

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 19 May 2011 in the Council Chamber, Keighley Town Hall

Commenced 1400
Concluded 1605

PRESENT – Councillors

CONSERVATIVE	LABOUR
Clamp	Lee
Ellis	Abid Hussain
Gibbons	Dredge

Apologies: Councillor Greaves

Observer: Councillor Naylor

Councillor Lee in the Chair

96. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

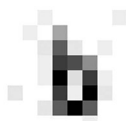
97. MINUTES

Resolved -

That the minutes of the meeting held on 24 March 2011 be signed as a correct record.

98. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



Suzan Hemingway - City Solicitor

99. PUBLIC QUESTIONS

There were two questions submitted by a member of the public. He read out the questions at the meeting of the Panel.

The Chair gave a verbal response to both questions and then gave a written response to the member of the public who had put forward the questions. The Chair thanked the Committee Services Officer for producing accurate minutes.

100. 45 TUFTON STREET, SILSDEN

Craven

Kitchen extension to rear and dormer windows to front and rear at 45 Tufton Street, Silsden -11/00848/HOU.

The Strategic Director, Regeneration and Culture reported that the proposed single storey rear extension and dormer windows to the front and rear of the property were considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties had been assessed and it was considered that it would not have a significant adverse effect upon their residential amenity. As such this proposal was considered to be in accordance with Policy UR3 (The Local Impact of Development) and D1 (General Design Considerations) of the Replacement Unitary Development Plan 2005 and the supplementary planning guidance contained within the Revised House Extensions Policy 2003 and the Dormer Windows Policy 1994. He therefore recommended that subject to conditions the application be approved.

Members made the following comments:

- Why was this application before the Panel?
- As no objections had been received this application would have been dealt with under delegated powers and was only before the Panel due to officer involvement.
- The application should be approved.

Resolved –

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

ACTION: Strategic Director, Regeneration and Culture

101. CROSSFIELD, 132 SKIPTON ROAD, SILSDEN

Craven

Full planning application for construction of 8 new houses, retention/conversion of the existing house, new access road, new footway and associated highway works at Crossfield, 132 Skipton Road, Silsden, Keighley -10/04140/FUL.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and plans detailing the layout in respect of the application. He reported that Silsden Town Council objected to the development as it was out of keeping with the area,

materials were not in keeping, overdevelopment of the site and impact of extra surface water in an area already troubled with excess water run-off. It had concerns about extra traffic that would be generated. The Town Council was aware of, and supported the objections from neighbours. Ten individual representations of objection were received. The summary of representations received were as outlined in Document "V".

The Strategic Director, Regeneration and Culture reported that the proposal would secure more effective use of land within the built up area for housing. The relationship of the development to adjoining dwellings and the impact on trees had been carefully assessed but, subject to the attached conditions, it was considered that the proposed development was acceptable. The implications of the development for local road safety had been considered but subject to implementation of the new footway and traffic calming measures to be secured via a Section 106/Section 278 Agreement, the scheme was considered to achieve an appropriate degree of mitigation. Proposals for satisfactory drainage of the development had been presented including the upgrading of the downstream culvert. The proposal was considered to accord with Replacement Unitary Development Plan Policies UR3, D1, NE5, NE6, NR16, TM2, TM12 and TM19A. He therefore recommended approval of the application subject to conditions under Section 106/278 Agreements.

It was noted by the Panel that a petition of objection from 89 local residents had been received.

The Strategic Director, Regeneration and Culture also reported that two additional comments had been received from two persons who were unable to come to the meeting and who lived respectively at Gross Moor Farm and Park Green Farm, they made the following points:

- Eight additional houses would generate 16 additional vehicles on a busy country road.
- I would like to object to the application as the road was too narrow and was used as a rat-run.
- There would be at least eight new houses.
- The position of the buildings would be near a blind spot at the bend.
- Farm vehicles used the road.
- It was a wonder there had not been any accidents yet. To build more houses was unbelievable.

Members made the following comments:

- Why do we need a footpath now at all?
- The footpath does not go anyway.
- Who would maintain the hedge? If it grows wildly it would cut use of the footpath and compromise visual splays.
- What was the definition of an ancient hedgerow?
- It was agreed that as Members knew the site there was no need to have a site visit.
- The drainage would be much improved after successful reconstruction of the culvert.
- The drainage would be sustainable.
- A legal view in respect of bats was needed.

