

## Minutes of a meeting of the Area Planning Panel (Shipley) reconvened from Thursday 14 January 2010 and held on Thursday 28 January 2010 at the Town Hall, Shipley

Commenced 1015

Concluded 1225

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Clamp	Amin	J Hall
Owens	Ferriby	
Pennington		

Apologies: Councillors Cole, Greaves and Shabir Hussain

Observers: Councillor L'Amie (Minute 33(a))

### Councillor Owens in the Chair

#### 30. DISCLOSURES OF INTEREST

Councillor Ferriby disclosed a personal interest in the item relating to Bingley Grammar School, Keighley Road, Bingley (Minute 33(b)) 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.

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

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

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

#### 32. PUBLIC QUESTIONS

There were no questions submitted by the public.



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Suzan Hemmingway, Assistant Director Corporate Services (City Solicitor)



### 33. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) **1 Belmont Avenue, Baildon**

**Baildon**

Full planning application for the construction of one new dwelling and an extension to an existing dwelling with a new double garage at 1 Belmont Avenue, Baildon – 09/04916/FUL

The Strategic Director, Regeneration informed Members that the application had been amended to delete the current detached garage and raised patio. A number of amendments to the report were also highlighted. It was explained that the proposal was to construct a new dwelling and add an extension to the existing property. The site sloped down to the main road and a new access would be provided from Hope Lane. The design of the dwellings in the area was varied and the existing property was oriented at an angle. The Strategic Director, Regeneration confirmed that the new dwelling would have a dropped kerb and driveway access off Hope Lane. The development would be tightly knit, however, the impact on residential amenity was considered to be acceptable. In relation to highways issues, the new access from Belmont Avenue did not require planning permission and was deemed to not cause harm to highway safety. It was noted that a number of concerns had been raised which had been considered within the officer's report. The application was then recommended for approval, on balance, subject to the conditions as set out in the report.

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

- That the distance required by policy from the flank to the rear of a dwelling was 12 metres.
- That planning officers had considered the distance of 3 metres between the properties to be reasonable.
- That the present access off Hope Lane was pedestrian and vehicle with pedestrian access only from Belmont Avenue.

An objector was present at the meeting and outlined the following concerns, indicating that they related to the application prior to the amendments:

- That the retention of the existing house was supported.
- That the application was an improvement on previous proposals.
- That the proposed house was too large for the plot.
- That there were concerns in relation to the distance between the new and proposed properties.
- That the proposed dwelling would overshadow 1a Belmont Avenue and 7 Hope Lane.
- That there were concerns in relation to the height and proximity of the proposed dwelling in relation to 1a Belmont Avenue's boundary.
- That the houses in the area had large gardens with spacious boundaries.
- That the proposed extension was out of keeping with the area.
- That there would be a loss of privacy.
- That the new proposed parking area on Belmont Avenue was too close to the road edge.
- That access to the property was historically from Hope Lane.

- That the removal of the garage and replacement hard standing area contradicts the policy on green space.
- That the parking area could set a precedent.
- That restrictions should be placed on further developments on the site.
- That the additional driveway on Belmont Avenue may be hazardous, as it was close to the access for 1a and 1b Belmont Avenue.
- That Belmont Avenue was used for parking for the school bus.
- That there could be an increase in highway safety issues.

The Strategic Director, Regeneration in response to a concern raised explained that planning permission was not required for the driveway or the hard standing at this property. It was permitted development and was not under planning control. Also permitted development rights could not be removed from an existing property.

Another objector indicated that the blank wall would block daylight into his lounge and garden.

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

- That a different approach had been taken in respect of the development plot.
- That the existing house would be brought back into use.
- That the architects involved specialised in these types of developments.
- That the architects had worked closely with the planning officers.
- That a solution had been reached and long term future of the family had been retained.
- That the green corridor from Hope Lane to Belmont Avenue had been preserved.

The applicant's agent then addressed the meeting and made the following comments:

- That they had tried to preserve the residential amenity of the adjacent houses.
- That the windows to the rear did not look directly from the new dwelling to the existing house.
- That there were no windows that overlooked neighbouring properties.
- That the siting had been adjusted so that the new property did not overlook other dwellings.
- That the green corridor had been retained.
- That the proposal was within guidelines.
- That the garage would be removed.
- That the proposed scheme was more acceptable.

