

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 19 March 2009 at the Town Hall, Shipley

Commenced 1000

Concluded 1245

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Amin	Cole
Clamp	Ferriby	
Owens	Malik	

Apologies: Councillor Shabir Hussain

Observers: Councillor Townend (Minute 37(a)) and Councillor Arshad Hussain (Minute 37(d))

### Councillor Owens in the Chair

#### 34. DISCLOSURES OF INTEREST

Councillor Owens disclosed a prejudicial interest in the item relating to 31-33 Southlands Grove, Bingley (Minute 37(h)) as the Treasurer for his ward committee had sent in a letter objecting to the application and he therefore withdrew from the meeting during the discussion and voting thereon in accordance with the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (part 4B of the Constitution).

Councillor Ferriby disclosed a personal interest in the item relating to Land at Swan Avenue, Eldwick (Minute 37(c)) as she was the Chair of the Green Space Network in Bradford South, however, as her interest was not prejudicial she remained in the meeting.

#### 35. 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)



### 36. PUBLIC QUESTIONS

There were no questions submitted by the public.

### 37. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) **Land Adjacent to Butler House and 27 Kirk Drive, Baildon** **Baildon**

Full application for the construction of a contemporary split-level detached bungalow on land adjacent to Butler House and 27 Kirk Drive, Baildon – 08/03723/FUL.

The Strategic Director, Regeneration explained that Butler House was a listed building and within a conservation area. He reported that the proposed development was to be built outside of the conservation area and was an appropriate site. The Council's Conservation Team had not objected to the proposal, however, concerns had been raised by neighbours. It was noted that when the application was originally considered by the Panel, Members had indicated that it was acceptable in principle, but there were concerns at the level of parking provision. Following a site visit the Panel had requested that further consideration be given to the parking issue. An alternative parking proposal had previously been submitted to the meeting held on 12 February 2009, however, the Panel had not been satisfied with the suggestion and, therefore, a further scheme had now been presented for consideration. The Strategic Director, Regeneration confirmed that the proposal was to swing the drive around to the left and in front of the proposed dwelling and provide two permeable standing places. He stated that the proposal was appropriate and recommended the application for approval. It was noted that the Council's Conservation officer had stated that he had reservations that the proposed parking scheme might compromise views of Butler House, however, he had no objection to the proposed dwelling.

A Ward Councillor was present at the meeting and outlined the following concerns:

- That she concurred with the view of the Council's Conservation officer.
- That parking for Butler House would be a long way from the property and the occupant may be tempted to park on Butler Lane.
- That the layout of the proposed parking provision may make access and egress difficult.
- That the garden/pedestrian gateway to Butler House should remain undisturbed.

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

- That the application involved construction in the garden of a listed building.
- That the local residents strongly objected to the proposal.
- That the proposed dwelling was ugly and not in keeping with others in the area.
- That the proposed house was not in the same building line as other properties.
- That the representations were misleading as the proposed house was twice the size of the existing garage and taller.
- That the proposed parking provision was not suitable.
- That the developer had no regard for the listed building.
- That the proposal compromised the listed building.

In response to the comments made the Strategic Director, Regeneration reported:

- That it was an appropriate location for a purpose designed building.
- That the setting would not be affected.
- That it had been pointed out to the Panel that the proposed dwelling was larger than the existing garage.
- That the proposed parking provision would be on the site of the existing garage.
- That the parking arrangements would suffice.
- That the wall and frontage to Butler House would not be disturbed.
- That any further proposed applications on the site would have to be submitted to the Panel.
- That the proposal was the maximum amount of development that would be encouraged on the site.

**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**

(b) **Denholme Velvets, Foreside Mills, Halifax Road, Denholme** **Bingley Rural**

Full application for the demolition of industrial buildings and construction of 47 family dwellings, external alteration to existing industrial unit, creation of new access, car parking and landscaping at Denholme Velvets, Foreside Mills, Halifax Road, Denholme – 08/06488/FUL.

**The Panel noted that the application had been withdrawn in writing by the applicant prior to the commencement of the meeting.**

**ACTION: Strategic Director, Regeneration**

(c) **Land at Swan Avenue, Eldwick** **Bingley**

Full planning permission is sought for a Doctor’s surgery, nursery, three retail units, veterinary practice, D1 unit and fifty parking spaces on land to the south west of 188-190 Swan Avenue, Bingley – 08/07436/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 Doctor’s surgery, nursery, three retail units and a veterinary practice. The developers had ensured that the scheme had no adverse effect on the residents of Timble Drive, however, representations had been received. It was noted that there was a long planning history to the site and adjoining area and that provision had been made within the Section 106 Agreement, that was part of the planning permission granted for residential development, for community uses. Negotiations had been undertaken for over a year and the proposed scheme should bring life and vitality to an area where there were limited facilities.

