

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 27 October 2011 in the Council Chamber, Keighley Town Hall

Commenced 1003
Adjourned 1100
Reconvened 1108
Concluded 1230

PRESENT – Councillors

CONSERVATIVE	LABOUR
McCabe	Lee
Shaw	Abid Hussain
	Dredge
	Malik

Observers: Councillor Kelly (Minute 34) and Councillor Martin Smith (Minute 35)

Apologies Councillor Clamp

Councillor Lee in the Chair

30. DISCLOSURES OF INTEREST

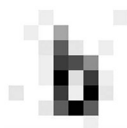
Councillor McCabe disclosed a personal interest in Minute 40 in matters relating to Planning Agreements Monitoring Report as he was a member of the Board of Metro, but as the interest was not prejudicial in accordance with the Members' Code of Conduct (Part 4A of the Constitution) he took full part in the discussion and voting on this item.

ACTION: *City Solicitor*

31. MINUTES

Resolved -

That the minutes of the meetings held on 23 June, 28 July and 15 September 2011 be signed as a correct record.



Suzan Hemingway - City Solicitor

32. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

33. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

34. **1 MOOR LANE, ADDINGHAM**

Craven

Full application for the construction of five dwellings and demolition of the existing dwelling at 1 Moor Lane, Addingham – 11/00636/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 Addingham Parish Council and a local Ward Councillor had objected to the application during the first and second periods of public consultation. The first period of publicity resulted in 20 letters of objection and the second period of publicity had resulted in a further 6 letters of objections being received and the original objections submitted by the parish council and local ward councillor being repeated. The summary of representations received were as outlined in Document "I".

The Strategic Director, Regeneration and Culture reported that the principle of residential development of this site was considered acceptable given its small scale and reasonably sustainable location. No significant adverse effects were considered to result in terms of impacts on highway safety, visual amenity and residential amenity. The loss of trees at the site were considered acceptable given their low collective amenity value, however, replanting may be possible to the rear of the site. Demolition of the existing house could be controlled by planning conditions to prevent significant impacts on protected species. The proposal therefore complies with Policies UR2, UR3, D1, TM2, TM12, TM19A, H7, H8, NE5, NE6, NE10, and NE11 of the replacement Unitary Development Plan. He therefore recommended that the application be approved subject to the conditions as outlined in Document "I".

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

- He was here today to support the views of the Parish Council and local residents.
- He was against the nature of this development.
- It was unfortunate that this meeting was during half term as some Parish Council members were not able to attend the meeting.
- There was no issue in respect of parking as Moor Lane was quite wide, it was a low density area which was continuing to increase in density.
- Photographs did not show the impact of the proposed development on this shape of the site. There would be a carbuncle built on this road as it was about turning a garage into a high density terrace.
- The residents of Parkside Drive would be affected by the development.
- In respect of culverts every year there was a problem of drainage and we are very concerned about drainage issues in the future.
- Even on a dark and damp day such as today Addingham was the Jewel in the Crown of the district.
- The Panel should undertake a site visit to Addingham.

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

- An application for seven units was submitted in August 2010 and we held discussions with planners and resubmitted an application in February 2011 for six units. There were objections from planners and local people.
- A scheme was then designed for five dwellings and these units were in line with and in character with surrounding properties and with similar material to be used.
- A five bedroom house would be demolished and replaced with five family dwellings.
- Natural stone render would be used at the front and back garden areas.
- The beck has to be culverted.
- In twelve years I have not had any flood problems.
- We are looking to extend the bedroom window to 10.5 metres and it would be no closer to other properties than the existing house.
- Highways work on Moor Lane would take the wall back and would allow better room for the question of safety.
- Ecologically there would be no change unless we are told by the Environment Agency to extend the beck.
- We have spoken to residents and there had been less objections than expected.
- We have liaised with planners to get the application right and planners had recommended approval of the application.

Members made the following comments:

- How many parking spaces would be lost?
- Were there any other comments in respect of the house?
- Roads were for cars to drive on, not people to park on.
- Was there any history of the area being subject to flood risk?
- Was there a speed limit on Moor Lane?
- Some of the members had already seen the site and therefore a site visit was not necessary.
- Would the beck stay as it was?

