

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

Commenced 1015

Concluded 1315

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Sajawal Hussain	J Hall
Owens	Shabir Hussain	
Pennington		

Apologies: Councillors Cole, Dodds, Greaves and Imdad Hussain

Observer: Councillor Khaliq (Minute 14(d))

Councillor Shabir Hussain in the Chair

10. DISCLOSURES OF INTEREST

Councillor Shabir Hussain disclosed a personal and prejudicial interest in the item relating to 204 Gaisby Lane, Shipley (Minute 14(a)) as he was related to the applicant 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 Owens disclosed a personal and prejudicial interest in the item relating to Ivy House Farm, Ryecroft, Harden, Bingley (Minute 14(g)) as the application site was visible from his property 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)*

11. MINUTES

Resolved -

That the minutes of the meetings held on 11 May, 24 June and 29 July 2010 be signed as correct records.



12. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

13. PUBLIC QUESTIONS

There were no questions submitted by the public.

14. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

Councillor Sajawal Hussain in the Chair for this item only

(a) 204 Gaisby Lane, Shipley

Windhill & Wrose

A full application for the construction of a two storey side extension and garage, as amended, at 204 Gaisby Lane, Shipley - 10/01617/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that other properties in the vicinity had constructed a similar type of garage as proposed and that the application had been amended in order to alleviate overlooking issues. It was noted that there was a landfill site in close proximity to the property and therefore a condition had been placed on the application that the Council must be informed on commencement of any excavation. The Strategic Director, Regeneration recommended the application for approval, subject to the conditions as set out within the report and also subject to an additional condition that the garage door must not obstruct the highway on opening or closing.

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 additional condition:

- (i) That the garage door must not obstruct the highway when opened or closed.**

ACTION: Strategic Director, Regeneration

(b) 36 North Parade, Burley in Wharfedale, Ilkley

Wharfedale

Full planning application for construction of a two storey side extension and single storey rear extension at 36 North Parade, Burley in Wharfedale LS29 7JR - 10/02186/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was to construct a two storey side extension and a single storey extension to the rear. A number of representations had been received on the grounds of overlooking, overshadowing,

disruption during construction, loss of garden space and restricted parking. The application had been referred to the Panel by the Member of Parliament. He confirmed that there would not be any overlooking and recommended the application for approval, subject to the conditions as set out within the report.

In response to Members' queries regarding the construction details and the requirement of a construction plan, the Strategic Director, Regeneration confirmed that the construction details were not a planning consideration and it would be in the interest of the applicant not to upset neighbours. The requirement of a construction plan was not viable for small scale residential developments and the construction industry already abided by working hours regulated through Environmental Health. However he indicated that a condition to restrict the hours could be placed on the application.

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

- That the photographs presented did not represent a true picture.
- That many vehicles parked on the road and spaces were at a premium.
- That it was a residential area.
- That a construction plan was required.
- That there were issues with the drainage and serious flooding had previously occurred.
- That a site visit should be undertaken from a safety point of view.
- That properties had designated parking spaces on the road.

During the discussion Members reiterated their concerns in relation to the construction hours and parking issues.

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 additional condition:

- (i) **That all works connected with the construction of the extensions approved shall only be carried out between the hours of 0800 and 1830 Monday to Friday and the hours of 0800 and 1300 on Saturday. There shall be no work connected with the construction on the extensions on Sunday.**

ACTION: Strategic Director, Regeneration

(c) 4 Grosvenor Road, Shipley

Shipley

Householder application for the construction of a single storey rear extension to the permitted development two storey rear extension at 4 Grosvenor Road, Shipley - 10/03313/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application was to construct a modest single storey rear extension to the previously approved two storey extension. The application had been referred to the Panel by a Ward Councillor and a number of representations had been received. It was noted that the neighbouring property's view was blocked by the two storey extension, however, the single storey extension created minimal obstruction. The Strategic Director, Regeneration then recommended the application for approval, subject to the conditions as set out within the report.

In response to Members' questions regarding the extension and its use, the Strategic Director, Regeneration confirmed that the extension would be the full width across and add space to the kitchen and family area.

