

## Minutes of a meeting of the Area Planning Panel (Keighley and Shipley) held on Tuesday, 16 August 2016 in the Council Chamber - Keighley Town Hall

Commenced      10.00 am  
Concluded        1.20 pm

### Present – Councillors

CONSERVATIVE	LABOUR	GREEN
Miller M Pollard	S Hussain Abid Hussain Bacon Farley	Love

Observers: Councillor Malcolm Slater (Minute 15(c))

Apologies: Councillor Adrian Naylor

### Councillor S Hussain in the Chair

#### 11. DISCLOSURES OF INTEREST

The following disclosures of interest were received in the interest of clarity:

Councillor Abid Hussain was a Ward Councillor for Keighley Central but had not discussed the applications in respect of Minute 15(d), (f) and (g).

Councillor Miller was acquainted with the landowner in respect of Minute 15(e) but had not discussed the application.

Councillor Pollard was aware of the land ownership in respect of Minute 15(e) but had not discussed the application.

**Action: City Solicitor**

#### 12. MINUTES

**Resolved –**

**That the minutes of the meeting held on 27 April 2016 be signed as a correct record.**



**13. PUBLIC QUESTION TIME**

There were no questions submitted by the public.

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

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

**15. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL**

The Strategic Director, Regeneration presented **Document “E”**. Plans and photographs were displayed in respect of each application and representations summarised.

**(a) 1 Pollard Street, Cottingley, Bingley**

**Bingley Rural**

Construction of a pair of semi-detached two bedroom dwellings at 1 Pollard Street, Cottingley, Bingley - 16/03831/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that the application proposed the construction of a pair of two bedroom semi detached dwellings on a plot of land in the centre of Cottingley that was currently the garden area to the side of 1 Pollard Street and below the level of the existing house. There were traditional houses in the area and the proposed dwellings would be built at a right angle to Hollings Street. A small garden area would be retained for the host property and parking spaces would be provided to the front of the new houses. Stone and slate materials would be used to match existing properties and be in keeping with the area. The Strategic Director, Regeneration reported that Bingley Town Council had recommended that the application be refused and a number of representations in objection and support had been submitted. He reiterated that the houses in the vicinity were traditional and modest sized houses had been proposed. They would sit slightly below the level of the existing properties and not appear dominant. It was noted that the new houses would be angled to look at a different aspect and, therefore, would not have a negative impact on the amenity of the existing residents. There was on street parking in the area and three parking spaces would be provided. The Council’s Highways Department had not objected to the scheme. In conclusion the application was recommended for approval, subject to the conditions as set out in the report.

The applicant’s agent was present at the meeting and made the following statements:

- All the representations had been reviewed.
- Objections had been submitted from residents to the north and south of the site.
- The tree had not been protected and could be felled.



- A section drawing had been prepared and there would not be any loss of light.
- The new houses would be at a lower level and have a boundary fence, so would not overlook the properties on Smith Street.
- The gable ends would be blank except for a small landing window that would be obscure glazed.
- Permitted development rights had been removed and obscure glazing installed at the houses on Smith Street and the same would apply to the proposed dwellings.
- No highway objections had been received.
- The site was located within the older part of Cottingley and the application was not an uncommon proposal.
- The modest two bedroom properties would have a bespoke design.
- Natural materials would be used.

In response to Members' queries, the Strategic Director, Regeneration confirmed that the nearest distance to other properties was 12.4 metres across the street to the gable wall. He stated that there was no formed view of the orientation, as it was dependent upon the area. The site was located in a village centre and there was no regularity or conflicts.

During the discussion a Member indicated that there were many different styles of houses in the vicinity and the proposal would not be incongruous.

