

## Minutes of a meeting of the Area Planning Panel (Shipley) adjourned on Thursday 2 December 2010 and reconvened on Monday 13 December 2010 at the Town Hall, Shipley

Commenced on 2 December	1000
Adjourned	1001
Reconvened on 13 December	1010
Adjourned	1305
Site Visits	1305 – 1455
Reconvened	1455
Concluded	1650

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis	Dredge	J Hall
Owens	Imdad Hussain	
	Shabir Hussain	

Apologies: Councillors Binney, Cole and Greaves

Observers: Councillor L'Amie (Minute 24(b) and (d)), Councillor Heseltine (Minute 24(e)) and Councillor Watmough (Minute 24(g))

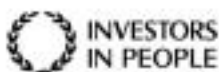
### Councillor Shabir Hussain in the Chair

#### 20. DISCLOSURES OF INTEREST

Councillor Ellis disclosed a personal interest in the items relating to Land at Buck Lane, Otley Road, Baildon (Minute 24(d)) as he represented the Council on the Yorkshire Regional Flood Defence Committee but as the interest was not prejudicial he remained in the meeting.

Councillor Ellis disclosed a personal interest in the item relating to Roundhill, Cottingley Wood, Cottingley, Bingley (Minute 24(f)) as the applicant was a relative of a fellow Ward Councillor and he was therefore acquainted with the applicant but as the interest was not prejudicial he remained in the meeting.

**ACTION: City Solicitor**



## 21. MINUTES

### Resolved –

**That the minutes of the meetings held on 8 September and 19 October 2010 be signed as correct records.**

## 22. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

## 23. PUBLIC QUESTIONS

There were no questions submitted by the public.

## 24. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

### (a) **12 Jumb Beck Close, Burley in Wharfedale, Ilkley**

### **Wharfedale**

Householder application for the construction of a part two storey side and part single storey side extension at 12 Jumb Beck Close, Burley in Wharfedale, Ilkley - 10/03959/HOU.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposed extension would be to the side of the property and would be modestly set back from the front of the house. There was a mixture of dwellings in the area and the majority were gable ended. It was noted that concerns had been raised by the occupants of number 10 and the Parish Council in relation to the filling in of the gap between the properties. The Strategic Director, Regeneration and Culture confirmed that a 1 metre wide margin would not be retained between the extended house and the site boundary but this did not mean that the proposal conflicted with policy where such a gap should be provided wherever practicable. The scheme had also been amended to include obscure glazing to the rear bathroom window. A number of representations had been received and it was reported that in line with the Council's House Extension Policy the proposed extension would be set back in order to create a break in the frontage and that the boundary would be retained as the extension would fill the entire curtilage of the property. With regards to concerns that there would only be one off-street parking space, it was noted that the front garden could be utilised. The Strategic Director, Regeneration and Culture confirmed that the proportion of the extension and matching materials ensured that it was in keeping with the street scene. He stated that the application did not conflict with the Council's approved revised House Extensions policy and, therefore the application was recommended for approval, subject to the conditions as set out in the report. Members were then informed that as the property was close to Jumb Beck there was a chance of flooding and a self assessment would have to be completed. An additional condition in relation to this aspect would also be required if members were minded to approve the application.

In response to Members' queries, the Strategic Director, Regeneration and Culture explained that the applicant and the affected neighbours would have to liaise with regards to the possible encroachment to neighbouring land ownerships at the boundary as it was not a planning issue. In relation to flooding in the area, he confirmed that the Beck was some considerable distance away, the topography of the area was steep and it may not be an issue.

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

- That the proposed extension would have a great impact on her property.
- That her house would become dark and enclosed.
- That the properties boundary was the driveway and the extension should not encroach over it.
- That there was only a 3 foot gap between the 2 dwellings.
- That the proposed extension would spoil the look of the street.
- That the houses on the street were all detached properties.
- That 3 vehicles could presently fit on the drive. If the extension was granted then there would only be room for 1 car.

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

- That the application was similar to that at 4 Jumb Beck Close which had been approved, however, the orientation of the house was totally different to that of number 12.
- That there would be a loss of openness between the houses.
- That as the extension was not set back it would be detrimental to number 10.
- That the extension would result in only a 1 metre gap between numbers 10 and 12.
- That the proposed extension would be overdominant and oppressive to number 10.
- That the proposal was inappropriate for the site.
- That the proposed extension's new side wall would be overbearing.
- That the application was detrimental to the street scene.
- That the character of the street should be maintained and the application refused.

In response to some of the points raised, the Strategic Director, Regeneration and Culture confirmed that:

- The extension would be set back 1.85 metres and officers considered it to be satisfactory.
- The front garden could be used for additional parking, however, this would be detrimental to the street scene.

During the discussion Members acknowledged that the proposed extension was compliant with the Council's House Extension Policy, which they had to follow and there were no planning reasons on which to refuse the application.

**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 and also subject to the following additional condition:**

- (i) **That the development shall not commence until details of any flood proofing measures that may be required have been submitted to and approved in**

writing by the Local Planning Authority. Any such detailed measures that shall have been approved shall be implemented during the construction phase of the development and thereafter retained whilst the development subsists.

