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Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 23 October 2008 at the Town Hall, Shipley

Commenced 1000

Concluded 1315

PRESENT – Councillors

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

Observers: Councillor Love (Minute 19(c))

Councillor Owens in the Chair

15. DISCLOSURES OF INTEREST

Councillor Cole disclosed a personal interest in the item relating to Trench Wood Barn, Higher Coach Road, Baildon (Minute 19(k)) as the applicant had contacted him, however he had not discussed the matter or expressed a view on the application, therefore, as the interest was not prejudicial he remained in the meeting.

Action: *Assistant Director, Corporate Services (City Solicitor)*

16. MINUTES

Resolved -

That the minutes of the meetings held on 27 August 2008 be signed as a correct record.

17. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



18. PUBLIC QUESTIONS

There were no questions submitted by the public.

19. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) **Clarke House, Keighley Road, Bingley**

Bingley

Planning permission is sought for the change of use of the ground floor of Clarke House, Keighley Road, Bingley from a hairdressers (use Class A1) to a restaurant (use Class A3) – 08/03937/COU.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application had been deferred from a previous meeting as new evidence had been provided that the first floor accommodation at Clarke House contained flats, though they did not have planning permission. The proposal was for a change of use for the ground floor from a hairdresser to a restaurant. The previous submission had included a hot food takeaway element, however, this had now been withdrawn. There would still be a small takeaway business but this would be ancillary to the main restaurant use. The premise was situated in the centre of Bingley and Keighley Road was the boundary to the conservation area. With regard to the first floor accommodation, the Strategic Director, Regeneration confirmed that notice to leave had been served on the tenants of the flats and they were now unoccupied. To ensure that the first floor was not used for residential purposes a legal agreement would be required and this had been approved with the owner and applicant. Any use of the first floor would require a new application. The Strategic Director, Regeneration reported that a further representation and petition in support of and one objecting to the proposal had been received since August 2008. A Ward Councillor also still had concerns regarding the application. In relation to the access to the railway line behind the premises, the Strategic Director, Regeneration confirmed that this had to be maintained and an additional condition would be required to prevent parking to ensure that there was access to the track at all times. He then recommended the application for approval, subject to a Section 106 legal agreement, and the conditions set out in the report.

In response to concerns raised in relation to the takeaway aspect of the business, the Strategic Director, Regeneration explained that the restaurant was the main business and that the premises would not be operating as a takeaway. He indicated that the ancillary use could be monitored and if it became evident that the takeaway business had expanded then a new application could be requested. A condition could also be attached to the current application if required. A Member then questioned whether the opening times could be restricted. The Strategic Director, Regeneration confirmed that a condition could be added to ensure that the public use of the premises ceased at an appropriate time.

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

- That the first floor had been leased to the applicant and would be used for toilet facilities.

- That the railway access had not been used for a number of years, as access could be obtained via the relief road.
- That the premise was not applying for an alcohol licence.
- That the restaurant was moving away from late night trade and did not intend to have a late night opening.
- That the takeaway trade would be lower due to the change in licensing.
- That the premises were aiming for customers over 25 years old.

Members reiterated their concerns regarding the takeaway aspect of the business and in response the Strategic Director, Regeneration confirmed that it was a de-minimus element of the development. He indicated that permission should be granted for the restaurant use and that appropriate action could be taken if the takeaway business expanded.

Resolved –

That the application be approved for the reasons and with the conditions set out in the Strategic Director, Regeneration’s technical report subject to the completion of a Section 106 Agreement to prevent future residential occupation of the first floor accommodation at Clarke House and also subject to the following:

- (i) **That Condition 2 of the Strategic Director, Regeneration’s technical report be amended to read as follows: “The restaurant use hereby approved shall only operate between the hours of 5pm and 11.30pm, seven days per week.”**
- (ii) **That prior to commencement of development the developer shall, submit details of the permanent ‘keep clear’ marking scheme to be implemented and maintained at the access way from the vehicular area associated with Clarke House through to the (gate/entrance to the) railway line for approval by the Local Planning Authority (“the Scheme”).**

Once approved the Scheme shall be implemented prior to initial occupation of the development and the affected land identified in the Scheme shall at all times remain free from obstruction and available for the passing and re-passing of pedestrian and vehicular traffic.

