

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 23 July 2009 at the Town Hall, Shipley

Commenced 1010
Adjourned 1305
Site Visits 1305 - 1510
Reconvened 1510
Concluded 1545

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Greaves	Shabir Hussain	Cole
Owens		
Pennington		

Apologies: Councillor Ferriby

Observer: Councillor L'Amie (Minute 9(h))

Councillor Owens in the Chair

6. DISCLOSURES OF INTEREST

Councillor Greaves disclosed a personal and prejudicial interest in the item relating to Menston Garage, 46 Bradford Road, Menston (Minute 9(g)) as he had previously met with those connected to the item 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).

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

7. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



8. PUBLIC QUESTIONS

There were no questions submitted by the public.

9. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

Decision following Site Visit

(a) **Manywells Landfill Site, Manywells Brow, Cullingworth** **Bingley Rural**

Application for the remediation and final restoration of Manywells Landfill Site, Cullingworth, the construction of a new access road off Manywells Brow and the landfill with inert waste of quarry hollows in fields to the south of Manywells Landfill site - 09/01181/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 restore the landfill site, provide a new access and to infill hollows in fields to the south of the landfill site in order to remove the contamination risk. The existing gated access would be altered and a new access road would be constructed to an industrial standard, which would remain in a downgraded form once the restoration of the landfill site was completed. Clay and soil would be tipped on the site and the waste mass remodelled. The Strategic Director, Regeneration reported that there would be approximately 18,500 Heavy Goods Vehicle (HGV) movements over a three year period. He confirmed that the hours of operation for the restoration of the quarry would be 07.30 – 18.00 Monday to Friday and 08.00 – 13.00 on Saturdays. The hours for the landfill part of the application would be 07.30 – 18.00 Monday to Friday. It was noted that as much vegetation as possible would be retained and heathers and trees would be planted in order to restore the site.

The Strategic Director, Regeneration reported that 19 representations had been received from local residents and in response to the concerns raised he stated the following:

- That the application had been adequately publicised.
- That the legitimacy of the joint application had been considered and found to be valid.
- That the tipping of inert waste in the field hollows was appropriate.
- That the nearby field had been satisfactorily restored and was not adjacent to the site.
- That other access routes would involve the crossing of the Great Northern Trail and the best access route had been submitted.
- That the health and safety concerns in relation to the bridleway crossing had been discussed and considered safe.
- That there would be some disruptions to the Calder Aire Link but the proposal was the best option and disruption would be minimised.
- That signage would be erected directing HGVs not to turn right out of the proposed access down Manywells Brow.
- That 2.6 hectares of trees would be planted.
- That a noise management plan would be submitted.

- That the purpose of the application was for the remediation of the site and mitigation of identified contamination risks.
- That drainage from the access road would be passed through an interceptor before draining to a soakaway.

The Strategic Director, Regeneration then recommended that the application be recommended for approval by the Panel and referred to the Regulatory and Appeals Committee for determination. He added that the land owner of the access road had accepted the principle of the application, but had requested a number of conditions in relation to the undertaking of the permission, the investigation of Japanese knotweed and a Section 106 Agreement. It was noted that control of Japanese knotweed was covered through other legislation, that it was standard to condition the implementation of planning permission within 3 years and therefore the suggestion of a time restricted obligation included in a Section 106 Agreement was not necessary.

In response to Members' questions, the Strategic Director, Regeneration confirmed that:

- There was a risk that gas could collect and asphyxiate humans and animals.
- Native species would be planted.
- There was a condition on the application to support the advisory signage.
- The issues raised by the landowner could be covered under separate legislation.
- The planning permission could be requested to commence within 1 year, if necessary.
- There was an existing access road from the industrial estate, however, it was not to be used for the importation of soils, clay and inert waste.
- The vehicle route would be specified within the contract.

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

- That the report was not clear with regards to the filling in of the hollows.
- That the source of the material proposed to infill the field hollows was not specified.
- That the material to be used could be from anything.
- That if an existing alternative access to the site was used then Cullingworth would not be affected.
- That the hollows should not be filled at the same time as the tip site.
- That if the tip was filled correctly then the hollows would not need to be filled.
- That there was sufficient material available at other farms/fields.