The Strategic Director, Regeneration and Culture responded to Members, the Ward Councillor and agents' comments and made the following points:

- Cars were able to park on the highway and this was not a significant issue.
- There was nothing wrong with the house and there were no structural problems.
- We were not aware of any flood risk in the area but there was a low risk of one instance of flooding in every 1,000 years.
- This proposal would keep the water course at full capacity and the scheme would be conditioned to retain water features.
- There was a speed limit of 30 mph on Moor Lane.
- There would be no real difference in respect of the effect on the beck.
- The applicant had responded positively to a previous criticism.

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 "I").

ACTION: Strategic Director, Regeneration and Culture

35. 60 VICTORIA AVENUE, ILKLEY**Ilkley**

Full application for the construction of one detached dwelling in the garden of 60 Victoria Avenue, Ilkley – 11/02327/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 Ilkley Parish Council had objected on the basis of overdevelopment of the site and drainage problems. To date seven objections to the proposals had been received including objections from one of the local Ward Councillors. The summary of representations received were as outlined in Document "I".

The Strategic Director, Regeneration and Culture reported that the principle of residential development of this site was considered acceptable given its small scale and sustainable location. No significant adverse effects were considered to result in terms of impacts on highway safety, visual amenity, and residential amenity, or impacts on the protected trees at the site. The proposal therefore complies with Policies UR2, UR3, D1, TM2, TM12, TM19A, H7, H8, NE5, NE6, NR15B and NR16 of the replacement Unitary Development Plan. He therefore recommended that the application be approved subject to the conditions as outlined in Document "I".

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

- There was a huge concern in the community in respect of this application and it's relationship to the conservation area.
- Forty documents had been submitted in respect of the application and it was not a bungalow but a two storey house built into the hillside.
- The site notices had not been placed at the proposed development location.
- There had been five objections including from the Civic Society, the Parish Council and a Ward Councillor.
- The development would overlook neighbouring properties.
- It was overdevelopment, a constrained site and the house had no outlook.
- The tree positions on the plan did not line up with those on google earth.
- 58 Victoria Avenue would be overlooked by the second bedroom and the house would require a retaining wall.
- The rooms were undermined by the regrading of the drive.
- We have not seen any elevation drawings.
- The ground floor level would overcrowd the existing house.
- The velux windows at the low level were not in line with the Council's design guidelines.
- It would be difficult to turn the vehicles around in the turning area and you would need a large number of turns to turn your car around.
- There would be problems of flooding and there were proven ground water problems in the area.
- There were no details of drainage proposals.
- He recommended that the application be rejected due to issues in respect of design, overcrowding and overdevelopment.
- He recommended a site visit.

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

- Green space has been replaced by housing.
- The character of the area had been eroded.

- There would be a lot of noise and dust pollution as a result of the development.
- It would be a three double bedrooms with on-suite facilities type house.
- No consideration was given to surrounding properties.
- The developer tried to use this land several years ago.
- The new house would be dug into the hillside and there would be no views from the house as it was completely enclosed.
- The drive to the house was quite narrow and only a 'smart' could use it.
- My garden (No. 62) has had water problems and the water table would be artificially lowered.
- The new development would reduce the potential of No. 60 Victoria Avenue.
- The development would have a detrimental effect on No.58 Victoria Avenue by reducing light to that property.
- There would be noise problems and earth would be moved to surrounding roads.

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

- The proposal was to build a single retirement dwelling for one occupier.
- Great care was taken to use appropriate materials.
- The drawing had been adjusted to have two parking spaces and single garages.
- The trees were not subject to tree preservation orders.
- I am aware of drainage issues in the area and accepted the conditions in respect of drainage.
- The dwelling was a low scale two storey building with roof space which was designed to fit in with the surrounding area.
- The development was comparable to the ridge height of No. 58 Victoria Avenue.
- The velux windows would be at a high level in the bathroom.
- The dwelling complements neighbouring properties.
- The development would be similar to neighbouring developments.
- The scheme was highly sustainable and local materials would be used.
- The development would be available to any family moving to Ilkley or near to Ilkley.
- The development would be a positive contribution to the area and it would be a low energy home.

Members made the following comments:

- What was the distance to the neighbouring property?
- What was the situation in respect of the tree fencing?
- Was the development too big for the plot ?
- What was the size of the garden?
- In respect of the trees there were concerns about the roots system.
- What other trees would be under the tree protection order?
- Concern was raised about drainage in the area.
- The gradient varies quite a bit.
- Were the drainage issues up to the Council or the developer to sort out?
- Was the turning circle large enough for cars to turn round in?
- The design was not appropriate and there was overdevelopment of the garden area and it was inappropriate to the character of the surrounding area.
- It looked like two garages stuck together.
- It was not necessary to make a site visit.

