

Minutes of a meeting of the Area Planning Panel (Shipley) held on Wednesday 16 December 2009 at the Town Hall, Shipley

Commenced 1005

Concluded 1250

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Greaves	Amin	Cole
Owens	Ferriby	
Pennington		

Apologies: Councillor Shabir Hussain

Councillor Owens in the Chair

26. DISCLOSURES OF INTEREST

Councillor Ferriby disclosed a personal interest in the items relating to Manywells Industrial Estate, Manywells Brow, Cullingworth, Bingley (Minute 29(b)), Methodist Free Church, Micklethwaite Lane, Bingley (Minute 29(c)) and Woodbank, Harden Road, Harden, Bingley (Minute 29(d)) 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 Greaves disclosed a personal interest in the item relating to Manywells Industrial Estate, Manywells Brow, Cullingworth, Bingley (Minute 29(b)), as he was the Chair of the West Yorkshire Integrated Transport Authority and as the interest was not prejudicial he remained in the meeting.

Councillor Owens disclosed a personal interest in the item relating to Woodbank, Harden Road, Harden, Bingley (Minute 29(d)) as he knew the applicant's family and as the interest was not prejudicial he remained in the meeting.

Councillor Pennington disclosed a personal interest in the item relating to Woodbank, Harden Road, Harden, Bingley (Minute 29(d)) as he was acquainted with the applicant's family and as the interest was not prejudicial he remained in the meeting.

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



2008-2011
Improving Rural Services
Empowering Communities



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



27. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

28. PUBLIC QUESTIONS

There were no questions submitted by the public.

29. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) 1 Station Road, Denholme

Bingley Rural

Change of use application from A1 (retail) to A3 (restaurant & cafes) at 1 Station Road, Denholme – 09/04170/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and explained that the application was for a change of use from a shop (Class A1) to a café/hot food takeaway (Class A3/A5). The Parish Council had objected to the proposal and four letters of representation had been received, along with a letter of support from a local Councillor. The issues raised were in relation to highway safety concerns, no planning permission, another food establishment was not required, traffic nuisance, trade waste and the possible congregation of groups of youths. The Strategic Director, Regeneration confirmed that consultation had taken place with Highways, who had requested that the operating hours be restricted to 08.00 to 17.00; and Environmental Protection, who had suggested that a condition restricting the opening hours and deliveries be placed on the application. It was noted that if the use was restricted to that of a café only, then there would not be a significant impact on the highway safety. In relation to residential amenity, the applicant had indicated that the Managing Director of the public house had agreed that the waste bins could be stored in the car park, however, Council officers had made a number of visits to the site and they had still been on the pavement. The Strategic Director, Regeneration reported that the storage of the bins would be covered by a condition and that the premises would not be permitted to open early or close late. It was then recommended that the change of use was acceptable and that the application be approved, subject to the conditions as set out in the report.

During the discussion Members agreed that a condition in relation to the siting of the waste bin off the public highway was required.

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

- That parking in the vicinity was already awkward.
- That the area was residential.
- That the premises was already being used as a café.
- That it had been believed that the application was just for a take-away and there was no objection to its use as a café.

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 of Condition 3 as follows:

“That the storage of the waste bin be not permitted on the pavement and that details for waste removal, storage and disposal be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented at the commencement of use and shall be thereafter retained.”

ACTION: Strategic Director, Regeneration**(b) Manywells Industrial Estate, Manywells Brow, Cullingworth, Bingley Rural Bingley**

Outline application with access only to be considered at Manywells Industrial Estate, Manywells Brow, Cullingworth, Bingley – 09/04432/OUT

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that it was an outline application with only access to be considered. The proposed development would be mixed use comprising business, industrial, a nursing home, residential and open space. It was noted that detailed negotiations and extensive consultation had taken place with Council officers and the applicant. The site was an existing previously developed site and adjacent to a former tip and railway line. An area of protected woodland was to the south of the site and would remain undeveloped and a protected wildlife area. The proposed area was adjacent to the Great North Trail, however, it was screened from it by trees. The existing access to the site would also be retained.

The Strategic Director, Regeneration reported that the Parish Council had objected to the application on the grounds of concerns in relation to the Bee Orchids, traffic generation, travel plans and contamination. Representations had also been received from nine local residents and two further objections had been submitted following the publication of the report from a Ward Councillor, who supported the views of the Parish Council and raised concerns in relation to the problematic landfill site and another from a local resident, who identified issues in relation to the local springs and water courses, drainage and pollution and that the nursing home was not appropriate for the surroundings.

