

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Keighley) held on Wednesday 22 February 2012 in the Council Chamber, Keighley Town Hall

Commenced 1000  
Adjourned 1100  
Reconvened 1108  
Concluded 1340

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Ellis	Lee
McCabe	Abid Hussain
	Dredge
	Malik

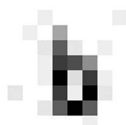
Apologies: Councillor Clamp

### Councillor Lee in the Chair

#### 53. DISCLOSURES OF INTEREST

Councillor Ellis disclosed a personal interest in Minute 58 for matters relating to Fieldhead House, Highfield Close, East Morton, Keighley as he was a Member of the Yorkshire Regional Flood Defence Committee, the West Yorkshire Integrated Transport Authority and a non-Executive Director of Incommunities. He had considered this application before but would reconsider it afresh, 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.

Councillors Lee and Abid Hussain disclosed a personal interest in Minute 58 for matters relating to Fieldhead House, Highfield Close, East Morton, Keighley as they had considered this application before but would consider it afresh, but as the interest was not prejudicial in accordance with the Members' Code of Conduct (Part 4A of the Constitution) they took full part in the discussion and voting on this item.



Suzan Hemingway - City Solicitor

Councillor McCabe disclosed a personal interest in Minute 58 for matters relating to Fieldhead House, Highfield Close, East Morton, Keighley as he was a Member of the West Yorkshire Integrated Transport Authority, 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*

**54. MINUTES**

**Resolved -**

**That the minutes of the meeting held on 19 January 2012 be signed as a correct record.**

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

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

**56. PUBLIC QUESTIONS**

There were no questions submitted by the public.

**57. 165 WHEATHEAD LANE, KEIGHLEY**

**Keighley West**

Full householder planning application for construction of a single storey extension to side of property to form annexe for an elderly person. Alterations to rear elevation, removal of chimney stack and formation of dwarf boundary wall at 165 Wheathead Lane, Keighley – 11/05622/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 proposal on the basis that the extension would over-dominate the street-scene. No objections had been received from neighbours.

The proposed extension was considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the extension upon the occupants of neighbouring properties had been assessed and it was considered that it would not have a significant adverse effect upon their residential amenity. As such this proposal was considered to be in accordance with Policy UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extensions Policy. He therefore recommended that the application be approved subject to the conditions as outlined in Document "O".

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

- Members of the Town Council had gone on a site visit to the application site.
- The granny flat would be as big as the house.
- The development would dominate and have an effect on traffic.
- He recommended that the Panel refuse the application.

Members made the following comments:

- What had happened to the trees?
- Would the extension have an impact on the building?
- The trees would not be harmed but how would the building impact on the roots?
- Was the application in line with the Council's House Extensions Policy?
- A condition should be added for the retention of the trees.

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

- The trees would remain as they are.
- The roots from the tree would develop underneath the building.
- The application was in line with the Council's House Extensions Policy.
- The builders can be kept off the trees with protective fencing.

**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 "O") and subject to the following additional condition:**

**"That the builder ensures that the trees are protected while the building work takes place".**

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

58. **FIELDHEAD HOUSE, HIGHFIELD CLOSE,  
EAST MORTON, KEIGHLEY**

**Keighley East**

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 at Fieldhead House, Highfield Close, East Morton, Keighley – 11/00648/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 planning application 11/00648/FUL was considered by the Panel on 23 June 2011. Representations on behalf of both the applicant and local objectors were heard. The Panel resolved that the application be approved for the reasons and subject to the conditions set out in the report of the Strategic Director, Regeneration and Culture and subject to a Section 106 Agreement in respect of financial provision towards recreation and education infrastructure in Keighley East ward and adjoining wards. Following completion of the Section 106 Agreement, planning permission was issued dated 26 August 2011. The summary of representations was as outlined in Document "O".