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

- That the extension was required as living space by the family.
- That it was a reasonable size extension.
- That the advice of planning officers had been followed.

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

(d) **66 & 68 Wrose Road, Shipley**

Windhill & Wrose

Full application for the change of use from hot food takeaway at 66/68 Wrose Road to hot food takeaway at 66 Wrose Road and retail unit at 68 Wrose Road and the construction of a ramp to the front of the property - 10/02586/FUL

Permission is sought to vary condition 3, attached to planning approval 07/08191/COU, to extending the opening hours from 23:00 to 24:00 - 66-68 Wrose Road, Shipley - 10/02296/VOC

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that application 10/02586/FUL proposed a change of use to a hot food takeaway at 66 Wrose Road and a retail unit at 68 Wrose Road, with permission for the addition of a ramp to the front of the property. The properties had originally been built as houses and were separate. In 2007 both properties had been granted permission to trade as a hot food takeaway with opening hours of 1800 to 2300 hours. The Strategic Director, Regeneration reported that the premises were within the Wrose local centre boundary where retail use was encouraged. The application was accepted in principle and officers did not anticipate a significant impact on the amenity. The Highways Department had not raised any objections, however, there were issues in relation to parking on the forecourt of the premises and the Strategic Director, Regeneration requested that if approved a condition be placed on the application. A condition restricting the hours of operation was also suggested if permission was granted. He then stated that the application was recommended for approval as per the reasons set out in the report.

With regards to application 10/02296/VOC, the Strategic Director, Regeneration informed Members that the application sought to vary the condition in relation to the opening hours of the premises. He reported that officers had recommended refusal as they did not support the increase in the hours to midnight due to issues regarding residential amenity. A number of representations had been received objecting to the application and letters from a Ward Councillor and a Parish Councillor objecting to the applications were read out to Members. A further representation in support of the application had been received from a Councillor. In conclusion the Strategic Director, Regeneration recommended the application for the change of use and the additional ramp for approval, subject to the conditions as set out in the report and the suggested additional conditions. He then

recommended that the application for the variation to the condition be refused.

In response to their questions, Members were informed that:

- retail use encompassed butchers, hairdressers, off-licences, etc.
- cold food use was Class A1 and hot food was Class D1.
- the Planning and Highways Forum would have commented on the ramp, though it could not be confirmed if the gradient had been assessed. The existing ramp was subject to building regulation approval and was slightly steeper than usual, however, it was the best practical solution. The new ramp would be steeper.
- the parking issue was the crux of the matter. Car parking spaces for staff could be requested for the units and provision should have been provided for the hot food takeaway previously. It appeared that parking spaces could be provided within the premises' cartilage and protected for staff use.

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

- That the problem was ongoing.
- That in 2008 the applicant and the Council had signed a document regarding the use of the premises.
- That an application for a sandwich/coffee shop had previously been refused.
- Why should an application be approved that will create similar problems?
- That the extraction system at 68 Wrose Road was still not acceptable.
- That another retail outlet was not required in the area, as there were already plenty.
- That a variety of shops were required.
- That the applications should be refused.
- That a site visit should be undertaken.

A Councillor in support of the applicant was present at the meeting and made the following comments:

- That the units were separate and the applicant wanted to use both.
- That the applicant wanted to revert back to the original use of the premises.
- That parking spaces could be provided within the garden area.
- That the applicant did not want to extend the hours and had requested 1100 to 2300 hours.
- That the applicant was more than happy to comply with the conditions.
- That the applicant hoped the applications would be approved.

In relation to Members queries' regarding the shutters on the premises, the Council's Legal Officer confirmed that they were enforcement issues that were being investigated separately. It was also noted that the recent concerns in relation to the extraction system would need to be investigated by Environmental Health, as the details covering the system had been discharged as satisfied.

During the discussion Members raised concerns in relation to the variation of the hours requested in application 10/02296/VOC and it was acknowledged that clarification was required as to what the applicant had actually requested as both the application form and the applicant seemed unclear on this point. It was noted that the applicant was willing to provide parking spaces within the curtilage of the premises and Members suggested that a condition to reflect this should be added to application 10/02586/FUL.

