

Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 26 November 2009 at the Town Hall, Shipley

Commenced 1010

Concluded 1235

PRESENT – Councillors

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

Apologies: Councillor Greaves

Observers: Councillor Ellis (Minute 25(c))

Councillor Owens in the Chair

21. DISCLOSURES OF INTEREST

Councillor Cole disclosed a personal and prejudicial interest in the item relating to Beckfoot School, Wagon Lane, Bingley (Minute 25(b)) as he was a Governor of Hazelbeck School and a member of the Building Schools for the Future (BSF) Strategic Partnership Board 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 Ferriby disclosed a personal interest in the item relating to 24 Laurel Park, Wilsden, Bingley (Minute 25(c)) as she was the Chair of the Green Space Network in Bradford South and as the interest was not prejudicial she remained in the meeting.

Councillor Owens disclosed a personal and prejudicial interest in the item relating to 42 Oakwood Drive, Bingley (Minute 25(f(iv))) as he had advised the applicant on the matter 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)*



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BRADFORD METROPOLITAN DISTRICT COUNCIL

Suzan Hemmingway, Assistant Director Corporate Services (City Solicitor)



22. MINUTES

Resolved -

That the minutes of the meetings held on 23 July, 3 September and 1 October 2009 be signed as correct records.

23. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

24. PUBLIC QUESTIONS

There were no questions submitted by the public.

25. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) **7 Moorfield Road, Cottingley, Bingley**

Bingley Rural

Full planning application for construction of new two storey dwelling in the grounds of 7 Moorfield Road, Cottingley, Bingley – 09/03320/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 construct a two storey dwelling in the grounds of No. 7 Moorfield Road. There was already a side extension to No.7 and this would be removed to accommodate the proposed dwelling. The site would provide two off road parking spaces for the new dwelling and two replacement spaces for the existing dwelling. Access to the proposed dwelling would be opposite the entrance to Manor Court sheltered housing complex. The Strategic Director, Regeneration reported that four letters of representation, a letter from a Councillor, a letter from a Member of Parliament (MP) and a petition had been received. The representation from the Councillor was in support of the application and the MP was against it. The grounds of objection were in relation to the impact on the area, highway safety, overshadowing, noise and access. It was noted that additional letters had been received following the publication of the report which raised concerns in relation to the Traffic Regulation Order and indicated that all the issues had not been covered.

The Strategic Director, Regeneration confirmed that the proposed dwelling would be the same height as No.9, but lower than No.7 Moorfield Road. Following consultation the Drainage Services Unit had requested that conditions be placed on the application. The Highways Department had indicated that there could be access issues and had recommended a new Traffic Regulation Order (TRO), at the developer's expense, to prohibit parking at any time. It was noted that the density of the site was 52 dwellings per hectare and was in accordance with Council policies. The design of the proposed dwelling would be similar to other properties in the area and the main windows would be to the front and rear, which would not result in any overlooking. The current access would be widened

for the proposed dwelling and a new access created for the existing property. The Strategic Director, Regeneration then recommended the application for approval, subject to a Section 106 Agreement to ensure the promotion of a TRO along the site frontage and neighbouring property and also subject to the conditions set out in the report.

In response to a Member's queries, the Strategic Director, Regeneration confirmed that a fence up to 2 metres in height was acceptable and that it was difficult to determine whether the tree was within the applicant's property. If so, it would be the applicant's decision as to what happened to the tree.

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

- That he was representing the resident of No. 9 Moorfield Road.
- That the report failed to mention that there was a further drop of 1 metre to No.9.
- That the local Member of Parliament (MP) had raised concerns in relation to the access and egress for Manor Court.
- That a Tree Preservation Order (TPO) had been proposed, but it penalised the parking provision at No.11.
- That the proposal was an overdevelopment, as the density was outside that recommended for the area.
- That the plans indicated that the proposed dwelling would match others, however, one property was rendered and the other was constructed of a different brick type.
- That the plans did not reflect the street scene or situation accurately.
- That according to the revised plans the proposed dwelling would be squashed in.
- That the proposal would result in the loss of a pleasant green space and tree, which was an important visual amenity.
- That a previous application had been refused in January 2009 as it had been contrary to policies and had an adverse impact on No.9.
- That nothing had changed and it was still an incongruous development.