Subsequently, a local resident applied for judicial review of the Council's decision to grant planning permission on the grounds that:

1. An Environmental Impact Assessment Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations was not carried out.
2. No reason for granting the planning permission was given, and
3. That the Panel report did not deal adequately with conditions suggested in the Highway Officer consultation.

The Council submitted the case to judgement on Grounds 1 and 2 (but not on Ground 3) and the Court had now made an order quashing the decision. The effect of this was that there was currently no planning decision and so the planning application was presented for re-consideration by the Area Planning Panel.

The previous officer report was appended to Document "O". There were 11 representations against the planning application. Previous contributors had been notified that the application was to be reconsidered by the Area Planning Panel. Any new representations were reported to the Panel verbally.

The officer appraisal remained the same as in June 2011 which was appended to Document "O". The recommendation remains one for approval of the application. Material planning considerations remain as set out in that report, apart from the following changes which address the issues material to the submission of the decision to judgement.

The planning application has now been screened to ascertain whether Environmental Impact Assessment was required. The screening opinion dated 27 January 2012 was that Environmental Impact Assessment was not required. The Council had therefore fulfilled the requirement set by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, these being the Regulations currently in force. The reasons that an Environmental Impact Assessment was not required was that:-

- (i) The development does not fall within Schedule 1 of the Regulations, and
- (ii) The development does fall within Schedule 2 of the Regulations but in the opinion of the Local Planning Authority was not likely to give rise to significant environmental effects taking into account the characteristics of the development, the location of the development and the characteristics of the potential impact of the development. This opinion had been guided by reference to Circular 02/99.

The Strategic Director, Regeneration and Culture reported that the following Reason for Granting was now proposed as an addendum to the officer report:

The proposed development on this unallocated site was considered acceptable in principle. Constructing 12 additional dwellings on the site would make more efficient use of the land for housing, whilst the relatively low density appropriately reflects the character of the area. The design of the dwellings was of a quality which reflected surrounding development and would provide a suitably rural character to this edge of green belt location. The proposed layout secured satisfactory design arrangements for access, parking and servicing whilst making use of the site for housing. The means of access to the site was considered satisfactory and that the additional traffic generated by the new dwellings was considered capable of being accommodated within the capacity of the local highway network. The development, including the amendments to the previously approved dwelling, would not result in any significant detrimental impact on local amenity, the living

conditions of occupiers of adjoining properties or highway safety and was considered to comply with saved Policies UR3, D1, TM2, NE3, NE3a, NE5, NE6, TM12 and TM19A of the Replacement Unitary Development Plan for the Bradford District, the revised national planning guidance contained within PPS3 "Housing" and was compatible with the Draft National Planning Framework.

The claimant raised a further point in respect of the planning conditions that had been advised in the Council's Highway Officer's consultation response. The Council did not accept the validity of what had been claimed on these grounds. However, the points made by the claimant regarding highway conditions had been carefully considered and addressed as outlined in Document "O".

The Strategic Director, Regeneration reported that additional representations had been received from persons at the following addresses:

#### 4 Highfield Close

- There had been inadequate time to consider the proposals.

#### 15 Highfield Close

- There was concern about density.
- There were too many dwellings proposed.
- The proposal was out of keeping with other properties in the area.
- The proposal would generate more traffic.
- Access was unacceptable particularly in respect of refuse collection vehicles.
- There were drainage issues for the site in respect of possible flooding and excess surface water would build up.
- This meeting of the Panel should have been held at another time to make it more appropriate for residents to turn up.

#### 14 Highfield Close

- There was inadequate drainage and parking arrangements in the area.
- The proposal was not in keeping with the surrounding area.
- There were issues with traffic safety congestion.
- Refuse collection vehicles would have problems gaining access to the area.
- There was concern in respect of drainage and sewage to the site.
- A site visit should take place.

#### 2 Highfield Close

- There was concern at the lack of further public consultation.
- There should be a site visit.
- The site would be more appropriate for only 3-4 dwellings.

