

City of Bradford Metropolitan District Council

www.bradford.gov.uk

(mins.dot)

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

Commenced 1000
Adjourned 1050
Reconvened 1055
Adjourned 1155
Reconvened 1205
Concluded 1257

PRESENT – Councillors

CONSERVATIVE	LABOUR
Clamp	Lee
McCabe	Abid Hussain
	Dredge

Apologies: Councillor Malik

Observers: Councillor Khadim Hussain (Minutes 66 and 70)

Councillor Lee in the Chair

63. DISCLOSURES OF INTEREST

Councillor Clamp disclosed a personal and prejudicial interest in Minute 70 for matters relating to Warehouse, Bridge Bar Lane, Riddlesden, Keighley as she knew both the applicant and people involved in the application. She therefore withdrew from the meeting during consideration of this item in accordance with the requirements of the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

Councillor Abid Hussain disclosed a personal interest in Minute 67 for matters relating to 24-28 North Street, Keighley as he knew the people involved in the application but had no connection with them, 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



Suzan Hemingway - City Solicitor

64. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

65. PUBLIC QUESTIONS

There were no questions submitted by the public.

**66. LAND AT EAST PARADE AND GRESLEY ROAD, Keighley Central
KEIGHLEY**

A full application for the demolition of existing buildings and development of 14,865sqm of new floor space to provide retail and leisure uses within A1, A3, A4 and D2 use classes. Provision of new public realm, vehicular access from Gresley Road, up to 360 car park spaces and the retention and extension of the Cricketers Arms Public House on land at East Parade and Gresley Road, Keighley - 11/05268/MAF.

The Strategic Director, Regeneration and Culture reported that a request had been received from the applicant to defer the application in order to be able to respond to objections from the representatives of the Airedale Centre and other objections which had just recently been received.

Resolved –

That following a request from the applicant the above application be deferred for consideration at a future meeting of the Panel and in order to enable officers to respond to last minute objections received in respect of this application.

ACTION: Strategic Director, Regeneration and Culture

67. 24-28 NORTH STREET, KEIGHLEY Keighley Central

Change of use of ground floor from Beauty Salon/Nail Bar (A1) to (A5) takeaway with ancillary seating for eating on the premises and extract fan ducting to rear elevation at 24-28 North Street, Keighley – 11/05770/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 recommended the application for refusal on highway safety concerns referring to a bus stop directly outside the premises. Local representations had been received relating to the application and a Ward Councillor was in support of the application.

The Strategic Director, Regeneration and Culture reported that it was considered that the proposed development was acceptable in terms of its impact on the Keighley Conservation Area, amenity of neighbours, vitality and viability of the retail offer in the town centre and traffic safety and acceptably accords with the provisions of the Replacement Unitary Development Plan and Policies BH7, CT5, UR3, D1, TM2 and TM19A. He therefore

recommended approval of the application subject to conditions as outlined in Document "Q".

A Ward Councillor was present at the meeting in support of the application and made the following points:

- North Street was an area supported by the Lottery Heritage Fund and this application was a private investment.
- The development would help to regenerate the area economically with the creation of six jobs.
- The filtering of the flue system would deal with any problems that might occur.
- As the establishment would open only from 10.00am to 10.00pm the issue of late night opening was not relevant in respect of this application.
- The application proposal would help to regenerate North Street and it would open during the day and bring more people into the town.
- This proposal would help to preserve the conservation area.
- He recommended that the application be approved.

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

- This was a takeaway and restaurant.
- The Town Council was concerned about parking issues.
- Delivery cars tend to park on the yellow lines.
- People park on the high street on yellow lines.
- It would still be another takeaway and it would look like one.

Members made the following comments:

- This was a conservation area.
- A previous application which included an extractor flue was refused, how was this application different?
- The hours of operation of the premises was a licensing issue.

The Council's legal representative confirmed that the Panel could decide what hours to impose from a planning perspective.