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

- That the application was an improvement on previous submissions.
- That there were still issues to be refined.
- That the new dwelling was still a substantial structure.
- Was the allocated garden sufficient for the size of the proposed dwelling?
- That the distance between the properties was 3 metres and the policy was 12 metres.
- That he contested that planning permission was required in relation to what could be done beyond the access from Hope Lane.
- That the issue of "insignificant overlooking" quoted in the officer's report was a matter of opinion.
- That it would be acceptable if there was no hardstanding on Belmont Avenue.
- That the massing and scale should be reduced.

During the discussion Members raised concerns with regards to the possibility of further development within the site and requested that a Section 106 Agreement was placed upon the application.

**Resolved -**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report and also subject to the completion of a Section 106 Agreement to prevent further structures from being erected in the garden and the formation of additional hard standing areas.**

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

**(b) Bingley Grammar School, Keighley Road, Bingley**

**Bingley**

Outline application with means of access to be considered for the following development:

- i) construction of new school following demolition of the majority of existing school,
- ii) creation of a new access road off Keighley Road, and;
- iii) provision of new sports facilities

at Bingley Grammar School, Keighley Road, Bingley – 09/04239/OUT

The Strategic Director, Regeneration began by outlining a number of amendments to the report, which included 5 additional conditions. Members were then given a presentation setting out the proposals and plans were tabled detailing the layout. It was reported that the application was outline and that only the means of access for the new school, following the demolition of the majority of the existing school, was to be considered. The Strategic Director, Regeneration explained that if the principle of the development of the new school was acceptable and the new buildings were deemed satisfactory then the new access could be granted. The site was to the north of Bingley Town Centre and to the south of the train station with access gained from the south east corner. The height of the planned development would be up to four storeys and it had been proposed to construct the buildings on the site of the existing school's playing fields.

It was noted that the Highways Department had queried how safe the access was from Keighley Road to the new car park and further details were awaited from the applicants. The Strategic Director, Regeneration reported that trees on the site would be felled to facilitate the new access. The existing vehicle entrance would be closed and made into a pedestrian access and the current bus turning facility would be retained.

With regards to the buildings on the site, it was confirmed that the sports hall and music block would be retained. A new facility up to four storeys in height would be created on the current rugby pitch and would have encompassing sports facilities. Once the new school was operational, the old buildings would be demolished. The Strategic Director, Regeneration confirmed that the site was an urban green space, but it would not be compromised and the sports field provision would be replaced.

The Strategic Director, Regeneration explained that in relation to highways and pedestrian safety, the proposed Heads of Terms of the Section 106 Agreement included, amongst others, upgrades to the street lights and roads. The proposal would not impact on residential amenity and it would be ensured that all requirements in respect of the three part test and surveys would be submitted with regards to the biodiversity issues.

In conclusion the Strategic Director, Regeneration recommended the application for

approval, subject to the Section 106 Agreement, the conditions as set out in the report, the biodiversity surveys and the additional highways issues.

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

- That there would not be any impact on the residential amenity from across the river as the proposed buildings would only be four storeys in parts.
- That the Harold Street residents had been informed in relation to the access to the site.
- That the school currently accommodated 2050 pupils in total.
- That Sport England had indicated that the amount of playing fields was appropriate and sufficient.
- That the parking provision consisted of 161 places for members of staff and 30 for sixth form students.

The Council's legal officer informed Members that the applicant was required to undertake a three part test for Natural England in relation to the possible presence of bats. He explained that evidence was required and there was insufficient at the present time. A full bat survey could not be undertaken at the moment, though it may not be required, so the planning officer would consult with Natural England who would provide a directive. With regard to the planning application, the Council's legal officer indicated that as the information was not available the Panel could either delegate planning permission to the Strategic Director, Regeneration for completion of the Section 106 Agreement and upon receipt of a satisfactory bat survey or defer the decision until a suitable bat survey was obtained. He noted that it had been suggested that two trees be removed, however, these could be suitable habitats for bats and would need to be included in the survey. It would be a major task to identify the bats and their habitats and involve a lengthy survey. A sub-optimal survey could be undertaken in order to form an opinion, but this would still involve a great deal of work.

In response to Members' questions the Council's highways officer reported that:

- The drawings had been submitted yesterday and the entrance had not changed.
- The safe access and egress was detailed on the drawings along with other issues such as the closing of the existing access.
- The visibility splays required could be achieved, though a topographical survey would be required.
- There were various measures available to reduce speed and manage the traffic on Keighley Road. These had not been decided upon as yet but those available up to the value of £50,000 would be looked at.
- Detailed investigations of the most appropriate measures were required and the Department for Transport would have to approve the scheme. A Traffic Regulation Order would require more investigations and there was a high demand for commuter parking in the area, which affected residents.
- Resident only parking was on a list of schemes to be considered for the area, but had been deferred until the measures for Bingley Grammar School had been decided.
- Satisfactory improvements for residents and commuters could be made and that the school traffic be contained within the site.
- Several meetings had taken place in relation to the parking provision. Sports England had requested a set amount of play space and the proposed provision was acceptable. A car share scheme had also been suggested.
- The spaces provided for sixth form students would be managed by the school and have a proviso that there had to be a minimum of two occupants from the sixth form per car.

