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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 9 December 2010 in the Council Chamber, Keighley Town Hall

Commenced 1005
Adjourned 1100
Reconvened 1110
Concluded 1153

PRESENT – Councillors

CONSERVATIVE	LABOUR
Clamp	Lee
Gibbons	Abid Hussain
Greaves	Dredge

Councillor Lee in the Chair

42. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

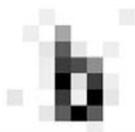
43. MINUTES

Resolved -

That the minutes of the meeting held on 7 October 2010 be signed as a correct record.

44. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



Suzan Hemingway - City Solicitor

45. PUBLIC QUESTIONS

There were no questions submitted by the public.

46. 7 AND 9 GREENGATE, SILSDEN

Craven

Full application for the change of use of 7 and 9 Greengate, Silsden from commercial storage use to a single dwelling unit – 10/04310/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 objections to the application. Two objection letters and a petition with 24 signatories had been received and the summary of representations received were as outlined in Document "J".

The Strategic Director, Regeneration and Culture reported that the proposed change of use would have no significant adverse effects on local amenity, the amenity of neighbours or the character and appearance of the Silsden Conservation Area. Whilst no provision was made for off street parking this was considered acceptable given that this was an existing building and the proposed residential use was likely to generate a lower demand for parking than the previous commercial use. The proposal was considered to comply with Policies UDP3, UR3, D1, TM19a, BH7 and NE10 of the Replacement Unitary Development Plan. He therefore recommended approval of the application subject to the conditions as outlined in Document "J".

The Strategic Director, Regeneration and Culture further updated the Panel that there had been objections to the application. There was concern from the objector in respect of the entrance to the property but the Strategic Director confirmed that the walled up openings would remain walled up and any overlooking would not be substantial.

The objector had sent an email and had expressed concern that his comments had been previously dismissed. The objector had highlighted problems about youths congregating in the area and that the development would encourage this and there were also concerns about the type of fuel that would be burned at the property.

Members made the following comments:

- What was the usage classification of the premises?
- Could Luton vans be located at the premises?
- If the building was not converted what would happen to it?
- It was recommended that Condition 2 be amended to include the words "and including the walled (bricked in) openings" after "including dormer windows".

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

- He disagreed with the Highways consultant.
- There could be four people with four cars at the address.
- Why was the emphasis on Green Avenue and not resolving this issue.
- At the top of the steps there was an area with a retaining wall and it was proposed as an entrance while three of the entrances could be used.
- As the proposed development was very near his property he had concerns about

overlooking.

- The area at the back of Green Avenue has been private for many years.
- The chimney issue should be resolved by Planning now and not dealt with at a later date as there was a lot of smoke and soot from the chimney.
- The plan shows re-routing but there was no drainage at the location.
- A clause should be put in the planning condition to disallow the windows that were bricked in at present and they should remain non functional.
- There was no public right of way as it was private property.

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

- An objector had raised the issue of overlooking and lack of parking.
- Residents of Green Avenue had objected to the application.
- The original application for two dwellings had been withdrawn and this application was proposed for a single dwelling.
- A single dwelling would not generate much traffic movement.
- There were conservation benefits as it was an interesting building.
- There were concerns about the chimney but it might be a decorative feature.
- The overlooking was not a substantial issue.
- The usage classification of the premises was light industrial use.
- Condition 2 could be amended as suggested.

Resolved –

That the application be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report (Document "J") and that condition 2 be amended to include the words "and including the walled (bricked in) openings" after "including dormer windows".

ACTION: Strategic Director, Regeneration and Culture

**47. KEIGHLEY RESOURCE CENTRE, OXFORD STREET,
KEIGHLEY**

Keighley West

An outline planning application for the demolition of the existing building on the site and construction of 30 sheltered accommodation units contained within two blocks. All matters save landscaping were reserved – 10/03858/OUT.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout in respect of the application. He reported that Keighley Town Council had raised concerns over the impact of the proposal on highway safety due to the nature of the access from Oxford Street. Three representations had been received, a fourth letter had been received, however it had no specific address or signature and so could not be considered. The summary of representations received were as outlined in Document "J".