***ACTION: Strategic Director, Regeneration and Culture***

**Decision following Site Visit**

**(b) Glendale, Woodlands, Roundwood Road, Baildon**

**Baildon**

An outline planning permission for the construction of one dwelling, all matters are reserved, at Glendale, Woodlands, Roundwood Road, Baildon - 10/03151/OUT

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application was outline for the construction of a dwelling with access from the private driveway of the existing property. The application included indicative drawings but Members were requested to consider the principle of development only as all other aspects would be considered at the Reserve Matters stage. It was noted that the dwelling would be sited on the current lawn and that the indicative plans detailed a 1.5 storey house which was considered acceptable. The Strategic Director, Regeneration and Culture confirmed that Baildon Parish Council had not objected to the application, however, 8 letters of representation and a petition with 33 signatures had been received. A further 3 objections had been submitted following the publication of the amended plans and the issues were outlined within the officer's report. He stated that gardens were now classed as Greenfield land but there was still a shortage of housing and consideration as to whether the site was acceptable was required. It was noted that officers believed the proposal to be acceptable in terms of principle, access and layout. The mature shrubs in the garden would be retained and tree protection measures would be implemented prior to any construction. In conclusion the Strategic Director, Regeneration and Culture recommended the application for approval, subject to the conditions as set out in the report.

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

- the affect of the tree root system on the construction would be assessed when the survey results were submitted and that a development which placed the trees at risk would not be supported.
- it would be appropriate for any detailed reserved matters to be submitted to the Panel for consideration if Members desired this.
- All matters were reserved but the indicative footprint suggested that the proposed building could be accommodated, however, an arboricultural survey had not been submitted as yet.
- the retention of the hedge could not be ensured.

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

- That a site visit was requested.
- That the site was part of a garden.
- That the proposal was an overdevelopment of a restricted site.
- That the proposed dwelling would be so small that it would be out of keeping with the area.
- That the site had differing levels and therefore the proposed development would be overbearing and affect the amenity of adjacent properties.

- That gardens were no longer classed as brownfield sites.
- That the contribution of building in gardens did not help the demand for housing.
- That a previous application for a dwelling in the grounds had been refused due to access. A Planning Inspector had commented over 10 years ago that the private drive serviced an excessive number of dwellings.
- That the application could be rejected on the grounds of access.

The Council's legal officer explained that the Planning Code of Conduct allowed Ward Councillors to request a site visit and the Panel should normally accede to this request unless the Panel as a whole considered that they had sufficient information, making a site visit unnecessary in order to assist the decision making process. A decision as to whether one should be undertaken would therefore be required of the Panel. Members then acquiesced to the request of a site visit.

An objector was present at the meeting and highlighted the following issues:

- That the indicative plans stated that the proposed dwelling would be 1.5 storeys high, however, it was believed it would be 2 storeys.
- That it was appreciated that the application was outline only, however, there was a lack of information.
- That there was not a land survey or tree report.
- That there was a Tree Preservation Order (TPO) on the site.
- That the proposed dwelling would be sited very close to the host property.
- That the application was outline but no further action would be able to be taken against the application.
- That nothing had changed in relation to the access to the site.
- That there was no turning area on the site.
- That the driveway was narrow.
- That there would not be any garden left for the proposed dwelling.
- That the distances were misleading in the report.
- That the space between the host property and that proposed would be in breach of Council policies.
- That the TPO came into effect approximately 3 weeks ago.
- That the application should be refused and a similar application had previously been refused.

With regards to the comments regarding a new TPO, the Strategic Director, Regeneration and Culture indicated that he was not aware of it and would look into the matter. However this would not affect the proposed development.

During the discussion Members outlined concerns in relation to the site access, the inadequate space on the site and the resulting lack of amenity space which would result in an overdevelopment.

**Resolved –**

**That the application be refused on the following grounds:**

- 1. The proposal would represent an overdevelopment of this limited site with an inadequate level of external amenity space being retained to cater adequately for future occupiers. The proposal would therefore conflict with policies UR3 and D1 of the Replacement Bradford Unitary Development Plan (2005).**

2. The proposal fails to provide sufficient space on site for the parking and manoeuvring of vehicles adequate to enable vehicles to enter and leave the site in a forward gear. The proposal would therefore conflict with policies TM12 and TM19A of the Replacement Bradford Unitary Development Plan (2005).
3. The proposal represents an unsatisfactory form of development lacking a proper road frontage, poorly related to existing properties and likely to result in overlooking of the private garden areas of neighbouring properties. The proposal would be out of keeping with the character of the immediate locality, and would result in the loss of existing trees, including part of a protected group. As such it would be detrimental to residential amenity and the character of the area which consists of dwellings set in spacious, well-treed plots. The proposal is therefore contrary to policies UR3, D1 and NE4 of the Bradford Replacement Unitary Development Plan (2005).

