

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 7 May 2009 at the Town Hall, Shipley

Commenced 1000  
Adjourned 1200  
Site Visits 1200 - 1410  
Reconvened 1410  
Concluded 1420

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Ferriby	Cole
Clamp	Shabir Hussain	
Owens		

Apologies: Councillor Amin

Observers: Councillor Cooke (Minute 47(g))

### Councillor Owens in the Chair

#### 43. DISCLOSURES OF INTEREST

Councillor Owens disclosed a personal interest in the items relating to Granic Filling Station, Harden Road, Harden (Minute 47(b)) and 2 Milligan Court, Harden (Minute 47(g)) as he lived in the area, however, as the interest was not prejudicial he remained in the meeting.

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

#### 44. MINUTES

Resolved -

That the minutes of the meetings held on 19 March and 16 April 2009 be signed as correct records.



2006-2007  
Improving Rural Services  
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD  
METROPOLITAN DISTRICT COUNCIL

#### 45. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

#### 46. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

#### 47. **PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

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

##### (a) **Lexicon, Bankside, Dock Lane, Shipley**

**Shipley**

Outline application with access and scale to be considered. Demolition of an existing commercial building and construction of mixed use development including commercial and residential development and associated access roads at Lexicon, Bankside, Dock Lane, Shipley – 08/07200/OUT.

**Resolved -**

**That the application be deferred to enable the statutory consultation period to expire prior to determination of the matter. The Panel considered that it was in the interests of natural justice that the objection period had first expired on 29 May 2009 before the matter could be properly considered.**

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

#### **Decision following Site Visit**

##### (b) **Granic Filling Station, 242 Harden Road, Harden**

**Bingley Rural**

Full planning application is sought for the redevelopment of the site to provide 8 three storey, three bedroom houses at the existing Granic Filling Station, 242 Harden Road, Harden, Bingley – 08/06823/FUL.

The Strategic Director, Regeneration explained that the application was a departure from the Replacement Unitary Development Plan and that Members' views on the local implications were sought prior to its consideration by the Regulatory and Appeals Committee. He then gave a presentation setting out the proposals and tabled plans detailing the layout. It was noted that there was an existing permission on the site for four three storey houses. The development would not have a prejudicial effect on the land if it went ahead. The site frontage would be larger than that of the current petrol station and there would only be one vehicular access to the development. There were no concerns in relation to overlooking and the amendments to the proposal had been welcomed. The Strategic Director, Regeneration confirmed that issues had been raised with regards to the development being sited in front of 240 Harden Road and that it was out of character with the area. The Parish Council had objected to the proposal and five letters of representation had been received on the grounds of overdevelopment, inadequate parking

provision and residential amenity. The Strategic Director, Regeneration reported that residential development was acceptable, in principle, on the site, however, the current proposal would fail to maintain or enhance the existing character of the street scene. It would also be detrimental to the semi-rural aspect of the site. He then requested that the Panel endorsed this view and that it be passed on to the Regulatory and Appeals Committee for consideration.

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

- That the developer already had planning permission on the site.
- That the current housing market would not support the types of houses already approved.
- That the proposed house types had attracted interest.
- That the Policy UR5 indicated that the category of land in question should provide for long term development needs.
- That he believed that the land would be developed.
- That the Planning Department were not happy that the proposal only had one break in the frontage, however, Spring Row had an unbroken frontage.
- That the trees would not be obstructed by the proposed development.
- That the proposed dwelling type should be approved in order to meet the housing needs of the area.

During the discussion Members expressed concerns in relation to the proposed number of dwellings to be developed on the site.

**Resolved -**

**That the application be referred to the Regulatory and Appeals Committee with a recommendation for refusal for the reasons set out in the Strategic Director, Regeneration's technical report.**

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

(c) **Langley Lodge, Station Road, Baildon**

**Baildon**

Change of use from public highway to residential curtilage and installation of wrought iron gates at Langley Lodge, Station Road, Baildon – 09/00627/COU.

A petition signed by 97 people had been received in respect of the above proposal.