#### 12 Highfield Close

- There would be impact on the local landscape.
- The proposal was out of keeping with surrounding properties.
- There would be drainage issues.
- There would be traffic congestion caused by the development.
- There was a question of pedestrian safety as there was a blind bend on the road.

- There would be difficulty with refuse vehicles to get onto the site.
- Too many houses were being proposed.
- The application had been brought before the Panel too soon before the judicial review.
- Access to the site would be dangerous due to a blind bend.
- It would be dangerous for pedestrians.
- Keighley Town Council was opposed to the development.
- There should be a site visit.
- There were drainage issues and problem of excess surface water building up.
- Sewers in the locality were in need of repair and would not cope with the new development.
- The Council should be asked to mediate between residents and the developer before the Panel considers the application.
- It was also reported that a note had been received expressing concern why planners were not recommending all the conditions asked for by Highways.
- A resident from 15 Highfield Close expressed concern about safety and access.

The Council's legal representative responded that it was up to the Planning Panel to decide what conditions to include and how to deal with the application. He also confirmed that the Chair had made comments in respect of the previous application. She could qualify or repeat her comments during consideration of this application.

Members made the following comments:

- Was the screening in accordance with planning law?
- The drainage issues had been explained.
- In respect of safety issues have there been any accidents?
- Had any previous flooding taken place in the area?
- Density did not seem to be a major concern.
- What are the nearest schools to the development and what provision would there be?
- The nearest available schools were 4 to 5 miles away for both primary and secondary schools.
- We are looking at the application afresh.
- Does the parking meet required standards.

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

- (1) The updated report considers the 8 planning conditions that were put forward by the Council Highway Officer's consultation response last year.
- (2) In relation to conditions 1, 2 and 3 the planning officer asserts that those conditions were dealt with "in modified form" by conditions 6 and 7 in the original report produced last June. The planning officer asserts that the claimants who had applied for judicial review of the Council's decision to grant planning permission, "seemed to accept this point". We are the claimants and have not received any correspondence from the Council on this issue – we therefore fail to see how we could have communicated acceptance on this point.
- (3) In relation to condition 4 – on the basis of legal advice we would contend that this suggested condition was both precise and necessary, in line with the conditions set out in circular 11/95.

- (4) In relation to condition 5 – on the basis of legal advice we would contend that most local authorities do include this planning condition in order to protect local amenities as well as highways. This condition ensures that highways and amenities are protected in an environmentally satisfactory manner. On the basis of legal advice we do not view the powers available to the Council under the Highways Act as a more appropriate or effective means of protecting our amenities and public highways. We would much prefer mud, dirt and debris to be cleared immediately rather than having to wait for the exercise of powers under legislation.
- (5) The planning officer does not appear to recognise that a number of the planning conditions relate to amenities as well as highway matters; so by way of further example:
- Condition 6 – this condition does not relate solely to motorists; it was also intended to protect amenities; the Council do not appear to know whether proposed lighting would cause an issue for motorists or local residents but go on to state that they do not view the condition as necessary; and
  - Condition 8 – this condition relates to amenity issues as well as highway issues. The condition was not just about road safety, it was also considered necessary to protect local amenities and residents living in Highfield Close and Fieldhead House.
- (6) Finally, having taken legal advice on the terms of the draft National Planning Policy Framework, we would point out that the policy was subject to the outcome of government consultation and may not come into force in its current form. We therefore fail to see how the Council can rely upon this draft policy to support the development proposal. The comments made about this policy in the updated officer's report are misleading and incorrect.
- In light of the concerns raised in our letter, we must reserve our right to take further legal action.

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

- He circulated photos to Members of the Panel.
- The problem was that the adopted highway was not up to appropriate standards.
- The application went to judicial review and the Council gave adequate reasons.
- Access to the site was affected by a 10 foot hedge.
- Keighley Town Council had undertaken a site visit and they had recommended refusal of the application.

