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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 28 July 2011 in the Council Chamber, Keighley Town Hall

Commenced 1005
Adjourned 1205
Reconvened 1215
Concluded 1253

PRESENT – Councillors

CONSERVATIVE	LABOUR
Clamp	Lee
McCabe	Abid Hussain
	Dredge
	Malik

Observers: Ward Councillors Mallinson and Naylor (Minute 15)

Councillor Lee in the Chair

11. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

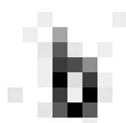
12. MINUTES

Resolved -

That the minutes of the meeting held on 19 May 2011 be signed as a correct record.

13. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



Suzan Hemingway - City Solicitor

14. PUBLIC QUESTIONS

There were no questions submitted by the public.

15. LAND AT THORNHILL ROAD, STEETON WITH EASTBURN Craven

A full application for the erection of 220 dwellings, access roads, cycle ways and open space on Land at Thornhill Road, Steeton with Eastburn - 10/05872/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 made representations as outlined in page 4 of Document "C" which would update the previous comments made by the Parish Council on 17 January and 14 February 2011. A substantial number of representations had been received with 103 individual letters of objection, with a further 17 letters of representation opposing the development. The summary of representations received were as outlined on pages 4 and 5 of Document "C".

The further 17 letters of representation made among others the following points:

- The development was too big.
- Steeton Road was gridlocked already.
- The houses were not being built for local needs as there were no jobs in the area.
- Access should be through Millennium Road.
- Removal of the local tree was unacceptable.
- Access should be through Station Road and the by-pass.
- The scale of the proposal was not in keeping with surroundings.
- The hospital would be affected.
- Schools were already to full capacity.
- It would have an unacceptable impact on trees and wildlife.
- The original concerns had not been addressed.
- The highway solution was not appropriate.
- The planning process had been dragged out and residents were losing interest.

The Strategic Director, Regeneration and Culture reported that communication had been received from the Environment Agency which accepted in principle the need to improve the infrastructure in the area. It was proposed that paragraph 32B of Document "C" should be deleted. Planning permission was given for 229 properties before they were reduced to 220 properties.

The Strategic Director, Regeneration and Culture reported that 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 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 well conceived residential scheme which offers a suitable mix of properties across the site proposes efficient and effective use of land and was considered a good opportunity to provide a sustainable pattern of housing development within the existing urban fabric of Steeton. The effect of the proposal on the adjoining conservation area, the listed structures within the site, the surrounding locality and the adjacent neighbouring properties had been assessed and were acceptable. The provision of an access, both from Skipton Road into Thornhill Road and from Thornhill Road into the development site, in the manner and location proposed was appropriate. Parking provision had been made to accord with established policies and the provision of suitable pedestrian/cyclist linkages to the station had been included. As such, the proposal was in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it was considered that the proposal complies with Policies UDP1, UDP3, UDP7, UR2, UR3, H5, H7, H8, H9, BH4A, TM2, TM8, TM9, TM12, TM19A, D1, D4, D5, BH7, NR15B and NR16.

He recommended that the application be approved accordingly subject to a Section 106/S278 Agreement and conditions as outlined in Document "C".

Members made the following comments:

- The letter from the Environment Agency could be a problem in the future as they did not seem to be 100% sure of the situation.
- There would be an impact on local schools, how would the money be spent?
- The points made in the report were that local primary schools were full and how would you facilitate the process to deal with this issue?
- Children in Steeton do not go to University Academy, they go to other schools.
- No one from Steeton goes to Victoria School.
- It was important that when the Panel considers a planning application that education do their sums properly in respect of what was needed.
- Why have Section 106 provision for education if it was not used for children in the area affected.
- The predicted 30 children from 200 houses did not seem correct as I have 50 houses in my area and there were more than 30 children in these houses.
- How would the Section 106/278 monies be spent?
- We need to highlight the impact of the application on primary and secondary schools in the area.
- Does the Council need to put in more monies in addition to the Section 106/278 monies?
- Has consideration been given to creating a free school?
- In respect of drainage, clarification should be obtained from Yorkshire Water and the Environment Agency on whether capacity had been reached on the site.
- The potential of providing a second access to the site should be explored and/or different access for construction traffic.
- Further clarity should be provided on the Section 106/278 finance and whether it can be used to fund a free school.
- The maintenance agreement was fine now but what would happen many years later if there was a change of owner?
- 220 houses would promote a lot of traffic movement and you shouldn't subject Thornhill Road to this amount of additional traffic.