**Resolved –**

**That the application be approved for the reason and subject to the conditions set out in the Strategic Director, Regeneration's technical report.**

***Action: Strategic Director, Regeneration***

**(b) 11 Endor Grove, Burley in Wharfedale, Ilkley**

**Wharfedale**

Construction of a 2-storey side extension partly over garage, increase in footprint of existing single-storey extension, extension to the garage with revision of garage door position and new driveway to 11 Endor Grove, Burley in Wharfedale, Ilkley - 16/04703/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the property was located in a cul de sac with semi detached and detached properties. The garage was attached to the side of the house and the driveways between number 11 and 12 were not demarcated. It was noted that the drive boundary issues raised were a private matter. The Strategic Director, Regeneration explained that there were three aspects to the scheme; the construction of a first floor bedroom and bathroom extension above the garage; the enlargement and rebuild of the existing side extension; and the rebuild of the garage. He confirmed that 10 objections had been received along with a recommendation for refusal from



Burley Parish Council. A previous application had been withdrawn and the new proposal was more sympathetic to the area. The amendments also provided an explanation in respect of ownership. Members were informed that the applicant wanted to adapt the house to meet the needs of his growing family. New windows to the front of the house would allow more light in. In respect of the impact on number 12, the first floor extension would not affect the property and there was a reasonable gap between both houses. Other properties in the area had also been extended in the past. The Strategic Director, Regeneration stated that the proposed garage projection caused some issues, however, it already protruded out. He indicated that the development would not affect the open plan nature of the estate and the access was acceptable. In conclusion the application was recommended for approval, subject to the conditions as set out in the report.

An objector was present at the meeting and raised the following concerns:

- The proposal was overdevelopment.
- The plans were inaccurate.
- The new garage would not maintain the character of the area.
- It was not known what the three new ground floor rooms would be used for.
- Various extensions, external alterations and a new garage to the front had been proposed.
- The size and scale of the proposal would have a considerable effect.
- The new extension would be nearly as large as the existing house.
- The property would be out of proportion compared to the neighbouring house.
- The new garage would be closer to the footpath.
- The plans were inaccurate and did not reflect the size of the plot.
- There were boundary disputes with the neighbours.
- The proposal was ambiguous.
- Land registry plans were inaccurate.
- The extension would be double storey in height near to Number 12.
- There was an open aspect at the moment.
- The scheme would be detrimental, an overdevelopment and encroach on to three other properties.

In response to a couple of comments made, the Strategic Director, Regeneration indicated that any issues regarding boundaries were a private legal matter and the application proposed extensions on land within the applicant's ownership. The rights of access were covered by other legislation.

The applicant's agent was present at the meeting and stated that:

- The property was a 3 bedroom detached house.
- It was one of thirteen dwellings on the cul de sac and the only one not to have been extended.
- The proposal would provide a bedroom and en-suite and one room on the ground floor.



- The windows that had faced number 10 and 12 Endor Grove had now been removed.
- The new garage would not extend as far forward as the existing garage.
- A new driveway would be provided to the new garage.
- Additional off-street parking would be provided.
- The proposed development was within the curtilage of the property.
- Access would not be restricted.
- There was a boundary dispute with number 12 Endor Grove.
- The residents of number 12 were seeking to claim land and had orchestrated objections within Endor Grove.
- Number 8 and 9 Endor Grove, opposite Number 1, had been built on identical plots and had been extended without objections.
- Similar schemes to this application had been constructed at Number 8 and 9.
- It was hypocritical that number 8 and 9 had objected to the application.
- A letter dated 26 July 2016 from the solicitor acting on behalf of number 12 Endor Grove had stated that a workable boundary was required in order for objections to be withdrawn.
- The application should be approved.

**Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration’s technical report.**

***Action: Strategic Director, Regeneration***

**(c) Bradup Farm, Ilkley Road, Riddlesden, Keighley Keighley East**

Full planning application for the demolition of an existing house and construction of new two storey house with stables at Bradup Farm, Ilkley Road, Riddlesden, Keighley - 16/03347/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application proposed the demolition of the existing house and the construction of a new property and stables. The site was located in the Green Belt and on the edge of Rombalds Ridge Landscape Character Area. The existing dwelling was low lying and unobtrusive in the landscape, however, it was in a poor state of repair, though it could be made habitable. The Strategic Director, Regeneration reported that an application for a replacement dwelling had been approved in 2015 that was slightly higher than the original property, though this was acceptable as it had a pitched roof. He informed the Panel that the applicant had been informed that a larger building would not be supported and the approved application was the maximum size that would be permitted. A new application had been submitted that proposed the construction of a two storey dwelling that was 3 metres higher than the existing dwelling and 1.5 metres above the height of the approved application along with some stables. The combined volume of the proposed



house and stables would represent a 100% increase of the existing dwelling. It would encroach into the Green Belt and be contrary to national and local Green Belt policies. The Strategic Director, Regeneration then recommended the application for refusal as per the reasons set out in the report.