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***

**(d) Decisions Made by the Secretary of State****APPEALS DISMISSED****(i) 45 Saltaire Road, Shipley****Shipley**

Appeal against Enforcement Notice issued for the unauthorised installation of externally mounted roller shutter boxes to front and side elevations. Requirements of the Notice were to (i) remove the unauthorised externally mounted roller shutters; (ii) remove the unauthorised roller shutter boxes; (iii) remove all resulting materials from the land and (iv) make good any damage caused to the building – 08/00207/APPENF.

Appeal dismissed and Enforcement Notice upheld.

Period for compliance: 14 days

**Resolved –**

**That the decision be noted.**

**Action: Strategic Director, Regeneration**

**(e) 19 Gilstead Lane, Bingley****Bingley**

Unauthorised erection of a raised timber platform with enclosing rail and supporting structure – 07/01488/ENFUNA.

In November 2007 the Council received an enquiry regarding the alleged unauthorised development works at the rear of the property.

An inspection was made and it was noted that a raised timber platform had been erected at the rear of the property, for which planning permission was required. A retrospective planning application, reference 08/02071/FUL, was submitted and refused by the Council in May 2008.

No appeal was made against the Council's decision and it was requested that the unauthorised platform be demolished. No action was taken within the given timescales, therefore on 2 February 2009 the issue of an Enforcement Notice was authorised. An Enforcement Notice was issued on 31 March 2009. The Notice required that the unauthorised raised timber platform, enclosing rail and supporting structure be removed from the property by 2 June 2009, unless an appeal was made beforehand.

**Resolved –**

**That the report be noted.**

**Action: Strategic Director, Regeneration**

**(f) The Wrose Bull, 35 Wrose Road, Wrose****Windhill/Wrose**

A part retrospective application for full planning permission for external works at the Wrose Bull Public House, Wrose Road, Wrose. Works subject to the application comprise retention of raised seating terrace and disabled access ramp to front of premises with new

1100mm high black powder coated metal balustrade to replace the existing solid stone perimeter wall and handrail; retention of gate piers and lanterns at the entrance from Wrose Road; retention of alterations to existing conservatory associated with its conversion to a kitchen, comprising re-roofing in artificial blue slate, roof extensions to accommodate existing external ductwork within the extended building, and the provision of painted timber cladding to the exterior walls; retention of a bin store; removal of redundant ductwork and associated window replacements; and retention of external kitchen extract/air supply plant behind raised wall screening – 08/03746/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was a mixture of a retrospective application, which sought to authorise work already undertaken by the Brewery and a new application for further work to be undertaken in order to resolve the problems identified by Planning Officers. Representations had been received on the grounds of the work being unsympathetic to the building and the area; the inappropriate materials used; noise from customers outside; the inappropriate disabled access ramp; the new pillars being detrimental to highway safety; the inadequate dispersal of cooking smells; and the unsecured bin store.

The Strategic Director, Regeneration reported that the building was not listed, however, it was a prominent building of character within the Wrose area and how it was altered was very important. He confirmed that the raised terrace had been constructed without permission and that its solid wall obstructed the view of the façade, therefore it was proposed to remove the wall to the level of the terrace and replace it with railings and a balustrade. This proposal was supported by Conservation Officers. With regard to the gate piers, it had been suggested that they needed to be constructed from natural stone and the Brewery had agreed. The Highways Department had however raised concerns that the piers caused an obstruction to the view and had indicated that the access point should be “entry” only. An additional condition would be required for signage to be placed on the Wrose Road access point.

The Strategic Director, Regeneration explained that the Brewery had relocated the kitchen into the conservatory and modified the building by boarding the glass, painting it and adding an artificial blue slate roof. Due to the shiny nature of the artificial slate, the Conservation Officer had requested that it be dulled and an appropriate condition had been recommended to ensure this. The panelling had been painted cream, which was considered to be inappropriate and would be repainted a darker colour in order to blend in with the rest of the building. The kitchen extraction provision would also need to be masked and a way had been devised.

The Strategic Director, Regeneration stated that Planning Officers had sought to negotiate a way forward with the Brewery rather than taking enforcement action. He confirmed that Environmental Health were discussing the noise and odour issues with the Brewery and a condition had been placed on the application. In conclusion he recommended the application for approval, subject to the conditions set out in the report.

