

Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 8 April 2010 at the Town Hall, Shipley

Commenced 1005
Adjourned 1125
Reconvened 1135
Adjourned 1210
Reconvened 1230
Concluded 1235

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Greaves	Amin	Cole
Owens	Ferriby	
Pennington		

Apologies: Councillor Shabir Hussain

Councillor Owens in the Chair

43. DISCLOSURES OF INTEREST

Councillor Ferriby disclosed a personal interest in the items relating to Fieldhead, Whitelands Road, Baildon (Minute 47(a)), 2 Faweather Grange, Sconce Lane, Eldwick, Bingley (Minute 47(b)) and The Stone Yard, Derry Hill, Menston, Ilkley (Minute 47(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 interest in the item relating to 2 Faweather Grange, Sconce Lane, Eldwick, Bingley (Minute 47(b)) as the applicant had contacted him however he had not given advice and had referred her to another Ward Councillor and as the interest was not prejudicial he remained in the meeting.

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



2006-2007
Improving Rural Services
Empowering Communities



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



44. MINUTES

Resolved –

That the minutes of the meeting held on 14 January and reconvened on 28 January 2010 and the meeting held on 11 February 2010 be signed as correct records.

45. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

46. PUBLIC QUESTIONS

There were no questions submitted by the public.

47. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) **Fieldhead, Whitelands Road, Baildon**

Baildon

A full planning application relating to the demolition of an existing dwelling and construction of three detached dwellings at Fieldhead, Whitelands Road, Baildon – 09/05090/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the existing dwelling would be demolished and three detached properties constructed off a private access. The site was surrounded by mature trees and those on the boundary were protected by Tree Preservation Orders. A number of previous applications on the site had been refused, however, an application to construct a new dwelling had been approved in 2003. The Strategic Director, Regeneration reported that the three dwellings would be constructed around a turning head and due to the slope of the land the dwellings would be a mixture of two and three storeys high. The site was unallocated on the Replacement Unitary Development Plan and the application complied with relevant policies. It was noted that the Parish Council had not commented on the application, however, seven letters of representation had been received on the grounds of highways safety, surface water, trees, waste collection, negative impact on the area, lack of a bat survey, design and appearance out of keeping, overlooking and land ownership issues.

The Strategic Director, Regeneration confirmed that the Highways Department, Trees Section and Drainage Services had not objected to the application, subject to the recommended conditions. The site was classed as brownfield and the density achieved was 15 dwellings per hectare, which was acceptable due to the constraints. There were large detached properties in the area and the proposals reflected the designs in the area. The distances from the proposed properties to the trees were sufficient to ensure that they would not be damaged and residential amenity would not be affected as the site was higher than neighbouring dwellings. The nearest property to the proposed dwellings was to the east and the distance between them was 19 metres. This was closer than the

recommended 21 metres, however, the properties were not directly facing and there were substantial trees to screen them. The Strategic Director, Regeneration stated that there would be two parking spaces per dwelling and that there was sufficient space for the refuse vehicle to turn. Access to the site was via a long, narrow and steep drive which had good visibility on the way down and would not cause any highway safety issues. With regards to bats, residents had indicated that they were present in the area and the Council had confirmed that it was a 'bat alert zone'. Where bats were present on a site that was to be developed a bat survey must be undertaken. The Strategic Director, Regeneration informed Members that they may wish to defer and delegate the decision in order to allow a bat survey to be undertaken. The application was then recommended for approval, subject to the conditions as set out in the report and subject to the completion of a bat survey.

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

- The application resolved all the previous concerns. It proposed the construction of three dwellings instead of four, a turning head would be provided and the properties would be sited further away from the trees.
- The trees in between the proposed dwelling and No.8 Borrins Way were protected and would remain as screening.
- Planning permission had been given to the construction of a dwelling in the grounds.
- A passing place on the driveway was not possible, though it had been considered.
- The existing driveway was surfaced with tarmac. It would be widened and the material used would be porous.
- The driveway could not incorporate a passing place and there were ownership issues.
- Two options had been submitted with regards to the widening of the driveway and the materials to be used. One was to use a substance that water could seep through and the other was to drain the surface water onto land within the applicant's ownership.
- The Refuse Collection Service had not been asked if they would access the private driveway.