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

- The extractor flue could not be seen in any public area and it was not detrimental to the public domain and it was easy to take the flue off if necessary.
- Any changes to the shop-front would have to be a separate application.

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 "Q").

ACTION: Strategic Director, Regeneration and Culture

**68. COPPERWAITE FLEET MANAGEMENT, PARKSIDE WORKS, Keighley East
PARKWOOD STREET, KEIGHLEY**

Full planning application for change of use of land to serve as extended service yard area for manoeuvring and parking of customer vehicles at Copperwaite Fleet Management, Parkside Works, Parkwood Street, Keighley - 11/05545/FUL.

The application constitutes a departure from the Replacement Unitary Development Plan, and was presented to Panel for its views. If Members were minded to accept the recommendation of approval, the report would need to be presented to the Regulatory and Appeals Committee.

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 approval of the application although double yellow lines were required on the junction of Parkwood Street. Eighty letters of objection had been received in respect of the application. The summary of representations were as outlined in Document "Q".

Legal advice had been received and this was not a type of departure that needed to be referred to the Secretary of State.

The Duke of Devonshire had given the land to the people of Keighley and the sale of land was a separate issue for Asset Management which manages the land for the Chatsworth Trust. The company was asked to buy the land and the sale would be beneficial. The Charity Commission was happy for the land to be sold. The land involved was a small portion of a much wider area. The earlier proposal was refused under delegated powers and this proposal was not as large as before. The developer would work with the Woodlands Officer to provide features to enhance the area. The proposal was meant to suit the needs of the business for the testing of HGV's following the closure of a testing station in Steeton. It would eliminate the need of lorries parking on the highway. It was important for safety reasons to get the lorries on the site. The business had had over 18 months to look at alternatives and this was the best solution. They needed the land. There would be a significant buffer area between the houses on the site and the trees would be retained. The Tree Officer had said that it was regrettable to remove the trees but there would be additional trees planted.

The Strategic Director, Regeneration and Culture reported that the proposal had been assessed as being an acceptable incursion into urban green space. Whilst contrary to Policy OS1 of the Replacement Unitary Development Plan the degree of incursion was justified having regard to the need to support sustainable economic development, the minimal nature of the incursion and the mitigation measures that would be carried out to minimise the impact of the development on the urban green space and enhance the remaining urban green space in the locality of the development. The impact of the development on local visual and residential amenity, trees, highway safety and community safety had been assessed as being in accordance with Policies D1, D4, D5, UR3, NE4, NE5 and NE6 of the Replacement Unitary Development Plan. He therefore proposed that it be recommended to the Regulatory and Appeals Committee for approval for the reasons and subject to the conditions as set out in his technical report (Document "Q").

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

- She objected to the application.
- The Copperwaite Fleet Management was not the only testing station within

20 miles of Keighley as there are five MOT stations within 20 miles of Keighley, 3 are within the Aire Valley, one was three miles away and another in Bradford.

- The investment in the premises was not a relevant point.
- It was claimed that three jobs would be created but this would give an unfair advantage in respect of competitors and could lead to loss of jobs.
- It was not correct that the proposal would make Parkwood Street safer as there would be an increased use of the nearby driving school.
- Eighty individual objections had been received in respect of the application.
- Just because the area was not very affluent people's rights should not be ignored.
- There would be a detrimental effect on the environment with the destruction of young woodland which included the removal of 66 trees.
- There would be a loss of habitat for wildlife.
- This was not a sustainable development and the natural environment should be protected.
- Copperwaite Fleet Management had not made a strong enough case for departure from the unitary development plan.
- She recommended refusal of the application.

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

- One issue was trust and the land in question was given to the people of Keighley free of charge.
- The members of the Panel should reflect public opinion.
- If the application was approved then this would be a sad day for Keighley.

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

- The application should be refused and there should be no housing built on this land.
- We should keep the land as it was, so that it remains an area for wildlife and can be used for leisure purposes.
- People's objections should not be ignored.
- Why has a bat survey not been carried out?
- This land was for all to enjoy.
- A small hedge would not shield the development from houses.