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

- The Section 106 Agreement had been signed and offered as before.
- The Council fees in respect of the Section 106 Agreement had been paid by the applicant.
- Housing needs were still pressing in the area.
- Under Policy PP53 the Council was not able to indicate a five year supply of land for housing.
- The design of the development was outstanding and had come highly recommended.
- Any concerns would be dealt with by management.

- No material planning considerations had emerged since last June.
- He recommended approval of the application.

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

- The application had not changed since previously submitted.
- No serious incidents had been reported and the site line would be improved by the proposals.
- The drainage section had not raised any issues. It would follow normal standard requirements.
- There were national guidelines and the Council policy was to promote sustainable drainage and to discourage surface water.
- A managed maintenance agreement could be introduced as a condition or as part of the Section 106 Agreement.
- The largest of the properties were 3-bed houses.
- The junction was not a substandard junction.
- The adopted highway arrangements were satisfactory and it allows refuse vehicles to turn and beyond that a private arrangement would have to be made.
- Children Services had no objections to the application.
- A large proportion of primary schools were full in the area.
- Some children from further away might be displaced by children coming from the development.
- It was not common to limit floodlighting on individual properties.
- Highways as a consultee with planning did offer conditions.
- In respect of conditions 5, 6 and 8 these were usually in line with bigger developments.
- In respect of condition 4 this was now shown on the plans.
- Regarding condition 5 in respect of mud on the highway this was up to building enforcement to control. With greater powers to deal with mud on the highway.
- Condition 6 was acceptable parking provision across the development. The screening was in accordance with environmental impact assessments regulations.
- The parking does meet the required standards.

The Council's legal representative reported that the decision of the Panel was challenged and the Council had conceded the two points which were an oversight. The court had quashed the permission by consent of the two parties. In law it was a matter for the Panel to decide which, if any, conditions to impose. They must act reasonably but are not required to impose any conditions other than the standard ones required by law. In deciding what, if any, conditions to impose, they should also have regard to all representations and comments which are received on any particular application. The government had said that the local planning authority should take into account the draft National Planning Policy Framework.

#### **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 "O") and subject to the prior completion of a Section 106 Agreement.**

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



59. **LAND SOUTH OF LEES MILL, SHUTTLE FOLD,  
HAWORTH, KEIGHLEY**

**Worth Valley**

A full application for the erection of 38 dwellings and access roads on Land South of Lees Mill, Shuttle Fold, Haworth – 11/05736/FUL.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and plans detailing the layout in respect of the application. He reported that the Parish Council had no basic objections to building on this site but was of the view that some of the off-street parking was comprised and that Plots 2 and 3 should have only one allocated space each, this being behind the properties. Traffic speeding on Lees Lane was a problem and would it be possible to seek traffic calming measures from the development. The Parish Council would like a condition on any permission granted restricting the change of use from garages to domestic (this has happened frequently on other developments giving rise to more on-street parking). Twenty eight letters of representation had been received together with a further five additional letters of representation. The summary of representations received were as outlined in Document "O". One of the representations had been sent to an officer's mobile phone which made the following points:

- There would be an adverse effect on drainage on my property.
- Mill Hey land was valuable as it soaks up water.
- When there had been a flood in 2004 water had escaped into Brigg House Beck.

The letters objecting to the development made the following points:

- The view would be obscured.
- There would be 78 more cars generated.
- There should be no further development due to loss to the environment and important green space.
- I own the industrial building and manufacture wooden goods.
- There would be noise generated by the development and it was not suitable for nearby houses.
- 140 cars would use Jacob's Lane.
- It would change the local character of the area.
- The development has not been allocated in the local development plan.
- There was no ten minute frequency of bus service on the site.

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 contents 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 residential scheme in the manner proposed offers a suitable mix of properties across the site whilst proposing an 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 Haworth/Lees. The effect of the proposal on the surrounding locality and the adjacent neighbouring properties had been assessed

and was acceptable. The provision of an access from Jacob's Lane into the development site, in the manner and location proposed was appropriate. Parking provision had been made to accord with established policies. 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, H7, H8, H9, TM2, TM12, TM19A, D1, D4, D5, NR15B and NR16.