***ACTION: Strategic Director, Regeneration and Culture***

(c) **Land Adjacent to 15 Queens Road, Shipley**

**Shipley**

An outline application for a residential development with all matters reserved at land adjacent to 15 Queens Road, Shipley - 10/03680/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, for the construction of a two storey dwelling. It was noted that there were protected trees within the site and that an Arboricultural Impact Assessment would be required prior to the commencement of any development. No representations had been received and the Strategic Director, Regeneration and Culture 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**

(d) **Land at Buck Lane, Otley Road, Baildon**

**Baildon**

A full application for enabling works to prepare this development site – works to include site access to Otley Road, main spine road works, earth works for development plateaux, retaining walls and main drainage works at Land at Buck Lane, Otley Road, Baildon - 10/04112/FUL

An outline application for the construction of a science and technology based Business Park with Hi-Tech manufacturing and construction of hotel/restaurant and retail outlets on Land at Buck Lane, Otley Road, Baildon - 10/04330/OUT

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the application was outline (10/04330/OUT) for a science and technology park, hotel and restaurant and that only the access and layout was to be considered. A number of updates to the report which included the notification of 25 additional representations; the amendment of the Management Plan and relevant condition; and the addition of a condition regarding an archaeological recording scheme were also noted. The Strategic Director, Regeneration and Culture reported that Buck Lane was narrow in parts and that trees would be felled as part of the development. The topography of the site was sloping and there were residential developments in the vicinity. The site had been allocated as an employment site for over 11 years and was within an employment zone. With regards to the principle of development it was noted that a previous application for had been granted. The site would be developed in phases and was well located for the airport and public transport. The Strategic Director, Regeneration and Culture confirmed that all the Rights of Way would be retained and some upgraded. Highways safety was also paramount and had been carefully considered. In relation to the amenity of nearby premises and properties, it was noted that the site was well situated and that there was no undue impact in respect of overlooking. A contamination survey had been undertaken and conditions recommended. The flood issues had been resolved and the Environment Agency had indicated that they were content with the proposal. Special measures had also been recommended in relation to the biodiversity of the site. The Strategic Director, Regeneration and Culture then recommended the outline application for approval subject to the conditions as set out in the report, the suggested additional conditions and a unilateral undertaking.

With regards to the application to provide enabling works (10/04112/FUL), the Strategic Director, Regeneration and Culture reported amendments to the application in respect of additional representations; an archaeological survey condition; a new landscaping condition; and appropriate additions to the proposed unilateral undertaking. It was noted that the enabling works were required in order to provide access to the site, issues regarding landscaping and biodiversity were covered by the outline application and that there would be no impact upon the Rights of Way. In relation to highways matters it was confirmed that a junction would be created in the safest possible way. The Strategic Director, Regeneration and Culture explained that conditions had been recommended regarding noise and construction traffic and that the contamination issues must be fully investigated before the commencement of any development. The application was then recommended for approval, subject to the conditions as set out in the report, the additional conditions and a unilateral undertaking.

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

- the amount of land fill required was estimated to be 21 000 cu metres.
- the Minerals and Waste Section had not commented on the amount as it was lower than they had expected.
- habitat surveys had been undertaken in December 2009, March 2010 and August 2010. Natural England was satisfied in relation to the bat survey and their recommendation was covered within the unilateral agreement and a condition.
- the road network could cope with the additional number of HGV movements; the car parking provision met the maximum requirements; and the site would not generate traffic out onto the roads at peak times as more vehicles would be accessing the site.
- the sewer on the site was overland and a plan had been provided. Yorkshire Water was content that the existing system could cope.
- there were already hotels in the area and that the site was designated as employment use.

- the archaeological survey was a precautionary measure and the condition would be placed on any major development application.
- there were two types of Section 106 Agreement obligations; an agreement and a unilateral undertaking.
- the Council would be obligated to secure completion of a Section 278 Agreement relating to the required highway works prior to the commencement of any development.
- It could not be confirmed whether the land had been classed as Green Belt in the past.

A supporter of the applications was present at the meeting and made the following comments:

- That there was support for the development.
- That the location was a key site in the Airedale Masterplan.
- That there had not been any changes made since the replacement Unitary Development Plan (rUDP) had been adopted.
- That policy PPS4 had been introduced and was relevant to the application.
- That the development would create job opportunities in challenging times.
- That the application should be supported.

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

- That he represented 'BRAID' (Baildon Residents Against Inappropriate Development).
- That a petition had been submitted against the application.
- That testing for contamination had not been undertaken on the site.
- That a contamination survey was required and that the application was contrary to and in breach of policies.
- That the Council had ridden roughshod in order to submit the application.
- That wildlife surveys had not been undertaken and they were required prior to the granting of planning permission.
- That the site was within 0.5 miles of 2 business sites that were empty or part empty.
- That sequential testing had not been undertaken.
- That the land should be re-classified in the rUDP.
- That statistics identified that public transport was not being used in the area.

A representative from Baildon Parish Council was also present and reported that they wished to object to the applications on the grounds of traffic issues.