- There could be a possibility of 500 extra cars being generated.
- It was amazing a site of this size had only one exit.
- The applicant should provide details of a proposed location for replacement trees.
- Information should be provided for the exact position of the proposed traffic island.
- It was quite possible to have a site entrance for building traffic only.
- Can the last application that was approved be used?
- The quality of the houses seemed to be inadequate.
- Sewerage was a big problem.
- The main Skipton Road was a big problem and there was a need for a second access route onto the development.
- What happens if the developer builds 25 houses and then sells them off, what was the legal situation then concerning the maintenance agreement?

The Council's legal representative reported that if the local planning authority gets into an appeal situation then the Planning Inspector would consider previous planning extant permissions on the site. If the developer was to sell the houses the Section 106 agreement would run with the site.

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

- This was a serious issue as two Ward Councillors and a Parish Councillor have come to speak in respect of this issue.
- There were a number of issues that needed to be resolved in respect of education, highways and drainage.
- You can make a modification to the Section 106 Agreement.
- The local authority can transfer assets including buildings to a free school.
- Loss of trees would exacerbate the problem.
- An increase in the volume of traffic would add to the problems which already existed.
- Proper consultation with the community should take place.
- Outstanding issues in respect of drainage should be dealt with.
- Money for education has to go through local achievement partnerships.
- Schools in the area should be expanded and pupils should not be bussed miles away to other schools.
- All issues including over capacity schools and over capacity highways needed to be dealt with.
- There were issues of construction building during work on the development as the local community would have to live with any decisions made by the Panel.
- The first tranche of affordable housing should be made available first for residents of Steeton with Eastburn.

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

- The proposals were for 220 dwellings.
- The principle of residential development had already been established.
- The original scheme had been reviewed and then revised with more family dwellings and better parking together with larger areas in the open spaces.
- Each house had private gardens.
- A single access point was supported by the Council's Highways Officers.
- The schemes had been reviewed by the Council's Conservation Officer.
- I am here to reaffirm the officer's recommendation and that the proposals were in line with government and local planning policies.

- The scheme would allow an appropriate mix of housing.
- The report was very comprehensive.
- She recommended that the Panel accepts the officer recommendations including the affordable housing residential dwellings.
- Officers were happy with the development to proceed and now there was a need to manage the process on smaller schemes and we would ensure that this happens.
- The Environment Agency had said that this scheme was acceptable.
- There would be play areas.
- It could be conditioned that work on the junction was completed before the development work starts.
- The grassy area would come under management agreement with the developers.
- There would be one exit with two in an emergency situation.
- We have tried to address the visibility problem.
- The junction would operate within capacity. There were concerns during peak times.
- There would be no traffic lights.
- Traffic regulation orders were planned.
- Yorkshire Water and the Environment Agency had not raised any objections to the development.
- There had been no objections to the original submission.
- The proposal was to ring-fence the affordable housing for local people.
- On education contributions some financial contribution from the developer would be provided ahead of the development and some later.

The Council's legal representative made the following points:

- The footnote in respect of a village green application submitted on this land was an entirely separate matter which would be dealt through a different statutory process
- Some of the Section 106 monies could be used by the Council for education in accordance with policy.
- The developer could implement the last application that was approved for development as it was still extant.

An officer from Children Services responded to Members' comments and made the following comments:

- Children's Services would carry out studies in respect of spare capacity at secondary and primary schools.
- We would do a feasibility study and consult and see where schools can expand.
- We have to make sure that resources are available.
- There would be a need for the Council to put in more monies than that obtained from the Section 106 Agreement such as provision for staff resources.

