

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 18 June 2009 at the Town Hall, Shipley

Commenced 1010  
Adjourned 1315  
Site Visits 1315 - 1545  
Reconvened 1545  
Concluded 1755

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Greaves	Amin	J Hall
Owens	Ferriby	
Pennington		

Apologies: Councillors Cole and Shabir Hussain

Observers: Councillor Ellis (Minute 5(j)) and Councillor D Smith (Minute 5(b))

### Councillor Owens in the Chair

#### 1. DISCLOSURES OF INTEREST

Councillor Greaves disclosed a personal and prejudicial interest in the item relating to Kirklands Community Centre, 119 Main Street, Menston (Minute 5(b)) and 61 Jill Kilner Drive, Burley in Wharfedale (Minute 5(h)) as he had commented on the plans previously 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 Greaves disclosed a personal interest in the item relating to Don't Tell Titus, 6-7 Victoria Road, Saltaire (Minute 5(i)) as he was the Chair of the Saltaire Project, however, as the interest was not prejudicial he remained in the meeting.

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



2006-2007  
Improving Rural Services  
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD  
METROPOLITAN DISTRICT COUNCIL

## 2. MINUTES

### Resolved -

**That the minutes of the meeting held on 7 May 2009 be signed as a correct record.**

## 3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

## 4. PUBLIC QUESTIONS

There were no questions submitted by the public.

## 5. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

The Strategic Director Regeneration presented **Documents “A”, “B” and “C”**. 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.

The Strategic Director, Regeneration began by pointing out a number of amendments to the published report. A presentation setting out the proposals was then given to Members and plans detailing the layout were tabled. He explained that the proposal was to demolish the existing commercial building and construct a mixed use development. The whole of the site was within an allocated employment zone; therefore, as the application was a departure from the Replacement Unitary Development Plan the proposal would be determined by the Regulatory and Appeals Committee. It was noted that it was an outline application and that only the means of access and scale of development were to be considered. Two representations had been received on the grounds of overlooking, loss of privacy, reflection of the sun and construction traffic across the swing bridge. The proposal to provide 114 units equated to a density of 88 dwellings per hectare, which was well within the Council's requirements, therefore, the suggestion was to provide a maximum of 114 units and a minimum of 75. The Strategic Director, Regeneration explained that the site adjoined the Leeds - Liverpool Canal and the application had been supported by British Waterways. The proposed mixed use site would be beneficial in terms of highway and pedestrian safety and the street lighting would be upgraded along Dock Lane under the railway bridge. The Strategic Director, Regeneration then detailed the Heads of Terms and confirmed that the Section 106 Agreement was nearly completed. It was then recommended that the application be approved, subject to the conditions set out in the report, the reported amendments and the completion of the Section 106 Agreement.

In response to Members' concerns in relation to the expiration of the planning permission, the Strategic Director, Regeneration confirmed that due to the complexity of the scheme

the applicants had requested a 5 year time period. Members noted that the density of the site was good for a sustainable site, however, it was suggested that it was too far away from public transport links. It was also suggested that the affordable housing be prioritised and the Strategic Director, Regeneration informed Members that it had been requested that the developer gave priority to those living or working within the Shipley area for the past 12 months.

An objector was present at the meeting and stated that his property currently was in the full glare of the reflection from the sun on the windows of the existing building and he wondered whether he would be affected by the reflection from the new development. He also indicated that there was a mine shaft in the area. In response the Strategic Director, Regeneration confirmed that the development would be set back 8 metres and that a footnote would be placed on the report with regards to the mineshaft.

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

- That the 5 year permission had been requested, however, if 3 years were granted they would be able to renew up to 5 years.
- That they were confident that the scheme would work, but a viability study would need to be undertaken before the affordable housing was confirmed.
- That if 3 year permission was granted then 30% affordable housing may not be viable.
- That there may be more than one developer involved and a period of more than 3 years may be required in order to market the site.
- That 5 year permission represented adequate time for the developer to compile a viable scheme.
- That a ground condition and contamination report had been undertaken and further investigations were to take place.

