

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 23 June 2011 at the Town Hall, Bingley

Commenced: 1000

Concluded: 1235

PRESENT – Councillors

CONSERVATIVE	LABOUR
Ellis	Dredge
	Imdad Hussain
	Khadim Hussain
	Lee

Observer: Councillor Pullen (Minutes 5(c) and (d))

Councillor Lee in the Chair

1. DISCLOSURES OF INTEREST

Councillor Lee disclosed a personal and prejudicial interest in the item relating to 34 Albert Yard, Church Street, Keighley (Minute 5(a)) as she was friends with the owner of a business in close proximity to the site. She would therefore have to withdraw from the meeting during the consideration of this item in accordance with the requirements of the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

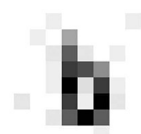
Councillor Khadim Hussain disclosed a personal and prejudicial interest in the item relating to 34 Albert Yard, Church Street, Keighley (Minute 5(a)) as he had represented the applicant previously as a constituent and knew both the applicant and people who had objected to the proposal. He would therefore have to withdraw from the meeting during consideration of this item in accordance with the requirements of the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

ACTION: *City Solicitor*

2. MINUTES

Resolved –

That the minutes of the meeting held on 20 April 2011 be signed as a correct record.



Suzan Hemingway - City Solicitor

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

4. PUBLIC QUESTIONS

There were no questions submitted by the public.

5. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

The Strategic Director, Regeneration and Culture presented **Documents "A" and "B"**. Plans and photographs were displayed and/or tabled in respect of each item.

(a) **34 ALBERT YARD, CHURCH STREET, KEIGHLEY**

**Keighley
Central**

Application for removal of Condition 2 attached to Planning Permission 07/02235/COU to allow the existing private hire booking office to attract visiting customers and to allow use of the premises as a waiting room - 11/01684/VOC.

Two Members of the Panel explained that they would have to disclose a personal and prejudicial interest in this application and withdraw which would have led to the meeting becoming inquorate it was therefore:

Resolved –

That the application be referred to the Regulatory and Appeals Committee for determination.

ACTION: Strategic Director, Regeneration and Culture

(b) **1 GOOD WOOD, OWLER PARK ROAD, ILKLEY**

Ilkley

Full application for the placing of 20 photovoltaic panels on a solar mounting system onto existing upper flat roof - 11/01536/HOU.

The Strategic Director, Regeneration and Culture reported on the substance of additional representations received, from one of the Ward Councillors and from the Parish Council, further to the publication of his written report.

In response to questions from Members, the Strategic Director confirmed that objections had been received from other residents of this development and that the panels would protrude approximately 165mm above the raised edge of the roof.

The applicant was in attendance at the meeting and spoke briefly in support of the application:

- The roofs of the properties were staggered.
- The panels would be set in from the edge of the roof, the height was only approximately 9 inches and would not be visible from the other side of the valley.

Resolved –

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

ACTION: Strategic Director, Regeneration and Culture

DECISION FOLLOWING SITE VISIT**(c) LAND AT 2 SOUTHLANDS GROVE, RIDDLESDEN****Keighley East**

Full application for the erection of a new detached dwelling -11/01291/FUL.

The Strategic Director, Regeneration and Culture reported on the substance of an additional representation, in objection to the proposed development, received further to the publication of his written report. He also reported on a letter from the applicant which responded to the issues that had been raised by the objectors.

In response to a question from a Panel Member he explained that the existing semi-detached property on the site would retain its existing driveway.

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

- It was considered that the photographs displayed did not adequately illustrate the gradient of the land in this area.
- Issues were already experienced with parking in this location and this development would exacerbate the situation.
- One of the neighbours from the houses below currently parked a van outside this property.
- Severe flooding occurred in the locality and drains became blocked.
- The residents of existing properties on Mayhall Avenue would be overlooked as a result of the development.
- The use of obscure glazing was proposed to the toilet window in the side elevation that would face Mayhall Avenue but when lights were on this could still be seen through.
- It was recommended that the Panel undertake a site visit, paying particular attention to the proximity to existing properties.