An objector was present at the meeting and made the following comments:

- That he owned the property to the south of the site.
- That the width of the drive could not be altered as he owned the land to the side.
- That there was limited visibility on the drive until the driver was at the halfway point.
- That the Council's Highway Department had objected to the previous application as the driveway was not suitable.
- That there was a gateway that opened out onto the drive which was used everyday and this could be a hazard.
- That the drive had been dangerous in the severe weather conditions.
- That the bungalow was already on a level with the first floor of his property and he would not have any privacy to the rear of his property.

In response the Council's Highway's representative confirmed that:

- The visibility at the junction had been mentioned, however, the development would result in an insignificant additional number of vehicles in traffic terms.
- The issue regarding service vehicles had been overcome by the addition of a turning head.
- There were insufficient reasons to refuse the application.

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

- That Plot 3 would be at a low level and the overall height would be the same, if not lower than No.17 Whitelands Road. There would be no windows overlooking and the distance between was adequate.
- That the collection of waste bins had been discussed with the relevant department, who had indicated that the refuse vehicle would go up the drive if it was possible.
- That the width of the driveway varied, but it was adequate for a single vehicle.
- That the highway safety issues had been raised with the highway's officer who had acknowledged that there were no issues and no accidents had taken place.
- That if the Panel supported the application, he requested that the decision be delegated back to officers with regards to the bat survey.

During the discussion Members acknowledged that a bat survey would need to be undertaken. Concerns were also raised in relation to the access for the refuse bin collection and highway safety on the driveway.

Resolved –

That authority be delegated to the Strategic Director, Regeneration to grant planning permission subject to the conditions set out in the report and also subject to the following:

- (i) **The undertaking of a bat survey and any mitigating measures;**
- (ii) **The bin collection service to be reassessed; and**
- (iii) **The investigation of the possibility of traffic calming measures comprising the introduction of a speed hump at the bottom of the access drive.**

ACTION: Strategic Director, Regeneration

(b) **2 Faweather Grange, Sconce Lane, Eldwick, Bingley**

Bingley

Full application for a new secure storage building, on land to the north west of 2 Faweather Grange, Sconce Lane, Eldwick, Bingley - 10/00010/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. The application proposed the siting of a new secure storage building on an unallocated site within the green belt. There were small groups of properties within the vicinity of which there were three listed buildings, 2 listed ice houses and a scheduled monument. The area was classed as mixed rural landscape. It was noted that the Council's Landscape Architect had stated that the application would have a negative impact and the proposed building should be located nearer to the modern buildings on the site. The Council's Design and Conservation Team had indicated that the proposal would impact on the setting of the listed buildings and monument and were not satisfied that adverse effect would be justified. The Strategic Director, Regeneration informed Members that six representations had been received and a Ward Councillor had requested that the application be determined by the Panel. The application was a resubmission of a similar proposal which had been refused due to its inappropriateness in the green belt. The proposal was for a larger building that was required for agricultural reasons, however, the approval of new buildings within the green belt required tight control. It was noted that there was no adequate justification for the agricultural purpose of the proposed building and, therefore, it would be harmful to the green belt. The Strategic Director, Regeneration indicated that buildings should be sited appropriately within the

green belt and stated that the proposed location of the building would have a negative impact on the landscape. It was also considered that the proposed siting would have a harmful impact upon the setting of the listed buildings and monument. The previous reasons for refusal had not been overcome and it was requested that the application be refused as set out in the report.

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

- That the application should be refused as per the officer's report.
- That a previous application had been refused.
- That there were listed buildings in the vicinity.
- That the adjoining barn was listed and had been converted into a residence.
- That the applicant had placed herself in this position as there used to be a barn for storage.
- That there were extensive buildings on the site, but the applicant had stated she had no control over them.
- That there was now a livery business at the farm.
- That all the storage buildings were now used for other purposes.
- That the proposed storage building could be granted a change of use at a later date.
- That there were enforcement orders on other buildings within the site that were not being used for the purpose stated.
- That the design of an implement shed was different to the proposed building.
- That the access was not suitable.
- That trees had been planted and objects placed in front of his property to obscure the view.