The Strategic Director, Regeneration and Culture reported that approval of the application was recommended subject to a Section 106 Agreement and the conditions as outlined in Document "O" together with the outlined amendment to plans 375-001-1003, 375-001-1004, 375-001-1008 and 375-001-1009.

Members made the following comments:

- Can you provide clarification that the water would not drain into Haworth?
- There was a buffer zone with fields and then Haworth Brook starts.
- We could defer significant build on green belt site until development framework was available.
- It had been suggested that the owner might apply for listed building status and was it correct that we cannot take this into account?
- In respect of the wood furniture business there were already residential properties nearby.
- It was a derelict field and an eyesore.
- What code level would the houses be built to?
- A buffer zone would still exist.
- The inclusion of a sustainable drainage system was welcomed and it would improve the situation on Lees Lane.
- We can find no objections.
- We should go with officer recommendations with conditions.

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

- There was anxiety about the additional trees which might be close to the Hebden Road building.
- There would be pressure on local amenities and there was a lack of open space.
- There would be traffic problems and there were safety issues as there could be 100 cars leaving one cul de sac.
- We should not compromise pedestrian safety as there was a primary school nearby.
- The Worth Valley was semi rural and this application shows no regard for this.
- There has been a precedent for refusal of development on this land.
- I understand why the Council wants to encourage new build.
- This was a tiny corner of my village and too many homes were proposed to be built.
- The application should be refused.

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

- There had been community involvement prior to submission of the application and the scheme had been presented at the Parish Council meeting.
- There were no objections to the response by the Parish Council and all comments had been addressed.
- 60 households have been given letters in respect of the application and only 2 had

- responded.
- PPS3 was important as the Council would fail to supply appropriate housing.
  - Affordable housing would be put on the market.
  - The Panel was aware of the consequences if there was no five year support in respect of North Dean.
  - There was highways and environmental protection and there were no objections from Highways and Environmental Protection Service.
  - The Council had published robust information and identified a need for affordable housing.
  - The developers had paid the Council's legal fees in respect of the Section 106 Agreement.
  - He recommended that the Panel approve the recommendations.

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

- The Council accepted that it was not allocated as a residential development site but was in a position to look at other possible sites.
- In respect of drainage issues the Environment Agency had no objections as sustainable drainage was proposed. It would be a requirement to secure the green field and to deal with the surface rain water run-off for 100 years.
- This site would reduce the water run-off and control it.
- Yorkshire Water had no objections.
- There were no objections from the Drainage Section.
- The recreation and education contribution as part of the Section 106 had been agreed.
- All the consultation requests had been met.
- There would be additional tree planting.
- In respect of PPG3 the Council has to demonstrate it has a five year supply of land for housing and at present it only has a two and a half year supply.
- Planning inspectors would ask the local planning authority to show our five year housing land supply.
- Whether or not there would be an application for listed building status could not be taken into account by the Panel.
- In respect of the wood furniture business any increase in noise would be an environmental health enforcement matter.
- As the Council goes through the local development framework process it would go through the process of identifying sites and it may allocate sites for development.
- This site was not in the green belt.
- Haworth was identified as a growth area for housing but not as much as other areas.

#### **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 "O") and subject to the prior completion of a Section 106 Legal Agreement and revisions to the plans outlined below:**

- **375-001-1003 – Revision A**
- **375-001-1004 – Revision A**
- **375-001-1008 – Revision A**

- **375-001-1009 – Revision A.**

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

**60. 37 HIGH SPRING ROAD, THWAITES BROW, KEIGHLEY Keighley East**

Householder application for proposed development at 37 High Spring Road, Keighley. Comprising the creation of an additional bedroom at first floor level by division of existing two bedrooms and addition of a clear glass first floor window at gable end to provide light, air and fire escape – 11/05735/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 recommended refusal of the application. One representation had been received objecting to the proposal, together with a petition of support received with eight signatures. The representation received objecting to the proposal stated that it would overlook their adjoining property and its garden.