A Parish Councillor said that:

- The site had very poor access. Vehicles could be blocked in.
- It was considered that the property would dominate the existing dwelling on the site.
- The proposal constituted 'garden grabbing'.

The applicant's agent spoke in support of the proposal as follows:

- The distance achieved to the dwellings to the North was 26.5 metres, to the houses on Carr Lane (from the front porch) 24 metres and from the North East corner of the new property to No. 1 Mayhall Avenue 16.5 metres.
- The drive for No.2 Southlands Grove had been used on a daily basis.
- The existing drive for this property would remain.
- All the other houses on Southlands Grove had private driveways and all but one had a garage.
- One of the residents of Carr Lane had parked outside 2 Southlands Grove with the consent of the owner.
- The number of parked vehicles shown on the photo provided by the objectors was challenged as not being consistent with the usual situation.
- The Highways Engineer had required that the proposed parking spaces be widened and had deemed the proposals acceptable subject to this amendment.

A Member of Panel said that she was aware that a number of the side roads in the area were not adopted. In severe weather conditions and due to the incline of the land residents had to park on Hospital Road which could cause problems with access.

The Strategic Director reported, in answer to a Member's question, that the width of Southlands Grove was between 4 and 4.5 metres. Standard modern estate roads would usually be 5.5 metres but this width was considered acceptable in the circumstances of this case.

Further to a site visit:

One Member of the Panel said that, although the proposed access arrangements were tight, he did not consider there to be an issue of highway safety.

Other Members made the following comments:

- Although the scale and design of the development appeared appropriate, the access was very difficult.
- The access for emergency vehicles, particularly ambulances, was of concern.
- All the households currently accessed off Southlands Grove appeared to own at least one vehicle.
- Access in winter conditions would be an issue.
- There were existing difficulties associated with parking.
- The width of the road was very restricted.
- This proposal would increase the amount of traffic using the road.

The Strategic Director, Regeneration and Culture pointed out that the dwelling would be sited adjacent to an existing property and that fire officers could reach properties at a distance of up to 45 metres from the appliance.

Resolved –

That the application be refused for the following reason:

It is considered that the development would increase the amount of traffic using a sub-standard access road which would result in problems with vehicle manoeuvrings and access to and egress from the site, particularly for emergency vehicles, and would therefore be detrimental to highway safety contrary to Policies TM2 and TM19a of the Council's adopted Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration and Culture

(d) **FIELDHEAD HOUSE, HIGHFIELD CLOSE, EAST MORTON, Keighley East
KEIGHLEY**

Full application for the construction of twelve houses, access and parking areas and revisions to the design of one house approved by 09/01914/FUL -11/00648/FUL.

In response to a question from a Panel Member about the reasons for the refusal of a previous application for four dwellings, the Strategic Director, Regeneration and Culture explained that, at that time, Policy UR4 (concerning the sequential approach to accommodating development) had still been part of the Replacement Unitary Development Plan (RUDP). This site had not been located in an area considered to be one of the most sustainable and also the Local Planning Authority had, at this stage, been able to demonstrate a five year supply of housing, hence the application had been refused.

A Ward Councillor spoke in opposition to the development:

- The proposal constituted overdevelopment and would not be in keeping with this lovely area and the grandeur of the surrounding buildings.
- Local residents had particular concerns in respect of the highway implications of development of the site and drainage issues.
- There had been a suggestion that Metrocards be provided for the new residents but it was not believed that they would use public transport. It was anticipated that each household would have two cars.
- The parking facilities at the local railway station were already unable to accommodate the number of people wishing to use them.
- Both the local schools were already oversubscribed so it was questioned how the additional children from this development would be accommodated.
- The development was in close proximity to a large house and would adversely affect the outlook for residents.
- Applications for development of this site had been refused in the past.

A Parish Councillor made the following points:

- No mention had been made of the housing immediately behind and to the right of the site.
- The access road would run across the front of the existing large property on the site and not leave sufficient garden area in this location.
- There were already problems experienced with access and parking in this locality.
- The proposal would provide a density of development that was double that in the immediately surrounding area.