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

- That the proposed shed would be moved further into the field.
- That the proposed building would be 16 foot wide by 20 foot long and the sides would be 8 foot high.
- That the proposed building would not be visible from Faweather Grange or the bungalow.
- That the barn had been sold to the applicant's daughter so that she was nearer in case of an emergency.
- That a lot of obsolete equipment had been disposed of.
- That the proposed building was to be used to store equipment that was currently left out in the field.
- That there were acres of grass/ mowing land and an 8 acre nature site.
- That improvements to the environment of the site had been undertaken.
- That a traditional agricultural site would be constructed from steel and concrete and the proposed building could be moved.
- That the caravan in the field was an eyesore and would be moved.
- That ladders, which were currently in the field, would also be stored in the proposed building.
- That the proposed building would not be visible from the other buildings in the vicinity.
- That the chosen site had been classed as 'ideal'.

During the discussion Members acknowledged the lack of special circumstances submitted to justify the agricultural use of the building and its siting within the green belt. It was also noted that buildings previously used for storage had been converted to other uses.

Resolved –

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

ACTION: Strategic Director, Regeneration**(c) The Stone Yard, Derry Hill, Menston, Ilkley****Wharfedale**

Full application for the erection of a sales office, stores and associated hard standing and parking areas at Clayax Yorkstone Ltd, The Stone Yard, Derry Hill, Menston - 09/05910/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 for the erection of an office, stores and associated hard standing. The site was on a hill within the green belt and the building was to be located near to the entrance. An existing building, that had been given consent in 1992, was already present on the site along with semi-derelict buildings used to store materials. It was noted that in 2007 a Certificate of Lawfulness had been granted for the existing use, storage, processing and retail sales of stone products. A previous application, substantially the same as the one being considered, had been refused in 2009 and the consequent appeal had been dismissed. The Strategic Director, Regeneration reported that Parish Council had recommended that the application be approved and no representations had been received. Consultations had been undertaken and the Police Architectural Liaison Officer had referred to the security of the site and the lack of a secure boundary.

The Strategic Director, Regeneration confirmed that the application was an inappropriate development in the green belt and special circumstances would be required in order to approve the proposal. The previous application had been refused as the applicant had provided insufficient evidence to establish that there were very special circumstances and the in considering the appeal, the Inspector had agreed that the application was not justified. The amended proposal was for a smaller building and the design had been altered so that it would appear to be more agricultural. The proposed building was larger than the existing office and would be located in a more prominent position. The Strategic Director, Regeneration explained that the applicant had provided a list of crimes that had occurred at the site, however, they had not been supported by the police who only had one recorded incident. In light of the previous refusal reasons not being resolved, it was recommended that the application be refused as set out in the report for the scheme submitted on 24 February 2010.

In response to Members' queries, the Council's legal officer explained that the issue to be considered was the impact on the green belt and that no special circumstances had been submitted by the applicant. With regard to the Certificate of Lawfulness, the Council's legal officer confirmed that there could be a number of reasons why it had been granted for the use of the site, though permission would still be required to construct or place buildings on the site. It was noted that the existing buildings were permitted. The Council's legal officer stated that the Panel needed to consider whether the proposed building was absolutely necessary for the business. The development may have been less harmful on the green belt if it had been located in a less prominent position, however, special reasons had not been put forward.

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

- That the applicant was a well established employer.
- That the accommodation issues on the site needed to be addressed.
- That the current building was too small, had a limited electricity supply, no heating or sanitation facilities.
- That the premises were an eyesore and embarrassment to the company and investment was required.
- Would the proposal cause a real harm to the green belt?
- That the existing buildings and structures on the site had a certificate of lawfulness.
- That the purpose of the application was not for a new business or use.
- That the proposed building was required for the existing business on the site.
- That the position of the proposed building would be less visible from Derry Hill.
- That the proposed building would enhance the visual amenity of the site and the existing building could be removed.
- That the proposed building would be sited further away from the trees.
- That the proposed site was a more sustainable option and would benefit from more sunlight.
- That the criminal activity in the area was not substantiated, though there were fewer instances than in recent years.
- That it was difficult to totally secure the site.
- That the security of the site was not the main issue, the needs of the business was the priority.
- That the application should be granted.
- That the proposal was modest and the existing buildings would be removed.

