

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

Commenced 1025
Adjourned 1150
Re-convened 1205
Adjourned 1300
Re-convened 1400
Concluded 1525

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Byrom	Dredge	Cole
Greaves	Imdad Hussain	
Pennington	Shabir Hussain	

Apologies: Councillor Binney

Observers: Councillors Cooke and Sykes (Minute 43(c))

Councillor Shabir Hussain in the Chair

39. DISCLOSURES OF INTEREST

Councillor Greaves disclosed a personal interest in the item relating to Hazelmere, 50 Burley Lane, Menston (Minute 43(d)) as he was acquainted with one of the objectors but as the interest was not prejudicial he remained in the meeting.

In the interests of transparency all Members of the Panel disclosed a personal interest in the item relating to 8 Nab Wood Mount, Shipley (Minute 43(a)) as they were acquainted with the Ward Councillor who had objected to the application but as the interest was not prejudicial Members participated in the discussion and decision making.

ACTION: City Solicitor

40. MINUTES

That the minutes of the meetings held on 22 February and 22 March 2011 be signed as correct records.



41. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

42. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

43. **PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

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

(a) **8 Nab Wood Mount, Shipley**

Shipley

Householder application for proposed development at 8 Nab Wood Mount, Shipley, comprising the construction of a single storey side extension with rear dormer window; two rear dormer windows in the rear roof slope of the existing property; a conservatory to the rear; and the enlargement of the vehicular access on to Nab Wood Drive - 11/00784/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 single storey side extension, two rear dormer windows and a conservatory to the rear, with new access onto Nab Wood Mount and the existing drive widened. The roof ridge of the proposed extension was to be slightly lower than that existing and the site was well screened at the moment. The parking space was covered under permitted development rights and the only aspect of the proposal that currently did not have approval was the wider side extension, which would only marginally increase the footprint.

The Strategic Director, Regeneration and Culture reported that correspondence had been received from a Ward Councillor which referred to the site history, that the proposal was an overdevelopment and out of proportion with the neighbourhood and that he believed the dwelling could be occupied as separate units. A number of conditions with regard to it remaining as one unit, tree protection measures and construction hours were also recommended if Members were minded to approve the application.

The Strategic Director, Regeneration and Culture stated that tree protection measures would not be possible as the trees were not within the red line ownership boundary of the applicant. He confirmed that a number of representations had been received, however, the Highways Department had not raised any objections but had suggested a footnote on the application. The Council's Tree Team had requested tree friendly construction methods but the trees were outside the control of the applicant. The materials and construction was appropriate and the additional extension would not be problematic. The Strategic Director, Regeneration and Culture indicated that the occupancy of the property was a significant issue and a condition could be placed on the application to prohibit separate accommodation. A footnote in relation to the domestic access would also be added to the application. He then recommended the application for approval, subject to the conditions as set out in the report.

In response to Members' questions it was confirmed that:

- That the trees could be protected, however, they were part of the highway and belonged to it.
- That the single storey element of the extension to the front would be set back by one metre which was acceptable.

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

- That he had lived opposite the site for 30 years.
- That a meeting had been convened to discuss the proposals and many concerns had been raised.
- That the dwelling was a very small bungalow and the proposed extension was large in comparison.
- That the proposal entailed three further dormer windows for neighbours.
- That the proposed second driveway would only accommodate a small vehicle before blocking the pathway.
- That it was believed that the application would grant two separate flats within the premises.
- That the traffic from the property would double.
- That Nab Wood Mount was a narrow road.
- That the access would be on the apex of a bend and the vehicles on the driveway would restrict visibility.
- That the Panel should consider the effect on residents.

In response the Strategic Director, Regeneration and Culture confirmed that the additional driveway would not require planning permission and could be undertaken under permitted development rights.

Members then questioned whether the tree roots could be protected and if anything could be done to ensure that the property was not split into two. The Council's legal officer stated that a condition could be placed on the application to protect the tree roots within the development site. He confirmed that a condition had already been placed upon the application in respect of it remaining as one dwelling and that if there was any evidence to suggest that it was being used as two properties then enforcement action could be undertaken.

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

- That the intention of the proposal was to provide a 'granny annexe', however, this was not definite.
- That Planning Law was clear that a change of use would be required if the property was split in two or the applicant would be liable to enforcement action.
- That the application was a re-submission of the permission granted two years ago and was only subject to small amendments.
- That the two rear dormers had already been approved.
- That the only alteration was to the roof.
- That the widening of the drive had been previously approved.
- That the proposed condition regarding the tree root protection would be accepted.

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

- the revised driveway would probably be able to accommodate two vehicles,

however, planning permission was not required.

- if granted, either of the planning applications could be implemented, though the development was to a greater extent in the new application.
- if there was a reason then the first permission could be revoked. Either application could be implemented within 3 years of the approval.

During the discussion Members raised concerns in relation to the protection of tree roots, that the property should remain as a single dwelling and that the permitted development rights for the driveway be removed. It was also requested that the previous planning permission and the request for a new parking area to the front of the property be revoked.

Resolved –

- (1) That authority be delegated to the Strategic Director, Regeneration and Culture to approve the application for the reasons and subject to the conditions set out in the technical report and also subject to the following suitable worded additional conditions:
- (i) That the proposed extension, dormer windows and conservatory shall only be used as ancillary to the existing dwelling as a single household and shall not be occupied or demised as separate units of occupation; and
 - (ii) The commencement of any development or site preparation shall not be undertaken until a Tree Root Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Tree Root Protection Plan shall be implemented prior to commencement of any development or site preparation.
- (2) That the Strategic Director, Regeneration and Culture be delegated to secure a Section 106 Agreement to revoke the planning permission granted in 2009 and the new parking area to the front of the property; and that the permitted development rights be removed on this application for a driveway to the front of the property.

ACTION: Strategic Director, Regeneration and Culture

(b) **84 Woodcot Avenue, Shipley**

Baildon

A full planning application for the construction of a detached bungalow within the rear garden of the existing dwelling house at 84 Woodcot Avenue, Baildon, Shipley - 10/05920/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He confirmed that the application complied with all the relevant Council policies and had been submitted to the Panel as the applicant worked within the Building Control 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) **Erlings Works, Half Acre Road, Denholme**

A full application for a single storey building to form a trailer shed for 12 trailers at Erlings Works, Half Acre Road, Thornton - 11/00414/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. It was noted that there was an amendment to Condition 8 and that if Members were minded to approve the application then it would need to be considered by the Regulatory and Appeals Committee as it was a departure from the Replacement Unitary Development Plan (RUDP). It was explained that the proposal was to construct a single storey shed to house twelve trailers, with an apex height of 6.4 metres, next to an existing building that was 8.5 metres in height. The Strategic Director, Regeneration and Culture confirmed that seventy representations had been received and the issues were detailed within the technical report. A public inquiry had been held last year at which the construction of the proposed building was discussed as a way to overcome some of the concerns regarding odour. Extra HGV movements had also been allowed as part of the appeal. The proposed building would house twelve trailers and some concerns had been raised by the Council's Environmental Protection Department. A Management Plan for the trailers had been proposed on the application in order to minimise the impact and effect. The Strategic Director, Regeneration and Culture informed Members that the applicant required a building for twelve trailers and that its impact upon the Green Belt had to be considered. Its visual impact was minimal though in relation to the building's footprint. It was noted that concerns had been raised by residents with regard to the extra HGV movements, however, the application was for the construction of a trailer shed. To ensure that the application remained for this purpose only a condition and a footnote regarding the permitted HGV movements had been suggested. In relation to the odour, the Strategic Director, Regeneration and Culture confirmed that there was a potential for reduction by the construction of the trailer shed and submission of a Management Plan. The application was then recommended for approval and referral to the Regulatory and Appeals Committee, subject to the conditions as set out in the report on the basis that it was a sustainable development and complied with policies.

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

- the building would have two roll shutter doors and would accommodate on average 4-6 trailers at any one time. The building would only house twelve trailers in an emergency. The applicant's agent had also provided information regarding the movement within the building.
- the new building would isolate a piece of land, but the applicant's had not indicated its purpose. The site was constrained due to its topography and the bunds surrounding it.
- there would be negative pressure in the building so odours would not escape when the doors opened. The Trailers were currently out in the open.
- even if the building was moved back towards the bund it would make very little difference on the visual impact.
- the difference on the impact would be minimal if the building was smaller.
- there were restrictions on the HGV movements set by the inspector and it was only speculation that a further application would be submitted requesting an increase.
- the Company was currently in breach of the condition regarding HGV movements and the Council was taking action against when these were taking place.
- the trailers were washed and sterilised prior to them leaving the rendering building, however, this was not part of the application and permits were in existence on the site.

The Council's legal officer informed Members that previous and existing enforcement issues could not be confused and that if the application was used correctly it would assist to resolve issues. He stated that the application should be considered on its own merits and that the idea of the application was to lessen the impact of loaded vehicles that were currently left out in the open. The application needed to be considered in isolation of the enforcement issues. Members were informed that there had been a recent public enquiry and the Inspector had allowed additional HGV movements. The outstanding issues needed to be dealt with effectively and a Management Plan should address some of the problems.

The Strategic Director, Regeneration and Culture reported that the developer was required to submit a Management Plan which would be approved by the Council and if not adhered to action could be taken.

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

- That the site had an appalling history.
- That there was a specific issue to consider.
- That the application was to resolve a problem that was a consequence of the Inspector's decision to increase HGV movements.
- Was there an exceptional requirement for the building within the Green Belt?
- That some matters were for Environmental Protection to resolve.
- Could the management of noise and dust be done through good management?
- That the Inspector must have believed that the current site could be managed in its current state, therefore, was the building necessary?
- Was the building necessary or a preferred solution?
- That the facility could be constructed elsewhere and there was no reason to suggest that the storage had to be on site.
- That there were alternatives which were not being considered as the proposal appeared to be the preferred solution.
- That there had to be a 'need' for the building as it was in the Green Belt.
- That Planning Policy Statement 7 (PPS7) related to development in the countryside and the proposed building did not have to be.
- That the building was not necessary for the management of the site and did not have to be in the Green Belt.
- That the application should be refused under PPS3.
- That it was not necessary for the operation of the Plant that the proposed building was on the site, therefore, the application was contrary to two policies.
- That the application should be refused.

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

- the building could be constructed elsewhere, however, the Plant was permitted to operate for 24 hours and the materials were required on the site. The movement of vehicles onto the site was also currently limited up to 7pm.
- if the building was situated elsewhere then there was the potential for HGV movements to increase and go beyond the current permitted time i.e. 7pm.
- with regard to PPS23, the Council's Environmental Protection Team had discussed issues regarding the storage of full trailers in the yard with Management, which was partially a consequence of the public inquiry.

A Parish Councillor was present at the meeting and stated the following points:

- That Denholme Town Council were aware of the issues involved.
- That they were concerned in relation to the odours and noise from the site.
- That they believed there was a requirement for the building.
- That residents were very aware of the odours and the building would assist this issue.
- That it was stated at the public inquiry that extra planting would be provided if the application was approved.

In response it was confirmed that there was an additional condition in relation to the extra landscaping.

Objectors were present at the meeting and made the following statements:

- That bunding was not present around all of the site.
- That he lived at the nearest property to the site.
- That permission was granted 11 years ago.
- That nearly every day he suffered from the noise and smells from the Plant.
- That the extra building would house twelve trailers full of dead animals which would create additional odours and problems.
- That the doors to the existing building had been broken for the past twelve weeks and the Council were aware of this issue.
- That the Council failed to monitor and take action now.
- That the Company did not adhere to the rules.
- That the Company had not provided a convincing argument as to the reason for the building.
- That the site was expanding in size.
- That the site should be looked at before a decision was made.
- That the site was not helping the local economy.
- That the Company did not employ local people.
- That the proposal did not comply with PPS10.
- That the building would enable greater waste to be dealt with.
- That the loading doors would have to open five times per truck, where as they currently opened twice per truck.
- That the proposal was not compliant with policies.
- That he had attended the Public Inquiry.
- That CCTV was required to record the HGV movements.
- That the building was required, but not to the proposed size.
- That if the size and the access to the building were altered then the site could be better utilised.

The Strategic Director, Regeneration and Culture stated that the access for the trailers would be limited if the size was reduced.

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

- That the issue had been raised as a consequence of the public inquiry.
- That the building was required to house five/six trailers overnight and the additional space was for emergency purposes.
- That a Management Plan would be provided to manage the vehicle movements.
- That Animal Health dealt with the cleaning aspects and was very strict.
- That the restrictions on the operation and site would remain.

The Council's legal officer indicated that the management of the facility was an issue which was proposed to be dealt with by a condition on the application. He stated that a Section 106 Agreement might give more flexibility and was an alternative way to enforce. The Strategic Director, Regeneration and Culture explained that discussions in relation to a legal agreement had not been undertaken with the applicant and it was believed that the condition was adequate to deal with the issues. The applicant's agent added that he would also have to discuss this issue with his client.

Members then questioned the applicant's agent, who provided the following responses:

- That the side door was an access to the building and not very large.
- That fast action doors had not been imposed on the proposed building.
- That he was not aware that odours were escaping due to the damaged doors on the main building.
- That the applicant owned the whole site and there was an original rendering plant building, though he was not aware that it had been demolished.

With regards to the latter point, the Strategic Director, Regeneration and Culture confirmed that the original rendering plant was situated on the site. Permission had been granted for the construction of additional units. There were other buildings in the ownership of the applicant that may be possible to utilise but they were closer to residential dwellings.

During the discussion Members raised concerns in relation whether there were special circumstances as the proposal was within the Green Belt, the size, the emission of odours and the proposed use of the building. Another Member indicated that no other building on the site had been identified as being able to house the trailers and that the Management Plan attempted to mitigate the impact. It was also reiterated that the Inspector at the public inquiry had sanctioned the additional HGV movements and that the Council needed to monitor them.

The Council's legal officer stated that if Members were minded to support the application then it would be referred to the Regulatory and Appeals Committee for consideration. He requested that a Section 106 Agreement be considered as restrictions could be enforced and would be more specific than conditions. There were also policy issues as the application was within the Green Belt and residents had raised concerns in relation to the credibility of the Company which could be alleviated by a Section 106 Agreement.

Resolved –

That the application be referred to the Regulatory and Appeals Committee with a recommendation for approval 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 completion of an appropriately worded Section 106 Agreement requiring prior approval and implementation of an effectively monitored Trailer Management Scheme including use of a CCTV system (with footage made available on request to duly authorised officers of the Council's planning authority) to monitor compliance with the approved scheme, suitable fast closing doors to minimise escape of noise and smells from the structure and imposition of a financial penalty for any breaches of the approved Management Scheme.

ACTION: Strategic Director, Regeneration and Culture

(d) **Hazelmere, 50 Burley Lane, Menston, Ilkley****Wharfedale**

Full planning application for the construction of two detached dwellings on land to the north of Hazelmere, Burley Lane, Menston - 10/05982/FUL

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 two detached dwellings, one three and the other two storey, with garages on a narrow site, which had previous planning history. It was noted that a number of trees were protected, new trees had been planted and the applicant had gone to considerable extents to protect tree roots. The Strategic Director, Regeneration and Culture confirmed that there already was an access to the existing property and a further access had been proposed. The sight lines were adequate, however, in the plans submitted trees had been illustrated as being planted in the sight lines and this would need to be altered. He reported that the Parish Council and a number of local residents had objected to the proposal and the issues were detailed within the officer's report. The Strategic Director, Regeneration and Culture stated that the Highways Department were content with the proposed sight lines and parking provision. He then recommended the application for approval, subject to the conditions as set out in the report and also subject to the amendment of Condition 7 in respect of the proposed tree planting.

In response to Members queries regarding the street lighting and the height of the proposed dwellings, the Council's Highways officer and the Strategic Director, Regeneration and Culture confirmed that:

- the residents of Burley Lane had requested that the level of street lighting be lowered.
- the developer could only be requested to provide street lighting to the same standard as currently existed.
- the three storey dwelling would only be slightly higher than the existing property.
- a Section 278 or Traffic Regulation Order would be required if street lighting was to be provided.
- street lighting could be requested within the red line 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 and also subject to the amendment of Condition 7 as below:

- (i) **That before any part of the development is brought into use, and notwithstanding details shown on approved drawing referenced BA2795/TP showing the proposed tree planting, the visibility splays hereby approved on plan numbered 08/T05/03 Rev J shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.**

ACTION: Strategic Director, Regeneration and Culture

(e) Land East of 128 Higher Coach Road, Baildon**Shipley**

A full application for a residential development consisting of a pair of semi-detached dwellings and a detached dwelling at land east of 128 Higher Coach Road, Baildon - 11/00692/FUL

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 pair of semi-detached dwellings and a detached property with two car parking spaces, rear gardens and improved access. Outline planning permission had previously been granted and the Panels previous requirements had been complied with in all respects. The Strategic Director, Regeneration and Economy confirmed that the Parish Council had not objected to the application and only one letter of representation had been received in relation to overshadowing issues. He stated that the proposal did not present any undue impact on the amenity of adjacent properties and that it did not conflict with any of the Council's Highway policies. The application was then recommended for approval, subject to the conditions as set out in the report. The Council's Highways officer added that a Section 278 Agreement would also be required with regards to the widening of the road.

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 a Section 278 Agreement in relation to the widening of the road.

ACTION: Strategic Director, Regeneration and Culture**(f) Pine Croft, Prospect Road, Burley in Wharfedale, Ilkley****Wharfedale**

A full planning application for the demolition of an existing dwelling and the construction of two detached dwellings and a new vehicular access on the site of Pine Croft, Prospect Road, Burley in Wharfedale - 11/00475/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the proposal was to demolish the existing property and construct two dwellings with a new access point. The site was not in a conservation area and the levels fell slightly to the north, which had resulted in concerns being expressed regarding overlooking. A Ward Councillor and the Parish Council had objected to the proposals along with representations from local residents on the grounds of highway issues, the nature of the development and previous application, amongst others.

The Strategic Director, Regeneration and Culture then highlighted a couple of errors within the report in relation to a Tree Preservation order and the site's planning history. Members noted that there was a requirement for visibility splays within the application, however, an additional Tree Preservation Order was not required as one already existed outside the site. With regards to the planning history, it was confirmed that there were three relevant and recent applications which had been submitted in 2008, 2009 and 2010, with the latter being very similar to the submitted proposal. This application had been refused, however, a number of changes had been made and this new proposal submitted.

The Strategic Director, Regeneration and Culture stated that a number of objections had been received from neighbours and the Parish Council and the issues were highlighted within the officer's report. In order to resolve previous concerns the proposed dwellings would be sited 16.5 metres from the rear boundary of the site to create more distance between neighbouring houses and ensure that there was no excessive overlooking. A new access would also be created on to Prospect Road. The Council's Tree Team had no objections to the plans and it was noted that five trees were to be removed and seven planted in replacement.

With regards to the site, the Strategic Director, Regeneration and Culture confirmed that it was an unallocated Greenfield site and that the proposal to construct two five bedroom properties was acceptable and a suitable replacement for the existing dwelling. He explained that the low density was appropriate for the site due to the mature trees and it was important to keep the number of properties low. The proposed dwellings were not prominent and would be set back from Prospect Road. The garage had been sited away from the tree root system and a condition had been placed on the application with regard to the construction method. It was noted that some trees had been removed but others had been planted. The dwellings were to be located an adequate distance from other properties to the rear and Permitted Development Rights had been removed. The Strategic Director, Regeneration and Culture explained that the access would be in a better location once moved and visibility splays could be provided and were acceptable. He stated that there was adequate off street parking provision and 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:

- security lighting could be looked at.
- Condition 12 prohibited the conversion of the integral garage into a habitable room and this ensured the provision of adequate off street parking.

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

- That this was the fourth application for the site.
- That several large trees had been felled in 2008.
- That the lamppost had been moved.
- That the housing in the area had been designed to ensure that it all sat together.
- That the proposal for two houses was accepted due to the density.
- That it was not an acceptable scheme for the replacement of the flat roofed bungalow.
- That Prospect Road was narrow and dangerous.
- That lorries would have problems accessing the site.
- That the Council's Highways Department had previously stated that further access onto Prospect Road was unacceptable and it was strange that they were supporting the application.
- That vehicles must be prevented from reversing onto Prospect Road.
- That the previous applications did not take into account the issues raised.
- That the dimensions should be checked.
- That the application should be refused until all the issues had been clarified.

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

- That the comments made by the Parish Council and the Ward Councillor were endorsed.

- That the issue had been ongoing for 3 years.
- That the application was a re-hash of last years.
- That the developer had not sought the views of the residents of Pine Croft.
- That the residents were not against the development, but it needed to be in keeping with the area.
- That the application should be refused due to issues regarding the mass, scale, overshadowing, drainage, highways and the inaccuracies of the plans.
- That there were very few changes to the new proposal and it should not be recommended for approval.
- That no other houses in the area were on three levels or had five bedrooms.
- That the proposed development filled the entire width of the site.
- That the existing houses were 3 metres lower than the proposed development.
- That the proposed development would create drainage issues for other dwellings in the vicinity.
- That the application did not have a drainage condition.
- That the proposed hard standing would cause more flooding issues.
- That the traffic on Prospect Road was a major issue.
- That the previous planning history had been disregarded.
- That there was no topographical survey of Prospect Road.
- That the visibility splays were inaccurate and needed to be revised.
- That there was a large Yew Tree with a Tree Preservation Order that had not been identified on the plans.
- That the application should be refused.

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

- the policy had changed in relation to density issues and the local character and constraints could now be considered. Therefore it was believed that the proposal was an appropriate scheme for the area.
- It may have been an issue for lorries to access the site when the proposed development scheme was for flats, however, the submission was now for the construction of two houses and a bin store would be provided near to Prospect Road.
- in relation to issues regarding mass, scale and overshadowing, the proposal was a suitable distance from boundaries; was not out of character with the area; and the permitted development rights had been removed to ensure no overlooking of adjacent properties.
- the existing drainage system was to be utilised, however, an additional condition could be placed on the application in relation to the confirmation of a suitable system prior to the commencement of any development.
- Some of the trees had been removed, however, the Council's Tree Section had not raised any concerns in relation to this. It was assumed that the trees had not been protected as no action had been taken following their removal.

During the discussion a Member queried whether it would be appropriate to place additional conditions on the application in relation to drainage and the hard standing vehicle parking areas. In response it was confirmed that these could be achieved. Another Member raised concerns in relation to inaccurate drawings, roads obstructions and the effect on public transport and that the submitted scheme was similar to the previous refused application, therefore the reasons for the refusal still applied. With regards to the trees on the site, the Strategic Director, Regeneration and Culture reiterated that the Council's Tree officer had no objections to the proposal and reported that 7 heavy standard trees would be planted, amongst others.

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 conditions:

- (i) Development shall not commence until a suitable 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 during the construction phase of the development; and
- (ii) Surface water from the hard standing vehicle parking areas shall be drained using gullies which shall be installed before the development is brought into use.

And that a footnote be placed on the permission that if the development affects any street lighting columns then the Street Lighting Unit, Flockton House, Flockton Road, Bradford be contacted before building commences.

ACTION: Strategic Director, Regeneration and Culture

(g) Requests for Enforcement/Prosecution Action**(i) 4 Valley Heights, Denholme****Bingley Rural**

The occupants have erected a raised decking in their rear garden resulting in overlooking and loss of amenity to immediate neighbours - 10/00593/ENFUNA

Enforcement action has now been authorised for its removal.

(ii) 81 Main Street, Bingley**Bingley Rural**

This breach of planning control was first brought to the attention of the local planning authority in June 2010. The occupier submitted a planning application but this was refused. No valid appeal has been submitted and the shutter, shutter guides and shutter mechanism remains in situ. Therefore Enforcement Action was authorised by the Development Manager on 28 March 2011. It was considered that the shutter, shutter guides and shutter mechanism have a stark and deadening effect on the appearance of the shop and a negative impact on the character and appearance of the Bingley Conservation Area. As such the unauthorised works conflict with the Council's Replacement Unitary Development plan and the adopted Shopfront Design Guide - 10/00604/ENFUNA

Resolved –

That the actions be noted.

ACTION: Strategic Director, Regeneration and Culture

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

APPEAL ALLOWED

- (i) **Land to the Rear of 28 - 40 Cheltenham Road, Bradford**

Windhill and Wrose

Change of use - Case No: 09/01555/ENFCOU

Appeal Ref: 10/00238/APPENF

APPEALS DISMISSED

- (i) **56 Foster Park Road, Denholme**

Bingley Rural

Appeal against - Case No: 10/00109/ENFCOU

Appeal Ref: 10/00242/APPENF

- (ii) **Land at Chenesiton, Bradford Road, Bingley**

Bingley Rural

Amendments to planning approval 08/00130/FUL for construction of detached dwelling to include adjustment to size and additional windows including side dormer window - Case No: 10/03140/FUL

Appeal Ref: 11/00010/APPFUL

- (iii) **Land to the Rear of 28 - 40 Cheltenham Road, Bradford**

Windhill and Wrose

Structure - Case No: 09/01538/ENFUNA

Appeal Ref: 10/00239/APPENF

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.

i:\minutes\pls12May

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