

## Minutes of a meeting of the Area Planning Panel (Shipley) held on Tuesday 19 October 2010 at the Town Hall, Shipley

Commenced 1010  
Adjourned 1125  
Reconvened 1135  
Adjourned 1310  
Site Visits 1310 – 1450  
Reconvened 1450  
Concluded 1520

### PRESENT – Councillors

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

Observer: Councillor L'Amie (Minute 18 (e) and (g))

### Councillor Shabir Hussain in the Chair

#### 15. DISCLOSURES OF INTEREST

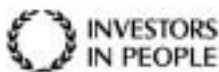
No disclosures of interest in matters under consideration were received.

#### 16. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

#### 17. PUBLIC QUESTIONS

There were no questions submitted by the public.



## 18. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

### (a) **108 Low Ash Drive, Shipley**

### **Windhill & Wrose**

Concrete base at 108 Low Ash Drive, Shipley - 10/01504/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application for the concrete was retrospective as it was already in situ and that the kennels and runs did not require planning permission. A number of objections had been received on the grounds of the loss of trees, that the kennels appeared unsightly and noise nuisance from the dogs. The applicant had confirmed that the noise issues had been resolved and the kennels were not used for a commercial purpose. He then recommended the application for approval subject to the conditions as set out within the report.

The applicant was present at the meeting and explained that the area around the concrete base was to be made into a rockery in order to approve the appearance.

#### **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) **67-69 Main Street, Bingley**

### **Bingley**

Planning application for change of use of premises from a leisure arcade to a shop selling/buying jewellery and related goods at 67-69 Main Street, Bingley - 10/03527/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application was for a change of use from a leisure arcade to a shop selling/buying jewellery. The premises were outside of the primary shopping area, but still within the retail area. Several representations had been received, including one from a Ward Councillor requesting that the application be referred to the Panel and another from the Bingley Town Centre Manager. The concerns raised were in relation to the adverse effect on the conservation area; that the proposed premises would not positively contribute to Bingley Town Centre; that there were many similar shops in the area and that the application was retrospective. The Strategic Director, Regeneration explained that planning control could not determine the type of premises, just the class of use. He then recommended the application for approval retrospectively.

#### **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 South East of 16 Ayrton Crescent, Mornington Road, Bingley** **Bingley**

Outline application for residential development of 10 apartments at land to the south east of 16 Ayrton Crescent, Mornington Road, Bingley. All matters are reserved with the exception of access - 10/01189/OUT

**Resolved –**

**That the application be deferred to a future meeting in order to allow the Strategic Director, Regeneration to undertake consultations to ascertain whether contributions are required in respect of education and recreation.**

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

(d) **Land West of 14 Woodville Street, Shipley** **Windhill & Wrose**

Outline application for the construction of a pair of semi detached dwellings on land to the west of 14 Woodville Street, Windhill, Shipley - 10/03077/REG

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application had been submitted by the Council's Asset Management Department and two letters of objection had been received from one household. It was noted that when the site had been visited the street had been congested and cars had been parked in the turning head. The Strategic Director, Regeneration confirmed that the proposed development could be comfortably accommodated on the site with access gained from Woodville Street. Parking would also be provided for the current residents. Concerns had been raised in relation to the loss of a green area used by children; the access to existing premises would be blocked; there would be a loss of outlook and view; and noise disturbance. The Strategic Director, Regeneration indicated that these issues could be resolved at the Reserve Matters stage and recommended the application for approval, subject to the conditions as set out in the report.

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

- issues regarding the required facing distances could be addressed at the Reserve Matters stage.
- the use of the car parking spaces to be provided could be conditioned and there could be an informal residents parking scheme, however, this had not been agreed.
- the area was not deficient in open spaces.

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

- That young children used the land as a play area as they could not cross the main roads.
- That the turning circle was always congested and people could not access their drives.
- That there was only one drainage system and it had been blocked in the past.
- That the gable end of No.9 was sinking. How would access be gained in order to repair it?
- That the public footpath had been dug up on numerous occasions as all the utilities were there.

