

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 3 September 2009 at the Town Hall, Shipley

Commenced 1010

Concluded 1315

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Greaves	Amin	Cole
Owens	Shabir Hussain	
Pennington		

Apologies: Councillor Ferriby

Observers: Councillor Hall (Minute 15(a)), Councillor Townend (Minute 15(e)) and Councillor Sajawal Hussain (Minute 15(e))

### Councillor Owens in the Chair

#### 11. DISCLOSURES OF INTEREST

Councillor Cole disclosed a personal interest in the item relating to GH Hairdressing, 4A Westgate, Baildon (Minute 15(e)) as he had been approached by the applicant but he had not expressed a view on the application and as the interest was not prejudicial he remained in the meeting.

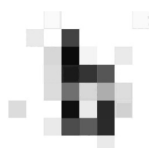
Councillor Pennington disclosed a personal interest in the item relating to Bingley & District Working Men's Club, York Street, Bingley (Minute 15(d)) as he had knowledge of the Club and as the interest was not prejudicial he remained in the meeting.

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

#### 12. MINUTES

**Resolved -**

**That the minutes of the meeting held on 18 June 2009 be signed as a correct record.**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



### 13. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

### 14. PUBLIC QUESTIONS

There were no questions submitted by the public.

### 15. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

#### (a) **Associated Waste Management, Canal Road, Bradford**      **Windhill & Wrose**

Application for the construction of 2 acoustic enclosures and an additional light waste picking station, alterations to the yard-facing facade of the existing recycling hall, and the extension of the permitted operating hours at the Associated Waste Management Waste Transfer Station at Canal Road, Bradford, BD2 1AU – 09/00676/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the site was an existing waste transfer station and the proposal was to operate 24 hours, install a new picking station and erect acoustic enclosures. The installation of materials recovery plant which had already been installed in 2008 would also be regularised. It was noted that the previous planning permission granted in 2005 prohibited the transfer of waste in the open between 6pm and 7.30am. A petition and six individual letters of representation had been received on the grounds of noise disturbance, litter, dust and dirt, odour from the site, HGV traffic, pedestrian safety and that an extension to the hours would exacerbate the aforementioned problems. The Strategic Director, Regeneration reported that the control of pollution from the site was regulated through an Environmental Permit issued by the Environment Agency and the proposal would not significantly alter the impacts of the site in terms of dust, litter and odour. Confirmation had been obtained from the Environment Agency that they were content with the proposal. The main impact associated with the proposal would be the overnight noise levels. Members were informed that the Council’s Environmental Protection Department had liaised with the applicant in relation to the acoustic enclosures and sound insulation to be fitted. These would improve noise levels and allow overnight working. The Strategic Director, Regeneration explained that the applicant had submitted further information on the Heavy Goods Vehicle (HGV) movements to and from the site and that the Highways Department were satisfied, as long as the movements were restricted. He therefore requested that an additional condition be placed on the application limiting HGV movements to 100 per day. The application was then recommended for approval, subject to the conditions set out in the report.

In response to Members’ concerns, a representative of the Council’s Environmental Protection Department confirmed that there were existing noise issues and that the new proposals should help to improve them. The conditions proposed would preserve the amenity of local residents and were the Company’s and Council’s responsibility in terms of enforcement. The Council’s legal officer also indicated that the conditions could be reinforced through minor revisions.

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

- Why were discussions taking place now when there had not been any notification when the scrap yard became a recycling plant 5 years ago?
- That no-one in the neighbourhood had been notified.
- That he was woken up every morning by noise.
- That the company was irresponsible and skip races had taken place on the site.
- That there was a day centre and school nearby.

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

- That the site had caused problems in the past.
- That this was an opportunity to address concerns raised.
- That lengthy discussions had taken place with Council officers.
- That the site was an existing waste transfer station.
- That a raft of clear and specific conditions had been proposed.
- That if the conditions were not adhered to the Council would be notified.
- That the station was governed by the Council and the Environment Agency.
- That the Environment Agency had stated that there were adequate regulations.
- That the proposal was consistent with the Replacement Unitary Development Plan, regional strategies, national policies and policy D10.
- That the scheme delivered improvements.
- That the officer's report was comprehensive and proposed conditions.