During the discussion it was suggested that the angles should be looked at prior to the siting of the residential buildings and that Shipley Ward should have priority with regards to affordable housing.

#### **Resolved -**

**That the application be referred to the Regulatory and Appeals Committee with a recommendation for approval for the reasons set out in the Strategic Director, Regeneration's technical report and subject to minor amendments and the following clarification/additions:-**

- (i) A Section 106/278 agreement to provide the following contributions:-**
  - a) That 30% of the total number of residential units and sold to a Registered Social Landlord at a discount of 35% off its current open market value. The first priority for this housing shall go to Shipley Ward.**
  - b) Provision of a contribution of up to £124,500 for recreational space or a lesser amount having regard to the number of residential units provided at Reserved Matters and the amount of space provided on site.**
  - c) A contribution of a maximum of £157,664 for educational provision or a lesser amount having regard to the number of residential units provided at Reserved matters.**
  - d) Enhanced bus facilities contribution – the sum of £30,000 to be used towards the provision of two new bus shelters in the vicinity of the site on Leeds Road.**
  - e) Contribution of £5000 towards traffic regulation orders – both inside and**

outside the site.

- f) Provision of a metro card for each residential unit for the first year of occupation. The cost to the developer will be 50% of the cost of the card and a 10% administration charge.
- g) A contribution of £5000 toward street lighting along Dock Lane (in proximity to the railway bridge).

(ii) The following additional condition:-

That the specification of any glass used to construct the fenestration within that part of the proposed development which faces across the Leeds Liverpool Canal towards residential properties in Dockfield Road, shall be submitted to and approved in writing by the Local Planning Authority (LPA).

(iii) The following amendments to the published conditions:-

1. Condition 1 to read: Application for approval of the reserved matters by this permission for subsequent approval by the LPA shall be made not later than the expiration of three years beginning with the date of this permission.

2. Condition 12 to read: No development shall take place until plans detailing arrangements for access; layout and parking have been submitted to and approved by the LPA and thereafter implemented as approved.

3. Condition 23 to read: (at the end of the existing printed sentence)..and no other fences or means of enclosure shall be constructed under permitted development rights without the prior permission of the LPA.

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

(b) **Kirklands Community Centre, Main Street, Menston**

**Wharfedale**

Regulation 3 application on behalf of Bradford Council (Early Years, Childcare and Play) to construct a single storey rear extension to provide a new children's centre comprising activity room, office space, storage and toilet facilities; external play deck; reorganisation of parking areas at front and rear and resiting of recycling area at the rear of Kirklands Community Centre, Main Street, Menston – 09/01886/REG

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 new children's centre off Main Street, Menston and its location was an important factor as the site already had community uses. The proposed extension would be a long thin building of contemporary design and be able to cater for 20 parents and children and staff. The centre would be open from 8.30am to 5pm and not clash with the Community Centre events on an evening. The design was interesting and considered appropriate and would only be visible from the rear car park. There were no issues of overlooking. A number of objections had been received, including one from the Parish Council and the Menston Community Association, on the grounds of the facility not being required, it was a waste of money, it should be two storey and have a smaller footprint, the resiting of the recycling area would create a nuisance, overlooking, loss of grassed area and inadequate car parking. The Strategic Director, Regeneration confirmed that the amended plans moved the refuse area away from the boundary and that the car parking provision was adequate as 66 spaces were to be provided. He added that a condition could be added that the car park at the rear was used by the children's centre only. The design and appearance would

not impact on views from the street and the site was not within a conservation area. He was also content that there would not be a problem for residents. He acknowledged that there may be noise from the children at the Centre, however, there was a playground opposite the houses.

The Strategic Director, Regeneration then read out an email received from a Ward Councillor on 16 June 2009 which outlined the following points:

- That he supported the application.
- That he welcomed the proposed extension.
- That the disabled parking should be moved away from the War Memorial.
- That the area around the War memorial should be paved rather than grassed.
- That there should be parking for staff.
- That there was a safety issue in relation to the pedestrian access ramp to the library.
- That the fencing along the northern boundary should be extended around the whole site.