A Councillor in support of the applicant was present at the meeting and made the following points:

- That the objector's points had been raised by the officer and within the report.
- That the tree was to remain.
- That a previous application had been refused, however, it was not relevant to this application.
- That the applicant had met with the Planning officer and significant changes had been made.
- That the presented report was comprehensive and addressed the concerns raised.
- That there was no reason as to why the application should be refused, as it was acceptable.
- That the applicant would also pay for the Traffic Regulation Order.

The Councillor in support of the applicant informed Members that the differences between the previous application, which had been refused and the one being considered was that the dwelling had been substantially larger and that insufficient information had been provided.

During the discussion Members' expressed their concerns in relation to the height of the proposed dwelling and requested that the tree be retained.

Resolved -

That the application be approved for the reasons and the conditions set out in the Strategic Director, Regeneration's technical report and subject to completion of a Section 106 Agreement in respect of the payment of £6,000 towards the completion of a Traffic Regulation Order and subject to the following additional conditions:

- (i) **That the ridge height of the proposed dwelling be no higher than that of No.9 Moorfield Road; and**
- (ii) **That the tree in the rear garden of No.7 Moorfield Road be retained.**

ACTION: Strategic Director, Regeneration**(b) Beckfoot School, Wagon Lane, Bingley****Bingley Rural**

Discharge of condition application. Provision of samples of materials required by condition 02 of application 08/03107/REM for the construction of a new secondary and special school on existing playing fields and provision of new sports facilities at Beckfoot School, Wagon Lane, Bingley – 08/03107/SUB06.

The Strategic Director, Regeneration gave a presentation and explained that the outline application had been granted in May 2008 with the reserved matters application being approved in July 2008, subject to several conditions. Condition 2 had requested that "samples of all facing and roofing materials including full details of colours, shall be submitted and approved in writing". In light of this a sample board of the materials to be used was presented and it was recommended that they were acceptable. The Strategic Director, Regeneration then requested that Condition 2 be discharged.

Resolved –

That the requirements of Condition 02 be discharged.

ACTION: Strategic Director, Regeneration**(c) 24 Laurel Park, Wilsden, Bingley****Bingley Rural**

Full planning application for development of 3 terrace houses with integral garages at 24 Laurel Park, Wilsden, Bingley – 09/04006/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It explained that the proposal was to construct three terrace houses with integral garages. Access would be from Laurel Park via a new bridge with a turning head and visitor parking for three vehicles also provided. An area of landscaped open space would be dedicated to the Parish Council as public open space. The Strategic Director, Regeneration reported that the dwellings would appear to be single storey when viewed from Main Street and two storeys when seen from Laurel Park. They would be constructed from natural stone and artificial stone slates. It was noted that previous applications had been refused on the site.

The Strategic Director, Regeneration confirmed that the Parish Council had recommended approval of the application and four representations had been received objecting to the proposals on the grounds of loss of open space, out of character, poor access, loss of light, impact on trees, loss of privacy, flooding and possible anti-social behaviour. A

number of consultations had been undertaken and the following responses ascertained: the Drainage Service Unit had requested clarification on the surface water discharge arrangements; the Architectural Police Liaison Officer had indicated that issues required addressing; Heritage Conservation had stated that it was an unacceptable development; Highways had outlined access issues and the Trees Section had confirmed that they were unable to support the application.