A Ward Councillor was also present at the meeting and requested that the petition from Windhill and Wrose was considered. He stated that he was surprised that there had not been more objections received from the Frizinghall area. If the Panel were minded to approve, he suggested that there should be stages of compliance in order to meet noise standards and proposed that a review be undertaken following a set period of time.

During the discussion Members expressed concerns in relation to the noise levels and it was suggested that an annual monitoring review be undertaken and involve the Council's Environmental Protection Department. Consultation evenings for local residents and the applicant were also proposed.

#### **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 number of Heavy Goods Vehicle movements be restricted to 100 per day;**
- (ii) **That the applicant be requested to attend at least 1 Neighbourhood Forum meeting per year in order to exchange views with residents.**

**And that Condition 5 be amended to include an annual monitoring review of the noise levels generated by the site.**

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

**(b) Land off Dowley Gap Lane, Bingley****Bingley**

Full application for construction of three office blocks for B1 business use and car parking at Land off Dowley Gap Lane, Bingley, BD16 1WA – 09/02624/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was reported that the application proposed the construction of three 2 story office buildings, a car park and access. The B1 office or business use was acceptable in a residential area and the site was allocated for employment use. Bingley South Bog, which was a Site of Special Scientific Interest (SSSI), was also to the south of the site. It was a prominent site with existing buildings and the current access would be utilised. Four letters of objection and a petition had been received from local residents on the grounds of overlooking, previous planning conditions not being adhered to, noise and light disturbance, the adverse effect on Bingley South Bog, sparse landscaping, inadequate drainage on Wagon Lane, the proposed materials and the lack of traffic calming measures. No objection had been received from the Highways Department, the Environment Agency or Yorkshire Water. Natural England had been consulted and they had recommended that native tree species should be incorporated into the landscaping and that a sustainable drainage system was utilised. The Strategic Director, Regeneration informed Members that a sustainable drainage system had also been recommended through two other consultations, however, they were not mentioned within the officer's report. It was noted that the development proposal sought for the construction of three smaller units rather than a single large building, which would add to the diversity in the area. The distance between the proposed and existing buildings was adequate and would not have an impact upon the residential amenity. The scheme had been designed to fit into the landscape as the site had a significant visual impact and an appropriate landscaping scheme was also required due to the prominence of the site. A number of conditions in respect of the construction hours and the control of the lighting of the site had also been placed on the application. The Strategic Director, Regeneration confirmed that a sustainable surface water drainage system had been recommended and that the applicant would be required to incorporate sustainable drainage measures. The application was then recommended for approval, subject to the conditions set out in the report.

Members raised concerns with regard to the SSSI and the proposed drainage scheme. In response the Strategic Director, Regeneration confirmed that thorough investigations could be undertaken and the results reported to the Drainage Team. The Council's legal officer also stated that a planning condition could require that commencement of the development be prohibited until the Council received and was satisfied, in writing, with any proposed scheme.

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

- That an expanding business had expressed an interest in the new site.
- That all three blocks were subject to levels of interest.
- That there would not be any piling.
- That if the landscaping for the previous scheme had not been met, why had the Council signed off the scheme?
- That conditions 5, 6 and 7 in relation to the drainage were accepted.
- That the idea for a sustainable surface drainage scheme had been proposed for the first development and a scheme had been produced for the whole site. Officers had accepted the proposed scheme, however, the Panel had requested a traditional drainage system.
- That it would be wasteful if the drainage system in situ was not utilised.

- That on approval the development would commence immediately and revive the economy of the area.

