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Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 16 April 2009 at the Town Hall, Shipley

Commenced 1000

Concluded 1125

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Amin	Cole
Clamp	Ferriby	
Owens		

Apologies: Councillor Shabir Hussain

Observers: Councillor L'Amie (Minute 42(h))

Councillor Owens in the Chair

38. DISCLOSURES OF INTEREST

Councillor Binney disclosed a personal and prejudicial interest in the item relating to 4 Cecil Avenue, Baildon (Minute 42(h)) as she was closely acquainted with the objector and she therefore withdrew from the meeting during the discussion and voting thereon in accordance with the Members' Code of Conduct (Part4A of the Constitution) and the Members' Planning Code of Conduct (part 4B of the Constitution).

Councillor Cole disclosed a personal and prejudicial interest in the item relating to 4 Cecil Avenue, Baildon (Minute 42(h)) as he had corresponded with the objector and he therefore withdrew from the meeting during the discussion and voting thereon in accordance with the Members' Code of Conduct (Part4A of the Constitution) and the Members' Planning Code of Conduct (part 4B of the Constitution).

Councillor Owens disclosed a personal interest, on behalf of the Members of the Panel, in the item relating to 82 – 84 Kirkgate, Shipley (Minute 42(e)(iii)) as they had received correspondence from a Ward Councillor and a Member of Parliament, however, as the interest was not prejudicial the Panel remained in the meeting.

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



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD
METROPOLITAN DISTRICT COUNCIL

39. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

40. MINUTES

Resolved -

That the minutes of the meetings held on 21 January and 12 February 2009 be signed as correct records.

41. PUBLIC QUESTIONS

There were no questions submitted by the public.

42. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) **Sun Side Farm, 31 Halifax Road, Denholme**

Bingley Rural

Full planning permission is sought for the change of use and conversion of vacant abattoir buildings to provide 11 residential units, construction of a new garage block containing four garages and a new access road at Sun Side Farm, Halifax Road, Denholme Gate, Denholme – 09/00835/FUL.

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

Action: Strategic Director, Regeneration

(b) **Land at 20 Britannia Street, Bingley**

Bingley

Siting of portable office (portakabin type) for use as private hire booking office on land at 20 Britannia Street, Bingley – 09/00590/FUL.

A petition in objection signed by 23 people had been received in respect of the above proposal. All the signatures lived within 75 metres of the application site.

The planning application was refused under delegated powers and as the decision was in accord with the objectors' wishes, the Panel was asked to note the petition and the outcome of the application.

Resolved -

That the petition be noted.

ACTION: Strategic Director, Regeneration

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

APPEALS DISMISSED

(i) **4 Rose Cottage Farm, Main Street, Wilsden** **Bingley Rural**

- a) Demolition of outbuildings and construction of a bungalow with garaging and new access – 08/03115/FUL
- b) Demolition of outbuildings and alterations to boundary wall to form new access – 08/03116/CAC

(ii) **Land at the Livery Stables, Hallas Lane, Cullingworth** **Bingley Rural**

Appeal against enforcement regarding non-compliance of condition 2 of planning approval 02/04247/COU – temporary stationing of caravan to cease by 31 May 2008 and restoration of land to its former state – 07/00722/ENFCOU

Appeal dismissed and enforcement notice upheld.

Period for compliance: 14 days

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

(iii) **65 North Bank Road, Cottingley** **Bingley Rural**

Two storey side extension – 08/01544/FUL.

(iv) **Rylands, Moorland Crescent, Baildon** **Baildon**

Demolition of existing garage and erection of a 2 bedroom bungalow – 08/02785/FUL.

(v) **Land at 42 Thornacre Road, Wrose** **Windhill/Wrose**

Construction of a detached dwelling – 08/01212/FUL.

(vi) **36 Hazelmere Avenue, Cottingley** **Bingley Rural**

Replacement side fence (retrospective application) – 08/04846/FUL.

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

(d) **61 Main Street, Bingley** **Bingley**

Unauthorised installation of a replacement shop front and fascia board – 07/01488/ENFUNA.

In November 2007 the Council received an enquiry regarding the alleged unauthorised development works at the property, which stands within the Bingley Conservation Area.

An inspection was made and it was noted that a replacement shop front and fascia board had been installed on the front elevation, for which planning permission was required. The owner and occupier of the property were subsequently advised that planning permission was required and requested to take action to rectify the breach of planning control.

No action was taken within the given timescales, therefore on 6 October 2008 the issue of an Enforcement Notice was authorised. An Enforcement Notice was issued on 20 March 2009. The Notice required that the unauthorised shop front and fascia board be removed from the property by 22 March 2009, unless an appeal was made beforehand.

Resolved –

That the report be noted.

