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Minutes of a meeting of the Area Planning Panel (Shipley) held on Thursday 20 October 2011 at the Town Hall, Shipley

Commenced 1005
Adjourned 1125
Re-convened 1130
Adjourned 1255
Re-convened 1305
Concluded 1415

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Dredge	Hall
McCabe	Imdad Hussain	
	Shabir Hussain	
	Smithies	

Apologies: Councillor Cole

Observers: Councillors Cooke (Minute 27(b) and (e)) and
Councillor Heseltine (Minute 27(d) and (f))

Councillor Shabir Hussain in the Chair

24. DISCLOSURES OF INTEREST

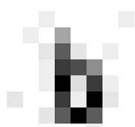
No disclosures of interest in matters under consideration were received.

25. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

26. PUBLIC QUESTION

There were no questions submitted by the public.



27. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) **11 Park Way, Menston, Ilkley**

Wharfedale

Extension and remodelling to the ground floor of an existing bungalow with the addition of a new first floor - 11/02515/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the application proposed the addition of a first floor to the existing bungalow and that the design and appearance were deemed acceptable. A number of objections had been received from local residents, Menston Parish Council and a local Ward Councillor. The Strategic Director, Regeneration and Culture confirmed that the distance to the rear boundary was adequate and that the side windows were secondary and would be obscure glazed. The first floor extension would not impact on the neighbours view and the additional height would not have a significant impact on neighbouring properties. Overall the impact of the proposal would not warrant a refusal of the application and it was recommended for approval, subject to the conditions as set out in the report.

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

- The impact from inside their property had not been considered.
- The application property was on a higher level.
- The dwelling could be extended in some way but not to this extent.
- They would end up looking out onto the walls of the extended property.
- The development would be overbearing.
- There were larger houses in the area.

A letter from an objector in relation to the overdevelopment was then presented and read out by the Strategic Director, Regeneration and Culture.

Another objector was at the meeting and raised the following concerns:

- The proposed extension would result in the dwelling becoming the equivalent of three storeys as it was on sloping ground.
- The proposal would result in a lack of light, privacy and overlooking.
- His property was directly below the application site and would be overlooked by the kitchen and bedroom.
- His property would not get any winter sunshine and little daylight during the year.
- The rear of his property faced due south and was used more frequently.

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

- The proposal was appropriate in with the area.
- The residents' concerns were understood.
- Consultations had been undertaken with planning officers.
- The proposal complied with all policies.
- Number 13 was to be extended and this would affect the light to other properties.
- There were hedges between the properties.

In response to Members' questions the Strategic Director, Regeneration and Culture stated that the application should be considered on its own merits. The distance from the rear elevation to the property on Newfield Drive was 28 metres and this compensated for the dwelling being on a higher level. It was acknowledged that some light may be lost in the winter.

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) 16 Eastwood Crescent, Cottingley, Bingley

Bingley Rural

Householder application for the construction of: a pitched roof to the two storey flat roof extension on the southern wing of the application property; infilling to the first floor front of the two storey flat roof extension on the southern wing to replace the balcony with a larger bedroom; part single storey part two storey extension to the north side of the existing dwelling; proposed single storey rear ground floor extension (for wc) at 16 Eastwood Crescent, Cottingley, Bingley - 11/01955/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. Members were informed that the application proposed the construction of a pitched roof, a first floor and other extensions. A number of representations had been received from local residents and a local Ward Councillor had requested that the application be determined by the Panel. The Strategic Director, Regeneration and Culture explained that the removal of the existing balcony meant that the house was more in keeping with the area and the additional extensions were of the same style as others. It was noted that the applicant had purchased the adjacent property and would be altering the boundary between the two dwellings. The main concern was the residential amenity of residents, however, the extensions were not considered to have an impact on adjoining properties. The current parking provision was one space and this would be increased to two. The application was then recommended for approval subject to the conditions as set out in the report.