Resolved –

10/02586/FUL

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 additional conditions:

- (i) That the retail unit shall only be open for business between the hours of 0900 and 1700 Monday to Saturday.**
- (ii) That prior to the operation of the retail unit an off street car parking space for use by staff working at the premises shall be provided within the application site at the side/rear of the premises with access from Oakdale Road and shall be in addition to the parking space required by condition under planning permission 07/08191/COU.**

10/02296/VOC

That the application be deferred in order to enable the applicant to clarify the extension to the opening hours.

ACTION: Strategic Director, Regeneration

(e) Asda Superstore, Manor Lane, Shipley

Shipley

A full application for the provision of (i) a mezzanine floor extension to store; (ii) formation of new additional access to store; and (iii) increase in the hours of car parking use from 2 hours to 3 hours to the existing store at ASDA Stores Ltd, Manor Lane, Shipley – 09/01848/FUL.

A full application for the extension of the car parking deck to create 127 additional spaces and an increase in the hours of car parking use from 2 hours to 3 hours to the existing store at ASDA Stores Ltd, Manor Lane, Shipley – 09/01850/FUL

The Strategic Director, Regeneration reported that both applications had previously been considered at the Panel meeting held on 11 May 2010 and Members had resolved to grant planning permission for the development subject to a Section 106 Agreement and conditions. Concerns had subsequently been raised by the applicant and the Shipley Town Centre Manager in relation to the approved increase to the permitted car parking hours from 2 to 4 hours. It was explained that the car park would be used by part-time workers and not shoppers if the change to the hours remained. Therefore, the Strategic Director, Regeneration requested that the parking use be increased to 3 hours.

The Shipley Town Centre Manager was present at the meeting and explained that the Shipley Town Centre Development Partnership had met and discussed the approved planning permission. They had welcomed the increase of free parking though only from 2 to 3 hours, as they believed that part-time workers and not shoppers would benefit.

During the discussion Members indicated that they were content to amend the free parking to 3 hours, however, concerns were raised in relation to the provision of the pedestrian crossing. In response the Council’s highway officer confirmed that a safe form of crossing could be provided through the Section 106 Agreement.

Resolved –

09/01848/FUL and 09/01850/FUL

That the Heads of Terms of the Section 106 Agreement be amended as per Option A set out within the report and also with the amendment that a safe pedestrian crossing facility be provided.

ACTION: Strategic Director, Regeneration

(f) 27 Greenfield Crescent, Cullingworth, Bingley

Bingley Rural

Retrospective householder application for a conservatory and dormer window to the rear at 27 Greenfield Crescent, Cullingworth, Bingley - 10/00480/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was retrospective and had been referred to the Panel by a Ward Councillor. There were no concerns in relation to residential amenity, however, the materials used for the construction of the dormer window did not match the existing ones. The dormer window was also too high and too wide and he therefore recommended the application for refusal.

A Member questioned whether the application would be acceptable if the applicant was requested to match the materials used. The Strategic Director, Regeneration confirmed that there was no issue with the dormer in principle and that officers were willing to work with the applicant in order to redesign and alter the window.

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

- That work had been undertaken with planning officers.
- That the dormer could not be reduced in size.
- That the cladding could be painted a different colour.
- That no objections had been received.
- That the applicant was looking for a practical way forward.
- That the dormer window and conservatory were not visible from the street.

Resolved –

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

ACTION: Strategic Director, Regeneration

(g) Ivy House Farm, Ryecroft, Harden, Bingley

Bingley Rural

Full application for the construction of extension to ménage at Ivy House Farm, Ryecroft, Harden - 10/01171/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that there was already a ménage and the proposal was to extend the width from 12 to 20 metres and erect fencing on three sides. The work had already been undertaken in preparation for the extension and a local Ward Councillor had requested that the application be determined by the Panel. The Strategic

Director, Regeneration explained that the issues to be considered were the impact on the Green Belt and Ryecroft village and drainage issues. It was noted that a ménage was accepted as being suitable within the Green Belt, however, the issue was the creation of a larger one without sufficient justification that it was acceptable in Green Belt terms. With regards to the impact on the landscape and village, the Council's Landscape Architect had indicated that the remodelling of the embankments could limit the damage to the landscape. The Parish Council had stated that they could not find any proof that the extension was essential and six letters of representation had been received, five in support and one in objection. The Strategic Director, Regeneration then recommended the application for refusal as per the reasons set out in the report.