It was noted that significant consultation had taken place with Highways, the Police Architectural Liaison Officer, Drainage, the Environment Agency, Yorkshire Water, Environmental Protection, Natural England, Tree Section, Parks and Landscapes, Affordable Housing, Education, Rights of Way, Metro and the Biodiversity Section. The resulting requirements had all been conditioned within the application. With regards to the Orchid Survey, four options had been submitted with Option 2 'Retention and Management' considered to be the ideal and default position.

The Strategic Director, Regeneration confirmed that it was an allocated employment site and the proposal sought to redevelop the existing site in conjunction with residential development. With regard to the biodiversity issues, there would be a significant amount of structured planting, a flood risk assessment was required due to the size of the site and a sustainable drainage solution was recommended. Both Yorkshire Water and the Environment Agency had recommended restrictions to the flow of water from the site. The Strategic Director, Regeneration informed Members that detailed work had been

undertaken in relation to the contamination issues, which could be remediated. The outline application demonstrated that the site could be developed, however, further contamination works would need to be carried out.

The Strategic Director, Regeneration highlighted the detailed set of conditions on the application and indicated that the contamination issues would be monitored. A long term Management Construction Plan would also be put in place. The access to the site was included within the proposal, however, the internal layout of the roads was not. It was acknowledged that there was a significant requirement for affordable housing and education in the area and, therefore, the application was subject to a Section 106 Agreement. The provision of two bus shelters and the raising of kerbs would also be included. In conclusion the Strategic Director, Regeneration recommended the application 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 protected woodland area was in the Council's Replacement Unitary Development Plan (RUDP).
- That the site was contaminated in small areas and could be dealt with on site. There were no proposals to remove the materials from the site.
- That the old buildings on the site would be demolished.
- That a condition could be placed on the application to ensure that the residential and commercial access roads remained separate. However, the internal development of the site was not being considered and it was envisaged that the commercial access would be restricted to the commercial part of the site.
- That development would not take place near to the existing residential properties and it was more appropriate to place less industrial buildings near to houses.
- That the flooding issues could be resolved and there was an opportunity for a new drainage system to be installed.
- That the Government had changed the regulations in April 2009. The application was a departure from the RUDP, but it could be determined without being referred to the Secretary of State. The Council had changed the rules in order that planning applications could be considered.
- That there was wording to cover the ability to be flexible in relation to affordable housing. The issue was that the application was outline and therefore there were an undetermined number of affordable housing units.
- That there would be a range of jobs available on the site.

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

- That the Parish Council thought the area would be protected via the Replacement Unitary Development Plan (RUDP).
- That a public inquiry had taken place in 2005 and the Inspector's conclusion had been that a large amount of housing was not appropriate. He had stated that the site was not suitable for sustainable development, housing would conflict with policies and was unacceptable. The employment area should be retained.
- That the landfill site was not managed properly.
- That the site had a large number of underground springs.
- That flooding in the village had increased.
- That the traffic assessment concentrated on the site and not the impact upon the community.
- That a traffic assessment was required for the whole village.
- That the proposal was contrary to UDP2 and UDP7.

- That the Parish Council would want to influence the spending of the Section 106 contribution.
- That the funds should be allocated to recreation and the village and allocated initially to Cullingworth and then to Bingley Rural.
- That the Parish Council were not against the development, but a considerate design was required.
- That the housing element of the proposal should be on a less intrusive site.

In response to some of the comments, the Strategic Director, Regeneration confirmed that:

- The application was not in accordance with the RUDP or Council policy regarding housing settlements, however, it was not going to be a housing led site.
- The area was identified for affordable housing, therefore, 25% of the dwellings would be affordable.
- The education contribution would be used for local schools.
- The recreation contributions would deal with particular issues in the village.

With regards to the contributions, Members requested that it be reflected within the heads of terms of the Section 106 Agreement that the funds be spent within Cullingworth.

An objector was present at the meeting and stated the following:

- That there was a rare local species of orchid in the area.
- That the orchids should not be moved.
- That the information in the report regarding the butterflies in the area was confusing.
- That the housing would damage the whole wildlife habitat.
- That the proposed site for the housing development needed to be looked at further.
- That the application should be refused.

