

## Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 1 October 2009 at the Town Hall, Shipley

Commenced 1010

Concluded 1255

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Greaves	Amin	Cole
Owens	Ferriby	
Pennington	Shabir Hussain	

Observers: Councillor Townend (Minute 19(a))

### Councillor Owens in the Chair

#### 16. DISCLOSURES OF INTEREST

Councillor Ferriby disclosed a personal interest in the item relating to Conservation Area Assessments (Minute 20) as she was the Chair of the Green Space Network in Bradford South and as the interest was not prejudicial he remained in the meeting.

Councillor Owens disclosed a personal interest in the item relating to The Vicarage, Halifax Road, Cullingworth Road, Bingley (Minute 19(c)) as was acquainted with one of the applicant's representatives and as the interest was not prejudicial he remained in the meeting.

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

#### 17. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

#### 18. PUBLIC QUESTIONS

There were no questions submitted by the public.



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



## 19. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

### (a) **13 Prod Lane, Baildon, Shipley**

### **Baildon**

An outline application including access and layout for a detached dwelling to the rear of 13 Prod Lane, Baildon – 09/03242/OUT.

The Strategic Director, Regeneration gave a presentation setting out the proposals and explained that it was an outline application including access and layout for a proposed dormer bungalow. A property had already been built in the front garden of the dwelling and the drive served them both. Planning permission had recently been granted for an extension to the rear of number 13. There had also been a previous application for a dwelling at the front and rear which had been refused. A later proposal for a house in the front garden had been approved.

The Strategic Director, Regeneration reported that the Parish Council had objected to the application along with two Ward Councillors. Five letters of representation had also been received on the grounds of overdevelopment, access problems, out of character with the area, parking, noise nuisance and the loss of trees. Consultations had been undertaken with the Council’s Drainage and Highways Departments who were content with the proposal. The site was classified as brownfield and achieved a density of 23 dwellings per hectare, however, additional dwellings would not be considered as they would be prejudicial to the access. It was noted that some widening of the drive was proposed, that there was adequate space for the passing of vehicles on Prod Lane and two parking spaces per dwelling would be provided. Overall the application did not have an adverse effect on highway safety.

The Strategic Director, Regeneration confirmed that the distance between the rear of the proposed dwelling and 13 Prod Lane was adequate. A rear extension to 13 Prod Lane had been approved and the distance between the two properties, taking the extension into consideration, would be 21 metres. The proposed bungalow would have windows in the roof, however, the site was higher at the rear and overlooking was not an issue. A previous application for a property at the front and rear of the site had been refused on the grounds of overdevelopment, though an application for a dwelling to the front had been subsequently approved.

The Strategic Director, Regeneration stated that the based upon the layout plan and indicative dwelling, the site would be able to accommodate the application without affecting the neighbour’s amenity. The construction hours would be restricted and a replacement landscape scheme would be conditioned as part of the reserved matters application. The proposal was then recommended for approval, subject to the conditions as set out in the report.

In response to Members’ questions, the Strategic Director, Regeneration confirmed the following:

- That the drive would be 58 metres long to the boundary of the proposed dwelling.
- That two parking spaces per dwelling would be provided.
- That turning areas and a passing bay would be provided.

- That the width of the driveway was adequate for emergency vehicles.

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

- That the proposal was overdevelopment.
- That the previous application for a property at the rear had been refused on the grounds of overdevelopment.
- That the scheme was detrimental to the amenity of residents.
- That the proposed dwelling was out of character with the area.
- That the proposed extension to 13 Prod Lane and this application constituted overdevelopment.
- That the public transport in the area was poor.
- That the proposal was contrary to clauses 3 and 4 of the Unitary Development Plan.
- That the application would result in 3 properties sharing the same drive.
- That previously only visitors had accessed the drive as the occupier of number 13 did not drive.
- That there could be problems for the new dwelling if the residents of 13 and 13a blocked the driveway.
- That the occupiers of the premises may have to reverse onto Prod Lane, which was a dangerous manoeuvre.
- That there was not any on street parking on Prod Lane.
- That the application should be rejected.

In light of the comments made, the Highways officer explained that the width of the driveway, 4 metres, was sufficient for two vehicles to pass.

