

Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 29 July 2010 at the Town Hall, Shipley

Commenced 1005
Adjourned 1110
Reconvened 1120
Adjourned 1235
Site Visits 1235 – 1510
Reconvened 1510
Concluded 1540

PRESENT – Councillors

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

Apologies: Councillor Binney

Observers: Councillor Eaton (Minute 8(d)) and Councillor Ellis (Minute 8(d))

Councillor Shabir Hussain in the Chair

5. DISCLOSURES OF INTEREST

Councillor Greaves disclosed a personal interest in the item relating to Beckfoot House, Beckfoot Lane, Harden (Minute 8(d)) as he had been present at the Planning Panel meeting when the previous application had been considered and as the interest was not prejudicial he remained in the meeting.

Councillor Owens disclosed a personal interest in the item relating to Beckfoot House, Beckfoot Lane, Harden (Minute 8(d)) as he had chaired the Planning Panel meeting when the previous application had been considered 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)



6. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

7. PUBLIC QUESTIONS

There were no questions submitted by the public.

8. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) **17 Menston Old Lane, Burley in Wharfedale**

Wharfedale

A full application for the construction of a two storey side extension at 17 Menston Old Lane, Burley in Wharfedale - 10/00729/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He added that there was already an existing approval for an extension at the property and the footings were already in place. The property was a detached house that had a beck to its southern boundary and the proposed side extension would be located on the site for the approved garage. It was noted that officers considered there was sufficient space on the site and that the distance between the adjacent properties was sufficient. The Strategic Director, Regeneration reported that the application was a re-submission of a previous application that had been refused due to overdevelopment and overlooking in January 2010. In order to resolve the matter a number of windows had been removed from the proposal which now deemed it to be acceptable. He confirmed that the Parish Council had objected to the proposal on the grounds of overdevelopment and flood risk. One neighbour had submitted representations in relation to over dominance and flood risk, whereas another had supported the removal of the ground floor windows and requested that the approval was conditioned. The Strategic Director, Regeneration confirmed that consultations had been undertaken and the Environment Agency had indicated that the proposal was acceptable and there was no flood risk. The application complied with Council policies and he then recommended the application for approval, subject to the conditions within the report.

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

- the access to the house to the east was via the main road.
- the Environment Agency had been consulted and had stated that the application was acceptable.
- there was advice on the Environment Agency website regarding flood risk and how to address these issues. The applicant had complied with the request of the Environment Agency, however, the assessment did not go beyond the red line area of the site.

The Council's legal officer indicated that it would be hoped that the Environment Agency would look beyond the red line site area otherwise they would place themselves at risk.

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

- That only a slight amendment had been made.
- That the previous application had been refused due to the excessive width and the relationship to the neighbouring property.
- That the width had only been reduced by one fifth of a metre.
- That the boundary of number 19 was the side of the stream.
- That the flood information did not constitute a full flood risk assessment.
- That the area was susceptible to flooding, despite what the Environment Agency had stated.
- That the construction of the side extension, retaining wall and new entrance would force the flood water elsewhere.
- That the application should be refused.

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

- That he agreed with the Parish Council.
- That the proposed extension was only slightly smaller.
- That the stream curved and bent out.
- That the tree was not mentioned in the report.
- That the stream and trees were not as portrayed in the officers report.
- That trees and shrubs would have to be removed to enable the applicant to drive out of the garage.
- That the issue of flooding was important.
- That the road was 6 foot above the height of the garage.
- That the retaining wall would have to be 4 foot high.
- That an annual flood had occurred for the last 25 years.
- That the culvert was full.

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

- That the officer's report was accurate.
- That it was a small house on a large plot.
- That there was an existing approval for a substantial extension and garage.
- That the application had been approved in 2008 and neither the Parish Council nor the neighbours had objected.
- That the primary difference between the refused and the new application was that the proposed garage had been moved away from the stream and trees. The ground floor area had also been increased by 11 square metres.
- That the width of the proposed side extension was less than that of the approved garage.
- That the Environment Agency had no record of the property flooding, but it was agreed that the garden did flood.
- That the proposed extension would not make a difference to the flooding.
- That the floor level would be 2 foot above ground level and would not affect any other property.
- That the site was large and there would be a 12-14 metre gap between the proposed new extension and the property on the right.
- That there had only been 1 objection.
- That the property had been unoccupied for 3 years and the applicant wanted to make the property into a family home.
- That the proposal was a minor addition to what had already been approved.