Reason: In order to enable unimpeded access to the railway line in the interests of public safety and to comply with policies TM2 and UR3 of the Replacement Bradford Unitary Development Plan (2005).

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) Nab Wood Service Station, Bingley Road, Shipley

Shipley

Full application to construct ten apartments and two semi detached dwellings on the former Nab Wood Service Station, Bingley Road, Shipley – 08/01956/FUL.

The Strategic Director, Regeneration reported that the application had been considered at the Panel meeting held on 27 August 2008 and the decision deferred in order for the applicant to provide additional details. He then tabled additional plans that detailed a

cross section of the site from the frontage on Bradford Road to the rear and demonstrated the extent of the excavation to the original ground level. A new boundary wall would be created and it was noted that the sewer was located at a depth of around 2 metres under Bradford Road. The Strategic Director, Regeneration confirmed that one additional representation had been received on the grounds that a boundary wall would be more preferential to a fence. He then recommended the application for approval subject to a Section 106 and 278 Agreement and also subject to the conditions set out in the report.

Resolved –

That the application be approved for the reasons and subject to the completion of a Section 106 and 278 Agreement to secure a lay-by on Bradford Road and also subject to the conditions set out in the Strategic Director, Regeneration’s technical report as amended to require that following approval of relevant conditions by the Local Planning Authority the said conditions shall be implemented in accordance with the terms of any approval given by the Local Planning Authority.

Action: Strategic Director, Regeneration

(c) Land at Alton Grove, Shipley

Shipley

Full application for the demolition of the existing building and garage and construction of 10 townhouses at land at Alton Grove, Shipley – 08/02080/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 demolish the existing derelict building and bank of dilapidated garages and construct 10 townhouses. The site was adjacent to the Red Beck Mill Pond, a wildlife area and the submission also undertook to improve Alton Grove to an adoptable standard. Agreement was required by the occupiers as they owned part of the road and concerns had been raised as it was hardly used at the moment. Trees on the Wharnccliffe Road side of the site were protected and would be retained and a bat survey had been undertaken. The Strategic Director, Regeneration reported that the 10 townhouses would be three storeys high with accommodation in the roof space and have a turning head. Consultations had been undertaken and it was noted that the site was brownfield in an urban area with good infrastructure, which was appropriate for development. The site had extant industrial usage and the Strategic Director, Regeneration confirmed that it was appropriate to relinquish the employment site as it was in a residential area. A previous application to construct 24 dwellings had been withdrawn and it was believed that the current scheme had a more suitable density level. He stated that the condition regarding roof lights would ensure the privacy of adjacent dwellings and that the height of the townhouses would be 0.4 metres lower than the existing terraces. The land contamination would also be dealt with by a condition and further investigations were required. The Strategic Director, Regeneration then recommended the application for approval subject to the conditions set out in the report.

In response to Members’ comments regarding materials, the Strategic Director, Regeneration confirmed that bat bricks would be incorporated into the design. Stone and timber would be utilised to create a contemporary design to the front of the dwellings and a traditional one to the rear.

Objectors were present at the meeting and highlighted the following concerns:

- That bats had been sighted in the area.

- That traffic may go the wrong way and block the road.
- That air and sound pollution would affect the residents.
- That the wildlife area would be affected.
- That there were major problems with drainage and sewerage.
- That the type of development was not acceptable.
- That attempts had been made to contact residents with regard to the road.
- That the application should be deferred in order for issues to be resolved prior to commencement of the development and that the Council should carry out consultations with the residents.
- That the proximity and height of the proposed dwellings reduced the natural daylight for other properties.
- That the proposal would result in a loss of privacy and amenity.
- That the distance between the existing and proposed dwellings needed to be increased.
- That the traffic survey was not correct, as there was a lot of industrial traffic.
- That Alton Grove was frequently used as a turning area.
- That children used Alton Grove as an alternative to Bradford Road.
- That additional features were required in order to resolve traffic issues.
- That there were no native species in the proposed landscape scheme.
- That the site had been neglected and this caused problems.
- That the site should be secured if the application was approved and then prior to demolition.
- That the conditions should be strictly monitored.