The Strategic Director, Regeneration and Culture reported that the application demonstrated that the site was capable of accommodating the proposed development on the site without causing any significant harm to highway safety, visual amenity or neighbours amenities. Furthermore the application provided contributions to ameliorate

against the impact of the development on local infrastructure. Consequently the application was considered to comply with Policies UDP1, UDP3, UR2, UR3, UR6, H7, H8, H9, TM2, TM12, TM19A, D1, NE5, CF2 and OS5 of the Replacement Unitary Development Plan.

The Heads of Terms for Section 106 Agreement were as follows:

- A contribution of £157,500 towards the provision of off-site Affordable Housing provision, within the Keighley West ward or adjoining wards.
- A contribution of £19,003 towards the provision of off-site recreation open space within the Keighley West ward or adjoining wards.
- The minimum age of the occupants of the units to be 55 years. This was in order to reduce the likelihood of families living in the units thereby removing the need for a contribution towards the provision of education facilities.

The Strategic Director, Regeneration and Culture recommended approval of the application subject to the Section 106 Agreement and conditions as outlined in Document "J".

Members made the following comments:

- Was there parking there at the moment because the owner did not mind?
- Would the garage on the left side of the address still be accessible?
- As it was an outline application was it limited to 30 sheltered accommodation units?
- If it was double in size then it would not possibly have the right infrastructure.
- There was another site that had been tastefully done for elderly persons and they were split flats.
- Can it be stipulated that there be an age limit of 55 years and over for occupation of the sheltered accommodation units.
- Traffic coming off Oxford Street would be a problem.
- How did refuse wagons access the area?
- It would help if the emergency vehicles had access through the school in particular if Oxford Street became congested with traffic.
- Would the turning head be adopted and if so would it make the situation better?
- The road should not be blocked off.
- Would a Traffic Regulation Order be required near the boundary?

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

- No traffic survey had been done on the pelican crossing. There were problems with people parking on both sides of the road.
- There would be double yellow lines and no access for emergency vehicles.
- To egress from the school site only Oxford Street could be used and the only access would be from Oxford Street if the area was congested.
- How can emergency vehicles get through?
- No thought had been given to where existing residents would park.
- There should be a traffic survey.
- More development had taken place at Oakwood Road and Fell Lane and these roads were blocked at peak times.
- There was more traffic now on Keighley's main roads.
- Refuse wagons go round the back of Oxford Street.

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

- The highways work would be an improvement as it would provide a turning head and it would be offered up for adoption.
- People objected that they would have difficulty to get to the garage and the application would make life easier for residents and the garage owner.
- The issue of parking near the garage was a private matter.
- The boundary wall not being built was not a planning issue.

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

- Parking near the garage was a private matter.
- The garage on the left side of the road would still be accessible.
- There would be access for disabled persons to the properties.
- It was clear that the application was for construction of 30 sheltered accommodation units and that another application would have to be put in if there was a request for more.
- It was indicated that development would be two storeys and there would be contributions from the developer in respect of recreation open space for an amount of £19,003 and affordable housing for a sum of £157,500.
- There would be no required contribution to education as people living in the sheltered accommodation units would be aged 55 years and over.
- The applicant had said that they would offer a fair rent and affordable housing was more than a fair rent but the applicant was not a social landlord and would not be regulated.
- When the resource centre had been in use there was access to the area.
- The developer would go through Oxford Street.
- 24 car parking spaces were planned.
- A car survey had not been carried out.
- It was private land so it would not be possible to enforce any Traffic Regulation Order.

