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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 15 September 2011 in the Council Chamber, Keighley Town Hall

Commenced 1000
Adjourned 1225
Reconvened 1235
Concluded 1258

PRESENT – Councillors

CONSERVATIVE	LABOUR
Shaw	Lee
	Abid Hussain
	Dredge
	Imdad Hussain

Observers: Councillors Khadim Hussain (Minute 23) and Naylor and Mallinson (Minutes 24 and 25)

Apologies: Councillors Clamp, McCabe and Malik

Councillor Lee in the Chair

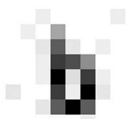
20. DISCLOSURES OF INTEREST

Councillor Abid Hussain disclosed a personal interest in Minute 23 for matters relating to 24 View Road, Keighley as he knew of the person involved in the application but had no connection to him, but as the interest was not prejudicial in accordance with the Members Code of Conduct (Part 4A of the Constitution) he took full part in the discussion and voting on this item.

ACTION: *City Solicitor*

21. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



Suzan Hemingway - City Solicitor

22. PUBLIC QUESTIONS

There were no questions submitted by the public.

23. 24 VIEW ROAD, KEIGHLEY

Keighley Central

A full application for the construction of a single two storey detached dwelling to the garden of 24 View Road, Keighley – 11/03004/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 Keighley Town Council had raised objections to the proposal stating the proposal site was very small and that the proposal would encroach upon No. 22 View Road. Objections had been received from eight separate addresses and the summary of representations received were as outlined in Document "F".

The Strategic Director, Regeneration and Culture reported that it was considered that the proposed development was acceptable in terms of its impact on the amenity of occupiers of adjoining land, traffic safety and the character of the surrounding area. It was considered to accord with the provisions of the Replacement Unitary Development Plan (2005) for the Bradford District and relevant Policies UR3, D1, TM19A and TM12. He therefore recommended that the application be approved subject to conditions as outlined in Document "F".

Members made the following comments:

- Would there be a problem for emergency vehicles to get through the development site.
- The boundary wall on either side of the entrance to the parking area should be graduated down in order to provide better visibility.

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

- Parking was not an issue.
- One of the points raised was in relation to loss of privacy. The development would be within seven metres of the boundary and there would be no impact on privacy.
- The road was wide enough and there were no highway objections.
- There was no issue of overlooking.
- There was adequate provision for green land.
- Some private issues had been raised by objectors but they were not planning issues.
- He recommended that the application be approved as it met planning policies and regulations.

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

- I am from No.17 View Road and there were a lot of extensions on this road and this was increasing pressure.
- I accept that some of the objections had nothing to do with the planning panel.
- Extensions use a lot of space.
- There was an increase in traffic and the road had become a rat-run, with some drivers speeding up to 77 miles per hour.

- The aim of the build was for financial gain.

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

- There was a recommendation to remove the permitted development rights.
- The boundary wall on either side of the entrance to the parking area could be graduated down in order to provide better visibility.

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 "F") and subject to the following additional conditions:

- (1) **That the obscure glazing to the two elevations shown on the approved plans shall be installed as shown and thereafter retained, with any permitted development rights in respect of changing the obscure glazing being removed.**
- (2) **Condition 2 should be amended to refer to the "...Town and Country Planning (General Permitted Development Order) 1995 (as amended) (or any subsequent equivalent legislation) ...".**
- (3) **That the boundary wall on either side of the entrance to the parking area be graduated down to 900mm in order to provide better visibility.**

ACTION: Strategic Director, Regeneration and Culture

24. 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 north west of 51 Parkway, Steeton with Eastburn – 10/05872/MAF.

An appeal to the Planning Inspectorate has been lodged because of non-determination of this application. If the local planning authority had been in a position to determine this application the recommendation would have been to grant planning permission subject to conditions and a Section 106/ 278 Legal Agreement.