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

- That there were adequate brownfield sites available.
- That the traffic and congestion was a material planning issue.
- That extra traffic had been generated on Otley Road since the rUDP had been approved.
- That there was a potential to cause gridlock.
- That more mathematical modelling of the site was required.
- That the traffic could be diverted through other areas.
- That the proposed traffic light junction would not improve the situation.
- That a substantial contribution would be required from the Section 106 Agreement in order to resolve the access issues.
- That there would not be any improvements to the traffic problems in the area.
- That the proposed shops and hotel would create more traffic.



- That the proposed shops would take business from other retailers in the area.
- That the application should only proceed after substantial contributions through a Section 106 Agreement had been requested for the transport infrastructure.

In response to some of the points raised the Council's Highway's officer confirmed that:

- A right turn lane would be provided for access onto the site.
- There was residual capacity on the transport network.
- 'keep clear' areas would be provided on the road.
- Travel plans had to be monitored and revisited and they were not a static document.
- It was accepted that there would be a high usage of cars on the site.
- Public transport could be funded for a time and the bus service could remain if there was a high take up.

The Strategic Director, Regeneration and Culture responded to other issues raised and confirmed that:

- The site was already allocated for commercial development and the sequential testing would have been undertaken at the time when it was incorporated into the UDP and rUDP.
- The site was not contaminated. Bore holes had been dug and some hydrocarbon had been found, therefore, appropriate reports would be submitted prior to the commencement of any development.
- Extensive correspondence had been undertaken in relation to the biodiversity of the site. Initial concerns had been raised so further surveys had been undertaken. The Council's Biodiversity Section had recommended that the application be approved with conditions.
- There was an opportunity to enhance the landscape of the area at a later stage as it had not been considered.

The Strategic Director, Regeneration and Culture reiterated that there was no contamination on the site, however, there was potential from the adjacent chemical works which may be mitigating onto the site. A condition had been placed on the application to ensure that further work was carried out in order to address the issue. If any contamination was found then remediation works would be undertaken prior to the commencement of any development.

During the discussion Members expressed their concerns with regard to the additional volume of traffic and the potential contamination risk, however, the proposed measures to resolve the issue were acknowledged.

**Resolved –**

**10/04112/FUL**

**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 the following amendments:**

**(i) Changes to condition 16 to state:**

**16. Notwithstanding the details shown on the plans a landscaping scheme shall be submitted to and approved in writing before the development commences. The approved landscapes scheme shall be implemented in accordance with a timescale to be agreed in accordance with the Local Planning Authority.**

**(ii) Additional new condition 17:**

**17. No demolition or development to take place within the areas indicated until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological/building recording consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**

**(iii) Additional new condition 18:**

**18. A habitat creation area plan and management/maintenance agreement for the habitat creation within, and the management/maintenance of communal open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas, including the wildlife area adjoining the river, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. In addition to the above measures, the habitat creation plan shall also specifically cover the following the following issues:-**

- Ensuring all outfall pipes and silt traps are otter and badger proof;
- That the lighting adjoining the wildlife area is specially designed to mitigate any undue adverse impact on the biodiversity of the development site and surrounding locality;
- The provision of a spring survey of hedgerows and grass land prior to any development commencing;
- That there shall be no net loss of hedgerows in this location;
- That an endoscopic bat survey is carried out prior to the felling of 6 trees which are identified in the submitted ecological surveys; and
- That bat boxes are provided throughout the development site within the reserved matters applications for each of the building phases.

**All measures approved by the Local Planning Authority shall be implemented in accordance with an approved timetable and retained for the duration of the development**

**(iv) Amendments to the terms of the unilateral undertaking to include the resolution of Members for biodiversity measures including a habitat creation plan etc as specified below:-**

**(1) The submission of a habitat creation area plan which shall also include a management/maintenance agreement for the specific areas including the wildlife area adjoining the river. The habitat creation plans shall specifically address the following:-**

- Ensuring all outfall pipes and silt traps are otter and badger proof,
- That the lighting adjoining the wildlife area is specially designed to mitigate any undue adverse impact on the biodiversity of the development site and surrounding locality,
- The provision of a spring survey of hedgerows and grass land prior to any development commencing,
- That there shall be no net loss of hedgerows in this location,
- That an endoscopic bat survey is carried out prior to the felling of 6 trees which are identified in the submitted ecological surveys
- That bat boxes are provided throughout the development site within the reserved matters applications for each of the building phases

- 2) **The submission and agreement of a management/maintenance of communal open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas**

The above details shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. All measures approved by the Local Planning Authority shall be implemented in accordance with an approved timetable and retained for the duration of the development. Any changes to the agreed measures shall be submitted in writing to the Local Planning Authority for agreement.