The points within an email received from the Menston Community Association on 18 June 2009 were also highlighted:

- That they supported the proposed amendments.
- That the parking around the War Memorial should be removed.
- That the trees should be protected.
- That the block stone should be replaced with grit stone.
- That it should be ensured that neighbouring properties were not overlooked.
- That the parking provision for the children's centre should be at the rear.
- That the development was beneficial to Menston.

In response to the points made regarding the War Memorial, the Strategic Director, Regeneration confirmed that amendments had been made to the War Memorial Garden area.

A Ward Councillor was present at the meeting and made the following comments:

- That there had been some confusion with regards to the amended plans and amount of plans.
- That the village appreciated the benefits of the application.
- That it was important that the War Memorial was respected.
- That he was happy to be involved in resolving issues.
- That he was not sure that vehicles would be able to be parked as suggested.
- That he was concerned with the boundary fences.
- That he believed that residents were anticipating other noise.
- That it was not clear as to what was proposed in relation to the tree.
- That provided the War Memorial was well respected he was content with the application.

In response the Strategic Director, Regeneration confirmed that the conifer tree would be removed.

**Resolved -**

**That the granting of planning permission be deferred and delegated to the Strategic Director, Regeneration in order that he may secure the following minor amendments**

to the current proposal:

- (i) for the north boundary fence to be completed and a fence provided on the eastern boundary;
- (ii) for the disabled parking bays to be repositioned away from the War Memorial;
- (iii) for consideration be given to the provision of a hard surface in front of the War Memorial; and
- (iv) that the car park be controlled to ensure that vehicles can not be left unattended all day long.

**ACTION: Strategic Director, Regeneration**

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

### **APPEALS DISMISSED**

(i) **93-93a Bradford Road, Shipley** **Shipley**

Appeal against a condition attached to application 07/02915/FUL – change of use from physiotherapy and a dwelling to two 2 bed and two 1 bed flats – which stated that the lower ground floor of the premises shall only be occupied or used with and ancillary to the approved flats and at no time shall be severed and occupied as a separate independent unit – 08/01383/VOC.

(ii) **Viewlands, 2 Langford Road, Burley In Wharfedale** **Wharfedale**

Erection of detached house in the back garden – 07/08850/FUL

(iii) **The Manor, Sutton Drive, Cullingworth** **Bingley Rural**

Erection of two detached dwelling houses with single garaging – 08/02588/FUL

(iv) **The Croft, Burley Road, Menston** **Wharfedale**

Change of use of part of field to the rear of The Croft to a flat lawned garden – 08/04286/COU.

**Resolved –**

**That the decisions be noted.**

**Action: Strategic Director, Regeneration**

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

(i) **1 Parkwood Road, Shipley** **Shipley**

Erection of fencing – 09/00165/ENFUNA

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

Date Enforcement File Closed: 1 June 2009

**Resolved –**

**That the decision be noted.**

**Action: Strategic Director, Regeneration**

(e) **71 Parkside Terrace, Cullingworth**

**Bingley Rural**

Full planning permission is retrospectively sought for the construction of a single storey extension, adjacent to and in line with an existing older extension, to the north east elevation of 71 Parkside Terrace, Cullingworth – 09/00831/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was retrospective and sought the retention of a single storey extension. A previous submission to retain the dwelling as two properties had been refused due to the lack of off-street parking. He confirmed that three representations had been received on the grounds of the impact on Bats, overshadowing, insufficient parking, loss of outlook from 1 Victoria Street, possible multi-occupancy and drainage. Cullingworth Parish Council had also objected to the application due to the overshadowing to 1 Victoria Street, that it was out of keeping with the character of the area and the harm to the visual amenity caused by the proposed French doors. The Strategic Director, Regeneration requested that consideration was given as to whether the extension was appropriate. He reported that revised drawings had been submitted that removed the patio doors from the front of the dwelling and replaced them with windows. It was also noted that the house opposite benefited from the same extension. The application was then recommended 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 they were not convinced that it was a single property.
- That there was evidence that planning policies had been disregarded.
- That the extension extended beyond the building line.
- That due to the topography the extension seemed larger and overshadowed the extension on the neighbouring property.
- That the extension significantly altered the amenity of the street scene.
- That the wooden fence was out of character for the area.
- That they were encouraged that the French doors were to be replaced.
- That they were concerned that the dwelling would be multi-occupied.
- That the premises had not been converted back to a single occupancy dwelling.