In response to a number of the comments made, the Council's legal officer reiterated that some of the existing buildings would be lawful, however, the proposal was harmful to the green belt and in order for this to be overcome the applicant would need to justify special circumstances.

Members acknowledged that the existing office was not adequate, but indicated that the special circumstances had not been addressed.

At this point in the proceedings it was,

Resolved -

That the public be excluded from the meeting during discussion of the item relating to The Stone Yard, Derry Hill, Menston, Ilkley on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if they were present exempt information within Paragraph 5 (legal privilege) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and it is considered that, in all the circumstances, the public interest in allowing the public to remain is outweighed by the public interest in excluding public access to the relevant part of the proceedings for the following reason:

It is in the overriding interests of proper administration that Members are made fully aware of the legal implications of any decision without the risk of prejudice to the Council's case in any future legal proceedings that may be initiated.

On resumption of the public meeting the Chair reported that Members had agreed that the special circumstances of the proposal had not been justified. They were sympathetic to

the principle of the application, however, concerns had been raised in relation to the size of the proposed building.

Resolved –

That the application be deferred to enable the applicant to reconsider the size of the building and provide further information in respect of any special circumstances.

ACTION: Strategic Director, Regeneration

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

(i) **112 Otley Road, Eldwick, Bingley** **Bingley**

Unauthorised tree works - 09/00786/TPOCN

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

Date Enforcement File Closed: 5 March 2010

(ii) **56 Moorhead Crescent, Shipley** **Shipley**

Alleged unauthorised satellite dish - 08/01387/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: 5 March 2010

(iii) **Land off Thackley Old Road, Shipley** **Windhill and Wrose**

Tree Felling - 09/00717/TPOCN

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

Date Enforcement File Closed: 12 March 2010

(iv) **Sterling Service Centre, Bradford Road, Bingley** **Bingley**

Alleged unauthorised change of use - 09/00241/ENFCOU

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

Date Enforcement File Closed: 22 February 2010

(v) **Woodfield House, Woodfield Road, Cullingworth, Bingley** **Bingley Rural**

Protected trees damaged due to ground level changes - 09/00780/TPOCN

It was not considered that this breach of planning control would cause significant amenity

issues to warrant further enforcement action.

Date Enforcement File Closed: 12 March 2010

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

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

APPEAL ALLOWED

(i) **22 Forestdale Way, Bradford**

Windhill and Wrose

Construction of a conservatory at the rear of property - Case No: 09/04986/HOU

Appeal Ref: 10/00015/APPHOU

APPEALS DISMISSED

(ii) **12 Goit Stock Terrace, Harden, Bingley**

Bingley Rural

Construction of detached garden storage building - Case No: 09/01773/HOU

Appeal Ref: 10/00017/APPHOU

(iii) **23 Lyndale Road, Eldwick, Bingley**

Bingley

Construction of detached bungalow and garage - Case No: 09/01043/FUL

Appeal Ref: 09/00176/APPFUL

(iv) **Leeming Wells Hotel, Long Causeway, Denholme**

Bingley Rural

Construction of extension to hotel to form time share accommodation (14 suites and 3 double bedrooms) and single storey extensions to existing restaurant and main bar - Case No: 08/03110/FUL

Appeal Ref: 09/00180/APPFUL

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration

(f) **THE YARD, EAST PARADE, BAILDON**

Baildon

A full planning application for construction of 2 semi-detached dwellings replacing existing workshops and outbuildings at The Yard, East Parade, Baildon – 09/05746/FUL

The application was publicised by the Council through the display of a site notice and posting out of neighbour notification letters. On 29 December 2009 the Council received a petition signed by occupants of 18 households opposing the proposal by reason of the development removing two parking spaces currently there for residents.

The application was formerly withdrawn on 25 January 2010.

Resolved –

That the petition 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