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

- That all the issues had been addressed.
- That the ecological issues had been addressed and work undertaken.
- That Option 2 of the Orchid Survey dated July 2009, had been recommended by the Council.
- That the application proposed a proper management plan and care regime.
- That the contamination was in isolated pockets and the proposed conditions would deal with the issues.
- That remediation options had been put forward.
- That there was no intention to link the access roads to the commercial/industrial and residential areas. A condition stating this would be acceptable.
- That the number of affordable housing units could be looked at.
- That approximately 290 jobs would be created.
- That there were no concerns in relation to flooding and drainage.
- That they would support the spending of the contributions for education and recreation within Cullingworth.

In relation to the Bradford Wildlife Area (BWA), the Ecologist representing the applicant stated that he had seen the Common Blue Butterfly at the site and that he had successfully moved the Bee Orchid before. Four options had been submitted and the ecology of the site had not been pre-determined.

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

- That the minutes of the Parish Council meeting, held on 2 December 2009, had stated that only half of the road would be used for access.
- That the Council had recently been fined for allowing a person on the site.
- That no-one was allowed on the site by law.
- That the report detailed a 'no dig layer'. Was this so the contaminated land was not penetrated?
- That there were a number of gas monitoring points to the south of the land, however, these were not mentioned within the report.
- That nearby houses had been affected by mud and sludge from the site.
- That if the site was capped the amount of water that flowed from it would increase.
- That the report stated that space was required between the orchid's habitat and the development, however, children would play on a green expanse.
- That there was no requirement for the proposed nursing home and the application would have to be changed.
- What if the conditions did not resolve the issues?
- That the application should be deferred for further consideration.

The Strategic Director, Regeneration made the following responses to a number of the points raised:

- That the conditions would specify 'before commencement of development'.
- That a new application would be required if the nursing home was not part of the scheme and the area was not shown to be used for residential purposes.
- That the site was contaminated and this would be monitored. Further work was required, however, this could not be undertaken until it was known what would be constructed on the site.

In response to Members' questions it was confirmed that:

- A new drainage system was proposed which would be subject to the requirements of Yorkshire Water and the Council. The current buildings did not have a road or drainage system that could cope, therefore, industrial estate access roads with the means to manage with the drainage issues would be created.
- The retention of the rain water would be through holding tanks or a sustainable drainage system. At the moment there were areas on the site where there were no drains.
- The scheme would deliver an improved employment scheme for Cullingworth and would be properly managed.
- Discussions with regard to the access to the tip area would take place with the owner.
- The issue regarding gas migration would be resolved. There were two years of gas monitoring information, but no indication of gas migration.

The Highways Officer then requested that a defined pedestrian crossing and a vehicle activated speed sign be provided on Cullingworth Road.

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 additional condition:**

- (i) that separate access roads for the commercial/industrial use and the proposed residential and nursing home shall be provided.
- (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 to include the heads of terms set out in the Strategic Director, Regeneration's technical report plus the following additional provisions:
 - (i) That a pedestrian crossing shall be provided on Cullingworth Road, near to Sutton Drive along with a vehicle activated speed sign;
 - (ii) No more than 30 dwellings on the site shall be occupied until at least 7,000 square metres of the employment floor space has been completed and is ready for occupation; and
 - (iii) The contributions for education and recreation be primarily spent in Cullingworth.

ACTION: Strategic Director, Regeneration

- (c) **Methodist Free Church, Micklethwaite Lane, Micklethwaite, Bingley**

Full planning application for the conversion of a former Methodist Church to form two apartments (2 bedroom) with parking, including the demolition of existing outbuildings and formation of a new driveway at the Methodist Free Church, Micklethwaite Lane, Micklethwaite, Bingley – 09/04563/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was noted that the wrong elevations were detailed in Condition 2 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 Condition 2 being amended to reflect the correct elevations.

ACTION: Strategic Director, Regeneration

- (d) **Woodbank, Harden Road, Harden Bingley Rural**

Full application for the construction of split level dwelling on land at Woodbank, Harden Road, Harden – 09/04833/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 from natural stone and slates a split level detached dwelling on a cleared banked area above a large pond. The application site was within the Green Belt and it was also a Bradford Wildlife Area. The Parish Council had objected to the application on these grounds and that they believed the applicant had failed to demonstrate exceptional circumstances to allow the application to be granted. A Ward Councillor had also requested that the

application be submitted to the Panel for consideration.