It was confirmed that the density met Council requirements, however, the main concern was the impact on the Wilsden Conservation Area and that the location of the open space would have a negative effect on the Conservation Area. Policies BH10 and OS8 protected open space and the Strategic Director, Regeneration stated that the Council's legal adviser had indicated that the transfer of land from the developer to the Parish Council would be difficult via a Section 106 Agreement. Concerns had been raised in relation to the impact on the visual and residential amenity. Community safety implications with regard to the limited views, lighting and boundary treatments were also highlighted. In conclusion the Strategic Director, Regeneration recommended that the application be refused for the reasons as set out in the report.

A Parish Councillor was present at the meeting and outlined the following points:

- That the area had not been a green open space for over 35 years.
- That a total of 11 buildings had been erected on the site over the years.
- That the site was a brownfield site.
- That the development was not an issue.
- That the proposal would provide a small park area for the residents of Wilsden.
- That the Parish Council supported the application and welcomed the provision of a small park.
- That the proposal would redress the shortfall of green space within Wilsden.
- That the photographs had been taken following a clean up of the site, however, it was still unsightly.

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

- That historic maps of the site indicated that terrace houses had been present in the past.
- That the 6 reasons for refusal had not applied to the application submitted in 2007.
- That inadequate private residential amenity space could apply to many dwellings that should not have been approved.
- That older properties had restricted residential amenity space.
- That there would not be any excavation within the root protection area of the trees.
- That the area to be dedicated as an open space was accessible now and anti-social behaviour could occur now.
- That the inclusion of 2 gates would resolve the issue regarding secure boundary treatments.
- That accurate information could be provided with regards to the open space.
- That the trees were seen as a backdrop.
- That the open space had changed within the conservation area.
- That the land to be dedicated as a public open space would replace the area that was lost.

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

- That he was in support of the application.
- That land in Denholme dedicated to public use had been made more attractive and

provided a sense of ownership and pride.

- That the loss of open space was accepted.
- That quality, not quantity was important.
- That pride in the village was important.
- That a condition regarding the trees would resolve the third reason for refusal.
- That there was not a problem with anti-social behaviour on this open land in the village.
- That the rear boundary treatment issue could be resolved by a condition on the application.
- That a Tree Preservation Order (TPO) could be applied for.
- That the issue of transferring the land could be dealt with by a condition.
- That the Panel should visit the site.

In response to a Member's concern it was reported that the open space to the north and east was not dedicated and would be conveyed to the occupier of the adjacent dwelling and this would be legally and clearly defined.

During the discussion Members commented on the effect the development would have on neighbouring properties, the appearance of the site and the boundary treatments.

Resolved -

That the application be granted as set out below:

It was considered that that proposal was in accordance with the policies listed in the Strategic Director, Regeneration's technical report.

That the granting of planning permission be deferred and delegated to the Strategic Director, Regeneration in order for the Assistant Director, Corporate Services (City Solicitor) to negotiate the provision of a satisfactory agreement under Section 106 of the Town and Country Planning Act 1990 to;

- (1) Transfer the open space and a commuted sum to the Parish Council (unless the land and finances for maintenance are transferred direct to the Parish Council before Planning Permission is granted); and**
- (2) Ensure the provision of a financial contribution for street lighting.**

And also subject to the following conditions:

- (i) That a Construction Plan be submitted to and approved by the Local Planning Authority prior to the commencement of any development. Approved Construction Plan to be implemented.**
- (ii) Standard hours of construction.**
- (iii) That the existing access from Main Street be closed and the proposed access through Laurel Park be implemented prior to the commencement of any development.**
- (iv) That a drainage plan be submitted to and approved by the Local Planning Authority prior to the commencement of any development. Approved Drainage Plan to be implemented.**
- (v) That the details of the boundary treatments be submitted to and approved by the Local Planning Authority prior to the commencement of any development.**
- (vi) That those conditions recommended by the Council's Highways Officer and listed within the Strategic Director, Regeneration's technical report be approved by the Local Planning Authority prior to the commencement of any**

development.

