

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Shipley) held on Wednesday 21 January 2009 at the Town Hall, Shipley

Commenced 1010
Adjourned 1200
Reconvened 1515
Site Visits 1200 - 1515
Concluded 1540

PRESENT – Councillors

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

Apologies: Councillor Cole

Observers: Councillor Cole and Councillor Love (Minute 29 (h))

Councillor Owens in the Chair

25. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

26. MINUTES

Resolved -

That the minutes of the meetings held on 23 October and 11 December 2008 be signed as correct records.

27. 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)



28. PUBLIC QUESTIONS

There were no questions submitted by the public.

29. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

The Strategic Director Regeneration presented Documents “P”, “Q” and “R”. Plans and photographs were displayed and/or tabled in respect of each application and representations summarised.

(a) Decisions Made by the Secretary of State

APPEALS DISMISSED

(i) 46 Oakdale Road, Wrose

Windhill/Wrose

New residential dwelling (bungalow) in the garden – 07/06009/FUL.

(ii) 2 Wesley Way, Eldwick

Bingley

Construction of a Victorian style conservatory to the south facing elevation – 07/10229/FUL.

(iii) The Laurels, and Land at Lonk House Lane, Baildon

Baildon

Certificate of Lawful Use for residential land and building - 07/06947/CLE; and

Appeal against Enforcement Notice issued to cease the mixed use of the land as a builder's yard, storage of builders' materials, storage of JCB, metal container, portakabin and polytunnel, remove all materials and make good any damage caused to the land.

The Inspector ruled that there was no evidence to suggest that the premises had been used as a builder's yard, but dismissed the appeal and upheld the Enforcement Notice in all other respects – 08/00163/APPENF.

Resolved –

That the Inspector's decisions be noted.

Action: Strategic Director, Regeneration

(b) Buck Park Quarry, Whalley Lane, Denholme

Bingley Rural

Update on the enforcement action taken in accordance with the Panel resolution dated 21 June 2007.

The enforcement action was put in abeyance following a Judicial Review challenge by the developer. The Judicial Review was heard at the High Court in September 2008. The Developer was unsuccessful in their challenge.

Enforcement proceedings have now been issued.

Resolved –

That the information contained in the report be noted.

Action: Strategic Director, Regeneration

(c) Enforcement Enquiries Closed by the Planning Manager (Enforcement & Trees) as Not Expedient to Pursue

(i) 63 Main Street, Bingley Bingley

Unauthorised projecting sign – 08/00084/ENFADV

It was considered that the breach of advertisement control would not cause significant amenity issues to warrant Enforcement (Legal) Action.

Date Enforcement File Closed: 16 December 2008

(ii) 3 Thornfield, Bingley Bingley

Damage to protected trees – 06/00467/TPOCN

It was not considered that there was a clear breach of planning control which would warrant further Enforcement Action.

Date Enforcement File Closed: 2 January 2009

Resolved -

That the decisions be noted.

Action: Strategic Director, Regeneration

Decision following Site Visit

(d) Low Barn, 8 Church View, Menston Wharfedale

Full application for proposed two storey side extension at Low Barn, 8 Church View, Menston, LS29 6EX – 08/00865/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the barn was within the Menston Conservation Area and was occupied by two small businesses. A row of traditional Victorian houses was next to the site and on street parking was an issue in the vicinity. A previous application had been refused on the grounds of the excessive height of the proposed structure and since then numerous discussions had taken place with the applicant in relation to the needs of the business and the planning constraints.

The Strategic Director, Regeneration reported that six representations from local residents had been received that raised concerns on the grounds that the amended plans did not address the issues raised previously, that the proposal was out of character with the conservation area, overlooking, additional traffic movements and parking issues. Menston

Community Association had outlined concerns in relation to parking, deliveries and the design of the extension and a Ward Councillor had requested that the application be considered by the Panel. However, Menston Parish Council had since withdrawn their original objections.

The Strategic Director, Regeneration informed Members that the Council's Design and Conservation Team had encouraged a more contemporary design. The proposed extension would be glazed at the side and the majority of the structure would be below the street level on Burley Lane behind a stone wall. The degree of impact on the neighbouring property was not significant and conditions had been suggested to help alleviate the on-street parking problems. In conclusion the Strategic Director, Regeneration recommended that the application be approved subject to the conditions set out in the report.