Resolved –

- (1) That the application be approved subject to a Section 106 Agreement (including (i) below) and for the reasons and conditions as set out in the Strategic Director, Regeneration's technical report (Document "J") and subject to the additional conditions as outlined below:**
 - (i) That there be a 55 years and over age limit for occupation of the sheltered accommodation units.**
- (2) That authority be delegated to the Strategic Director, Regeneration and Culture to negotiate with the developer for the turning head to be designed to adoptable standards and not gated off to allow people using Oxford Street to use the turning head.**
- (3) That reserve matters be considered by the Panel.**

ACTION: Strategic Director, Regeneration and Culture

48. **SCRAP YARD CASTLE MILLS, BECKS ROAD,
KEIGHLEY**

Keighley West

An outline planning permission for the construction of 66 dwellings and associated works. All matters are reserved for later approval. This application was a resubmission of application 09/02864/OUT, refused on 18 March 2010 – 10/04672/OUT.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and plans detailing the layout in respect of the application. He reported that to date, three letters of objection had been received in addition to a letter of objection from Keighley Town Council. The summary of representations received were as outlined in Document "J".

The Strategic Director, Regeneration and Culture reported that the principle of residential development at this site was considered to be acceptable, the site was classified as previously development land and the existing employment use was unlikely to be reinstated at the site. No significant implications were foreseen in terms of highway safety, visual and residential amenity, impact on protected species, contamination and trees. The proposal was therefore considered to comply with Policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8, NE4, NE5, NE6, NE9, NE10, NE11, NR15B, NR17 and E3 of the replacement Unitary Development Plan. He therefore recommended approval of the application subject to the conditions as set out in Document "J".

Members made the following comments:

- How many parking spaces were there?
- If the scheme was to be sustainable should Metro have been contacted?
- It might be necessary to raise the bus shelter area.
- The developer should be required to upgrade the nearby bus shelter as outlined in Metro's consultation response document.
- There was concern about traffic flows as it was yet another volume of traffic that goes onto a busy area.
- Was there a possibility of getting traffic lights at the bottom of Fell Lane?
- What contamination was there? Was it methane and what would be sealed off?
- There was no objection to the Metro element.
- The footpath was closed because it was dangerous.
- The biggest issue was water but it had been addressed.

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

- No one had mentioned that the site absorbed a lot of water to the North Beck and it had been flooded before, with water going into the Morrison's car park and then into the store.
- There were 200 houses on North Dean Avenue and the recommendation was to take away the water by using a compensatory tank.
- It was close to the river and a lot of water went to the North Beck.
- The property owners and the store could sue the Council.
- There was steep access to the site.
- The footpath had been blocked and the chimney was unsafe.
- There was no access from Becks Road for vehicles.
- Traffic into Fell Lane was a major issue.
- A lot of elderly persons had bungalows on Fell Lane.
- Not enough consideration had been given to the effect on residents as this

development would be a nightmare for them.

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

- Her bungalow was close to the road and her conservatory often gets covered with dust and a lot of muck goes into her garden.
- There were a lot of bends leading into the estate.
- She was not opposed to the building but outlined that access was very bad.
- It was a quiet neighbourhood.

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

- He had lived on Fell Lane all of his life and did not understand why the chimney had been blocked off.
- The chimney has not moved since he was a child.
- The barriers need cutting down and a secure structure put in place.
- At the Raglan Avenue Nursery there had been 90 cars going through the road and there was a need for traffic lights to get the traffic moving.

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

- In respect of highways issues the premises was still a licensed scrap yard with the potential for delivery of 150,000 tons of scrap metal and this was more traffic movement than would be generated by this development.
- A previous application had been dismissed due to lack of information.
- The appeal inspector had stated that the development would be a significant contribution to provision of housing.
- A flood risk assessment had been commissioned and it had concluded that the area would never flood as North Beck runs into a deep channel and there were problems further on in the town.
- A contamination report had been produced and there was a low level of contamination which needed to be sealed off but there were no gases at the tip site.