In response to Members concerns with regard to the external meter box, it was confirmed that a condition requesting its removal could be placed on the application.

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

- That the fence would be removed.
- That the property was single occupancy only.
- That a stone boundary wall would be erected.
- That the external meter box could be replaced with a flush fitting box.
- That if approval was granted, work would commence as soon as possible.

**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 conditions:**

- (i) that the existing fence be removed;**
- (ii) that permitted development rights be removed for the erection of fencing at the property;**
- (iii) that the external meter box be replaced with a flush fitting box; and**
- (iv) that the applicant comply with the submitted revised plans.**

**Action: Strategic Director, Regeneration**

**(f) 52 Somerset Avenue, Baildon**

**Baildon**

An outline application including access and layout for a detached dwelling to the rear of 52 Somerset Avenue, Baildon – 09/01562/OUT.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the proposal was an outline application, including access and layout, for a detached dwelling to the rear to be sited in the garden area. The details submitted were in relation to the access and siting only. The Strategic Director, Regeneration stated that the application was recommended for approval, however, this suggestion may no longer be able to be supported. He confirmed that the proposal was to demolish the existing garage and construct a driveway to the new dwelling. The area was open in character, however, the trees in the vicinity would be impinged upon and the application would have a significant impact on the residential amenity of the neighbours, whose gardens were not over large or well screened. It was noted that the distance between the proposed and nearest dwelling did not achieve the required 10.5 metres. The Strategic Director, Regeneration informed the Panel that the adjacent property, number 54, had a side extension and that the parking for number 52 would be to the front of the dwelling. He indicated that there were not sufficient grounds for the application to be refused on the grounds of highway safety, though there were amenity concerns for the neighbours. The proposed dwelling was to be two storey, but details had not been submitted and the windows on the side elevations would be obscure glazed. Seven objections had been received on the grounds of a precedent being set for a property within a garden, privacy, overshadowing, welfare of trees, increased traffic, not in keeping, drainage and restricted covenants on the land. The Strategic Director, Regeneration concluded that the original recommendation had been to approve the application, however, he requested that the application be refused due to the adverse impact on the surrounding properties and under policies D1 and UR3 of the Replacement Unitary Development Plan (RUDP).

The applicants were present at the meeting and made the following statements:

- That the side door to number 52 would be blocked and the rear door used.
- That the photographs did not show the amount of land available.
- That it was possible for a vehicle to get down the driveway.
- That they were surprised that the application was no longer being supported.
- That people did not like change.
- That trees could be placed around the new dwelling.
- That there were no issues regarding emergency vehicles.



In response the Strategic Director, Regeneration confirmed that there was not sufficient room to effectively screen the proposed dwelling from the surrounding properties without adversely affecting amenity.

#### **Resolved -**

**That the application be refused as the proposed dwelling would cause significant detriment to the amenity and privacy of occupiers of the nearby residential dwellings due to overdevelopment and be contrary to policies UR3 and D1 of the Replacement Bradford Unitary Development Plan (2005).**

**Action: Strategic Director, Regeneration**

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

(g) **3 Pollard Street, Cottingley, Bingley**

**Bingley Rural**

Full application for the construction of a pair of stone built two storey semi-detached dwellings with rooms in the roof space and associated off street parking and detached double garage on land at 3 Pollard Street, Cottingley, Bingley – 09/01624/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 two 3 bedroom houses on land that was in the ownership of the applicant.