Objectors were present at the meeting and raised the following concerns and issues:

- That a visit to the site would be beneficial.
- That the extension's roof was lower on the plans but on the ground it would actually be higher and wider.
- That the site was within a historic part of the village and a modern extension would be very prominent.
- That the rear window would be 4 metres higher than the boundary wall.
- That the hedges were deciduous and did not provide adequate screening for the whole of the year.
- That the first floor of the extension would be an adaptable space.
- That the revised car park layout would result in 12 vehicles being parked alongside the boundary wall to his garden.
- That discussions had been undertaken with the owner of the building.
- That the revised application would result in more overlooking.
- That obscure glazing and stone facing could be used to alleviate the overlooking issues of the first floor onto the adjacent gardens.
- That the car park was not used as the ingress/egress was on a steep slope.

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

- That the objections had been addressed in the officer's report.
- That the car park would provide 12 – 14 spaces and the lawn area would be maintained.
- That the access door would be moved so visitors would have to use the car park.
- That the number of employees would not be increased.
- That the proposed accommodation would provide a meeting space, a directors office and toilet facilities.
- That if the business had to relocate this would cause problems for other small businesses in Menston.
- That other small businesses in the area supported the proposal.

It was noted that the hours of operation for both businesses were 9am to 5pm Monday to Friday.

During the discussion Members expressed concerns in relation to the first floor windows and it was suggested that obscured or tinted glass should be used. With regards to the car park, a scheme of signage was proposed to discourage on-street parking and it was requested that the business's name plate be removed from the exit onto Burley Lane.

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 three conditions:

- (i) That the rear facing windows to the first floor level of the extension hereby permitted shall be installed using obscure or tinted glazing, samples of which shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, the obscure/tinted glazing shall be retained as long as the extension is in use;**
- (ii) That the business name plate be removed from the doorway on Burley Lane; and**
- (iii) That prior to the commencement of development, a scheme of signage to discourage staff/visitor parking on Burley Lane and encourage usage of the off street parking facility shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of parking signage shall have been implemented as approved before the extension is brought into use and shall be maintained at all times whilst the proposed extension is in use.**

Action: Strategic Director, Regeneration

Decision following Site Visit**(e) Poplar House, Burley Road, Menston****Wharfedale**

Outline planning application for construction of new access road and four three storey, five bedroom, detached houses with two free standing double garages at Poplar House, Burley Road, Menston.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that it was an outline application for the construction of a new access road and four detached houses with two free standing garages with the layout, scale, appearance and access submitted for determination, with the landscaping reserved for later approval. There were a variety of houses on Burley Road and the existing property was extensive with a number of outbuildings. A new house had been built adjacent to the site and it was noted that the proposed dwellings would be similar.

The Strategic Director, Regeneration reported that representations had been received from neighbours whose property abutted the site and that a Ward Councillor had requested that the application be considered by the Panel. The concerns raised related to access issues, that the dwellings would be out of character with the area, the impact on neighbours and construction noise. He confirmed that the application had been amended to ensure that the two storey element of the proposed houses would be sited further away from the dwellings on Newall Close and therefore, reduce the risk of overlooking. It was noted that the new dwelling would not have a significant impact upon Rose Court. The development proposed an increase in the density for the site and reflected the character of the area. With regard to traffic safety, the site had a long straight frontage and the junction had been designed in conjunction with the highway safety officer. The Strategic Director, Regeneration then recommended the application for approval, subject to the conditions within the report.

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

- That the proposal would overshadow his entire back garden.
- That one of his bedrooms would be overlooked.
- That his property had been built in line with Greystones, the adjacent property, so it was not compromised.

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

- That the outline application was for four detached dwellings and covered layout, scale and access.
- That lengthy discussions had taken place following the previous refusal.
- That the new applications met all the concerns raised.
- That it was appropriate to have four houses on the site.
- That the design reflected the adjacent new build.
- That the application complied with all policies.
- That the proposal was sympathetic to the area.

During the discussion Members noted that the normal density for the site would be seven or eight properties and that the frontage levels along the road varied.

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

(f) **Apostolic Church, Taunton Street, Shipley**

Shipley

Full application for the demolition of existing single storey building and the construction of a terrace of three three-storey town houses on the site of the former Apostolic Church, Taunton Street, Shipley – 08/05928/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the existing church would be demolished and that three town houses would be constructed on the site. The existing church was a timber single storey building which had been vacant for a number of years and had been vandalised. The site was untidy and a substantial amount of work had been undertaken with planning officers on the application. The main habitable rooms would be on the north side of the site and there would be some obscure glazed windows to the rear.