- That changes had been made to the first floor accommodation and the siting of the garage.
- That there was no reason to refuse the application if it was compared to what had already been approved.

A Member raised concerns in relation to the flood risk. He stated that he knew the area well and flooding had occurred from the culvert. The proposed development could increase the flood risk and he was not satisfied with the procedure and the response from the Environment Agency. He then suggested that a proper flood survey should be undertaken. In response the Strategic Director, Regeneration re-iterated that the applicant had sought advice from the Environment Agency and a response had been received, though this may be standard. He advised Members that the applicant had taken all the necessary steps required.

During the discussion other Members echoed the concern in relation to the flood risk and proposed that further investigations be undertaken. It was also highlighted that planning permission had already been granted on the site.

Resolved –

That the application be deferred to enable further investigations to be undertaken with regard to the specific flood risk on the site and that following this the application be re-submitted to the Panel.

ACTION: Strategic Director, Regeneration

(b) 5 Long Meadows, Burley in Wharfedale

Wharfedale

Retrospective application for retention of wooden gazebo to rear garden of 5 Long Meadows, Burley In Wharfedale, Ilkley - 10/01332/HOU.

The Strategic Director, Regeneration explained that the application was retrospective for the retention of a wooden gazebo in the rear garden. A letter of representation had been received on the grounds of the structure's visual impact. The Parish Council had originally objected to the application, however, they were now content with the proposal. He then recommended the application for approval.

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

(c) Land East of 128 Higher Coach Road, Baildon

Shipley

An outline application with all matters reserved for a residential development at land east of 128 Higher Coach Road, Baildon - 10/01527/OUT

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. It was noted that a Ward Councillor had requested that a site visit be undertaken and that conditions be added if the application was approved. He then explained that the Council was the applicant and the site was a grassed area with a

bus stop and lay-by to its front. The proposal was to construct two pairs of semi-detached properties that were in line with others. The dwellings would have modest private gardens to the rear and two parking spaces each. The Strategic Director, Regeneration reported that the garage court to the rear would be retained and the access widened. He confirmed that fifteen letters of objection had been received, along with a letter from a Ward Councillor, on the grounds that the grassed area had always been there, its loss would be detrimental and the development would create additional traffic. It was noted that the site was a sustainable area for new housing and there would not be a sufficient difference in traffic volume to warrant a refusal of the application. The Strategic Director, Regeneration confirmed that a reserved matters application would be required with further consideration to be given. He then informed Members that the Ward Councillor had requested the following conditions if the application were to be approved: that construction hours be from 0930 to 1830 and no weekend working; that the access bus would not be affected; that a bollard be placed to prevent dangerous parking; and that the 1.8 metre high fence be reduced in height.

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

- The proposed properties would be street fronting and built close to the path.
- By placing the proposed houses in line with adjacent dwellings the rear gardens would be reduced.
- Only the principle of the development was being considered.
- Highway enforcement could deal with any traffic issues.

During the discussion Members raised concerns in relation to the proposed number of properties and storeys. It was also suggested that the dwellings be placed in line with the existing houses in order to retain the character of the area.

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 following addition to Condition 3:

(vi) the siting of not more than three houses in line with the adjacent properties and not more than two storeys in height.

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

ACTION: Strategic Director, Regeneration

Decision following Site Visit

(d) Beckfoot House, Beckfoot Lane, Harden

Bingley Rural

A full application for construction of a new livestock building together with retention of part of a general purpose agricultural building. Land at Beckfoot House, Beckfoot Lane, Harden, Bingley -10/01525/FUL

The Strategic Director, Regeneration explained that the application was an amended version of a previous submission. There was a new access which removed traffic from Beckfoot Lane and the proposal was to block the original entrance but retain the area as a passing place. He confirmed that a late representation had been received which reiterated

previous objections and outlined concerns that the application was a further delaying tactic. Harden Parish Council had also objected to the application and stated that they had opposed the development from the start. They confirmed that they fully supported the refusal and agreed with the reasons set out in the officer's report. Members were then presented with a letter from David Hill Chartered Surveyors that that been received on 26 July 2010.

The Strategic Director, Regeneration reported that the Panel had visited the site last year. He stated that trees and hedging had been re-introduced and the area around the hard standing had been reduced which softened the impact on the curtilage. The building would still be retained, however, it was proposed that the back third would be removed, reconstructed to a lower height and used to house livestock. The remainder of the building would be used to accommodate silage, straw, hay and farm vehicles. Members were shown photographs that detailed the efforts of the applicant in relation to the re-planting and the softening of the area, though it was stated that there were wider impacts on the landscape.

