

## Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 11 February 2010 at the Town Hall, Shipley

Commenced 1015  
Adjourned 1210  
Reconvened 1225  
Adjourned 1245  
Reconvened 1505  
Site Visits 1245 -1505  
Concluded 1550

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Greaves	Amin	J Hall
Owens	Ferriby	
Pennington		

Apologies: Councillors Cole and Shabir Hussain

### Councillor Owens in the Chair

#### 34. DISCLOSURES OF INTEREST

Councillor Ferriby disclosed a personal interest in the items relating to Beckfoot School, Wagon Lane, Bingley (Minute 38(b)), Menston Hall, Low Hall Road, Menston, Ilkley (Minute 38(c)) and both applications for Laurel Bank, Main Street, Wilsden, Bingley (Minute 38(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 and prejudicial interest in the item relating to Menston Hall, Low Hall Road, Menston, Ilkley (Minute 38(c)) as he was a Council appointed Director on the Incommunities Housing Association Board and had spoken in favour of the scheme 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)*



2006-2007  
Improving Rural Services  
Empowering Communities



BRADFORD BY PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



35. **MINUTES**

**Resolved –**

**That the minutes of the meetings held on 26 November and 16 December 2009 be signed as correct records.**

36. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

37. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

38. **PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

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

(a) **Beck House, Gawthorpe Lane, Bingley** **Bingley**

Planning application for the construction of a detached triple garage (10m by 6.5m) to the east of the site at Beck House, Beck Lane, Bingley – 09/04520/HOU

**The Panel noted that the application had been withdrawn in writing by the applicant prior to the commencement of the meeting.**

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

(b) **Beckfoot School, Wagon Lane, Bingley** **Bingley Rural**

Discharge of condition application. Provision of floodlighting details required by condition 03 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/SUB05

The Strategic Director, Regeneration reported that the details provided to discharge Condition 03 were considered acceptable and fulfilled the requirements of the condition and complied with the relevant policies within the Replacement Unitary Development Plan.

**Resolved –**

**That the requirements of Condition 03 be discharged.**

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

(c) **Menston Hall, Low Hall Road, Menston, Ilkley****Wharfedale**

Full planning is sought for 30 flats all of which contain 2 bedrooms at Menston Hall, Low Hall Road, Menston – 09/04891/FUL.

The Strategic Director, Regeneration explained that as the expiry date for representations was that day that Members could only be mindful in granting approval, if they so wished. He then reported that a number of representations from local residents along with a further representation from the applicant, requesting the waiving of the Section 106 Agreement, had been received following the publication of the report. These were then tabled for Members' perusal with a consultation document from Natural England, that requested a condition and a landscape architects report, which indicated that the proposal warranted more thought.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that there were three parts to the application; the existing building conversion, demolition and the construction of the new dwellings. It was noted that the site was brownfield and that the southern end of the site was designated as Recreational Open Space. It was not part of a public recreational area and, therefore, the departure from Policy OS2 was warranted. The Strategic Director, Regeneration confirmed that the new buildings would be constructed from natural stone and slate. The design would be different to and not replicate that of Menston Hall, in order not to dilute its qualities. The details of the windows would be conditioned and the new buildings would be no higher than Menston Hall.

Concerns had been raised in relation to overlooking and the loss of residential amenity, however, the Strategic Director, Regeneration confirmed that the distance between the closest building was 18 metres and there was no direct overlooking. The distance between Menston Hall and the existing buildings was 20 metres and there was no significant loss of amenity.

With regard to the trees on the site, it was reported that a number were protected but one, which was diseased, would be removed to enable the development. There were also concerns in relation to the proximity of a hard standing area to a mature tree, though this would not result in the loss of any trees. The 31 car parking spaces was a provision of 100% for the development, however, policy TM12 normally required 150% for car parking. Lower amounts were acceptable though in respect of affordable housing. The site was close to public transport facilities and a Travel Plan, Metro Card scheme and improvements to the bus shelters were required via the Section 106 Agreement.

The Strategic Director, Regeneration informed Members that the application would be subject to bat surveys and conditions would be required. He explained that there was the potential for the development to receive assistance from the Kickstart Initiative and that the application would remove a dilapidated building and provide affordable housing. The shortfalls in relation to highways and trees issues were also acknowledged. He then recommended that Members be minded to approve the application, subject to the Section 106 Agreement and the conditions as set out in the report.