- That numerous attempts had been made over the past 11 years in order to find out who owned the land as the fencing was unsafe.
- That they had been informed that the Council would not have owned the land as it used to be houses.
- That they had been informed that development would not be able to take place on the land as the cellars from the previous houses were still there.

In response to some of the comments made, the Strategic Director, Regeneration confirmed that:

- the issue of drainage and land contamination would be conditioned.
- the footpath would be retained and would have to remain open.
- the issue of the cellars could be dealt with and would be discussed at the reserve matters stage.

During the discussion Members raised a number of issues regarding the proposed parking provision and it was re-iterated that the points could be resolved at the Reserve Matters stage, which could be presented to the Panel for consideration.

#### **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 conditions:**

- (i) **That the off street car parking facility shall remain as open car parking spaces and not be built upon; and**
- (ii) **That a management plan for the off street parking facility be submitted to and approved by the Local Planning Authority.**

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

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

#### **(e) Plot 3, Land Adjacent to 19 Hazebrouck Drive, Baildon**

#### **Baildon**

An outline planning permission for the construction of one dwelling. Layout and access and submitted for formal consideration with all other matters reserved - 10/03093/OUT

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was outline for the construction of a dwelling and garage with access from the turning head. It was accepted that the site was to be used for residential development and the application was a renewal of permission that had previously been granted. The Strategic Director, Regeneration confirmed that a number of representations had been received and a Ward Councillor had requested that the application be considered by the Panel. The occupiers of the adjacent property had requested that only a bungalow should be permitted on the site and other residents had objected on the grounds of the proposal being out of keeping, have an adverse impact on the local amenity and spoil the view. It was noted that Baildon Parish Council had not commented upon the application.

The Strategic Director, Regeneration reported that consultations had been undertaken and the site was acceptable. A number of conditions had been placed on the application and

he stated that there was an issue in relation to the scale of the proposed dwelling. The applicant's architects had indicated an intention to erect a two storey dwelling on the indicative drawings submitted and there was adequate space to accommodate this. The Strategic Director, Regeneration suggested that this issue was resolved at the Reserve Matters stage as scale was not part of Members' considerations, only the principle of residential development. He then recommended the application for approval, subject to the conditions set out in the report.

Members questioned whether there was sufficient room to accommodate a bungalow on the site and if there was any mechanism to control the height of the proposed dwelling. In response the Strategic Director, Regeneration confirmed that a bungalow would require a larger footprint, however, there was adequate space. The Panel was only considering layout and access at this point though. The Council's legal officer then stated that in relation to any restrictions regarding the height, the Panel had ultimate control of the application when they considered it at the Reserve Matters stage.

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

- That he did not object to the development.
- That his property was the closest to the development site and was less than 5 metres high.
- That the outline plan indicated that the proposed dwelling would be 8 metres high and this was not satisfactory.
- That the proposal would be out of keeping with the other houses in the development.
- That only permission for a bungalow should be granted.
- That the drawings detailed access across his land.

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

- That he did not object to the principle of the development.
- That consistency was required with the other properties in the area.
- That there had been problems in the past with indicative applications at the outline stage.
- That it would be beneficial to set clear parameters now as to what was required.
- That a form of words to restrict the proposed dwelling to one that was appropriate and not higher than those existing was required.
- That the proposed dwelling should be a single storey building.

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

- That the ridge height was for that of a two storey building.
- That his client would reduce the ridge height and it should relate to the height of No.10 Hazebrouck Drive.
- That the roof space would be used for accommodation.
- That the upper limit of the suggested ridge height should be 1 metre above that of No.10 Hazebrouck Drive.

The Council's legal officer questioned whether the applicant would be willing to submit a revised indicative layout for approval in order to clarify the height issues. The applicant's agent confirmed they were happy to amend the scheme and provide revised drawings.