### **Resolved –**

**That the granting of planning permission be deferred and delegated to the Strategic Director, Regeneration in order for detailed site investigations to be undertaken by the developer and a satisfactory surface water drainage scheme to be submitted to and approved by the Local Planning Authority, such drainage scheme to incorporate the provisions of Sustainable Urban Drainage Systems (SUDS).**

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

#### **(c) Land to Side of 4 Langford Lane, Burley in Wharfedale**

#### **Wharfedale**

Full application for construction of one detached, 3 bedroom, split level house on east side of 4 Langford Lane, Burley-in-Wharfedale – 09/02060/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. Members were informed that the proposal was to construct a detached dwelling in the garden of a residential property with the access point on the curve of Langford Lane. The dwelling would be a modern design with a double garage below and parking to the front. The house would be set into the slope and be no higher than the neighbouring property. The Strategic Director, Regeneration reported that the Parish Council had requested that the application be refused as it was out of keeping with the area and there were highways safety issues as it was next to a Primary School. Five objections had also been received, four from residents in the immediate area, on the grounds of loss of privacy, loss of trees and overlooking. It was noted that in relation to access to the site the proposal was to remove the front boundary wall. The materials to be used were stone, timber cladding, render and the roof would be a grass covering, which were acceptable and the sustainable features welcomed. The Strategic Director, Regeneration confirmed that the distance between the new dwelling and the properties to the rear was 41 metres. The southern boundary would consist of trees and high hedges and the balcony at the rear would be screened by an obscured glazed panel. There would not be an adverse effect on neighbouring properties and the site location had been amended in order to protect the trees on the site and the boundary. Four car parking spaces were adequate, however, the access did not meet the required standard. The Strategic Director, Regeneration explained that the road had a speed limit of 20 miles per hour and the visibility splay required could not be met. Other properties on the Langford Lane did not have the required visibility splay and the splay that could be achieved was adequate. It was acknowledged that a refusal could not be justified on a minor highway safety ground on a road that had a 20 miles per hour speed limit. There was also no pathway and, therefore, the access was less hazardous for pedestrians. The Strategic Director, Regeneration then recommended the application for approval subject to the conditions set out in the report.

In response to a Member's questions the Council's Highways officer confirmed that there was not a minimum visibility splay and that the requirement was dependant upon the circumstances involved.

An objector was present at the meeting and made the following statements:

- That three specialist consultants would be overruled if the application was approved.

- That the issues had not been adequately addressed.
- That the Highways Department had recommended that the application be refused.
- That it would be difficult for the application to be refused on the grounds of highway safety as there were previous approvals.
- That the Highways Department were not aware of any approved access.
- That there was now a primary school on the road and the level of danger had increased.
- That people parked at peak times on Langford Lane and outside the proposed site.
- That the street was at its narrowest and curved slightly at the proposed access point.
- That Langford Lane was used as a shortcut to avoid Station Road.
- That the Highways Department and the Parish Council had stated that the application should be refused on highways grounds.
- That the proposed balcony would overlook neighbours at first floor level.
- That the hedge had been cut back and the deciduous trees were not high enough to provide adequate screening.
- That the balcony would not be screened or be obscure glazed.
- That the balcony was closer to the boundary than Council guidelines permitted.
- That the last refusal stated that the balcony could create an adverse affect on neighbours amenity.
- That it had previously been recommended that the site be moved to avoid the trees.
- That the application should be refused.

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

- That the application presented serious and significant highways concerns.
- That the road was part of the safer routes to school plan.
- That the proposed access would not meet Council standards.
- That Langford Lane was used by school and through traffic.
- That construction vehicle movements should not be allowed during school traffic peak times.
- That there was not a pavement on that particular side of Langford Lane.
- That the access was unsuitable.
- That the height of the proposed property was out of keeping with the area.
- That the design was out of character with the area, as other properties were period cottages and traditional houses.
- That the proposed balcony overlooked the dwellings on Hanover Way.

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

- That the property had been designed in relation to the topography of the site.
- That the proposed dwelling would be 1.5 storeys high.
- That the design had been carefully considered in order to reduce the impact upon neighbours.
- That the house would have a 'green' roof.
- That the height, scale and massing of the proposed dwelling was in keeping with the area.
- That the development would not have an adverse impact on the neighbouring properties.
- That the proposed house benefit from bright airy spaces and a low carbon output.
- That some stone would be used in the construction in order to reflect the other houses in the area.

- That the scheme provided sufficient parking.
- That the tree lined setting would be retained.
- That all relevant Council policies had been taken into consideration.