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

- That the area was one of natural beauty.
- That a previous application had been refused and nothing had changed.
- That a minimum of four extra vehicles would use the access.
- That Prod Lane had restricted parking and double yellow lines.
- That the driveway wasn't wide enough.
- That there was potential for an accident.
- That the distance between the house wall and the boundary wall was insufficient.
- That the boundary wall was shared.
- That the windows of the objector's property looked into the proposed bungalow.
- That the application was an overdevelopment and detracted from the open garden aspect.
- That the majority of the trees on the site had been cleared.
- That neighbours had experienced noise nuisance and other issues from builders on the site.

During the discussion Members expressed concerns in relation to the driveway, access and parking problems that could occur. The Council's legal officer reported that a legal agreement could be entered into with the owner of the land adjacent to the application site to secure that the parking spaces and passing bay were provided and that the passing bay was used solely for that purpose.

**Resolved -**

- (1) That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report save for the following amendments:**

- (i) that condition 8 shall be amended to read as follows “Sustainable drainage techniques are to be investigated and details submitted to and approved by the Local Planning Authority prior to commencement” and
  - (ii) that condition 10 shall be amended to read “Hours of construction work on the site shall be limited to the Councils standard hours”.
- (2) That approval of the application be subject also to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the owner ensuring that two parking spaces and a passing bay be provided between the land adjacent to the access road to the site and the dwelling known as 13 Prod Lane and that this be used solely for that purpose.

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

(b) **Land North and West of 11 Castlefields Lane, Bingley** **Bingley**

An outline planning application for the construction of 9 industrial units (classes B1 Business - Offices, research and development and light industry appropriate in a residential area and B8 Storage or distribution) with associated access and car parking at Castlefields Lane, Bingley – 08/05572/OUT.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the application was outline for the construction of nine business units and that the full details would be part of the reserved matters application. Members were informed that there were some parking restrictions on Castlefields Lane, though some parking was allowed. Opposite the site were residential properties with vehicular access. At the front of the site there were a number of protected trees and there was also substantial tree cover to the rear. It was noted that the existing building would be retained, the existing access would be utilised and a new access created further down Castlefields Lane. The site was surrounded by industrial properties and residential properties to the south and west. It was classified as an employment zone and both the original and amended plans had been advertised.

The Strategic Director, Regeneration reported that an objection had been received from a Ward Councillor along with 44 letters of representation, including a petition, from residents on the grounds of flood risk, loss of trees, residential amenity, highway safety, visual amenity and car parking. Consultations had also been undertaken and no objections had been raised subject to the conditions within the report. The site had been classified as employment and the proposed use of business and storage was acceptable in principle. It was noted that the scheme could be developed without significant impact on the residential properties. The distance between the proposed buildings and the dwellings was sufficient, however, it was acknowledged that there would be an increase in traffic, noise and disturbance. Therefore the hours of operation and deliveries would be limited. The Strategic Director, Regeneration explained that in accordance with the indicative scale parameters the site could be developed and the buildings accommodated on the site without affecting residents amenity or the character of the area, including the setting of the listed buildings.

A new access had been proposed to the west of the access already in existence and would be utilised on a one way system. This would be beneficial to highway safety and prevent blockages. It was noted that the access was adequate for large vehicles. The Strategic Director, Regeneration confirmed that the application would be subject to a Section 106/278 Agreement in order to secure a Traffic Regulation Order (TRO) around

the boundary to the site, erect signage and improve street lighting. The indicative plan had highlighted 57 car parking spaces, however, the final provision would be determined at a later point. The scheme would not increase the flood risk in the area and the Environment Agency was satisfied with the proposal. The application was then recommended for approval, subject to the Section 106/278 Agreement and the conditions set out in the report.

With regard to the proposed TRO, the Chair questioned whether the details could be submitted to the Council's Area Committee for their consideration. In response the Council's legal officer confirmed that it may be best to secure the TRO through a Section 106/278 Agreement because in accordance with the current circular on planning conditions, when imposing conditions on an applicant any conditions imposed by the local planning authority needed to be enforceable by the developer. Therefore to secure the TRO the Panel should require that the TRO must be obtained prior to the commencement of any development, as it couldn't be guaranteed that the Area Committee would concur with the Planning Panels request. In response the Strategic Director, Regeneration indicated that the TRO would be a requirement of the Section 106/278 Agreement. The Chair stated that it was crucial that the Area Committee considered the issues of resident's parking and double yellow lines.