The Strategic Director, Regeneration then read out an email received from a Ward Councillor on 15 June 2009 which stated that the proposal had caused disquiet and the loss of trees had triggered anger in the vicinity. The on-street parking was at full capacity and the submission was an overdevelopment. A site visit had also been requested.

The Strategic Director, Regeneration continued by reporting that the proposal had been designed in order to reflect the houses in the area, with a roof line that replicated the gentle slope of the site. The properties would be similar to and in scale with adjoining properties. The rear elevation faced north in order to avoid overlooking of 1 Pollard Street and the windows of the hall and bathroom would be obscure glazed. He explained that the scheme had been designed with a garage and a parking space at the front of each house, which exceeded the recommended provision. The attic rooms would have roof lights and not overlook any nearby dwellings. With regard to the trees cleared from the site, the Strategic Director, Regeneration confirmed that they had not been protected and that a condition had been placed on the application in order to ensure that the Hawthorn tree was not damaged by construction traffic. It was noted that 29 letters had been received, 26 against the development and 3 in support. The concerns raised included inadequate parking provision, noise and nuisance during construction, overdevelopment, overbearing impact, loss of amenity, out of keeping, loss of garden and the impact on trees and wildlife. The Strategic Director, Regeneration informed the Panel that the proposal was an appropriate level of development which had been carefully designed and he therefore 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 concerns:

- That the site was a classed as brownfield but it was a garden 18 months ago. Was it Council policy to destroy gardens?
- That the site was an eyesore.

- That the proposal looked like 3 houses, not 2.
- That there were 3 trees next to the boundary wall, but no condition covered their retention.
- That the trees had been removed prior to the submission of the application.
- That the area was unique and would be damaged by the development.
- That he held all the original deeds and would take further action.

In response to a comment made, the Strategic Director, Regeneration explained that the definition of a brownfield site was one that had been or was occupied by structure, however, not all land was suitable for development. It was noted that the National Annual target was that 60% of new developments should be on brownfield sites.

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

- That the site was an eyesore within Cottingley.
- That the boundary walls to the west of the site had collapsed.
- That the owner had purchased the land 18 months ago and refurbished the property next to it.
- That the Planning Department had been consulted.
- That the materials would be of a high quality to match the surrounding area.
- That there would be a planting scheme.
- That the overlooking issues had been overcome.
- That the car parking proposals exceeded the Council's standards.
- That the existing Council car park was not used.
- That the development would be a positive contribution to the village.

During the discussion Members suggested that the rear doors of the properties should be used for access in light of their proximity to the garage and parking spaces. It was also proposed that the access for construction traffic be restricted.

#### **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 conditions:**

- (i) **that the development shall commence within three years of the date of the approval; and**
- (ii) **that details of the rear doors within the development be submitted to and approved by the Local Planning Authority and thereafter implemented as approved; such details to provide for the said doors to each dwelling to be openable and lockable from both the outside and the inside.**

**And that Condition 9 be amended to read:**

**"That no construction traffic shall access the site from Hollings Street to avoid damage to Hawthorn tree (T2)"**

**Action: Strategic Director, Regeneration**

(h) **61 Jill Kilner Drive, Burley In Wharfedale**

**Wharfedale**

Full planning application for the installation of three roof lights at 61 Jill Kilner Drive, Burley in Wharfedale, to facilitate the conversion of the loft space to form a bedroom –

09/01563/FUL.

The Strategic Director, Regeneration explained that the application was for the installation of three roof lights to facilitate the conversion of the loft space to form a bedroom. He then gave a presentation setting out the proposals and tabled plans detailing the layout. The attic space above the first floor flat would be converted into a bedroom which would have a height of 3.4 metres. It was noted that the permitted development rights on the houses on the site had not been removed and a nearby house had roof lights. The visual impact needed to be considered as the roof windows would be visible from the car park. However, this was acceptable as they were on the rear elevation and the existing roof windows on the houses were obvious. The Strategic Director, Regeneration stated that if the Panel were minded to approve the application a condition in relation to the details of the roof lights would be added to the application. He reported that five letters of objection, including one from a Ward Councillor, had been received. The Parish Council had indicated that they were in support of the application, subject to the application complying with the original conditions. The Strategic Director, Regeneration confirmed that he had spoken to the Parish Clerk and explained that there was not a condition that prohibited the installation of roof lights. He then recommended the application for approval, subject to the conditions as set out in the report and an additional condition that roof light details would need to be submitted and approved prior to installation.

