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Minutes of a meeting of the Area Planning Panel (Keighley) held on Wednesday 18 April 2012 in the Council Chamber, Keighley Town Hall

Commenced 1000
Site Visit 1055 – 1140
Concluded 1210

PRESENT – Councillors

CONSERVATIVE	LABOUR
Clamp	Lee
McCabe	Abid Hussain
	Dredge
	Malik

Councillor Lee in the Chair

78. DISCLOSURES OF INTEREST

- (1) Councillor Clamp disclosed a personal and prejudicial interest in Minute 84 for matters relating to Warehouse Bridge Bar Lane, as she had advised the objector to the application. As the interest was prejudicial she withdrew 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).
- (2) Councillor Lee disclosed a personal interest in Minute 82 for matters relating to 2 Southlands Grove, Riddlesden, Keighley as she lives at Southlands Road but has no connection to Southlands Grove, but as the interest was not prejudicial in accordance with the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution) she took full part in the discussion and voting on this item.

ACTION: City Solicitor



Suzan Hemingway - City Solicitor

79. MINUTES

Resolved -

That the minutes of the meeting held on 22 February 2012 be signed as a correct record.

80. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

81. PUBLIC QUESTIONS

There were no questions submitted by the public.

DECISION FOLLOWING SITE VISIT

82. 2 SOUTHLANDS GROVE, RIDDLESDEN, KEIGHLEY

Keighley East

A full application for the erection of a new detached dwelling at land at 2 Southlands Grove, Riddlesden - 11/05631.

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 this was a very bad access, there was nowhere for cars to turn and there are objections from neighbours. Five objection letters had been received and the summary of representations were as outlined in Document "U".

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

- He handed out information at the meeting.
- I am one of the residents of this cul-de-sac which is an unadopted road which was in the care of residents.
- The previous application was refused for the building of a house. I cannot understand why this application was now before us?
- The problem was that cars have been damaged trying to get to Nos. 2-4 Southlands Grove.
- I am concerned about vehicles as they may damage this road and make it intolerable for the residents.

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

- This was a resubmission of an application which was refused previously on highway grounds.
- This resubmission addresses Members' concerns and provides a full turning area.
- There are two parking areas on the site.
- The issues raised by objectors are not planning issues.

- Members' concerns were being addressed and approval of the development would resort in a planning gain.
- The applicant did not challenge the previous refusal but instead made changes to the application.
- There was a need to encourage economic growth in the present economic climate.
- The development would fit in with the street scene.
- What was proposed was a modest detached dwelling.
- Officers had recommended approval of the application.

Members made the following comments:

- Were the amendments made just in respect of parking provision?
- Before there were two parking spaces and was there now one?
- Was the garage in front of the house?
- From the photos there seems to be a number of commercial vehicles on the road.
- Dustbin wagons cannot access the road.
- If it was an unadopted road can they drop the kerb without other residents' permission?
- There should be a site visit.

The Strategic Director, Regeneration and Culture reported that the proposed dwelling would make more efficient use of land within the built up area for housing. The proposed dwelling was considered to be of appropriate design and scale and it was considered that it would have no significant adverse effects on local amenity or the amenity of occupiers of neighbouring properties. The scheme had been amended to ensure satisfactory arrangements for car parking and turning within the site and the scale of development proposed was considered within the capacity of the surrounding highway network. The development was considered to comply with relevant saved Policies D1, TM19A and UR3 of the Replacement Unitary Development Plan for the Bradford District (2005). He therefore recommended approval of the application subject to conditions as outlined in Document "U".

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

- A previous application to the Panel had been refused following a site visit due to the increase in traffic on a substandard road.
- There were amendments to the previous scheme.
- There was no change to the driving and parking arrangements of the existing house and approval was recommended for the application.
- The key planning issue was access for safety issues as highways officers had raised some issues in respect of access and safety but did not object.
- There were improved turning arrangements.
- In respect of parking arrangements there was a tighter situation getting vehicles out but they can turn around and get out.
- There would be a garage and one parking space.
- The garage was in front of the house.
- The commercial vehicles shown in the photos were vehicles of the people who live on the road.
- It would be possible to drop the kerb without obtaining residents' permission.
- Highways had added conditions.
- The garage for the existing semi-detached house was to be retained as a garage.

Following a site visit Members made the following comments:

- We have seen the width of the unadopted access road and there are cars parked there. The access was very difficult as it was.
- There was also a motor home stationed there which was a good indication of the problems there.
- There does seem to be irresponsible parking on the road and it does have an impact on the surrounding area.
- The application should be refused as the development would increase the amount of traffic using the substandard access roads leading to the site.
- The turning point was not adequate and the garage was a lot further forward.