In response to Members' questions, the Strategic Director, Regeneration and Culture confirmed that the proposal would not overlook number 14 Eastwood Crescent and that the applicant had altered the extension so that it would not impinge on the outlook for number 14. The applicant had also chosen to re-locate the boundary in order to make more space available for the property.

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

- There had been previous refusals on the site.
- It was a constrained site and this was the reason for the refusals.
- The only amendments from the previous application were to a couple of windows and the boundary.
- The site was still constrained due to the size of the house.
- The property was adjacent to two bungalows.
- Nothing had altered to justify approval.
- There was a difficult bend in the road.
- The application should be refused.

During the discussion a Member indicated that the property would dominate the street scene, however, it was noted that some improvements to the proposal had been made. The Strategic Director, Regeneration and Culture acknowledged that the building was tall in relation to the adjacent bungalows, but the street scene was varied.

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) **Doe Park Reservoir, Foster Park View, Denholme**

Bingley Rural

Extension to existing changing facilities, new boat maintenance area and classroom/stores, overflow car park and access road improvements, and use of land for mountain bike training area and high ropes course at Doe Park Reservoir, Denholme - 11/02875/FUL.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application had been referred to the Panel by Denholme Town Council as they had raised concerns. The application had been submitted by the Council’s Leisure Services as the facilities were hampering the aspirations of the Centre. The proposed new facilities would be of benefit to the community and district and officers fully supported the application. An extension to the clubhouse and an overflow car park were also part of the proposal, however, the Town Council were concerned in relation to the scale, security and provision of the proposed parking. The Strategic Director, Regeneration and Culture confirmed that no objections had been received though concerns had been raised by a local resident. He reported that a condition in relation to the overflow parking arrangements had been placed on the application and that those consulted were content with the proposals. The application was then recommended for approval subject to the conditions as set out in the report and also subject to changes to Conditions 3, 4 and 6.

In response to a Member’s queries, the Strategic Director, Regeneration and Culture explained that there was no intention of allowing motorbikes on the site and that Condition 3 covered the issue regarding the cycle connections to the Great Northern Trail.

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

- The Centre had been developed over a number of years due to the demand for the facilities.
- Many suggestions had been considered.
- Doe Park was a unique facility in the District.
- The improvements were required as quality facilities were required for users.
- The current facilities were substandard.
- It was important for the Centre to have a long term vision.
- It was hoped that funding could be secured.
- The issues raised had been considered.
- The priorities were the changing facilities followed by the high rope area.
- Other Local Authority provision had been looked at.
- It was acknowledged that the Great Northern Trail would go past the site.

- It was hoped that the conditions would address Denholme Town Council's concerns.

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 Conditions 3, 4 and 6:

- 3. Prior to the development being brought into use, a plan detailing the overflow car park arrangements; resurfacing and proper drainage of the access road; appropriate signing; and cycle connections to the Great Northern Trail being shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.**
- 4. Prior to work commencing on the mountain bike training loop, BMX course and high rope course, full detailed design showing the exact design, structures and extent of earthworks should be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.**
- 6. Prior to the development being brought into use, a nature conservation enhancement landscaping scheme and habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works contained in the scheme shall be carried out in accordance with a timed programme of works and management that shall form part of the submission. Any tree or shrub that dies, becomes diseased, or is otherwise removed within a period of five years from first planting shall be replaced with a tree or shrub of equivalent size and type to the original**

ACTION: Strategic Director, Regeneration and Culture

(d) **31 Dene Bank, Bingley**

Bingley

Householder planning application for a rear conservatory at 31 Dene Bank, Bingley - 11/03029/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the application had been re-submitted but now included an Arboricultural report. The proposed conservatory would be located to the rear of the property and project 5 metres beyond the rear wall. A public footpath ran down the side of the house beyond which was a small woodland that was protected. The Strategic Director, Regeneration and Culture confirmed that a local Ward Councillor had requested that the application be considered by the Panel and two further letters of support had been received since the publication of the report. Another local Ward Councillor had indicated that the application was reasonable and had little consequence on the area. Officer requirements had been overcome and the application should be approved. A Councillor had also written in support of the application and stated that further information had been provided and that the proposed location was suitable.