A third objector was present and made the following points:

- Protected species and wildlife habitats would be destroyed
- There were house sparrows and hedgehogs at the location and the application would have an effect on them.

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

- Our only concern was with the site as lorries would drop items off on Parkwood Street.
- It was important to get lorries off the main Parkwood Street and yellow lines should be installed.

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

- The previous refusal was justified.
- The application offers services for businesses in the area and this application was

- to assist in providing a better service.
- I am grateful to the Town Council for allowing me to present the application to them.
- In respect of page 14 of the officer report West Yorkshire Ecology and the Council's Biodiversity Team believed that the loss of trees could be acceptably mitigated.
- Environmental Health and Asset Management officers had no concerns or objections raised in respect of the development.
- Planning Policy PPS4 strikes a balance in respect of the economic aspect of the application.
- He recommended approval of the application.

Members made the following comments:

- The sale of the land was not an issue for the Panel.
- Can we guarantee that the lorries go back out towards the motorway and not onto Parkwood Street?
- Would the alterations increase the use of the site or just make it safer?
- Park Wood was staying exactly where it was and this application had nothing to do with Park Wood but only with the bottom of the wooded area.
- The finance from the land sale would go back into Park Wood to turn it back into a pleasant place and it would help to revitalise it.
- How big was the buffer zone?
- How many trees would be planted?
- There should be double yellow lines on the main road to stop heavy goods vehicles parking there and the costs should be borne by the applicant

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

- It would be an issue for Keighley Area Committee to look at what management routing agreement would be appropriate.
- There would be no intensification of the use of the site.
- The proposal would help to alleviate existing problems.
- The trees that would be planted would all be native assiduous trees and this would increase the diversity of the habitat.
- In respect of a bat survey this was an open woodland and bats tended to nest in caves and buildings.
- It was not part of a national or international designation.
- There were five other HGV testing facilities.

Resolved –

That the application be recommended to the Regulatory and Appeals Committee for approval for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration and Culture's technical report (Document "Q") and subject to the following additional recommendation:

"That the Regulatory and Appeals Committee consider whether double yellow lines need to be installed on Parkwood Street around the entrance to the site to stop heavy goods vehicles parking there and obstructing visibility splays".

ACTION: Strategic Director, Regeneration and Culture

69. **LAND NORTH OF LONGLANDS, SKIPTON ROAD,
STEETON WITH EASTBURN**

Craven

Full planning application for development of a convenience store at Land North of Longlands, Skipton Road, Steeton with Eastburn – 11/04068/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 for the reasons as outlined in Document “Q”. The Council had received two written representations. The summary of representations were as outlined in Document “Q”.

The Strategic Director, Regeneration and Culture reported that the convenience store of the size proposed, in the central sustainable locality proposed would assist in addressing the retail deficiency that Steeton and Eastburn currently experience. The design and external appearance of the proposed store and its impact on the surrounding area, including trees, residential amenity and the setting of a listed building and its impact on matters of parking and highway and community safety had been assessed as being acceptable. As such it was considered that the proposal would accord with Policies UDP1, UDP6, UR2, CR2A, D1, D3, D4, UR3, TM2, TM11, TM19, TM19A, D5, NE4, NE5, NE6 and BH4A of Bradford's Replacement Unitary Development Plan. He therefore recommended approval of the application subject to the conditions as outlined in Document “Q”.

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

- He was concerned that the site was not big enough for the development and the developer was trying to fit too much on the site.
- It seemed that the building was too big for the site.
- It would not be possible to accommodate the vehicle movement from the site.
- Shopping would take place outside normal hours of operation.
- The convenience store would be open in the very early hours of the morning and also in the very late hours of the evening.
- There were concerns about pedestrian safety.
- He was pleased with the temporary pedestrian crossing.