Action: Strategic Director, Regeneration

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

(i) **Land Adjacent To 36 Hazelmere Avenue, Cottingley, Bingley** **Bingley Rural**

Erection of fencing and use of land for domestic garden use at land adjacent to 36 Hazelmere Avenue, Cottingley, Bingley – 08/00231/ENFUNA

It was not considered that the breach of planning control would cause significant amenity issues to warrant further enforcement (legal) action.

Date Enforcement File Closed: 6 March 2009

(ii) **2 Myrtle Place, Saltaire** **Shipley**

Installation of uPVC windows to the front and rear of 2 Myrtle Place, Saltaire. a Grade II Listed property.

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

Date Enforcement File Closed: 18 March 2009

(iii) **82-84 Kirkgate, Shipley** **Shipley**

Construction of timber fence on the boundary of Wellington House Nursing Home, 82-84 Kirkgate, Shipley – 07/01535/ENFUNA.

It was not considered that the breach of planning control would cause significant amenity or highway safety issues to warrant further enforcement action.

Date Enforcement File Closed: 10 March 2009

(iv) **Land to the North of Ilkley Road, Burley in Wharfedale** **Wharfedale**

Alleged unauthorised security fencing erected at land to the north of Ilkley Road, Burley in Wharfedale – 08/00089/ENFUNA

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

Date Enforcement File Closed: 13 June 2008

Resolved -

1. **That the decisions for items (i), (ii) and (iv) be noted.**
2. **That the Panel notes the decision for item (iii) and request that when the Strategic Director, Regeneration reviews the Planning Scheme of Delegation he should propose amendments to the effect that where an officer is minded to decide that it is not expedient to pursue enforcement action, in relation to substantially the same unauthorised development subject to a previous refusal of planning permission, the issue should be referred back to the Area Planning Panel (or Regulatory and Appeals Committee as appropriate) for a decision.**

Action: Strategic Director, Regeneration

(f) **2 Woodpecker Road, Burley In Wharfedale**

Wharfedale

Full planning application is sought for the construction of a first floor extension above an existing ground floor rear extension at 2 Woodpecker Road, Burley in Wharfedale – 08/06552/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. The proposal was to construct a first floor extension above an existing ground floor extension of a three storey dwelling. The Parish Council had objected to the application as it was contrary to the design principles within the Council's House Extension Policy and had requested that it be considered by the Panel. It was noted that the adjoining neighbour had also objected to the proposal on the grounds that it would lead to a loss of light to his garden. The Strategic Director, Regeneration reported that the design and materials were acceptable and the extension was not detrimental to the street scene. With regard to the impact on the neighbouring property, it was acknowledged that the extension would have an effect on some of the light to the garden, but not a significant amount. The proposal would not overlook other properties, as there would not be any windows in the side. The Strategic Director, Regeneration recommended the application for approval, subject to the conditions set out in the report.

A representative of Burley Parish Council was present at the meeting and outlined the following issues:

- That the Council's House Extension Policy design principles stated that an extension should not overlook or overshadow another property.
- That there would only be a short time during the year when the neighbour's garden would get any sunlight.
- That the Parish Council believed that the neighbour's amenity would be impaired.
- That the property's current extension had highlighted the affect that a higher extension would have on the neighbour's garden.

In response the Strategic Director, Regeneration acknowledged that there would be some overshadowing of the neighbour's garden, but not to an unacceptable extent. However this was ultimately a matter for the Panel's judgement. The Council's House Extension

Policy allowed second storey extensions, though they had not to impinge on a 45 degree line.

During the discussion Members acknowledged that the dimensions of the extension complied with the Council's House Extension Policy, however, they expressed their concerns in relation to the overshadowing of the adjacent garden as they believed there would be a significant loss of light affecting the amenity of the adjacent occupants.

Resolved -

That the application be refused as the proposed extension would be detrimental to residential amenity in that it would cause excessive overshadowing to the adjacent garden's patio area contrary to paragraph 2.2 of the Council's House Extension Policy and polices UR3 and D1 of the Replacement Bradford Unitary Development Plan (2005).

