

Minutes of a meeting of the Area Planning Panel (Shipley) held on Tuesday 22 February 2011 at the Town Hall, Shipley

Commenced 1015
Adjourned 1250
Site Visits 1250 – 1535
Reconvened 1535
Concluded 1725

PRESENT – Councillors

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

Apologies: Councillors Binney and Greaves

Observers: Councillor L'Amie (Minute 34(e)), Councillor V Greenwood (Minute 34 (h)) and Councillor Watmough (Minute 34 (h))

Councillor Shabir Hussain in the Chair

30. DISCLOSURES OF INTEREST

Councillor Cole disclosed a personal and prejudicial interest in the item relating to Laverly House, West Lane, Shipley (Minute 34(e)) as he knew the wife of the applicant and he therefore withdrew from the meeting during the discussion and voting thereon in accordance with the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

ACTION: City Solicitor

31. MINUTES

That the minutes of the meetings held on 2 and 13 December 2010 and 12 January 2011 be signed as correct records.

32. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



33. PUBLIC QUESTIONS

There were no questions submitted by the public.

34. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) **26 Hill Crescent, Burley in Wharfedale, Ilkley** **Wharfedale**

Full planning application for demolition of existing single storey house and construction of a pair of semi-detached houses at 26 Hill Crescent, Burley-in-Wharfedale, Ilkley - 10/05381/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that there were a variety of dwelling types in the area and the majority of the properties were bungalows. The proposal was to demolish the existing property and construct a pair of semi detached dwellings which would have rooms in the roof space. A number of objections had been received and the issues were outlined within the officer’s report. The Strategic Director, Regeneration and Culture then recommended the application for approval subject to the conditions as set out in the report.

In response to a Member’s questions, the Strategic Director, Regeneration and Culture confirmed that:

- the proposed dwellings would be slightly higher than the existing property.
- there was a garage between the proposed dwellings and 34 Hill Crescent.
- a condition to remove Permitted Development Rights could be imposed if required.

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

- That the Parish Council disagreed with the Planning Department.
- That the previous scheme was inappropriate and similar to the submitted proposal.
- That the proposal was out of keeping with the area.
- That the proposal had an excessive mass and the hipped roof was out of place.
- That the second floor windows were higher than the previous application.
- Were privacy and amenity issues not considered as they had been in 2003?
- That a gap of at least 1 metre should be provided between the houses.
- That the Highways Department had indicated that a turning area was required, however, it was not mentioned in the latest plans.
- That the existing house required modernising not demolishing.
- That the proposed scheme was not suitable for the area.
- That the application should be refused due to the size, access and overdominance.

In response to some of the comments made, the Strategic Director, Regeneration and Culture reported that:

- the distance between the existing and proposed properties was 10.5 metres to the shared boundary and 28 metres between the dwellings.

- the Highways Department had no concerns regarding highway safety, subject to the proposed conditions.
- the bulk of the dwellings would be kept to the centre of the site and therefore the visual gap would be maintained.

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

- That the local residents objected to the development on the site.
- That the reduction in the height had been acknowledged.
- That the protruding dormer windows were an issue and no other properties in the area had been allowed them.
- That the proposed houses were too large and would be dominant over others in the vicinity.
- That the turning area proposed on the original plan was not detailed on the amended plan.
- That the existing property currently used both access points.
- That the extra vehicles could create highway safety issues.
- That the Highways Department had suggested that a turning area was required.
- That the Parish Council had raised concerns in the increase to the depth of the house and that it would be nearer to the flood area.
- That concerns had been raised that the development may exacerbate the flood issues.
- That concerns had been raised with regards to highway safety.
- That the proposal would cause overlooking, be obtrusive and overdominant on 34 Hill Crescent.
- That the proposal would have significant effects on residential amenity.
- That the proposed design was not sympathetic to the area.

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

- That the officer's report was fair.
- That the objections had been considered and outlined within the report.
- That the previous application had been withdrawn as requested.
- That a revised and reduced scheme had now been submitted for consideration.
- That consultation had been undertaken with the Environment Agency and an engineering company.
- That the flood risk assessment had been undertaken and supplied.
- That other liaisons had been undertaken.
- That if built the two storey extension approved in 2003 would have been overdominant on 34 Hill Crescent.
- That the revised scheme was based upon the 'fan' shape of the site.
- That the proposal reproduced the width and height of other properties in the area.
- That the garage wing added to the side of each property was visually acceptable as it was set back.
- That the ridge heights of the proposed dwellings were the same as 22 and 24 Hill Crescent.
- That the turning area had been included within the previous scheme but not in the revised scheme and the Highways Department had indicated that it was not a requirement.
- That the substantial rear hedge would be retained and well maintained in order to retain privacy.
- That the mature trees would be retained.
- That the current owner would continue to live in the new property.