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

- That he was supporting the local residents.
- That the proposal would overlook the existing houses on Norwood Avenue.
- That the properties on Norwood Avenue would lose daylight from their gardens.
- That major complaints had been received with regard to the traffic issues on Norwood Avenue.
- That the junction was not just used by residential traffic.
- That the landscaping did not feature native trees and shrubs and it would be next to a wildlife area.
- That issues needed to be clarified in relation to the access to Alton Grove. Did residents of Bradford Road own part of the road? Could the development go ahead without the agreement of the residents?
- That if the contaminated land was to be removed care should be taken to ensure that the wildlife area was not contaminated.
- That the entire culvert should be renewed as part of the approval.
- That a site visit was required.

In response to comments raised the Strategic Director, Regeneration confirmed:

- That there was a condition covering the incorporation of bat bricks within the buildings.
- That further research on how similar sites could be developed and used effectively needed to be undertaken.
- That the adoptability issues fell under the Highways Department remit.
- That the public access between the existing and proposed terrace was sufficient and that roof lights would not be permitted.
- That the landscaping needed to be sensitive to the adjacent wildlife area.
- That the site security was part of the construction plan.

- That the condition regarding the culvert covered remedial works.
- That the remediation works in relation to the contamination of the site would not cause further problems and that it was better to resolve the issue than leave the site contaminated.

With regard to highways issues raised, the following points were noted:

- That the additional vehicular movements from 10 dwellings would not cause significant problems.
- That if the Council proposed an adoption scheme for the road it would charge the residents. It was expected that the developer would propose a suitable scheme to raise the standard of the road and offer it to the Council for adoption.
- That the road would be expected to be improved to specific levels before the commencement of any construction work.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration’s technical report , save that prior to the issuing of any permission the Strategic Director, Regeneration be given delegated authority to specify the precise wording of the conditions set out in the Strategic Director, Regeneration’s technical report with particular emphasis on clarifying the periods when each condition shall be implemented or complied with and

that the wording of the 10th condition set out in the Strategic Director, Regeneration’s technical report be amended to require the following:

- (i) That details of all of the works to the site access Alton Grove including details of any resurfacing, kerbing, footways surface-water drainage, gullies and lighting shall be submitted to and approved by the Local Planning authority prior to commencement of development and thereafter implemented as approved.**
- (ii) That the site access and works to Alton Grove be constructed to base course level prior to the commencement of development.**
- (iii) That the works to the site access and Alton Grove be completed to an adoptable standard prior to initial occupation of any dwelling within the development.**

And that there shall be an additional condition imposed restricting the use of roof lights to the rear of the dwellings.

ACTION: Strategic Director, Regeneration

- (d) Decisions made by the Secretary of State**

APPEAL ALLOWED

- (i) Unit 5, Old Mill Yard, Wilsden**

Bingley Rural

Installation of new first-floor windows in the front and rear elevations to illuminate a new mezzanine floor – 08/00113/FUL.

APPEALS DISMISSED**(ii) 1 Belmont Avenue, Baildon****Baildon**

Demolition of the existing dwelling and the construction of 3 four bedroom detached dwellings with integral gardens – 08/00244/FUL.

(iii) 24 Hinchcliffe Avenue, Baildon**Baildon**

Appeal against an Enforcement Notice served for an unauthorised dormer window extension to the side of the house and a roof with a ridge height that exceeds the ridge height of the original house.

Appeal dismissed and Enforcement Notice upheld. The requirements of the notice are to remove the unauthorised dormer extension, reduce the height of the roof to a height which does not exceed that of the original dwellinghouse, to make good any damage caused by the above works and to remove all resultant materials from the land.

The period for compliance with these requirements is 3 months – 08/00098/APPENF.

(iv) Stonecroft, Burley Lane, Menston**Wharfedale**

Single storey extension to the side of the property forming a larger kitchen and utility room – 08/00672/FUL.

(v) 44 The Oval, Bingley**Bingley**

Timber decking/patio to rear (retrospective) -07/10254/FUL.

(vi) 74 Main Street, Menston**Wharfedale**

Garage, utility room, kitchen and dining room extension with bedroom and bathroom above and room in roof space – 08/00520/FUL.