- (vii) That plans to place protective fencing around the trees be submitted to and approved by the Local Planning Authority prior to the commencement of any development; and
- (viii) That the permitted development rights be removed.

And that notification of the agreement be presented to a future meeting.

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.)

(d) **'Don't Tell Titus', 6-7 Victoria Road, Saltaire**

Shipley

Retrospective Listed Building Consent application for installation of 2 external roller shutters on the two front doors, 'Don't Tell Titus', 6-7 Victoria Road, Saltaire, BD18 3LA - 09/01238/LBC.

Retrospective full planning application for installation of 2 external roller shutters on the two front doors, 'Don't Tell Titus', 6-7 Victoria Road, Saltaire, BD18 3LA - 09/01239/FUL

The Strategic Director, Regeneration began by informing the Panel that there was an issue in relation to when the notification letter had been despatched. The applicant was given the option of deferring the consideration of his application, however, he confirmed that he was content for the item to be discussed.

The Strategic Director, Regeneration then explained that the application had been deferred at the meeting held on 18 June 2009 in order to allow negotiations to take place in respect of alternative security solutions. The site was within a conservation area and a World Heritage Site. It was confirmed that a meeting had been convened at the site on 30 July 2009 between the applicant, the Senior Conservation and Design Officer and the West Yorkshire Police Bradford District Architectural Liaison Officer. A lengthy discussion had taken place and detailed feedback was provided by the Police's Architectural Liaison Officer following the meeting which concluded that there were alternatives that could provide the same level of security. The Strategic Director, Regeneration reported that the applicant did not support the alternatives and wished to retain the external shutters. He then recommended that the application be refused. It was noted that the shutters had been placed over two identical doorways to the premises and were raised from 0600 through to 0100 hours, 7 days per week. He stated that the primary consideration was the effect on the listed building and World Heritage Site. There was also the setting of a precedence to consider and it was queried what would happen if the ownership altered, the trading hours changed and if other businesses followed suit. Overall the Strategic Director, Regeneration indicated that there would be a harmful effect on the character and conservation of a World Heritage Site.

In response to a Member's question in relation to the placing of a condition upon the application, the Council's Legal Officer explained that it was not advisable to grant a personal permission for the shutters, as the building was listed and it was not appropriate. The Strategic Director, Regeneration confirmed that there were no other premises with external shutters in the Conservation Area. He also reported that the Council's policy was to "discourage" shutters. It was noted that the building was listed, was a significant asset to the area and other options were available to the applicant.

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

- That he had not received notification that his application would be before the Panel until 20 November.
- That negotiations had not taken place as only one meeting had been held with the Council and the Police Architectural Liaison officer.
- That the only suggestion had been to install more shutters inside.
- That he had not received a response to the idea of a personal licence for the shutters.
- That it had been suggested that internal shutters were as effective as external ones, however, he had concerns as a number of other premises with internal shutters had been broken into.
- That the businesses on either side had been broken into whilst no further damage had been caused to his.
- That the Police Architectural Liaison Officer had stated that 5 burglaries and 3 attempted burglaries was not an abnormal level, therefore what was a normal level?
- That flood lights and movement sensors had been installed, but they had not prevented the burglaries or damage.
- That he had received support for the shutters from members of the public, Members of Parliament (MPs) and Councillors.
- That the shutters were only deployed between 0100 to 0600 hours.
- That he was a small business owner and it was not financially viable to install internal shutters at the premises.
- That internal shutters would be obtrusive inside the premises.
- That no representations had been received against the external shutters.
- That a site visit should be undertaken to assess the impact of the shutters.

During the discussion Members expressed their sympathy with the applicant's predicament and it was proposed that conditions be placed on the application in relation to the hours of operation and maintenance of the shutters.

Resolved -

That the application be granted as set out below:

It was considered that the proposal was in accordance with the policies listed in the Strategic Director, Regeneration's technical reports and the approved Shopfront Design Guide Supplementary Planning Document.