During the discussion Members indicated that they were content with the proposed dwelling, however, they had serious concerns in relation to the access, visibility and highway safety.

#### **Resolved -**

**That the application be refused as the proposal fails to provide adequate visibility at the intended point of access onto Langford Kane which would result in conditions prejudicial to highway safety and as such would be contrary to Policy TM19A of the Replacement Unitary Development Plan.**

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

#### **(d) Bingley & District Working Men's Club, York Street, Bingley Bingley**

Full planning application to divide the existing Bingley and District Working Men's Club building to form a retail unit and alterations to entrances and replacement of existing roof coverings at Bingley & District Working Men's Club, York Street, Bingley BD16 2QW – 09/02500/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the proposal was to split the Club into two, with one part becoming a retail unit. The Club was situated within a residential area and a convenience store would be beneficial to the local people. A petition, letters of support from Club members and the local MP had been received. Supporters had indicated that the proposal was essential for the Club to survive. Those against the application had sited grounds of noise late at night, that there was another store in the vicinity, that Bingley Town Centre would suffer and inadequate parking. The Strategic Director, Regeneration reported that the Highways Department were satisfied that the store would have adequate parking, however, the Local Development Framework Team were against the proposal. They had stated that the application would have an adverse effect on Bingley Town Centre and be contrary to Council policy. Members were asked to consider whether a retail unit of its size was relevant for the area. Government policy and the Replacement Unitary Development Plan both promoted retail in Town Centres, unless a need was proven in the area. The Strategic Director, Regeneration indicated that no requirement for the store had been provided or substantiated and that the store could affect the viability of Bingley Town Centre. In conclusion it was recommended that the application be refused as it was contrary to local and national retail policies.

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

- That the proposal was to create a modern version of the corner shop.
- The assertion that the new Co-operative store would be affected was refuted.
- That Spar stores only achieved a weekly turnover of £30,000.
- That the developers of Myrtle Walk and the Co-operative had not objected to the application.
- That the location was typical and chosen for that reason.
- That there were a variety of housing types within the area.
- That there were some retail needs in the area and the existing shops were not convenience stores.

- That the partnership was important to the Working Men's Club.
- That the proposed convenience store was paramount to the Club's existence, as the receivers had not received any other offers.
- That the application would provide £500,000 of capital in a badly hit area, 16 jobs within the proposed store and a Bradford based company would carry out the construction.
- That the proposal would not affect Bingley Town Centre shops.
- That the proposal would ensure the continuation of an old established club.
- That the members of the Club and local residents were predominantly over 55 years of age and Bingley Town Centre was too far away for them.

During the discussion Members indicated that the Club should be preserved, however, evidence of other proposals were required. The possible effect on the Bingley Town Centre redevelopment was also acknowledged.

#### **Resolved -**

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

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

#### **(e) GH Hairdressing, 4a Westgate, Baildon**

#### **Baildon**

Full application for a change of use from a hairdressers (A1) to a satellite private hire taxi booking office at 4A Westgate, Baildon – 09/02495/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the proposed change of use for the premises was from a hairdressers to a taxi satellite office. There were double yellow lines outside the unit and an area opposite for parking. There was also an entrance at the side of the premises to a private car park, which the Council rented out to a tenant. It was noted that there was a mixture of commercial, retail and residential premises in the area. The Strategic Director, Regeneration reported that the Parish Council had recommended refusal of the proposal due to the lack of parking provision and on highway safety grounds. A number of other objections had also been received with the same reasons. A City Ward Councillor had expressed his support for the application stating that it was only to be used as a booking office. The Highways Department had also indicated that the application should be refused as the proposal did not meet the required standards for a taxi office. The Strategic Director, Regeneration confirmed that the proposal was to run the premises in tandem with another office that operated 24 hours. The application would not affect the viability of the area, however, the main concerns were in relation to highway safety, due to the lack of on and off-street parking. Taxi vehicles congregated when not in use and the Council had a policy in relation to parking provision. The applicant had indicated that he had access to a space, however, it had not been identified. The Strategic Director, Regeneration stated that there were parking restrictions opposite the premises and that the unit was near to residents. If the taxi vehicles parked in the adjoining streets this would be problematic for residents. The application was then recommended for refusal due to the lack of parking and that any on-street parking in residential areas would cause problems.