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

- That the shortfalls of the scheme had not been overcome.
- That the regeneration of the Hall was supported, but not via this application.
- That there should be 47 parking spaces provided and there were only 31 planned. This would become 29 if the recommendation regarding trees was accepted and it

should be increased by 50%.

- That the residents would park elsewhere.
- That the main roads were already over congested and many were used for residents' on-street parking.
- That Low Hall Road already had parking bays, speed humps and was used for parking.
- That the Scout Hut was busy in the evenings and created traffic and parking problems.
- That there were highway safety issues.
- That Menston already had suffered from parking issues.
- That the railway station had a car park, but it became full very early in the morning.
- That buses found it difficult to get through Menston due to indiscriminate parking and this was causing ill feeling.
- That there was no evidence to prove that the provision of Metro Cards would alleviate the usage of cars.
- That the parking argument was supported by the Council's Highways Department.
- That the Council's Tree Team was not satisfied with the proposal and had recommended that the development be set further back.
- That the tree to be removed was protected and not within the site.
- That a proper root report in relation to the trees should have been undertaken.
- That some important issues had not been resolved.
- That the application should be refused.

In response to Members' queries, it was confirmed:

- That the 150% parking provision equated to 1.5 spaces per dwelling. 100% provision was below the standard, however, it was believed that the metro card provision for 3 years would offset the deficit. Metro cards were accepted for buses or trains and if people could be persuaded to use public transport at no cost they may not purchase or use cars.
- That the provision of 1 metro card per flat for 60% of the dwellings was the current Metro policy.
- That a specific Unitary Development Policy adopted by the Council agreed that reduced parking provision could be accepted for affordable housing.

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

- That the scheme had been devised in conjunction with a rural housing report and a clear need for 2 bedroom starter properties and homes for the elderly had been identified.
- That there had always been demand for properties in the area.
- That the car parking provision had been a major consideration.
- That the scheme tried to emulate a recent development in Burley in Wharfedale.
- That there was less than 100% parking provision at the site in Burley in Wharfedale, there had not been any complaints and it seemed to be working well.
- That 100% parking provision could be provided at the site in Menston.
- That smarter surfacing would be used on the parking spaces near to trees.
- That there was no profit in the scheme for the applicant.
- That the scheme had to be cost neutral.
- That the applicant would lose £50,000.
- That the insistence of a Section 106 Agreement would increase the negative cash flow for the applicant.
- That there was a risk element in all schemes.
- That 17 of the dwellings would be shared ownership and 5 would be rented to

elderly people.

- That a 25% equity stake would be required for the shared ownership.
- That the applicant was very keen to progress the development in Menston.

A representative of the Council's Housing Team was present at the meeting and stated the following:

- That the Council supported the applicant.
- That there was a demand for this type of housing in the area.
- That the application should be supported.

In response to questions the applicant's representative confirmed:

- That the flats would not be given to families.
- That the rented flats would be targeted at people over 55 years old.
- That the shared ownership properties would appeal to young couples or possibly families.
- That the development would consist of 17 shared ownership properties, 5 rented to people over 55 years and 8 would be sold by the developer, of which 2 would benefit from Kickstart funding.

At this point in the meeting the Panel adjourned to consider the additional representations tabled at the meeting.

Following the adjournment Members expressed their reservations in relation to the parking issues and suggested a number of additional conditions regarding the design, materials to be used and the restoration of Menston Hall. It was also recommended that a Section 106 Agreement be completed with regards to the affordable housing and the provision of a Metro Card scheme only.

#### **Resolved –**

**That authority be delegated to the Strategic Director, Regeneration to grant planning permission, further to the expiry of the publicity period on 11 February 2010 and subject to him giving due consideration to any further representations received prior to the end of this period, for the reasons and subject to the conditions set out in his technical report and subject to the completion of a Section 106 Agreement in respect of affordable housing and a scheme for the provision of Metro Cards and subject to the following additional conditions:**

- (i) **The details of the material to be used below the pitched roof dormers to be submitted and approved by the Local Planning Authority prior to the commencement of any development;**
- (ii) **Conservation style velux roof lights to be used;**
- (iii) **Parking spaces under the trees to have a permeable surface; and**
- (iv) **Sympathetic restoration to be undertaken of the trellis, downpipes and chimney pots of Menston Hall.**