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

- He expressed concern in respect of traffic and design of the scheme which would see an impact on the local road network.
- Steeton village residents had not received answers as to why only one access route should be provided.
- Why was there no access route in Steeton Road as there was a gate already there and there should be access to Thornhill Road and Clough Avenue.
- Problems would occur at peak times.

- We were led to believe that figures would be generated by using the traffic modelling structure software.
- The Parish Council and residents had concerns in respect of junction work and scheme details had not been produced yet in respect of the Thornhill Road-Skipton Road junction. There had so far only been an indicative sketch.
- The plan for planting trees elsewhere on the site was not acceptable as trees should be planted in close proximity to the development.
- Elderly residents would have to cross a busy road for their transport links.
- There were grave concerns about the sewerage. There was a hydraulically challenged network which was working near to full capacity already.
- Steeton with Eastburn Parish Council wanted to make the village a better place but this proposal would turn the village into a traffic jam.
- Answers were needed in respect of the drainage issues.
- He recommended that the application be refused.

An objector was present at the meeting and stated that he attended a previous meeting of the Panel and stated that the plan was passed due to inaccurate statements and declared that the previous plans should become null and void.

The Council's legal representative responded that Members were here to determine this application which was before them on the information that they had presented to them and they could not do anything else.

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

- He had handed in a petition signed by 150 people to an officer objecting to the removal of the trees. It seems to have been lost. It was with the last application.
- There need to be further information provided on the proposed junction. They seem to be happy for the dwellings to be constructed before the junction was built.
- The junction may actually be considered in light of pedestrian movements and two proposed traffic islands.
- The highways engineers do not seem to know where to put the traffic island.
- It would be a nightmare for young families to get to the schools.
- There were other access routes which allow access through the industrial estate to cyclists and pedestrians but not cars.
- There was also the possibility of access through Clough Avenue. The only thing stopping use of this access was an unregistered piece of land. A commuted sum of money could be put in the bank for the owner of the land once they were discovered.
- The visible splay from Clough Avenue was better than Thornhill Road junction with the junction improvements.
- The trigger points for the Section 106 Agreement were not in the report.
- Only 25 units would be built per year and this would take five years before the Council received any monies and schools would be full by then.
- In the officers report it was outlined that all schools up to Silsden and Craven were full therefore where would the children from the new development go to school?
- There was a lot of emphasis on detail in respect of education provision, sewerage and highways but not much on the quality of houses which would seem to have been overlooked.
- The development scored fairly high except in respect of design and construction and the Panel should be concerned about this.
- There would be a strain and pressure on the drainage system.

- The Aire Valley Sewerage Group had met and it had been outlined that the sewerage system in Steeton was close to capacity and rain water would overflow into the fields with brown sludge being formed.
- Recently 30 tons of silt had been removed and it would cost £10m to upgrade the sewerage system.
- Medical waste was coming out into the open and syringes and medical waste had been found in a field.
- There had been a development scheme in North Yorkshire with a plan for 49 houses and the decision had been deferred due to sewerage issues.
- Yorkshire Water sends teams several times a week to check the sewerage system and how can they then say that there was no problem as it would cost a lot of money to put any problem right.
- It was clear that Yorkshire Water was spending time and money monitoring the system and had also installed CCTV cameras in the area.
- Yorkshire Water should develop comprehensive long term plans to deal with this issue.
- The officers should be congratulated that some part of the scheme was changed following consultations.
- There were still problems in respect of education, sewerage and highways issues.

The Council's legal representative advised the Panel that the action of another planning authority was not under consideration at this meeting but there was a need to take into account the information that was in front of the Panel rather than what another Authority had done. Purchasing any land in the future in order to help progress the scheme was not a consideration of this Panel.