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

- This was an outline application and since the last application the applicant had done a lot of additional work.
- All matters were reserved for formal approval.
- There was an affordable housing contribution which was 15% of the net developed area at 35% discount off the open market value.
- There had been a financial contribution to public open space, a sum of £104,072.
- There had been a financial contribution to education infrastructure, a sum of £67,663 (primary and secondary education).
- There was no major barrier to the development of the site.
- It was indicated that there would be 1.5 parking spaces per unit on the site.
- Metro were contacted and were not asked for a contribution.
- Any Metro contribution could be part of the Section 106 Agreement.
- The traffic issues were considered. It depends how the traffic will filter out and it was accepted that there would be an increase in traffic flow at the Oakworth Road junction.
- There was not enough of an increase in traffic flow to introduce traffic lights at Fell Lane.

- Metro had commented on this planning application and had said there would be an improvement if the nearest bus shelter was upgraded and a real time shelter set up.
- The negotiations in respect of the housing element had taken some time.

Resolved –

- (1) That the application be approved subject to a Section 106 Agreement (including i to iii below) and for the reasons and conditions as set out in the Strategic Director, Regeneration's technical report (Document "J") and subject to the additional conditions as outlined below:
- (i) That the developer be required to upgrade the nearby bus shelter as outlined in Metro's consultation response document of 15 October 2010.
 - (ii) That in respect of the shelter it should be new with provision of real time information and the kerb should be raised.
 - (iii) A residential metro card scheme should be included in the Section 106 Agreement in accordance with the metro consultation response dated 15 October 2010.
- (2) That reserve matters be considered by the Panel.
- (3) That a method statement for the demolition of the chimney be drawn up in order to protect the bat roosts.

ACTION: *Strategic Director, Regeneration and Culture*

49. **ENFORCEMENT ENQUIRIES CLOSED BY THE PLANNING MANAGER (ENFORCEMENT & TREES)/SENIOR ENFORCEMENT OFFICER AS NOT EXPEDIENT TO PURSUE**

- (i) **15 Westwood Rise, Ilkley** **Ilkley**

Non-compliance with condition requiring that the materials used to tile the roof of the newly constructed rear extension match the existing dwelling – 10/00778/ENFCON.

Date Enforcement File Closed: 19 October 2010.

- (ii) **28 Parish Ghyll Road, Ilkley** **Ilkley**

Removal of a small section of walling within a Conservation Area – 10/00651/ENFUNA.

Date Enforcement File Closed: 8 November 2010.

- (iii) **4 Gordon Mews, Gordon Street, Ilkley** **Ilkley**

The development was not in accordance with the approved plans as three velux windows were approved in the roof of the north elevation. One velux had been installed and one sun/light tunnel – 10/00640/ENFCON.

Date Enforcement File Closed: 2 November.

Resolved –

That the reports be noted.

ACTION: Strategic Director, Regeneration and Culture

50. DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS ALLOWED

(i) 29 Braithwaite Village, Keighley Keighley West

Single storey porch extension to the front of the property - Case No: 10/01697/LBC

Appeal Ref: 10/00146/APPLBC

(ii) 3 Elam Wood Road, Riddlesden, Keighley Keighley East

Construction of detached garage with boiler house to rear - Case No: 10/01470/HOU

Appeal Ref: 10/00153/APPHOU

Resolved –

That the decisions be noted.

NO ACTION

**51. HIGH WHEATHEAD FARM, OCCUPATION LANE, Keighley East
KEIGHLEY**

Notification was received of the intention of the operator of High Wheathead Farm to exercise permitted development rights conveyed by Part 6 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995. It was proposed to form an access track for agricultural purposes across land to west of High Wheathead Farm from an existing field gate on Wheathead Lane.

A petition signed by 47 local residents objecting to the access from Wheathead Lane was received. No further reasons for objection were given by the petitioners.

Under planning legislation, the farmer was obliged to notify the Local Planning Authority of the intention to undertake permitted development comprising the formation or alteration of a private way, but the Local Planning Authority could only determine whether its prior approval was required to the siting and means of construction of the right of way. It could not oppose the principle.

The Local Planning Authority determined that its prior approval was required and negotiated amendments to the means of construction. Prior approval of the siting and

means of construction had now been granted under officer delegated powers.

Resolved –

That the petition be noted.

ACTION: Strategic Director, Regeneration and Culture

Chair

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

minutes\plk9dec

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