

Minutes of a meeting of the Area Planning Panel (Shipley) held on Wednesday 12 January 2011 at the Town Hall, Shipley

Commenced 1000
Adjourned 1100
Site Visits 1100 – 1200
Reconvened 1200
Concluded 1215

PRESENT – Councillors

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

Apologies: Councillor Greaves

Councillor Shabir Hussain in the Chair

25. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

26. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

27. PUBLIC QUESTIONS

There were no questions submitted by the public.

28. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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



(a) **Heather Croft, Sheriff Lane, Eldwick, Bingley****Bingley**

Full planning application for amendments to previously approved plans for the construction of two detached dwellings at Heathercroft, Sheriff Lane, Eldwick, Bingley - 10/04845/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was retrospective in order to regularise the previous plans. The house had been constructed in accordance with the approved plans, however, the key change was that it had been sited 1.3 metres closer to Sheriff Lane than granted. The approved layout had been to build the dwelling in line with the front of number 18 Sheriff Lane but the rear had been used instead. Minor changes had also been made to the window and door positions, however, they did not impact on neighbours and the roof of the outbuilding had been positively altered. The Strategic Director Regeneration and Culture reported that a petition had been submitted against the application, but it did not specify any objections to the development on planning grounds. He confirmed that concerns had been raised by the Council's Highways Department regarding visibility and car parking. Following discussions with the applicant's agent it had been agreed that a further wall would be constructed to ensure that the visibility splay was not obscured and this would still provide sufficient space for car parking on the forecourt. The Strategic Director Regeneration and Culture stated that the amendments did not affect the street scene to any extent and even though the dwelling had not been built in accordance with the approved plan it was not detrimental to local amenity. He then recommended the application for approval, subject to the conditions as set out within the report.

Resolved –

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

ACTION: Strategic Director, Regeneration and Culture

Decision following Site Visit

(b) **Land South East of 16 Ayrton Crescent, Mornington Road,
Bingley****Bingley**

Outline application for residential development comprising 10 apartments at land to the south east of 16 Ayrton Crescent, Mornington Road, Bingley - 10/01189/OUT

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was outline with all matters reserved except for access. The proposal was a re-submission of a previous application which had been withdrawn due to parking concerns. The amended scheme proposed to mitigate the parking issues, however, it had been deferred from a previous Panel meeting in order for consultations with Metro and Education to be undertaken in relation to contributions.

The Strategic Director, Regeneration and Culture confirmed that the sloping site was close to Bingley Town Centre, near to a busy traffic junction and surrounded by residential properties. He reported that 9 letters of objection had been received along with a petition containing 64 signatures. A local Ward Councillor had also objected and requested that the application be referred to the Panel. The representations received were on the grounds of overdevelopment; parking problems; loss of curb-side, open space and

residential amenity; and that the area was already saturated with houses.

In relation to the consultations undertaken, the Strategic Director, Regeneration and Culture reported that the Highways Department had still had concerns regarding the parking at the top of the site when the proposal had been submitted. Section drawings had been requested and these demonstrated that the proposal could be implemented without the street being affected, therefore, Highways now supported the application. He explained that Metro had recommended that metro cards were provided for 60% of the development and that the proposal was below the required threshold to require a contribution towards education.

The Strategic Director, Regeneration and Culture noted that the indicative layout proposed adequate distances between the development and Falkland Court, however, all details would be considered at the reserve matters stage. The height of the development at Edward Street was important and he confirmed that it would be no more than two storeys high at this point. He explained that the site was not allocated in the replacement Unitary Development Plan (rUDP), though it was accepted that it had visual contribution but its use for recreation was restricted due to the gradient. The outline proposal sought means of access only from Mornington Road and Edward Street, which it was acknowledged was currently well used for on-street parking. The scheme proposed 17 parking places, 1 each for the occupiers of the apartments and 7 for the general parking to replace those displaced from the street, which was considered satisfactory. The Strategic Director, Regeneration and Culture stated that as the concerns of residents had been addressed the application was recommended for approval, subject to a Section 106 Agreement for the provision of metro cards and also subject to the conditions as set out in the report. It was also recommended that the scope of the Section 106 Agreement be extended to require agreement as to how the new parking spaces to be provided for the use of local residents would be maintained for this purpose in the future.

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

- the road width would remain the same and the proposed footway would be contained within the site.
- overall no parking spaces would be gained as 8 cars could be accommodated along Edward Street at the moment.
- it could be stipulated that the reserve matters application be considered by the Panel.
- the purpose of the indicative application was to confirm whether 10 dwellings could be accommodated on the site. The number could not vary at the reserve matters stage and a new planning application would have to be submitted.
- some of the proposed parking spaces would be larger than others and a condition could be placed on the application in relation to the provision of some disabled places.

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

- That the site was unallocated.
- That it was an open grassed area.
- That it was an unusable public space due to the slope.
- That the proposed development would fill a void and bring the line of buildings up to the road junction.
- The scheme would be have a 3 storey elevation on Mornington Road and 2 storeys on Edward Street.
- That the proposal provided 100% resident off-street parking and 7 additional places

for others.

- That the removal of the on-street parking on Edward Street would improve parking.
- That the site was close to local facilities and sustainable.

During the discussion Members reiterated that the reserve matters application would need to be submitted to the Panel for determination and full details provided. In response to further queries, the Strategic Director, Regeneration and Culture clarified that:

- a commercial building had previously been located on the site but had been demolished in 1982.
- the retaining structures for the development would not be prominent and a degree of landscaping would be undertaken.
- the layout of the proposal would form part of the reserved matters application.
- a requirement to extend the highways Traffic Regulation Order restrictions on Mornington Road had been identified whilst on the site visit and would need to be included within the Section 106 Agreement.

