

Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 24 June 2010 at the Town Hall, Shipley

Commenced 1005
Adjourned 1105
Reconvened 1115
Concluded 1300

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Dodds	Cole
Greaves	Imdad Hussain	
Owens	Shabir Hussain	

Observers: Councillor Townend (Minute 4(a)) and
Councillor Watmough (Minute 4(c) and (d))

Councillor Shabir Hussain in the Chair

1. DISCLOSURES OF INTEREST

Councillor Cole disclosed a personal and prejudicial interest in the item relating to 2 St Johns Court, Baildon (Minute 4(a)) as he lived in the vicinity and he therefore withdrew from the meeting during the discussion and voting thereon in accordance with the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

Councillor Greaves disclosed a personal interest in the item relating to Land North of 33-37 Low Ash Road, Shipley (Minute 4(c)) as he was a Member of Incommunities Housing Association Board and as the interest was not prejudicial he remained in the meeting.

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

2. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



3. PUBLIC QUESTIONS

There were no questions submitted by the public.

4. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) 2 St Johns Court, Baildon

Baildon

A full application for change of use from off licence/convenience store to tattoo studio at 2 St Johns Court, Baildon – 10/00753/FUL.

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the application proposed a change of use from an off licence to a tattoo studio. The unit was sited within a small shop/flat development and had no parking restrictions. Several letters of objection and support had been received in respect of the proposal and following the publication of the officer's report, further support had been submitted as well as a letter from the applicant. The proposed opening hours would be 0900 to 1800 on Monday to Friday and 1000 to 1800 on Saturday. The Strategic Director, Regeneration confirmed that the change of use would not impact upon the area and recommended the application for approval, subject to the proposed conditions set out in the report.

In response to questions, Members were informed that permission would be required to revert the premises back to a retail unit and that if a licence was applied for in connection with the new business then it would be considered under its own merits.

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

- That several people had objected to the application but were unable to attend the meeting.
- That the photographs shown were misleading as they only highlighted the retail areas of the development.
- That there were residential properties to the left and right of the premises.
- That the change of use was objected to.
- That there was a problem with parking in the area.
- That people would not walk or use public transport to reach the premises.
- That cars would be parked for longer in the vicinity.
- That parking was already an issue for residents due to the shops.
- That there had been problems with youths in the area and the police had been involved.
- That the elderly residents felt intimidated.
- That the change of use would have a negative effect on users of the development.

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

- That his business would have fewer customers than a retail store.
- That there was plenty of parking in the vicinity.
- That he was local to the area and youths had always been a problem.
- That an empty unit would cause problems.

- That he aimed to discourage youths from hanging around.
- That the previous tenant had stated that there was not enough custom for a convenience store.

Members' questioned the applicant who confirmed that on average a customer would be in the premises for an hour and there would only be one customer at a time.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report.

ACTION: Strategic Director, Regeneration

(b) Former New Mill, New Road, Denholme

Bingley Rural

A reserved matters application for the construction of residential development (on 0.4 hectares) on the former industrial site at Pennine Fibre Industries Limited, New Mill, New Road, Denholme. Matters to be considered are appearance, landscaping, layout and scale pursuant to outline planning permissions 07/05830/OUT – 10/00781/REM.

A reserved matters application for the construction of mixed use redevelopment (residential and employment) of former industrial site at Pennine Fibre Industries Limited, New Mill, New Road, Denholme. Matters to be considered are appearance, landscaping, layout and scale pursuant to outline planning permissions 06/09190/OUT – 10/00739/MAR

The Strategic Director, Regeneration explained that both applications had been previously considered at the meeting held on 11 May 2010 and Members had requested details regarding the design and samples of the materials to be used. Discussions had been undertaken with the applicants who had proposed that 48% of the dwellings would be built in natural stone, 16% in artificial and 6% rendered. The most prominent buildings would be in natural stone. The proposed design of the houses was then tabled and the Strategic Director, Regeneration confirmed that artificial slate would be used for the roof tiles. It was also noted that a sample panel on a larger scale was required for the render.

During the discussion a Member indicated that the extent of natural stone to be used was very pleasing. In response to Members' questions, the Strategic Director, Regeneration confirmed that:

- affordable housing would be provided from a combination of the houses constructed in artificial stone and render.
- light render was being used in order to provide a contrast within the site.
- the render would be of good standard and treated so that the colour would be maintained for a number of years.