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

- There was a strong policy case for approval of the application as the local development framework identified Steeton as having a gap in retail provision and this would be met by the proposed application.
- This store would be a small modern store.
- There was a good walking distance to the store for residents.
- There was a bus stop outside the store as well as adequate parking outside.
- The principle of development had been established.
- Delicate negotiations had taken place in respect of the issue of access and loss of trees.
- The National Planning Policy Framework was appropriate in this case and there was an assumption for sustainability.
- The application was a sustainable proposal as it would help to reduce future travel of residents to neighbouring areas.
- The natural and historic environment of the area would be protected.
- Agreements had been reached on all technical issues in respect of the application.

- The service area at the side of the proposed development was opposite to a residential area.
- There would not be any noise disturbance.

Members made the following comments:

- Can you clarify if the shop would be hidden by trees?
- What type and grade of trees would be planted?

The Strategic Director, Regeneration and Culture responded to a Parish Councillor, agents and members' comments and made the following points:

- There had been two letters of objection.
- The hedge near the shop had been removed and the trees would only partly obscure the shop.
- Any signage proposed for the convenience store would have to make a future application.
- The biggest type of trees would be planted.

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 "Q").

ACTION: Strategic Director, Regeneration and Culture

70. **WAREHOUSE BRIDGE, BAR LANE, RIDDLESDEN,
KEIGHLEY**

Keighley East

Full planning application for demolition of warehouse building 'C' and construction of fourteen 3 and 4-bedroom houses, access road and parking areas on the site and the adjoining undeveloped land to the east at land and warehouse at Bar Lane, Keighley – 11/04306/MAF.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and plans detailing the layout in respect of the application. He reported that Keighley Town Council had recommended approval of the application as long as highway conditions were met. Eighty seven objections had been received with 29 letters/emails of support received. Further objections had also been received after the report was completed.

The objections were in respect of:

- Access
- Overlooking
- Design and effect on the canal towpath

Another objection was also received which supported the demolition but was opposed to the proposed housing as it would overlook his property and there were no measures for screening views.

Two further letters of support had been received and made the following points:

- I live near this eyesore and it was about time the wharf was developed.
- The area attracts the wrong sort of people at the moment.
- Fourteen homes would be welcomed as the present old building was an eyesore.
- The proposal would give the area a better look.

The summary of representations were as outlined in Document "Q".

The Strategic Director, Regeneration and Culture reported that the loss of the Heritage Asset comprising the canal warehouse was considered acceptable in view of the lack of realistic prospects for its conversion and the benefits that would be derived from alternative redevelopment of this site with an appropriately designed contemporary residential scheme. This would provide for the beneficial reuse of a vacant and visually unattractive site. The effect of the proposal on the conservation area, the surrounding locality and the adjacent neighbouring properties had been assessed and was acceptable, with the scheme protecting and enhancing the conservation area and the canal waterfront. The proposed means of access was appropriate and appropriate parking provision had been made. As such, the proposal was in conformity with the principles outlined within the Replacement Unitary Development Plan and, subject to appropriate conditions, with Policies UDP1, UDP3, UDP7, UR2, UR3, TM2, TM12, TM19A, D1, D4, D5, BH7, BH20 and NE9. He therefore recommended approval of the application subject to conditions and a Section 106 Agreement.

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

- The Town Council was in favour of the development as it was better than retaining the old building.
- Residents were in support of development as after demolition of the old building they would get more light to the properties.
- Businesses that deliver to the site had contacted the Town Council and they would still deliver to the site.
- The development would improve the whole area.

An objector was present at the meeting and handed out papers to Members of the Panel and made the following points:

- Demolition of the warehouse was "regrettable", says the Conservation Officer, but capitalism seems to have prevailed, whereas heritage won the day in planning applications five years ago.
- Design of the proposed 14 new houses, the big question was, was it really in keeping with the area? Can we really say (as the officers' report states, page 43, 14 lines down) that "more traditional building forms would cause a greater adverse effect... to the conservation area"? Isn't this a very strange view of the concept of conservation?
- Very important was the matter of vehicular access to and from Bradford Road, but the proposals were not at all clear. The proposal was to prevent rat running by way of a bollard (but who would maintain this?) However, six houses would exit onto Bradford Road and two out of the six would also have access from Bradford Road.
- The sight lines exiting onto Bradford Road were very poor indeed. The visibility splays are 2.2m x 90m. Was this enough? Does it comply with national regulations?
- The sight lines are very frequently obstructed. For a vehicle emerging onto Bradford