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

- That the application was primarily a public health/environmental protection project.
- That public health organisations had stepped in when the owners/developers had vacated the site.
- That the application had been submitted pursuant to the Council's statutory duty.
- That the Council was protecting Cullingworth and its residents and had purchased the land as the owners had been declared bankrupt.
- That there were huge challenges and the Council were on the threshold of full remediation of the site.
- That 70% of the budget for the site had been provided by the Government.
- That the public had confidence in the Manywells Community Working Group.
- That the proposal had been carefully designed and was in keeping with the local landscape.
- That the application had been publicised and a public consultation event held.

- That letters of support had been received.
- That concerns raised had been responded to by the Project Team.
- That the proposal would improve the environment and create a prosperous District.
- That the proposal was to fully remediate the site, make it safe and retain the access.
- That the proposal would benefit the community.

During the discussion a Member raised concerns in relation to the location of the access road to the site and suggested that part of it be adopted in order for compulsory traffic regulation signs to be displayed. It was agreed that the need for this be investigated by officers prior to referral to the Regulatory and Appeals Committee.

Resolved -

That the application be referred to the Regulatory and Appeals Committee with a recommendation for approval for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report; and that the Assistant Director, Planning discuss with the Assistant Director, Transportation and Highways the feasibility of adopting part of the proposed access road into the site in order to facilitate traffic orders regulating vehicle movements of traffic exiting the Site.

ACTION: Strategic Director, Regeneration

(b) Decisions Made by the Secretary of State

APPEALS ALLOWED

(i) 21 Halstead Drive, Menston Wharfedale

One and two storey side and rear extension with new roof – 08/04728/FUL

(ii) Bankfield House, 16 Derry Hill, Menston Wharfedale

Internal alterations and re-construction of a garage forming a utility room and cloakroom area – 08/07163/FUL

APPEALS DISMISSED

(iii) 60 Claremont Road, Wrose Windhill/Wrose

Retention of pergola, reduced in size, to front of property – 08/06859/FUL

(iv) Clarke House, Keighley Road, Bingley Bingley

Appeal against condition 2 attached to planning approval which restricts opening hours to 5pm to 11.30pm seven days per week – 08/03937/COU

(v) 8 Queen Street, Baildon Baildon

Change of use from first floor flat to taxi office, including new staircase and 10m high radio aerial – 08/07113/COU

NB. The Inspector allowed the new staircase access, which had already been installed. Whilst he had no objection to the radio aerial, it was not permitted since the main proposed use was disallowed.

(vi) **1a Bertram Drive, Baildon**

Baildon

Construction of a new dwelling in side garden – 08/03189/FUL

Resolved –

That the decision be noted.

Action: Strategic Director, Regeneration

(c) **Enforcement Action Authorised by the Planning Manager (Enforcement & Trees)**

(i) **132 Main Street, Bingley**

Bingley

Unauthorised installation of a silver coloured fascia board on the front elevation of the property – 08/00494/ENFADV

The occupier was advised that planning permission was required for the installation of the fascia board. No action was taken within the given timescales, therefore on 21 April 2009 an Enforcement Notice was authorised. The Notice was issued on 9 June 2009 and requires that the unauthorised fascia board be removed by 28 July 2009, unless an appeal is made beforehand.

Resolved –

That the report be noted.

Action: Strategic Director, Regeneration

(d) **Enforcement Complaints Closed by the Planning Manager (Enforcement & Trees)/Senior Enforcement Officer as Not Expedient To Pursue**

(i) **43 Wycliffe Road, Shipley**

Shipley

Construction of timber fence on the boundary of 43 Wycliffe Road, Shipley – 09/00134/ENFUNA

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

Date Enforcement File Closed: 1 July 2009

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

Shipley

Construction of timber fence on the boundary of 1 Parkwood Road, Shipley – 09/00165/ENFUNA