Resolved –

10/00781/REM:

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report as amended to specify use of materials in accordance with the sample panels tabled by him at the meeting.

10/00739/MAR:

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report as amended to specify use of materials in accordance with the sample panels tabled by him at the meeting.

ACTION: Strategic Director, Regeneration**(c) Land North of 33 – 37 Low Ash Road, Shipley****Windhill/Wrose**

Outline application for the construction of a detached dwelling on land to the north of 33-37 Low Ash Road, Wrose – 10/01648/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 for the construction of a detached dwelling within a residential area. The access, layout and scale was to be considered and it was noted that three parking spaces could be provided. There had been a previous refusal on the site as the application had failed to meet spacing standards. The new proposal addressed the issue by moving the dwelling further away from 33-37 Low Ash Road.

The Strategic Director, Regeneration confirmed that a tree assessment had been undertaken and the Council's tree officer had no objection. It was noted that the trees outside the site would be retained. Members were informed that one letter of representation had been received and a Ward Councillor had also objected to the proposal. The principle of residential development on the site was acceptable and the application was not detrimental to residential amenity or the sustainability of nearby mature trees. The Strategic Director, Regeneration then recommended the application for approval, subject to the conditions within the report.

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

- That a site visit should be undertaken.
- That the garages were owned by Incommunities and built to service the houses in Thornacre Road.
- That the footpath was used by children going to and from school.
- That the properties in the area were old and did not have any parking provision.
- That the site was inappropriate for housing.
- That the site provided an interface for the woodland.
- Could the site be used for garages as they were difficult to find in the area.
- That a low level development was required for the site.
- That residents were parking on the grass verges at the moment.
- That Wrose Parish Council were prepared to undertake a survey in relation to the provision and renting out of garages.

A Ward Councillor was present at the meeting and made the following representations:

- That the cottages had been bought with a green space opposite.
- That the site was used by residents to hang their washing out.
- That the existing properties would look onto a building, not a green space.
- That the green area was used as a garden.
- That the occupier of one of the cottages had planted the trees.
- That the area was losing green spaces.

During the discussion Members raised concerns in relation to the trees planted on the site, whether the land could still be classed as brownfield and if the land had been offered to residents to purchase. In response the Council's legal officer confirmed that the site was appropriate for residential use and that the Panel could only consider planning issues. Other issues in respect of overdevelopment and the loss of residential amenity were also highlighted. The Council's legal officer explained that the land was not an open recreation space, the applicant owned the land and residents had been using it on an informal basis. With regards to the loss of residential amenity, he stated that the reason had to relate to the impact upon properties.

Resolved –

That the application be refused for the following reasons:

- (i) **That the proposal represents overdevelopment of the site by reason of the proportion of the site being developed in relation to the undeveloped area and as such would be contrary to policies UR3 and D1 of the Replacement Unitary Development Plan.**
- (ii) **That the proposal would result in a loss of trees to the detriment of the visual amenity of the street scene and area and be contrary to policies NE5 and NE6 of the Replacement Unitary Development Plan.**
- (iii) **That the proposal would result in a loss of residential amenity to the occupants of No.s 33 to 37 Low Ash Road by reason of the size and siting of the dwelling and the loss of green space and would be contrary to policy UR3 of the Replacement Unitary Development Plan.**

ACTION: Strategic Director, Regeneration

(d) **Land South of 30 Prospect Mount, Shipley**

Windhill/Wrose

Application for outline planning permission for the construction of a pair of semi-detached dwellings on land to the south of 30 Prospect Mount, Shipley, Bradford. The application reserves all matters for later approval although an indicative site layout and scale drawings have been provided - 10/01414/OUT

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the application was for outline planning permission for the construction of a pair of semi-detached dwellings and the indicative site layout and scale drawings had been provided. The proposed site was a grassed area on the corner of two roads that was adjacent to other houses and within a residential area. The proposed dwellings would be of a similar size to the existing properties with two storeys to the front, three to the rear and car parking provision underneath.

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

- That the site was steep.
- That turning right out of the properties could be a problem.
- That he acknowledged the application was outline only and hoped that consecutive proposals would be submitted to the Panel for consideration.

The Strategic Director, Regeneration responded to Members' concerns and confirmed that the proposed dwellings would be on a level with properties opposite and that the garage space would be cut into the land.

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 that the Reserve Matters application be submitted to the Panel for consideration.