#### **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 roof lights, which must be conservation type roof lights, must be submitted to and approved by the Local Planning Authority prior to installation and that the development shall be completed in accordance with the approved details.**

**Action: Strategic Director, Regeneration**

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

- (i) Don't Tell Titus, 6 – 7 Victoria Road, Saltaire Shipley**

Retrospective full planning application for installation of 2 external roller shutters on the two front doors at 'Don't Tell Titus', 6-7 Victoria Road, Saltaire – 09/01239/FUL.

Retrospective Listed Building Consent application for installation of 2 external roller shutters on the two front doors at 'Don't Tell Titus', 6-7 Victoria Road, Saltaire – 09/01238/LBC.

The Strategic Director, Regeneration informed Members that the application was retrospective for the installation of two external shutters on the front doors of a listed building within the Saltaire Heritage Site. Letters of support had been received from two MPs and an objection from a local resident which requested that limited hours of deployment for the shutters must be enforced. If the business use changed then the hours of deployment could alter and this would affect the World Heritage Site. It was noted that there were no external shutters approved within the Site and that a precedent would be set. The Strategic Director, Regeneration reported that the shop front design guide opposed the use of external roller shutters within a conservation area. He acknowledged

the concerns of the applicant, but indicated that the windows to the premises were not protected and that internal shutters were as effective as external ones.

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

- That the shutters had been fitted due to recent burglaries and the premises had been burgled on five occasions.
- That he acknowledged the importance of the World Heritage Site.
- That the external shutters were a deterrent.
- That he had researched other options and discounted them.
- That he could not employ a security company as it was only a small business.
- That bars on the windows would be unsightly.
- That a CCTV system was also installed in the premises.
- That his was the only business that had been repeatedly targeted.
- That there had not been any attempts to break into the premises since the shutters had been fitted.
- That he had undertaken a consultation and only one person had objected to the shutters.
- That the local businesses were in favour of the shutters.
- That the shutters were deployed from 1am to 6am only.
- That conditions could be placed on the use of the shutters.
- That he had liaised with the police and identified vulnerable spots on the premises.
- That the doorways were recessed and the shutters did not have a negative impact on the area.
- That the police, MPs and local community were in support of the shutters.
- That he requested that the Panel supported his application.

During the discussion Members raised concerns in relation to the possible escalation in the use of external shutters at other properties within the World Heritage Site and that the loss of the status would be a major issue. The Strategic Director, Regeneration stated that there were many ways to provide security solutions for the building and different options could be investigated. It was agreed that further discussions should be undertaken in order to allow alternative security measures to be explored.

#### **Resolved -**

**That the applications be deferred in order to allow negotiations to take place in respect of alternative security solutions.**

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

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

(j)        **Beckfoot House, Beckfoot Lane, Harden, Bingley**

**Bingley Rural**

A retrospective application for the retention of a general purpose agricultural building and adjacent hard standing on land at Beckfoot House, Beckfoot Lane, Harden, Bingley – 09/01478/FUL.

The Strategic Director, Regeneration reported that the application was retrospective to retain a general purpose building on land at Beckfoot House. He explained that the Council's Conservation Officer had stated that the site was within the St Ives Estate and as from 21 May 2009 the Estate had become a Site of Special Interest.