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

- The local Highways Department were aware of the parking issues.
- The drainage system would be sustainable for hard surfaced areas.
- The width of the one way access system (5 metres) was adequate.
- A condition could be placed on the application that a standard recommended colour be used.

It was noted that the Panel favoured a green colour in order for the development to blend into the area.

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

- That the residents of Castlefields Lane were strongly opposed to the application.
- That there were 8 listed buildings on the Lane.
- That the current amenity would be compromised.
- That the Lane had flooded in 2000.
- That one property had experienced flooding inside and out.
- That the flooding in January 2008 had been caused by the drainage system underneath the existing houses.
- That the proposal could result in more frequent instances of flooding.
- That the pavement at the bottom of the Lane would be affected and pedestrians would be put at risk.
- That delivery drivers did not respect the residents of Castlefields Lane.
- That the additional traffic would increase the number of accidents.
- That Castlefields Lane had a narrow point and problems were created when people parked on the Lane.
- That the double yellow lines were ignored by parents dropping children off at school and by the railway station users.
- That residents and workers found it difficult to enter/exit the Lane.
- That the proposal would create more problems in relation to access for emergency vehicles.
- That the hours of operation needed to be questioned.
- That the access road would be 5 metres wide. A section of the Lane was less than

- 5 metres wide and inadequate.
- That the flood tests should not be the same for the houses and the industrial estate. There had been a number of floods in the area due to the current drainage system under the listed buildings.

A Member highlighted that the site was a functional flood plain and questioned how often it happened. The objector confirmed that the site had flooded in 2000, however, the area often flooded due to the volume of rainwater as the drainage system could not cope. The applicant's agent reported that a flood risk assessment had been undertaken. The Environment Agency's assessment was used to predict the flood risk of the area, however, this was a probability and only an average. He confirmed that the Environment Agency had reviewed and accepted the flood risk assessment and that the functional flood plain area would be utilised as a car park.

During the discussion concerns were raised in relation to the flooding issues, the parking provision for residents and the proposed access. It was noted that the parking issues could be resolved, however, Members requested that the reserved matters application be submitted to the Panel for consideration.

### **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 also to the developer entering into a Section 106/278 Agreement to secure a Traffic Regulation Order (TRO) along Castlefields Lane and adjacent to the site boundary and to the following additional condition:**

- (i) **That any parking details submitted in the reserved matters application be in accordance with Appendix C of the Replacement Unitary Development Plan, or any other subsequent Council policy.**

**And that the Reserve Matters application be submitted to the Panel for consideration.**

**That there be a footnote to the permission that states that the Panel were of the opinion that the indicated density was currently too high for the site and needs to be reduced in the reserved matters application.**

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

(c) **The Vicarage, Halifax Road, Cullingworth, Bingley**

**Bingley Rural**

Full application for the construction of three dwellings, including a new 'vicarage' at the recently cleared site of the former 'Vicarage', Halifax Road, Cullingworth – 09/02583/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that three dwellings would be constructed on the site that was at the junction of the access to a new primary school. There were a number of mature trees on the site, some of which were protected and the scheme had been developed to preserve the trees. The Parish Council had objected to the development on the grounds of the materials to be used, flood risk, highways and pedestrian safety, inadequate turning area, overdevelopment, overlooking of the primary school and vicarage, inadequate garden space and a query regarding the site boundary.

The Strategic Director, Regeneration reported that the access to the front would serve the development and there was also access to the rear. The density of the site was 30 dwellings per hectare. The proposed properties would be constructed in natural stone and artificial slate and the cottages would utilise their roof space. The scheme had been designed so that the site would retain its valuable mature setting. With regards to instances of flooding, it was noted that there had been some further down stream and that the proposed drainage scheme had been positively received by the Council. The parking provision of two spaces per dwelling and a turn around was adequate. The Strategic Director, Regeneration confirmed that there were no neighbouring properties that would be affected by the development and that the proposed dwellings did not overlook the school grounds. The application was then recommended for approval, subject to the conditions set out in the report.