ACTION: Strategic Director, Regeneration**(e) Site at Swan Avenue, Bingley****Bingley**

Construction of doctor's surgery, pharmacy, veterinary practice, 2 retail units, nursery and D1 class use (non-residential) unit: Change to opening/operating hours for the two small retail units (units 1B/1C) from 07:30 -20:30 to 07:30 - 23:00 (7 days a week); veterinary surgery (unit 3A) from 07:30 - 23:00 to 0730 - 20.30 (7 days a week plus unrestricted access for emergencies only) and the remainder to the units on the site to operate between the hours of 07:30 - 20:30 (Mondays to Saturdays) - 10/01510/VOC

The Strategic Director, Regeneration tabled plans that detailed the layout of the development and explained that two retail units had requested changes to their conditions. He confirmed that Members were not considering the principle of the development, just the amendments to the opening hours. It was noted that the veterinary surgery was currently allowed to open from 0730 to 2300 and had proposed that the hours be changed to 0730 to 2030. The retail unit's opening hours were 0730 to 2030 and the occupiers had requested that the hours be amended to 0730 to 2300. The veterinary and doctors surgery would also be open for emergencies. The Strategic Director, Regeneration stated that the premises were Class A1 use and if a different use was required a separate planning permission would have to be submitted. A small car park would remain open to service the shops until 2300. He reported that the Council's Environmental Protection Unit had not objected to the extension of the hours and recommended that the application be recommended for approval, subject to the conditions within the report and a management plan for the opening and closing of the car park gates.

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

- That it was a relief that the main car park would be closed on an evening.
- That there was an error in the officer's report as 29 houses had signed the petition.
- That there was a strong feeling against the height of the units under construction.
- That a Ward Councillor was against the development.
- That local shops were welcomed, but not the proposed hours.
- That the application should be refused.

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

- That the original planning application had been approved last year.
- That the ground floor retail unit had been granted the current hours as it originally had been allocated to a retail user.
- That the units had now changed use.
- That there was a restricted covenant on the land that it could only be used for A1 or D1 class.
- That the unit would only be used as a convenience store and hot food would not be provided.
- That there would be security in place at the development.
- That some residents had raised concerns, however, the majority were in support of

the scheme.

- That the application proposed a simple change of use.

During the discussion it was re-iterated that the height of the units was not being considered. A Member raised concerns in relation to the roundabout and the possibility of people parking without due care or within the residential area. The Strategic Director, Regeneration confirmed that a Traffic Regulation Order would be placed near the roundabout and car parking would be available.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration’s technical report.

ACTION: Strategic Director, Regeneration

(f) The Grange, Woodfield Road, Cullingworth, Bingley

Bingley Rural

Householder application for the construction of a side extension (porch) at The Grange, Woodfield Road, Cullingworth - 10/01541/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the application was to construct a side porch at the property and that a previous application had been submitted that included a proposed detached garage. This had now been withdrawn from the application and amended plans provided. The property was a substantial house which benefited from a number of outbuildings and was currently being renovated. It was located within the Green Belt which restricted any development. The Strategic Director, Regeneration reported that Cullingworth Parish Council had objected to the proposal and 19 letters of representation had been received. The majority of the issues related to the proposal that had now been withdrawn. It was noted that the application complied with Green Belt policy, as it was a modest addition and that there was no significant impact upon the residential amenity. In conclusion the Strategic Director, Regeneration recommended the application for approval, subject to the conditions within the report.

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

- the extension was under 10% of the footprint of the existing house.
- an assessment had been undertaken that took the other buildings into consideration.
- there were no other extensions to the property except dormers.
- work had commenced on the construction of the porch.

A representative of the Parish Council was present at the meeting and outlined the following concerns:

- That the porch was more like a side extension.
- That it was nearly completed.
- That the porch included part of the walled curtilage and other buildings.
- That the Parish Council was disappointed that the applicant had decided to build the porch and then apply for planning permission.
- That the applicant had stated that he would remediate the walled garden.
- That further development should be discouraged.
- That it would be appropriate for the Panel to remind the applicant of the process.

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

- That the porch had been built as the applicant believed it met permitted development rights.
- That the proposed garage development had been withdrawn.
- That the property had been neglected prior to the applicant's purchase and subsequent renovation.

The Strategic Director, Regeneration confirmed that had the porch been lower it would have been within permitted development rights and it occupied less than 5% of the footprint of the property.