In response to Members' questions, the Strategic Director, Regeneration confirmed that:

- The volume of the existing house was 597 cubic metres and the proposed property would be 845 cubic metres.
- No objections had been received, however, the issue was that the site was within the Green Belt.
- The proposed dwelling would be nearly double the size of the existing property.
- The stables had been considered as they were a domestic building.

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

- The application should be approved.
- It was not a farm in the agricultural sense but had always been a farm with stables.
- The previous occupier had lived there until March 2015.
- No objections had been submitted.
- A petition in support of the proposal had been signed by the nearest neighbours, which were approximately 5 miles away.
- The development would not have a negative impact or create negative issues, as it would cause very little change to the landscape.
- The property was empty as it was not worth living in.
- The openness of the Green Belt was an issue, however, the scheme would not have an impact.
- Planning permission had been granted in 2015 and the new application used the same footprint but the building would be slightly larger.
- The new scheme was for a two storey property with attic space and stables.
- The applicant wanted to build a modern version of the existing property which had been there for many years.
- The applicant was willing to provide porous parking provision and remove permitted development rights.
- The application should be approved.

The applicant was present at the meeting and stated that:

- He had purchased the property in March 2016.
- His family had expanded.
- The existing plans did not fit in with the area.
- He wanted to home rescued horses.
- The stables had been designed away from the house.
- His family lived in London and he wanted them to visit and stay.



- Natural materials would be used.
- It would be their long term home.
- The room was required for his growing family.

During the discussion Members made the following comments:

- The Green Belt should be protected.
- Special circumstances could be submitted, however, there were none associated with the application.
- The proposal would change the single storey building into a two storey building with five bedrooms.
- There were large family homes in the area but nothing like the application.
- The Green Belt had been built on before.
- The proposed property was an improvement on the existing building.
- There was nothing else in the vicinity.
- The proposed building would enhance the area.
- The site was an eyesore.
- The proposal would not affect anyone.
- No objections had been submitted.
- An approved application existed.
- The development would be large and intrusive in the Green Belt.
- The applicant had purchased the property but was not content with the existing planning permission.
- The site was an eyesore and raised concerns.
- The existing property was awful, however, the proposal would be a huge increase in the size.
- Insufficient special circumstances had been submitted.
- Policies should be adhered to.
- The approved application was acceptable and would be a vast improvement.
- It was an excessive proposal.
- The existing site was atrocious.
- The size of the proposal raised concerns.
- New development would be supported, however, the size was the issue.
- The approved permission was for a four bedroom property which was acceptable.
- The Green Belt was paramount and no special circumstances existed.

**Resolved –**

**That the application be refused for the reasons as set out in the Strategic Director, Regeneration’s technical report.**

***Action: Strategic Director, Regeneration***



**(d) Dawat Lounge, Bradford Road, Keighley**

**Keighley Central**

Full planning application for construction of new two-storey building with five ground floor retail units and five first floor apartments including landscaping and external works at Dawat Lounge, Bradford Road, Keighley - 15/07198/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was to construct a two storey building with five ground floor retail units and five first floor apartments. The application related to part of the site of the former Bridge Inn, which had been closed and then reopened as a fish and chip restaurant. A previous development had been approved in 2013 and the permission was extant, however, the work had not commenced. Similar applications had been refused in 2014 and 2015 due to flood, noise and highways issues, amongst others. The Strategic Director, Regeneration reported that the proposed scheme was comparable to the previous applications, however, retail and contamination assessments along with a car parking supply and demand assessment had now been supplied. He confirmed that a number of representations in objection and support of the development had been submitted and were detailed in the officer's report. The applicant had submitted a retail assessment that confirmed the proposal was accessible to the residential area and would not be detrimental to Keighley Town Centre. Members were informed that the noise impact assessment addressed the previous issues raised and the contamination assessment satisfied the requirements via conditions placed on the application. With regard to car parking, it was noted that 49 spaces would be retained, which was adequate provision for the proposed use. The allocation of spaces for the existing fish and chip restaurant was a private matter, however, there was adequate provision. The Strategic Director, Regeneration acknowledged that Stockbridge was vulnerable to flooding and was located in Flood Zone 3. He confirmed that there were concerns in respect of the proposed residential properties and noted that the applicant had proposed a number of measures that had been submitted to the Council, however, the ability of the building to be evacuated was the key issue.