Action: Strategic Director, Regeneration

(g) Clarke House, Keighley Road, Bingley

Bingley

Planning permission is sought for the change of use of the first floor of Clarke House, Keighley Road, Bingley to provide customer toilets, staff accommodation and storage space to be occupied and used in association with the authorised ground floor use of the premises as a restaurant. The application also includes some minor alterations to the front and side (south facing) elevations, comprising the raising of walling beneath new windows – 09/01016/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. The proposal was to provide customer toilet, staff facilities and storage in conjunction with the lower floor use of a restaurant. Some minor amendments would also be made to windows at the front and side of the property. It was noted that 33 letters of support had been received and a further 10 letters since the publication of the officer's report. The Strategic Director, Regeneration indicated that the Highways Development Control Team had not objected to the application, however, the Traffic and Highways Team did not support it on the grounds of limited available parking. It was noted that when the permission for the restaurant had been granted, 22 parking spaces had been required, but only 6 had been provided. The number of spaces had been deemed as sufficient as the premises were near to the Town Centre and public transport links. The proposal did not increase the restaurant space, so no additional parking was required. The Strategic Director, Regeneration confirmed that there would not be any increase in the intensity of use of the restaurant, therefore, there would not be any additional impact on neighbouring residents. With regard to the alteration of the windows, it was explained that this was to improve the appearance of the building's frontage. The opening hours would also be covered by the same condition as the restaurant. The Strategic Director, Regeneration then stated that it was an appropriate development and 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 the following:

- That the application had been submitted in order to improve the facilities for customers and staff.
- That the proposal would provide additional storage facilities.
- That there was a condition on the application that the first floor would remain ancillary to the restaurant.

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

(h) 4 Cecil Avenue, Baildon**Baildon**

A full planning application for the construction of a new bungalow in the rear garden of 4 Cecil Avenue, Baildon – 09/00734/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. The proposal was to construct a bungalow in the rear garden of 4 Cecil Avenue and extended the existing property's access in order to provide a driveway to the proposed dwelling. The principal windows of the bungalow would be to the front and rear. Baildon Parish Council had objected to the scheme stating that it was similar to a previous refused application and was not in keeping with the area. The Strategic Director, Regeneration reported that nine other objections, including one from a Ward Councillor and the local Member of Parliament, had been received on the grounds, amongst others, that the proposal was not in keeping with the area, that the development could set a precedent, that there was a poor infrastructure in the area, poor parking and drainage issues. It was noted that a previous application had been refused due to access, overlooking and turning issues. The Strategic Director, Regeneration confirmed that the proposed bungalow would not reflect the appearance of the other properties in the area, however, it would be set in the rear garden and would appear as an outbuilding in the view from Cecil Avenue. Alterations to the proposed dwelling's height and siting had been made to reduce the impact on neighbouring properties and the previous objection regarding highway safety had been resolved. In conclusion the Strategic Director, Regeneration recommended the application for approval, subject to the conditions set out in the report.

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

- That 9 households were directly affected by the proposal.
- That the proposal would have a significant local impact.
- That the local residents had objected to the application.
- That the Parish Council had considered the application twice and rejected the proposal both times. The Parish Council were concerned that the application would affect local residents and could set a precedent for this type of development in the area.
- That the details of how the new application resolved the previous reasons for refusal had not been clarified within the officer's report.

In response the Strategic Director, Regeneration confirmed that the issue regarding the creation of noise had been resolved as the access was now suitable for vehicles to turn and that the height of the proposed building had been reduced in order to reduce its visual impact. The Council's Highways added that the access was now capable of accommodating larger vehicles to access the site.

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

- That the application did not effectively deal with the previous reasons for refusal.
- That the revised turning area partly resolved one of the issues, but the other issues

had not been resolved.

- That the footprint of the proposed building was identical to that refused.
- That the proposed dwelling was now closer to properties on Westmoor Avenue.
- That there were no conditions on the application that protected the tree, as suggested by the Council's Tree Section.
- That the proposed bungalow was out of keeping and out of character with the area.
- That policies UR3 and D1 had been used as a previous reason for refusal and were now used in support of the application.
- That 9 residents would be affected by the proposal.
- That the design of the proposed bungalow was modest and did not make a great improvement to the area.
- That the mass, scale and design of the proposed dwelling did not relate well to the existing properties in the area.
- That the previous application had been refused on the grounds that it would have affected the neighbours' amenity and this reason should apply to the new application.

In response the Strategic Director, Regeneration agreed that an appropriate condition in relation to the protection of the tree could be added to the application.

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

- That the height of the proposed bungalow had been reduced as it had been too high.
- That the siting of the proposed dwelling had been altered to alleviate issues.
- That the suitability of the access road was not an issue for service vehicles, as the refuse collection point was in front of the premises on Cecil Avenue.
- That the house could be substantially extended and other buildings constructed without planning permission under Permitted Development Rights.
- That additional traffic from the development of the existing house could create more impact than that from the proposed bungalow.
- That brownfield sites had been developed in the surrounding area.
- That the revised scheme addressed all the previous reasons for refusal.

During the discussion Members agreed that a condition regarding the protection of the tree during construction should be placed on the application.

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) **That details of the tree protective fencing be submitted and approved prior to commencement of any construction.**

ACTION: Strategic Director, Regeneration

Chair

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

i:\minutes\pls16Apr

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