The Strategic Director, Regeneration and Culture reported that this application was deferred by Members of the Panel on 28 July 2011 in order to provide further information and greater clarity on certain issues. Following this deferment the applicants appealed to the Secretary of State against the non-determination of this application. This report details the issues which the Local Planning Authority have to consider if they were still able to determine the application and requests a determination as such, the report deals with the issues of deferment and how these issues have been responded to or how they can be appropriately addressed. The original report follows on from the discussion of these actions and starts with the paragraph noted site description. It should be noted that the original report had also been updated in certain areas for example the number of representations received and consultation responses and similar information.

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 15 of Document "F". Substantial numbers of representation had been received, 295 representations as well as 103 individual letters of objection. The summary of representations received were as outlined in Document "F".

The reasons for the deferral were in respect of drainage, access to the site, further clarity to be provided in respect of the Section 106/278 finance, trees, information on the exact position of the proposed traffic island and to enable further consideration to be given by the Panel to the quality and design of the proposed development. These issues were addressed in Document "F".

In respect of drainage it was confirmed that the Environment Agency had written and clarified that they did not have objections to this development. Yorkshire Water had concurred with this view.

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 considers that the following matters justify the grant of planning permission:

The development of this site with a well conceived residential scheme which offered 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 therefore recommended that the Panel be minded to approve the application subject to the conditions as set out in the Strategic Director, Regeneration and Culture's Technical Report (Document "F") and the prior completion of a Section 106/278 Legal Agreement.

Members made the following comments:

- Last time we asked for a written letter from Yorkshire Water?
- It was clear that it was an environmental issue and not a planning issue.
- Would the new design of the junction alleviate problems?
- If we were mindful to grant can we get the developer to do the junction before the development was completed.
- It does make sense to get the junction done first to alleviate the problem of building traffic as much as possible.

- Was the education contribution the maximum amount?
- What was to stop the developer paying all the money up front?
- Would the signage at the highways junction be powered signage?
- The Assistant Director, Planning, Transportation and Highways should carry out a consultation with the Parish Council for the relocation of the trees.
- Would little saplings be planted.
- Would a new application be opposed by the Environment Agency?
- The concern was with Skipton Road at peak times.
- There was the issue of capacity and the industrial estate could be used as an access route.
- Was the development on a flood plain already?
- The application should be judged on its planning merits alone.
- Concerning the sewer they do not know where the fault was.
- The main road at Steeton became congested and residents want traffic to flow.
- It was important to talk to residents as this would be a big issue.
- There was an issue in respect of the numbers of children.

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

- The application had been re-submitted identically.
- None of the concerns had been addressed and the sewerage system was still hydraulically challenged.
- Yorkshire Water had spent £400,000 on problems which were supposed to be non-existent.
- There were 290 children in Steeton of primary school age and a further 200 homes would produce 51 children of primary school age.
- Traffic problems would get worse.
- The views of residents had not been sought.
- In respect of access why couldn't Steeton Grove be considered as pedestrians and cyclists already use this route.
- Not much consideration has been given to young and old residents who have to cross Skipton Road.
- This application should be refused and if it goes to appeal it gives residents a chance to put their points across.

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

- The crucial word and main issue was capacity in respect of education, sewerage and the road network.
- The Environment Agency and Yorkshire Water would have no objection on 99% of applications.
- This application should be allowed to go to appeal to enable us to have a public debate.
- He recommended that the Panel should be mindful to refuse the application.
- It was understood that surface water would not enter the drainage system and a meeting had been held with Yorkshire Water.
- The schools around Steeton were primary schools and children already travel out of the village as local schools were full to capacity.
- Children should not in the 21st century be forced to be educated in portacabins.
- It was surprising that the education officer could not confirm which schools would be enlarged.
- We need to understand the Parish Council's figures.

- There would be more children than calculated by the Council.
- The pedestrian island would be in the same place and traffic would be backed up.
- The single junction was beyond its capacity and would get worse.
- Residents did not support the removal of the trees, 150 people had signed a petition opposing this proposal.
- Thornhill Road was blocked and Airedale Hospital was very busy and it was in close proximity to the development.
- A precedent had been set in Silsden for allowing vehicle access through an industrial estate.
- People can walk and cycle through an unsafe area but cannot drive through it.