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

Date Enforcement File Closed: 1 July 2009

(iii) **Royston Fold Farm, Saltaire Road, Eldwick**

Bingley

Construction of a car park extension at Royston Fold Farm, Saltaire Road, Eldwick – 08/01071/ENFUNA

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

Date Enforcement File Closed: 23 December 2008

(iv) **19 Lady Lane, Bingley**

Bingley

Construction of a fence on the boundary of 19 Lady Lane, Bingley – 09/00504/ENFUNA

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

Date Enforcement File Closed: 8 July 2009

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

(e) **The Bungalow, West Lane, Baildon**

Baildon

Full application for the construction of four new detached dwellings at The Bungalow, West lane, Baildon – 08/07421/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 four detached houses, retain the existing bungalow and bring the initial section of the adjacent bridleway, Hardaker Lane, up to adoptable standards for access purposes. It was noted that some of the trees on Hardaker Lane were covered by Tree Preservation Orders (TPO). A number of objections had been received, including one from the local Member of Parliament, on the grounds of overlooking, loss of privacy, loss of outlook, drainage issues, overshadowing, traffic issues and the impact on hedges and trees. The Strategic Director, Regeneration reported that extensive negotiations had been undertaken with regard to the trees on Hardaker Lane and the intention was to improve the existing road with surface water being drained towards the trees. He confirmed that the distance between habitable windows in the proposed dwellings and those on Beechtree Court was 21 metres and that the gables would be blank, therefore there would not be any overlooking. The development would fit in with the character of the area and the houses would be stone built and to a similar scale. The density of the site, 16 dwellings per hectare, was lower than that recommended by the Government, however, there were access issues. Therefore the density reflected a reasonable development. The Strategic Director, Regeneration then recommended the application for approval, subject to the conditions set out in the report.

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

- That three previous planning applications had been refused.
- That the original objections to the proposal still stood.
- That the development created concerns with regard to more building in Baildon.
- That there were drainage and flooding issues.
- That Baildon was a village, but was becoming more like a town.
- That gardens were being allowed to be sold and built upon.
- That the scheme raised concerns regarding privacy.
- That a site visit should be undertaken.
- That there would be additional traffic from the vehicles at the new properties.
- That the developer had now purchased an adjacent property.
- That there were concerns that the bridleway would be used as access.
- That the development had affected the selling of properties on Beechtree Court.
- That the application should be refused.

In response to some of the concerns raised, the Strategic Director, Regeneration confirmed that the distance from Plot 4 to 3 Beechtree Court was 21 metres. The property would be overlooked at first floor level, however, the plans met the minimum distance and indicated that there was a difference in levels.

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

- That the principle of the development was not an issue.
- That the areas to be considered were the safe access; trees and the amenity of the existing dwellings.
- That the developer owned The Bungalow and the improvements to Hardaker Lane could be achieved.
- That there was adequate access and the trees would not be jeopardised. Special tests had been undertaken and the Council's Tree officer was content.
- That conditions 2 – 7 on the application covered the issues raised.
- That the traffic calming methods suggested by the British Horse Society would be included in the scheme.
- That access to the site through Beechtree Court and Five Oaks was not necessary.
- That the distances between the gables measured 24 metres and exceeded the minimum distance requirement.
- That the 2 gables would not dominate view from Five Oaks.
- That the boundary was a well established screen of trees and hedges.
- That the distances to Beechtree Court were 21 and 23 metres.
- That the retention of the beech tree hedge could be conditioned.
- That the height of the overhanging trees was not known, however, a number of houses were accessed via Hardaker Lane and service vehicles would have used the Lane before.
- That Council officers had been consulted in relation to technical issues.
- That the residents who used Hardaker Lane would benefit from the development.

In response to Members' questions the Strategic Director, Regeneration confirmed that the application included the proposal to upgrade Hardaker Lane to an adoptable standard and that it was in the ownership of the applicant.

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 also subject to the signing of a Section 278 Agreement.