- That the application be approved.

During the discussion a Member expressed their concern in relation to what they believed to be the overdevelopment and overdominance of the proposal on neighbouring properties. The Strategic Director, Regeneration and Culture confirmed that the dwellings could not be re-sited in light of the distance to the existing boundary.

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

(b) 8 Cleasby Road, Menston

Wharfedale

A Householder application for the construction of a first floor side extension over an existing ground floor extension at No 8, Cleasby Road, Menston - 10/04812/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 complied with the Council’s policy requirements and had been submitted to the Panel as the agent was a Councillor.

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

(c) Errington House, 15 Micklethwaite Lane, Bingley

Bingley

Outline application for the demolition of the existing building and the construction of 14 dwellings at Errington House, Micklethwaite Lane, Crossflatts, Bingley. Means of access and layout are to be considered within this application - 10/06048/RG4

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 for the demolition of existing buildings and the construction of fourteen dwellings, however, only the means of access and layout were to be considered within the application. It was proposed that two rows of seven houses would be constructed with two means of access from The Drive and Micklethwaite Lane. There were protected trees on the site and appropriate conditions had been placed on the application. With regards to highways issues, it was reported that Micklethwaite Lane and The Drive would be marginally widened in order to improve access and double yellow lines would be placed outside the site. The Strategic Director, Regeneration and Culture confirmed that twelve representations had been received, however, the Parish Council had not objected to the proposal. He stated that a Traffic Regulation Order would be required as part of the Section 106 unilateral undertaking for the highway works that would be necessary. The application was then recommended for approval, subject to a Section 106/278 unilateral undertaking, a Traffic Regulation Order and conditions as set out in the report.

During the discussion a Member suggested that the building should be retained and used for the benefit of the community. He explained that there were a number of large developments proposed for the area which would impact upon access at Sty Lane and these should be resolved prior to consideration of this application. In response the Council's legal officer stated that the applicant was entitled to have the application determined on its own merits.

Another Member then requested that a photographic record of the building was taken prior to its demolition.

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 S106/278 unilateral undertaking requiring:**
- (i) the improvement of existing highways in the vicinity of the site namely: all necessary alterations to the existing carriageways, footways and provision of visibility splays to The Drive and Micklethwaite Lane. The widening of the existing access point on The Drive and the provision of new access point and closure of existing access point on Micklethwaite Lane. All of which works indicatively shown on drawing no. 2980(P)02F;**
 - (ii) payment prior to occupation of any dwellings of the sum of £6,120 towards subsidising the cost of providing the occupiers of residential apartments, proposed to be constructed as part of the Development, Metro Cards issued by the West Yorkshire Passenger Transport Executive;**
 - (iii) payment prior to commencement of development of the sum of £44,146 towards the cost of improving or enhancing primary and secondary school education facilities in the Bingley or adjoining local electoral wards;**
 - (iv) payment prior to commencement of development of the sum of £5,000 (increased by the Indexation Factor) towards the implementation of traffic regulation orders restricting parking on Micklethwaite Lane; and**
 - (v) payment prior to commencement of development of the sum of £13,902 (increased by the Indexation Factor) towards the cost of improving or enhancing recreational facilities in the Bingley or adjoining local electoral wards.**
- (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 a suitably worded additional condition be attached to the permission requiring photographic records of the building be taken for archival recording purposes prior to demolition.**

ACTION: Strategic Director, Regeneration and Culture

(Note: In accordance with Paragraph 25.6 of Part 3A of the Constitution Councillors Owens and Pennington required that their votes against the above decision be recorded.)