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

- There was a plan of the proposed size of the dwelling.
- The dwelling would be 12 metres from existing properties.
- The tree fencing was a temporary measure.
- The development was not overdevelopment but was acceptable and had a large rear garden.
- The development can be accommodated.
- I am not sure of the exact size of the drive.
- Drainage had not been raised as an issue.
- The garden was level and it was above street level.
- None of the other trees were protected and we would try to keep them and would only move those who were in the way.
- It was up to the developer to submit an appropriate drainage scheme.
- The standard car was 4.5 metres and there would be adequate room to turn around in the turning area.

Resolved –

That the application be refused for the following reasons:

- (1) **The design and scale of the dwelling is inappropriate to the character of the surrounding area and is therefore contrary to Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.**
- (2) **There is a lack of detail provided regarding the drainage of the site and is therefore contrary to Policies NR16 and UR3 of the Council's adopted Replacement Unitary Development Plan.**

ACTION: Strategic Director, Regeneration and Culture

36. 8 BROWFIELD VIEW, KEIGHLEY

Keighley West

Householder application for proposed development at 8 Browfield View, Keighley, comprising the construction of a two storey extension to the side and a conservatory to the rear – 11/03534/HOU.

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 objected to the development on grounds of the property being served by a very narrow turning circle and due to it being very close to next door and would overshadow the neighbouring property. Two representations of objection had been received from neighbours and the summary of representations received were as outlined in Document "I".

The Strategic Director, Regeneration and Culture reported that the proposed development, as amended and subject to appropriate conditions, would relate satisfactorily to the character of the existing dwelling, adjacent properties and the wider vicinity. The impact of the development upon the occupiers of neighbouring properties had been assessed and it was considered that there would be no significant adverse impact on their residential amenity. Nor would the development result in any unacceptable highway or pedestrian safety issues. The development was therefore considered to comply with Policies UR3

and D1 of the Replacement Unitary Development Plan and the Supplementary Planning Guidance contained within the Council's Revised House Extension Policy. He therefore recommended that the application be approved subject to the conditions as outlined in Document "I".

Members made the following comments:

- Was it normal practice to have the extension built further back?
- Next door had also built an extension and conservatory.
- Concerning the extension of the garage there was a large caravan, was it able to fit in the garage?

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

- The extension was too large.
- The caravan was still there and had not been moved.
- The caravan would move onto the drive and onto the turning circle.

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

- The caravan would go into storage when the work started.
- Two cars were on the drive and not on the turning area or the road.
- To reduce the plans any further would not make it viable anymore.
- The turning circle was not a problem as the neighbour parks down the road.
- We had invited our neighbour to look at our plans and told them we would try to work something out. The neighbour had not responded to us and we were surprised when objections came from them.
- This development was not a money making scheme, we have three children and want to enhance our family's lifestyle.
- We were not able to sell our house so we decided to extend it.
- We would make a path from our house to our drive.
- The houses were south facing and therefore you get sunshine all day long and all the way around the front of the property.

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

- It was normal practice to have an extension further back to the property.
- The character of the houses did vary.
- The neighbour's property might be permitted development in respect of the extension.
- In respect of planning policy you cannot refuse an application because someone has three cars.

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 "I").

ACTION: Strategic Director, Regeneration and Culture

37. HGV TESTING STATION, 51 STEETON GROVE, STEETON WITH EASTBURN

Craven

Full application for demolition of portal framed LGV testing sheds, and part demolition of the remaining single storey masonry building, plus external and internal refurbishment of the remaining building to provide a driving test centre. Development to incorporate one car module, two for motorcycles and one for LGV testing at 51 Steeton Grove, Steeton with Eastburn – 11/03129/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 Steeton with Eastburn Parish Council had objected to the application stating that the development would cause traffic congestion and the drainage proposals were contrary to policy. Assurance was sought that the development would not cause problems for users of a cycle/pedestrian route to the railway station. One objection letter had been received which stated that the development would cause traffic congestion and would be a danger for all road users.

