

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

Commenced 1405

Concluded 1515

PRESENT – Councillors

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

Apologies: Councillors Binney and Greaves

Councillor Shabir Hussain in the Chair

35. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

36. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

37. PUBLIC QUESTIONS

There were no questions submitted by the public.

38. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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



(a) 19 Goit Stock Terrace, Harden, Bingley**Bingley Rural**

Full planning (Householder) application for the construction of a conservatory extension to the rear of 19 Goit Stock Terrace, Harden, Bingley - 11/00298/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 was for the construction of a single storey conservatory at the rear of the premises. The proposal would involve the relocation of the rear window of a bedroom to the side elevation, which was considered to be permitted development. It was noted that the property currently had a single storey extension and the proposed depth of the conservatory would not be larger than the existing structure, therefore, it was considered that there would not be any loss of amenity for the adjoining neighbours. The Strategic Director, Regeneration and Culture confirmed that an existing window would be blocked in order to provide an internal wall for the conservatory and that the materials would match those existing. He then reported an update to the officer's report in that Harden Parish Council did not have any objections to the application. Members were informed that the proposal was a re-submission of a previously withdrawn application and that the proposed location of the conservatory had been amended. The Strategic Director, Regeneration and Culture stated that the proposal complied with all policies and posed no adverse impact upon neighbours or the area. He then recommended the application for approval subject to the conditions as set out in the report.

In response to a Member's question the Strategic Director, Regeneration and Culture confirmed that the application had to be considered by the Panel as it had been submitted by a planning officer.

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) 78 Avondale Road, Shipley**Shipley**

Full planning (Householder) application for the construction of a two storey side extension and part two story/part single storey rear extension at 78 Avondale Road, Shipley - 11/00031/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposal was to construct a two storey side extension at the property, which was currently derelict, that would be similar to that at number 76 and the adjoining property. Work was currently being undertaken on the site and its development would be beneficial to the area. It was noted that this was the third attempt to gain permission for an extension on the site as the previous two applications had been refused due to insufficient off-street parking. The proposal now included an integral garage which resolved the previous issues and complied with the House Extension Policy.

The Strategic Director, Regeneration and Culture informed Members that one objection had been received from a Ward Councillor which included the following grounds of overshadowing; impact on landscape; and loss of outlook. He had also requested that

conditions be placed on the application regarding construction times if it was approved. The Strategic Director, Regeneration and Culture confirmed that the Enforcement Team was involved and working with the applicant and that disturbance issues were covered by Environmental Protection legislation. He then recommended the application for approval subject to the conditions as set out within the report.

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

- the repair of the pavement was not an issue for the Planning Panel.
- the permitted development rights had been limited in relation to additional windows.
- further conditions could be placed upon the application if deemed necessary.
- planning permission regarding the garden area was to be submitted.

During the discussion Members noted that the proposal would be beneficial to the neighbours and that any noise disturbance issues could be dealt with through the Council's Environmental Protection Section.

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) Coolgardie, Keighley Road, Bingley

Bingley

A full application for the renewal of extant planning permission 06/07317/FUL: Construction of business centre, B1 offices, work live units, nursery and access road and parking and submission of environmental statement at Coolgardie, Keighley Road, Bingley - 11/00161/FUL

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 a renewal for a significant employment and commercial development which included the construction of a business centre, offices, work live units and a nursery. The site was classed as employment on the Replacement Unitary Development Plan (RUDP) and it was an important employment site on the Airedale Master Plan. The site was easily accessible by public transport and the proposal met all the relevant planning policies. The Strategic Director, Regeneration and Culture confirmed that no additional representations had been received and the only difference was that the previous application had required 'real time' bus information. This technology had not yet been developed therefore the provision of Metro Cards was now part of the submission instead of the bus display units, however, the cost to the applicant would be the same. He reiterated that the application was still in accordance with policies and recommended it for approval, subject to a Section 106 Agreement and the conditions as set out in the report.

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

- the development was well designed and would be well lit.
- it was an important site for the District and a limited number had been identified. The work live units were a secondary part of the submission and the main aim of the development was to provide large office units. The scheme was presented as a

whole package and the work live units would not be progressed separately just because they were profitable.

- the default position for the commencement of a development was 3 years, however, a Local Authority could change the term if required, however, there would need to be clear reasons as to why the timescale deviated from Council and Government advice. A fast track renewal system had also been introduced by the Government.
- the development had been designed so that there were no properties in front of the window of 16 Longwood Avenue. An extensive landscaping scheme was also proposed.
- the agent had requested artificial stone instead of natural stone due to the costs involved and this had been accepted. The development was not in a conservation area and the artificial stone to be used would be of a high quality.
- water could not be allowed to drain off into Bingley South Bog as it was a site of special scientific interest.
- the residents of Harold Street had not objected in relation to the development and improvements which would be to their benefit could not be undertaken.

With regard to the Heads of Terms of the Section 106 Agreement, the Council's legal officer confirmed that in order to progress the development the applicants had already signed the Agreement. If any of the conditions required amending, or if a problem arose, then a variation could be requested at a later point.

During the discussion a Member suggested that the condition regarding the expiration of the planning permission be extended from 3 to 5 years. The Council's legal officer indicated that the applicants may want to re-consider the position after 3 years if the development had not commenced and the fast track renewal system had been introduced to help applicants. This was the second application for the site and the applicant had not provided any justification for the time period to be extended to 5 years. The Strategic Director reiterated that it was an important site within the District and it was hoped that it would be purchased and developed within 3 years. Also other key sites had not been granted a 5 year planning permission.

Resolved –

That the application be approved for the reasons and subject to the conditions and a Section 106 Agreement as set out in the Strategic Director, Regeneration and Culture's technical report.

ACTION: Strategic Director, Regeneration and Culture

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

(i) 10 Grange Park Drive, Cottingley

Bingley Rural

Roof extension has not been constructed in accordance with the approved plans - 10/00653/ENFUNA

The breach of planning control was not expedient to pursue as it was likely that planning permission would have been granted for the extension as built.

Date Enforcement File Closed: 7 February 2011

(ii) **49 Strathallan Drive, Baildon**

Baildon

Raised terrace – 10/00751/ENFUNA

It was not expected for enforcement action to be taken to secure the removal of the raised terrace as it was not considered to be detrimental to visual or residential amenity. Furthermore, it was clear that it had been in situ for some time and may have been there for more than 4 years thus being exempt from enforcement action. Should an application be submitted to retain the raised terrace officers would be likely to support it.

Date Enforcement File Closed: 25 January 2011

(iii) **Lady Lodge, Lady Lane Park School, The Green, Bingley**

Bingley

Unauthorised pruning of a protected tree – 10/00527/TPOCN

The case was immune from enforcement action as 6 months had lapsed from the time the works were completed and the time that the Council was informed of the unauthorised works.

Date Enforcement File Closed: 20 January 2011

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

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

(i) **Associated Waste Management, Canal Road, Bradford** **Windhill & Wrose**

Operations taking place in the open yard contrary to condition 14 of 09/00676/FUL. Various waste handling operations taking place in the open yard outside of the approved hours were considered to impact on the amenity of local residents - 11/00032/ENFCON

A Breach of Condition Notice was authorised on 14 February 2011 in relation to condition 14 of permission 09/00676/FUL.

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

Out of hours HGV movements. The out of hours HGV movements have adverse impact on the amenity of local residents - 10/01188/ENFCON

A Breach of Condition Notice was authorised on 28 January 2011 in relation to Condition 8 of the permission granted on appeal ref: PP/W4705/A/07/2042004 Out of Hours HGV movements to and from rendering plant.

(iii) **Land South West of 188-190 Swan Avenue, Bingley**

Bingley

Enforcement Action to remove the 5 unauthorised lighting columns was authorised on 23 February 2011 - 10/01430/ENFUNA

It was considered that the lighting columns were intrusive and had a detrimental impact on residential amenity due to their height and poor design. The lighting columns installed were excessive and caused light pollution which had a detrimental impact on residents of Timble Drive which share a boundary with the site.

(iv) **Land South West of 188-190 Swan Avenue, Bingley** **Bingley**

Development not in accordance with approved plans - 10/01431/ENFAPP

A Breach of Condition Notice was authorised on 23 February 2011. The landscape strip on the boundary of the land with Nos 6-16 Timble Drive had been reduced and did not accord with the approved plan. This had resulted in the car parking spaces being closer to the boundary and at a higher level which had a detrimental impact on the amenity of the occupants of the adjacent properties due to the increase in overlooking.

Resolved –

That the actions be noted.

ACTION: Strategic Director, Regeneration and Culture

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

APPEALS ALLOWED

(i) **12 Station Road, Denholme** **Bingley Rural**

Retrospective application for car port and gates to existing car standing to rear of dwelling
- Case No: 10/04039/HOU

Appeal Ref: 10/00231/APPHOU

APPEAL DISMISSED

(i) **Rear of Bailmoor Farm, Low Springs, Potter Brow Road, Baildon** **Bingley**

Installation of 15m mast wind turbine - Case No: 10/02191/FUL

Appeal Ref: 10/00170/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.