The Strategic Director, Regeneration confirmed that the development would be sited to the frontage of Swan Avenue in order to provide maximum distance between the properties on Timble Drive. He reported that an acoustic screen would be placed between the nursery’s

play area and the residential properties. Concerns had been raised with regard to the car park area becoming an area for anti-social behaviour, therefore gates would be erected to ensure that the area was secure when unoccupied. This would be covered by the condition for a Management Plan. A 1.8 metre high fence would also be erected along the boundaries with residential properties.

With regard to the retail units' hours of opening, the Strategic Director, Regeneration stated that the applicant had recently indicated that there was an error in the application details and that the required opening times were from 8am to 11pm 7 days per week. He indicated that the times were appropriate and that in general terms the retail units would not cause a disturbance. The height, design and scale of the development were appropriate and there were no problems in relation to highway safety. There were various levels of contamination across the site, but no significant issues.

The Strategic Director, Regeneration informed Members that two petitions had been received, one in support and one objecting to the scheme, along with 11 individual letters of objection and 6 letters of support. The comments received related to, amongst others, the increased noise disturbance, anti-social behaviour, that the proposal was not in keeping with the area and the other buildings, increased traffic volumes and that there was no need for the proposed uses in the area. He confirmed that all the uses were appropriate, as was the size and location of the development. The comments in support stated that the scheme would be an asset to the community and that it had been common knowledge that the land would be used for commercial premises. In conclusion the Strategic Director, Regeneration requested that the application be approved subject to the conditions set out in the report and also that the retail use hours of trading be restricted to 11pm.

The Chair reported that a Ward Councillor had wanted to attend the meeting to raise concerns in relation to highways safety and a Traffic Regulation Order (TRO) to cover the frontage of the old site. The Shipley Area Committee had suggested that the developer covered the costs of the TRO and it was questioned whether this could be covered within a Section 106 Agreement. The Council's legal officer confirmed that the legal agreement could include this issue.

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

- That there was support for the development, but not from residents that lived near the site.
- That residents would not be able to relax in their gardens that were near to the car park due to vehicle fumes.
- That she did not agree with the planning officer's view that the "scheme would not be unduly detrimental to the established amenities of the surrounding residential properties".
- That she did not believe that a 1.8 metre high fence and buffer would protect residents from noise and vehicle fumes.
- That the waste bins need to be relocated elsewhere on the site.
- Who would ensure that the car park would be closed at 8pm?

In response to the comments made, the Strategic Director, Regeneration confirmed the following:

- That the siting of the refuse stores had been carefully considered. The bins would be placed in closed buildings that would benefit from landscaping and fencing.
- That a condition would be placed on the application that a management plan would be required. The developers were keen to ensure that there would be no loss of

amenity for residents.

- That if the management plan was approved then contact numbers could be incorporated into it for the residents use.

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

- That there was a nature reserve opposite the development area.
- That there was no reason for the development to have three retail units.
- That the area should be left as a habitat for trees and wildlife.
- Would the retail units be occupied due to the credit crunch?

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

- That the site would be built and retained by the developer.
- That there would not be any empty retail units, as they had already been let. There would be a convenience store, a hairdressers and a beauty business.
- That the Section 106 Agreement specified A1 and D1 classes of retail units only.
- That two public meetings had been held to which residents were invited.
- That the residents concerns had been taken into consideration.
- That the car park would be closed and made secure after 8pm.
- That the bin stores were lockable and stone built buildings.
- That the majority of the local residents were in support of the development.

The Chair questioned whether the developer would be willing to pay the costs of providing a Traffic Regulation Order (TRO) and if the retail units needed to be open until 11pm. The applicant confirmed that if a condition was placed on the application the costs would be met and that only the largest retail unit would definitely need to be open until 11pm.

A further objector was present at the meeting and stated the following points:

- That his property bordered the development site.
- That the car park would be next door to his house.
- That there wasn't a need for the three retail units.
- That all the amenities were provided 1 mile away in the town centre.

During the discussion Members acknowledged that the development had been well planned, however, concerns were raised in relation to anti-social behaviour. With regards to the opening hours of the retail units, Members agreed that only the large retail unit should be allowed to open until 11pm.

**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 also to the owner entering into a Section 106 Agreement to pay the costs of providing a Traffic Regulation Order (TRO) to extend double yellow lines along Swan Avenue at the frontage of the development and to the following additional condition:**

**That a Waste Management Plan shall have been submitted to and obtained the approval of the Local Planning Authority prior to commencement of development and implemented and maintained as approved as part of the development;**

**And the following revision of Condition 18 as follows:**

**“The hours of operation of the proposed D1 use and the largest retail unit on the eastern side of the development site shown on the submitted drawings shall be restricted to 07.30 to 23.00 and the hours of operation of all other uses on the development shall be restricted to 07.30 to 20.30 Mondays to Saturdays (including staff movement to and from the site), and the uses shall not operate on Sunday.”**

***ACTION: Strategic Director, Regeneration***

(d) **34 Keighley Road, Bingley**

**Bingley**

Application for the change of use of 34 Keighley Road, Bingley from A1 (Retail) to A5 (Hot food take away) – 08/06667/COU.