The Strategic Director, Regeneration then read out two letters from Ward Councillors which outlined the following points:

- That they were in support of the application.
- That they disagreed with the officer recommendation.
- That the application did not make it clear that the building could not be moved or enlarged.
- That a neighbour of the applicant had been informed that the building could be placed anywhere on the land by the Planning Department at Shipley Town Hall.
- That there were many locations where agricultural buildings were bigger and more prominent.
- That the area was subject to flash flooding and the scheme diverted the flood water away.
- That the 12 most affected residents were in support of the application.
- That the nearest neighbours had not complained.
- That the application provided relief from traffic and flooding.
- That there would only be a temporary effect on the green belt due to the re-planting scheme.
- That the building was less intrusive than others in the area.
- That there was inconsistency in the advice provided by the Planning Department.
- That all the suggested amendments had been undertaken.
- That the issue of an Enforcement Notice was a prejudgment of the application.

A letter from the agent that stated the following issues was also read out by the Strategic Director, Regeneration:

- That security was an issue for agricultural buildings.
- That a similar building nearby had been permitted.
- That a 25% decrease in the size could possibly be achieved through the reduction of the hard surface.
- That some planting had taken place and further would be completed.
- That there was a proposal to install a silt drain on the access to the building.

The Strategic Director, Regeneration continued by informing Members that the Parish Council had objected to the application on the grounds of it being intrusive and inappropriate in the green belt.

The Strategic Director, Regeneration reported that Beckfoot Lane was a narrow lane and that a new access track had been laid to the building. A large hard standing area surrounded the building and there were concerns in relation to car parking and the parking of agricultural vehicles. The opening access to the building was set back from the lane which had created a new lay-by and mature trees had been removed in order to facilitate the access. New planting had been undertaken in order to screen the development.

The Strategic Director, Regeneration confirmed that 12 letters of support had been received which outlined that the applicant had notified neighbours of his plans, a new passing place had been created, the area had been improved, the building was not visible to residents, the flooding issue had been alleviated, there was a new access track, it did not detract from the green belt and the colour blended in with the area. An objection had also been received on the grounds of the field used to be picturesque, it was within the green belt, the building looked like a large warehouse, the trees planted had not reduced the impact of the building and that the site should be restored to its previous state. The Strategic Director, Regeneration stated that the issues to be considered by the Panel were

whether it was an inappropriate development, its scale and appearance and its impact on the green belt.

Members were informed that the purpose of the building was to store agricultural equipment, animal feed and products. There was also an intention to house livestock over the winter period. It was noted that a previous approach by the applicant to build a smaller building near to the house had been acceptable as it would have been sited closer to other buildings and not as prominent. The constructed building was 230% larger and in a more obtrusive location. Prior approval for a building existed on the land, however, the building erected was detrimental to the green belt, altered the land form and was out of character for the area. The Strategic Director, Regeneration acknowledged that the trees planted were in leaf at the moment, but that there would be a larger impact on the area in winter. He reported that the applicant had undertaken to install a drain to remove the water away from the site if approved and he was also keen to plant more trees, hedging and to create a pond. A proposal to reduce the hard standing had also been submitted.

The Strategic Director, Regeneration explained that when the building had been constructed an Enforcement Notice had been issued on 21 February 2009 that required the removal of the building and the hard standing. The planning application had then been submitted and an appeal against the Enforcement Notice had been denied. He indicated that as the previous agent had been experienced, good advice would have been provided to the applicant and it was noted that negotiations had been previously undertaken with the applicant in relation to other buildings within the green belt. The Strategic Director, Regeneration then recommended the application for refusal for the reasons as stated in the report and also in the light of the St Ives Estate being a Site of Special Interest.

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

- That the applicant was allowed to erect certain buildings provided he had prior notification.
- That the wrong advice had been provided by the Planning Department at Shipley.
- That the holding was in excess of 5 hectares and other limits had not been exceeded.
- That the same building could be placed elsewhere, but prior notification would be required.
- That the application was compliant with national policies.
- That one tree had been removed and two others had been blown down onto the applicant's land.
- That the building could accommodate vehicles and feed.
- That other agricultural buildings were visible and this building was not over large or over visible.
- That residents and the golf club supported the application.
- That the siting and size was justified.
- That the applicant had offered to close the access and plant a hedge.
- That there was much to commend the application.