The Strategic Director, Regeneration and Culture reported that the main concern was the impact on the trees and informed Members that the Council's Trees Team had objected to the proposal. It was acknowledged that further information had been submitted, however, there were two trees to the south of the site which would overhang the proposed conservatory. The trees were part of a Tree Protection Order (TPO), formed the edge of the woodland and were of value to the local amenity. Additional pruning of the trees would be required if the conservatory was erected and the applicant's agent had indicated that there was already an issue of debris from the trees falling on to the house. In conclusion the Strategic Director, Regeneration and Culture recommended the application for refusal as it was unacceptable to the trees.

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

- The siting of the conservatory related to the internal layout of the house.
- The applicant was aware that he lived in a woodland area and wished to maintain it.
- The TPO had been issued in the 1960s and the trees would not have been very large at that point in time.
- The Ash tree had to be pruned now in order to keep it away from the house.
- A replacement tree could be planted in the applicant's garden.
- The trees were still growing.
- The best way forward for the applicant to enjoy his garden was to construct the conservatory and replant another tree in the garden.

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

- The applicant had lived in the property for 15 years.
- The trees had attracted them to the property as they provided privacy and a green outlook.
- There was no intention of removing the trees.
- There were no issues with the proposed location for the conservatory as it was a patio and the wall was already there.
- The location of the conservatory was logical as it was onto the living room.
- If the conservatory was located on the east side of the property it would intrude onto the adjacent dwelling.
- The trees were managed by the Woodland Trust and the applicant.
- The previous application had been refused due to insufficient information.
- A consultants report had been provided but had not been properly considered.
- The applicant was happy to implement the consultant's recommendation.
- Planning officers had not discussed the consultant's report and their view was contrary to it.
- If the application was approved a condition relating to the planting scheme in the garden would be required.

During the discussion Members acknowledged that the applicant had provided a consultant's report and had agreed to a replanting scheme.

Resolved –

That the application be approved for the following reasons:

- (1) That the proposed development would not result in harm to the long term future of the trees and would not be detrimental to their visual amenity.**

(2) That the approval also be subject to the following condition:

- (i) That if it is necessary to fell any of the trees a replanting scheme will be required to be submitted in writing to and approved by the Local Planning Authority prior to their removal.

ACTION: Strategic Director, Regeneration and Culture

(e) **Farview Fishing Lakes, Lee Lane, Bingley**

Bingley Rural

Full application for detached bungalow at Farview Fishing Lakes, Lee Lane, Cottingley, Bingley which is a resubmission of application ref: 11/02638/FUL. There have not been any changes made to the proposed development other than to the types of window frames to be installed in the proposed dwelling - 11/03970/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application had been referred to the Panel by a local Ward Councillor as it was recommended for refusal. Due to problems with security and thefts from the site the application proposed the construction of a bungalow, however, the site was within the Green Belt and the new dwelling was inappropriate. The Strategic Director, Regeneration and Culture stated that special circumstances would be required to justify the proposal. The applicant had confirmed that the dwelling would enhance the stability of the business and indicated that he needed to be on site permanently in order to feed the livestock, to stop anti-social behaviour and for security purposes. The applicant also believed that Annex A of PPS7 supported his special circumstances in respect of the security issues. The Strategic Director, Regeneration and Culture explained that there were other ways to increase and enhance the security of the site and that these should be explored in the first instance. The applicant did not live too far from the site and there were other properties for sale nearby. He reported that there was not a sufficient need for the dwelling to go against Green Belt Policy and recommended that the application be refused as per the reasons set out in the report. It was noted that a similar application had been recently refused and that the design of the proposed dwelling was not an issue.

