

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 25 September 2008 at the Town Hall, Shipley

Commenced 1000
Adjourned 1250
Site Visits 1250 - 1500
Reconvened 1500
Concluded 1520

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Amin	Cole
Clamp	Ferriby	
Owens	Shabir Hussain	

Observers: Councillor Ellis (Minute 14(a)), Councillor V Greenwood (Minute 14(b)),
Councillor Townend (Minute 14(e)) and Councillor Watmough (Minute 14(b))

Councillor Owens in the Chair

10. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

11. MINUTES

Resolved -

That the minutes of the meetings held on 24 July 2008 be signed as a correct record.

12. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD
METROPOLITAN DISTRICT COUNCIL

13. PUBLIC QUESTIONS

There were no questions submitted by the public.

14. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

The Strategic Director Regeneration presented **Documents “I” and “J”**. Plans and photographs were displayed and/or tabled in respect of each application and representations summarised.

(a) **Leeming Wells Hotel, Long Causeway, Denholme**

Bingley Rural

Full application for the construction of extension to hotel to form time-share accommodation (14 suites and 3 double bedrooms) and single storey extensions to existing restaurant and main bar at Leeming Wells Hotel, Long Causeway, Oxenhope – 08/03110/FUL.

The Strategic Director, Regeneration explained that as the application constituted a departure from the Council’s Replacement Unitary Development Plan it was to be referred to the Regulatory and Appeals Committee for determination and would include the recommendation of the Panel in respect of the local implications. He then gave a presentation setting out the proposals and tabled plans detailing the layout. The proposal was to construct an extension to the existing hotel to provide time-share accommodation. The premises were sited next to a public house in an elevated position on an exposed site and were prominent on the landscape. The proposed extension would provide 14 suites and 3 double bedrooms and would double the length of the current building. The car park provision would include 32 additional spaces. The Strategic Director, Regeneration informed Members that the application was a re-submission of a scheme that had originally been submitted on 6 March 2008 and had been subsequently withdrawn by the applicant. In light of Members comments, the design had been improved and the proposed building reduced in size. He indicated that the issue to be considered was whether the proposal to construct a large extension to premises that had previously been extended in the green belt was acceptable. It was noted that hotel accommodation was not an acceptable use within the green belt, however, the applicant’s agent contended that the proposal was appropriate as it sat well within the local environment and that very special circumstances existed to justify a departure from the Council’s greenbelt policy, which were namely the applicant’s investment in an existing hotel and the promotion of tourism in the District. The Strategic Director, Regeneration acknowledged that tourism should be promoted in the District but not to the detriment of the green belt. He questioned whether the location was a sustainable tourist site and suggested that tourism should be encouraged in areas that provided better access. The Parish Council had objected to the development, however, no other representations had been received. The Strategic Director, Regeneration then recommended that the application be refused on the grounds that it was out of scale and had an unacceptable impact upon the character of the green belt.

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

- That the issue was whether greater weight should be given to the economic factor of promoting tourism or that the site was within the green belt.
- That the application would support tourism and provide jobs for the District.
- That the site was within the green belt.

- That two applications for extensions within the green belt submitted to Wigan Borough and Chester City Council had been allowed by the Secretary of State.
- That the proposal would provide timeshare accommodation.
- That the feedback from clients had suggested that the development would be successful.
- That the site was well placed for access; it was close to Haworth and Bradford.
- That the provision of a mini-bus could be agreed by a Grampian condition.
- That the proposal was in keeping with the area as did the proposed materials.
- That there were 42 existing car parking spaces.
- That it was not the first building on the site.
- That the refusal of the application would be detrimental to the District.
- That the applicants had the funding for the project.
- That the application should be approved.

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

- That currently visitors to the area did not stay within the District.
- That the demand for smaller accommodation was leading to the loss of housing for the community as houses were turned into hotels and bed and breakfast accommodation.
- That he did not believe that the proposal would create an increase in car usage by tourists and staff.
- That tourism accommodation would be welcomed in the area.
- That the application should be submitted to the Regulatory and Appeals Committee with a recommendation for approval.

During the discussion Members acknowledged that the proposal was within the green belt, however, some believed that very special circumstances existed and that the development would enhance the site.