During the discussion Members indicated that they were content for amended plans to be submitted, however, they suggested that the height of the proposed dwelling be restricted.

It was also requested that the Reserve Matters application be presented to the Panel for consideration.

### **Resolved –**

**That authority be deferred and delegated to the Strategic Director, Regeneration to grant planning permission subject to the conditions set out in the report and also subject to the submission of new indicative drawings detailing the ridge height of the proposed to not exceed that of No. 10 Hazebrouck Drive.**

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

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

### **Decision following Site Visit**

#### **(f) Bingley Auction Mart, Keighley Road, Bingley**

#### **Bingley**

A full planning application for a retail unit comprising 6174m<sup>2</sup> gross floor space with surface car parking, landscaping and service yard at the former Auction Mart, Keighley Road, Bingley - 09/04421/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the former auction mart site was vacant and the proposal included the land to the north. Bingley Conservation area was to the west of the site and Bingley Grammar School was to the north. There were also residential properties and mature trees in the area. It was noted that the application met the objectives of sustaining further economic growth and the planning policy statement.

With regards to representations, Members were informed that 180 had been received, 153 objecting to the application and 27 in support, along with 5 petitions against the development. A local Ward Councillor and the Bingley Civic Trust had also objected. The issues raised against the development included the adverse impact on the area; that work already undertaken would be compromised; and congestion would increase. Comments in support of the application indicated that jobs would be created and the retail offer in the area would increase.

The Strategic Director, Regeneration confirmed that consultations had been undertaken and the design and appearance of the development would be bespoke in order to fit in with the area. Discussions had been undertaken with the applicant regarding the proposed design in relation to the context of the site and the conservation area had also been considered. He explained that the two policy aspects that required consideration were the choice and location as the site was outside of Bingley Town Centre and expansion areas and impact on the Town Centre. The choice of site had to go through the sequential approach. It was noted that the former Bradford and Bingley Headquarters site and Lilycroft Mills had been discounted. The former Bradford and Bingley site complied with Council policies as it was within the town centre and there was a greater likelihood that people would visit other shops in the area. The former Bradford and Bingley Headquarters site was smaller than the proposed application site, however, an appropriate design could accommodate the applicant's requirements. It was also available and sequentially preferable in comparison to the application site.

The Strategic Director, Regeneration reported that there were concerns in relation to the impact of retail stores on town centre stores and the adverse impact on town centres. He confirmed that active discussions were ongoing with regards to the former Bradford and Bingley Headquarters site and there was an argument that Bingley could not sustain two supermarkets. He then recommended the application for refusal on the grounds that the applicant had not demonstrated compliance with the sequential test, the adverse impact on the Town Centre and that it was therefore contrary to relevant planning policies.

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

- residential amenity had been looked at and a previous application had been refused on this basis. The only opportunity for screening was a fence and a proposal for significant planting had been submitted for Harold Street. Buffer zones and large landscaped areas would be created that would provide relief for Harold Street occupants.
- the proposal would create 340 jobs, the equivalent of 220 full time posts, though this could create a knock-on effect elsewhere.

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

- That he was representing the Co-operative Group.
- That development in Bingley Town Centre must be given priority.
- That the Town Centre needed to be protected.
- That the Co-operative Group had invested and re-invested in Bingley and was catering for the market in Bingley.
- That there was no need for a large supermarket in the area.
- That the application for the former Bradford and Bingley Headquarters site must be equally considered.
- That he supported the recommendation within the report.
- That the reasons for refusal could be strengthened as the proposal was also contrary to PPS4.

Two further objectors were present at the meeting and stated the following:

- That the application failed the sequential approach.
- That the proposed site was out of town and sloped.
- That town centre sites should be given primary consideration.
- That the sequential approach and the site of the previous Bradford and Bingley Headquarters must be considered first.
- That the loss of jobs would be considerable.
- That research had been undertaken and the impact of out of town supermarkets on established centres was significant.
- That the proposal would have a detrimental affect on Bingley.
- That it had been claimed that a large number of jobs would be created, but what would happen to other business in the area?