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

- In respect of the trees we have a precedent around moving trees in Centenary Square, some of which were moved to Butterfield Park.
- This new application was as identical as the last application.
- People were not able to scrutinise the report and this had taken away part of the democratic process.
- Airedale Hospital was near the development.
- There should be a consultation with the fire authority in respect of re-allocation of fire engines as 50% of call outs were from fire services to the hospital.
- Construction traffic should go via the industrial estate.
- There were capacity issues in respect of education, drainage and highways.
- The application would just be making a bad situation worse.
- The official response was not a suitable solution for people who live here.
- Yorkshire Water and the Environment Agency had said that they would be refuse new applications. This was a new application.
- I endorse Parish Council involvement in any discussion concerning the location of the trees.
- Elements such as play provision should be part of the consultation with the Parish Council as they own most of the play areas in Steeton.
- He recommended that the Panel refuse the application.

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

- It would be foolish to build the development with only one access especially in emergency situations.
- A public inquiry had said that there would be two access points.
- What happened to the Council guidelines, have they been scrapped?
- A development of 220 dwellings on a traditional estate road was twice the size of the Council's guidance.
- The main consideration seems to be money first and children second.
- Children should be considered first.
- How would local schools accommodate the additional children who did not want to go to Keighley schools?
- In respect of drainage we should not put more sewerage into the farmer's field nor the surrounding areas.

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

- The key issue was capacity of the infrastructure and the capacity in respect of highways, drainage and local schools. The proposals for these were in compliance

- with planning policy and no objections had been received from officers.
- There would be a single means of access to the development.
- If the Panel was minded to approve the application today then we would withdraw the appeal.

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

- It was not possible to point out which school the finance would be spent on as Children's Services would be reviewing which school should be expanded.
- It was a housing allocated site with planning permission.
- Having a single point of access on Thornhill Road was acceptable and others could not be improved as well as Thornhill Road, so another access was not appropriate.
- Emergency services would be able to get to the site.
- It was an Environment Agency responsibility to consider any impact of the pollution on the development.
- The Environment Agency had the powers to deal with any pollution issues.
- A joint meeting had been held with Yorkshire Water in respect of pollution issues and it was calculated that there would be no significant increase in volume or the number of occasions pollution occurred. In the past there had been only a few complaints which were usually sewerage based issues. This had been raised with Yorkshire Water and it was a pollution not a planning issue.
- Yorkshire Water said they would deal with any problems as they arise. They are a regulated authority and can only do what Ofwat allows them to do.
- A main concern was the volume of cars using the development.
- We are recommending that the junction works be done before residents take up occupancy at the development.
- A Section 278 Agreement would be needed for highway works to be done properly and access to the development would need to be completed to the local planning authority's satisfaction.
- Any contributions made by the developer would be index linked and subject to inflation.
- If the developer did pay all the money up front then the Council could bank the money and obtain interest but as confirmed by the Council's legal representative it was very unlikely that the developer would give all the money up front.
- The signage at the highway's junction would have a solar panel backup. All possible opportunities would be investigated in respect of energy efficiency.
- The bus stop would be moved.
- It had been acknowledged earlier that it was desirable to move the trees to improve the quality of the junction.
- A previous meeting of the Panel had wanted the best possible junction and for the trees to be replaced. The Council's landscaping team in consultation with highways would decide and identify the best location for the trees.
- From the previous petition there was local opposition to the loss of the trees.
- The Section 106 finance allocated for education should not be spent on portacabins but should be used on more permanent structures.
- More mature trees would be planted rather than saplings.
- The Environment Agency had clarified that they wanted to be consulted in future.
- There was an appeal in respect of this application at the moment and an appeal deadline and the view of the Panel was sought in respect of this application.
- The application was a valid application and was similar to the previous application and the same consultation process has been carried out and it had been

advertised as quickly as possible, the consultation was carried out in order to allow the public to put forward their views.