Resolved –

That the application be referred to the Regulatory and Appeals Committee with a recommendation for approval as the Panel considers that very special circumstances exist which would warrant such a development within the green belt; namely that the Panel considers the proposal to be an exceptional opportunity for promoting tourism and employment creation in the area, supporting policies E5 and E8 of the Replacement Unitary Development Plan; subject to appropriate planning conditions and/or agreements being settled in order to ensure appropriate materials sympathetic to the surrounding environment are used and to ensure that a regular customer mini bus service is provided as proposed by the applicant.

Action: Strategic Director, Regeneration

(Note: In accordance with Paragraph 25.6 of Part 3A of the Constitution Councillor Owens required that his vote against the above decision be recorded.)

(b) **Bolton Woods Quarry, Bolton Hall Road, Bradford**

Windhill/Wrose

Application for the recycling of inert construction, demolition and excavation waste for secondary aggregate and soil making material – 08/00835/FUL.

The Strategic Director, Regeneration began by reporting that a written objection had been

received from a local Ward Councillor with regard to residents' amenities. It was also noted that the four separate petitions acknowledged within the report were in fact one petition. The application was for the recycling of inert construction, demolition and excavation waste. The quarry covered an area of 1 hectare and was sited to the north of Bradford city centre. Access to the site was via Bolton Hall Road which was a steep, narrow road through a residential area. The proposal was to import 100,000 tonnes of inert wastes per year, then process and mix these with quarry aggregate to make secondary aggregate. The Strategic Director, Regeneration indicated that the traffic movements were an issue and there could be a cumulative movement of 58 vehicles per day. There was the potential for less vehicular movement, however, no details had been submitted by the applicant. It was noted that 55 individual representations and four petitions had been received on the grounds of amenity; safety; the health of residents; vehicle movements; damage to properties; and that it would be detrimental to the Canal Road regeneration. A number of representations in support had also been received that highlighted the potential loss of jobs and the benefits of the proposed recycling scheme. The Strategic Director, Regeneration confirmed that consultations had been undertaken with the appropriate agencies and departments. Significant concerns had been raised in relation to the traffic increase and it was noted that there needed to be a balance between the policy objectives with the highway access. Another site access could be investigated instead of using Bolton Hall Road. The Strategic Director, Regeneration stated that the application did not fully address the noise and dust issues. The application area of one hectare may not be sufficient for the proposal, not all the areas had been clarified and the disposal had not been included within the planning application. In conclusion it was requested that the application be refused due to the unacceptable adverse impact upon the residents; the traffic issues; the lack of information from the applicants; and that it was contrary to policies within the Council's Replacement Unitary Development Plan.

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

- That Government policy did not envisage a quarry in a residential area.
- That a petition with 1200 signatures had been submitted.
- That all the petitioners lived in the area surrounding the quarry.
- That the supporters of the quarry were all employees.
- That Bolton Hall Road was the only approach to the quarry.
- That the road was not always busy, but when it was the average vehicle movements were 30-40 per hour.
- That in the morning the vehicles waited on Bolton Hall Road to gain access to the quarry.
- That an Inspector had previously suggested many years ago that there should not be just one access road to the quarry.
- That another access road would resolve the issue in relation to Bolton Hall Road, but not the amount of dust.
- That the road had been resurfaced just prior to the application being presented to the Panel.

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

- That he had objected to the quarry.
- That the health of the residents was at risk without an increase in the amount of vehicle movements.
- That the amount of noise and dust from the quarry was terrible.
- That the road was not suitable for Heavy Goods Vehicles (HGVs).
- That the road had been resurfaced, but the road could not sustain HGV traffic.
- That the Council would not be able to enforce the number of vehicle movements if

they were restricted.

- That the vehicles waiting for the quarry to open in the morning were a terrible problem for residents.
- That there was a school in the area and it was a residential area.
- That the application should be refused.

Another Ward Councillor was present at the meeting and stated the following points:

- That she received constant complaints about the quarry and Bolton Hall Road.
- That the Council had spent a considerable amount of money on cleaning the road.
- That the dust would still be an issue even if another access road was created.
- That over the years the quarry had disregarded the residents.
- That the situation would not improve.
- That many negative impacts were caused by the quarry.
- That the application should be refused.