That as such the application should be granted subject to the following conditions:

- (i) **That the shutters be deployed not prior to midnight and raised no later than 0700 hours seven days per week; and**
- (ii) **That the shutters be maintained to a good working standard.**

ACTION: Strategic Director, Regeneration

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

(i) **Land South of Fieldhead Farm, Flappit Springs, Halifax Road, Bingley** **Bingley Rural**

Alleged unauthorised tipping of soils – 08/00865/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: 08 July 2009

Resolved –

That the decision be noted.

Action: Strategic Director, Regeneration

(f) **Requests for Enforcement/Prosecution Action**

(i) **14 Back Lane, Wilsden** **Bingley Rural**

Unauthorised construction of an extension to the rear of the property - 09/00461/ENFUNA

Enforcement action to remove the extension was authorised on 21 September 2009

(ii) **70 Kirkgate, Shipley** **Shipley**

Complaint regarding the erection of gates and gate posts adjacent to the public footpath - 09/01137/ENFUNA

The structures exceed the permitted height of 1m, therefore planning consent was required. As no planning consent had been granted and the owners had not made any attempt to rectify this breach of planning control, the Planning Manager (Enforcement & Trees) authorised enforcement action on 10 November 2009, to have these structures removed.

(iii) **94 Low Ash Drive, Shipley** **Windhill/Wrose**

Unauthorised construction of a timber balcony and a timber platform to the rear of the property - 09/00965/ENFUNA

The raised balcony and decking represented a significant increase in the levels of overlooking, as these developments would allow unrestricted views into neighbouring gardens and habitable room windows. As such the balcony and decking was detrimental to the amenity and privacy of existing and future residents.

Therefore the balcony and garden decking were contrary to Policy UR3 of the Bradford Replacement Unitary Development Plan (2005).

Enforcement action requiring the removal of both these structures was authorised on 28 September 2009.

Councillor Cole in the Chair

(iv) **42 Oakwood Drive, Bingley**

Bingley

Non-compliance with planning condition 6 attached to planning application 07/03440/FUL - 09/00019/ENFAPP.

Condition 6 stated: "Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 129/1; shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway."

The new owners had moved into the property and planted a new boundary hedge within the protected visibility splay.

Given that the condition was imposed in the interests of Highway Safety, enforcement action to seek compliance with conditions 6 was authorised on 30 September 2009.

Resolved –

(1) **That the decisions be noted.**

(2) **That the Panel expressed their concern in relation to the leylandii hedge and not the fence at 42 Oakwood Drive, Bingley, Bradford.**

Action: Strategic Director, Regeneration

(g) **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

(h) Decisions Made by the Secretary Of State

APPEALS DISMISSED

(i) 2 Milligan Court, Harden, Bingley

Bingley Rural

Construction of single storey rear and first floor side extension - Case No: 09/00982/FUL

Appeal Ref: 09/00101/APPFUL

(ii) Beckfoot House, Beckfoot Lane, Harden, Bingley

Bingley Rural

Retention of a general purpose agricultural building and adjacent hard standing - Case No: 09/01478/FUL

Appeal Ref: 09/00104/APPFUL

(iii) Berwyn, 13 Brantcliffe Drive, Baildon

Baildon

Construction of two storey side extension and single storey rear extension and front porch - Case No: 09/01738/HOU

Appeal Ref: 09/00119/APPHOU

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

(i) Petition to be Noted

(i) 20 Welwyn Avenue, Shipley

Windhill/Wrose

Full planning application for the construction of one detached dwelling on land to the side of 20 Welwyn Avenue, Shipley, Bradford - 09/03353/FUL

The application had been advertised by neighbour notification letters and a site notice. The publicity period expired on 3 November 2009. Eleven representations were received including a 76 signature petition.

The application was refused by a Senior Planning Officer under delegated powers.

Resolved –

That the decision 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