**10/04330/OUT**

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 the following amendments:

**(i) Amended condition 24:**

**24. A habitat creation area plan and management/maintenance agreement for the habitat creation within, and the management/maintenance of communal open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas, including the wildlife area adjoining the river, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. In addition to the above measures, the habitat creation plan shall also specifically cover the following the following issues:-**

- **Ensuring all outfall pipes and silt traps are otter and badger proof;**
- **That the lighting adjoining the wildlife area is specially designed to mitigate any undue adverse impact on the biodiversity of the development site and surrounding locality;**
- **The provision of a spring survey of hedgerows and grass land prior to any development commencing;**
- **That there shall be no net loss of hedgerows in this location;**
- **That an endoscopic bat survey is carried out prior to the felling of 6 trees which are identified in the submitted ecological surveys; and**
- **That bat boxes are provided throughout the development site within the reserved matters applications for each of the building phases.**

All measures approved by the Local Planning Authority shall be implemented in accordance with an approved timetable and retained for the duration of the development

**(ii) New Condition 29**

**29. No demolition or development to take place within the areas indicated until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological/building recording consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**

**(iii) Amendments to the terms of the unilateral undertaking to include the resolution of Members for biodiversity measures including a habitat creation plan etc as specified below:-**

- (1) **The submission of a habitat creation area plan which shall also include a management/maintenance agreement for the specific areas including the wildlife area adjoining the river. The habitat creation plans shall specifically address the following:-**
- **Ensuring all outfall pipes and silt traps are otter and badger proof;**
  - **That the lighting adjoining the wildlife area is specially designed to mitigate any undue adverse impact on the biodiversity of the development site and surrounding locality;**
  - **The provision of a spring survey of hedgerows and grass land prior to any development commencing;**
  - **That there shall be no net loss of hedgerows in this location;**
  - **That an endoscopic bat survey is carried out prior to the felling of 6 trees which are identified in the submitted ecological surveys; and**
  - **That bat boxes are provided throughout the development site within the reserved matters applications for each of the building phases.**
- (2) **The submission and agreement of a management/maintenance of communal open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas.**

**The above details shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. All measures approved by the Local Planning Authority shall be implemented in accordance with an approved timetable and retained for the duration of the development. Any changes to the agreed measures shall be submitted in writing to the Local Planning Authority for agreement.**

***ACTION: Strategic Director, Regeneration and Culture***

(e) **Lea Bank, Sleningford Road, Bingley**

**Bingley**

A full planning application for the construction of 8 dwellings. This application is the resubmission of application 09/04860/FUL at Lea Bank, Sleningford Road, Bingley - 10/03213/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 locally controversial and that a total of 249 letters of objection had been received in addition to 4 petitions with 245 signatures. 53 letters of support had also been submitted and the issues for and against were listed in the officer's report. Members were informed that Lea Bank was an Edwardian property with a large curtilage that was prominent from the canal bank, but not from Sleningford Road. There was no townscape to tie together the area and the surroundings were modest. The property was sited within a residential area, was not protected and was outside of the conservation area. The Strategic Director, Regeneration and Culture confirmed that the applicant owned the unadopted section of the road and was happy to upgrade it to adopted standards. The proposed dwellings would be simple in design and have stone walls and slate roofs. He reported that the Government had since amended planning guidance and removed garden land from the definition of previously developed or 'brownfield' land, however, in line with Council policy, consideration needed to be given as to whether the application was acceptable in principle against the shortfall of housing land. There was no objection in principle to the redevelopment of the site.

The Strategic Director, Regeneration and Culture stated that the site was close to the train station and easily accessible. The plain design of the proposed dwellings reflected the local character and there would be 14 off-street parking spaces provided, which equated to two per dwelling except for two houses. It was noted that the Council's Conservation and Design Team had indicated that the development would have some impact on the conservation area, but this would be acceptable. A bat survey had been undertaken and a condition in relation to mitigation measures had been placed on the application. The Strategic Director, Regeneration and Culture then recommended the application for approval subject to the conditions as set out in the report and also subject to a further condition in respect of the design and appearance of the bin stores, which would need to be approved prior to the commencement of any development.

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

- the Council's Highways Department had previously raised concerns with regard to the imbalance of the parking provision. The majority of the dwellings now had two spaces which achieved more than the standard requirement of 1.5 spaces per property across the whole development.
- the development did not reach the threshold for affordable housing.
- the applicant owned the site and had agreed to upgrade the road to adopted standards.

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

- That he was representing local residents and others.
- That the side habitable window at 35 Sleningford Road was a significant window and not secondary as stated in the officer's report.
- That local residents had concerns.
- That the photograph taken from the canal side highlighted the issues.
- That the site was a significant setting for the conservation zone.
- That the existing dwelling was a significant property in the area.
- That the Bowling Club used Sleningford Road for parking, especially the area outside Lea Bank.
- That other people parked in the area as it was level.
- That the proposed parking provision did not meet the minimum standards.
- That the proposed dwellings were high density and Bradford District was to change its policy requirement to 2 parking spaces per dwelling.
- That there was no provision for visitor parking.
- That parking was at a premium in the area.
- That there was a housing shortage in the area, however, 18 flats were due to be demolished in the canal area which would create an improvement to the character of the area. The proposal would not enhance the area.
- That the wider implications should be considered.
- That the application could set a precedent if approved.

A representative of the Bowling Club was present at the meeting and outlined the following issues:

- That the Club had many elderly members.
- That the development would impact on the parking in the area.
- That the development would create 4 driveways opposite the Bowling Club, which would create problems.

- That other people parked on Sleningford Road, not just those attending the Bowling Club.