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

- There were gates and lights at the site and lights in the Green Belt could be an issue.
- The residential curtilage would include a garden around the property.
- If planning permission was granted and the boundary was not controlled then the whole site could potentially be built in light of the 'red line' boundary line.
- A condition would need to be added to the application regarding the boundary if the application was approved.
- Business survival had to be balanced against the National Policy. The site was within the Green Belt and the policy had to be applied consistently. A great deal of consideration had been given to the application, however, officers could not see the justification for the construction of a dwelling on the site. The issue was that the dwelling was not classed as an essential facility.

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

- It was a unique site in Bradford.
- A similar application had been approved in York.
- A £140,000 investment had been made in the site.
- Thefts of fish from the lakes and equipment had occurred.
- The applicant was frequently called out during the night to the site.
- The site was busy all year.
- The facility was used by the Council's Children's Services Department.
- The livestock and site needed constant attention.
- Not all the issues stated had been covered in the officer's report.
- If the site was not managed the business would close.
- The proposal did not have an impact on the site.
- The applicant had offered to place a mobile home on the site but the Council had not responded to the proposal.

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

- The importance of the Green Belt was recognised.
- The business was facing challenges.
- There had not been any objections received.
- What was the need for the properties on Lee Lane?
- The business demonstrated the need for the dwelling.
- There was a convincing need for the property as the business could expand in the future.
- It was not appropriate for the applicant to move.
- Other applications in the Green Belt had been approved.
- The proposal had far less impact than others which had been approved.
- The proposal was similar to others that had been granted nearby.
- It was important to support businesses.
- The application should be approved.

During the discussion a number of Members acknowledged the applicant's need to live on the site and stated that this would help sustain an existing business. The Strategic Director, Regeneration and Culture informed Members that the relevant paragraph in the draft National Planning Policy Framework document did not support the proposed construction of the dwelling. The Council's Legal officer confirmed that there had been a standard Green Belt Policy for many years and that there was a strong presumption that the new Guidelines would be against development in the Green Belt. He stated that once the building was constructed it would have an impact on the Green Belt and therefore exceptional circumstances were required. The Strategic Director, Regeneration and Culture reiterated that the issue was the use of a dwelling within the Green Belt.

Resolved –

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

ACTION: Strategic Director, Regeneration and Culture

(f) **Land to the Rear of 57 Park Road, Bingley****Bingley**

A full planning application for the demolition of an existing garage and timber workshop and the construction of a new detached dwelling and double garage building (comprising two separate garages) in the rear garden of number 57 Park Road, Bingley - 11/02650/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 demolish a garage and timber workshop and construct a detached dwelling and double garage. The site was within the Leeds and Liverpool Canal Conservation Area and accessed via an unsurfaced road where on-street parking was an issue. A previous application had been withdrawn due to overlooking issues, but it was noted that this proposal did not present any amenity issues for neighbours. The Strategic Director, Regeneration and Culture confirmed that the site was compact but the distances between adjacent properties were sufficient. He reported that concerns had been raised in relation to the intensified use of the unadopted access and junctions in the area. The Council's Highways Department had outlined a number of highway safety implications and representations had also been received from local residents. A local Ward Councillor had written in support of the application and another had concurred with the Council's Highways Department's view. The application was then recommended for refusal for the reason as set out in the report.

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

- A condition could be attached to the application in relation to the re-surfacing of the access road, however, there were issues which included the width of the road, on-street parking, the tight junction and that it was difficult to negotiate.
- The workshop and garage were ancillary to 57 Park Road.
- There would be access to the site and the proposed new garage would be set back.
- The access road was currently used.
- It was not known whether it had been the applicant's intention to create the turning head for the benefit of residents.

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

- He was not against the improvements but had concerns in relation to the intensification on the back street.
- The proposal could render the access impossible.
- There would be extra vehicles which would intensify the use of the road.
- There were already parking issues on Hill Side Road.
- The proposal would impinge on the use of the back road by other residents.
- The Area Committee did not have any available funds to help out.
- The development impinged on the amenity of other residents.