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

- He was concerned that his neighbour's properties would be overlooked, the site description plan showed that land raises two metres and there were houses up the road which would be significantly overlooked.
- It would be worse if the hedge was removed.
- The access road was directly opposite some houses.
- There would be light pollution.
- There were bats present and I have seen four bats and more at a time. The removal of the hedge would be detrimental to the bats in respect of their navigation skills.
- The Council's Tree Officer had opposed the removal of the hedge.
- If the hedge was cut down it would cause damage which could not be rectified.
- The hedge was one of the main visual aspects of 2 Skipton Road.
- It would be necessary to have a retaining structure to support the landmass and a lot of noise would be generated.
- The new footpath would encroach on a number of trees.
- Why cannot the footpath be behind the boundary? It would be an isolated stretch of footpath.
- In respect of traffic congestion I accept that some objections and concerns had been addressed.
- There were cases of overspill parking on Woodside Road.
- The application should be rejected as the Tree Officer objected to it as well.
- A proper bat survey should be carried out.

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

- He recommended that the application be approved.
- One of the adjoining neighbours had objected to the application and there had been objections only from third parties and the Town Council.
- The applicant had employed consultants who had worked with the Council.
- The principle of development on the sites had been established and was outlined in page 10 of the officer report.
- A number of PPS's preclude development of gardens.
- In respect of highway issues there would be a 30 mph speed limit.
- New lengths of footpath and a traffic calming scheme were proposed.
- There were no highway reasons for refusal of the application.
- Traffic calming arrangements were increasing in the use.
- No concerns were expressed by Council engineers or by Yorkshire Water in respect of any surface water issues.
- A number of trees on the site had tree preservation orders on them.
- A loss of hedge would cause short term detriment but new hedges would not take long to grow and he circulated photos of hedges which had been planted three years ago.
- There would be benefits in respect of the Section 106/278 Agreement.
- Time and thought had gone into addressing all the problems and issues which had been raised.

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

- If the Panel had any concerns about road traffic calming measures a site visit was recommended.

- What you have seen today does not bring out the nature or the changes that have taken place as a result of the development.
- The character of the site was a movement from the town into the countryside.
- There were multiple species in existence and an officer had said that it could be an ancient hedgerow.
- I am not certain the scheme would deal with run off surface water. I have had complaints as a Ward Councillor about run-off water 100 metres from this site.
- I would like to know the traffic engineer's view about volume of traffic on this site, as there were 20 light industrial units across the boundary with more traffic. Have they taken this into account?
- Hedges will grow across the road, how will emergency vehicles deal with this?
- There will be traffic calming but then vehicles will speed up into a rural or residential area.
- Concerning the hedge the bat survey test was very low as there was no proof that they were not roosting or using it as a food source.
- Why was a bat survey not undertaken?
- Removal of the hedgerow would have an effect on visual amenity which might be changed by the planting of native species.
- He recommended that if the Panel had any doubt a site visit would give an appreciation of the road.

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

- Highway issues had come to the fore as an issue for local residents and the Parish Council. The applicant had been asked to formulate a traffic calming proposal.
- There was a need for a Section 106/278 Agreement.
- As part of the traffic calming measures there would be a hedge along the existing road.
- The oak tree would be retained, this was a condition recommended by the Tree Officer.
- The Tree Officer was happy that the works on the carriageway would not affect the roots of the tree.
- There would be a new hedge and containerised trees would be planted at the back and a long term hedge would be restored. The hedge was interspersed with conifers and an assortment of other plants.
- There was no evidence that bats were on the property or at this location.
- In respect of surface and foul water drainage the applicant had submitted a plan which had been accepted by Yorkshire Water and the Council's Drainage Service. It had been established that this section of the culvert was damaged on a section of Skipton Road and needed replacing. The developer had accepted that they would improve the culvert as part of a Section 106 Agreement subject to this disposal of surface and foul water which was acceptable.
- Having the footpath behind the hedge would mean dropping into Skipton Road through steps and this approach was not recommended.
- Concerning the impact on view we have accounted for difference of levels. Two houses would be exactly level and others would be at a normal separation distance.
- We need a footpath to go with Policy and the UDP to improve connections for everybody.
- The footpath did not go anywhere as we cannot take it any further than beyond the site. This was better than nothing.
- The hedge replanting proposals were put forward by experienced professional

- consultants.
- In respect of footpaths it was important to try and provide links and provide distance for extra safety.
- The drainage arrangements would be much improved for residents with reconstruction of the culvert.

The Council's legal representative advised that the Panel would need to form a view as to whether there was a reasonable likelihood of bats being present and affected by the development and if so then a bat survey should be carried out.

Resolved –

That the application be approved subject to a Section 106 / 278 legal agreement with heads of terms as set out in the Strategic Director, Regeneration and Culture's technical report and for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration and Culture's technical report (Document "V").