A Member queried whether the gate posts would be retained and it was reported that a condition covering this could be placed on the application. It was also queried whether the parking provision was adequate for the vicarage. In relation to the maintenance of the water course it was confirmed that the condition could be amended to include its upkeep.

A Parish Councillor was present at the meeting and stated the following:

- That the Parish Council were in favour of the plans for the new vicarage.
- That they had concerns with regard to the proposed cottages.
- That they believed the site was too small to accommodate the vicarage and two cottages.
- That the access for the proposed dwellings mentioned in the report as 'existing' had not been used for over 25 years.
- That the proposed access was a 1 in 5 slope down.
- That it was possible that vehicles would have to reverse out onto the road.
- That they were concerned as there was a primary school next to the site.
- That there was a turn around at the primary school but it could only accommodate 10 vehicles at a time.
- That there could be a risk of flooding as the new premises would have modern appliances and create a lot of a water egress.
- That the construction vehicle movements should not be permitted between 8.30 to 9.15am and 3.00 to 3.30pm.

In response to the comment regarding the construction hours, the Strategic Director, Regeneration confirmed that a condition requiring the submission and approval of a Construction Plan could be added to the application. The developer could also be requested to avoid school opening and closing times.

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

- That two of the cottages would be owned by the Church and be sold at a discounted price.
- That there would be dedicated parking, a turning head and a visitor space.
- That the walls and gate posts would be retained.
- That parking at the vicarage would not be an issue as there were offices at the church which would be used.
- That the development made the best use of the site and was at the lower end of the density range.
- That two of the cottages would be affordable homes.
- That the developer had worked in conjunction with Council officers regarding a suitable drainage scheme and was not keen to cause further problems.

- That the hours of construction would reflect that a school was next to the site and be included in the development contract.

**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 gate posts be retained; and**
- (ii) **That a Construction Plan be submitted to and approved by the Local Planning Authority prior to the commencement of any development and shall thereafter be implemented as approved.**

**And that Condition 8 be amended to include 'and be maintained'.**

**That there be a footnote to the permission that requests that the developers attention be drawn to the fact that Heavy Goods Vehicles should not visit the site at school opening and closing times and this should be reflected in the Construction Plan which is to be submitted for approval.**

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

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

- (i) **19 Crownest Lane, Bingley**

**Bingley**

Alleged breach of a planning condition – 09/00328/ENFCON

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

Date Enforcement File Closed: 19 August 2009

- (ii) **19 Plumpton Mead, Bradford**

**Windhill/Wrose**

Alleged unauthorised dormer – 09/00531/ENFUNA

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

Date Enforcement File Closed: 14 September 2009

- (iii) **5 Station Road, Baildon**

**Baildon**

Alleged that trees have been removed from garden and the property is within a conservation area. Also building work is ongoing – 09/00864/TPOCN

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

Date Enforcement File Closed: 8 September 2009



(iv) **9 Titania Close, Cottingley, Bingley**

**Bingley Rural**

Alleged unauthorised conservatory – 08/00786/ENFUNA

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

Date Enforcement File Closed: 25 August 2009

(v) **Birkshead Mill, Birkshead, Shay Lane, Wilsden, Bingley**

**Bingley Rural**

Alleged unauthorised advertising – 09/00446/ENFADV

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

Date Enforcement File Closed: 26 August 2009

(vi) **City Travel Yorkshire Ltd, Unit 10a Manywells Industrial Estate, Bingley Rural  
Manywells Brow, Cullingworth, Bingley**

Alleged unauthorised change of use – 08/01123/ENFCOU

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

Date Enforcement File Closed: 25 August 2009

(vi) **Lucy Hall Farm, Lucy Hall Drive, Baildon**

**Baildon**

Alleged that the development is not being built in accordance with the approved plans – 08/00767/ENFAPP

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

Date Enforcement File Closed: 10 September 2009

**Resolved –**

**That the decisions be noted.**

**Action: Strategic Director, Regeneration**

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

(i) **66-68 Wrose Road, Shipley**

**Windhill/Wrose**

Non-compliance with planning conditions 5 & 6 attached to planning application 08/06713/FUL – 09/00175/ENFCOU

Enforcement Action to seek compliance with conditions 5 & 6 was authorised on 25 August 2009.