Decision following Site Visit**(d) Land at Grid Ref 415993 436281, Thornhill Avenue, Shipley Windhill/Wrose**

An outline planning permission for the construction of 21 dwellings. Landscaping is reserved with all other matters submitted for formal consideration - 10/02066/MAO

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 for the construction of 21 dwellings and that only access, layout and scale was to be considered at this time. The site was allocated as a Phase 2 housing on the Replacement Unitary Development Plan (RUDP) and a Ward Councillor had requested that a site visit was undertaken in light of the unsuitable access and the impact on local residents. With regards to the access, the Strategic Director, Regeneration and Culture reported that double yellow lines were proposed for Thornhill Avenue and that the access road would swing into the site and a turning area would be provided. The site was an open grassed area that sloped and contained a number of protected trees which would be retained. The application proposed the construction of three rows of five houses and three pairs of semi-detached properties. The distances between the existing and proposed dwellings were acceptable. A number of representations had been received and these were outlined within the officer's report. The Strategic Director, Regeneration and Culture confirmed that a Traffic Regulation Order (TRO) as part of the Section 106 Agreement was required in relation to the yellow lining and other highways related conditions. He stated that all except one of the houses on Thornhill Avenue had a driveway and that the proposal included the provision of residential parking for the residents of Thornhill Avenue. It was noted that there was a flood risk to the southern edge of the site, however, this would not affect the development. The application was then recommended for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report. In relation to the recommended financial contributions, the Strategic Director, Regeneration and Culture reported that the legal advice received indicated that the distribution of the funds needed to be set. The Council's legal stated that the affordable housing aspect and the Heads of Terms for the TRO also needed to be resolved.

In response to a Members' questions, the Strategic Director, Regeneration and Culture confirmed that the levels on the site would be altered and it would be expected that the culvert would be maintained to an acceptable level in order to manage the water pooling on the site.

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

- That it was a high crime area.
- That placing yellow lines outside the existing dwellings was not acceptable.
- That residents had concerns in relation to the proposed parking provision.
- That the pavement on one side of the road was 1 metre wide.
- That the road was 4.6 metres wide, not 4.8 metres wide and service vehicles could not access it.
- That Thornhill Avenue could not be widened in places due to paths and gardens.
- That during the winter months the road was not accessible.
- That the proposed dwellings would not be able to access their properties during the winter months.
- That the bus service was every hour, however, it was not reliable.
- That the schools in the area were over full.
- That the project would be a burden to the area.
- That there were already other schemes in the area.

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

- That work on the development had been ongoing for two years.
- That the proposed number of dwellings had been reduced from 24 to 21.
- That the Highways Section had not objected to the proposal.
- That resident parking would be provided.
- That there were no drainage issues.
- That the culvert had a low risk of flooding.
- That the trees would be retained.
- That it was a Phase 2 site and allocated for housing.
- That 80% of the recommended contributions would be provided.
- That the site was suitable and available and the scheme was deliverable.
- That it was a sustainable site.
- That the application should be approved.

In response to a Member's question regarding the provision of double yellow lines, the Council's legal officer explained that if the application was granted subject to a TRO then the Council would be obliged to initiate the procedures. The relevant Area Committee would also have to consider any objections. He stated that Members needed to decide whether a TRO was necessary for the development to be undertaken in the interests of highway safety.

With regards to the proposed provision of parking spaces, the Council's legal officer confirmed that a car park management plan, which ensured that a number of the places provided were for residents of Thornhill Avenue, could be established as part of the Section 106 Agreement. Alternatively a TRO covering residents parking would have to be undertaken.

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

- the development only proposed one access route via Thornhill Avenue.
- only one house did not have off-street parking on Thornhill Avenue.
- if the application was approved a car park management plan and yellow lines would be provided.
- the yellow lines were required as part of the traffic management assessment.
- the yellow lines would be painted prior to occupation of the units.

The Council's legal officer confirmed that as the Council would undertake the yellow lining it would be carried out once the funds had been received at an appropriate time. In relation to the allocation of the contributions, Members agreed that they should be distributed mainly for the benefit of the Windhill and Wrose Ward.

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 Agreement requiring:

- (i) the contributions as set out in the technical report to be distributed for the benefit of the Windhill and Wrose Ward (or adjoining wards);**
- (ii) contributions towards the cost of obtaining an implementation of necessary Traffic Regulation Orders on Thornhill Avenue prior to**

- commencement of development; and**
- (iii) the approval and subsequent implementation of a scheme for the management and maintenance of the proposed parking spaces to ensure that at least four of the spaces are for the benefit of the existing residents living on Thornhill Road in the vicinity of the site.**

(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.