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

- That the application complied with the Council's policies.
- That the operations on the site were sustainable.
- That the recycling application complied with Government recycling policies.
- That the scheme proposed a total restoration of the quarry.
- That the applicant was in discussion with the Council regarding waste management.
- That the quarry had an extant waste management licence.
- That the mineral provision scheme had been allowed by the Secretary of State with conditions.
- That the application would not affect the amount of vehicle movements and the excavations on the site.
- That Bolton Hall Road was an issue.
- That the quarry had planning permission until 2042 and there were no traffic limitations on Bolton Hall Road.
- That the applicant did not own the land at the opposite side of the quarry.
- That discussions were ongoing regarding another access.
- That there was no record of any accidents on Bolton Hall Road due to the HGVs.
- That the applicants would improve the wheel bath on site.
- That the vehicle movements would be controlled to 40 vehicles per day.
- That the Planning Department had the capacity to limit the traffic movements.
- That a decision on the application should be deferred in order to allow the applicant to look at traffic management issues.

In response to some of the points raise, the Strategic Director, Regeneration confirmed:

- That in relation to vehicle movements and limitations, a condition would not resolve the amenity and highway safety issues. It would also be difficult to enforce such a condition.
- That the applicant had been given many opportunities to address the problems outlined.
- That the proposed reduction in vehicle movements had not been demonstrated or evidenced.
- That there was the potential for the mineral and recycling operations to run simultaneously and the management of these processes was a concern.
- That the extant waste management licence was currently in appeal with the Environment Agency.

- That the indicative schemes in relation to the new access had not been approved and had not been considered in detail.
- That the Council had tried to restrict the HGV movements and would have welcomed any restrictions, however, the applicant had appealed.

Resolved –

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

Action: Strategic Director, Regeneration

(c) Decisions made by the Secretary of State

APPEALS ALLOWED

(i) 26 West Way, Nab Wood, Shipley Shipley

Four bedroom detached house – 07/07242/FUL

(ii) Cottingley Bridge Stores, Beckfoot Lane, Bingley Bingley Rural

Change of use of a shop to a dwelling with addition of a first floor – 08/00038/COU.

APPEALS DISMISSED

(iii) Ring O'Bells Public House, 3 Bradford Road, Bradford Windhill/Wrose

Freestanding, double-sided 6-sheet poster unit, with internal illumination – 07/07914/FUL.

(iv) 194 Leeds Road, Shipley Windhill/Wrose

A pole-mounted double-sided 6-sheet poster unit, with internal illumination – 08/01964/ADV.

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

(d) Enforcement Complaints Closed by the Area Planning Manager as not Expedient to Pursue

(i) Runnymede, Bradford Road, Cottingley, Bingley Bingley Rural

Unauthorised boundary fence in rear garden area – 08/00402/8ENFUNA

It is considered that the breach of planning control would not cause significant amenity issues to warrant Enforcement Action.

Date Enforcement File Closed: 4 September 2008

(ii) **68 Greenfield Avenue, Shipley**

Unauthorised rear boundary fence – 08/00966/ENFUNA

It is considered that the breach of planning control would not cause significant amenity issues to warrant Enforcement Action.

Date Enforcement File Closed: 9 September 2008

Resolved -

That the decisions be noted.

Action: Strategic Director, Regeneration

Decision Following Site Visit

(e) **Butler House, Butler Lane, Baildon**

Baildon

Construction of contemporary split-level detached bungalow on land adjacent to Butler House and 27 Kirk Drive, Baildon – 08/03723/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 split level contemporary bungalow adjacent to Butler House, which was a Grade II listed dwelling. The application site was within the Baildon conservation area and there was a range of house types within the area. The proposed dwelling had been designed to avoid overlooking neighbouring properties, specifically 27 Kirk Drive. The design was contemporary and would use materials such as wood cladding and rustic bricks in order to lessen the impact on the area. A sunken patio area had also been proposed in order to avoid overlooking and a rain water collection tank would be placed below the patio. The Strategic Director, Regeneration reported that 12 objections from local residents had been received, as well as one from the local Ward Councillor and another from the local MP, on the grounds of overshadowing; out of keeping with the area; impact upon the trees; traffic and parking issues and drainage. He confirmed that the drainage engineers were content with the proposals. The Conservation Team had accepted that the proposal would be an improvement on the existing garages, however, they had requested that the suggested car parking spaces for Butler House were deleted and that other suitable parking provision be provided prior to the commencement of construction. The proposal included two off street parking spaces for the new dwelling. The Strategic Director, Regeneration stated that the site was sustainable, being close to Baildon and transport links, and recommended the application for approval, subject to the conditions set out in the report.