The Council's Senior Drainage Engineer explained that there were issues with the building's evacuation process. He stated that defences protected the River Aire at times of flooding, however, there were also flooding issues in respect of the River Worth and if it did flood it would cause evacuation problems for the residents. The application proposed various measures but conceded that unless work was undertaken on the River Worth, the issues would remain.

The Strategic Director, Regeneration then recommended the application for refusal due to the deficiency of the flood risk assessment and the access for the emergency services.

In response to questions raised, Members were informed that:

- Even if there was a flood action plan, there would still be a residual risk.
- The provision of a boat for the apartments and a flood action plan would





alleviate the problems. There were action plans in the area, however, this was a new development and a robust plan would have to be provided to cover all eventualities.

- The previous flood had occurred in 2000.
- If the application had just been for retail units it would not have been such a major problem, however, the issue was due to the proposed residential properties.
- The apartments would have two bedrooms.
- 85.57 metres was the ground floor level. The estimated flood level at the River Worth site would be 85.21 metres and the evacuation levels were below this.
- The building levels were acceptable, but the pedestrian escape route was the issue.
- It was not known whether anyone lived above the adjacent business premises.
- It was a new building and the Council had a duty to ensure the safety of future residents.
- An assessment of the proposed building and the displacement of water had been undertaken. Open grills would be located under the property in order to ensure that the situation was not made worse.
- A system was in place to clean out the water under the building following a flood.
- Guidance from the Environment Agency was to assess risk on the velocity and speed of the water, so as the water did not flow there was not a risk. The issue was the predicted depth of the flood water as it would be too deep for people to step into and they would have to be evacuated by boat.
- The owner of the building would be responsible for the storage under the property and it would be in their best interest to keep it clear.
- The Council would be able to check certain things and would have plans to ensure everything was in place.
- The Council's Highways Department had not raised any objections.

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

- Flood risk was the only issue.
- The pictures shown were misleading.
- There was already a development to the side.
- The road camber was slightly raised but was not as low at the proposed access point.
- The figures referred to the worst case scenario, but not at the access or egress point.
- 88.57 metres was above the level of the premises next door, which had not flooded.
- The new proposed development would be higher than the previous approved scheme.
- In relation to an evacuation procedure, the access to the apartments was to the far side of the building.



During the discussion a Member indicated that he was happy with the proposal and believed that the residents could be safely evacuated. Another Member acknowledged that the ground floor of the property would be used for retail purposes, but stated that the building would be larger and have a knock on effect if the area flooded. In response a Member explained that an Action Plan, detailing emergency service contact numbers, could be provided to residents along with a fibreglass boat at the property.

**Resolved –**

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

**The principle of development is acceptable on the site. Comments of the Lead Local Flood Authority have been considered but, in view of local knowledge of flood events at site, it is considered that the risk of flooding and the evacuation of residents can be resolved by conditions placed on the permission. The scheme addresses the flood risk issues as required by the National Planning Policy Framework and is not contrary to Policy NR15B of the Council’s Replacement Unitary Development Plan as it provides adequate measures for the protection of public safety.**

**And subject to the following conditions:**

- (i) The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.**

**Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).**

- (ii) Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.**

**Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.**

- (iii) Before any part of the development is brought into use, the proposed car parking and cycle parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved site layout plan numbered 638 307 Revision C. The car park so approved shall be kept available for use while ever the development is in use.**



**Reason: In the interests of highway safety and to accord with Policies TM19A, TM11 and TM12 of the Replacement Unitary Development Plan.**

- (iv) **The residential dwellings hereby approved shall incorporate the recommendations for insulation against noise as set out in the submitted Noise Assessment Report (Reference DRUK/ACC/RS/MABRK/2547) dated 13 June 2016.**

**Reason : To ensure good standards of amenity for future occupiers, in accordance with objectives of the National Planning Policy Framework and Policies D1 and UR3 of the Replacement Unitary development plan.**