ACTION: Strategic Director, Regeneration and Culture

(e) Laverly House, West Lane, Shipley

Baildon

An outline planning permission for the construction of six detached dwellings. Scale, landscaping and appearance are reserved - 10/05005/OUT

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal submitted for consideration was an outline application for the construction of six dwellings on a site within a residential area that was located in the Saltaire World Heritage Buffer Zone. Baildon Parish Council had not objected to the application, though they had suggested that the proposed bungalows be moved to the top end of the site. Officers however believed that the dwellings were best placed at the southern end of the site to ensure that 'Redhurst' was not overlooked. The Strategic Director, Regeneration and Culture confirmed that an additional condition in relation to the removal of Permitted Development Rights for plots 3 and 4 would be required if Members were minded to approve the application. He then reported that a number of representations had been received, including one from the local MP, on the grounds of, amongst others, over development; flooding; highway safety; unsustainable location; and residential amenity. It was noted that the development was considered as acceptable and the proposal was appropriate within the area and achieved a density of 15 dwellings per hectare. The site was large and the distances between the proposed properties were appropriate. The Strategic Director, Regeneration and Culture then 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 proposed dwellings would have 4 or 5 bedrooms.
- the Drainage Section had been consulted and they had no objections to the proposal, subject to appropriate conditions being placed on the application.

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

- That the application was an improvement on the previous submission.
- That the proposal constituted an over development of the site.
- That the proposal would have a detrimental affect on residential amenity.
- That the changes made to Planning Policy Statement (PPS) 3 in June 2010 discouraged 'garden grabbing'.
- That some limited development of the site would be more appropriate.
- That the proposal would change the whole character of Stubbings Road.
- That three properties on the site would be more appropriate.
- That there were parking problems in the area.

- That two off-street parking spaces per dwelling was not sufficient for 4/5 bedroom properties.
- That modern vehicles did not fit into garages.
- That some on-street parking would occur and may be displaced off-site.
- That the statements from the Parish Council were confusing.
- That the disturbance of the site may cause flooding issues.
- That a number of substantial trees had already been felled on the site and that they should be replaced in the landscaping scheme.

In response to the comment made regarding PPS3, the Strategic Director, Regeneration and Culture acknowledged that the use of garden land had now been removed, however, he stated that officers were obliged to advise applicants and balance issues of amenity and character with the demand for housing in the District.

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

- That PPS3 was relevant to the development site as the existing property would be removed.
- That four off-street parking spaces would be provided per dwelling, two each in the garage and on the forecourt.
- That due regard had been given to parking and density.
- That, in terms of the density, more dwellings could be accommodated on the site, however, only six had been proposed.
- That improved boundary treatments at Stubbings Road could be added.
- That the level of visibility for access was considered acceptable.
- That the landscaping proposals would be undertaken.
- That the layout of the site complemented previous developments.

In response to a Members' query, the applicant's agent confirmed that all the land would be contained within the curtilage of the six dwellings and could be controlled by conditions regarding the maintenance of the landscaping.

The Strategic Director, Regeneration and Culture then explained to Members that consultations had been undertaken only on the proposals within the submitted report and that any future development would have to be considered afresh with a new application. With regards to the trees removed, he confirmed that they had been substantial specimens, however, the issue of landscaping would be the subject of the reserve matters application. He indicated that if the size of the trees was important, then the issue could be raised at the reserved matters stage, or with the developer, and a minimum size of replacement tree and location could be insisted upon. The landscaping had not been specified as yet and this would give more control at the reserve matters stage.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report and also subject to the following additional condition:

- (i) **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the rear south-facing elevations of plots 3 and 4 without prior written permission of the Local Planning Authority.**

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

ACTION: Strategic Director, Regeneration and Culture

(f) **Menston Hall, Low Hall Road, Menston, Ilkley**

Wharfedale

Full planning permission for 30 two bedroom flats was approved on 11 February 2010. New application to approve the previous scheme with an increased roof ridge height of 1 metre to the crescent shaped block - 11/00450/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 had previously been considered at the meeting held on 11 February 2010 which had resulted in the proposal and a Section 106 Agreement being approved. A complaint had since been received that the roof was not being built in accordance with the planning permission granted and it had been identified that the ridge height was 1 metre higher than that approved. As a consequence, and at the request of a Ward Councillor, a re-submission of the application had been presented for Members consideration. The Strategic Director, Regeneration and Culture confirmed that only the roof element of the application was to be deliberated along with the subsequent issues of visual and residential amenity. He stated that the development was an improvement to the area and the scale was in context with other properties. The nearest dwelling was at the opposite side of Low Hall Road and it was not considered that the additional height would affect the residential amenity to what had previously been approved. A number of representations had been received and a Ward Councillor had requested that the application be withdrawn until the representation period had concluded. The Strategic Director, Regeneration and Culture informed Members that the decision would not be made until the representation period had lapsed. He then recommended that the decision to approve the re-submitted application be delegated to officers in order to ensure that any further representations be taken into account and that the Section 106 Agreement be varied.