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

- That he operated a private hire business in Shipley.



- That his business was struggling.
- That his vehicles could reach Baildon in approximately 5 minutes.
- That there were many businesses in Baildon.

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

- That the premises were located on a bus route and a one way street.
- That there was restricted parking and double yellow lines in the vicinity of the premises.
- That Westgate was congested during the day and on Friday and Saturday evenings.
- That there were problems in relation to parking and cars would park on the double yellow lines causing restrictions to traffic.
- That there was already a taxi office in Baildon.
- That concerns had been raised in relation to the possible parking of taxis in residential areas.
- That there had been 17 objections to the application.
- That the Highways Department had concerns with regards to highway safety.
- That a taxi booking office would act as a place for drivers to congregate at.
- That the applicant had other premises nearby.
- That the applicant had indicated that the business could use the nearby car park, but this was out of his control.
- That the application should be refused.

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

- That the recommendation to refuse the application was based upon a misunderstanding.
- That the premises would be used as a satellite booking office, not a taxi office.
- That the booking office would improve the efficiency of the service and provide safety for drivers and passengers.
- That there were communication issues within the area.
- That the hairdressers would have required more parking provision.
- That a condition could be placed upon the application to prohibit parking.
- That the petition had been organised by a rival taxi company.
- That a satellite office had been approved in Wyke by officers.
- That car parking spaces were available on an evening.
- That no parking provision was required and therefore there were no highway safety issues.
- That Shipley Town Centre did not have any parking provision for taxis.
- That the residential amenity would not be affected.

During the discussion Members expressed concerns in relation to the lack of parking provision in the vicinity and the possible parking on residential streets.

**Resolved –**

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

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

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

(i) **13 Stanley Street, Bingley** **Bingley**

Alleged unauthorised fencing – 09/00667/ENFUNA

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

Date Enforcement File Closed: 28 July 2009

(ii) **52 Norwood Terrace, Shipley** **Shipley**

Alleged unauthorised development – 08/00940/ENFUNA

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

Date Enforcement File Closed: 4 August 2009

(iii) **Hillbro Nursing Home, Holden Lane, Baildon** **Baildon**

Alleged unauthorised works to protected tree – 06/01449/TPOCN

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

Date Enforcement File Closed: 14 July 2009

**Resolved –**

**That the decisions be noted.**

**Action: Strategic Director, Regeneration**

(g) **Decisions Made by the Planning Manager (Enforcement & Trees)**

(i) **1 Station Road, Denholme** **Bingley Rural**

Unauthorised change of use of property from a newsagents (Use Class A1) to a café/hot food takeaway (Use Classes A3 and A5).

Resolved to issue an Enforcement Notice to cease the unauthorised use of the premises as a café/hot food takeaway.

Time period for compliance: 28 days

**Resolved –**

**That the decisions be noted.**

**Action: Strategic Director, Regeneration**

(h) **Decisions Made by the Secretary Of State**

**APPEALS DISMISSED**

(i) **38 Weavers Lane, Cullingworth, Bingley**

**Bingley Rural**

Construction of detached dwelling – 09/00450/FUL

Appeal Ref: 09/00069/APPFUL

(ii) **5 Wharfe Park, Addingham, Ilkley**

**Craven**

Retention of timber platform and guard rails – 08/05518/FUL

Appeal Ref: 09/00063/APPFUL

(iii) **Land at Keighley Road, Harden, Bingley**

**Bingley Rural**

Alleged unauthorised change of use – 07/01498/ENFCOU

Appeal Ref: 08/00223/APPENF

(iv) **Restaurant, 61 Main Street, Bingley**

**Bingley**

Alleged unauthorised replacement shopfront – 07/01488/ENFUNA

Appeal Ref: 09/00070/APPENF

**Resolved –**

**That the decisions be noted.**

**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