Action: Strategic Director, Regeneration

(f) 1 Royd Avenue, Gilstead, Bingley**Bingley**

Full application to construct a single storey ‘granny annexe’ extension on the side of 1 Royd Avenue, Gilstead, Bingley - 09/01176/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 single storey extension to the side of the property that faced Gilstead Lane and that there was a significant difference in the levels between Gilstead Lane and Royd Avenue. There was a potential for overlooking of 63 Gilstead Lane, however, this had been resolved by the use of obscure glass. A number of representations had been received which raised concerns in relation to the access and that there would be a change of use of the extension, however, the Strategic Director, Regeneration indicated that this would require a new application. He then recommended the application for approval, subject to the conditions as set out in the report.

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 the stone gate post be retained.**

Action: Strategic Director, Regeneration

(g) Menston Garage, 46 Bradford Road, Menston**Wharfedale**

Full planning application for extension, re-cladding and refurbishment of existing premises including 2 new MOT bays, extensions to rear and new wash bay with screens at the existing car dealership at 46 Bradford Road, Menston – 09/01864/FUL. Yellow road lining is also proposed to immediately adjacent streets. The application is part retrospective as some elements have been completed.

The Strategic Director, Regeneration began by explaining that the previous application had been withdrawn on 23 February 2009, however, it had been considered by the Panel on 23 October 2008. At this meeting Members had resolved to defer the application for further investigation and consideration. He reported that the application was for extensions, re-cladding and refurbishment of the existing car showroom and that it was part retrospective as some elements had been completed. Members were informed that the issues that required consideration were the extensions at the rear and their impact on the houses on Oakridge Avenue, the cladding and the car wash area. Plans detailing the amended layout were then tabled. The Strategic Director, Regeneration stated residents had complained that the metal cladding on the buildings looked industrial and that in order to reduce the visual impact the applicants had proposed to paint part of the cladding. A

condition was suggested to address this. He confirmed that the extension was near to properties on Oakridge Avenue, however, its effect was mitigated by the hedge and the proposal to paint the cladding in a colour that would help it blend in better with the surroundings. The car wash bay abutted the existing hedge but would be used for business purposes only. Residents had also raised concerns in relation to car parking on Buckle Lane and the applicants had agreed to extend the yellow lining around the boundary of the site which would be covered by a Section 106/278 Agreement. The essential use of the site had not changed and measures to prevent any dangerous parking would be undertaken. The Strategic Director, Regeneration 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 concerns:

- That he had not had any problems with the previous garage.
- That many of the objections had been addressed.
- That the extension and cladding were still an issue.
- That the extension was up to his garden boundary, he had to grow the hedge to mask the building and this was taking light from his garden.
- That the cladding was the livery of the garage, but he was used to a rustic building.
- That the chimneys on the roof were 5 foot high and the whole look of the building was industrial.
- That the extension impinged on people's homes.
- That the access door at the back of the extension created problems for residents.
- That the illegal extension should be removed and the cladding removed at the back of the building.

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

- That JCT600 had eventually purchased the garage after a number of years trying.
- That the company needed to provide long term security for the staff.
- That 45 staff would be employed at the garage.
- That the purchase was an investment within the Yorkshire Region.
- That the application should be looked upon positively.
- That prior to the purchase a meeting with residents had been arranged in order to discuss issues regarding boundary walls, the extension, cladding, chimneys and traffic problems.
- That the company had decided to continue with the purchase.
- That a further meeting with residents had taken place and the issues had been resolved to an acceptable compromise.
- That the application should not be prejudiced due to previous applications.

In response to Members' questions the applicant confirmed that:

- The issue regarding the extensions had not been resolved with residents.
- The chimneys were for the gas fired heating system which was more economical and noiseless.
- The cladding would be painted green.
- The rear door of the extension was a fire exit only.

The Strategic Director, Regeneration reiterated that Members should give consideration to the visual impact and the size and proximity of the buildings to residents. With regard to the cladding, it was noted that the premises were used for commercial purposes and that the metal cladding was not inappropriate, however, the applicants were willing to paint it a more appropriate colour.

During the discussion Members indicated that a planting scheme could also soften the appearance of the extension wall for residents.

