

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 11 December 2008 at the Town Hall, Shipley

Commenced 1005

Concluded 1100

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Amin	J Hall
Clamp	Ferriby	
Owens	Shabir Hussain	

Apologies: Councillor Cole

Councillor Owens in the Chair

20. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

21. MINUTES

Resolved -

That the minutes of the meetings held on 25 September 2008 be signed as a correct record.

22. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

23. PUBLIC QUESTIONS

There were no questions submitted by the public.



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Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD
METROPOLITAN DISTRICT COUNCIL

24. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) Decisions Made by the Secretary of State

APPEAL ALLOWED

- (i) **Land at Springfield Farm, Flappit Springs, Halifax Road, Cullingworth** **Bingley Rural**

Alleged unauthorised construction of a stone building – 07/00279/ENFUNA

Appeal against an Enforcement Notice the requirements of which were to demolish the building and remove all the resulting materials from the site.

Appeal allowed, subject to a condition that the building shall be restricted to storage in connection with agriculture and the Enforcement Notice quashed.

APPEALS DISMISSED

- (ii) **Land at Silson Lane, Baildon** **Baildon**

Residential development of 7 dwellings – 07/05954/FUL.

- (iii) **Lower Holme Mills, Otley Road, Baildon** **Baildon**

Construction of 84 apartments and 12 terrace houses (live/work units) including associated roads and hardstandings – 07/09100/REM.

- (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) **12 Flappit Springs, Cullingworth** **Bingley Rural**

Two storey extension to rear – 07/08441/FUL.

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

(b) **Decisions Made by Area Planning Manager**

(i) **45 Saltaire Road, Shipley** **Shipley**

Unauthorised installation of three externally mounted roller shutters.

Resolved to issue an Enforcement Notice to remove the three unauthorised shutters from the property.

Time period for compliance: 14 days.

(ii) **206 Saltaire Road, Shipley** **Shipley**

Unauthorised construction of a timber extension.

Resolved to issue an Enforcement Notice to demolish the unauthorised extension and restore the site to its former condition.

Time period for compliance: 28 days.

(iii) **22 Dove Street, Saltaire** **Shipley**

Unauthorised installation of a white uPVC door to the rear of the property (Listed Building).

Resolved to issue an Enforcement Notice to remove the unauthorised door and replace with a planked timber door similar to one shown in photographic record taken in July 2003.

Time period for compliance: 28 days.

(iv) **Saltire Hand Car Wash, Bingley Road, Shipley** **Shipley**

Unauthorised construction/alteration of a means of enclosure (replacement of Perspex panels with timber ply panels).

Resolved to issue an Enforcement Notice to remove the unauthorised timber ply panels and replace them with Perspex, as approved by the original planning consent.

Time period for compliance: 14 days.

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

Unauthorised construction of timber decking.

Resolved to issue an Enforcement Notice to remove the unauthorised decking and remove all the resulting materials from the site.

Time period for compliance: 14 days.

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

(i) **14 Goit Stock Terrace, Harden, Bingley** **Bingley**

Unauthorised single storey side and rear extensions – 07/01253/ENFAPP

This matter is not expedient to pursue.

Date Enforcement File Closed: 16 October 2008

(ii) **57 Kirkgate, Shipley** **Shipley**

Unauthorised hard surfacing of front garden area and installation of wrought iron gates and railings – 08/00314/ENFAPP

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

Date Enforcement File Closed: 25 November 2008

Resolved -

That the decision be noted.

Action: Strategic Director, Regeneration

(d) **Stubbing House, Hollin Road, Shipley** **Windhill/Wrose**

Construction of a detached two storey building comprising double garage at ground floor with a self-contained one bedroom flat above, within the curtilage of Stubbing House, Hollin Road, Shipley – 08/01655/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 construction of a detached two storey dwelling. On 6 December 2007 an application for the same development had been refused on the grounds that the height and massing had an inappropriate relationship with Yew Tree Close. The plans had since been amended and the proposed property was now sited away from the boundary of Yew Tree Close. The Strategic Director, Regeneration confirmed that the physical relationship of the proposal with Stubbing House was satisfactory, however, there had been a number of representations from local residents that raised concerns in relation to the construction of another building within the grounds of Stubbing House, that a business may be being run from the premises and the safety of children using the adjacent playground due to increased traffic movements. It was noted that a couple of the objections wrongly assumed that the application related to an alleged business use of another property near the site. Those matters relating to the unauthorised business activities were currently being investigated by officers. He reported that the proposed accommodation and double garage were proposed to be used by the family of the owners of Stubbing House and that a condition could be attached to any permission in order to ensure that the use was ancillary to that of Stubbing House. The Council's legal officer raised concerns in relation to the wording of this condition and it was agreed that it be amended in order to make it clear that the new build could only be used for domestic purposes only and that no use in

connection with any trade or business would be permitted.