The Strategic Director, Regeneration also undertook to write to the applicant and the agent with regard to the planning application process.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report.

ACTION: Strategic Director, Regeneration

(g) 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 (as amended) at Clayax Yorkstone Ltd, The Stone Yard, Derry Hill, Menston - 09/05910/FUL.

The Strategic Director, Regeneration explained that the application had been deferred from the Panel meeting held on 8 April 2010 and it should have been referred to the Regulatory and Appeals Committee for determination as it was a departure from the Replacement Unitary Development Plan. It was now considered that the proposal was not significant and that the Panel could make the final decision.

The Strategic Director, Regeneration reported that the application had been deferred in order for the applicant to reconsider the size of the proposed building and provide further information in respect of any special circumstances as the development was within the Green Belt. Amended plans had been submitted and the size of the proposed building had been reduced in length by 4 metres. The building was required for secure storage, as an office and visitor reception and would replace all existing facilities in a new purpose built structure. It was noted that the issues in relation to the Green Belt had been addressed and that there were very special circumstances particular to the site which justified approval of the development. The Strategic Director, Regeneration confirmed that the security concerns highlighted by the Police Liaison Officer would be resolved by the incorporation of windows and doors certified to the relevant British Standard. He then recommended the application for approval, subject to the conditions within the report.

A representative of the Parish Council was present at the meeting and made the following points:

- That the Parish Council supported the application.
- That they were aware of the Green Belt policies.
- That the site was on a hillside and not in view of the village.

- That the development was important to the village.
- That the application related to the stone yard and a purpose built building.
- That the building should be constructed from stone.

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

- That significant changes had been made to the proposal.
- That the applicant was pleased that the changes had been recognised and that the proposal had been recommended for approval.
- That the application was vital to enable the company to move forward.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report.

ACTION: Strategic Director, Regeneration

(h) **Middle Lodge, Otley Road, Burley in Wharfedale, Ilkley**

Wharfedale

Householder application for rebuilding of attached garage with roof accommodation and construction of a roof extension to the rear at Middle Lodge, Otley Road, Burley in Wharfedale - 09/06010/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was noted that the application proposed the rebuilding of an attached garage and the construction of a roof extension to the rear. The property had been extended previously and no objections had been received. The Strategic Director, Regeneration stated that the main issue was the impact upon the Green Belt as the dwelling had already been substantially extended and had doubled in size from its original footprint. The proposed amendments would be an improvement, as the current flat roof was unsightly. It was considered that no very special circumstances justifying approval had been demonstrated. The application was, therefore, recommended for refusal as it was inappropriate development within the Green Belt.

With regard to the Parish Council's request for the application to be referred to the Planning Panel for consideration, a Member highlighted that no planning reasons were quoted. The Strategic Director, Regeneration undertook to write to the Parish Council and explain the correct procedure.

A representative of the Parish Council was present at the meeting and made the following comments:

- That the Parish Council was aware that the site was in the Green Belt.
- That the Parish Council had looked at what the locality would gain from the proposal.
- That the footprint was not being increased.
- That the existing design did not complement the building.
- That the proposal presented an opportunity to bring the building back in line with the original character.
- That the proposal would be an improvement to the building and the 1980s extension would be replaced.
- That it was reasonable to add a bedroom to a property of this size.
- That the Parish Council was aware that very special circumstances were required.

- That the project provided an opportunity to install 'green' improvements.
- That the application should be approved.

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

- That the application had been validated on 16 September 2009, but there had been a delay as the applicant was prepared to reduce the scheme.
- In February 2010 officers suggested that the footprint should be 44 square metres.
- In 1948 the footprint had been 69 square metres.
- That the plot coverage by footprint was less than 50%.
- That the revised scheme was an increase in volume but it did not achieve the height for first floor occupation.
- That the proposal was a modest extension of the footprint by 4 square metres.
- That the extension would provide an additional 22 cubic metres, but compensation would be gained through the design being more in keeping with the character of the building.
- That the design could be considered as very special circumstances and there was an Inspector's ruling on a previous case.
- That the proposal was an attempt to reduce the property's carbon footprint.
- That an area of field had been purchased in order to obtain ground source heat.
- That old windows had been removed and more suitable ones fitted.
- That the proposal sought to achieve a comfortable family dwelling.
- That the proposal did not prejudice the openness of the Green Belt.