Road there was to the left a bus stop within 15 metres and to the right always a line of parked cars in connection with the car repair garage and tyre sales warehouse and yet we have no proposal to move the bus stop or put an end to the car parking by a Traffic Regulation Order. Why not?

- It was necessary to make a site visit in respect of this matter.

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

- The proposed development would have a detrimental effect on our business.
- The applicant had refused to take on board the effects on our business.
- We have two garages and we have demonstrated we have problems with getting our delivery vehicles in and out.
- There was no provision for customer parking.
- We have deliveries from a large vehicle.
- Three jobs in Riddlesden could be lost if our business closes.
- The development would create a new rat run.
- The Highways Team had said there would be no more traffic generated on Bradford Road but there would be increased traffic through Bar Lane.
- If the towpath was closed then we might as well close down our business.
- There were objections from residents and the proposed properties were more suitable for Spain rather than this country.

A third objector was also present at the meeting and made the following points:

- This development in its present form would have very serious implications for the future of our business which, with two recent closures, was by now the largest chandlery on the Leeds Liverpool Canal.
- Every application, whether refused or withdrawn, to develop the Hall Terrace area has steadfastly refused to take on board some of the fundamental needs and rights of our business which has been on this site for 11 years. I hope that you will take on board my explanation of this.
- We have demonstrated time and again using photographic evidence that we cannot get our current delivery vehicle into or out of these areas without problems. Page 8 of the recommendation document claims to have addressed concerns regarding turning and delivery space to the garages and for the chandlery business. This was not the case.
- The difficulties on this narrow compact site, were recognised by the Planning Officer at a site meeting we had when he told me that he had asked the developer to consider removing the first two houses at the eastern end of the development in an effort to ease traffic/parking problems.
- No provision has been made for customer parking. We regularly have deliveries and collections by vehicles up to 17.5 tonne. The length and width of these vehicles would have serious implications for the movement of any other vehicles in this confined space.
- We are deeply concerned that if we are unable to have ease of movement of vehicles for collection, despatch and indeed export of our goods then this puts a serious question on the viability of three jobs in Riddlesden.
- It seems obvious that neither the developer nor the Council would be responsible for the maintenance of the proposed bollard thus opening up the very real possibility of a new rat run.
- I am deeply concerned that the Highways Officer, who has steadfastly refused in the past to allow further traffic from Hall Terrace onto Bradford Road, has on this occasion deemed it acceptable when none of the conditions with regard to sight

lines have changed.

- A few months ago I did a presentation to Keighley Town Council Planning Committee when it became obvious that they would totally unaware that this development was any more than the demolition of the red brick warehouse.
- Many of our customers see our premises from the canal and stop to visit us – they then often ask advice on local amenities and spend money locally. We were pleased to see the recommendation for a sign by the steps to Hall Terrace which would in a small way negate the loss of visual sighting of our premises - however we note that there was no stipulation in Conditions of Approval (page 12) that this recommendation be carried out. We would ask that if the application be approved that this signage be made a condition.
- If this development was allowed to go ahead it would appear that there was a proposal to close the towpath. This would seriously affect the mooring spaces available during these works and we would strenuously request that access to Hall Terrace and some moorings be maintained at all times. A large proportion of our trade is from passing boats and loss of access would further impede the viability of Puffer Parts in its 21st year.
- We would question the Conservation Officer's statements on the current proposal as these were at complete odds with his statement re: Application 10/03401/FUL in particular where he states that "I do not think the proposal will maintain or enhance the public's experience of the canal or the conservation area".
- We, in common with a number of Granby Drive and other local residents are deeply concerned about the visual impact of this development in a quiet residential area. We are of the opinion that these houses would be more in keeping with the Spanish Costas.
- We are concerned about the provision of roof terraces directly overlooking our gardens from a raised view point.
- We are concerned that should new residents decide to have a party on the terrace this would disrupt our quiet enjoyment of our own properties.
- We note the use of obscure glass on the terraces on the south side and would question why this cannot apply equally on the north side.
- The visual impact of this development would have a detrimental impact on the value of our properties.
- In the winter of 2010/2011 the towpath directly adjacent to the red brick building was extremely dangerous for many weeks due to the build up of ice and lack of available light to melt the same – this remained so long after the rest of the towpath was clear.
- This proposal would further extend this potentially problematic area and possible create a "muggers paradise".
- The narrowing of the towpath for a far greater length between the two bridges would only cause further dog fouling problems on the footpath due to the loss of even more of the grassed area and conflict between walkers, cyclists, anglers – all attempting to use this much reduced area.
- Prior to any decision being made the Committee should make a site visit.