The Chair explained that an issue had emerged in relation to the ownership of the frontage access area, which required clarification. The application could not be determined without the knowledge that all the interested parties had been informed and it was proposed that it be deferred.

**Resolved -**

**That the application be deferred to the next meeting of the Panel in order for clarification to be sought with regards to the ownership of the frontage access area and compliance with notification procedures.**

***ACTION: Strategic Director, Regeneration***

(e) **Decisions Made by the Secretary of State**

**APPEALS DISMISSED**

(i) **Blantyre House, Keighley Road, Harden**

**Bingley Rural**

Change of use and extension of outbuildings to form dwelling for parents (Granny annexe) – 08/02228/COU.

(ii) **Land at Green Lane, Burley Woodhead**

**Wharfedale**

Construction of an access road – 08/00190/APPENF

Appeal dismissed and Enforcement Notice upheld with corrections and variations. Overall time period to comply with the Notice extended to three months.

**Resolved –**

**That the decisions be noted.**

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

**(f) Land at Whitley Street, Bingley****Bingley**

Full application for the construction of a residential development comprising of 78, one and two bed apartments and 17 2-4/5 bed townhouses on land to the south west of Rhodes Yard, south of Whitley Street, Bingley – 08/00358/FUL.

The Council's legal officer informed Members that two issues within the application's Section 106 agreement were in need of clarification. He explained that guidance was required from the Panel in relation to the priority with regard to the type of affordable housing scheme to be supported if the trigger point of 20% profit was exceeded and whether the various contributions required should be tied only to increases in the Building Price Index (BPI) or either increases or decreases as suggested by the Developer.

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

- That unemployment was high in Yorkshire and Humberside.
- That it was equitable for the BPI to operate both ways.
- That this was the first occasion where a Section 106 Agreement had been referred back to the Panel.
- That it had taken 7 months for the application to get to this point.

**Resolved –**

**(1) That the information contained in the report be noted.**

**(2) That the Section 106 Heads of Terms be amended to include the following:**

- (i) that any due contributions received in respect of affordable housing to be available towards supporting schemes providing housing for people with housing needs in the Bingley area as first priority and in the parliamentary constituency as a whole as second priority; and**
- (ii) that any due contributions shall be subject to increases or decreases in the Building Price Index (BPI) up to the date when payment is made.**

**Action: Strategic Director, Regeneration**

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

**(i) Land at East Manywells Farm, Doll Lane, Cullingworth**

**Bingley Rural**

Alleged unauthorised tipping – 07/00555/ENFUNA

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

Date Enforcement File Closed: 17 June 2008

**(ii) Norr Hill Farm, Lee Lane, Wilsden**

**Bingley Rural**

Alleged unauthorised engineering and landscaping operations – 07/01377/ENFUNA

It was not considered that there was a clear breach of planning control which would

warrant further Enforcement Action.

Date Enforcement File Closed: 11 August 2008

(iii) **4 Commercial Street, Shipley**

**Shipley**

Unauthorised installation of replacement shop front – 08/01115/ENFUNA

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

Date Enforcement File Closed: 28 January 2009

(iv) **Field Adjacent to the Croft, Brown Lee Lane, Harecroft, Wilsden**

**Bingley Rural**

Construction of a septic tank – 07/00086/ENFUNA

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

Date Enforcement File Closed: 3 February 2008

(v) **8 Lodge Hill, Baildon**

**Baildon**

Alleged unauthorised deposit of demolition waste – 08/00004/ENFUNA

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

Date Enforcement File Closed: 3 February 2008

(vi) **29 Wrose Brow Road, Windmill, Shipley**

**Baildon**

Removal of railing from the rear boundary, contrary to condition 10 of planning permission 03/00460/FUL – 08/01262/ENFCON.

