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Minutes of a meeting of the Area Planning Panel (Keighley) held on Wednesday 19 January 2011 in the Council Chamber, Keighley Town Hall

Commenced 1000
Concluded 1130

PRESENT – Councillors

CONSERVATIVE	LABOUR
Clamp	Lee
Gibbons	Abid Hussain
Greaves	Dredge

Councillor Lee in the Chair

52. DISCLOSURES OF INTEREST

Councillors Greaves and Lee disclosed a personal interest in Minute 57 for matters arising in respect of Sugden End Household Waste Site, Halifax Road, Cross Roads, Keighley as they had previously considered this application and stated that they would look at this application with a fresh view but as the interests were not prejudicial they took full part in the discussion and voting on this item.

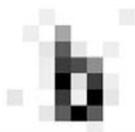
Councillor Greaves disclosed a personal interest in Minute 61 for matters relating to Planning Agreements and Annual Monitoring Report as he was Chair of Metro, but as the interest was not prejudicial he took full part in the discussion and voting on this item.

ACTION: *City Solicitor*

53. MINUTES

Resolved -

That the minutes of the meeting held on 11 November 2010 be signed as a correct record.



Suzan Hemingway - City Solicitor

54. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

55. PUBLIC QUESTIONS

There were no questions submitted by the public.

56. 14 BARLEY COTE ROAD, RIDDLESDEN

Keighley East

Full application for erection of a single detached dwelling. Land at 14 Barley Cote Road, Riddlesden, Keighley – 10/03701/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 approval of the application. Eight individual objection letters and three letters of support from one household had been received. A Ward Councillor had requested referral to the Panel if the officer recommendation was for approval, on a number of planning grounds including impact on access. The summary of representations received were as outlined in Document "L".

The Strategic Director, Regeneration and Culture reported that the impact of the development had been assessed but it was considered that it would have no significant adverse effects on local amenity or the amenity of occupiers of neighbouring properties or on local highway safety. It was considered to comply with relevant saved Policies D1 and UR3 of the Bradford Replacement Unitary Development Plan. He therefore recommended approval of the application subject to the conditions as outlined in Document "L".

Members made the following comments:

- Were the three separate letters from the same address?
- Does this house have a garage?
- Do the occupants of No. 16 have somewhere to park?
- The existing house had no off-street parking given the narrow road with the bus stop.
- Should there be a bus clearing to prevent parking outside the house?
- The property did seem to be on the large side, did it have to be built further back?
- It was a large development on a small site.
- There was too much house for the proposed site.
- The design was not appropriate.
- It was out of character with the surrounding area.
- It was overdevelopment.
- The size of the house was too big and there should be a parking access at the top of the house.
- It was a narrow area and there were a lot of elderly people about.
- Cars would have to be parked half on the pavement and half on the road.
- There was a need to solve the on-street parking problem.
- The development would be detrimental to traffic and pedestrian safety.
- It was an inappropriate design.

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

- The three separate letters of support were from one household.
- The principal of development had been accepted but it was necessary to consider the access arrangements.
- There would be no overlooking either way.
- The design had overcome the objections and was acceptable as it was natural stone with a blue slate roof. It would add vitality and make a difference to the streetscene.
- The persons in No. 14 would be left without parking space but it was not proven that there would be highway difficulties.
- For the existing house the inspector had recommended two spaces but the land in respect of this house had been sold off. The house had two parking spaces to the front directly onto the pavement.
- The persons in No. 16 had a garage plus two off-street spaces.
- If you took out a lot of the on-street parking then the house would struggle for parking space.
- The house had to be built further back to enable adequate space at the front of it and it would have a rear garden of modest size.

Resolved –

That the application be refused for the following reasons:

(1) Detriment to Traffic and Pedestrian Safety

By developing that part of the site that currently contains off-street parking and by failing to provide alternate off-street parking facilities for the retained existing dwelling at 14 Barley Cote Road, the development would likely result in future occupiers of the retained dwelling parking on Barley Cote Road which is a bus route and is relatively narrow. It is considered that this lack of off-street parking provision for 14 Barley Cote Road would likely lead to conditions prejudicial to traffic and pedestrian safety on a bus route, contrary to saved policies TM2, TM6, TM12 and TM19A of the Replacement Bradford Unitary Development Plan (2005).