A Parish Councillor was present at the meeting and highlighted the following concerns:

- That the alterations to and modification of the conservatory was the main issue.
- That the glass had been boarded with plywood and artificial slate.
- That he was surprised that the Health and Safety Executive would allow plywood to be used in a kitchen.
- That the issue would be resolved if the conservatory was converted to the proper specifications.
- That the materials used did not match the existing ones.

- That the extraction system was at a low level and emitting odours.
- That if the conservatory was demolished and a new building constructed with a chimney the odour issues would disappear.
- That all the work had been undertaken before the permission had been applied for.
- That the building was within a Conservation Area.
- That the screening was not adequate.

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

- That the building had been constructed in 1810 and had been known as Wrose Hall.
- That there shouldn't be anything built at the front of the building.
- That the side entrance door was adequate for disabled access.
- That the height of the stone gate pillars and tacky lights obscured the view for vehicles and could cause an accident.
- That Yorkshire stone should be used for the gate pillars.
- That if the Wrose Road access point was an entrance only then vehicles would have to use Towngate, which was used by the school, so the pillars needed to be reduced in height.
- That the previous landlord had used Yorkshire Stone and an artificial stone roof for an extension, which was more suitable.
- That the kitchen conversion was appalling and the materials should tie in with the rest of the building.
- That the extraction system was not sufficient.
- That the Brewery could have done the alterations properly, however, they had done a cheap job and had no regard for the building.
- That the application should be refused and the Brewery asked to undertake the work again.

In response to Members' questions, the Strategic Director, Regeneration explained that if the permission was refused, enforcement action could only request that the situation be restored back to the previous building, i.e. the Conservatory. The action would not be able to request that the kitchen be relocated. He confirmed that negotiations with the Brewery had attempted to get them to make alterations, however, as the roof could not withstand any additional weight, the artificial slate would have to remain or be replaced with a similar or light weight modern material.

During the discussion Members expressed their concerns in relation to a number of aspects within the proposal. The Council's legal advisor informed Members that as this was potentially an enforcement matter, due to its partial retrospective nature, each element within the application should be considered. If the Panel were minded to refuse the application full reasons for any refusal should be supplied that referred to each unacceptable element of the development.

Members enquired about the possibility of an Enforcement Notice being issued and the Council's legal advisor confirmed that this would be an option open to the Council. Once an Enforcement Notice had been issued it would have to be complied with before the date that the Notice came into effect, unless the applicant exercised his right of appeal against it prior to the Notice coming into effect. The applicant would always have the right of appeal.

Resolved -

That the application be refused for the following reasons:

- (i) That the lantern above the central doorway on the main front elevation of the public house, due to its inappropriate materials, design, and position, represents incongruous and insensitive development that is detrimental to the character and appearance of this key unlisted building and the wider Wrose Conservation Area. The development is therefore contrary to policies BH7, D1 and UR3 of the Replacement Bradford Unitary Development Plan (2005);
- (ii) That the two gate piers with lanterns at the site entrance from Wrose Road cause harm to the character and appearance of the street scene and the wider Wrose Conservation Area due to their proportions and height in relation to adjacent boundary treatments, and their poor design with regard to the lanterns. They therefore conflict with policies BH7, D1 and UR3 of the Replacement Bradford Unitary Development Plan (2005);
- (iii) That the western gate pier at the vehicular access point from Wrose Road obstructs visibility for vehicular traffic emerging from the site and would be likely to prejudice traffic and pedestrian safety to an unacceptable degree. The development therefore conflicts with policy TM19A of the Replacement Bradford Unitary Development Plan (2005);
- (iv) That the type, appearance, and detailing of materials used to clad the former conservatory in connection with its conversion to a kitchen, together with the bin store adjacent to the west-facing elevation of the former conservatory, have resulted in development that relates poorly with the parent building in terms of design and appearance, and which is prominent in views from surrounding streets within the Wrose Conservation Area. The alteration of the former conservatory in the manner undertaken, and the provision of the bin store, cause harm to the character and appearance of this key unlisted building and the Wrose Conservation Area. The further works proposed to house and screen kitchen extract/air supply plant would further contribute to this unsatisfactory development. For these reasons the proposal conflicts with policies BH7, D1 and UR3 of the Replacement Bradford Unitary Development Plan (2005); and
- (v) That the external kitchen extract/air supply plant represents incongruous and insensitive development which, due to its inappropriate design, materials and visual relationship with the parent building, causes harm to the character and appearance of this key unlisted building and the wider Wrose Conservation Area. It therefore conflicts with policies BH7, D1 and UR3 of the Replacement Bradford Unitary Development Plan (2005).