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

**Decision following Site Visit****(d) Laurel Bank, Main Street, Wilsden****Bingley Rural**

Full application for demolition of Laurel Bank Nursing Home and the construction of 7 dwellings at Laurel Bank Nursing Home, Main Street, Wilsden - 09/05055/FUL and 09/05211/CAC

The Strategic Director, Regeneration began by explaining that the Conservation Area consent to demolish Laurel Bank Nursing and construct 7 dwellings had been recommended for refusal. The site was within the Wilsden Conservation Area with access from Crooke Lane and trees to its boundary. No letters of representation had been received and Wilsden Parish Council had recommended that the demolition be approved. The Council's Design and Conservation Team was opposed to the demolition as they believed that the proposal would have a negative impact on the character and appearance of Wilsden Conservation Area. The Strategic Director, Regeneration reported that planning guidance PPG15 set criteria against what to assess proposals for demolition in conservation areas and it favoured the retention of buildings which made a "positive contribution to the character or appearance of a conservation area". It was acknowledged that the original building had been compromised by the later extension, however, the original house was still intact and it had historical architectural features which could be incorporated into a housing scheme. The Strategic Director, Regeneration confirmed that consideration had been given to the applicant's argument that it was not a viable building to re-develop. The applicant had also tried to find alternative uses for the property, but it had only been marketed as redevelopment potential only. It was noted that the costings report was not viable and officers had been unable to determine whether it was realistic. The original house was a positive conservation asset and its demolition would be contrary to policies BH7 and BH9 of the Replacement Unitary Development Plan. Concerns had been raised with regard to the site being vulnerable to vandalism, however, there had been no reports from the police. In conclusion the Strategic Director, Regeneration recommended that the application (09/05211/CAC) for the demolition of the building within the Conservation Area be refused.

The Strategic Director, Regeneration then gave a presentation setting out the proposals and tabled plans detailing the layout in relation to the construction of the 7 dwellings. Wilsden Parish Council had also recommended that the application be approved and a petition signed by 77 people in support of the proposal had been received along with 14 individual letters of support. A further 2 letters were generally in favour of the development, but had expressed some reservations which were in relation to the car parking provision, accurate drawings and additional traffic problems during construction. Following the publication of the report additional letters had been received from a local resident in support and from a Ward Councillor who had outlined the strong support for the development within Wilsden and, with acknowledgment of the planning objection, had requested that the Panel gave reasonable consideration to the application. The Strategic Director, Regeneration informed Members that a number of consultations had taken place. The Highways Department had confirmed that they were content with the development in principle, however, the access would have to be built to adoptable standards with appropriate visibility splays. The Trees Team had indicated that the application lacked a detailed tree survey and, therefore, they could not support the proposal. The Design and Conservation Team had stated that the development would need to incorporate the original house and that they opposed the application as it did not present a positive contribution to the Wilsden Conservation Area. English Heritage had not commented upon the scheme and the West Yorkshire Ecology Service had confirmed that a bat survey would be required prior to the commencement of any construction on the site. With regards to the site, the Strategic Director, Regeneration reported that the house had been

closed for some time and had become unsightly, however, the total demolition of the building was unjustified. It was suggested that any new housing on the site should be sympathetic to the area. The design and character of the proposed new dwellings was that of a row of 7 houses constructed from coarse natural stone with slate roofs and was not of a remarkable style to justify the demolition of the existing building and negative impact on the Conservation Area. It was also noted that the proposed access and parking scheme was substandard. Overall the Strategic Director, Regeneration recommended that the application (09/05055/FUL) be refused due to the impact upon the Wilsden Conservation Area, the inadequate information supplied in relation the trees and potential bats in the area and the insufficient parking provision.

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

- That they had not received any evidence relating to the police being called to the site.
- That work was ongoing on the development of a template for financial appraisals.
- That the site visit would clarify the position of the trees.
- That it was a shared access to the bungalows behind the building.

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

- That extensive work had been undertaken by the owner in order to identify alternative uses for the building to no avail.
- That the Parish Council were worried that the building may become another eyesore that may not be developed for a number of years.
- That the site was at the entrance to the village.
- That there had been many additions made to the original building that were not in keeping.
- That there were other more prominent houses that had been demolished.
- That the Parish Council supported the demolition.
- That the police had been called out to the building and prosecutions were pending.
- That the footprint of the new building was within the existing footprint.