In response to a Member's question regarding de-minimis and at what point another application would be requested, the Council's legal officer confirmed that it was not de-minimis. The height that the development had been constructed to was considerably more than approved and the impacts needed to be considered in detail. Another application had been submitted to deal with the issues based upon the advice received by planning officers. He acknowledged that there was a discrepancy of 100 millimetres to the height on the revised plan, however, he confirmed that they would not need to be re-advertised. It was also noted officers could have dealt with the re-submission, but a Ward Councillor had requested that the application be considered by the Panel.

A representative of the Parish Council was present at the meeting and outlined the following issues:

- That the constructed building was 1 metre higher than that proposed.
- That the submitted drawings were misleading especially on the corner.
- That the road was also lower at the corner.
- That the Parish Council was content with the amended application.

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

- That as the roof was hipped it was further away from adjacent properties.

- That the roof pitch was the same as Menston Hall.
- That the development did not impinge on the street scene.
- That the distances were the same.
- That if the amended roof height had been originally submitted it would have been approved. The roof was hipped and therefore the impact was reduced.

With regards to Condition 2, a landscaping management plan, the Council's legal officer questioned whether it had already been submitted, was acceptable and if it had been implemented. In response the Strategic Director, Regeneration and Culture confirmed that the condition needed to be implemented.

In conclusion the Council's legal officer stated that an error had been made, however, it was not a material issue. If it had been detrimental then the Panel could have asked the developer to resolve the matter, however, officers believed that there was no impact on residential or visual amenity.

Resolved –

That authority be delegated to the Strategic Director, Regeneration and Culture to approve the application after giving due consideration to any further representations raising new material issues that may be received before the end of the publicity period on 3 March 2011 and the completion of a Section 106 Agreement.

ACTION: Strategic Director, Regeneration and Culture

Decision following Site Visit

(g) **Reevadale, Clarence Drive, Menston, Ilkley**

Wharfedale

Full application, as amended, for the demolition of existing dwelling and coach house/garage and construction of three detached houses, utilising existing access at Reevadale, Clarence Drive, Menston, Ilkley - 10/03370/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that it was a large site with many trees and was accessed via a private driveway between two properties from Clarence Drive. The proposal was to demolish the existing buildings and construct three detached houses with passing places provided for residents on the driveway. The existing property was an impressive building constructed from natural stone and timbers, however, it had been empty since 2004 and had deteriorated. The prospect of redeveloping the building had been considered, but was not viable due to the damage to the building. The Strategic Director, Regeneration and Culture confirmed that the site was not in a conservation area or a listed building and the dwelling could be demolished. A number of trees on the site were protected and had a group value, but some trees in the northern area of the garden would be removed. The boundary would still have a substantial amount of trees and shrubs and there was also a significant landscaping scheme proposed. A Bat Survey had been undertaken and bats had been found, however, officers believed that all the relevant issues were covered within the application. The Strategic Director, Regeneration and Culture then recommended the application for approval, subject to the conditions set out in the report.

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

- Natural England had been consulted in relation to the bats. The bats would be removed prior to the demolition of the building and be provided with temporary accommodation. A European Protected Species (EPS) Licence from Natural England, which had strict conditions, would have to be applied for and this would be monitored. If the building continued to deteriorate the bats would be lost.
- no habitable rooms of 'Woodhead' would be overlooked.
- the proposed dwellings would be a significant distance away from the existing properties and no habitable windows would face 'Woodhead'.

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

- That the development would result in a loss of amenity.
- That there were unresolved flooding, highways and scale issues.
- That an application for the construction of two dwellings on the adjacent site had been refused in 2005.
- That the proposal was over development.
- That a consistent approach was required.
- That the proposed houses were 30% larger and higher.
- That there were inconsistencies in relation to the site area in the report.
- That there were restrictions on the site due to the protected trees.
- That the information regarding the demolition and the Natural England Licence within the report was incorrect.
- That the proposed dwellings would have an overpowering effect on adjacent properties.
- That there was an issue with the red line boundary.
- That there were inconsistencies in relation to the passing places stated in the report.
- That a great deal of wildlife in the area would be lost.
- That the recommendations in relation to the bats were unclear.
- That there were a number of underground streams in the area and flooding was a regular occurrence.
- That the current infrastructure could not support the existing properties.
- That the access onto Clarence Drive was an issue.
- That the development was contrary to the Unitary Development Plan (UDP).
- That the application should be refused.