Resolved –

That the application be refused for the following reasons:

The development will increase the amount of traffic using the substandard access roads leading to the site. This will result in problems with vehicle manoeuvring and cause problems of access to, and egress from the site, particularly for emergency vehicles, and will therefore be detrimental to highway safety contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan for the Bradford District.

ACTION: Strategic Director, Regeneration and Culture

83. 4 CHELTENHAM AVENUE, ILKLEY

Ilkley

Householder application for conversion of existing garage into bedroom with disabled access and bathroom with new conservatory at 4 Cheltenham Avenue, Ilkley – 12/00706/HOU.

The Strategic Director, Regeneration and Culture confirmed that the application was brought before the Panel as a member of the Council was the agent for the applicant. He confirmed that no objections were received from the public and that the application accorded with the Council's Revised House Extensions Policy 2003.

He reported that the proposed garage conversion with pitched roof and conservatory to the rear of the property was considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal 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 (The Local Impact of Development) and D1 (General Design Considerations) of the Replacement Unitary Development Plan 2005 and the Revised House Extensions Policy 2003. He therefore recommended approval of the 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 "U").

ACTION: Strategic Director, Regeneration and Culture**DECISION FOLLOWING SITE VISIT****85. 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 reported that this application had been deferred from the meeting of the Panel held on 22 March 2012 and the reason for deferral was in respect of highway issues and the effect on surrounding businesses. He reported that Keighley Parish Council had recommended approval of the application as long as highway conditions were met. Eighty seven objections to the application were received together with 23 letters/emails of support received. The summary of representations were as outlined in Document "U".

A resident of Granby Drive was concerned about the impact of the development on the canal and the scale of development and design materials to be used. There would be an encroachment on the canal. Concern had been expressed by an objector in respect of access to his business; he has four lock-up garages with open access to the back of the business. An officer had been out to look at the site and the garage was not used for business purposes. One garage does have access to four vehicles. The objector had moved his vehicles and it was a tight manoeuvre. There were no problems with driving in other directions except that you cannot drive straight in. The proposal was to widen the access road to ease entry into the garage. It was also proposed to extend the adopted highway to include visitor parking within the adoptable highway.

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 a Section 106 Agreement and conditions as outlined in Document "U".

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

- He passed information notes to members of the Panel.
- I am not aware of the amendments.
- In the scheme of things Puffer Parts would appear to be seen as an inconsequential company which occupies land adjacent to the site, however we are the largest chandlery within a radius of over 50 miles and have been responsible for circa £3m

revenue to the local economy in the last 10 years plus our previous 10 years training.

- Can someone please explain to us why the Conservation Officers thinking on this matter has completely changed and among other things a much larger wall was now acceptable. No one could deny that the tow path would be made much darker and would be extremely icy in winter.
- The proposal would not enhance people's enjoyment of the canal.
- The Highways officer had said that the increased access was not appropriate.
- Can someone please explain why whilst the sight lines and parking in respect of Bradford Road had not changed, these are now acceptable for increased traffic?
- At the last planning meeting the Highways officer was asked to look at the site and its problems. A meeting took place last week attended by the developer's agent, the developer, the Highways officer and the Planning officer. As a concerned party we were not advised of this nor asked to attend but I had my say.
- The disabled lady at 8 Hall Terrace had sent her carer out to ask the officers to go and see her, they chose not to.
- The Highways officer was of the opinion that we could get our van into or out of our small garage "with some manoeuvring". I was told that resident or delivery vehicle parking which caused problems would be obstruction. My question about lorries accessing our yard remains unanswered.
- Can the Planning officers please give us their recommendations as to how vehicles are to load and unload goods in a safe manner without causing obstruction? If this cannot be done then the application must surely be flawed.
- Should this development be allowed to proceed? May we ask that earnest consideration be given to the Planning officer's suggestion that the two houses behind our premises be removed? This would alleviate many problems for us and existing residents.
- Furthermore could we ask that a condition be attached that permanent signage to our premises be positioned by the new access steps and that vehicular access to our premises, pedestrian access from the tow path was available at all times during opening hours whilst construction was in progress.
- The loss of moorings, access and accessibility caused by this development was so severe that this may result in the closure of our business which has provided three jobs on site for the past 14 years that we have been one of two premises on Stockbridge Wharfe. We feel that this would be a sad conclusion to 21 years of work in order that a developer can profit from our loss.