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

- The proposal would place additional pressure on the access road and on street parking.
- If the access road was adopted, residents would still park on the pavements.
- Currently the site housed a garage and workshop. The proposal was for a four bedroom house and there would be extra vehicle movements.

- There was no traffic from the existing workshop.
- Emergency and service vehicles would not be able to reach the property via the access road.

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

- The proposal would not overlook other dwellings.
- The proposed distances met the required standards.
- The applicant was aware that the access road was not to adoptable standards.
- The garage and workshop would be demolished.
- The proposed dwelling would not create extra vehicle movements.
- The site was close to the railway station.
- Clarification had not been received from the Council's Highway Section regarding the issues raised.
- There was inconsiderate parking on the side road by people visiting the dentist's surgery and the Council was to alter the parking.
- There had not been any accidents in the vicinity.
- The refuse vehicle currently reversed up the access road to collect bins, so emergency vehicles would be able to access the property.
- The proposed dwelling would not impinge on the area.

During the discussion Members' queried the issue regarding the access. In response the Strategic Director, Regeneration and Culture explained that the access to the proposed dwelling was substandard. The unadopted road would be the primary access and if it was a new development a carriageway of 4.8 metres wide would be required. He confirmed that the junction was substandard and that the on-street parking and resurfacing of the road were also a problem. Members acknowledged the points raised, however, they noted that the unadopted road was already used for access purposes.

Resolved –

That the application be approved for the following reason:

- (1) That the proposal would not harm the local amenity of neighbours or the character and appearance of the Leeds and Liverpool Canal Conservation Area and that the proposed access was suitable and would not result in highway safety implications.**
- (2) That the approval be subject to the following conditions:**
 - (i) That there shall be no habitable space in the roof;**
 - (ii) That the permitted development rights be removed;**
 - (iii) That the screen to the boundary to the west of the development site shall be to a height of 1.8 metres;**
 - (iv) That the dwelling will be constructed using natural stone and blue slate roof tiles; and**
 - (v) That the windows in the dwelling will be set back as per the requirement for a Conservation Area.**

ACTION: Strategic Director, Regeneration and Culture

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

APPEAL ALLOWED

(i) **20 Tulyar Court, Gilstead, Bingley**

Bingley

Single storey conservatory to rear - Case No: 11/01704/HOU

Appeal Ref: 11/00120/APPHOU

APPEALS DISMISSED

(i) **20 Tulyar Court, Gilstead, Bingley**

Bingley

First floor extension over existing single storey accommodation with extension to width of front porch - Case No: 11/01704/HOU1

Appeal Ref: 11/00162/APPHOU

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

Bingley

Lighting columns - Case No: 10/01430/ENFUNA

Appeal Ref: 11/00092/APPENF

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

28. PLANNING AGREEMENTS ANNUAL MONITORING REPORT

The Strategic Director, Regeneration and Culture submitted a report (**Document “L”**) which informed Members of the progress on Section 106 Agreements for the financial year 2010-11. It was noted that 58 Agreements had been completed between 1 April 2010 and 31 March 2011 compared to 36 signed during the whole of 2009-10. The value of the financial obligations was £8,264,774.30 which had doubled from 2009-10.

Members were informed that due to the economic downturn the number of developments which had commenced had reduced compared to previous years and to date a total of £111,363.90 had been paid in Section 106 contributions as trigger points had been met. Since 1 January 2009 to present a total of £3,003,445.31 had been received in Section 106 monies.

In conclusion the Strategic Director, Regeneration and Culture confirmed that further detailed information was available.

Resolved –

That the report be noted.

ACTION: Strategic Director, Regeneration and Culture

29. **QUARTERLY PLANNING ENFORCEMENT FIGURES**

The Strategic Director, Regeneration and Culture presented **Document “M”** which detailed the quarterly planning enforcement figures for 1 June to 30 September 2011.

Resolved –

That the report 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