ACTION: Strategic Director, Regeneration and Culture

102. LYON HOUSE FARM, LYON ROAD, STEETON WITH EASTBURN

Craven

Full major application for rotary milking parlour and cattle housing building at Lyon House Farm, Lyon Road, Steeton with Eastburn – 11/00715/FUL.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and plans detailing the layout in respect of the application. He reported that the Parish Council had indicated it would support the decision of the planning officer subject to the following comments and queries:

- Has the applicant provided an adequate justification for the retention of the existing buildings on the site which necessitates the utilisation of a large area of Green Belt to build a new milking parlour?
- Could some of the space currently occupied by existing buildings be used to build part of the new milking parlour?
- Concerns were expressed about the over-intensification of the site which would increase the volume of traffic accessing the site down a narrow country lane.
- The Parish Council did welcome any economic benefits that the site may provide to the area.

Nine representations had been received from eight different addresses, one in support and eight raising concerns. The summary of representations received was outlined in Document "V".

The Strategic Director, Regeneration and Culture reported that the development would have no significant adverse effects on local amenity, the amenity of neighbours or the character of the local environment and the agricultural use was appropriate to the Green Belt location. The design was considered sympathetic to its setting in terms of design, scale, height, massing and materials. The development had positive benefits for highway safety through the provision of improved parking and HGV turning facilities and for the amenity of neighbour due to the removal of the existing boundary trees and their replacement with an appropriate landscaping scheme. The proposal complies with

Policies UDP3, UR3, D1, D5, GB1, GB2, NE3 and NE3A, TM2, TM19A and NR15B of the Replacement Unitary Development Plan and the national planning guidance contained within PPG2 – Green Belts and PPG4. He therefore recommended approval of the application subject to the conditions as outlined in Document "V".

Members made the following comments:

- This enterprise can only take place in the Green Belt.
- There would be an improvement in animal welfare.
- There would be accommodation of large vehicles.
- Policy PPG4 in respect of job investment should also be included.

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

- The present farm was 30 years old and there was a need for a new milking system.
- The family have farmed since 1938. The business was expanded in 1977. At present it had eight full time staff and seven part time staff, with 80% of staff living in the area.
- The applicant had two sons who were heavily involved in the farm.
- Milk from the farm was delivered in Cross Hill, Keighley and Bradford.
- The calving facilities would be improved and would mean better conditions, as there was only a small building at present for young calves.
- There would be some improvement for local residents and there would be no increase in HGV's.
- There would be an improvement in staff parking and this would prevent vehicles from blocking Lyon Road.
- Consultation had taken place with local residents and they prefer to have hedges rather than trees.
- Further discussions had taken place with planners to try to mitigate any negative factors.
- The loading facilities would be further away from Lyon Road.
- An attempt had been made to mitigate noise to neighbours as the car parking would be further away from Lyon Road.
- It would be better for vehicles reversing.
- All existing trees would be removed.

Resolved –

That the application be approved for the reasons (including the addition of “and PPS4” to conclude the last paragraph on page 30 of Document “V”) and subject to the conditions as set out in the Strategic Director, Regeneration and Culture's technical report (Document "V").

ACTION: Strategic Director, Regeneration and Culture

103. **RED HOLT DRIVE, GROVE MILLS, INGROW BRIDGE, SOUTH Keighley East STREET, KEIGHLEY**

A full application for construction of 12 dwellings and formation of an access road on land south east of Red Holt Drive, Keighley -11/00939/MAF.

The Strategic Director, Regeneration and Culture gave a presentation setting out the

proposals and plans detailing the layout in respect of the application. He reported that the Parish Council had recommended approval of the application and that site notices were displayed at the site and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments being 10 May 2011 rather than 28 May 2011 as stated in Document "V". A petition objecting to the scheme with 12 signatures (10 different households) had been received. The summary of representations received were as outlined in Document "V".

The Strategic Director, Regeneration and Economy reported that there was an error in the officer report in respect of the payment of contribution towards the provision or enhancement of education infrastructure within the wards of Keighley and this figure should be £19,569 instead of the £44,146 as outlined in Document "V".

In granting permission for this development the Council had taken into account all material planning considerations including those arising from the comments of many statutory and other consultees, public representations about the application and Government Guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and the content and policies within the Supplementary Planning Guidance and the Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 and the Replacement Unitary Development Plan for the Bradford District 2005.