(2) Poor Design

The poor disposition of windows on the front and rear elevations, the lack of fenestration on each side elevation, and the unrelieved use of stone combine to present a proposed dwelling of poor design with a stark, brutal and featureless appearance. Further, the skewed siting of the proposed house on the site would result in an atypical and inappropriate relationship in relation to the neighbouring house at 17 Barley Cote Avenue and the wider street frontage. For these reasons, the proposal would have an adverse impact on local visual amenity contrary to saved policies UR3 and D1 of the Replacement Bradford Unitary Development Plan (2005).

(3) Overdevelopment

The scale and footprint of the proposed four bedroom house is considered excessive for this restricted site, resulting in the provision of a tight residential curtilage around the property which would provide inadequate private external

amenity and circulation space necessary to cater for a dwelling of the size proposed. The proposal would not relate well to the existing character of the locality in terms of design, scale, massing and height, and would fail to provide an acceptable level of amenity for prospective residents. The proposal represents overdevelopment and is contrary to saved policies UR3 and D1 of the Replacement Bradford Unitary Development Plan (2005).

ACTION: *Strategic Director, Regeneration and Culture*

57. **SUGDEN END HOUSEHOLD WASTE SITE,
HALIFAX ROAD, CROSS ROADS, KEIGHLEY**

Worth Valley

Full application for the installation of a replacement landfill gas control flare within an existing fenced compound adjacent to the closed Sugden End Landfill Site, to the north-west of Sugden End Household Waste Recycling Centre, off Halifax Road, Cross Roads, Keighley. The application also includes the provision of additional soft landscaping and replacement fencing – 09/04919/FUL.

Departure from the Development Plan and Green Belt development as defined by paragraph 4 of The Town and Country Planning (Consultation) (England) Direction 2009.

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 Haworth, Cross Roads and Stanbury Parish Council had no objections to the application. No representations had been received in respect of the application.

The Strategic Director, Regeneration and Culture reported that the proposed replacement gas flare would have an impact on the openness of the Green Belt, and therefore constitutes a departure from Policy GB1 of the replacement Unitary Development Plan. However the flare was needed to mitigate risks to people and the environment associated with unmanaged releases of landfill gas and therefore it was considered that very special circumstances existed which justify the development.

The proposed gas flare was necessary to manage risks associated with the generation of landfill gas by the Sugden End Landfill Site. Alternative gas management options involving energy recovery were not currently considered to be viable, however the provision of a replacement flare at this time would not prejudice the viability of such a scheme if it were to come forward in the future. The proposal was consistent with Planning Policy Statement 10, and Policies UDP9 and P8 of the Replacement Unitary Development Plan.

The proposal included additional landscaping measures which would serve to improve the visual setting of the site and mitigate the impact of the gas flare on the character of the landscape. It was not considered that the proposed flare would have any significant adverse impact on the surrounding environment or the occupants of adjacent land. It was considered that the proposal accorded with Policies D1, D5 and UR3 and NE3 of the Replacement Unitary Development Plan. He therefore proposed to the Panel that it should be recommended to the Regulatory and Appeals Committee that planning permission be granted subject to conditions as outlined in Document "L".

Members thanked officers for having investigated if it was possible to use any of the energy that might be generated.

Resolved –

That it be recommended to the Regulatory and Appeals Committee that planning permission be granted for the reasons and subject to the conditions as outlined in the Strategic Director of Regeneration and Culture's technical report (Document "L").

ACTION: Strategic Director, Regeneration and Culture

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

(i) 1 Brook Street, Ilkley Ilkley

New shop front – 10/01314/ENFUNA.

Date Enforcement File Closed: 10 December 2010.

(ii) 5 Little Lane, Ilkley Ilkley

Building works – 10/00382/ENFUNA.