Resolved –

That consideration of the application be deferred for the following reasons:

- (i) **Drainage – Clarification be obtained from Yorkshire Water and the Environment Agency on whether net capacity has been reached at the site.**
- (ii) **Access to the site -That the potential of providing a second access to the site be explored with one possibility being through Clough Avenue and /or a different access for construction traffic.**
- (iii) **Further clarity be provided on the trigger points for receipt of Section 106/ 278 finance and also whether said monies can be used to fund a free school.**
- (iv) **Trees – That details of the proposed location for replacement trees be provided by the applicant**
- (v) **That information be provided on the exact position of the proposed Traffic Island.**
- (vi) **To enable further consideration to be given by the Panel to the quality and design of the proposed development.**

ACTION: Strategic Director, Regeneration and Culture

118. 118 SKIPTON ROAD, ILKLEY

Ilkley

A variation of condition application to vary condition 2 of planning approval 03/03483/COU - to increase the number of children from 16 to 19 (07:00 to 15:00 hours) and up to 22 (15:00 to 19:00 hours) and to allow an increase in the number of child care assistants from 5 to 8 at "Hickory House", 118 Skipton Road, Ilkley – 11/01315/VOC.

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 no objection provided the application does not exceed the number of children and childminders previously approved on the application 03/03483/COU, 10/02926/VOC and 10/02919/VOC. He stated that there were some inaccuracies in the report in respect of parking spaces as they had not been marked out in the bays and he accepted that you can get seven vehicles in the site. The previous request for variation had been refused. A total of 21 individual letters of representation had been received, ten objections and eleven letters of support for the development proposal. In addition, a written communication of objection had been received from a local Ward Councillor. The summary of representations received were as outlined in Document "C".

Members made the following comments:

- It seemed that the car parking problems had been overcome with the exit into Staunton Road.
- You could park 50 yards down the road where there was no congestion.
- The main reason for refusal seems to be highway issues, where there are any other reasons for refusal?
- How long had the children been making a noise and what was the level of inconvenience like?
- Were there any evidence of accidents?
- Three extra children were included so it was not really an increase.
- Do any of the residents work from home?

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

- I live in a semi-detached house on the right hand side of the property in question.
- I went to a meeting last year and objected, I was speaking on behalf of two other persons as there was already noise and traffic issues.
- I bought my flat in a residential area and there were three to four kids usually playing together with 25 children potentially including the owners children and friends.
- In summer time you have to close your window as there are a number of children making noise and screaming.
- There were children outside all year round and it was intolerable.
- You cannot dictate to mums to park 20-50 yards away and they park outside our houses.
- The A65 is a busy road and there have been accidents, with a serious one taking place recently.
- The noise was the main problem in the garden and affects four other residents, some have children.
- Was the next application going to be for 30 children?
- It makes a difference to residents.
- I am entitled to quiet enjoyment of my property.

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

- I am asking just for three children extra during term time only and the children play in the garden for only one hour and in winter time they do not go into the garden.
- There are seven parking spaces at the moment and we do have a car parking policy.

- Staff and parents do not park on the A65.
- Highway safety was not a problem.
- For Morrison's similar issues were not considered valid and there were three drop off and collection times.
- Noise was not an issue when 19 children were there and environmental health staff had come to assess the establishment.
- The services we provide were wrap around care for All Saints' School children.
- Several businesses in residential parts of Ilkley have off-site parking for staff park on Easby Drive, a wide road with no parking restrictions.
- There was a staff travel policy.
- Stourton Road and A65 were not used by parents or staff but if they were so dangerous to park on why were there no yellow lines?
- In respect of Morrison's the same highways comments were considered not valid at Committee as customers were not parking all day, same as us but we have flow lane, traffic lights and much better visibility.
- Morrison's customer traffic was not as controllable or quantifiable as mine was.
- Nineteen children had attended for years, with mine included therefore no additional noise would be generated.
- The Council's Noise Pollution Officer had no concerns.
- There were no spontaneous noise or traffic complaints or issues in the last eight years.
- In the vicinity there was a primary school, tennis club, nursing home and bed and breakfast and there was no effect on residential amenity.
- There was a strong community need with letters of support from the headteacher and there were increased running costs and reduced income threatening the viability of local jobs.
- She submitted a list of information in which she said there were inaccuracies and omissions in the report.