The Council considered that the following matters justified the grant of planning permission:

- The development of this site with a suitable residential scheme was considered a beneficial reuse of a vacant site that gives the opportunity to provide a sustainable pattern of housing within the existing urban fabric of Keighley. The effect of the proposal on the surrounding locality and the adjacent neighbouring properties had been assessed and it was considered acceptable. The provision of an access in the manner and location proposed was appropriate and parking provision can be made to accord with adopted standards. As such, the proposal was considered acceptable in that it allows for an appropriate redevelopment of former school site in a sustainable location. Overall, it was considered that the provision of a scheme in the manner proposed was in conformity with the principles outlined within the Replacement Unitary Development Plan and Policies UDP1, UDP3, UDP7, UR2, UR3, H7, H8, TM2, TM12, TM19A, D1, D4, CF2, OS5, NE4, NE5, NE6 and NR16. He also submitted an additional condition 18 to be included and approved by the Panel.

He therefore recommended approval of the application subject to conditions under Section 106 see legal agreement.

Members made the following comments:

- The proposed footpath was for people going to the bus stop.
- There were issues of privacy and safety.
- People could dump rubbish on the strip of land.
- What would happen to the stone, it could be made into a drystone wall of a certain height.
- It would be expensive to replace the wall.
- You could have an area of planting with wildlife and hollies.
- We should leave it to officers to negotiate in respect of the wall.

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

- He was concerned that consultation letters were not sent out to the majority of residents. This seemed to happen quite a lot when this developer applies for consent.
- I had to go to Bradford to see the petition. Keighley people should not have to go to Bradford.
- The Metro contribution was not mentioned in the Heads of Term Agreement.

The Chair reported that there was no connection between this developer and Bradford Council and that the objector should not make assumptions in respect of this matter.

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

- The site was a predominantly residential area.
- It was a brownfield site and it had been a former school in the RUDP it was a mixed use area.
- Highways comments were positive.
- It had been agreed to extend the adopted road.
- There would be no impact on other dwellings.
- Access from Red Holt Drive when first approved had allowed 400 dwellings an extra number of 8 dwellings would not make much of a difference.
- The Parish Council supported the application.
- The objectors points were more procedural in respect of this application.
- Condition 9 covered the times that construction work would be carried out.
- Land ownership issue had caused a complication.
- The development would bring the land into beneficial use.

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

- The Council would not adopt this land. The applicant would have to sign a maintenance agreement.
- Condition 4 could be changed.
- Letters had been sent to all neighbouring properties and addresses appropriate to the development.
- Notice had been published in the media as well as the site notice which had been put up.
- The petition had been sent to all Ward and Panel Members.
- The Council did not believe that it was appropriate to put in a Metro obligation as part of the Section 106 Agreement but should instead put in an obligation towards recreational and educational purposes.

Resolved –

That the application be approved subject to a Section 106 legal agreement with heads of terms as set out in the Strategic Director, Regeneration and Culture's technical report (with the contribution towards the provision or enhancement of education infrastructure within Keighley East or adjoining wards being £19,569 rather than £44,146 as stated in Document "V") and for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration and Culture's technical report (Document "V"), and subject to an additional condition (18) as set out below;

The trees noted as T2, T3, T4 and T10 in the submitted arboricultural report by JCA Limited dated 18 February 2011 (which are located along the boundary of Halifax Road) shall be retained on the site and form part of the submitted landscaping scheme required as part of condition 04 of the planning permission. Any works for works to or the removal of these trees shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the trees are safeguarded in the interests of visual amenity of the locality and to accord with policies NE4 and NE5 of the Replacement Unitary Development Plan.

ACTION: *Strategic Director, Regeneration and Culture*

104. ENFORCEMENT MATTERS

(i) **22 BROOMHILL AVENUE, KEIGHLEY** Keighley West

The occupants have erected a timber extension to the rear of the property detrimental to the visual amenity of the area by way of its design, size and materials.

Enforcement action has now been authorised for its removal - 10/00752/ENFUNA.

Resolved –

That the report be noted.

ACTION: *Strategic Director, Regeneration and Culture*

105. DECISIONS MADE BY THE SECRETARY OF STATE

Appeals Upheld

None

Appeals Dismissed

(i) **Land West of Quarry House, Green Head Lane, Keighley** Keighley Central

Construction of 2 detached dwellings - Case No: 10/03350/FUL

Appeal Ref: 11/00024/APPFUL

(ii) **Ox Hays, Long Ridge Farm, Outside Lane, Oxenhope, Keighley** Worth Valley

Proposed storage shed to create tack room, store for hay and dry food store for animals and retrospective application for retention of existing concrete base and raised deck area – Case No: 10/03948/HOU

Appeal Ref: 11/00045/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