- The amount of water flow was not significant and monies had been spent because Yorkshire Water were looking at building a hydraulic model and put flow monitors to compare projected results to actual results and this was not a waste of money.
- If there were any issues in respect of the pollution which had been identified then the Environment Agency should be allowed to use their powers to deal with this issue.
- Flows of foul water were not an issue in respect of this development but were an environmental issue.
- I have re-read the inspector's report twice and there was no suggestion of evidence of two proposed access routes to the development.
- This site was first proposed for primary school and housing development.
- At the inquiry an objection to the UDP was not made by local people but by the applicant who had wanted a phase one housing site and not a phase two housing site.
- In respect of emergency access to the development this was a consideration of the development itself and if a blockage occurred on the junction there would be a point of access around the back and this would consider movement of emergency vehicles on Skipton Road.
- It had been a long debate if there should be traffic lights on the junction which were suggested by some engineers but it was felt that visibility was not appropriate. It was better to just have a junction, then turning right to come off into the development.
- The development was not on the floodplain.
- In respect of hygiene and health sometimes it can be unsightly and objectionable but health issues can be overstated and these were environmental issues.
- The development would not put strain on the sewer. This had been confirmed by the drainage officer. The amount going into it would be small.
- Surface water would not go near to the sewer, it would go into the watercourse.
- In respect of the railway station and new hotel a second access would be problematic and would increase the amount of traffic through a residential development.

The agent for the applicant confirmed that they had consulted with the Parish Council, residents and understood everyone's concerns but there was no common ground. The junction would be delivered before occupation of the first property.

The officer from Children's Services confirmed that the figures for the number of children that would be generated by a new development had been obtained using a geographical information system, which included information from the National Health Service and other organisations.

It had been calculated that 84 children live in Steeton with 73 attending a school in Eastburn, some go to schools in Keighley and in North Yorkshire. Schools would not be extended if it was not necessary and if the schools were oversubscribed then there was oversubscription criteria that was used. She also confirmed they would try to avoid using portacabins as they were not good value for money. Most of the other schools in the area were also full.

Resolved –

That the Panel is minded to approve the application subject to the conditions as set out in the Strategic Director, Regeneration and Culture's technical report (Document "F") and the prior completion of a Section 106 / 278 Legal Agreement

ACTION: Strategic Director, Regeneration and Culture

25. 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 north west of 51 Parkway, Steeton with Eastburn – 11/03602/MAF.

The Strategic Director, Regeneration and Culture gave the same presentation setting out the proposals and plans detailing the layout in respect of the application as outlined in Minute 24.

Members made the same comments as outlined in Minute 24.

A Parish Councillor and two Ward Councillors were present at the meeting and made the same points as outlined in Minute 24.

An objector and the agent for the applicant was present at the meeting and made the same points as outlined in Minute 24.

The Strategic Director, Regeneration and Culture recommended approval of the application subject to conditions as set out in Document "F" and the prior completion of Section 106/278 Legal Agreement subject to 2 additional conditions:

Resolved –

That the application be approved subject to the conditions as set out in the Strategic Director, Regeneration and Culture's technical report (Document "F") and the prior completion of a Section 106 / 278 Legal Agreement and subject to the following additional conditions:

- (i) An amended plan reference R/TH/MH/67600/SK-2B.**
- (ii) That the Assistant Director, Planning, Transportation and Highways carries out a consultation with the Parish Council before the relocation of the trees.**

**ACTION: Strategic Director, Regeneration and Culture/
Assistant Director, Planning, Transportation and Highways**

26. ENFORCEMENT MATTERS

- (i) 32 Oak Bank, Broadway, Keighley Keighley West**

The owners have failed to comply with Condition 3 of Decision Notice Reference 07/07406/FUL requiring obscure glazing to be fitted in a north east elevation of the development. Enforcement action has now been authorised – 11/00459/ENFCON.