Resolved –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture’s technical report and also subject to amendments prior to the completion of a S106 unilateral undertaking requiring contribution towards:

 - (i) the cost of obtaining an implementation of necessary Traffic Regulation Orders on Mornington Road prior to commencement of development; and**
 - (ii) the management and maintenance of the proposed parking spaces to ensure that a percentage of the parking is for the benefit of the existing residents in the vicinity of the site and the provision of parking spaces for residents with disabilities.****
- (2) That the planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration and Culture (after consultation with the City Solicitor) considers appropriate.**
- (3) That the Reserve Matters application be submitted to the Panel for consideration.**

ACTION: Strategic Director, Regeneration and Culture

(Note: In accordance with Paragraph 25.6 of Part 3A of the Constitution Councillor Owens required that his vote against the above decision be recorded.)

- (c) Enforcement Enquiries Closed by the Planning Manager (Enforcement & Trees)/ Senior Enforcement Officer as Not Expedient to Pursue**
 - (i) Abs Fast Food, Foundry Hill, Bingley Bingley**

Change of use – 09/01369/ENFAPP

The extraction flue was located in a relatively unobtrusive location within a recess of the Arden House Building. The recess contained rainwater goods as well as other utilitarian equipment serving the Arden House Building. In light of the relatively unobtrusive location of the flue and the presence of other existing utilitarian features it was considered that the flue did not have a significant adverse impact on visual amenity beyond the existing situation. As such it was not considered expedient to take any further action in this matter.

Date Enforcement File Closed: 18 November 2010

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

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

APPEALS ALLOWED

(i) **Erlings Works, Half Acre Road, Denholme**

Bingley Rural

Improvements to site access to Erlings works - Case No: 10/03003/FUL

Appeal Ref: 10/00162/APPCON

(ii) **Erlings Works, Half Acre Road, Denholme**

Bingley Rural

Acoustic attenuation measures along and adjoining the access road, consisting of 2.0m screen fence and heightened walls to garden of Heather View Cottage, earth bunding to access road and associated landscaping - Case No: 10/03571/FUL

Appeal Ref: 10/00168/APPCON

(iii) **Erlings Works, Jerusalem Farm, Half Acre Road, Denholme**

Bingley Rural

Variation of conditions 2, 3 and 10 attached to planning permission 01/02817/VOC allowed on appeal ref APP/W4705/A/01/1075978 - Case No: 06/09646/VOC

Appeal Ref: 07/00067/APPVOC

APPEALS DISMISSED

(i) **1 Temple Rhydding Drive, Baildon**

Baildon

Construction of detached dwelling - Case No: 09/03766/FUL

Appeal Ref: 10/00114/APPFUL

(ii) **Erlings Works, Jerusalem Farm, Half Acre Road, Denholme**

Bingley Rural

Variations of conditions 2, 3, 8 & 10 attached to planning permission ref 01/02817/VOC - Case No: 07/04911/VOC

Appeal Ref: 07/00184/APPVOC

Resolved –

That the decisions be noted.

Action: Strategic Director, Regeneration and Culture

29. PLANNING AGREEMENTS ANNUAL MONITORING REPORT

The Strategic Director Regeneration and Culture presented **Document "P"** which provided an assessment of the Section 106 Agreements that had been signed for the first six months of the financial year 2010/2011 and the income which had been received since the appointment of the Planning Obligations Monitoring Officer. It was noted that 28 Section 106 Agreements had been completed within the first six months compared to 36 for the entire previous financial year. Members noted that £190,956.20 had been received within the Shipley Ward. With regard to bankrupt cases, it was explained that the Council would endeavour to resolve the matter and secure some of the outstanding money. The Strategic Director Regeneration and Culture then reported that the decision made by the Regulatory and Appeals Committee in December 2009 regarding a flexible approach to Section 106 Agreements and phased payments had been successful, though it would be reviewed in the future.

A Member stated that recent press reports had highlighted that purchasers were covering the debts in bankrupt cases and he questioned whether the costs could be placed on the dwelling. In response the Strategic Director Regeneration and Culture confirmed that the debt would not be placed on residents. When phased payments were agreed the last payment was arranged to be made during the last quarter of the project and the process was monitored. He confirmed that the Council were involved with a limited number of bankrupt developers and that as a Section 106 Agreement included a local land charge search, the Council was ahead of other creditors.

There was a precedent where a planning authority had enforced the obligations in an Agreement against plot purchasers, however, generally speaking the Council would not seek to take action against plot purchasers. The Council's legal officer stated that Section 106 Agreements were supposed to run with the land, however, some developers tried to impose a clause that ensured that the obligations were not binding on purchasers of individual plots. Therefore, if the developer defaulted the plot purchaser would not be liable. He confirmed that the Council's policy was to resist these clauses as they wanted to ensure that prospective purchasers questioned the developer in order to establish that they had complied with the obligations.

With regards to the extension to the bus route in Keighley, a Member questioned whether it had been completed. The Strategic Director Regeneration and Culture confirmed that the developer had met with Metro and planning officers and had agreed to extend the route, which would be subsidised for 10 years.

In response to a request from a Member, Strategic Director Regeneration and Culture confirmed that a value of the transferred dwellings could be added to future reports.

Resolved –

That the contents of the report be noted.

ACTION: Strategic Director, Regeneration and Culture

Chair

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

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