The increase in the number of children and staff also had an adverse impact on the living conditions of neighbouring residents due to the increased noise from the property.

Resolved –

That the report be noted.

ACTION: Strategic Director, Regeneration

40. DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS ALLOWED

(i) **24 Dale View Road, Long Lee, Keighley**

Keighley East

Two storey extension to side, single storey extension to rear, open canopy to front and detached garden building to rear garden as replacement of existing building - Case No: 10/00515/HOU.

Appeal Ref: 10/00132/APPHOU.

(ii) **Moorcock Hall Farm, Bank Lane, Silsden**

Craven

Unauthorised development - Case No: 09/01176/ENFUNA

Appeal Ref: 10/00036/APPENF.

Resolved –

That the decisions be noted.

NO ACTION

41. LAND AT 41 MOOR PARK DRIVE, ADDINGHAM

Craven

Consideration of an objection to Tree Preservation Order 10/00018/1, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that a Tree Preservation Order was made on 13 May 2009 on one Oak tree as a result of a request to consider a Tree Preservation Order by the owner at the adjoining property which the tree overhangs was changing ownership. Subsequently consent was given to an application made by the owner for minor balancing of the tree on 1 July 2010 (Application ref: 10/03056/TPO).

The Oak was of significant amenity value located in a prominent position being highly visible from Silsden Road. It was considered expedient to confirm this order as if not confirmed the Oak could be felled or pruned impacting on the character and amenity value of the area.

There had been 2 letters of objections made in relation to the order on the grounds as outlined in Document "I".

The Strategic Director, Regeneration recommended that the objections be overruled and the Tree Preservation be confirmed without modification.

Resolved –

That the objection be overruled for the reasons set out in the report of the Strategic Director, Regeneration (Document “I”) and due to the significant visual amenity value of the tree and for the purpose of expediency Tree Preservation order 10/00018/I be confirmed without modification.

ACTION: Strategic Director, Regeneration

Chair

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

minutes\plk11nov

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