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

- That he was representing the Sleningford Area Residents Association (SARA).
- That 249 people had objected to the application and 245 had signed a petition against it.
- That the site was a back drop to the 5 Rise locks.
- That the existing property enhanced the view from the canal.
- That the Council's Conservation Team had opposed the application due to the impact on the conservation area and the application was contrary to Policy BH10.
- That policy BH10 was not mentioned within the officer's report and the views of other officers had not been followed.
- That the demolition of the property would not preserve the area.
- That the impact upon the canal area had been ignored.
- That two previous applications had been refused.
- That the application would set a precedent if approved and the owners of 'Aireville' and the Bowling Club had already been approached by developers.
- That the Highways Department did not support the application.
- That there should be a minimum of 18 car parking spaces and only 14 would be provided. What about visitor parking?
- That the density of the development would take away the openness of the area.

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

- That the officer's report was comprehensive.
- That a meeting had been held with residents when the application had been put forward.
- That the scheme had been changed from 11 to 8 houses, off street parking had been added and the road would be widened.
- That the density of the new proposal was more appropriate for the area.
- That the hedges and boundary walls would be retained in order to maintain the character of the area.
- That the proposed properties would be developed to let and not for sale.
- That the dwellings would free up other affordable housing.
- That the site was currently neglected.
- That there had not been any interest in the site for the past two years that it had been marketed.
- That construction work would not commence prior to 07.30 and would cease by 17.00 on Monday to Friday and no work would be permitted to take place on Saturday afternoon or Sunday.
- That the first plot had been sited further back in order to resolve the issue regarding the affected habitable window.
- That the amended scheme now complied with Highway policies.

In response to a further question from a Member, the Strategic Director, Regeneration and Culture explained that the Highways Department had no current objection to the proposed scheme. The application had been submitted in June/July 2010 and had subsequently evolved into a development that now met Council policies to an acceptable degree.

During the discussion Members expressed concerns in relation to the parking and layout of the scheme, the design of the proposed dwellings and whether the number of properties could be reduced. The Strategic Director, Regeneration and Culture indicated that there

were many ways in which the site could be re-developed and other means of access could be investigated, however, a judgement on the submitted scheme was required.

## **Resolved –**

**That the application be refused on the following grounds:**

1. **The proposed development represents a poor standard of design, both in terms of layout and appearance. The disposition of parking spaces would result in poor levels of amenity for occupiers of proposed units 1 and 8, and the provision of a bin store to the front elevation of unit 2 is inappropriate in visual and amenity terms. The design and appearance of the houses is stark and uninteresting, the design solution for addressing and turning the corner in Sleningford Road is poor, and the resulting streetscape would lack character and quality. The development fails to respond to local distinctiveness or the opportunities offered by the prominent site, and would appear visually unattractive. By failing to enshrine the principles of good urban design, the development is contrary to policies UDP3, UR3, and D1 of the Bradford Replacement Unitary Development Plan (2005) and to Planning Policy Statement 1 – Delivering Sustainable Development (2005).**
2. **The development would result in conditions prejudicial to traffic and pedestrian safety on Sleningford Road. This would be due to the number and positions of private driveways which provide vehicular access across the pavement, the increased number of vehicle movements turning in to and out of Sleningford Road across the pavement, and increased pressure for on street parking on a part of Sleningford Road which currently provides on street parking, including for the adjacent bowling club. The proposal would therefore conflict with policies TM2, TM12 and TM19A of the Replacement Bradford Unitary Development Plan (2005).**
3. **The proposed development, due to poor design, would fail to provide a suitable setting for the adjacent Leeds and Liverpool Canal Conservation Area, whose special character and appearance would be harmed. The development therefore conflicts with policies UDP3, UR3, BH7 and BH10 of the Replacement Bradford Unitary Development Plan (2005).**

***ACTION: Strategic Director, Regeneration and Culture***

(f) **Roundhill, Cottingley Wood, Cottingley, Bingley**

**Bingley Rural**

Householder application for the construction of a first floor extension and ground floor kitchen extension to the rear and re-building of the dormer window on the front elevation at Roundhill, Cottingley Wood, Cottingley - 10/03431/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application had been submitted to the Panel as the applicant was a relative of a Councillor. The development was appropriate and did not impact on local and residential amenity, therefore, the Strategic Director, Regeneration and Culture recommended the application for approval subject to the conditions as set out in 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***

(g) **66-68 Wrose Road, Shipley**

**Windhill/Wrose**

Permission is sought to vary condition 3, attached to planning approval 07/08191/COU, by extending the opening hours to those between 11:00am to 24:00 (midnight) - 66-68 Wrose Road, Wrose, Bradford - 10/02296/VOC

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application had been submitted to the Panel on 8 September 2010 but had been deferred in order for the applicant to clarify the extension to the opening hours sought in the application. Following the re-advertisement of the application two Ward Councillors had confirmed their continued objection, a Councillor had supported the application and three further objections had been received on the grounds of noise, parking and odours. The Highways Department had confirmed that there were parking issues at this location and this was the reason for the refusal of the application. The activity at the premises would also be detrimental to the amenity of neighbours. It was noted that the current opening hours were 1100 to 1330 and 1800 to 2300.