A representative of objectors to the application was also in attendance and put forward the following concerns:

- All the residents along the road that would be used to access the site objected to the proposals. This road had been a cul-de-sac when they bought their properties.
- This development would double the number of houses (and thus vehicles) using the road.
- The proposed increase in density would create concerns in respect of highway safety.
- The houses on Highfield Close had substantial driveways and some had two garages.
- Applications for development of this site over a lengthy period had been refused, including those subject to appeal.
- It was considered that there was no evidence of need for this housing in the area; three houses in the locality were currently on the market, two of which had been for a significant period of time.
- There was an issue in respect of school facilities.
- He tabled copies of comments made by a Highways Engineer on the proposals. The first consultation had said that the development did not meet minimum safety standards.
- Fieldhead House was an attractive house in a wonderful setting and the proposed development would be unfair to residents. The plans would lead to a road being located right up against the wall to the house.
- Noise, dust and dirt would be generated by traffic accessing the site.
- Only three of the proposed dwellings would be served by the adopted highway. Nine would be served by a private drive. It was understood that current standards only permitted a maximum of five dwellings to be served by a private drive.
- Bends in the road meant that visibility would not be good.

The Strategic Director responded as follows:

- There should be no problems with on-street parking on Highfield Close in view of the provision available to the existing dwellings.
- Highfield Close was a normal estate road that could be expected to serve up to 200 dwellings.
- Concerns had been expressed initially about the proposed internal highway layout but this had been revised further to consultation and was now considered acceptable.
- Five was the recommendation in respect of the number of dwellings to be accessed off one private drive and above that number the Highway Authority would normally seek adopted standards. However it was a recommendation not a requirement and, in this case, it was considered that the courtyard style layout was acceptable and could be safely used.

The applicant's agent made the following comments in support of the application:

- It had been considered that a scheme for fewer properties would have been recommended for refusal as it would have failed to meet the density targets required by RUDP Policy H7. Although the current proposal also failed to meet the requirements of H7 it was considered acceptable when account was taken of the character of the site and the retention of a number of mature trees.
- Although the amendment of PPS3 had redefined garden areas as not being 'previously developed land' this did not mean that the development of such was unacceptable in principle.
- The Local Authority was currently unable to demonstrate a five year housing supply.
- The issues raised by the Highway Engineer initially had not been fundamental and amendments had been made to the scheme to address the concerns. The scheme would allow a refuse vehicle to enter the site and turn within it.
- The design had been scrutinised by Council officers and had been assessed as being of good quality.
- A commuted sum for recreational facilities, in lieu of on-site provision, had been agreed in accordance with the Council's current policies.
- The applicant had agreed to pay the full sum requested in respect of supporting the educational infrastructure in the area.
- The applicant lived at Fieldhead House.
- It was considered that the proposal reflected the pre-application advice from the Local Planning Authority and any comments made since.

A Member of the Panel said that the lack of garden provision to the main house (Fieldhouse House) was of concern.

The Strategic Director said that it had been noted that this was the one weak area of the scheme but there were no minimum standards for such set out in planning policy and the property concerned was in the ownership of the applicant.

Resolved –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture's technical report.**

- (2) That the grant of planning permission be subject also to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 in respect of:
- (i) Payment of a commuted sum of £13,186 (subject to increase in line with the Retail Price Index) in lieu of on-site recreational provision to be spent in the Keighley East ward or adjoining wards;
 - (iii) Payment of a commuted sum of £37,840 (subject to increase in line with the Retail Price Index) towards the improvement of educational infrastructure in the Keighley East ward or adjoining wards;
- the legal agreement to contain such other ancillary provisions as the Strategic Director, Regeneration and Culture (after consultation with the City Solicitor) considers appropriate.

ACTION: *Strategic Director, Regeneration and Culture*
City Solicitor

- (e) **LAND AT AIRE VALLEY TRUNK ROAD/KEIGHLEY ROAD, Craven**
STEETON

The Strategic Director, Regeneration and Culture submitted a report in relation to the authorisation of enforcement action in respect of the removal of a timber structure erected on land adjacent to the Aire Valley Trunk Road/Keighley Road. The structure was considered to be detrimental to the visual amenity of the area by way of its design, size and materials -10/01307/ENFUNA.

Resolved –

That the report 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