Members made the following comments:

- How would cars reverse in and out?
- It was an unmade road which was not wide enough for two cars what was Highways doing about it?
- In respect of traffic lights at Granby Lane pedestrian crossing, would you put double yellow lines in?
- Would it still remain an unadopted road?

- The road looks fairly tight.
- How would a fire engine and an ambulance get access to the area?
- If the road was adopted would it help businesses?
- I am concerned at the closure of the garage.
- Consideration of the application should be deferred for further information in respect of highway issues and the effect on surrounding businesses.
- A site visit should be held when this issue was considered at a future meeting.

The Strategic Director, Regeneration and Culture responded to Town Councillors and objectors' comments and made the following comments:

- The building would go up to the towpath but there was a separation.
- There were no objections to the quality of the new build and concerns of residents were noted but there was no case for refusal.
- The layout of the development maintains appropriate access.
- In respect of the cars reversing there was a 6 metre of space at the back of the garage.
- It was not possible to assist on the adoption of the road as this would have to be a voluntary agreement.
- The road was wide enough to pass through.
- We would expect the road to be adopted with part of it was remaining as a private thoroughfare.
- It was better to have a bollard than not to have one.

The Council's legal representative advised the Panel that it would be appropriate to defer consideration of this application for further information in respect of highway issues and the effect of the proposed development on surrounding businesses.

Resolved –

- (1) **That consideration of this application be deferred for further information in respect of highway issues and the effect on surrounding businesses.**
- (2) **That a site visit be held when the above item is considered at a future meeting.**

ACTION: Strategic Director, Regeneration and Culture

71. 240-242 OAKWORTH ROAD, KEIGHLEY

Keighley West

Change of use at ground floor from florists (Class A1) to Hot Food Take Away (Class A5) at 240-242 Oakworth Road, Keighley – 11/03998/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 recommended refusal of the application because there were highways issues with this proposal and parking was extremely bad. There were also too many hot food take aways in this area. Six letters of objection had been received, five from local residents, one from an address in Leeds on behalf of a local resident. The summary of representations were as outlined in Document "Q".

The Strategic Director, Regeneration and Culture recommended that the application should be refused for the reasons outlined in Document "Q". He reported that the Council's Environmental Protection Officer stated that cooking smells from the property would have an effect on residential houses nearby. He was also concerned about the visual impact on the flue. The amended plan does not solve the problems and was dependent on effective management. There was concern about midnight opening due to closeness of residential properties. There were also environmental concerns in respect of bin storage.

A Ward Councillor was contacted by residents and made the following points:

- She supported their concerns.
- There were already a lot of take aways in the area.
- There would be numerous parking problems and disturbance as a result of any approval of the application.
- There would be a constant stream of customers outside residents' properties and a lot of the residents were elderly persons.
- People tended to dump a lot of litter out of their car windows.
- Residents would be better served by refusal of the application.
- A different type of shop was more appropriate.
- She recommended refusal of the application due to environmental health concerns.