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

- Within the red line the lawful right of access was in favour of British Waterways Board property.
- The Conservation Team support demolition of the building as an enhancement of the conservation area.
- The houses would generate a lesser volume of traffic than outlined by the objectors.
- The objectors opposite the canal had referred to overlooking but there was a separation area of 9 to 30 metres.
- The nearest residents to the development in Smithville support the application.
- The structure on the canal site would be secure as outlined by conditions 11 and 12.
- Condition 13 was not needed as there was no underground shaft.
- The issues in respect of the chandlery had been dealt with.
- The grace and favour steps would be replaced by better ones to allow an adoption by the Council.

- There would be legal certainty where none existed at present and the path would be adopted by the Council and this would improve the overall situation.
- There would be access to the garage for the objector to his business premises.
- A key would be made available for the owner of the business premises in order to obtain access to his premises by lowering the bollard
- One of the objections was due to the developer making a profit and we would welcome reaching the trigger point for payment of monies under the proposed Section 106 Agreement.
- The scheme has local support and that of the Town Council, as it was an appropriate and worthwhile scheme.

Members made the following comments:

- Would the objector be able to reverse into the visitor parking area?
- It was important to ensure that access was maintained to business and residential properties during construction work.
- The appropriate signage for the chandlery business should be installed on the canal site.
- Would it be possible to put signs on the canal side?

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

- The owner of the chandlery business had manoeuvred his vehicles and it was a tight manoeuvre.
- It was not possible to reverse into the visitors parking area for deliveries but could be possible for customers.
- The objector had given photos of a large delivery van which would use the same facilities as present.
- In the new scheme delivery vans can use the turning head and this would mitigate the effect on the objector's business.
- The objector would be able to put up the signs that he wanted to put up in respect of his business.
- We do not see the objector's business as inconsequential and we have taken him seriously.
- Amendments have been made to accommodate the objector and at a meeting of the Panel held on the 22 March 2012 the application was deferred for further information and for a site visit.
- The disabled lady did not answer her door when we looked at her access when her carer asked us to.
- The owner of the business was asked how frequent deliveries were.
- The deliveries to the objector's business were fairly infrequent and at a time when most people would not be around.

The Council's legal representative made the following points:

- There was access from the garage and from the yard.
- How far does your lease ownership go?
- If the lease ownership details were not known how long has the owner of the chandlery business been driving around this area?
- We were asked about ownership and rights, there might be a difficulty here as it was a private matter between the objector and the developer.

The objector confirmed that he did not know how long the lease ownership had to go but he had been driving in the area for the last 11½ years.

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 "U") and subject to a Section 106 agreement and the following:

That authority be delegated to the Strategic Director, Regeneration and Culture to add suitable conditions -

- (1) To ensure access is maintained to business and residential properties during construction work.**
- (2) To require that appropriate signage for the chandlery business be installed on the canal side.**

ACTION: Strategic Director, Regeneration and Culture

86. ENFORCEMENT MATTERS

- (i) Wharfeside Hand Car Wash, Coutances Way, Burley in Wharfedale**

Ongoing use of land as a hand car wash currently operating without the benefit of planning permission.

A planning enquiry was received in November 2011 and an investigation commenced jointly with the Environment Agency. There were allegations that due to inadequate drainage arrangements the adjoining land was being polluted by effluent from the car wash. Initial investigations by the EA proved inconclusive. The Environment Agency entered into discussions with the developer to find an acceptable solution to this issue. Planning Enforcement challenged the ongoing use and the developer/operator responded by saying they would identify a solution and make a planning application to regularise the position. Recent investigations by the EA identified further issues with the discharge of effluent from the site. There was no formal proposal to resolve the issues currently before the Council to consider. Therefore, the Planning Enforcement Manager on 21st February 2012 authorised an enforcement notice up requiring that the hand car wash business cease operating from the land within 7 days from the date the notice takes effect.

Resolved –

That the report be noted.

ACTION: Strategic Director, Regeneration and Culture

87. DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

(i) Haygill Farm Bank Lane, Silsden

Craven

Erection of 4 5kw wind turbines (resubmission of 10/06071/FUL) - Case No: 11/01934/FUL

Appeal Ref: 11/00167/APPFUL

Appeals Dismissed

(ii) 1 Bamlett Brow, Haworth, Keighley

Worth Valley

Conversion of garage to a utility room and study with a bedroom above - Case No: 11/04784/HOU

Appeal Ref: 12/00011/APPHOU

(iii) Well House, Barn Brown Bank Lane, Silsden

Craven

Construction of extension at first floor level - Case No: 11/03920/HOU

Appeal Ref: 12/00006/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.

minutes\plk18apr

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