(ii) **66-68 Wrose Road, Shipley**

**Windhill/Wrose**

Unauthorised construction of an extractor flue that protrudes above the roof plane on the rear elevation of the property – 09/00175/ENFCOU

Enforcement Action to remove the extractor flue was authorised on 25 August 2009.

(iii) **66-68 Wrose Road, Shipley**

**Windhill/Wrose**

Unauthorised installation of four externally mounted shutter boxes, shutters and shutter guide rails – 09/00175/ENFCOU

Enforcement Action to remove the unauthorised shutter boxes, shutters and shutter guide rails was authorised on 25 August 2009.

**Resolved –**

**That the decisions be noted.**

**Action: Strategic Director, Regeneration**

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

**APPEAL ALLOWED**

(i) **2 Woodpecker Road, Burley In Wharfedale, Ilkley**

**Wharfedale**

First floor extension above existing room - 08/06552/FUL

Appeal Ref: 09/00089/APPFUL

**APPEALS DISMISSED**

(ii) **34 Pasture Road, Baildon**

**Baildon**

Construction of 2 bedroom bungalow and demolition of existing garage - 08/06504/FUL

Appeal Ref: 09/00078/APPFUL

(iii) **58 Long Meadows, Burley In Wharfedale, Ilkley**

**Wharfedale**

Single storey extension to front of property linking the garage to the house and new gate to the side garden wall - 09/00795/FUL

Appeal Ref: 09/00096/APPFUL

(iv) **International Development Centre, Valley Drive, Ilkley**

**Ilkley**

Construction of new second floor extension - 08/05876/FUL

Appeal Ref: 09/00071/APPFUL

**Resolved –**

**That the decisions be noted.**

**Action: Strategic Director, Regeneration**

## **20. CONSERVATION AREA ASSESSMENTS**

The Strategic Director, Regeneration presented **Document “K”** which outlined the Conservation Area Assessments produced for Baildon Green and Eldwick Beck. The areas had been proposed by members of the public and had been visited by Council officers. A consultation exercise had been undertaken which included public workshops and comment sheets circulated to those unable to attend. Members of the public had been asked for their opinions, issues and views and the results had been analysed and boundaries investigated. The Strategic Director, Regeneration explained that the map detailing the Eldwick Beck Conservation Area was incorrect as it included Meadow Sweet Farm, however, this was not proposed to be part of the Conservation Area.

During the discussion a Member questioned the reasoning in relation to the exclusion of two properties from the Baildon Green boundary. It was reported that the properties excluded had been altered and diluted the Conservation Area. They were not within the hamlet of Baildon and did not have a clear relationship with it. It was also noted that two properties were not included in the Eldwick Beck Conservation Area. In response it was confirmed that they had been badly altered and were out of character with the area.

**Resolved –**

- (1) That the Area Planning Panel (ShIPLEY) recommend to the ShIPLEY Area Committee as follows:**
  - (i) That the Conservation Area Assessment for Baildon Green, amended to include the dwellings known as ‘Akhir’ and ‘Kirk Lea’, and the Conservation Area Assessment for Eldwick Beck, amended to delete the inclusion of the dwelling known as ‘Meadow Sweet Farm’, be approved and used for the future management of the areas and their surroundings.**
  - (ii) That the proposed Baildon Green and Eldwick Beck Conservation Area boundary, including the amendments as detailed in 1(i) above, and set out in Appendix 1 and 2 be approved and formally advertised in accordance with the Planning (Listed Building and Conservation Areas) Act 1990.**
  - (iii) That the outcomes of the consultations as set out in Appendix 3 and 4 be accepted as a basis for future enhancement work.**
- (2) That the Strategic Director, Regeneration be instructed to prepare and submit for such consideration as is appropriate, Draft Supplementary Planning Guidance as identified by the local communities and as resources permit.**
- (3) That the Draft Supplementary Planning Guidance and any representations made following consultation be reported to a future meeting of the Area Planning Panel (ShIPLEY).**

**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