A supporter of the application was present and she made the following points:

- My son has attended this establishment for a while as have other children.
- There had been an accident but it was a freak accident as the lady had passed out.
- The nursery closed at 6.30 pm and not 7.30 pm.
- You never get a situation where parents pick up the children at the same time.
- No residents had objected to the noise in the last eight years that it had been in operation.

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

- It was difficult to prove that there would not be an increase in noise nuisance.
- Neighbours had said that it was too noisy at the moment.
- There was a conflict between business amenity and safety.
- There was evidence of an accident but it was not attributable to this property.
- The application was supported by a Ward Councillor who had stated there was no highways effects and there was a small change only and that the objection seemed to be on purely commercial grounds.

Resolved –

That the application be approved on the basis that the proposed increase in staff and children numbers was not considered so significant as to be detrimental to highway safety and free flow of traffic on A65 Skipton road contrary to RUDP Policies TM2 and TM19A and not considered to materially increase noise nuisance for neighbouring residents contrary to saved RUDP Policies UR3, P7 and D1.

ACTION: Strategic Director, Regeneration and Culture

17. DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS ALLOWED

(i) 4 Canberra Close, Cross Roads, Keighley Worth Valley

Submission of details to comply with condition 1 of permission 09/04476/HOU dated 17/11/2009 (Universal green box section UPVC coated tin Roofing material samples) - Case No: 09/04476/SUB01

Appeal Ref: 11/00080/APPHOU

APPEALS DISMISSED

(ii) 12 Main Road, Eastburn, Keighley Craven

Demolition of rear two storey lean-to annexe and construction of a two storey extension - Case No: 11/01120/HOU

Appeal Ref: 11/00082/APPHOU

(iii) 4 Canberra Close, Cross Roads, Keighley Worth Valley

Submission of details to comply with condition 1 of permission 09/04476/HOU dated 17/11/2009 (Grey box section UPVC coated tin Roofing material samples) - Case No: 09/04476/SUB02

Appeal Ref: 11/00109/APPHOU

(iv) Land at Grid Ref 406801 431986 Foreside Bottom Lane, Denholme Bingley Rural

Construction of agricultural building and removal of existing farm buildings - Case No: 10/03905/FUL

Appeal Ref: 11/00038/APPFUL

(v) **Unit 2 Vale Lane, Garage Vale, Mill Lane, Haworth, Worth Valley
Keighley**

Change of use - Case No: 10/00147/ENFCOU

Appeal Ref: 10/00204/APPENF

(vi) **Unit 3 Vale Lane, Garage Vale, Mill Lane, Haworth, Worth Valley
Keighley**

Appeal against - Case No: 10/00635/ENFCOU

Appeal Ref: 10/00203/APPENF

Resolved –

That the decisions be noted.

NO ACTION

18. **BUSFEILD ARMS, MAIN STREET, EAST MORTON, KEIGHLEY Keighley East**

Proposed double garage to replace two existing garages, new storage building and parking to rear of Busfeild Arms, Main Street, East Morton, Keighley -10/06072/FUL.

Seven objections and a petition signed by 15 local residents objecting to the application were received. The objectors argued that the narrow residential access was not suitable for delivery traffic. Extra disturbance would be caused to residents and safety problems would arise.

Following negotiations, the agent/applicant agreed to omit the storage building and extra staff car parking from the proposals. The application was solely for a double garage to replace two existing single garages. This would be for use by the manager/chef. The application, as amended, had been granted planning permission under delegated powers, the concern of the petitioners having been addressed. It was considered that the amendment to omit the storage building and staff car park spaces resolves the concerns of the petitioners regarding bringing additional cars or delivery vans along the residential street.

Resolved –

That the petition be noted.

ACTION: Strategic Director, Regeneration and Culture

19. **QUARTERLY PLANNING ENFORCEMENT FIGURES**

The Strategic Director, Regeneration and Culture presented the quarterly planning enforcement figures 1 March to 31 May 2011.

Resolved –

That the Quarterly Planning Enforcement figures as set out in Document “E” be noted.

NO ACTION

Chair

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

minutes\plk28july

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