The Strategic Director, Regeneration and Culture reported that the proposed development introduced a clear glazed window which would overlook private garden space and habitable room windows of the neighbouring property at close quarters. As such it would be detrimental to the amenity and privacy of existing and future residents of the property contrary to Policy UR3 of the Replacement Unitary Development Plan for the Bradford District. He therefore recommended refusal of the application.

A supporter of the applicant was present at the meeting and made the following comments:

- He circulated drawings to members of the Panel.
- The applicant had been informed by a planning officer that he did not need permission to open up the boarded up gable end window.
- The applicant moved into the house four years ago.
- There were already three window openings on the ground floor and the room was served by three windows which were not habitable rooms. The remaining two windows (one which was a toilet) had tinted glass and the other was a utility room which was used very frequently for this purpose by a family with children and step-children.
- Was there not also a potential detriment to the amenity to the neighbour by use of the utility room?
- The small fence used to be a thick blanket of tree.
- There was a lack of amenity caused by the neighbour removing the thick tree blanket and this should also be taken into account.
- Commonsense should prevail.
- The window was currently boarded up and was installed for an additional children's bedroom.
- The gable window was not significant or a detriment to the neighbour's property.

Members made the following comments:

- What previous window was there?
- Was there any reason why the applicant would not put obscure glass in?
- Was there an issue about the windows being open?

- Were the bottom windows obscured?
- There would be thick trees in the spring and summer between the properties.
- There should be an obscured glazed window which should not be opened.
- This should not set a precedent and officers had made the right recommendation.
- The family need extra space.
- The family already had other bedrooms.
- We should consider this on an individual basis.

The Strategic Director, Regeneration and Culture responded to Members and the applicant's supporters' comments by making the following points:

- There had been no previous window there.
- It was important that the window was obscured.
- The bottom windows were not obscured.

**Resolved –**

**That the application be approved for the following reason:**

**In this instance, the local planning authority considers the degree of overlooking afforded by the new window is not considered so significant as to justify refusal. The proposal is considered to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.**

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

61. **82 BANKS LANE, RIDDLESDEN, KEIGHLEY**

**Keighley East**

Full planning application for detached dwelling house at 82 Banks Lane, Riddlesden, Keighley – 11/04899/FUL.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and plans detailing the layout in respect of the application. He reported that the Parish Council had recommended refusal of the application on highway grounds. A petition of six signatures in support of the application had been submitted. The petitioners were not specific as to why they considered the application should be approved.

The Strategic Director, Regeneration and Culture reported that the proposal attempts to address reasons for refusal of previous applications and reasons for the dismissal of a previous appeal by means of an alternative arrangement for access, parking and servicing of the proposed dwelling. However, this was a contrived arrangement which proposed parking spaces located at considerable distance from the proposed dwelling and would require occupiers to negotiate a number of steps and a steep slope to reach the dwelling. This arrangement would not be attractive to use. The proposed arrangement does not allow adequate arrangements for servicing of the dwelling or dealing with the collection of waste. The proposals would continue to be detrimental to highway safety and do not provide adequate design arrangements for servicing and waste handling and fail to accord with Policies D1, TM2, TM12 and TM19A of the Bradford Replacement Unitary Development Plan. He therefore recommended refusal of the application.

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

- The Town Council had recommended refusal of the application as no one would take the wheelie bins up the road.
- Parking was too far away from the properties.
- Putting more cars on Ilkley Road and Banks Lane would lead to an increase in incidents of speeding.