Resolved -

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report and subject to the amendment of Condition 4 as follows:

"The additional unit of residential accommodation and double garage to be constructed pursuant to the proposed development hereby permitted shall only be occupied or used for domestic purposes in connection with and ancillary to the occupation of Stubbing House and shall not be used in connection with any business or trade."

Action: Strategic Director, Regeneration

(e) **Land at Stubbing House, Hollin Road, Shipley**

Windhill/Wrose

Full application for two pairs of semi detached dwellings and one detached dwelling on land at Stubbing House, Hollin Road, Shipley – 08/02834/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that a previous application for three pairs of semi-detached dwellings had been refused and the appeal dismissed on the grounds of the inappropriate overbearing effect on 2 Hollin Road and also on the protected trees. The new application sought to address the issues; the nearest development was 4 metres away, five dwellings were proposed to be constructed and the Council's Arboriculturalist had indicated that the development would not have a detrimental effect upon the trees. The Strategic Director, Regeneration confirmed that a number of objections had been received on the grounds of overshadowing, overlooking and increased traffic movements. The Highways Department had commented that the eleven spaces to be provided were adequate along with the proposed turning area. The Strategic Director, Regeneration then recommended the application for approval, subject to the addition of two conditions, one in relation to the exclusion of side windows in the detached property and the other relating to the amended plans and provision of a hipped roof.

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

- That an outline application for 6 dwellings had been previously approved.
- That the issues highlighted by the Inspector had been addressed.
- That he had co-operated with the requests put forward.
- That the proposal was only for 5 dwellings.
- That the trees on the site would not be affected.

In response the Strategic Director, Regeneration confirmed that the outline approval had expired in 2002 and that the Inspector had indicated that six dwellings was a maximum figure.

Resolved -

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report and subject to the following additional two conditions:

- (i) That no windows be allowed in the southern elevation to the detached property; and
- (ii) That the development be in accordance with the amended plans showing a hipped roof on the detached dwelling proposed to be constructed pursuant to the development hereby permitted.

Action: *Strategic Director, Regeneration*

(j) **32 Weavers Lane, Cullingworth**

Bingley Rural

A retrospective application for the retention of works already carried out at 32 Weaver's Lane (off Keighley Road), Cullingworth. The works comprise landscaping of the rear garden area including the formation of an upper level terrace, provision of a stone wall and railings along the boundary with the adjoining property (number 34) and formation of a gated opening in the rear boundary wall giving access to Ellar Carr Road – 08/04540/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application was a retrospective submission for the retention of landscaping in the rear garden of 32 Weavers Lane and the formation of a gated opening in the rear boundary wall that gave access to Ellar Carr Road. It was noted that Ellar Carr Road was essentially a narrow track that widened to allow vehicles to turn around and exit on to Keighley Road in a forward gear. Concerns had been raised that the formation of the gate would encourage people to park on Ellar Carr Road.

The Strategic Director, Regeneration reported that two Ward Councillors had requested that the application be considered by the Panel and that they had expressed the following concerns:

- That a precedent would be set for access gates onto and parking of vehicles on Ellar Carr Road.
- The difficulties caused for residents of Ellar Carr Road.
- The issue of access on to Keighley Road.
- That a resident had been informed that there would not be any access onto Ellar Carr Road
- That a previous application had been refused.

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

- That a previous application had been refused for issues relating to the green belt.
- That Cullingworth Parish Council had requested that an investigation into whether a covenant regarding pedestrian access existed be undertaken. This had been carried out and nothing had been found.
- That the gate was considered an appropriate intervention in the wall.
- That the Highways Department had not raised any concerns.
- That there was no control over the provision of pedestrian access in planning permission.
- That Ellar Carr Road was unadopted and if there was a problem it was the owner's responsibility to resolve.

In conclusion the Strategic Director, Regeneration recommended the application for approval.

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

- That there had been spasmodic parking in the area.
- That prior to the gate being placed in the wall no cars had parked on the road for any length of time.
- That the area in question was used as a turning area so that vehicles could drive out in a forward gear onto Keighley Road.
- That prior to commencement of the development on Weavers Lane, planning officers had indicated that there would not be any access on to Ellar Carr Road.
- That the parking would create a highway safety issue.

In response to the concerns raised, the Council's highways officer indicated that unfortunately Ellar Carr Road was unadopted and therefore the issue was difficult to resolve.

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