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

- the proposed ménage would be wider with larger embankments.
- the ménage was sited in an area of key open space with key views.
- the original application for the ménage had been retrospective to retain it.
- the application would have to be considered by the Regulatory and Appeals Committee if approval was recommended.
- the applicants had not adequately justified why there were special circumstances for the extension to the ménage and the subsequent impact in visual terms on Ryecroft and the drainage issues.

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

- That in 2006 approval had been granted for the ménage as it was acceptable for the Green Belt.
- That planning permission had been granted to the previous owners.
- That the applicants had large horses and the current ménage was not adequate for their training and exercising.
- That an extension was required.
- That the standard size of a ménage was 40 metres by 20 metres.
- That the facility was essential not desirable.
- The original permission had decided that the ménage was essential and, therefore, the extension was also essential for the exercising and training of the horses.
- That the impact on the Conservation Area would be limited by the amended scheme which would use fencing and have grassed embankments.
- That the existing ménage had a neutral impact on the area, so how could the proposed extension change this?
- That work on the extension had ceased 11 months ago.
- That the pictures did not portray a true impression of what the ménage would look like.
- That the slope of the embankment would be reduced.
- That there were no objections from the Council's Drainage Officer. There was a manhole which would remain and access would not be obstructed.
- That the proposed site had moved away from the Conservation Area.

In response to Members' queries, the applicant's agent confirmed that:

- the ménage was for the applicant's private use and they had two large horses.
- no justification for the extension had been provided to officers.
- the surface of the ménage would be sand and the Landscape Officer had advised a slighter slope for the embankments.

The Strategic Director, Regeneration reiterated that officers did not agree that there was justification to grant permission in the Green Belt. The Council's Legal Officer confirmed that exceptional circumstances were required and he stated that it was difficult to ascertain why it was an exceptional use, as the training and exercising of the horses could take place somewhere more acceptable and not within the Green Belt. It was acknowledged that the ménage was already there, however, the Government had specified that any development in the Green Belt had to be genuinely acceptable.

The Strategic Director, Regeneration explained that the relatively small extension led to large embankments on three sides and the Panel must consider the larger impact. The applicants were using other facilities in Harden and there were also fields in which the horses could be exercised.

Resolved –

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

ACTION: Strategic Director, Regeneration

(h) **Otley Road News, 14 Otley Road, Baildon**

Baildon

Full application to change the use of the ground floor shop and first floor residential accommodation at 14 Otley Road, Baildon to a hot food takeaway and general office respectively - 09/05982/FUL

Resolved –

That the application be deferred to the next meeting at the request of the applicant due to a family bereavement.

ACTION: Strategic Director, Regeneration

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

(i) **26 Sutton Drive, Cullingworth, Bingley**

Bingley Rural

Structure – 09/01290/ENFUNA

It was not considered that the breach constitutes any serious amenity issue to warrant further enforcement action.

Date Enforcement File Closed: 14 July 2010

(ii) **Bold Privateer, 69 Wrose Road, Shipley**

Windhill & Wrose

Smoking shelter – 09/01359/ENFUNA

The breach of planning control was not expedient to pursue as the open sided smoking shelter was unlikely to cause any amenity issues and officers would support an application to retain it.

Date Enforcement File Closed: 16 August 2010

(iii) **Briar Rhydding, Baildon** **Baildon**

Garage – 10/00072/ENFUNA

The breach of planning control was not expedient to pursue as the garage was not highly visible and was not considered to cause any significant amenity issues. It was likely that officers would recommend approval of a retrospective planning application to retain it.

Date Enforcement File Closed: 14 July 2010

(iv) **Clarke House Farm, West Lane, Baildon** **Baildon**

Non-compliance with planning permission – 09/00493/ENFAPP

It was not considered that the breach should be pursued as the design and materials used did not cause any detrimental residential amenity issues.