The Strategic Director, Regeneration stated that the houses would be constructed with good quality artificial stone and slate. The scale of the properties would be in keeping with the other houses in the area and there was adequate parking provision. He reported that eight letters of objection had been received. Local residents were keen for the site to be developed, however, concerns had been raised in relation to the state and stability of the site; drainage issues; the loss of a tree; and traffic safety. It was noted that the development was an appropriate use of a brownfield site and would provide a better visual aspect. The distance between the new and existing houses was adequate and the neighbouring property on Thompson Street would not be directly overlooked. With regards to the stability of the site, the Strategic Director, Regeneration confirmed that the applicant had submitted a report that considered land stability issues which would require investigation but there was likely to be an engineering solution and an appropriate

condition had been placed on the application in order to ensure that it was dealt with. In relation to the Yorkshire Water drain that ran through the site, it was deemed to be a significant distance away from the development and therefore not a problem. In conclusion the Strategic Director, Regeneration recommended the application for approval, subject to the conditions set out in the report.

During the discussion Members raised concerns in relation to the land stability and it was confirmed that Building Control would need to be satisfied with any engineering solution undertaken.

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

(g) **28 Lansdowne Close, Baildon**

Baildon

Full application for the construction of a side extension and a detached garage at 28 Lansdowne Close, Baildon – 08/06373/FUL.

Resolved -

That consideration of the application be deferred at the request of the applicant in order to facilitate amendments to the proposal.

ACTION: Strategic Director, Regeneration

Decision following Site Visit

(h) **10 Fern Hill Road, Shipley**

Shipley

Full planning application for the retention of an existing rear conservatory extension at 10 Fern Hill Road, Shipley – 08/03498/FUL.

The Strategic Director, Regeneration explained that the application was for the retention of an existing rear conservatory extension and that the submitted plans were subject to dispute regarding the accuracy of the dimensions. He reported that the conservatory had been erected without permission in 2003, as the owners had believed that it wasn't required. Two previous applications had been submitted for its retention and both had been refused. An appeal had been lodged on the second application and this had been refused by the Inspector on the grounds of the undesirable impact on neighbour's amenity.

An Enforcement Notice had been served in 2005, which the applicant had appealed against, however, it had been filed too late. The applicant had not complied with the Enforcement Notice and had been found guilty of this in Court. The Strategic Director, Regeneration confirmed that planning permission had been granted for a reduced size conservatory and the applicant had been given additional time to comply with the approval and reduce the length or demolish the building. The applicant had complained to the Ombudsman, who did not uphold the complaint and the issue had been referred back to the Panel. It was noted that recommendations made by the Panel had not been complied with and therefore proceedings were undertaken in Court. These ceased in May 2008 as

the applicant indicated that the conservatory length would be reduced. This course of action had not been undertaken and the application in question had been submitted instead.

The Strategic Director, Regeneration stated that four representations had been received in support of the proposal. The local Member of Parliament (MP) had also expressed his support along with the Ward Councillor who had requested that the application be referred to the Panel and a site visit undertaken. The neighbours did not have any objections to the application and the occupiers of the adjoining property had indicated that it provided them with more privacy. The Strategic Director, Regeneration reiterated to Members that the issue had been previously considered by the Panel, Planning Officers and the Inspectorate. He outlined the Inspector's comments that the conservatory caused over dominance, overshadowing and an overbearing feeling of confinement, which echoed officers' views. In conclusion the Strategic Director, Regeneration confirmed that the conservatory was contrary to policy and could set a precedent for others across the District.

A Ward Councillor was present at the meeting and highlighted the following issues:

- That he supported the application.
- That in 2002 the applicant had visited the Planning Department where he had been informed that he had permitted development rights if the proposed conservatory was 70 cubic metres in volume, so it had been constructed.
- Would a sensible person have gone ahead with the construction when they were to apply for a side extension to the property at a later date?
- That the agent had filed the appeal late.
- That the Inspector had not viewed the conservatory from the adjacent garden.
- That the applicant had been taken to Court for non-compliance of an Enforcement Notice and this was not relevant to the application.
- That the land sloped at the rear, so where should the height measurements be taken from?
- That there were no objections to the conservatory from neighbours or Ward Councillors.

During the discussion Members expressed concerns in relation to the height and size of the conservatory. It was noted that it was in conflict with adopted policy and the Inspectorates decision was acknowledged.

Resolved -

That the application be refused for the reasons 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.