It was noted that the dwelling would be a designed and constructed to a high standard and the materials would be in accordance with the character of the area. Consultations had been undertaken with Drainage, who had requested further information in relation to the flood risk; and West Yorkshire Ecology, who did not support the proposal and had requested that the application be refused. The applicant had acknowledged that the development was in direct conflict with the development on Green Belt and had submitted a statement outlining the special circumstances for the proposal. He had stated that the site was well screened and did not affect the visual amenity of the Green Belt.

The Strategic Director, Regeneration reported that the design of the dwelling and its other features were not considered to be special circumstances which would justify development in the Green Belt. Whilst sympathising with the personal circumstances, the proposal was considered to be inappropriate and not justified within the Green Belt and, therefore, the application was recommended for refusal.

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

- That the application was to provide accommodation for elderly relatives.
- That the design had received positive comments from the Council's Conservation Officers.
- That the proposed dwelling would be hidden from view and not impact on the Green Belt.
- That the dwelling had been designed to a high standard.
- That the application had been submitted due to personal circumstances, however, these were not deemed to be an overriding factor for development within the Green Belt.
- That the proposed dwelling would be sited away from visible points.
- That the land and dwellings had been in a detrimental state when originally purchased. Beneficial improvements had now been made.
- That information in relation to the trees could be provided if necessary.

Resolved -

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

ACTION: Strategic Director, Regeneration

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

(i) **35 Dove Street, Saltaire, Shipley**

Shipley

Alleged unauthorised works to a Listed Building – 09/01050/ENFLBC

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: 1 December 2009

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

Alleged unauthorised development – 07/00014/ENFLBC

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: 30 November 2009

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

Alleged unauthorised development – 07/00015/ENFLBC

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: 30 November 2009

Resolved –**That the decisions be noted.****Action: Strategic Director, Regeneration**(f) **Requests for Enforcement/Prosecution Action**(i) **Bradford & Bingley Rugby Club, Wagon Lane, Bingley****Bingley Rural**

Unauthorised erection/siting of a permanent Marquee – 09/00205/ENFUNA

A retrospective planning application was refused on 6 July 2009. Two of the reasons for refusal were GB1, Green Belt and UR3, Residential Amenity.

The Marquee remains in situ.

The Planning Manager (Enforcement & Trees) authorised on 19 November 2009 Enforcement action to have the Marquee removed.

(ii) **Land at Canal View, Micklethwaite Lane, Bingley****Bingley**

Unauthorised change of use from agricultural land to residential garden – 06/01052/ENFCOU

The original complaint arose due to a small amount of digging arising next to a site with permission for the conversion of farm buildings. It was alleged that the land would be varied to a garden and the curtilage of the converted property extended. The landowner was challenged and maintained that the use would not be changed to a garden. Subsequently fencing was erected and a lawn laid, an ornamental gate was erected and steps laid down to the lawn. The land took on the character and appearance of a garden.

Enforcement action was authorised on 13 November 2009 requiring the cease of use of the land as a garden and for any residential use or purposes ancillary to residential use. A time period of 28 days for compliance was proposed.

(iii) **Otley Road Garage (Fry Carpets), Otley Road, Baildon**

Baildon

Unauthorised change of use from Retail to a mixed use of Retail and Hand Car Wash - 09/01318/ENFCOU

A retrospective planning application is currently under consideration but given the serious highway safety concerns the Planning Manager (Enforcement & Trees) authorised on 23 November 2009 Enforcement action requiring the owners to cease the unauthorised Hand Car Wash use.

The Bradford Unitary Development Plan policies quoted were TM19A, TM2, TM11 and UR3.

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

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

APPEAL ALLOWED

(i) **10 Fern Hill Road, Shipley**

Shipley

Retention of conservatory as built - Case No: 08/03498/FUL

Appeal Ref: 09/00097/APPFUL

APPEALS DISMISSED

(ii) **6 Moorfield Drive, Baildon**

Baildon

Construction of single storey bungalow in rear garden - Case No: 09/01724/FUL

Appeal Ref: 09/00111/APPFUL

(iii) **Red Garth, 20 Manley Road, Ilkley**

Ilkley

Conversion of basement to form self contained flat - Case No: 09/00054/FUL

Appeal Ref: 09/00137/APPFUL

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.

i:\minutes\pls16Dec

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