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

- That residents couldn’t sit in their gardens due to the odours from the premises.
- That the extension to the hours would increase the problems.
- That there were elderly residents in the area.
- That the present hours were not always used.
- That litter was a problem.
- That the premises created noise and disturbance.
- That he was concerned for the residents in the vicinity.
- That a parking lay-by had been created, however, it would not be sufficient for the proposed extended hours and customers would have to start parking down side streets.
- That the application should be refused.

**Resolved –**

**That the application be refused for the reasons as set out in the Strategic Director, Regeneration and Culture’s technical report.**

***ACTION: Strategic Director, Regeneration and Culture***

(h) **Chevin End Farm, West Chevin Road, Menston, Ilkley**

**Wharfedale**

Full application for the conversion and change of use of an existing farm building to form 11 bed and breakfast rooms as part of the Chevin End Guest House, West Chevin Road, Menston - 10/03457/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 for a change of use from an existing farm building to bed and breakfast accommodation and that the applicant owned all the land surrounding the building. It was a prominent site on the valley side and visible from Burley Woodhead and many other different view points. The proposal was to retain the existing footprint and reduce the height of the current building which would result in a significant reduction in the scale of the building. The applicant had stated that there was a demand for accommodation in the area, however, the appropriateness of the development had to be considered against Green Belt policies. The Strategic Director, Regeneration and Culture reported that no representations had been received in support of or against the proposal. The main issue was that the scheme was within the Green Belt, was not classed as an appropriate use and very special circumstances had not been submitted, though there were some benefits in relation to the reduction in size and that the building would be visually improved. The application was then recommended for refusal for the reasons as set out in the report.

A Member questioned whether consideration could be given to the economic advantages of the application and highlighted policies that supported conversions of buildings and tourism aspects. In response the Council's legal officer confirmed that if there were exceptional circumstances then the applicant must demonstrate them within the proposal.

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

- That he felt confused and let down by the system.
- That the farm had diversified over the last few years.
- That planning officers had helped with the application.
- That there was a shortage of accommodation in the area.
- That there were no hotels in Otley and only 4 bed and breakfast rooms.
- That his business was either full or empty,
- That the building was currently unused and could be converted into 11 bedrooms.
- That he ran a good family business.
- That no objections had been received against the application.
- That the development would be beneficial to the area.
- That the planning officers had been sympathetic but were constricted by Green Belt policy.
- That the conversion of the barn would be beneficial to the Green Belt.
- That Green Belt land was not part of the application site.
- That the footprint of the existing building would be utilised.
- That the building would not be demolished and rebuilt. The proposal was to rebuild only 30% of the building.
- That the proposed scheme would result in a 50% reduction in volume of the building.
- That the current building could be seen from miles away and would not be seen if altered.
- That the application was genuine.

The Strategic Director, Regeneration and Culture reminded Members that if they were in favour of supporting the application then it would have to be submitted to the Regulatory and Appeals Committee as it was development within the Green Belt, however, exceptional circumstances had not been presented. In response to a Members question he confirmed that the proposal would involve a substantial rebuild of the barn which would not comply with policy GB4 of the Replacement Unitary Development Plan. The Council's legal officer reiterated that very special circumstances were required which had to be demonstrated by the applicant.

During the discussion Members highlighted issues in relation to the benefits to the local economy, the sustainability of local businesses and the reduction in the size of the existing building which they considered were exceptional circumstances in support of the application.

**Resolved –**

**That the application be referred to the Regulatory and Appeals Committee with a recommendation for approval as it is believed that very special circumstances have been established in relation to the benefit to the local economy, the sustainability of unique local businesses and the reduction in the bulk and mass of the building which would provide a lesser impact on the openness of the Green Belt and also subject to the following conditions:**

- (i) **Notwithstanding the submitted drawings, all external elevations shall be faced in natural stone, a sample of which shall be provided for inspection on site prior to the commencement of development. Details of coursing and pointing shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of development. Ribbon or strap pointing shall not be used. The development shall be completed in accordance with the approved details and approved stone sample;**
- (ii) **Prior to the commencement of development, a lighting scheme for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of night time lighting to external communal areas and measures to control the visibility of interior lighting from West Chevin Road. The development shall be completed and thereafter operated in accordance with the approved scheme; and**
- (iii) **The development shall be drained using separate foul sewer and surface drainage systems.**

***ACTION: Strategic Director, Regeneration and Culture***

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

- (i) **17 Ladderbanks Lane, Baildon Baildon**

Crown reduction to gain clearance to the dwelling – 09/00656/TPOCN

The breach of planning control was not expedient to pursue as there has been no long term effect on the health of the tree.

Date Enforcement File Closed: 12 October 2010

- (ii) **18 Grange Road, Eldwick, Bingley Bingley**

Non-compliance with planning permission & siting of shed – 09/01413/ENFAPP

It was not expedient for enforcement action to be taken to secure the removal of the small outbuilding as it was not considered to be detrimental to residential amenity. There was no overlooking of the neighbouring gardens from this building and it had been constructed out of materials to match the existing dwelling. Should an application be submitted to retain the outbuilding Officers are likely to support it.