Date Enforcement File Closed: 1 December 2010.

(iii) Café Nero, 6 Brook Street, Ilkley Ilkley

Sign – 10/01241/ENFADV.

Date Enforcement File Closed: 10 December 2010.

(iv) Land South East of Keighley, St Andrew's School, Becks Road, Keighley Keighley Central

Fencing and use of land for open storage – 04/00613/ENFUNA.

Date Enforcement File Closed: 29 November 2010.

(v) The Extension Tarn House Farm, Black Hill Lane, Keighley Keighley Central

Track – 10/00907/ENFUNA.

Date Enforcement File Closed: 29 November 2010.

Resolved –

That the report be noted.

ACTION: Strategic Director, Regeneration and Culture

59. **ENFORCEMENT MATTERS**

(i) **1 Springfield Road, Keighley**

Keighley Central

Unauthorised construction of close boarded fence – 10/01007/ENFUNA.

The occupants had erected a close boarded fence exceeding one metre in height alongside the public highway. Despite the Council's advice to reduce the fence to within the permitted height the owner has failed to do so.

Enforcement action has now been authorised for its removal and for the restoration of ground levels.

(ii) **35 Canberra Drive, Cross Roads, Keighley**

Worth Valley

The occupants had raised the land levels in their rear garden resulting in overlooking and loss of amenity to immediate neighbours. A retrospective planning application was refused on 3 September 2010 – 10/00539/ENFUNA.

Enforcement action has now been authorised for its removal and for the restoration of ground levels.

(iii) **6 Elam Wood Road, Riddlesden, Keighley**

Keighley East

Construction of an unauthorised timber framed carport to the front of the property – 10/01346/ENFUNA.

Enforcement Action to remove the timber framed carport was authorised on 14 December 2010 as it was considered that the carport as built was detrimental to visual amenity introducing an unsympathetic and incongruous feature into the locality. The carport has an adverse impact on the setting of the Leeds and Liverpool Conservation Area.

Resolved –

That the report be noted.

ACTION: Strategic Director, Regeneration and Culture

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

Appeals Allowed

(i) **110 Skipton Road, Silsden**

Craven

Construction of a first floor extension above existing garage – Case No: 10/03756/HOU.

Appeal Ref: 10/00196/APPHOU.

(ii) **16 Westwood Rise, Ilkley**

Ilkley

Formation of raised rear patio area – Case No: 10/01678/HOU.

Appeal Ref: 10/00195/APPHOU.

Appeals Dismissed

(iii) 104 Main Street, Stanbury, Keighley **Worth Valley**

Two storey side extension – Case No: 10/01278/HOU.

Appeal Ref: 10/00178/APPHOU.

(iv) 20 Goose Eye, Laycock, Keighley **Worth Valley**

Poly Tunnel – Case No: 09/01332/ENFUNA.

Appeal Ref: 10/00150/APPENF.

(v) 25 Shaw Lane, Oxenhope, Keighley **Worth Valley**

Construction of detached cottage - Case No: 10/01415/FUL.

Appeal Ref: 10/00172/APPFUL.

(vi) Hillcrest, Hill Top Road, Hainworth **Keighley East**

Construction of extensions, construction of detached double garage and decking area - Case No: 10/02833/HOU.

Appeal Ref: 10/00198/APPHOU.

(vii) Land at Grid Reference 408078 440051 **Keighley East**
Long Lee Hall Farm, Moss Carr Road, Long Lee, Keighley

Construction of steel portal frame cattle building - Case No: 10/00879/FUL.

Appeal Ref: 10/00164/APPFUL.

(viii) Low Hall, 20 Rupert Road, Ilkley **Ilkley**

Construction of detached dwelling with access from Woodside Court - Case No: 10/00489/FUL.

Appeal Ref: 10/00165/APPNON.

(ix) Lower Laithe Barn, Providence Lane, Oakworth, **Worth Valley**
Keighley

Alleged unauthorised development - Case No: 07/01394/ENFUNA.

Appeal Ref: 10/00052/APPENF.