In relation to the conditions, it was suggested that a porous surface for the off street parking could be included.

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

- That the proposal would have a negative impact on Butler House and the other listed buildings.
- That buildings should not be allowed to be constructed in front of Butler House.
- That there would not be any additional parking for the new development.
- That the road was already congested.
- That two properties would have the same number of parking spaces that one

currently had.

- That there was no provision for the collection of waste.
- That the proposal would detract from the current site.
- That the proposed dwelling was out of context with others in the conservation area.
- That the proposed materials were out of keeping with the area.
- That Kirk Drive was a cul-de-sac and would be congested.
- That the proposal dwelling was being crammed into a site where the existing garage was.
- That a letter had been received in relation to the withdrawal of the application, however, it had been for the Listed Building Consent for Butler House.

In response the Strategic Director, Regeneration confirmed that a letter clearly confirming the withdrawal of the Listed Building Consent had been circulated.

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

- That the proposed dwelling was sited close to the road and would have no privacy.
- That Kirk Drive was on a slope and the proposed dwelling would look into the habitable rooms of the properties opposite.
- That the proposed bungalow was not in keeping with the other premises.
- That this was the latest application for a building within the grounds of Butler House.
- That Kirk Drive could be busy and congested.
- That the application would create an increase in the amount of traffic.
- That the proposal would leave Butler House with no parking provision and it currently had two spaces.

During the discussion Members expressed their concerns in relation to the parking provision for Butler House.

Resolved –

That the application be deferred in order to investigate the necessary provision of off street parking for Butler House, being adequate to accommodate two cars, and being in addition to the off street parking provision included at the proposed new house, and that the application be re-submitted to the Panel for further consideration.

Action: Strategic Director, Regeneration

(f) **14 St Philip's Way, Burley in Wharfedale**

Wharfedale

Full application for the retention of a wall/fence enclosing the rear garden at 14 St Philip's Way, Burley in Wharfedale – 08/04545/FUL

The Strategic Director, Regeneration explained that the application was to retain a wall and fence that enclosed the rear garden, which had arose in light of an enforcement enquiry which had requested that a retrospective application be submitted. A number of letters of support had been received from local residents who had stated that the structure was appropriate. The Parish Council had objected to the application on the grounds that it conflicted with the openness of the local area. The Strategic Director, Regeneration reported that there were other similar fences in the area and that it gave the occupiers some privacy. The materials used were appropriate and there were no safety issues for pedestrians or vehicle road users. He then recommended the application for approval.

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

- That the Parish Council had asked the Enforcement Officer to look at other similar fences in the village.
- That the fence was detrimental to the street scene.
- That the Parish Council were objecting to the section of fencing that was adjacent to the footpath.
- That the fence height was 1.9 metres.
- That a previous application for an extension had been refused due to the loss of openness to the street scene and the Parish Council believed that the fence also created a loss of openness.
- That the police had stated that there should not be places where people could be out of view of neighbours.
- That the materials and design were out of character.
- That the Parish Council wanted the openness of the character of the area to be restored.

The applicant was also present at the meeting and stated the following:

- That he had purchased the property in 2006 and restored it.
- That a hedge had been planted, but was taking a while to grow.
- That the fence had to be high in order to ensure that his two dogs did not get out.
- That the fence had been kept below 2 metres as he had believed that he did not require planning permission.
- That the Ilkley Planning office had stated that he only required permission for the panels adjoining the public footpath.
- That the application had been supported by local residents.
- That the Ilkley Planning office had also supported the application.
- That the Parish Council had not advertised its Planning meeting, so he had not been able to attend and speak in support of his application.

The Strategic Director, Regeneration stated that he believed that all of the fence and wall structure would require planning permission.

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*

Chair

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

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