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 chimneys and cladding of the car dealership building, up to the eaves level, facing 2 and 3 Oakridge Avenue, as shown on the revised plan (Drawing 29C), be painted green; and
- (ii) that a scheme for the provision of appropriate planting on the cladding of the car dealership building be submitted to and approved by the Local Planning Authority and subsequently implemented within a timescale specified by the Assistant Director, Planning.

Action: Strategic Director, Regeneration

(h) **Butler House, Butler Lane, Baildon**

Baildon

Full planning application for the construction of a detached bungalow in the garden of Butler House, Butler Lane, Baildon – 09/01999/FUL. The application was a resubmission of one which had previously been approved by the Area Planning Panel (Shipley) on 19 March 2009. The application had been resubmitted to reduce the scale of the proposed dwelling and to re-orientate the main living accommodation from the rear to the front of the building. The design of the front elevation had also changed.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that a previous application had been granted in March 2009 and that the new application was a similar proposal. The submitted scheme proposed a reduction in the scale of the dwelling and the re-orientation of the main living accommodation from the rear to the front of the building. The front elevation would also be glazed. The Strategic Director, Regeneration reported that a number of objections had been received from local residents and Ward Councillors which were similar to those made with respect to the previous application. He indicated that the Panel had discussed the issues in March and had accepted the principle of the application. The main areas of consideration were the change in the building's footprint and the proposed glazing to the front elevation. The Strategic Director, Regeneration then 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 concerns:

- That planning permission had already been granted.
- That the appearance of the building did not fit into the current surroundings.
- That the glazed area at the front of the property was not acceptable.
- That the planning process had been ongoing for some considerable time.
- That the glass front would cause overlooking of properties on Kirk Drive.
- That on-street parking was not appropriate.
- That the car parking space would not be utilised as it was in front of the floor to ceiling glazing.
- That the application should be refused.

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

- That the principle of development was accepted.
- That it was not appropriate due to the impact upon Butler House, Kirk Drive and the residents.
- That the proposal presented a significant alteration in the living accommodation, i.e. reversal of the living accommodation and floor to ceiling glazing.
- That the Council's Conservation Team believed that the large picture windows would not affect Butler House.
- That Butler House had a gentle design and the new build was a strong design.
- That the proposal was out of keeping with the street scene.
- That owners used their living rooms more often and due to the levels in the land there would be more overlooking.
- That it was perverse to state that the proposal did not adversely affect planning policies UR3, BH4A, BH7 and D1.

During the discussion Members raised concerns in relation to the proposed parking provision and the possibility that it could be utilised for other purposes. In response it was suggested that the condition covering parking could be amended in order to restrict its use.

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 amendment to Condition 3 as follows:

- (i) **"Parking to be provided before first occupation and such parking areas not to be used for any other purpose."**

Action: Strategic Director, Regeneration

(i) **20 Glen Rise, Baildon**

Baildon

Full planning application for the construction of a front porch at 20 Glen Rise, Baildon – 09/02344/HOU.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He confirmed that the proposed porch was considered to be in accordance with policy and recommended the application for approval.

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

10. **STY LANE FRAMEWORK**

The Strategic Director, Regeneration presented a report (**Document "F"**) which requested that the Panel considered a recommendation made by the Assistant Director, Planning to approve a framework brief to guide development for the Sty Lane development site.

He explained that the Inspector had suggested that the land should be allocated as a 'Phase 2' site and had been considered suitable for release for housing development from 2009 onwards. The issues would be addressed through a development framework and consultation with local residents would also take place prior to any development. The Strategic Director, Regeneration indicated that the site would be the largest development on the north side of Bradford and would need to be supported by an Environmental Statement. The main area of concern would be the access onto the site. He stated that the development was a major opportunity for the area and that the process would, hopefully, be successful. The Strategic Director, Regeneration then recommended that the application be approved and referred to the Regulatory and Appeals Committee.

During the discussion Members acknowledged that the process had worked well within other areas of the District.

Resolved -

That the application be referred to the Regulatory and Appeals Committee with a recommendation to approve the 'Framework Document' as part of a strategy to guide the implementation of housing allocation (S/H2.10) which is located between Crossflatts and Bingley.

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