(x) Valley View Farm, Keighley Road, Oxenhope **Worth Valley**

Conversion of barn into dwelling - Case No: 10/02049/FUL.

Appeal Ref: 10/00151/APPFUL.

Resolved –

That the decisions be noted.

NO ACTION

61. **PLANNING AGREEMENTS ANNUAL MONITORING REPORT**

The Assistant Director, Planning, Transportation and Highways presented Document "N" which was the bi-annual planning agreements monitoring report to inform Members of progress on Section 106 Agreements for the first six months of the financial year 2010/2011. He reported that there had been a slight increase in agreements 2010/2011 which included a single sum payment from Asda for a bus from the bus station to the new Asda store for a ten year period. The developer had preferred to pay the full sum in one year rather than stretched payments over a number of years. It was also important to secure some finance from bankrupt developers who owe to the Council monies as a result of Section 106 Agreements. One developer had gone bankrupt in Bradford. It was also proposed to introduce a monitoring fee for Section 106 Agreements.

Members made the following comments:

- They were happy with the Metro ten year agreement and the Council should encourage these long agreements with developers.
- In respect of bankrupt developers some Councils were going to try and get their monies by claiming from residents.
- In future Section 106 Agreements the Council could insist on bank guarantee or bonds.
- The Metro bus service from the bus station to Asda was good news.
- There were a number of play areas and roads that were not adopted.

The Assistant Director, Planning, Transportation and Highways responded to Members' comments and made the following points:

- Section 106 Agreements go with the land so technically speaking residents were liable but there was no indication that the Council would pursue residents for Section 106 monies.
- We have a monitoring officer and we invoice the developer. If the monies were not forthcoming then debt recovery procedures would be implemented.
- Our 106 Agreements were listed in Land Charges and it would tell solicitors if a development was under a Section 106 which had not been paid.
- It was possible to send debt recovery officers to repossess equipment and in respect of Section 278 agreements and highways there were bonds in place.
- The bus service to be funded by the developer could also be utilised by those going to the college as well.
- Discussions had taken place in respect of recreation areas and problems had occurred later on.
- Many roads were ready to be adopted, what was holding up adoption was waiting for receipt of monies from the appropriate developer.

- A number of recreation and play areas were close to be transferred to Woodland Management.

Resolved –

That the planning agreements annual monitoring report (Document "N") be noted.

ACTION: Strategic Director, Regeneration and Culture / Assistant Director, Planning, Transportation and Highways

EXCLUSION OF THE PUBLIC

Resolved –

That the public be excluded from the meeting during discussion of the item relating to 14 Nab View, Silsden, on the grounds that it is likely in the view of the nature of the business to be transacted or the nature or the proceedings that if they were present exempt information within Paragraph 1 (information relating to any individual) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and that the Panel considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information for the following reason:

It was in the overriding public interest that the individual referred to should have a right to confidentiality as the Panel would need to consider the specific personal circumstances.

62. ENFORCEMENT MATTERS

(i) 14 Nab View, Silsden

Craven

Construction of decking without the benefit of planning permission – 10/00842/ENFCON.

Following submission of a retrospective planning application a revised application was approved on 27 April 2010 with a condition that the decking should be reduced in size to comply with the condition within 56 days. The period of 56 days had now expired and the alterations to the structure to comply with the approved plans had not been undertaken. The decking and associated ramp had been erected by the owner for the purpose of improving the quality of life for his wife who was severely disabled. No action has been taken to comply with the permission dated 27 April 2010.

In view of the owner's wife's severe disabilities it was not considered expedient to pursue this matter further and serve an enforcement notice.

Options available for the Panel were as follows:

- To close the file as not expedient to pursue enforcement action to have the ramp and decking removed

or

- To instigate enforcement action,

Resolved –

That a breach of condition notice be issued to:

- (1) Reduce the size of the decking so that it accords with the approved plans within a period of 2½ years.**
- (2) Erect the boundary fence in accordance with the approved plans within a period of 28 days.**

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\plk19jan

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