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

**Decision following Site Visit**

(g)    **2 Milligan Court, Harden**

**Bingley Rural**

A full planning application for the construction of a two storey side extension which reduces to single storey to the rear and incorporates the existing garage at 2 Milligan Court, Harden, Bingley – 09/00982/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 rear and side extension to a two storey semi-detached dwelling on a narrow single width cul-de-sac. The application had been referred to the Panel at the request of a Ward Councillor, as it had been recommended for refusal. The Parish Council was in support of the proposal, however, there had been an objection from the nearest neighbouring property, 15 Millbeck Drive. The Strategic Director, Regeneration reported that two previous applications had been refused due to the impact upon the nearest neighbouring property and that each subsequent proposal had been reduced in scale. There was only a narrow gap between the two properties and this limited the scope for further extensions. He highlighted that the plans submitted indicated that the majority of the proposed extension would be screened by hedging, however, there was only shrubbery planted. The distance between the two properties, window to window of the proposed extension, was 6.4 metres and the view from 15 Millbeck Drive would be inappropriate. The Strategic Director, Regeneration confirmed that there would only be limited overshadowing of 15 Millbeck Drive's garden, which was within the guidelines and not sufficient to warrant a refusal, therefore, the grounds for refusal were solely on the basis of over dominance and enclosure. He then recommended the application for refusal.

A Ward Councillor was present at the meeting and stated the following points:

- That the only ground for refusal was based upon amenity and that the other grounds were not defensible.
- That the guidance did not state what was good amenity.
- That a bare wall would be replaced with another that would be closer to the neighbouring property.
- That the objector's current outlook was a bare wall and hedging.
- That the judgement was out of kilter with other views.
- That the third application had been revised in conjunction with planners and advisors.
- That as the applicant had worked with planners on the application, it was surprising that the submission was recommended for refusal.

A representative of Harden Parish Council reported that they supported the application and had done so from the beginning.

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

- That he had moved into his property in 1998 and Milligan Court had been constructed during 1999.
- That he had consulted the proposed plans for the development prior to his purchase.
- That the proposed extension would be overbearing.
- That the proposal would overshadow his garden.
- That he had a right to enjoy the facilities of his home.
- That the plans identified a hedge that would camouflage the wall, however, there wasn't a hedge present.
- That there were other properties with extensions on the estate, however, these were to the rear and on larger sites.
- That he would welcome a refusal of the application.



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

- That the adaptation of the property would create a lifetime home.
- That due to the current economic climate they needed to maximise the site.
- That there would not be an adverse impact upon the neighbours.
- That this was the third application.
- That lengthy discussions had been undertaken with planners and their advice followed.
- That the height and distance of the extension had been considered and the second application had still been refused.
- That they had been informed that the rear dormer posed a problem on the current application and that the gable wall was not an issue.
- That the proposed extension would only cause minimal overshadowing.
- That the dwelling on Millbeck Drive was a floor higher.
- That the shrubbery would provide sufficient screening of the wall.
- That the foundations had been checked and the proposed extension would not affect party walls.
- That there were no distances within the planning guidance.
- That some dwellings on the estate with extensions were closer to adjacent properties.
- That a similar extension which was closer to an adjacent property had been approved.
- That all the stipulations from the Planning Department had been followed.
- That the light assessment had stated that the light was sufficient and not a reason for refusal.
- That there was sufficient screening between the properties, which were on different levels.
- That the Parish Council supported the application.
- That another Ward Councillor who had raised concerns was now in support of the application.

**Resolved -**

**That the application be refused for the reasons set out in the Strategic Director, Regeneration's technical report.**

**Action: Strategic Director, Regeneration**

#### 48. CLOSING REMARKS

The Chair thanked the Panel for the work undertaken and their support over the year. The Panel then reciprocated these sentiments to the Chair and officers.

Chair

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