- (v) **The development hereby approved shall be carried out in accordance with the recommendations and mitigation proposals outlined in the submitted Flood Risk Assessment by FRC Flood Risk Consultancy Ltd. and with the FRC Addendums 3A; 3B; 3C; 3D; 3E; 3F and 3G. The scheme shall incorporate the following design recommendations:**
- **Ground floor levels to be set at a level of 85.20mAOD.**
  - **Incorporation of under floor compensatory flood storage space.**
  - **Flood resistance/resilience measures to be incorporated into the building design up to a minimum level of 85.36mAOD.**
  - **EA Flood Warnings Direct - Site owner/occupier should sign up the Environment Agency's free Flood Warnings Direct Service.**
  - **A CCTV survey of the existing surface water drainage networks within the site is conducted to determine the line and level of the networks and the presence of an existing outfall into the River Aire.**

**Reason : In the interests of mitigation of flood risk, to accord with Policies NR15B and NR16 of the Replacement Unitary Development Plan.**

- (vi) **Notwithstanding any details contained within the submitted Flood Risk Assessment or Sequential/Exception Test documents, prior to the commencement of development, the developer shall submit a Flood Evacuation Plan for the written approval of the Local Planning Authority. This shall include details of arrangements and responsibilities for its implementation and monitoring. The approved Flood Evacuation Plan shall then be put into effect upon occupation of the building and remain in effect as long as the building is in use.**

**Reason : To mitigate Flood Risk and accord with Policy NR15B of the Replacement Unitary Development Plan.**

- (vii) **The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development. Before the development is begun, full details and calculations of the pre and post development surface water discharge**



rates should be submitted to and be approved by the Local Planning Authority. The developer must submit details and calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system, together with details and calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed buildings, safe egress and access or overflowing into the adjacent river. The surface water discharge to river shall be limited to the rate that exists from the site prior to development, less a minimum 30% or to the greenfield run off rate of 2 litres per second per hectare.

**Reason:** To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

- (viii) Prior to the development commencing, a Phase 2 geotechnical and geoenvironmental intrusive site investigation shall be undertaken to refine the Conceptual Site Model undertaken by Mugen Geo Ltd in the submitted Phase 1 Contamination Study. This Application No: 15/07198/FUL intrusive investigation shall assess the nature and extent of any contamination on the site, present a risk assessment, a remedial options appraisal scheme, and a detailed remediation strategy which ensures removal of unacceptable risks to all identified receptors from contamination. The results of the Phase 2 investigation, risk assessment and proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. The development shall be carried out in accordance with the remediation strategy unless otherwise agreed in writing by the Local Planning Authority. Upon completion of the development, a remediation verification report prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

**Reason:** To ensure that the site is remediated appropriately for its intended use and to comply with Policy UR3 of the Replacement Unitary Development Plan.

**Action:** *Strategic Director, Regeneration*

- (e) Land 403166 434645 Hill House Lane, Oxenhope, Worth Valley  
Keighley

Outline application for construction of five-bed detached dwelling at land off Hill House Lane, Oxenhope, Keighley - 16/03306/OUT



The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application site was in close proximity to a conservation area and was located in the open space between two settlements. The value of the open space had been recognised. Access to the site was via a single track and a property had recently been constructed to the side. A listed building was located in the vicinity and the Strategic Director, Regeneration indicated that the buildings would link the two settlements. He reported that there would be a 'no build zone' in front of the proposed dwelling and that the house would be substantial in size and sit prominently on the hillside, which would affect the setting of the vicarage and the listed building. The site was located on a conservation area boundary and concerns had been raised in relation to the erosion of the open space. Members were informed that an application submitted on a plot nearby had been refused planning permission and had made an appeal against the decision in April 2016, which had been dismissed by a Planning Inspector due to its harm on the setting. The Strategic Director, Regeneration confirmed that the land was unallocated, but not Green Belt and stated that the development was considered to be unacceptable and undesirable, as it would bridge the gap between the two settlements. He therefore recommended the application for refusal, as per the reasons set out in the report.

In response to queries from Members, the Strategic Director, Regeneration explained that:

- The 12 metre no build zone was irrelevant.
- An application submitted on a site near to the vicarage had been refused.
- The proposed scheme was out of context with the area and the continued development would erode the open space separating the different components of the village.
- The trees would overshadow the new developments.
- There would be approximately 40 metres between the proposed property and the boundary of the listed building.
- The proposed scheme appeared out of proportion and position in the evidence submitted.