The Chair of Governors of Bingley Grammar School was at the meeting and stated the following points:

- That Education Bradford had indicated that the school could remain at 1900 pupils.
- That there would be difficulties managing the car parking provision.
- That the site was difficult to build on.

In response to the issues highlighted a representative of the applicant confirmed the following:

- That the site was constrained.
- That the school was substandard for the number of pupils.
- That there was a competing use of the land as Sport England wanted to retain all the sports facilities.
- That the highways issues were the main point of the application.
- That there would be a specific means of access.
- That the proposed visibility splays were a vast improvement on those in existence.
- That the new access interacted with the roadway, bus turnaround, car parking spaces and parental drop-off point.
- That a comprehensive solution for all highways issues was being looked at.
- That the proposed car parking met the standard requirements in relation to staff and 6<sup>th</sup> form provision.
- That the redevelopment had to make sufficient and efficient use of the area.
- That currently people parked all over the site. The proposal was to segregate the parking from the movement of children on the site.
- That the maximum number of spaces on the site had been reached.
- That the site consisted of grass and hard pitches.
- That the cemetery had been approached in relation to the additional land required for the access.
- That a swimming pool would depend upon the finance.
- That he could not confirm the total number of pupils.
- That the school would be built to meet the trend of the district.
- That the projected number of students was 2018.
- That if the number of students decreased, so would the funding.
- That the on-street parking in the area was generally by 6<sup>th</sup> form students.
- That schools needed to take School Travel Plans seriously as their actions affected their neighbours.

During the discussion Members acknowledged the requirement for work to be undertaken in relation to the bat survey and the need for further information with regard to the access and traffic management issues.

#### **Resolved –**

**That the application be deferred to enable the preparation of a Section 106 Agreement, a Bat Survey to be undertaken and the traffic management issues to be resolved and that the application be re-submitted to the Panel as soon as practicable.**

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

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

(i) **Titus Salt School, Higher Coach Road, Baildon** **Shipley**

Unauthorised palisade fencing – 09/00865/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: 8 December 2009

**Resolved –**

**That the decision be noted.**

**Action: Strategic Director, Regeneration**

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

(i) **Random House, 13 Lady Lane, Bingley** **Bingley**

Unauthorised change of use of residential property to a mixed use of residential and a beauticians – 09/00398/ENFCOU

Enforcement Action to resolve the matter was authorised on 9 December 2009.

(iii) **Shipley & District Club, 70 Saltaire Road, Shipley** **Shipley**

Unauthorised erection of a raised timber platform and supporting structure – 09/00053/ENFUNA

In January 2009 the Local Planning Authority received an enquiry regarding alleged unauthorised development works at the social club premises.

A retrospective planning application (09/01887/FUL) for the raised timber platform was submitted in April 2009. The application was refused by the Council on 1 July 2009. No action was taken within the given timescale, therefore on 18 September 2009 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

An Enforcement Notice was issued by the Council on 8 December 2009. The Notice required that the unauthorised raised timber platform and supporting structure be demolished and all arising materials removed from the property no later than 9 February 2010, unless an appeal is made beforehand.

**Resolved –**

**That the decisions be noted.**

**Action: Strategic Director, Regeneration**

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

**APPEAL ALLOWED**

(i) **18 Oakdale Road, Shipley**

**Windhill/Wrose**

Demolition of existing garage and construction of two storey extension to form garage, utility with first floor bedroom and rear kitchen extension, inc 3 Velux roof lights - Case No: 09/04261/HOU

Appeal Ref: 09/00186/APPHOU

(ii) **Granic Filling Station, Harden Road, Harden**

**Bingley Rural**

Construction of 8 houses - Case No: 08/06823/FUL

Appeal Ref: 09/00142/APPFUL

**APPEAL DISMISSED**

(ii) **Garages Rear Of 8 – 11 Wrose View, Shipley**

**Windhill/Wrose**

Conversion of 4 garage units to 1 ground floor flat with garden. One garage to be retained - Case No: 09/01986/FUL

Appeal Ref: 09/00142/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.**

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