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

Date Enforcement File Closed: 13 February 2009

**Resolved -**

**That the decisions be noted.**

**Action: Strategic Director, Regeneration**



**Councillor Binney in the Chair****(h) 31 – 33 Southlands Grove, Bingley****Bingley**

Construction of five houses to the rear of 31 – 33 Southlands Grove, Bingley, access drive and extension to Southlands Grove to form adoptable turning head – 08/07181/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 five houses in the rear gardens of 31 and 33 Southlands Grove, with access via a driveway between the two properties. At the bottom of the site the land fell away steeply to the River Aire and the trees on the embankment were protected. The two properties were owned by the developer and were part of the redevelopment of the site. It was noted that the existing turning head would be improved at the end of Southlands Grove for the benefit of the residents. The Strategic Director, Regeneration reported that a revised plan had been submitted which removed the decking area from plots 1 and 5; positioned the dwellings away from the protected trees and moved the bin store away from the existing houses. A garden area would also be created for the two current houses. He confirmed that the proposed houses would have their own identity, as they would be set down from Southlands Grove and not part of the street scene. A number of representations had been received objecting to the development, including one from the local MP, on the grounds of traffic, highway safety, design and appearance, the development being out of keeping with the area, overdevelopment, damage to the trees, loss of residential amenity and damage to foundations.

The Strategic Director, Regeneration informed Members that the development was appropriate in principle and that the Government had placed an emphasis on the redevelopment of brownfield land. The density of the site was 15 dwellings per hectare and a lower density was allowed due to part of the site being in Flood Zone 3, the protected trees and that the Environment Agency did not want the land immediately next to the riverbank developing. There was sufficient distance between the existing dwellings and those proposed. The ground levels differed and the overlooking of adjacent gardens had been avoided. The proposed houses would not impact on the street scene on Southlands Grove and would be accessed via a private driveway. The parking provision was also sufficient. The Strategic Director, Regeneration indicated that the development would be close to, but outside, a flood risk area and that there would be a pump to push the foul water into the Southlands Grove sewerage system. The surface water would run into the river. He then recommended the application for approval subject to the conditions set out in the report.

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

- That highway safety had not been addressed.
- That Southlands Grove was long, narrow and had two blind bends.
- That there were already some houses on Southlands Grove that were unoccupied.
- That the proposed dwellings represented a 16% increase in the number of dwellings.
- That the planning officer's report did not resolve the parking issues.
- That permission had previously been refused for 6 dwellings and that an approval of this application would mean a complete turnaround of opinion.

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

- That pile foundations would not be used.

- That the noise from the sewerage pump would be inaudible.
- That the proposal was not an overdevelopment of the site.
- That the proposal was now for a block of two and a block of three dwellings.
- That different types of houses were common place in Bingley.
- That the site was not in a conservation area and the existing properties were not listed.
- That the trees were protected by a Tree Preservation Order (TPO) and the scheme had been amended to take this into account.
- That the Highways officer had not suggested that Southlands Grove could not cope with additional vehicles.
- That it would be beneficial to the residents if the traffic moved slower on Southlands Grove.
- That the application was self sufficient with regards to parking.
- That there was provision to park in the hammerhead and turn around.
- That the proposal included an improvement to the current turning area.
- That the construction would only create a short term disruption.
- That the loading and unloading of vehicles could take place on the site.
- That a construction plan could be provided.
- That the proposal complied with all policies.

During the discussion Members suggested that a construction plan be provided.

**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 condition:**

- (i) **Prior to commencement of development the developer shall have submitted to and have obtained the approval of a construction plan. The approved construction plan shall thereafter be implemented during the construction phase of the development.**

**Action: Strategic Director, Regeneration**

(i) **1 Springfield Grove, Bingley**

**Bingley**

Construction of a two storey, bay fronted detached 3 bed dwelling in the side garden of 1 Springfield Grove, Bingley – 09/00030/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 detached dwelling in the side garden area of 1 Springfield Grove. The proposed dwelling would be sited near to the existing property and face onto Park Road. The properties on the road were Victorian in character and the design of the proposed dwelling reflected those opposite. It was noted that natural stone and slate would be used in its construction. With regard to the history of planning applications on the site, the Strategic Director, Regeneration confirmed that a proposal had previously been refused as it would have been brick built and in context with the properties on Springfield Grove.

The Strategic Director, Regeneration reported that 8 letters of representation had been received on the grounds of access and parking; residential amenity; overshadowing and the rights of the existing tenants. He explained that the new dwelling would utilise the existing driveway and that 1 Springfield Grove would have a new parking area in front of

the property. The concerns with the regard to the existing tenant would have to be referred to the owner of the property, who was the applicant. There was no building line on Park Road and the designs of the houses were mixed. The location was a sustainable brownfield site and the property had been designed to avoid overlooking. The proposal was to construct a visible and prominent house that would be an enhancement to Park Road. The Strategic Director, Regeneration then recommended the application for approval, subject to the conditions set out in the report.

The applicant's agent was present at the meeting and stated that the proposed property was for a member of the applicant's family.

**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**

(j) **24 Laurel Park, Wilsden**

**Bingley Rural**

A full planning application for residential development comprising 3 terrace houses with integral garages on land adjacent to 24 Laurel Park, Wilsden – 08/06535/FUL

**The Panel noted that the application had been withdrawn by the applicant prior to the commencement of the meeting.**

**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