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

- There was a pelican crossing but there were bad parking arrangements.
- There was a fitness centre nearby.
- It says in the report there was a ramp installed but this was not correct as there was no ramp there for disabled access.
- In respect of the extraction flue there was a need for major maintenance work and this would not happen.
- There should be an enclosed bin storage area.

A Councillor was present at the meeting in support of the applicant and made the following points:

- Current technology could deal with any smells from the property.
- There were other take away establishments on Cavendish Street.
- Parking problems were an enforcement issue.
- The applicant would remove the outside toilet and there would be an inside toilet.
- It was important to take a holistic approach to this application as this was an investment opportunity.
- There were no complaints from nearby take aways.
- The establishment would only be open until 11.00pm.
- He recommended approval of the application.

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

- Changes had been made following advice from officers.
- Environmental protection issues could be resolved.
- There was space for storage of bins.
- In respect of the draft Planning Policy Framework 2011 planning for growth was not mentioned.

- This small business would contribute to job creation by employing six persons and it would bring investment to the area.
- An internal and inside toilet would be put in.
- Sound proofing would be put in and this would deal with any noise issues.
- This was no different to other take aways.

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

- The smell from the bins would be bad.
- I have lived here for 23 years and the smell would stop me from enjoying my personal life and if you give permission for this take away then it would have a detrimental effect on me and my living conditions.
- I have lost my wife recently and this approval would greatly affect my health.
- When making a decision the Panel should consider the effects on individual persons.
- An inside toilet would not be installed.
- The bin storage area would affect me greatly.
- I would get noise from the kitchen and also from the flue when it was set up.

Members made the following comments:

- Was the flat above the shop occupied?
- There were environmental health issues with having an outside toilet outside a food shop.
- It was noted that the flat above the shop was empty.
- I am concerned about the flue.

Resolved –

That the application be refused for the following reasons:

The proximity of the premises to adjacent and nearby dwellings and its physical relationship with them, together with the lack of suitable and adequate space for bin storage, mean that the proposed use would likely lead to conditions prejudicial to the residential amenity of neighbours resulting from odour nuisance, disturbance from noise and activity associated with the use, and direct overlooking and disturbance of the adjoining dwelling when accessing the kitchen from Rydal Street. The proposal would therefore conflict with Policy UR3 of the Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration and Culture

72. ENFORCEMENT MATTERS

(i) 51 Worth Avenue, Stockbridge, Keighley

Keighley East

Unauthorised Pigeon Coop to the rear of 51 Worth Avenue.

The structure was considered to be detrimental to the residential amenity of the occupants of adjacent properties by reason of its size, design and over dominant nature. Enforcement Action to remove the Pigeon Coop was authorised on 24 November 2011 - 09/00160/ENFUNA.

(ii) Brown Hill Bungalow, Bury Lane, West Morton, Keighley Keighley East

Unauthorised kennels sited outside the domestic curtilage of Brown Hill Bungalow.

The kennels constitute inappropriate development in the Green Belt and are considered to have an adverse impact on the openness of the Green Belt. The siting of the kennels away from the owners property also means that effective supervision of the dogs within the kennels was not possible thus leading to concerns relating to disturbance and harm to the living conditions of occupiers of neighbouring properties.

A retrospective planning application was submitted to retain the kennels however this was refused in April 2011. Enforcement Action to remove the kennels was authorised on 15 February 2012 – 12/00107/ENFUNA.

Resolved –

That the report be noted.

ACTION: Strategic Director, Regeneration and Culture

73. DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

(i) Land South of 2 - 10 Royd Lane, Keighley Keighley Central

Residential development of up to four buildings – Case No: 10/05762/OUT.

Appeal Ref: 11/00189/APPCON.

Appeal Dismissed

(ii) 24 Malvern Crescent, Riddlesden, Keighley Keighley East

Appeal against enforcement notice – Case No: 11/01107/ENFCOU.

Appeal Ref: 11/00207/APPENF.

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.

minutes\plk22mar

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