Date Enforcement File Closed: 16 November 2010

(iii) **27a West Lane, Baildon** **Baildon**

Driveway to new dwelling not constructed in accordance with the approved plans – 09/01051/ENFCOU

It was not considered that enforcement action should be taken requesting that the driveway be constructed in accordance with the approved plans as the boundary wall constructed to divide the driveway from the neighbouring property could be constructed as permitted development. Furthermore it was not considered that the changes to the driveway had a detrimental effect on highway safety.

Date Enforcement File Closed: 10 October 2010

(iv) **67 - 69 Main Street, Bingley** **Bingley**

Internal signs to shop front – 10/00262/ENFADV

The breach of planning control was not expedient to pursue as the internal signs that surround the door of the shop front had a minimal impact upon the parent building, present street scene and Bingley conservation area.

Date Enforcement File Closed: 11 October 2010

(v) **Bolton Woods Quarry, South Bolton Hall Road, Bradford** **Windhill/Wrose**

Construction dropped kerb & access gate – 09/00514/ENFUNA

It was not considered expedient to take action in relation to a gate and drop kerb proposed to be used to access a maintenance strip.

Date Enforcement File Closed: 22 September 2010

(vi) **Church of St Michael and All Angels, Littlelands, Cottingley, Bingley** **Bingley Rural**

Construction of a timber pergola within the church grounds – 10/00197/ENFUNA

It was not considered that enforcement action should be taken requesting that the pergola be removed as it was not thought to be detrimental to visual amenity and Officers would be likely to support an application to retain it.

Date Enforcement File Closed: 3 November 2010

(vii) **Land to West of Heatherlands Avenue, Denholme** **Bingley Rural**

Excavations and construction of sheds – 09/01423/ENFUNA

It was not considered expedient to require the removal of the small stable for the two ponies or chicken coop as there was no significant harm to amenity. Planning permission has also been granted for an agricultural building to serve the smallholding.

Date Enforcement File Closed: 22 September 2010

(viii) **Rose Cottage Farm, Old Allen Road, Wilsden**

**Bingley Rural**

Gates to the front of the property – 10/00137/ENFUNA

It was not expedient for enforcement action to be taken to secure the removal of the 2.1 metre high gates at the entrance to the property as they were not considered to be detrimental to visual amenity. Should an application be submitted to retain the gates Officers are likely to support it.

Date Enforcement File Closed: 16 November 2010

(ix) **The Fizz Café Bar, 12 Glendale House, Northgate, Baildon**

**Baildon**

Installation of a retractable canopy to the front of the premises – 10/00136/ENFUNA

It was not expedient for enforcement action to be pursued regarding this matter as it was not considered that the canopy was detrimental to the character of the conservation area or the street scene. Should an application be submitted to retain the canopy Officers are likely to support it.

Date Enforcement File Closed: 19 October 2010

**Resolved –**

**That the decisions be noted.**

***ACTION: Strategic Director, Regeneration and Culture***

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

**APPEAL ALLOWED**

(i) **20 Hasley Road, Burley in Wharfedale, Ilkley**

**Wharfedale**

Amendment to previous approval 09/02842/HOU to amend roof junction to existing convert garage to utility/store and provide two car parking spaces by adding one new space with porous paving - Case No: 10/01870/HOU

Appeal Ref: 10/00157/APPHOU

**APPEALS DISMISSED**

(i) **3 Greenfields Way, Burley in Wharfedale, Ilkley**

**Wharfedale**

Front extension to form garage, porch and shower room - Case No: 10/00705/HOU

Appeal Ref: 10/00154/APPHOU

(ii) **4 Ayrton Crescent, Mornington Road, Bingley**

**Bingley**

Raised timber decks - Case No: 10/03705/HOU

Appeal Ref: 10/00177/APPHOU

(iii) **99 Park Road, Bingley**

**Bingley**

Appeal against - Case No: 08/00789/ENFUNA

Appeal Ref: 10/00118/APPENF

(iv) **Fry Carpets, Otley Road, Baildon**

**Baildon**

Change of use to hand car wash - Case No: 10/00011/FUL

Appeal Ref: 10/00079/APPFUL

(v) **Fry Carpets, Otley Road, Baildon**

**Baildon**

Unauthorised change of use to a mixed use including car wash - Case No: 09/01318/ENFCOU

Appeal Ref: 10/00081/APPENF

(vi) **Land Adjacent to 16 Granville Terrace, Bingley**

**Bingley**

Construction of detached dwelling - Case No: 10/00571/FUL

Appeal Ref: 10/00120/APPFUL

(vii) **Random House, 13 Lady Lane, Bingley**

**Bingley**

Appeal against - Case No: 09/00398/ENFCOU

Appeal Ref: 10/00044/APPENF

(viii) **Thornlea, Station Road, Wilsden, Bingley**

**Bingley Rural**

Construction of dwelling - Case No: 10/00945/OUT

Appeal Ref: 10/00122/APPOUT

**Resolved –**

**That the decisions 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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