A supporter of the applicant was present at the meeting and made the following points:

- He handed out plans to members of the Panel.
- He would accept the condition for closure of the gate at Banks Lane.
- There were no problems in respect of issues mentioned in pages 53 and 54 of Document "O".
- There were a lot of houses (six or seven) on Banks Lane that were way back from the road and there would be no problems as the wheelie bins would not be taken up this path.
- In respect of egress there were currently three spaces for the existing house.
- Nobody had objected to the application and people at No.80 Banks Lane were in support of the application and there are a lot of other houses in Riddlesden that have the same distance between the house and the parking area.
- Any issues that might exist would be for any potential buyer of the property and this was not a planning matter.
- There were no issues or problems in respect of this application and I recommend that the Panel approves the application.

Members made the following comments:

- An application had previously been refused for two houses, where would the access be?
- Highways had concerns about visibility from Banks Lane.
- In respect of access from the top of the road was this an opinion or was it within policy guidance?
- Have there been any objections from residents?
- Most houses had single and double shared garages on Banks Lane. I do not understand the objections to this.
- I cannot see any reasons for this in respect of highways issues.
- The frontage on Banks Lane was different.
- House numbers 82 and 84 were given permission to build houses and this could be accommodated.
- What kind of traffic volume was there at Banks Lane?
- The issue in respect of disposal of waste was not an adequate reason for refusal of the application.
- We are losing garden space and places for wildlife. This would cause problems in the future.
- The parking provision was not adequate.
- The reasons for refusal were only opinions and there was not enough reason to refuse on planning grounds.

The Strategic Director, Regeneration and Culture responded to Members, town councillors and in support of the applicant's comments made the following points:

- The access would be mid point between two gardens from Banks Lane.
- In respect of access from the top it was part of planning policy in respect of proper access and servicing.
- There were no objections from residents.
- In respect of other houses with single and double shared garages we are looking at garages at present, which are not part of the house.
- The Planning Inspector said there was lack of visibility splays.
- We do not know what the traffic volume on Banks Lane was.

**Resolved –**

**That the application be approved for the following reasons and subject to the conditions as outlined below:**

**The site has previous planning permission for a dwelling and the local planning authority considers that the alternative access and security arrangements now presented do not raise any significant highway safety concerns. The proposal is considered to accord with Policies UR3, D1, TM2, TM12, and TM19A of the Replacement Unitary Development Plan for the Bradford District.**

**Granted subject to the following conditions**

- (1) **Prior to occupation of the dwelling hereby permitted, the enlarged parking area and bin storage facility indicated on drawing 10/23.6 shall be laid out, hard surfaced and made available for use. It shall remain available for use as long as the dwelling is in occupation.**

**Reason:**

**To ensure adequate arrangements for parking and waste collection to accord with Policies D1 and TM12 of the RUDP.**

- (2) **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any subsequent equivalent legislation, no form of vehicular access or parking area shall be formed into the site through its frontage with Banks Lane except with the prior written permission of the local planning authority.**

**Reason:**

**In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.**

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

62. **DECISIONS MADE BY THE SECRETARY OF STATE**

**Appeals Allowed**

(i) **Bank End Farm, Bank Lane, Silsden** **Craven**

Installation of 1 Evoco 10 kilo watt wind turbine on 15 metre mast – Case No: 11/02432/FUL.

Appeal Ref: 11/00168/APPFUL.

(ii) **Land east of Quarry House, Green Head Lane, Keighley** **Keighley Central**

Construction of two detached dwellings with garage block – Case No: 11/01537/FUL.

Appeal Ref: 11/00180/APPCON.

**Appeals Dismissed**

(iii) **25A Bradford Road, Riddlesden, Keighley** **Keighley East**

Change of use from insurance broker/claim office to private hire booking office – Case No: 11/02180./FUL.

Appeal Ref: 11/00153/APPFUL.

(iv) **Ox Hays Long Riding Farm, Outside Lane, Oxenhope, Keighley** **Worth Valley**

Construction of storage shed and retention of existing concrete base and raised decked area - Case No: 11/03936/HOU.

Appeal Ref: 11/00205/APPHOU.

**Resolved –**

**That the decisions be noted.**

***NO ACTION***

Chair

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