(ii) Land at 1 The Croft, Keighley

Keighley East

Land formerly used for a landscape gardening business was now used for vehicle dismantling and repair. It was considered that this use had an adverse effect on the surrounding environment and the occupants of adjoining dwellings.

Enforcement action has now been authorised for the use to cease and vehicles to be removed – 11/00185/ENFCOU.

(iii) Ox Hays, Long Ridging Farm, Outside Lane, Oxenhope, Keighley

Worth Valley

The owners of the land have erected a timber decking and constructed a concrete base both of which were considered to have an adverse effect on the openness of the green belt by way of its design, size and materials. Enforcement action had now been authorised for their removal – 10/00655/ENFUNA.

(iv) Royal Oak Inn, 2 Mill Hey, Haworth, Keighley

Worth Valley

A timber decking has been constructed in the car park to the public house. The decking occupies a substantial portion of the car park and the development was considered to have the potential to displace customer car parking and lead to conditions prejudicial to highway safety. Enforcement action has now been authorised for its removal – 10/00395/ENFUNA.

(v) Two Chimneys, Mytholmes, Haworth, Keighley

Worth Valley

A timber pergola has been constructed on top of a pre-existing building. A retrospective application had been refused and planning appeal dismissed. Enforcement action has now been authorised for its removal – 09/01410/ENFUNA.

Resolved –

That the report be noted.

ACTION: Strategic Director, Regeneration and Culture

27. DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

(i) The Grange Holiday Lodges, Sconce Lane, Eldwick, Bingley

Bingley

Removal of Condition 3 of Planning Permission 05/08163/FUL for: erection of additional large building to existing holiday facility and recreational area – Case Number 10/05378/VOC.

Appeal Reference: 11/00052/APPVOC.

Appeals Dismissed

(ii) **29 Broadlands, Keighley**

Keighley Central

Granny annexe for a disabled person and double garage – Case Number 10/01482/HOU.

Appeal Reference: 11/00051/APPHOU.

(iii) **53 Browfield Terrace, North Street, Silsden**

Craven

Conservatory to side – Case Number 11/01837/HOU.

Appeal Reference: 11/00111/APPHOU.

(iv) **Land West of Heathmount Hall, Crossbeck Road, Ilkley**

Ilkley

Construction of a single three bedroom dwelling – Case Number 10/05849/FUL.

Appeal Reference: 11/00063/APPFUL.

(v) **Two Chimneys, Mytholmes, Haworth, Keighley**

Worth Valley

Construction of a temporary garden pergola – Case Number 11/00326/HOU.

Appeal Reference: 11/00104/APPHOU.

Resolved –

That the decisions be noted.

NO ACTION

28. **LAND AT COPPERWAITE FLEET MANAGEMENT,
PARKSIDE WORKS, PARKWOOD STREET, KEIGHLEY**

Keighley East

Full application for change of use of land to serve as extended service yard area for manoeuvring and parking area for HGV maintenance garage at Copperwaite Fleet Haulage, Parkside Works, Parkwood, Keighley.

The above planning application attracted a petition of objections signed by 1,516 people. The petitioners called on the Council to respect the gift of Parkwood woodland to the people of Keighley by the Duke of Devonshire in 1926 for our recreation. The call on Bradford Council was not to dispose of any parts of the woodland. The petitioners also called on Bradford Council not to grant planning permission for any building of vehicle park on any part of Parkwood.

After careful consideration the application was refused under delegated powers.

Resolved –

That the petition be noted.

NO ACTION

29. **PROPOSED RETAIL DEVELOPMENT AT EAST
PARADE / GRESLEY ROAD, KEIGHLEY**

Keighley Central

These proposals were brought to the Committee for information only. The scheme was currently at its pre-application stage and the developer would be embarking upon the detailed public consultation stage before the planning application was submitted.

The developer made a presentation to the Panel detailing the proposals and officers were in attendance to give further explanations considering relevant planning issues. No questions were asked by Members from the developer about the proposed development.

No Resolution

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