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

(e) 7 Moorfield Road, Cottingley**Bingley Rural**

The construction of a new two-storey dwelling on land at 7 Moorfield Road, Cottingley – 08/03684/FUL.

A petition signed by 24 people had been received objecting to the above proposal.

The application was refused under delegated powers on the following grounds:

1. contrary to the adopted Replacement Unitary Development Plan;
2. inadequate information supplied with regard to the proposed siting of the dwelling;
3. adverse impact on the occupiers of 7 Moorfield Road; and
4. harmful to visual amenity.

As the decision was in line with the objectors' wishes, Members were asked to note the petition and the outcome of the application.

Resolved –

That the petition and decision be noted.

Action: Strategic Director, Regeneration

(f) **Decision Made by Area Planning Manager**

(i) **Land at Keighley Road, Harden**

Bingley Rural

Unauthorised construction of a prefabricated garage structure and the unauthorised change of use from agricultural to a use for indoor and outdoor dog training.

Resolved to issue an Enforcement Notice to cease the unauthorised use and remove from the site the prefabricated garage structure.

Time period for compliance: 28 days.

Resolved –

That the decision be noted.

Action: Strategic Director, Regeneration

(g) **Enforcement Complaint Closed by the Area Planning Manager as Not Expedient to Pursue**

(i) **57 Collier Lane, Baildon**

Baildon

Unauthorised detached garage – 08/01140/ENFUNA

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

Date Enforcement File Closed: 30 September 2008

Resolved -

That the decision be noted.

Action: Strategic Director, Regeneration

(h) **Garage at 46 Bradford Road, Menston**

Wharfedale

Full retrospective application for the re-cladding and refurbishment of the existing car dealership showroom and workshop buildings and a single storey rear extension to form wash bay, valeting bay and tool store at the existing car dealership at 46 Bradford Road, Menston – 08/03897/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the retrospective application was for the refurbishment of the existing establishment. The extensions had been completed, though the external renovation was still ongoing and would result in the modernisation of a dilapidated building. Concerns in relation to hedges being reduced in height by the developer were acknowledged, however, the Strategic Director, Regeneration confirmed that this was a private matter. He then informed Members of an issue with regard to the prominence and position of a steel frame that had been erected and stated that it did not correspond to the plans submitted for the wash bay. New plans had been submitted on 20 October 2008 and the Strategic Director, Regeneration had undertaken a site visit on 22 October 2008, where he had found the structure to be more substantial than the original proposal.

Objectors were present at the meeting and outlined the following concerns:

- That consultation had not taken place within the community.
- That mature trees had been removed from the site.
- That the original application was for a wash bay and there were now three additional buildings.
- That the buildings were not small.
- That the buildings were now an “industrial” colour and residents had been used to a red brick wall.
- That the parking provision was insufficient for the number of employees and customers.
- That parking issues would be created in adjacent residential roads.
- That the height of the extensions caused more overlooking and blocked light from gardens.
- That the fire exits on two of the buildings were kept open allowing noise to be heard at the adjacent properties.
- That the “industrial” look of the buildings was out of keeping with the area.

In response to an issue raised the Strategic Director, Regeneration confirmed that the trees removed had not been protected.

The applicant’s representative was also present at the meeting and informed Members that the brand defined the standard for the style of the building. He indicated that the site had an established use as a garage, however, he acknowledged the issues raised in relation to the wash bay.

During the discussion Members expressed concerns in the lack of clarification and the absence of consultation undertaken.

Resolved -

That the application be deferred in order to investigate, amongst other issues, the wash bay structure and position, and distances between hedges and buildings, any overlooking fenestration; and that the application be re-submitted to the Panel for further consideration.

Action: *Strategic Director, Regeneration*

(i) Units 11A-11B 5Rise Development, Chapel Lane, Bingley **Bingley**

Application for change of use from A1 (retail) to A2 (betting office) of Units 11A and 11B of the proposed 5Rise development. The proposed units are part of the approved plans for the redevelopment of the Myrtle Walk shopping centre and are intended to be sited on Chapel Lane adjacent to the existing covered market area at the entrance to Myrtle Walk – 08/05299/COU.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was to change the use of the units from retail (A1) to a betting shop (A2). The full development would provide residential accommodation above, though the flats would be set back. It was noted that the A2 use was an appropriate use in the centre of Bingley, as it was a primary retail area. The Strategic Director, Regeneration reported that two representations had been received, though the objection submitted by the Town Centre Management had now been withdrawn. A Ward Councillor had commented that the proposed premises would promote gambling and was against the type of development that Bingley was aiming for. The Strategic Director, Regeneration stated that the unit was an appropriate scale and there was a good mix of uses within the retail development. He then recommended the application for approval.