During the discussion, the Chair indicated that the distance between the proposed development and the listed building would be substantial and the open space between them would still be preserved. He stated that the trees would remain and overall the scheme was acceptable.

**Resolved –**

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

**The proposed development would retain a substantial distance and screening between the village of Oxenhope and the satellite settlement of West Croft. It would therefore not result in harm to the setting of the Oxenhope Conservation Area or the Grade II listed buildings that occupied the adjoining land and, therefore, would not be contrary to policies UDP3,**



**BH4A, BH7 and BH10 of the Council's Replacement Unitary Development Plan or the National Planning Policy Framework.**

**And that the application be subject to the following conditions:**

- (i) Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.**

**Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)**

- (ii) The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.**

**Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).**

- (iii) Before any development is begun plans showing the landscaping of the site must be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and in the interests of visual amenity and to mitigate the impact of development on the setting of the conservation area.**

- (iv) Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.**

**Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.**

- (v) The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.**



**Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.**

**Action: Strategic Director, Regeneration**

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|----------------------|--|--------------------------------|
| <b>(f) &amp; (g)</b> | <b>Mayfield Road, Keighley</b>   | <b><u>Keighley Central</u></b> |
| <b>(i)</b>           | Change of use from unadopted road to private curtilage Mayfield Road, Keighley – 16/04670/FUL        |                                |
| <b>(ii)</b>          | Retrospective application for installation of fence alongside Mayfield Road, Keighley - 16/03520/FUL |                                |

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He informed the Panel that the application proposed a change of use from an unadopted road to a private curtilage which would encompass the whole of the width of Mayfield Road, which was within the Devonshire Park and Cliffe Castle Conservation Area. The intention was to close off the road with fencing and install gates. The boundary walls of Devonshire Park were listed as a key structure in the conservation area and the new industrial palisade fencing, with sharp spikes to the top, which had been anchored into the ground was detrimental to the area. A gap had been retained between the fencing and the wall, which would be retained in order to permit public access. The Strategic Director, Regeneration stated that the erection of the fence was contrary to policy D4 of the Council's Replacement Unitary Development Plan (RUDP) and reported that the applicant had installed it due to anti social behaviour issues in the vicinity, however, such matters were for the police to resolve. He confirmed that the enclosure of public land, which had been donated by the Duke of Devonshire, was harmful to the area and contravened conservation policies. The scheme did not provide any public benefit and if the road became a private curtilage, pressure could be placed on the trees to be felled. Numerous representations in support and objection to the proposal had been received and were outlined in the officer's report. Keighley Town Council had also objected to the application stating that the road should remain public. The Strategic Director, Regeneration reiterated that the fence could be detrimental to public safety and failed to accord with the Council's RUDP and the National Planning Policy Framework (NPPF). Both applications were then recommended for refusal, as per the reasons set out in the officer's report.

In response to Members' queries, the Strategic Director, Regeneration confirmed that:

- The fence had been brought to the Council's attention in April 2016 and had been erected at the end of 2015.
- The fence had been erected by the applicant who lived on Mayfield Road.
- The Council's Conservation Team had commented about both stone walls.
- There were no records in relation to the bollards on the road.
- Either the applicant had changed the lighting or it had been replaced by the



Council.

- The application was for the installation of the fence only.

The applicant's agent was present at the meeting and commented that:

- The applicant had lived there for 15 years.
- Contact had been made with the Council's Planning Department on several occasions.
- The Council's Parks Department had stated that there would not be an issue if the existing fence was duplicated.
- There was identical fencing adjacent.
- The Council's Parks Department had used the same style of fencing.
- The applicant would be happy to paint the fence.
- The applicant had adhered to the request from the Council's Parks Department.
- Anti-social behaviour had blighted the area for over 15 years.
- Anti-social behaviour had reduced following the erection of the fence but it had not fully ceased.
- The applicant had invested a great deal of time and money.
- The Council had been informed of the issues in the vicinity.
- The applicant had installed the lighting, drainage and bollards on the road in order to improve the area.
- The applicant owned half of the road.
- Maintaining the road afforded the applicant safe access to his property.
- If the land became private curtilage, the applicant would maintain and control the area.
- The fence had been offset at the request of the Council's Parks Department.
- There was no vehicular access from the road to the park.
- The fence permitted properties from the west to gain access to the park.
- There was no intention of stopping access to Devonshire Park.
- The trees were in the park and the applicant had not requested that they be pruned.
- The trees were protected and permission had to be sought to prune them.
- Fly tipping occurred on the road.
- The general public viewed the alterations as improvements.