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

- That the application was based upon an approach prior to the amended PPS4.
- That the reasons for refusal could not be substantiated.
- That the application did not pose a threat to the Co-operative store.
- That as per PPS4 a need did not have to be demonstrated.
- That Keighley had three large supermarkets which Bingley residents were using so

the 5Rise Shopping Centre was losing customers.

- That Tesco's proposal meant that Bingley would retain its shoppers.
- That other supermarkets had large shops outside of town centres.
- That the proposal would not prejudice the take up of shops in the 5Rise development.
- That there was sufficient expenditure in Bingley to support a Tesco and Sainsbury's.
- That there was no evidence that Lilycroft Mills was an available and suitable site.
- That the proposal by Tesco should be supported.
- That refusal of the application on the grounds that it had not followed the sequential approach was not substantiated.
- That 340 jobs would be created.
- That there was no evidence of harm that would be caused by the application.

During the discussion Members indicated that the site was not near to the Town Centre and that the continuity argument did not exist between the site and the Town Centre. It was also suggested that the application may damage the retail centre in Bingley and that it could generate additional traffic through Bingley.

#### **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) 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

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was to change the use of the shop and the first floor flat to a general office. The property had been neglected and the proposal was to open up a window that was currently blocked and fit a security shutter. The applicant had also secured the use of a parking area for up to 1 year. A number of representations had been received including two from local Ward Councillors, a 37 signature petition and two individual letters on the grounds of highway safety as there was nowhere to park, the premises was near to a junction and Otley Road was a busy route. Problems would be caused to traffic movement as customers would tend to park outside the premises. A Councillor had also expressed his support for the application as it was a new business to Bradford. With regards to the parking provision, the Strategic Director, Regeneration explained that it was detached from the business and at the top of the hill. The applicant had no firm control of the site and there was no legal agreement. The provision was also inadequate and would not serve the business. In conclusion the Strategic Director, Regeneration recommended the application for refusal in light of the insufficient parking provision and highway safety issues as set out in the report.

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

- That he supported the officer's recommendation within the report.
- That the application was unsuitable on highway's grounds.
- That the photographs did not show the amount of traffic that frequented Otley Road



or the parking issues on George Street.

- That some of the houses in the area did not have off-street parking and used George Street.
- That the proposed business would not help the local economy or increase demand. Customers were more likely to transfer their business from elsewhere.
- That George Street was a steep road.
- That he concurred with the officer's statements and requested that the application be refused.

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

- That the proposed business was not large scale.
- That there were many takeaways that had less parking provision.
- That the premises used to be a newsagents and people would have parked outside more frequently.
- That there was ample parking on George Street for eight or nine cars.
- That the applicant had provided parking and it was only a small business. This was a step in the right direction.
- That the premises was currently an eyesore and needs developing.
- That small businesses should be supported. The proposed business would create employment and improve the appearance to the area.
- That he did not accept the officer's recommendation.
- That the points raised would be accepted if the application was for residential purposes.
- That the premises had been a newsagents and could re-open which would generate more traffic and parking issues.
- That the application should be supported.

In response to Members' questions regarding car parking and highway safety, the Strategic Director, Regeneration confirmed that:

- any application in respect of this site would be refused in light of the highway safety issues.
- the applicant had negotiated a contract with the owner of the car park, however, it had to be renewed on a yearly basis and could be withdrawn at 6 months notice.
- the double yellow lines on George Street were there due to the tight junction which posed safety issues onto Otley Road.
- The application had been assessed on its own merits within the context of the surroundings.

A Member then questioned whether the double yellow lines on George Street could be removed. The Council's legal officer stated that the application had to be considered as submitted and that the double yellow lines had been there for some time and for a reason. He added that due to the nature of the business customers would park outside and the key issue was the proposed type of business.