The Strategic Director, Regeneration and Culture reported that the removal of buildings from the site would have no significant implications for the visual amenities of the area. The proposed use of the site as a driving test centre would have no local amenity implications and the means of vehicular access to the site was capable of accommodating projected traffic without harm to highway safety or the free flow of traffic. Accordingly the proposed use was acceptable in light of Policies UDP3, UR3, D1, TM2 and TM19A of the Replacement Unitary Development Plan for the Bradford District. He therefore recommended that the application be approved subject to conditions as outlined in Document "I".

Members made the following comments:

- Would there be any impact on the nearby residential estate?
- Would there be an impact on the traffic to the railway station?
- You would not be able to park there once the hotel was built.
- It seems that there would be less building than previously proposed and with the same drainage.
- The cycleway might be in operation in 20 years time.
- I have sympathy for the people of Steeton. Steeton should not be used as a quick short cut area by driving instructors.
- If the driving instructors were from Keighley then they would take tests in Keighley and not in Steeton.

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

- The new development would abut right to the boundary.
- We are concerned about the amount of traffic that would be generated, with 240 traffic movements as well as lessons taking place before the driving tests.
- Driving instructors tended to use the village during tests.
- We are trying to get a definitive cycle route for this path.
- In the Officers report in respect of highways it was said there were no pedestrian implications, this was not correct.
- A designated cycleway should be a condition as part of the approval.
- The application should be deferred or refused.
- In respect of the hotel, the route would be a cycleway and it should also be

- incorporated in this development.
- We want a safeguarded route.

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

- The application was supported by officers.
- A record of former use at a driving test centre in Keighley was of 38 to 79 trip tests per day.
- There would be removal of 52 HGV movements and based on the worst case scenario 60 trip tests per day.
- In reality there would be less traffic impact.
- There would be 21 test related vehicles on the highway with the majority of these being cars, road cycles and goods vehicles.
- Comprehensive car parking would be provided on the site and there would be no on-street parking.
- There was a need for a test centre in Keighley and Steeton.
- The drivers instructors group supports this application.
- There would be sustainable use of the current site.
- There would be local employment opportunities generated and other benefits as a result of this development.
- Instructors were independent business persons.
- We can control what examiners do but not driving instructors.
- There were ten different routes, ten miles long in different areas which would be used for driving tests.

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

- The residential estate was attached to the side of the field and was a substantial distance away from the proposed development.
- A highways officer did not have any traffic concerns.
- Nothing in this development would affect the cycle route.
- In the RUDP two options were set out and this did not mean that the route would be developed as a cycle path.
- It was disproportionate to ask for a £500,000 cycle route.
- It could be a condition that the unadopted road be repaired which is under the test centre's ownership.

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 "I") and subject to the following additional condition:

- **“Prior to the commencement of development, details of proposals for repair of the road surface on vehicular routes within the edged red site shall be submitted to and approved in writing by the local planning authority. The repair works so approved shall be implemented before the site is brought into use for the approved purpose”.**

ACTION: Strategic Director, Regeneration and Culture

38. SCRAP YARD, CASTLE MILLS, BECKS ROAD, KEIGHLEY **Keighley West**

Returned application to the Area Planning Panel for further consideration in the light of the failure to sign the Section 106 agreement. – 10/04672/OUT.

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 this planning application was referred to the Area Planning Panel (Keighley) on 9 December 2010. The resolution made at that meeting was for outline planning permission to be granted subject to the completion and sealing of a Section 106 agreement to secure the following contributions required in connection with the development in accordance with RUDP Policies:

Education contribution: £67,663 (primary and secondary education)

Contribution to public open space in lieu of on site provision: £104,172

Affordable Housing: Provision of 15% net developable area at 35% discounted off the open market value.

In addition it was resolved at the meeting that a contribution to the upgrading of an existing bus shelter close to the site and the provision of a metro card scheme for future residents would be provided and made a requirement of the Section 106 agreement.

Since the resolution was made the applicant had failed to sign the Section 106 agreement drafted by the Council's legal officers. Discussions had taken place over a long period of time with the applicant and his agent and this had resulted in the submission of a unilateral undertaking by the applicant in March 2011, later amended to include the Metro contributions as outlined above. The unilateral undertaking submitted was unacceptable in terms of its content clauses and did not comply with the advice given by the Council's legal department. Such an approach was also contrary to the resolution made by members of the Area Planning Panel on 9 December 2010. The applicant had also attempted to enter into negotiations to vary the terms of the Section 106 agreement and adjust the financial contributions agreed by Panel members. However, no financial appraisal of the development was submitted with the application to demonstrate that the scheme would become unviable with the level of financial contributions being sought and there was no indication of what reduced contributions would be offered by the applicant and no justification had been presented to show that a reduced level of contributions would meet the requirements of normal RUDP planning policies.