In response to a Member's query, the applicant's agent confirmed that the email from the Council's Parks Department, which specified that palisade fencing should be installed, had been forwarded to the Council's Planning Department. In response the Strategic Director, Regeneration confirmed that he had received the email dated November 2012 that had been sent to the applicant by the Council's Parks and Green Spaces Department. A copy was then shown to Members.

A Member stated that the works undertaken improved the area and indicated that if the applicant would maintain both sides, invest in the area and repair any damage, then he would be willing to support the applications, subject to no future development being permitted and the fence being painted. Another Member





added that he was glad that a member of the community was looking after the area and would also be minded to approve the schemes. The improvements were also acknowledged by other Members along with the suggestion that future development rights should be removed.

In response to queries, the Strategic Director, Regeneration clarified that the applicant owned half of the road and the fence was on Council land. The applicant's agent confirmed that this was correct and that the Council's Highways Department were agreeable for the applicant to take over the ownership of the road and this was subject to ongoing negotiations. The Strategic Director, Regeneration questioned whether further fencing would be installed and the applicant's agent stated that there was no reason for the fencing to be continued. He added that the bollards had been erected with the fence and the application should be considered as presented, however, it was noted that gates would be added in the future.

Members were then informed by the Strategic Director, Regeneration that the Highways Department had stated that they would support the change of use of the road, however, it had been made clear that this could not be undertaken until its use as a highway had been extinguished. He explained that the erection of the fence was an obstruction of the highway and if the Panel were minded to approve the applications they would have to be submitted to the Secretary of State, in order for the use to be altered. If the applicant was successful in extinguishing the use of the road as a highway, the public would have to be denied access immediately. The Strategic Director, Regeneration accepted that anti social behaviour occurred in the area, but there were also right of way issues. He acknowledged that the applicant had made an investment in the maintenance of the road, however, half the road was his responsibility. Separate negotiations to those regarding the planning matters would also have to be undertaken in respect of the highways issue. Members were informed that the change of use could be supported, however, the fence was seen as an obstruction and the email received from the Parks and Green Space Department did not override the advice provided to not obstruct the highway.

In response to further queries, the Strategic Director, Regeneration reported that only two properties would be affected and both were in the ownership of the applicant. He confirmed that the extinguishment of the highway could be progressed and the road would then become a private right of access. As part of the process, representations would be submitted if there were any issues and it was noted that there was a gap between the fence and the wall for footway access.

**Resolved –**

**(i) & (ii) That the applications be approved for the following reason:**

**The proposed change of use to residential curtilage had not been objected to, in principle, by the Council's Highways Department and was not against Council policies. Subject to a proposed condition, the fencing was not**



judged to be out of keeping with the character of the conservation area and had alleviated anti-social behaviour in the vicinity. The Council's Area Parks and Landscape Manager had not objected to the fence and the benefits are considered to outweigh any harm to the conservation area. Therefore, it is not considered contrary to policies UDP3, UR3 and BH7 of the Council's Replacement Unitary Development Plan.

And that application 16/03520/FUL be subject to the following condition:

- (i) The fence hereby permitted shall be powder coated in a black finish.

*Action: Strategic Director, Regeneration*

## 16. MISCELLANEOUS ITEMS

The Strategic Director, Regeneration presented Document "F" and the Panel noted the following:

### DECISIONS MADE BY THE SECRETARY OF STATE

#### **APPEALS DISMISSED**

- (a) **18 Barley Cote Avenue, Riddlesden, Keighley** **Keighley East**

Construction of detached dwelling - Case No: 15/02473/FUL

Appeal Ref: 16/00050/APPFL2

- (b) **The Glen Tea Rooms, Prod Lane, Baildon** **Baildon**

Orangery to create extended tea room area - Case No: 15/05045/FUL

Appeal Ref: 16/00062/APPFL2

**Resolved –**

**That the decisions be noted.**

*Action: Strategic Director, Regeneration*

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Area Planning Panel (Keighley and Shipley).**

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