During the discussion the hours of operation were highlighted and the Strategic Director, Regeneration confirmed that they were not an issue and would be conditioned. The only concerns were those of highway safety and parking.

**Resolved –**

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

- (1) The operation of the proposed use is likely to involve a significant degree of home delivery based business, so relieving demand from customers calling in person at the premises. Given this, and in view of the fact that there is on street parking available in the immediate vicinity of the application property on George Street and Otley Road and also that the applicant has made efforts to obtain some level of off street parking nearby, it is considered that the use will not lead to conditions likely to interfere with the free flow of traffic on Otley Road. Further, with conditions in place to require the provision and retention of ventilation and extraction equipment, and with hours of operation controlled, there is not likely to be any detriment caused to the general or residential amenities of the immediate and surrounding area due to noise, cooking odours and general disturbance. For these reasons, the proposal is considered to be acceptable and in accordance with policies TM2, TM11, TM19A, UR3 and D1 of the Replacement Bradford Unitary Development Plan.

**And that the application be subject to the following conditions:**

- (i) that the commencement of development must take place within 3 years of the granting of permission;
  - (ii) that approval be limited to the plans received by the Council on 15 December 2010;
  - (iii) that the premises shall only be open for business between the hours of 11.00 and 23.00 on Monday to Friday inclusive and between 11.00 and midnight on Saturday, Sunday and Bank Holidays; and
  - (iv) that the approved extraction flue shall be installed and made available for use prior to the first opening of the premises.
- (2) That the Shipley Area Committee be requested to review the requirement of the double yellow lines on George Street.

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

- (h) **Enforcement Enquiries Closed by the Planning Manager (Enforcement & Trees)/ Senior Enforcement Officer as Not Expedient to Pursue**
- (i) **143 Main Street, Wilsden, Bingley** **Bingley Rural**

Advertisement – 10/00130/ENFADV

The breach of the Advertisements Regulations was not expedient to pursue as the sign had no impact on visual amenity.

Date Enforcement File Closed: 17 August 2010

- (ii) **Buck Park Farm, Whalley Lane, Denholme** **Bingley Rural**

Not in accordance with the approved plans – 10/00656/ENFAPP

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

amenity or highway safety issue to warrant further enforcement action.

Date Enforcement File Closed: 25 August 2010

(iii) **Menston Garage, 46 Bradford Road, Menston, Ilkley**

**Wharfedale**

Lighting column – 09/01446/ENFUNA

Whilst planning consent was retrospectively refused the owners have removed some lights and altered others, the remaining columns and light fittings no longer cause concern to the Council's Environmental Health Department. Therefore, it was not considered that the breach should be pursued as the siting and location of the remaining columns and light fittings do not cause any residential amenity issues.

Date Enforcement File Closed: 6 September 2010

**Resolved –**

**That the decisions be noted.**

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

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

(i) **26 The Robins, Burley in Wharfedale, Ilkley**

**Wharfedale**

Construction of an unauthorised raised decking platform and timber tree house to the rear of the property - 09/01061/ENFUNA

Enforcement Action to remove the raised decking platform and timber tree house was authorised on 29 September 2010 as it was considered that the decking and tree house as built were detrimental to visual amenity introducing unsympathetic and incongruous features into the locality. They also had an adverse impact on the amenity of occupants of the neighbouring properties by reason of intensifying the perception of being overlooked.

(ii) **Hirstwood Stores, 43 Hirstwood Road, Shipley**

**Shipley**

Unauthorised siting, storage and commercial takeaway use of a storage container sited to the front of the property - 10/00238/ENFUNA

The local Planning Authority had received complaints regarding the unauthorised siting of a storage container at the front of the retail unit. The unit was used as a hot food takeaway. The owners of the property had been contacted and they had advised that it was their son who owns and operates the unit, the son does not reside at the property. Despite repeated requests to remove the unit it still remains in situ. The unit had an adverse impact on visual amenity due to its poor design, materials and close proximity to other residential properties. Furthermore, when in use the unit had an adverse impact on neighbours due to noise and general disturbance.