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

- the highway safety issues had been considered by the Inspector on the appeal of a previous application and had not been upheld. Advice received by the Council also supported the highway safety aspect.
- the red line issue was covered within the officer's report.
- the drainage issues were in another area of the site and it had been identified that a number of drains had been blocked and the watercourse was overgrown, however, the construction works would remediate these issues.
- the density of the proposal was 4.62 dwellings per hectare and the minimum identified in PPS3 was 30 per hectare.
- other sites in the vicinity had a low density for a large plot and the proposal followed the character of the area.
- the passing places had been moved in order to guard the protected trees.
- the height of the proposed dwellings was just below that of the current building.
- liaisons had taken place with Natural England and the proposal was acceptable.

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

- That a previous application for five dwellings had been withdrawn.
- That the applicant had requested a high quality development and specifications.
- That the proposal had a low density.
- That the proposed turning head would remove the requirement for service vehicles to reverse down Clarence Drive.
- That it had been ensured that the new dwellings were not higher than the existing adjacent properties.
- That it had been ensured that the proposed dwellings did not overlook or be over dominant to the existing adjacent properties.
- That the scheme proposed an excellent re-use of the site.
- That the applicant was keen to support the habitation of the bats.
- That the scheme was well designed and of a high quality.

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

- the Environment Agency map gave an indication of the flood risk areas and the site was not in Zone 2 or 3 therefore a flood risk assessment was not required. However, the drains on the site were blocked and this required resolving. A condition regarding the drainage could be placed on the application.
- approximately 100 trees were to be removed from the site. Many were located to the north of the existing dwelling, however, there were not many good individual specimens. The proposed landscaping included trees and enhanced the area.
- The area where the trees to be removed were located was wet and the drainage system had failed in this area.

During the discussion Members acknowledged that the development would not overlook any of the existing properties. There would be adequate screening and additional planting would be undertaken.

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

(h) **Eccleshill Sports and Social Club, Kingsway, Bradford** **Windhill/Wrose**

An outline application for the change of use from a redundant football training ground (D2) to residential use (C3) incorporating an element of affordable housing units at Eccleshill United, Kingsway, Bradford. All matters have been reserved for consideration at a later stage - 10/05087/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 for a change of use from a redundant football training ground to residential use. Correspondence from various organisations in support of the proposal had been received and the applicant's agent had requested that the Panel took into consideration the finances of the Club. It was noted that the closure of the Club was relevant, however, its finances were not a material planning consideration.

The Strategic Director, Regeneration and Culture reported that the premises were an established football and sports club and the site had been allocated as playing fields within the Unitary Development Plan (UDP). He confirmed that the proposal was to refurbish and retain the community buildings and develop the two playing areas to the north of the site as residential areas. In order for the Club to continue they needed to release the land to secure their future. The submission was the third application as the first had been withdrawn and the second refused. It was noted that if the land had not been allocated for playing fields it would have been supported.

The Strategic Director, Regeneration and Culture stated that there were no highways issues and that it was proposed to slightly divert the existing rights of way. He explained that the policy objection to the application was due to a net loss of 09.8 hectares of playing fields which was deemed as unacceptable. An open space assessment had previously been undertaken and had identified the requirement for playing areas. If the proposal was supported then the Club would have to provide alternative playing fields within the vicinity. The Strategic Director, Regeneration and Culture indicated that the Club was looking to upgrade the current facilities at Low Ash, however, this would still result in a net loss of facilities for the Club. He acknowledged the difficult position for the Club in respect of their finances and the type of land they owned, but recommended the application for refusal due to the net loss of playing fields. It was noted that the application included the suggestions proposed for the facilities at Low Ash and that the contributions from the developer would benefit the area. The Strategic Director, Regeneration and Culture confirmed that the allocation of the site as playing fields was important and that the policy issues could not be overcome as there was no alternate provision.

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

- That the local residents wished to retain the football club at the site.
- That the concerns raised were outlined within the officer's report.
- That there would have to be a further application for the proposed Gaisby Lane site and this should have been considered at the same time.
- That it was not sensible to look at the applications separately.

In response the Strategic Director, Regeneration and Culture confirmed that planning permission would not be required for improvements to the Gaisby Lane site, however, this would be dependant upon what was required. A planning application would be necessary for the construction of new buildings or further car parking provision and a Section 106 Agreement linking this application to the Gaisby Lane proposal would then be required. He reported that a planning application for the Gaisby Lane site had not been submitted, though there were concerns in relation to the improvements.

In response to the Ward Councillors concerns another Ward Councillor who was present at the meeting explained that a contract was to be signed in relation to the Gaisby Lane site and that no additional building would take place.