Date Enforcement File Closed: 13 August 2010

(v) **Glarona, 45 Nab Lane, Shipley** **Shipley**

Felling of 8 trees – 09/00649/TPOCN

The breach of planning control was not expedient to pursue as the felled trees have been replaced.

Date Enforcement File Closed: 29 June 2010

(vi) **Staveley Road, Shipley** **Shipley**

Contractors caught carrying out tree removal adjacent to Bingley Road - 10/00105/TPOCN

The breach of planning control was not expedient to pursue as consent would have been granted for the removal of the trees.

Date Enforcement File Closed: 12 August 2010

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration

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

APPEAL DISMISSED

(i) **Bradford & Bingley Sports Club Limited, Wagon Lane, Bingley** **Bingley Rural**

Retrospective for temporary marquee - Case No: 09/06170/FUL

Appeal Ref: 10/00074/APPFUL

Resolved –

That the decision be noted.

Action: Strategic Director, Regeneration

(k) **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 explained that the application had been deferred from the previous meeting in order to allow further investigations regarding the flood risk to be undertaken. He confirmed that the Council's Senior Drainage Engineer had undertaken the work required and provided a report which concluded that the drainage proposals were adequate for the planning purpose.

In response to the report findings, the residents of 19 Menston Old Lane had sent in the following comments:

- That other residents had not been consulted by the Council's Senior Drainage Engineer.
- That No.16, which was most affected by the 2002 flood, had not been mentioned in the investigator's report.
- That as residents had not been consulted, it must be assumed that the investigation was undertaken using the Burley Flood plan, which was inaccurate.
- Where would the flood water be diverted to if a retaining wall and garage was built in the emergency flood route?
- That Planning Policy Guidance Note 25 Revised March 2010 would not be complied with if planning permission was granted.

In response to the points raised the Strategic Director confirmed that:

- not all the residents had been present at the time of the survey.
- No.16 had not been identified as an affected property, however, it was acknowledged that it could be.
- the garage and retaining wall were not in the flood route.
- a flood risk had been undertaken.

Further representations had also been received from the occupants of 16 Menston Old Lane which highlighted that their home had previously suffered from flood damage, the garden of No.19 had flooded, the proposed extension could cause problems and they would require a guarantee that the development would not affect their property.

The Council's Senior Drainage Engineer informed Members that the flood plain was determined by the Environment Agency and that functional flood plains did periodically suffer from flooding. He confirmed that three instances of flooding had been reported and that they had been the result of an operational effect, not a weather inspired effect. The flood routes would not be affected by the development and as long as the culvert and watercourse were kept clear then any flooding should not re-occur. It was noted that the owner of the culvert had a duty to keep it clear and that the silt chamber was the Council's responsibility.

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

- That the Parish Council had concerns in relation to the effect of the retaining wall and garage on the flood area.
- That the report did not satisfy the Parish Council's requirements.
- That none of the residents had been consulted, especially the occupiers of No.16 who had been badly affected by a previous flood.
- That the requirements of the Panel's resolution had not been met.
- That there was no estimate of the flood level, so how could floor levels be established.
- That the Parish Council had tried to obtain clarification that the proposal would not affect other properties.
- That the Parish Council did not believe that the application was sound.

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

- That the property was currently empty and neglected.
- That planning permission had already been granted for an extension and garage in 2008, which was prior to their purchase.
- That the Parish Council and occupants of No.19 had not objected to the approved application.
- That the proposal was to make the garage narrower, move it away from the stream and site it 2 metres from the boundary line.
- That the proposed site for the extension was beyond the flood risk areas and would not affect them.
- That the Panel's request for further investigations had been undertaken.
- That the Environment Agency had determined the flood levels and the extension's floor levels would be set 600 millimetres above their recommendation.
- That the property had been vacant for 3 years and they wanted to improve it.
- That the extension would not affect the operational defect of the culvert, which was upstream.
- That planning permission had previously been granted and approval of first floor accommodation was now required.
- That the proposed footprint had been sited further away from the stream.
- That the application be approved.

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

Chair

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

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