With regard to the considerations, the Strategic Director, Regeneration accepted that there was justification for an agricultural building and Prior Approval had been granted in 2006 for a smaller building that was sited closer to Beckfoot House. He explained that planning officers had stated that the building was too large, contrary to Green Belt policies and harmful to visual amenity. The Panel had formerly refused an application, the applicant had then appealed and the Inspector had dismissed the appeal. It was noted that planning officers had previously discussed the difficulties, including the size and scale of the building, with the applicant, however, the amended proposal did not meet the concerns. With regards to the letter from David Hill, the Strategic Director, Regeneration acknowledged that part of the building was appropriate for livestock, but the remainder of the building was not suitable.

The Strategic Director, Regeneration stated that consideration had to be given to the impact upon the Green Belt and the character of the area. He indicated that the re-planting was appreciated, however, the Council's Landscape officer had reported that it was not adequate and would compromise the area. The current location of the building was inappropriate and further work could be undertaken with the applicant in respect of a new site or a new building on a different site. He then recommended the application for refusal for the reasons as set out in the report.

A Member questioned what would happen to the current enforcement notice if the application was refused. In response the Council's legal officer confirmed that a refusal of the application gave the applicant an opportunity to appeal. The current enforcement action would have to have a view taken on it to decide if it was appropriate to proceed whilst an appeal was ongoing, however, consideration would have to be given as to whether it was in the public interest to prosecute.

A Ward Councillor was present at the meeting and outlined the following issues:

- That the two Ward Councillors strongly supported the application.
- That they were dissatisfied with the application process.
- That the applicant was a good neighbour and always met with residents.
- That a neighbour had been informed that the building could be placed where it was wanted by the Shipley Planning Office.
- That the applicant would not have undertaken the construction if he had thought anything was wrong.
- That the applicant had worked hard to accommodate the issues and planning officers had visited the site.

- That there had been an agreement for the applicant, agent, and planning officers to meet.
- That everything requested had been undertaken.
- That there were inconsistencies surrounding the application and a suggestion of disregard for the applicant.
- That neighbours supported the application.
- That there were emotive issues in the report.
- That the Panel should look at the site.

In response to some of the comments made, the Strategic Director, Regeneration apologised if there was emotive wording within the report. He confirmed that the Planning Department had a relationship with the applicant which was not improper, however, he could not comment on the meetings that had taken place as he had not been present. He maintained that the advice given had been that the building was sited in the wrong place and he would advise a smaller building in a different location.

The applicant's agent was present at the meeting, tabled a letter from Bradford Environmental Action Trust (BEAT) and made the following statements:

- That concrete would be used for the surface in front of the livestock area.
- That it was an appropriate development within the Green Belt.
- That the prior notification procedure had been used.
- That the building's measurements were all below the maximum.
- That the trees felled had been diseased and were not protected and did not represent a significant clearance.
- That the new planting was supportive of the Council's Woodland Strategy.
- That the applicant was from a farming family and believed that the building proposed by officers was too small and too near houses for livestock.
- That specialist advice had been requested from David Hill's, Chartered Surveyors and there was no challenge to the letter in the officer's report.
- That food for the animals was to be stored in the building.
- That there had been thefts from farm land in the area and the building could accommodate equipment, feed and livestock.
- That agricultural buildings were sited in open landscapes and this building was not overly large or obtrusive.
- That the residents and the Golf Club supported the application.
- That the size and scale of the building was appropriate.

A resident in support of the application was present at the meeting and made the following points:

- That there were 11 properties, a tenant farmer and a golf club down Beckfoot Lane.
- That there were three fundamental issues involved: that the issue had been brought back to the Panel, that the objections were against agricultural requirements, and health and safety, particularly highways safety.
- That the objections to the application quoted legislation, but there would also be support.
- That the planning officers had not sought reasons to uphold the application, only reject.
- That a secure stock building was required for equipment etc.
- That previous buildings had square footage much greater than what was being considered today.
- That the building gave the applicant the opportunity to go about his business safely.
- That the residents had provided written support.

- That there would be a massive environmental impact if the applicant was forced to re-build further down the lane.
- That the passage of farm machinery on the lane had an enormous impact on the residents of Beckfoot Lane and those that used it.
- That highway safety was paramount on Beckfoot Lane.
- That the building should be allowed.