Given the above, the application was now returned to the Area Planning Panel for further consideration in the light of the failure to sign the Section 106 agreement. Without the applicant's commitment to provide the Section 106 contributions the scheme was contrary to a number of development plan policies. As the applicant's commitment to deliver the required social contributions had not been secured, the recommendation was that the application should now be refused.

The Council's legal representative reported that there was a need for further discussions with the applicant in respect of his concerns relating to viability which was an issue now and that Section 106 agreements had been varied before.

Members of the Panel agreed that authority should be delegated to the Assistant Director, Planning, Transportation and Highways and the City Solicitor to hold discussions with the developer's legal representatives.

A Town Councillor was present at the meeting and asked whether the Town Council would be consulted during any discussions between the applicant and the local planning authority.

The Strategic Director, Regeneration and Culture reported that they would need to be a fully verified financial appraisal if the Section 106 contribution was to be reduced and this information was needed at the outline stage.

Resolved –

That authority be delegated to the Assistant Director, Planning, Transportation and Highways and the City Solicitor to hold discussions with the developer's legal representatives and to explain procedures for future amendment of Section 106 obligations by means of a Deed of Variation depending on evidence of viability and exceptional circumstances pertaining at that time. If by the expiry of 3 months there is failure to reach an agreement in respect of the Section 106 obligations endorsed by the Panel's resolution of 9 December 2010, then this application be reconsidered by the Panel.

**ACTION: Assistant Director, Planning, Transportation and Highways /
City Solicitor**

39. ENFORCEMENT MATTERS

**(i) Land South West of Hamilton View, Hebden Bridge Road, Worth Valley
Oxenhope, Keighley**

The owner has erected a large chicken hut on the land which was considered to be detrimental to the conservation area and to the setting of a listed building.

Enforcement Action has now been authorised – 11/00824/ENFUNA

Resolved –

That the report be noted.

ACTION: Strategic Director, Regeneration and Culture

40. DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

(i) 5 Belle Vue, Ilkley Ilkley

Retrospective application for replacement of existing garage - Case Number:
11/02389/HOU

Appeal Reference: 11/00135/APPHOU

Appeals Dismissed

(ii) 357 Halifax Road, Keighley

Worth Valley

Construction of a bungalow in garden - Case Number: 10/04018/FUL

Appeal Reference: 11/00073/APPFUL

(iii) 6 Elam Wood Road, Riddlesden, Keighley

Keighley East

Car port - Case Number: 10/01346/ENFUNA

Appeal Reference: 11/00107/APPENF

(iv) 6 Springfield Court, Keighley

Keighley Central

Construction of extension to make existing bungalow into 2 storey building. Resubmission of 10/00929/HOU - Case Number: 10/06286/HOU

Appeal Reference: 11/00116/APPHOU

(v) 9 Dimples Lane, East Morton, Keighley

Keighley East

Demolition of single storey garage and construction of two storey side extension and first floor extension over existing balcony. Render existing house to match extension and external alterations to existing property - Case Number: 11/00855/HOU

Appeal Reference: 11/00133/APPHOU

(vi) Grange Barn, Black Moor Road, Oxenhope, Keighley

Worth Valley

Change of use from two storey stone built, tiled roof stable block to two storey stone built, two bedroom dwelling, with further four windows and four velux windows in roof - Case No: 10/04676/FUL

Appeal Ref: 11/00067/APPFUL

**(vii) Land to the East of Ivy Bank Mill, Ivy Bank Lane,
Haworth, Keighley**

Worth Valley

Construction of detached dwelling - Case Number: 10/05970/FUL

Appeal Reference: 11/00086/APPFUL

Resolved –

That the decisions be noted.

NO ACTION

41. PLANNING AGREEMENTS MONITORING REPORT

Bi-annual monitoring report to inform members of progress on Section 106 Agreements for the financial year 2010/2011

Resolved –

That the report be noted.

NO ACTION

42. QUARTERLY PLANNING ENFORCEMENT FIGURES

Quarterly Planning Enforcement Figures for 1 June – 30 September 2011

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