Therefore the Planning Manager (Enforcement & Trees) authorised Enforcement Action on 15 September 2010 to have the storage unit removed.

(iii) **Land to the Rear of 34 Cheltenham Road, Bradford**

Construction of unauthorised stables - 09/01538/ENFUNA

Enforcement Action to remove the stables was authorised on 22 September 2010. It was considered that the stables had an adverse impact on visual amenity due to their poor design, size and their close proximity to the residential properties on Cheltenham Road.

**Resolved –**

**That the decisions be noted.**

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

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

**APPEAL ALLOWED**

(i) **23 New Brighton, Cottingley, Bingley**

**Bingley Rural**

Demolition of existing single storey flat roof side extension. Construction of new two storey extension to provide additional first floor bedrooms with redevelopment of existing ground floor layout with new entrance - Case No: 10/01008/HOU

Appeal Ref: 10/00142/APPHOU

**APPEALS DISMISSED**

(i) **4 Ayrtton Crescent, Mornington Road, Bingley**

**Bingley**

Construction of raised timber deck - Case No: 10/01872/HOU

Appeal Ref: 10/00121/APPHOU

(ii) **41 Nab Lane, Shipley**

**Shipley**

Construction of single dwelling - Case No: 09/05020/FUL

Appeal Ref: 10/00080/APPFUL

**Resolved –**

**That the decision be noted.**

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

(k) **Petition to be Noted**

(i) **116 Crag Road, Shipley**

**Windhill and Wrose**

A full planning application for the construction of an attached single storey building forming a takeaway and associated works to the retaining wall at 116 Crag Road, Shipley -

10/03316/FUL

**Resolved –****That the petition be noted.****Action: Strategic Director, Regeneration****19. FORESIDE MILL, HALIFAX ROAD, DENHOLME****Bingley Rural**

Full application for the demolition of the industrial buildings and construction of 35 dwellings at Foreside Mill, Halifax Road, Denholme - 10/03362/MAF

The Strategic Director, Regeneration presented **Document “K”** which was a full application for the demolition of the industrial buildings and construction of 35 dwellings at Foreside Mill. It was explained that three extra representations had been received which included one from a Ward Councillor in support of the application and their letters were read out. Amendments to Conditions 3 and 23 and to the Heads of Terms of the Section 106 Agreement were also reported.

The Strategic Director, Regeneration explained that the site comprised of three parcels of land and nestled between residential housing. There was an extensive footpath network around the site and the bus stop would be upgraded. It was explained that following the demolition of the industrial buildings 35 dwellings would be created in a courtyard with a village green in the centre. Part of the building that fronted Halifax Road would be demolished and this would open up the Green Belt. The majority of the proposed houses would be two storey cottages and be bespoke designed for the site.

Members were informed that the key issue was the principle of the development within the Green Belt and it was believed that very special circumstances existed as the proposed footprint and volume decreased; the development would be linear built and face onto Halifax Road; and it would create bespoke housing which would be beneficial to the Green Belt. Any harm to the Green Belt would be outweighed by the benefits that the development brought.

The Strategic Director, Regeneration reported that the site was brownfield land located outside Denholme. The highways safety issues had been addressed subject to a Section 278 Agreement and no other properties would be affected by the proposal. Land contamination, flooding and drainage issues would be resolved by conditions and it was requested that the Regulatory and Appeals Committee be advised of the recommendation subject to a Section 106 Agreement and conditions.

In response to Members' questions, it was noted that:

- Denholme Velvets had moved and the development allowed the jobs to be retained.
- the use of materials such as stone mullions was conditioned.
- there would not be any manufacturing noise to disturb residents from Denholme Velvets.
- the draft legal agreement stated that the cricket ground could only be used for sports facilities and it was also allocated for playing field.