A supporter was present at the meeting and outlined the following points:

- That he had lived on Beckfoot Lane the longest of all the residents.
- That the previous farm buildings which had been demolished had been in excess of this building.
- That had the original building been built near to Beckfoot House it would have been very visible to neighbours.

A Ward Councillor was also present at the meeting and made the following comments:

- That the 3 Ward Councillors supported the application.
- That incorrect advice had been provided by the Planning Department at Shipley.
- That he was confused in relation to the prior approval given by the Council.
- That a letter from the Council had stated that prior approval was not required.
- Was prior approval required or not?
- That the application was supported by local residents.
- That further advice had been taken when the previous agent had informed the Council of the siting.
- That the officer's report was unbalanced and contained inconsistencies.
- That there was only one objector and he lived 1.5 miles from the site.
- That the Council's Tree Officer had stated that there was an unacceptable impact on the trees, however his report did not indicate that 2 trees had fallen down.
- That the building was a standard agricultural building, not a small industrial building as described within the report.
- That if the building had been placed in the approved place, then it would have been more visible to neighbours.
- That the siting and access was the best that could be achieved on Beckfoot Lane.
- That the size of the building was to accommodate vehicles and food stuff.
- That he urged the Panel to approve the application.
- That the building was not prominent on the landscape.

In response to some of the comments made the Strategic Director, Regeneration stated:

- That officers were not against the construction of a building, but they had not been able to address concerns with the applicant and due consideration needed to be given in the area.
- That officers were keen to ensure that the clutter associated with farming was controlled.
- That if officers had been able to engage in discussions earlier the building would have been sited nearer to the house.
- That there had been some confusion with regards to the process.
- That the letter sent related to a specific application.
- That officers had been denied the opportunity to apply due process to the application.
- That officers had been faced with a large building in the green belt and considered it expedient to issue an Enforcement Notice.

During the discussion Members expressed their concerns in relation to the size of the building and the planning history on the site.

**Resolved -**

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

**Action: Strategic Director, Regeneration**

*(Note: In accordance with Paragraph 25.6 of Part 3A of the Constitution Councillor Owens required that his vote against the above decision be recorded.)*

**(k) Albion Garage, Keighley Road, Bingley****Bingley**

Full planning application is sought for the change of use of land from used car sales forecourt to private hire booking office at Albion Garage, Keighley Road, Bingley – 09/00252/COU

The Strategic Director, Regeneration informed Members that the application was for a change of use from a used car sales forecourt to a private hire booking office. The proposal included the siting of a portacabin and the provision of five off-street car parking spaces. He reported that eight letters of objection had been received from local residents on the grounds of noise and disturbance, traffic and highway safety and the appearance of the building in close proximity to the Bingley Conservation Area. A further representation had been received following the publication of the report. A petition in support of the business had also been submitted. The Strategic Director, Regeneration confirmed that the main concern was that of traffic and pedestrian safety and the access onto Keighley Road. There was also inadequate space on the site to cater for the car parking for the taxi business. It was noted that the applicant had considered the use of the adjacent restaurant's car park and other areas, however, there was insufficient off-street and this conflicted with policies TM2 and TM19A of the Replacement Unitary Development Plan (RUDP). As an associated issue, the Strategic Director, Regeneration explained that there was also insufficient space on the surrounding streets to cope with an overflow of vehicles and that the vehicular movements may entail reversing onto the main road. He then recommended the application for refusal on the grounds of traffic safety and for the reasons set out in the report.

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

- That there was a mistake in the layout shown.
- That the portacabin was smaller and five parking bays would be provided.
- That vehicles would be able to manoeuvre within the yard, though it would be difficult.
- That a previous application had been refused on the grounds of visual impact and parking arrangements.
- That the main use of the facility would be during the evening.
- That the owner had suggested that cars could park in front of other businesses in the vicinity that did not open on an evening.
- That the application was viable.

During the discussion Members acknowledged the limited space within the site.

**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.**

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