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

(Note: In accordance with Paragraph 25.6 of Part 3A of the Constitution Councillors Binney and Owens required that their votes against the above decision be recorded.)

(j) Telecoms Mast, Warren Lane, Bingley **Bingley**

Prior notification application for telecommunications development consisting of the installation of 3 additional antennae in new dual leg mounts to be installed at a height of 10.3 metres on an existing 15 metre high mast, an additional cabinet at ground level and ancillary electrical cabling within the existing compound at Gilstead Moor Edge, Bingley – 08/05747/PNT.

The Strategic Director, Regeneration gave a presentation setting out the proposals and informed Members that a representation had been received from a local resident on the grounds of health and safety concerns. He explained that the matter for consideration was the siting and appearance of the three additional antennae and cabinet at ground level. It was then recommended that prior approval be granted.

Resolved -

That prior approval be given.

ACTION: Strategic Director, Regeneration

(k) Trench Wood Barn, Higher Coach Road, Baildon**Shipley**

Outline application for the construction of detached two storey dwelling in stone and render with artificial stone slate roof tiles with attached garage and parking at Trench Wood Barn, Higher Coach Road, Baildon – 08/04678/OUT.

The Council's legal officer advised that as this application involved development in the green belt and as such would need to be appropriately advertised and because the application did not accord with the policies set out in the Council's Replacement Unitary Development Plan; as such the Panel was invited to make a recommendation to the Regulatory & Appeals Committee on the Local implications of the proposal.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that the outline application proposed the construction of a two storey dwelling, a garage and parking on an overgrown site within the green belt. There were a number of mature trees on the site protected by a Tree Preservation Order and a tree survey had been submitted, though there were concerns in relation to its accuracy. The Strategic Director, Regeneration highlighted a number of issues to be considered; that the application was inappropriate within the green belt, that infill development was not supported, the effect the development would have on the openness of the green belt, that it was not exceptional to policy and that the setting of Trent House would be affected by the proposal. It was noted that a couple of the protected trees would be lost and that the proposed screening of the dwelling was not appropriate. He reported that the window of the adjacent building was in close proximity to the proposed dwelling and that there would be an adverse effect on the residential amenity. It was noted that previous planning applications submitted had been refused and their subsequent appeals dismissed. The Strategic Director, Regeneration confirmed that representations had been received in support of and against the application. Objectors concerns related to the inappropriate development within the green belt. Supporters had commented that the proposal would tidy up and stop anti-social behaviour taking place on the site. The Strategic Director, Regeneration then recommended the application for refusal as it was unacceptable on the grounds of residential amenity, protected trees would be lost and the site was within the green belt.

A Parish Councillor was present at the meeting and indicated that their points had been covered within the report.

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

- That the green belt policies allowed for some infill development.
- That three previous applications had been submitted, but not for this site.
- That there was a Site of Special Scientific Interest (SSSI), however, it was 150 metres away.
- That the living accommodation adjacent to the site was within the applicant's ownership and therefore the issue regarding windows could be addressed.
- That the original scheme had the garage sited to the left, but due to concerns regarding the listed building it had been moved to the right hand side.
- That there was ample screening between the proposed site and Trench House.
- That the application was outline only and the proposal could be fine tuned if it was recommended for approval.
- That work on the trees would be required due to the proximity of the dwelling.
- That a site visit should be undertaken in order for consideration to be given as to whether the proposal affected the green belt and the listed building.

In response to a Members question, the Strategic Director, Regeneration confirmed that there were rights of way into the SSSI, these were not affected by the proposal and there were no rights of way through the application site.

Resolved -

That the application be referred to the Regulatory and Appeals Committee with a recommendation for refusal 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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THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER