

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 8 September 2011 in the Council Chamber, City Hall, Bradford

Commenced 1015  
Adjourned 1140  
Re-convened 1155  
Adjourned 1330  
Re-convened 1415  
Adjourned 1620  
Re-convened 1630  
Concluded 1750

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Dredge	Cole
	Imdad Hussain	
	Sajawal Hussain	
	Shabir Hussain	

Apologies: Councillors McCabe and L Smith

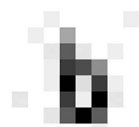
Observers: Councillor Akhtar (Minute 13(e)), Councillor Hall (Minute 13(a)), Councillor Heseltine (Minute 13(f)), Councillor L'Amie (Minute 13(i)), Councillor Love (Minute 13(c), (d) and (h)), Councillor Malik (Minute 13(e)) and Councillor Shaw (Minute 13(f))

### Councillor Shabir Hussain in the Chair

#### 10. DISCLOSURES OF INTEREST

Councillor Imdad Hussain disclosed a personal and prejudicial interest in the items relating to 227 Wrose Road, Bradford (Minute 13(a)) and Associated Waste Management, Canal Road, Bradford (Minute 13(e)) as he had commented on the items and these had been reported in the newspaper 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***



## 11. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

## 12. PUBLIC QUESTIONS

There were no questions submitted by the public.

## 13. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

### (a) **227 Wrose Road, Bradford**

### **Windhill & Wrose**

A full application for the change of use of a store attached to 227 Wrose Road, Bradford to a private hire booking office. The proposed hours of operation are 9am to 9pm seven days per week - 11/02340/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the proposed hours of operation were 9am to 9pm seven days per week which was conditioned on the application. A sole operator would be present at the premises arranging duties and no customers or drivers would visit the site. This was also conditioned. The Strategic Director, Regeneration and Culture reported that since the report had been published a petition from 53 local residents had been received along with representations from a local resident and two Ward Councillors, one of whom had stated that the proposed hours were not viable and requested that a condition be placed on the application prohibiting the advertising of the address for taxi hire. It was noted that it would be inappropriate to seek to control advertising as it was separate to planning. The other Ward Councillor had outlined the discrepancy in relation to an agreement with the local public house regarding car parking provision. The Strategic Director, Regeneration and Culture confirmed that the provision of car parking was not a requirement of the application and that it was an informal arrangement between the applicant and the public house. He added that other objections had been received from local residents, Wrose Parish Council and another Ward Councillor. The applicant's Ward Councillor had written in support of the application. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- There were four conditions on the application regarding highways issues, however, conditions were not always followed.
- He believed that the building was 8 square metres and the report stated 17 square metres.
- It was paramount that toilet and washing facilities were provided.
- That parking spaces would be required and the area to the front of the building would be used.
- The radio transmitter would need to be at a higher level and there would be interference to televisions in the area, which would be detrimental to residential amenity.

- That signs would not be allowed on the building.
- There was a discrepancy in the number of car parking spaces informally agreed with the Horse and Farrier public house.
- Where were the taxis to park whilst they waited for business?

An objector was present at the meeting and stated the following:

- That residents had not been contacted in relation to the application and had only received the notification letter yesterday.
- That people who had signed the petition had not been consulted.
- The informal agreement with the Horse and Farrier public house had only been for 3 vehicles.
- That parking was already a problem in the area, people had to walk on the road and the problem would only get worse.
- There was a discrepancy regarding the size of the building.
- There would be a noise issue if people were to wait outside the building.
- A taxi company was already operating in Wrose.

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

- The Panel needed to make a decision on the information presented.
- 17.2 square metres included the curtilage of the building and 9.2 square metres was the measurement inside.
- An automated dispatch system would be used which did not require an antenna.
- Permission was not required to display small signs.
- The informal agreement with the Horse and Farrier public house was not part of the application.
- As long as the taxi vehicles did not visit the premises there would not be a breach of the conditions.
- The notification to residents had complied with the statutory timescales and adjoining neighbours had been notified.
- If drivers visited the premises then enforcement action would be undertaken.
- The applicant had requested 9am to 9pm which had to be considered.
- The application could not be refused just because there was another taxi firm operating in Wrose.

**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 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 - 11/02405/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 had been considered at a previous Panel and then withdrawn. The applicant had removed the proposed parking at the front of the property and this was covered by Condition 5 on the report. The internal accommodation had been altered and it was noted that a further application would be required to change the use to two dwellings. A condition had also been placed on the proposal in order to protect the trees. The Strategic Director, Regeneration and Culture confirmed that a Ward Councillor and local residents had submitted representations, however, he then recommended the application for approval, subject to the conditions as set out in the report.

In response to a Member's query, the Strategic Director, Regeneration and Culture confirmed that the extension would be to the side of the property and there would be living accommodation in the roof space, however, it would still look like a bungalow.

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

- The application had been submitted previously and then withdrawn.
- The previous application appeared to be for two residencies.
- That it needed to be ensured that the application was not for two dwellings.
- The entrance would be on a dangerous corner.
- That it should be stipulated that there would not be a driveway at the front of the premises.
- That if the application was for a single dwelling with no driveway at the front then that would be acceptable.

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

- The application was for a single dwelling only and a further application for a change of use would be required if it was to become two properties.
- The property was not suitable for two dwellings.
- The applicant was happy with the conditions.
- The application only proposed an extension to the property.

**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) **'Are-Jay Bargie', Canal Boat, Leeds & Liverpool Canal Towpath, ShIPLEY**

A full planning application for the change of use of part of the canal to facilitate the trade of ice-creams, snacks, drink and sandwiches from an 18-metre long canal barge on a 36-metre long mooring space, including an advertising 'A' frame, litter bin and three benches to be in keeping with existing ones under bridge 207A at 'Are-Jay Bargie', Leeds-Liverpool Canal, off Victoria Road, Saltaire, Shipley - 11/02017/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that a request for a site visit had been submitted by a local Ward Councillor, however, Members agreed that one was not required. It was noted that local Ward Councillors and residents had objected to the

application and that letters of support along with a petition had also been received. The application had been submitted due to complaints received. The Strategic Director, Regeneration and Culture reported that to trade lawfully on the canal a licence was required from British Waterways, who had written in support of the application. The proposal was in relation to the change of use of a stretch of the canal which was within the Green Belt and on a local cycle network. He confirmed that in principle the proposal was acceptable and that it did not cause a detrimental or visual impact upon the World Heritage Site. The applicant had offered to provide benches and a condition had been placed on the application. Another condition restricted the permission to a single trading barge only. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- The 28 day trading had been breached before, however, applicant had a full licence and it was a matter for British Waterways. The key consideration was whether the provision should be limited to one barge at a time. A condition limiting the use to Class A1 could also be attached to the application.
- The applicant would be responsible for the clearing and removal of the litter and the provision of a further bin could be requested if the Panel thought the provision was inadequate.
- The type and appearance of the vessel would be at the discretion of British Waterways, however, they could be contacted if problems occurred.

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

- There was a need to set stipulations and conditions in relation to trading barges that could moor there.
- Saltaire was a historic World Heritage Site.
- He did not object to a barge that would fit into the surroundings.
- The barges needed to be acceptable to the surrounding area.
- A condition would be required in respect of the bins.
- That pedestrian safety was an issue as people may spill onto the roadway.
- The barge could be moored at the far end of the 36 metre space away from the roadway.
- That a precedent would be set and once permission had been granted it would be difficult to refuse others.
- That a condition stipulating only one barge at a time was required.
- That the mooring space should be lengthened but limited to one barge at a time.

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

- A condition regarding the livery of the barges could be added, but would this be reasonable?
- It would be difficult to enforce the emptying of the bins.
- There were public litter bins in the area that were emptied by the Council.
- Planning applications were considered on their own merits.

A supporter of the application was present at the meeting and explained that she walked her dog along the canal bank and never seen any problems with litter. The problems with drug dealers had also been resolved as the barge was moored at the end of the canal and it should be allowed to trade.

The applicant was present at the meeting and put forward the following points:

- The barge had been moored there for two years.
- It was an unusual case as it involved the Council and British Waterways.
- The barge was trading with the consent of British Waterways and they did not limit competition.
- The canal benefited from the provision and the barge actively supported canal living.
- The barge was fitted with modern facilities, had a five star rating and had been checked by the Council's Environmental Health Unit.
- There were no objections from responsible authorities, only from a neighbouring café.

During the discussion Members expressed their support for the project, however, they indicated that it would not be unreasonable for a barge to be inspected prior to being allowed to trade from the approved site.

**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 subject to the following amendments to Condition 3 and 4 and also subject to the following additional condition:**

**Conditions:**

- 3. The change of use hereby permitted shall only be for a single traditional-style trading barge maintained in a tidy and presentable condition operating at any one time from the approved site.**
- 4. The premises the subject of this decision shall only be open for business between the hours of 09.00 and 20.00 and no customer shall be served or otherwise make use of the premises outside these hours.**

**Additional condition:**

- (i) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, any trading barge operating within the mooring hereby approved shall be used only for purposes defined at Class A1 – Shops of the above Order (or subsequent equivalent legislation) and for no other purpose.**

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

**(d) Asda Stores, Manor Lane, Shipley**

**Shipley**

Full application for a proposed pharmacy unit to replace existing storage space at the Asda store, Manor Lane, Shipley - 11/02118/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He then read out a letter from the Shipley Town Centre Manager which objected to the proposal on the grounds that it would be detrimental to the vitality and viability of the Town Centre; there were already two

pharmacies and another was to open shortly; the store was fast becoming a 'town within a town'; the public would not have any reason to venture into the Town Centre; and it would make it difficult to attract future retail investment.

The Strategic Director, Regeneration and Culture confirmed that the trolley park was outside of the Town Centre boundary and part of the supermarket. He explained that glazing would be fitted behind the existing shutters and that the floor plan covered 67 square metres. A Councillor had submitted objections stating that the Town Centre was already well served for pharmacies and two of the local Ward Councillors had made representations, one of whom had requested that the application be referred to the Panel for determination. The Strategic Director, Regeneration and Culture indicated that the proposal was visually acceptable and there would not be an increase in traffic. He stated that it was an appropriate scheme which accorded with Council policies and did not have a negative impact on the area. The application was then recommended 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 pharmacy would be open 24 hours except on a Sunday and that existing staff would be used.

A Ward Councillor was present at the meeting and informed Members that objections had been submitted by Ward Councillors, trade associations and the Town Centre Manager, which covered all the points he wished to raise.

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

- The proposal was to turn the trolley store into a pharmacy.
- The pharmacy could be placed within the main store, however, a better layout could be achieved by utilising the trolley store.
- That eight jobs would be created.
- There would not be any adverse impact on Shipley Town Centre.
- That the applicant supported the Town Centre use and promoted growth.
- That the application should be approved.

A Member expressed concerns in relation to the proposal as there were already three pharmacies in Shipley Town Centre and types of medication could be purchased within the store. The Strategic Director, Regeneration and Culture indicated that any Class A1 business in Shipley could trade as a pharmacy if they so wanted and that Members needed to consider the planning application submitted.

**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***

(e) **Associated Waste Management, Canal Road, Bradford**

An application for the extension of the existing Waste Transfer Hall to enclose waste storage and stockpiling areas and for the variation of conditions 8, 14, 16, 17 and 19 of planning permission 09/00676/FUL to allow an extension of the hours permitted for HGV movements and unrestricted night time operations within the extended Waste Transfer Hall at the Associated Waste Management Waste Transfer Station, Canal Road, Bradford - 11/01085/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He then informed Members of a number of amendments to the report. The application proposed an extension of the existing Waste Transfer Hall to enclose the waste storage and stockpiling areas, which was the result of discussions with the Environment Agency. A change to the working restrictions had also been submitted and it had been requested that the site opened 30 minutes earlier and closed an hour later in the evening. The closing time on Saturday would not alter. The Strategic Director, Regeneration stated that the main issues were identified within the report and that the proposal would provide significant benefits. He confirmed that the increase to the hours of operation would not cause a significant disturbance and recommended the application for approval.

A Councillor from an adjoining ward was present at the meeting and made the following points:

- The residents were suffering from noise and pollution.
- The site affected a large community including schools, a nursery and community centre.
- The residents could not open their windows due to the odour.
- That he was not satisfied with the application and requested that the site be closed.

A Ward Councillor was present at the meeting and stated the following:

- The presentation did not justify the work undertaken on the site.
- The community area was not identified.
- The Frizinghall community was greatly affected by the site.
- There was a community centre and nursery directly behind the site.
- The site had been operational for 10 years and had dealt with household items.
- The company had recently been allowed to dispose of household waste.
- The impact of the waste was affecting the quality of people's lives.
- That residents could not sit out in their gardens.
- The smell from the site was very strong outside.
- That concerns had been raised regarding the level of odour and the monitoring of it.
- The odour prevention measures were not working.
- It was a densely populated area and the opening hours were not appropriate.
- The impact on the residents' quality of life needed to be considered.
- The extension of the hours would result in added use, nuisance and disturbance.
- That a request for 24 hour access to the covered building had been requested. What impact would this have on residents?
- A petition with over 500 signatures had been submitted.
- There was a strong feeling against the site within the community.
- The proposal would have a negative impact.



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

- Many complaints had been made about the site.
- The proposal should help alleviate some of the issues.
- The application covered what the site was currently doing without permission.
- That the company was working outside of its restrictions.
- That it was unfair that the objectors had previously been ignored and the company was now requesting extra hours.
- That windows and vents in her house had to be closed due to the odour from the site.
- The odour suppressing system was not working.
- The company had been fined in the past for breaking regulations.
- The company would not comply and residents needed assurances.
- That the enclosure of the waste storage would not resolve the issue.
- Many complaints had been made and ignored.
- That the site had affected residents' lives for the past 3 years.
- It was a residential area and the business should not have been allowed there.
- That the odour was unbearable for residents.

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

- The report was comprehensive.
- The principle of use was not being considered as the company had permits.
- There were problems in relation to the use of the site and the application proposed a solution.
- The majority of the site would be enclosed which would stop the noise and odour problems.
- Conditions had been placed on the application which would be controlled by the Environment Agency and the Council's Environmental Health Department.
- The site was established.
- There had been a significant investment in the site.
- It was not a residential area and was historically a commercial corridor.
- The site employed 50 people and other relied upon it.
- The application sought to address issues raised by residents.
- The application complied with planning policies.

In response to some of the concerns raised, a representative of the Environment Agency confirmed that:

- The site had been in possession of an environment permit since 2001.
- The applicant had secured a contract to deal with municipal waste.
- More complaints had been received since the contract had been awarded and the permit had been reviewed.
- There were controls in place to deal with household skip waste.
- The risk had changed as the applicant was now dealing with bin waste.
- The open yard area was not controlling the odours.
- An enclosed area was best practice and the company had been requested to cover in the area.
- It was believed that the enclosure would resolve issues.
- Management controls would be put in place.

In response to their queries Members were informed that:

- The site had been granted a permit to operate as a waste site in 2001 from the Environment Agency and it had previously dealt with scrap metal.
- It was believed that filters and an airtight building would improve the situation, however, further advice and consultation was required in order to ensure that the systems installed were adequate.
- In order to improve residents' quality of life the system to be installed would need to have a proven track record; further investigations would be undertaken and improvements would be ongoing; the enclosure of the area would improve and change the dynamics; the equipment to be used may be restricted; an acoustic report had been undertaken; and there would be a validation period to ensure everything was achieved as stated.
- The site had a CCTV system which could monitor the vehicle movements and the Local Authority could check it. Monitoring was not required as part of the Management Plan as enforcement procedures could be utilised.
- A condition could be placed on the application which stated that the CCTV footage must be made available to the Local Planning Authority.
- A condition that the loads of waste must be covered could be placed on the application.
- By enclosing the waste hall there would still be some odours but they could be minimised and this would be monitored.
- Ward Councillors had been contacted and were aware of the issues and the reason for the planning application.
- The building was a prevention measure and would immediately reduce the odour. There would be an effective cleaning regime and a barrier over the waste that was not there at present.
- Following the construction of the extension a trial run would be undertaken and the conditions would only be signed off once met.
- The Environment Agency had not requested the extension to the hours, only the extension to the building. The applicant had requested the additional hours in order to improve the process and operational efficiency.

During the discussion Members indicated that on balance the benefits of the proposal outweighed the disadvantages, however, concerns were raised in relation to the frequency of the monitoring of the site, the operation of the CCTV system and the covering of waste entering the site.

#### **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 amendments to Conditions 2, 8, 12, 22, 24 and 25:**

#### **Conditions:**

2. **The development hereby approved shall only be carried out in accordance with the following documents:-**
  - a) **Document entitled "Acoustic Report", dated 11 August 2011, ref. J1873-Rev B, date stamped as received by the Council on 17 August 2011;**
  - b) **Drawing entitled "Existing Site Survey", scale 1:250, dated 02/11, numbered BD11/5305/01a, dated as received by the Council 23 June 2011;**
  - c) **Drawing entitled "Proposed Floor Plan", scale 1:125, dated 02/11,**

- numbered BD11/5305/02H, dated as received by the Council 23 June 2011;
- d) Drawing entitled "Proposed Site Plan", scale 1:250, dated 02/11, numbered BD11/5305/05A, dated as received by the Council 23 June 2011;
  - e) Drawing entitled "Proposed Elevations", scale 1:100, dated 02/11, numbered BD11/5305/03F, dated as received by the Council 23 June 2011;
  - f) Drawing entitled "Proposed Elevations - 2", scale 1:100, dated 03/11, numbered BD11/5305/06B, dated as received by the Council 28 July 2011.

Save where measures are required by the conditions set out elsewhere on this permission, which shall take precedence over the above documents.

8. Within 3 months of the date of this decision notice a scheme for monitoring noise levels arising from the development shall be submitted to the Local Planning Authority for approval in writing. Unless otherwise agreed in writing by the Local Planning Authority the scheme shall provide for:
- a) attended measurements by a competent person of LAeq noise levels over 1 hour at each of the monitoring locations identified in condition 13 below;
  - b) measurements to be taken at three monthly intervals or such other frequency as may be agreed in writing with the Local Planning Authority;
  - c) details of equipment proposed to be used for monitoring;
  - d) monitoring during typical working hours both at night time and in the daytime with the main items of plant and machinery in operation;
  - e) the logging of all weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including 'phased out' extraneous noise events;
  - f) a monitoring review meeting with the Local Planning Authority to discuss the results from the previous monitoring period, at 6 monthly intervals for the first 3 years beginning with the date of this decision notice and 12 monthly intervals thereafter.

The approved noise monitoring arrangements shall be implemented in accordance with the agreed timescale whilst ever the development subsists and a report detailing the results of each noise monitoring session shall be forwarded to the Local Planning Authority within 14 days of the date on which each monitoring session takes place.

12. The openings in the southern and eastern elevations of the waste transfer hall extension, as shown on drawing BD11/5305/03F shall be fitted with PVC strip curtain doors and roller shutter doors respectively in accordance with the details contained in the approved acoustic report, ref J1873-Rev B. The roller shutter doors and PVC strip curtain doors shall remain closed other than between the hours of:

07.00 hours to 18.30 hours Monday to Friday; and  
07.00 hours to 13.30 hours on Saturdays.

22. The 21 metre x 21 metre turning area identified on drawing BD11/5305/02H shall be kept clear of waste, materials or debris and shall remain

unobstructed during the times permitted for HGV movements, as referred to in condition 19 above, whilst ever the development subsists.

24. The eastern site boundary wall, as shown on drawing BD11/5305/03F, shall be maintained whilst ever the development subsists.
25. Unless otherwise agreed in writing by the Local Planning Authority, a representative of the operator of the site to which this notice relates shall attend at least one neighbourhood forum meeting, for the area within which the site is situated, within every 6 month period for the first 3 years commencing with the date of this decision notice and at least one neighbourhood forum meeting for the area within which the site is situated within every 12 month period thereafter.

And also subject to the following additional conditions:

- (i) That all unenclosed loads of waste received at or removed from the site to which this notice relates shall be appropriately sheeted or netted.
- (ii) That operations within the extended waste transfer hall shall be subject to 24 hour CCTV monitoring by the site operator. The recordings shall be retained on site for a period of not less than two weeks and shall be made available for viewing within 24 hours of a written request from the Local Planning Authority.

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

- (f) **Bradford & Bingley Plc, 212 Main Street, Bingley** **Bingley**

Full planning application for the demolition of offices and erection of two-storey supermarket with parking and associated servicing and landscaping - 11/00940/MAF

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the new supermarket would be accessed by Thrift Way for vehicles and via Main Street for pedestrians. There would be 290 car parking spaces provided which would be chargeable after 30 minutes and controlled via a Management Plan. All the trees would be removed on the site and a replacement scheme had been proposed. The electricity sub-station would also be relocated. The Strategic Director, Regeneration and Culture reported that the building would be simply designed and constructed from natural stone with glazing and cladding. He confirmed that a number of highway improvements would be undertaken including a pedestrian walkway on Myrtle Grove and a left turn facility from Main Street.

The Strategic Director, Regeneration and Culture stated that representations had been received in support of and against the application along with a number of petitions. It was noted that following the publication of the report 298 feedback forms had been forwarded to the Council from the applicant; the organiser of the Bingley Show had requested that an additional pedestrian crossing be installed near Myrtle Park; and another supermarket retailer had raised concerns. He informed Members that the replacement scheme for the trees was appropriate, that there would not be any windows looking onto Myrtle Court and the building would not be any higher than the existing one. The improvements to the highways network involved the installation of signs, a pedestrian footway, road improvements and the provision of a traffic signal computer system. A real-time information display would also be provided.

The Strategic Director, Regeneration and Culture reported that the site was on the immediate edge of the Town Centre and was the only viable area for a store of its size that could compete with those at Keighley and Shipley. The aim of the proposal was to encourage people to shop in Bingley and deter them from travelling to other areas. He confirmed that the application complied with Council policies and then recommended it for approval, subject to the completion of a Section 106 Agreement, the conditions as set out in the report and the deletion of Conditions 4, 10 11 and 12. It was noted that a further condition regarding the Travel Plan would also be required.

In response to Members' questions regarding the car parking provision, the Strategic Director, Regeneration and Culture explained that the total number of spaces available in Bingley Town Centre was 459 and 29%, 122 spaces, were available on a Saturday at peak times. Alternative parking was available in Bingley Town Centre and the parking provision may encourage people to shop at other times. There were also various modes of transport available to the store.

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

- He supported the proposal in principle.
- That negatives must not be introduced to Bingley Town Centre.
- That car parking was an issue as there were only 122 spare spaces in the Town Centre.
- There would be a detrimental impact on parking in Bingley.
- The overspill of parking needed to be managed.
- Queen Street was the next nearest car park.
- There would be a major flow down the road to Queen Street car park and a footpath would be required on the road.
- It was agreed that a footpath was required near the swimming pool, though the allocated sum of £20k would not achieve this.
- The signs would cost more than the contribution.
- There were concerns that Chapel Lane was not capable to cope with the capacity.
- The signs for the car park were sensible and should include the capacity of other car parks.
- That he was not against the development.

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

- He was in favour of the application.
- That CCTV was required at the rear of the development.
- That other places allowed 2 hours free car parking.
- That Bingley needed to attract shoppers.
- There should be a side entrance to the store to link it to the current shops.
- The landscape scheme was not adequate.

A representative of the Bingley 5 Rise Shopping Centre was present at the meeting and made the following points:

- The development was welcomed.
- The aim was to get shoppers to visit the rest of Bingley Town Centre.
- The links to the Town Centre needed to be maximised.
- There was only a single pedestrian entrance.
- Shoppers would have to go out onto Main Street in order to access the 5 Rise Shopping Centre.

- There was an opportunity to create a second entrance on Main Street.
- Other supermarkets had two entrances.
- The request had been made to Sainsbury's but to no avail.
- That a condition for the requirement of a second entrance should be placed on the application.

An objector was at the meeting and outlined the following concerns:

- The trees on the site should be retained.
- A petition had been submitted.
- There should be a link to Myrtle Park and beyond.
- The trees had amenity value and the tree officer had stated that they merited a tree preservation order (TPO).
- The replacement tree scheme was inadequate.
- The compensation to be provided was inadequate. Tesco had contributed £65k at the Queensbury site.
- The bat survey had not been made public.
- Officers had failed to put a TPO on the site.
- The new footpath and 30 minute parking proposed for the swimming pool was inadequate. There was also no provision for school buses at the swimming pool.
- The access required for the Bingley Show had not been taken into consideration.
- A great deal of money had been spent on the Bingley by-pass and the application would mean that lorries would come back into Bingley Town Centre.
- The plans needed to be amended in order to take into account environmental issues.

A representative of the Bingley Chamber of Commerce was at the meeting and made the following points:

- There was support for the planning application.
- A supermarket was urgently required as residents currently travelled to Keighley, Shipley or further away.
- Bingley Town Centre was losing potential sales.
- The increase in footfall would be beneficial.
- Additional jobs would be created.
- That the application would hopefully be approved.

The applicant's representative was present at the meeting and reported that:

- The proposal was for a new food store.
- Currently 75 pence in a £1 spent on food was spent outside Bingley.
- The proposal would create an opportunity for other stores in the Town Centre.
- The store would employ approximately 250 people.
- The store would have an important role in Bingley Town Centre.
- Discussions had commenced a year ago.
- The proposal complied with planning policies.
- There had been a great deal of discussion in relation to the trees and all except one would be removed.
- The new trees would outnumber the existing ones and would be mature native species.
- The feasibility of replanting the existing trees elsewhere had been looked at.
- The design of the building would link it to the Town Centre.
- The possibility of a second entrance had been looked at.

- The main issue had been the access to all of Bingley Town Centre.
- A second entrance was not possible due to the proposed travelator.
- There would be 30 minutes free parking and 3 hours free if £10 was spent in the store.
- Improvements would be made to the highways and signs were proposed.
- The application was subject to Section 106/278 Agreements.
- There was a great deal of support for the application.
- The development would be beneficial for Bingley Town Centre and the applicant.

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

- The loss of the on street parking was taken into account prior to the assessment of the spare parking capacity.
- The majority of the money required for the signs was for their installation and £80,000 was adequate.
- The additional traffic was not expected to go down roads that could not cope.
- The footway by the swimming pool would result in the loss of two spaces and 30 minutes free parking was permitted.
- There was alternative parking elsewhere in Bingley Town Centre. The proposed charges for car parking were in line with others and shoppers would get the charge back.

In response to Members' questions, the applicant's representative confirmed that:

- The provision of £5,000 was for the trees around Myrtle Park, which would be mature, a substantial size and of native species.
- Only 30% of the swimming pool car park was in use when surveyed. Discussions had taken place with the Swimming Club and they had agreed to look at the parking provision after 6pm.
- The contributions to be provided for signage via the Section 106 Agreement had been suggested by the Council's Highways Department and it was their decision as to whether the signs would incorporate other car parks.

The Strategic Director, Regeneration and Culture reminded Members that the size of the car park had been the subject of long discussions and the management of it allowed patrons of the supermarket to park longer for free. The car park was consistent with others in Bingley Town Centre. He stated that there already was a supermarket in the Town Centre and the Council wanted to encourage pedestrians to cross over the road to the other retail premises.

During the discussions a couple of Members still expressed their concern in relation to the car parking provision, however, it was acknowledged that the scheme was a positive step forward for Bingley.

#### **Resolved –**

**That the application be approved for the reasons and subject to the conditions, with the proviso that Conditions 4, 10, 11 and 12 be deleted, and a Section 106 Agreement as set out in the Strategic Director, Regeneration and Culture's technical report and also subject to the following additional condition:**

- (i) **That prior to the occupation of the approved development, the development shall be carried out in accordance with the Travel Plan (Savill Bird Axon Issue 7 September 2011).**

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

- (g) **Hawksworth Moor Service Reservoir, Hillings Lane, Menston**      **Wharfedale**

An application for full planning permission for the change of use of a former reservoir to form a single detached dwelling at the Hawksworth Moor Reservoir, Hillings Lane, Menston - 11/02347/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He then informed Members of a couple of minor amendments to the report. It was noted that the proposed site was a disused reservoir and the proposal was to construct a detached dwelling with a 'green' roof. The only visible part of the development would be the vehicle access. The Strategic Director, Regeneration and Culture confirmed that there was no conflict with the Green Belt, it was a well thought out proposal and similar schemes had been approved in Bingley, Burley in Wharfedale and Addingham. He stated that the Parish Council had objected to the application and two other submissions had been received which outlined areas of concern. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- The proposal was inappropriate development within the Green Belt.
- That the dwelling would be in a reservoir and this did not fit in with the Green Belt.
- The proposed site was man made and the lowest reservoir of four.
- It would be more appropriate to fill the reservoir in and grass over it.
- The proposal would set a precedent for the three other reservoirs.
- The proposal was just an excuse for profiteering.
- The site was on a fast and dangerous stretch of road.
- The plans did not give adequate provision for service vehicles.
- There were no footpaths.

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

- The proposal was for a single dwelling.
- It was appropriate development and acceptable in the Green Belt.
- That a great deal of consideration had been given to the Green Belt.
- The access would be via Hillings Lane which was a 20 mph zone.
- The existing lay-by would be utilised.
- On site turning would be provided.
- That the application should be approved.

During the discussion it was requested that the scope for the installation of other renewable energy sources was investigated.



**Resolved –**

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

- (i) **That a report detailing the feasibility of installing renewable energy systems in the proposed development be provided and the level of provision to be installed to be agreed in writing by the Local Planning Authority.**

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

- (h) **Land North of 47 – 57 Thompson Lane, Baildon** **Shipley**

Outline planning application for the construction of nine dwellings at land north of 47 – 57 Thompson Lane, Baildon, Bradford - 11/03009/REG4

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that a petition had been received that day containing 15 signatures of Thompson Lane residents and added that no financial contribution was required for recreation in the area. The site was within a residential area and there was a primary school within the vicinity. The residents of Thompson Lane currently used a lay-by opposite for parking and alternative parking would be provided on the same side of the road as their houses. The Strategic Director, Regeneration and Culture explained that the application was an outline proposal for the provision of nine dwellings and that all other issues were to be considered at the Reserved Matters stage, however, there was a condition on the application that the development should be constructed as per the drawings received and he therefore advised Members to consider everything. He reported that there would be a new adopted footpath, new trees would be planted and there would be a 1.8 metre feature wall and fence to provide privacy for the rear gardens of the proposed dwellings. The bin stores would be located to the front of the properties.

The Strategic Director, Regeneration and Culture confirmed that the Parish Council had requested that the number of proposed dwellings be reduced and 45 letters of objection had been received, including three from local Ward Councillors, one of whom had requested a site visit be undertaken, and a MP. The concerns raised were set out in the report and included highway safety issues. He stated that the site was in the buffer zone of the World Heritage Site who had been consulted and reported that there was insufficient information available in order to compare the impact of the dwellings on the Site. The junctions at each end of Thompson Lane would be improved which would result in the loss of a tree. The outline scheme for the construction of nine dwellings in accordance with the indicative drawing was then recommended for approval with the proviso that all other issues be considered at the Reserved Matters stage within appropriate timescales.

In response to the request from a local Ward Councillor, the Panel agreed that a site visit was not required.

A Member queried the response of the Design and Conservation Team which indicated that the application should not be supported until a Heritage Statement had been submitted. In response the Strategic Director, Regeneration and Culture explained that they had raised concerns, however, it was considered that the development would have a minimum impact and comply with Council policies.

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

- All the residents had objected to the application.
- There was good visual amenity at present.
- There was a slight slope on the land and there would be a loss of light to the existing houses.
- There were huge traffic problems in the area and parking problems at the school.
- The site was on a bus route and there had been problems getting buses through.
- The objections relating to the junction at Green Lane and Otley Lane had just been dismissed.
- Serious accidents had occurred at the junction.
- The main sewer ran across the site.
- That the application should be refused.
- The proposed site was in sight of Roberts Park and within the buffer zone of the World Heritage Site.
- That the submission of a more detailed proposal with provide the opportunity for further consideration.

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

- He had lived in the area for 50 years and had always looked onto a green space.
- He was not happy about the proposal to build houses on the green space.
- If houses had meant to have been built in that location they would have been put there when the estate was constructed.
- There was a storm drain under the land and how would it be diverted?

Another objector was present and indicated that:

- The application should be rejected on safety grounds.
- The amount of traffic would increase.
- The site was near to a key junction in Baildon and three accidents had occurred there.
- A proper cost benefit analysis would show that the proposal was not feasible.
- The application should be refused and the road junction should be improved.

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

- The site was currently an open space.
- There was plenty of open space and amenities in the area.
- It was a great site for residential development.
- The application was for outline planning permission only.
- That parking was an issue in the area.
- Residents currently parked in the lay-by opposite their houses. The proposal was to increase the parking provision and move it to the same side of the road as the houses.
- The dwellings would step down in height and would not affect the World Heritage Site.
- The road junctions onto Thompson Lane would be improved.

The Chair questioned what would happen to the storm drain under the land and in response the applicant's agent confirmed that the drain would have to be relocated and a condition had been placed on the application.

During the discussion Members expressed concerns in relation to the proposal being an overdevelopment of a restricted site; highway safety implications; insufficient information regarding drainage; and that the Heritage officer's comments had not been reflected within the report.

**Resolved –**

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

1. **The proposal would result in the overdevelopment of a constrained site causing harm to the amenity of existing facing residents due to the resulting overbearing relationship and loss of outlook, and would also result in the loss of a mature tree. The development is therefore contrary to policies UDP3, UR3, D1, NE5 and NE6 of the Replacement Unitary Development Plan.**
2. **The development of the open space would be harmful to the local environment as it forms an attractive buffer between the houses to the south and east and the open countryside beyond Thompson Lane. Its loss would have a detrimental impact on both the visual quality of the vicinity and the quality of life of existing residents. The development is therefore contrary to policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.**
3. **The proposed development would generate significant extra traffic and vehicle trips that would exacerbate on street parking congestion in the locality to the detriment of the free flow of traffic. The development would also result in additional on street parking restricting visibility at the Thompson Lane (main part) junctions with the crescent bounding the development site. The development would therefore be harmful to the free flow of traffic along all parts of Thompson Lane in the vicinity of the application site and would be detrimental to the safety of pedestrians and vehicle users. The development is therefore contrary to policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.**
4. **The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular the application lacks specific details relating to:**
  - i) **the alternative route of the public sewer that is proposed to be diverted; and**
  - ii) **the impact of the proposed development on the setting of the Saltaire World Heritage Site.**

**The development is therefore contrary to the objectives of policies UDP3, NR16 and S/BH14 of the Replacement Unitary Development Plan and national planning advice outlined in Planning Policy Statement 5.**

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

(i) **Land West Of Hardaker Croft, Baildon****Baildon**

A full application for the construction of four dwellings at land to the rear of Saffron Tuft and Wayside, West Lane and west of Hardaker Croft, Baildon - 11/01041/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that the site was previously garden land and the low density of 16 houses per hectare was appropriate. The proposed dwellings would be large detached properties and the type of materials to be used had been conditioned. There was an Ash tree with a Tree Preservation Order (TPO) on the boundary which had been protected by a condition along with a number of highways issues. The Strategic Director, Regeneration and Culture reported that two local Ward Councillors had objected to the application as well as the constituency MP and local residents. He stated that there was no impact on residential amenity and recommended the application for approval, subject to the conditions as set out in the report.

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

- There were access issues.
- There could be three cars per property.
- Cars may be parked on Hardaker Lane if access to Hardaker Croft was difficult.
- The proposal was to construct substantial dwellings which were larger than the existing properties.
- The removal of permitted development rights led him to suspect that the dwellings were close to one another.
- The proposed dwellings should be smaller which would reduce the traffic issues.
- A turning circle should be provided.
- There were elements of over development along with traffic and parking problems.

The applicant's agent was at the meeting and reported that:

- The objections did not carry sufficient weight for the application to be refused.
- The principle of the proposal was addressed in the officer's report.
- There was nothing in Planning Policy Statement (PPS) 3 that precluded garden development.
- The highways issues were addressed in the officer's report.
- The access met the Council's standard.
- Conditions 3 and 4 ensured that highways and access issues would be adhered to.
- Conditions 6 and 7 were standard conditions.
- The site was surrounded by detached properties.
- Natural stone and slate would be used in the construction and would be in keeping with the area.
- All the officers' suggestions had been incorporated into the proposed application.
- The Ash tree was not within the application site and the others could be felled.
- Condition 2 would protect the tree.
- It was an appropriate use of the site and would not harm the area.

In response to questions, Members were informed that:

- The proposal was to construct one 7 bedroom and three 6 bedroom houses.
- The policy was to provide two parking spaces per plot and this had been achieved.
- An additional condition regarding renewable energy could be placed on the application.
- The development had been designed to be a 'croft' and the dwellings were an

- appropriate size and design.
- A condition that the garages be retained for that purpose only could be added to the application.

During the discussion Members expressed their reservations in relation to the size of the site, but acknowledged that it was acceptable in policy terms.

**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) That the garages shall at no time be converted into units of living accommodation; and
- (ii) That further information in relation to the feasibility of installing renewable energy systems in the proposed development be provided.

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

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

(i) **Orchard Lodge, Bradford Road, Bingley**

**Bingley Rural**

Non compliance with planning condition 3 on planning application 03/03375/FUL.

This breach of planning control was first brought to the attention of the Local Planning Authority in June 2009. The occupier submitted the required plans to discharge the first part of planning condition 3, however, the required works were never carried out and the property is now occupied. Therefore Enforcement Action was authorised by the Planning Manager on 19 July 2011. It was considered that by not complying with the condition the sub standard access was detrimental to highway safety and residential amenity contrary to URS and TM19a on the Council’s adopted Unitary Development Plan.

**Resolved –**

**That the action be noted.**

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

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

**APPEAL ALLOWED**

(i) **85a Main Street, Burley in Wharfedale, Ilkley**

**Wharfedale**

Repair roof, chimney flashing, install rooflights to second bedroom and bathroom. Internal refurbishment to replace bathroom and kitchen, second bathroom and bedroom. Upgrade of wiring. Replaster and insulate bathroom and second bedroom - Case No: 10/05227/LBC

Appeal Ref: 11/00041/APPLBC

**APPEALS DISMISSED**

(i) **11 Redburn Avenue, Shipley**

**Heaton**

Construction of dormers to front and rear, alterations to existing roof space and porch to front - Case No: 11/01259/HOU

Appeal Ref: 11/00089/APPHOU

(ii) **26 The Robins, Burley in Wharfedale, Ilkley**

**Wharfedale**

Construction of a timber play house and raised decking platform - Case No: 09/01061/ENFUNA

Appeal Ref: 11/00037/APPENF

(iii) **85a Main Street, Burley in Wharfedale, Ilkley**

**Wharfedale**

Guttering to front of property, replace window at front - Case No: 10/05227/LBC1

Appeal Ref: 11/00121/APPLBC

**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