A supporter of the refusal of the application was present at the meeting and raised the following points:

- That he had supported the moving of the nursing home.
- That he was largely in favour of the officer's report.
- That it was a conservation area and contained a mixture of developments.
- That the original building provided a historic contribution, but the extension did not add any value.
- That he would like an application to be submitted that retained the old building.
- That the old building provided a strong visual contribution to the area.
- That the other houses which had been demolished were not within the conservation area.
- That there were a large number of businesses in Wilsden.
- That there was a likelihood that the site would be favoured for residential development, but business use should not be ruled out.

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

- That until May 2009 the property had been used as a 40 bed care home with 65 employees.
- That a new care home had now been opened.

- £5 million had been invested in the new care home which showed the applicant's ongoing commitment to the community.
- That 6 break-ins had occurred at the site and prosecutions were pending.
- That the recommendation to refuse demolition could be accepted, but he could not promote a scheme to include the old building.
- That after 18 months marketing there had been no offers for the building.
- That the Council's Economic Development Unit had not got involved in the redevelopment scheme.
- That the scheme had been developed by the owner/applicant.
- That for any scheme to proceed it would have to be viable and functional.
- That this scheme could proceed.
- That the officer's report stated that it was 'not an improvement', though it was similar to the new care home which had been approved.
- That other listed buildings in the area had not been developed due to feasibility studies.
- That the applicant had not been requested for additional information.
- That the property had been a care home for 17 years and a bat had never been seen before.
- That the proposed buildings footprint had shrunk compared to the existing buildings and there was no need to change ground levels as the existing footings could be used.
- All the trees would be retained.
- That the current access was deemed acceptable to serve a 40 bed care home, so why was it not suitable for 7 dwellings?
- That the buildings had been vandalised.
- That the proposed scheme was a similar design to the new care home which had been approved.
- That it was subjective as to what good, bad or bland design was.
- That the applications should be approved and the existing building demolished.

During the discussion Members indicated that the demolition of the building within the Conservation Area (09/05211/CAC) was acceptable, however, it was suggested that the building should remain until a contract for the new development was submitted.

With regards to the construction of the 7 new dwellings (09/05055/FUL), Members expressed concerns in relation to the driveway being made up to adoptable standards and the effect that this would have on the trees and highway safety. Issues with regards to the removal of permitted development rights, types of windows, garages and parking spaces were raised. It was also acknowledged that a bat survey would need to be undertaken prior to the application being approved.

**Resolved –**

**09/05055/FUL:**

**That the application be granted as set out below:**

**That the granting of planning permission be deferred and delegated to the Strategic Director, Regeneration, with a recommendation for approval subject to the satisfactory agreement of issues regarding the trees; highways; bats; construction hours; the removal of permitted development rights for dormer windows; parking spaces to be used for parking purposes only; one pedestrian access onto Main Street only; refuse disposal arrangements and any other relevant condition that the Strategic Director, Regeneration believes to be appropriate.**



**09/05211/CAC:**

**That the application be granted as set out below:**

**The existing house is not considered to make a positive contribution to the character and appearance of Wilsden Conservation Area. The proposal for demolition would not conflict with Policies BH9 and BH7 of the Bradford Replacement Unitary Development Plan.**

**And that the demolition be subject to a condition that establishes that demolition does not take place until the new development is going to proceed.**

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

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

**(i) 19 Ashley Road, Bingley Bingley**

Garage not built in accordance with the approved plans – 08/01257/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: 12 January 2010

**(ii) Land to rear 32-34 Foster Park Road, Denholme Bingley Rural**

Unauthorised breach of a planning condition relating to boundary treatments – 08/01301/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: 20 January 2010

**Resolved –**

**That the decisions be noted.**

***Action: Strategic Director, Regeneration***

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

**APPEALS ALLOWED**

**(i) 10 Lindisfarne Road, Shipley Shipley**

Construction of raised decking to rear with fence to side - Case No: 09/04328/HOU

Appeal Ref: 09/00206/APPHOU

(ii) **Aspect 88, 88 Otley Road, Shipley**

**Shipley**

Installation of 4 internally illuminated free standing single sided display units - Case No: 09/01258/ADV

Appeal Ref: 09/00099/APPADV

**APPEAL DISMISSED**

(iii) **16 Menston Old Lane, Burley in Wharfedale, Ilkley**

**Wharfedale**

Study and access involving extension of the roof - Case No: 09/04044/HOU

Appeal Ref: 09/00187/APPHOU

**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