The other Ward Councillor who was present at the meeting then made the following comments:

- That the proceeds of the sale of the site were to be re-invested to ensure that the Club remained.
- That the Club was experiencing financial difficulties and their Bank was awaiting the outcome of the planning application.
- That if the application was refused then the Bank may re-possess and sell the site on the open market.

- That the Club had a new Committee who had actively promoted football and ensured that the Club survived.
- That Sport England had objected to the application on the grounds of a loss of a playing field.
- That the use of the pitch at Low Ash resolved this issue.
- That the proposal was to sell the training pitch and provide car parking and white lining for the football pitch at Low Ash.
- That the new site would provide better and enhanced facilities and therefore satisfy Sport England's concerns.
- That many organisations used the facilities of the Football Club due to the loss of the Community Centre.
- That Sport England had been consulted and had indicated that they were happy that the Planning Panel were to make the decision and would not take the issue further.
- That Sport England did not have the authority to stop the development.
- That the Area Parks and Landscapes Manager supported the proposal and had stated that Low Ash was the most under used facility within the area.
- That only 6 local objections had been received and many had supported the proposal.
- That the proposal would ensure the future of the Club and provide affordable housing.
- That approval of the application would remove the uncertainty for the Club.
- That the improvements to Low Ash would be beneficial to residents and users of the facilities.
- That the proposal provided an opportunity to take the Club forward and provide facilities for all.
- That there were other playing fields in the area that were derelict.

A representative of the Parish Council was also present at the meeting and outlined the following concerns:

- That the boundaries of Idle, Thackley and Wrose were co-terminus to the Parish boundaries.
- That the area of land above the proposed site could be developed.
- That the land had been identified as a development site in the Replacement Unitary Development Plan (RUDP).
- That there was great potential for residential development in the area.
- That the Parish Council was willing to work with officers to ensure the highway safety issues were resolved.
- That land which could not be built on should be used for recreational space.
- That there were caverns underneath the land in the area.
- That there was a bad bend on Westfield Lane and a Section 278 Agreement would be required in order to make improvements.
- That the land was unusable.

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

- That she was the Treasurer of the Sport and Social Club.
- That she was a local resident and her property overlooked the Football Club.
- That she understood residents' concerns.
- That the Club would not be taking this course of action if there had been a suitable alternative.
- That if the Club did not clear its outstanding debts then the Bank had threatened to take action and the Club would foreclose.

- That the site could be built on or just left derelict.
- That the area had already lost the Community Centre and could now lose the only other meeting venue in the area.
- That the land was not open to the public unless they were members of the Club.
- That the land at Low Ash was not being used to its potential.

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

- That he had been involved with the Club in the past.
- That it would be sacrilege to build on the land.
- That children should not have to play on land that had been used for tipping.
- That there were other people who would take over the Club if it had to foreclose.

In response to Members queries, a representative of the Club confirmed that:

- four or five developers were interested in the land.
- the value of the land would increase if the planning permission was approved.
- the facilities at Low Ash were approximately 1 mile from the current site.
- the sale of the land would clear the Club's debt.

The Council's legal officer informed Members that if they were minded to support the application then very special circumstances would be required in order to justify a departure from policy. Reasons and conditions would also have to be specified along with various elements of the Section 106 Agreement.

During the discussion a Member acknowledged the benefits that the Club provided to the community and indicated that if the land was sold as its current allocation then there was no guarantee that the community would retain its use. Another Member stated that a replacement sports facility had been identified within the application, Low Ash, and, therefore, the application was not contrary to policy. Other Members expressed their concerns in relation to the application and pointed out that they would prefer the land to remain as playing fields. However, overall Members accepted that potentially an important facility could be lost and that this would exceed the detriment to the community.

Resolved –

That the application be referred to the Regulatory and Appeals Committee with a recommendation for approval as it is believed that there are very special circumstances justifying the loss of part of the allocated recreational open space area in this case; in particular it is recognised that the Club plays an important role in supporting and developing local community sports in the locality and that this benefit to the community is in danger of being lost due to the current financial circumstances of the Club. It is also noted that the partial loss of the designated open space will be partially ameliorated by proposed improvements to the existing facilities on Gaisby Lane, Wrose that can be secured by a Section 106 planning obligation. The principle of the proposed residential development would relate satisfactorily to the character of the surrounding area, subject to more detailed consideration of issues of visual amenity and residential amenity at reserved matters stage. As such the proposal, subject to the proposed conditions and Section 106 Legal Agreement is considered to accord with the aims of policies UR2, UR3, TM2, TM12, TM19A, D1, D4, OS3, OS5, H7, H8, H9, NE4, NE5, NE19, CF2 and NR19 of the Replacement Unitary Development Plan (2005) and also subject to the following:

Heads of Terms for the S106 Agreement:

- (i) **Education** - payment of a commuted sum of £176,583 to improve existing educational infrastructure in the vicinity of the site, split into £91,320 for primary level and £85,263 for secondary level;
- (ii) **Recreation** – provision of upgraded facilities at Gaisby Lane which shall be provided prior to the commencement of any development.
- (iii) **Affordable Housing** – provision of 15% of net developable floor area to a Registered Social Landlord nominated by the Council at a 35% discount on the open market.
- (iv) **Highways** – the installation of hard standing and raised kerbs at bus stop numbers 24047 and 24048 and the provision of Metro Cards at discounted provision to 60% of the total number of units on the site over a three year period on a first come first served basis.

Conditions:

- (i) **Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall not be made later than the expiration of three years;**
- (ii) **The development shall only be carried out in accordance with approved plans 5158 SK02 and 5158 SK02 Rev A;**
- (iii) **The development must commence no later than the expiration of two years from the date of the approval of the reserved matters, or the date of the final approval of the last of such matters to be approved;**
- (iv) **Prior to any development plans detailing the appearance, landscaping, layout and scale must be submitted to and approved in writing by the Local Planning Authority;**
- (v) **Development shall not commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed;**
- (vi) **The site shall be developed with separate systems of drainage for foul and surface water on and off the site;**
- (vii) **Unless agreed in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works;**
- (viii) **Surface water from the vehicle parking and/or manoeuvring areas shall be drained using gullies which shall be installed before the development is brought into use;**
- (ix) **Before development commences, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details;**
- (x) **Prior to any development commencing a Phase 2 Intrusive Site Investigation Report shall be submitted to the Local Planning Authority for approval in writing;**
- (xi) **Prior to any development commencing a landfill gas monitoring scheme shall be submitted to and be approved in writing by the Local Planning Authority;**

- (xii) **Before the commencement of development a quantitative risk assessment for the site together with a Remediation Strategy shall be submitted to and agreed in writing by the Local Planning Authority;**
- (xiii) **No dwellings shall be occupied until the works specified in the quantitative risk assessment have been completed in accordance with the Remediation Strategy and a validation report has been submitted to and agreed in writing by the Local Planning Authority; and**
- (xiv) **The commencement of any development, or demolition, site preparation, groundworks, materials or machinery be brought on to the site until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority.**

ACTION: Strategic Director, Regeneration

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

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

Garage – 10/00460/ENFUNA

The case was not expedient to pursue because the garage does not represent inappropriate development in the green belt, was of an appropriate design and massing and was not harmful to neighbouring occupiers.

Date Enforcement File Closed: 14 January 2011

- (ii) **3 Glen Dene, Cottingley, Bingley** **Bingley Rural**

Stream diversion works – 10/01326/ENFUNA

Planning permission issued for diversion subject to complying with Environment Agency permit. Works completed in accordance with permit and verified by Environment Agency.

Date Enforcement File Closed: 29 November 2010

- (iii) **Inspire Property Limited, Safety House, Norwood Avenue, Shipley** **Shipley**

Demolition and groundworks without conditioned protective fencing approved or installed. One tree significantly damaged – 11/00016/TPOCN

It was likely that permission would have been granted for some tree works on the site, the significant boundary trees had not been damaged. The breach of planning condition was not expedient to pursue.

Date Enforcement File Closed: 21 January 2011

- (iv) **Stoneleigh, Longwood Avenue, Bingley** **Bingley**

Garden not landscaped in accordance with the approved plans – 10/00601/ENFAPP

The case was not expedient to pursue because the unauthorised works compliment the parent building and had not resulted in any additional overlooking beyond that already accepted by the local planning authority.

Date Enforcement File Closed: 9 December 2010

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

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

APPEALS ALLOWED

(i) **27 Greenfield Crescent, Cullingworth, Bingley** **Bingley Rural**

Construction of rear conservatory and dormer window - Case No: 10/00480/HOU

Appeal Ref: 10/00230/APPHOU

APPEAL DISMISSED

(i) **3 Kingsway, Bingley** **Bingley**

Change of use of ground floor office to fish and chip takeaway - Case No: 10/00641/FUL

Appeal Ref: 10/00183/APPFUL

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