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

- That David Hill's were respected surveyors and had provided a 25 page report.
- That the report detailed the requirements.
- That he himself was from a farming background, had a small holding and could concur with the report findings.
- That he believed the officer's report to be pre-determined.
- That the landscape architect report had stated that there was no planning permission and the size and location was incongruous.
- That other buildings in the area should be looked at when the Panel went on the site visit.
- That conditions regarding the planting of trees were placed on many applications.
- That he had requested that the letter from BEAT be placed upon the planning portal.
- That the Forest of Bradford was part of the Council, however, there was no reference to the letter within the officer's report.

In response the Strategic Director, Regeneration confirmed that:

- a refusal had been recommended in the past and an enforcement notice had been served, therefore the issue needed to be resolved.
- the building was in the wrong place and it was a difficult issue, though there was merit in maintaining the new access.
- it had not been possible to ascertain if the trees had been diseased as the Council had not been involved. The trees had been mature, however, it was acknowledged that considerable efforts had been made with regard to the replanting.
- comparable buildings had been looked at last year which had been grouped with other buildings and it was hoped that there was a solution for this site.
- justification with policies was provided when an application was approved or refused.
- the reasons had been sound, solid and defensible at the appeal.

During the discussion some Members acknowledged that attempts had been made to reduce the impact on the site and the efforts undertaken to date were appreciated, however, the building was still large and obtrusive and did not sit comfortably within the Green Belt. A number of other Members had a contrary view and stated that the building was not out of scale by standards and was in accordance with Green Belt policies. It was also suggested that additional planting be undertaken.

Resolved –

That the application be granted as set out below:

The modifications and the lowering of a third of the agricultural building's height overcome the former objections in respect of bulk and scale and impact on the character and appearance of the wider landscape. The proposed improvements to the drainage, the provision of wetland habitat and the native hedge and tree planting

undertaken further assist to mitigate the adverse effects on the character of the Green Belt and create an environmental asset. The new access removes farm traffic from Beckfoot Lane in the interests of traffic and pedestrian safety. Also the ability of the building to accommodate livestock (being situated away from a dwelling) reduces the need for additional buildings in the countryside. Therefore the development complies with Policies GB1, GB2, NE3, NE3A and TM19A of the Replacement Unitary Development Plan.

And that the application be subject to the following conditions:

- (i) that the building be used for agricultural purposes only;
- (ii) that the proposed drainage improvements be investigated and submitted to and approved by the Local Planning Authority; and
- (iii) that additional planting be undertaken and approved by the Local Planning Authority.

ACTION: Strategic Director, Regeneration

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

(i) **47 Langley Lane, Baildon**

Baildon

Conservatory – 10/00012/ENFUNA

The breach of planning control is not expedient to pursue as the decking platform could be constructed under permitted development rights at a slightly lower height. The reduction in height to comply with permitted development rights would not significantly reduce overlooking of the neighbouring properties amenity space.

Date Enforcement File Closed: 28 June 2010

(ii) **Esscroft Private Day Nursery, Ilkley Road, Burley in Wharfedale** **Wharfedale**

Swimming pool – 10/00079/ENFUNA

The breach of planning control is not expedient to pursue as it is likely that the conservatory and swimming pool have been in situ for 4 years or more and therefore exempt from enforcement action.

Date Enforcement File Closed: 28 June 2010

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration

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

APPEAL DISMISSED

(i) **Adjacent to 20 Welwyn Avenue, Shipley**

Windhill&Wrose

Construction of a detached house - Case No: 09/03353/FUL

Appeal Ref: 10/00033/APPFUL

Resolved –

That the decision be noted.

Action: Strategic Director, Regeneration

9. **MANYWELLS INDUSTRIAL ESTATE, MANYWELLS BROW, CULLINGWORTH**

Outline application with means of access to be considered for the construction of mixed use development at Manywells Industrial Estate, Many wells Brow, Cullingworth - 09/04432/OUT

The Strategic Director, Regeneration presented **Document “E”** and explained that the original approval had stated that if the Section 106 Agreement was not signed within 3 months of the decision then the planning permission should be refused. He confirmed that due to personal circumstances of a lead officer involved the Agreement had not been completed to date, however, the matter should be resolved by the end of August.

Resolved –

That Members note the current situation and resolve that the S106 legal agreement should be completed by the end of August once all specialist housing officers are able to give full input into the S106 process.

ACTION: Strategic Director, Regeneration

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Panel.

i:\minutes\pls29July

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