A supporter of the application was present at the meeting and made the following statements:

- That he represented Denholme Cricket Club.
- That the existing buildings had been vandalised.
- That incidents of inappropriate behaviour had taken place on the car park.
- That there was a lack of community spirit in the area which the development would provide.
- That the proposal would regenerate the area and be a boost to the economy.
- That the Cricket Club had spoken to the Mill owners regarding the transfer of ownership.
- That the ownership of the ground was the key to securing funding from the National Lottery and it was vital to invest in cricket.
- That the Mill owners were in support of the proposal.
- That the Cricket Club relished the opportunity to be a part of the community.

The Council's legal officer confirmed that legally the ownership aspect would need to be clarified as soon as possible and quoted within the Section 106 Agreement.

The applicant's agent was also present at the meeting and confirmed that they had worked closely with the Town Council and there were no constraints to the development of the site.

#### **Resolved –**

- (1) 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 proposal would create a substantial reduction in the extent of building on the site which would lead to a significant increase in the openness of the Green Belt and that the application be subject to the conditions set out in the Strategic Director, Regeneration's technical report with amendments to Conditions 3 and 23 as follows:**

**3. Notwithstanding the details shown on the approved plans full details of all facing and roofing materials for each plot shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement development. The development shall be constructed in the approved materials or as may be agreed in writing by the Local Planning Authority.**

**23. The development hereby approved shall only be carried out in accordance with the recommendations of the Hepworth Acoustics noise and vibration consultants. In particular, the identified acoustic barrier shall be erected along the boundary of the site with Halifax Road, plots 1-17 shall have acoustic vents in all noise sensitive rooms and 10:12:6.4 laminate glazing in bedrooms and plots 19-22 shall have acoustic vents in the proposed bedrooms.**

- (2) That approval should be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990 which shall require as follows:**

- (i) Payment of contribution of £53,290 towards the provision or enhancement of education infrastructure within the wards of Bingley Rural, Bingley, Thornton and Allerton and/or Worth Valley;**
- (ii) Provision of 25% of the dwellings on the site as affordable housing at a discount of 35% on open market values for transfer to a Registered Social Landlord as affordable housing;**

- (iii) **Payment of Contribution of £10,000 towards provision of a bus shelter to the north bound carriageway in front of the development site and £3,000 towards provision of a raised kerb;**
  - (iv) **Transfer to the existing Cricket Ground on the eastern parcel of land to the Denholme Cricket Club free of charge upon terms approved by the Council; and**
  - (v) **Agreement that all the areas identified on the submitted plan as green open space/informal village green space remain as such in perpetuity and that such areas are managed via a management plan.**
- (3) That approval should be subject also to the developer entering into a S278/38 highway works agreement prior to commencement of development to facilitate the following off-site highway works:**
- (i) **Provision of a suitable Traffic Regulation Order (TRO) restricting parking along the frontage of the development. The Council to use its best endeavours to promote the TRO;**
  - (ii) **Provision of a pedestrian central refuge including appropriate signing with all associated pedestrian facilities including dropped crossing and tactile paving;**
  - (iii) **Provision of right turn lane in central hatching including central refuges to protect right turn lane and alteration of central hatching white lining to facilitate above right turn lane, central refuges and pedestrian central refuge;**
  - (iv) **Provision of new 2m wide footway along eastern edge of Halifax Road to allow safe passage from new pedestrian central refuge to new bus stop;**
  - (v) **Provision of revised junction including footways and visibility splays at junction Foreside Lane and Halifax Road to allow safe access / egress to Foreside Lane and the new development. Revised junction work to include but not limited to relocation of redundant highway drainage, amendments to existing street lighting along site frontage and around revised junction to allow safe function of junction. Appropriate advanced warning signage and road markings for new junction; and**
  - (vi) **All above work to be in accordance with and as indicatively shown on drawing no. 4084-SK6 but subject to detailed design and approval.**
- (4) That the planning obligation and section 278/38 Agreement to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the Assistant Director, Corporate Services (City Solicitor)) considers appropriate.**

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

Chair

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