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

- the proposed footprint was 166 square metres.
- the proposed 'green' improvements could be undertaken under permitted development rights.
- the application would require very special circumstances in order for it to be approved.
- the proposed scheme needed to be considered on the grounds of whether it was disproportionate. The drawings provided indicated that the extension went beyond the original dwelling and consideration needed to be given as to whether it was appropriate.

During the discussion a Member indicated that the proposal impinged upon and reduced the openness of the Green Belt, however, other Members stated that the improvements would visually enhance the character of the building and surrounding area.

Resolved –

That the application be referred to the Regulatory and Appeals Committee with a recommendation that there are very special circumstances justifying approval in that the proposed design of the building would visually enhance the building and re-create the original character of the dwelling subject to the following conditions:

- (i) that the materials match those of the original dwelling;**
- (ii) that the commencement of development must take place within 3 years of the granting of permission; and**
- (iii) that approval be limited to the amended plans received by the Council on 16 April 2010.**

ACTION: Strategic Director, Regeneration

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

(i) **23 Shirley Street, Saltaire, Shipley** **Shipley**

Change of use of ground floor from Shop (A1) to residential use – 09/01286/ENFCOU

It was not considered that the breach should be pursued as the use is less intensive as a single dwelling than its previous use as a shop and dwelling.

Date Enforcement File Closed: 12 May 2010

(ii) **Lilac Cottage, 20 Brook Hill, Baildon** **Baildon**

Siting of a flue – 10/00037/ENFUNA

It was not considered that the breach should be pursued as the flue is inconspicuous due to its size and colour and therefore has no impact on the character of the conservation area.

Date Enforcement File Closed: 28 April 2010

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration

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

(i) **Erling Works, Jerusalem Farm, Half Acre Road, Denholme** **Bingley Rural**

Breach of Condition 8 of APP/W4705/A/01/1075978 regarding Sunday working - 09/00509/ENFCON

The Local Planning Authority has received complaints relating to the authorised hours of working. On 25 May 2010 a Breach of Condition Notice was served.

Resolved –

That the decision be noted.

NO ACTION

(k) **Decisions Made by the Secretary of State**

APPEALS ALLOWED

(i) **35 Cullingworth Gate, Manywells Brow, Cullingworth, Bingley** **Bingley Rural**

Construction of weather porch - Case No: 09/05644/HOU

Appeal Ref: 10/00032/APPFUL

- (ii) **35 - 37 Cullingworth Gate, Manywells Brow, Cullingworth, Bingley** **Bingley Rural**

Construction of weather porch - Case No: 09/05070/LBC

Appeal Ref: 10/00031/APPLBC

- (iii) **60 Skipton Road, Ilkley** **Ilkley**

Formation of a balcony at first floor level to rear - Case No: 09/03655/HOU

Appeal Ref: 10/00048/APPHOU

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

Unauthorised balcony, decking & outbuildings - Case No: 09/00965/ENFUNA

Appeal Ref: 10/00026/APPENF

- (v) **Land Adjacent to Ramsgill, Otley Road, Eldwick, Bingley** **Bingley**

Construction of one 6 kW wind turbine on a 15 metre mast - Case No: 09/04148/FUL

Appeal Ref: 09/00223/APPFUL

- (vi) **Land to Side Of 4 Langford Lane, Burley in Wharfedale, Ilkley** **Wharfedale**

Construction of single dwelling - Case No: 09/02060/FUL

Appeal Ref: 10/00011/APPFUL

APPEALS DISMISSED

- (vii) **1 Hollings Farm, Potter Brow Road, Baildon** **Bingley**

Construction of double garage and store to replace wooden stores and parking area - Case No: 09/05242/HOU

Appeal Ref: 10/00056/APPHOU

- (viii) **7 Binswell Fold, Baildon** **Baildon**

Double Garage - Case No: 09/00459/ENFUNA

Appeal Ref: 10/00020/APPENF

- (ix) **84 Wheatley Lane, Ilkley** **Ilkley**

Demolish existing garage and replace, kitchen, dining room with bedroom over and further extension to existing reception room - Case No: 09/04887/HOU

Appeal Ref: 10/00051/APPHOU

(x) **Low Lane Head, Otley Road, Eldwick, Bingley**

Bingley

Change of use of existing garage to an annexe to main house with external alterations to include dormer windows - Case No: 09/05778/HOU

Appeal Ref: 10/00038/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