

Minutes of a meeting of the Area Planning Panel (Shipley) held on Wednesday 7 December 2011 at the Town Hall, Shipley

Commenced 1005
Adjourned 1125
Re-convened 1135
Concluded 1310

PRESENT – Councillors

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

Observers: Councillor Shaw (Minute 33(a) and (c)) and
Councillor Townend (Minute 33(b))

Councillor Shabir Hussain in the Chair

30. DISCLOSURES OF INTEREST

Councillor Cole disclosed a personal and prejudicial interest in the item relating to Beckfoot School, Wagon Lane, Bingley (Minute 33(e)) as he was the Chair of Governors at Hazelbeck Special School, Wagon Lane, Bingley which was co-located with Beckfoot School. He therefore withdrew from the meeting during the consideration of this item in accordance with the requirements of the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

ACTION: City Solicitor

31. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



INVESTORS
IN PEOPLE



2009-2012
Positive engagement
of wider people
2006-2007
Improving Rural Business
Empowering Communities



BRADFORD
METROPOLITAN DISTRICT COUNCIL

32. PUBLIC QUESTION

There were no questions submitted by the public.

33. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) 15 Landsmoor Grove, Eldwick, Bingley

Bingley

Householder planning application for construction of single storey extension to rear at 15 Landsmoor Grove, Eldwick, Bingley - 11/04257/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 replacement of the existing garage with a single storey extension to the rear. Representations had been received from local residents and the issues were summarised with the report. It was noted that the design of the proposed extension would reflect the original dwellings and that the materials would match. The design and scale of the proposal was appropriate and it did not impact upon the properties on Dalesway. The Strategic Director, Regeneration and Culture reported that the development did not cover more than 50% of the site and would not impact upon the street scene. With regards to the adjacent properties, 13 Landsmoor Grove and 1 Dalesway, it was confirmed that the extension would not harm their residential amenity. The windows to the rear of the proposal would be obscure glazed and there was sufficient distance between the window on the elevation facing 1 Dalesway. There was also adequate room for two or three vehicles on the driveway if the hedge was removed. The Strategic Director, Regeneration and Culture then 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 comments:

- There had been many major extensions to the property over the years.
- A number of applications had also been refused.
- The access and parking to the property was not adequate.
- The character of the surrounding area would be destroyed.
- There should be a minimum gap of 1 metre between properties.
- A previous application for a first floor extension had been refused by the Council and the Secretary of State had refused the appeal.
- The extension would be out of character with the area.
- The proposal was contrary to policies UR3 and D1.
- If the application was approved the permitted development rights should be removed.

In response to some of the comments raised the Strategic Director, Regeneration and Culture confirmed that not all the approved developments for the site had been built. With regards to there being a 1 metre gap to the boundary, it was explained that the policy wording related to the access to rear gardens and did not apply to this site.

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

- The proposed extension was far too large for the area.
- The proposed extension would turn a 4 bedroom house into an 8 bedroom dwelling and a single storey bungalow.
- The previous application had been refused at the appeal stage.
- It was a large property without a garden due to previous developments.
- The maps on the website were incorrect.
- The aerial views of the site gave the impression that more than 50% of the site had been developed.

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

- The single storey extension would not create a problem for any of the residents.
- Planning Officers had recommended the application for approval.
- Extensions on other properties in the area had been approved.
- There was only one vehicle at the property and it was not present for the majority of the time.
- Nine people lived in the property and he wished for his family to remain together in the same house.

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

- The Secretary of State refusal related to a first floor side extension which the Council had thought was not appropriate in design on the street scene.
- The application covered the ground floor only and proposed two additional bedrooms. The applicant added that the property currently had four bedrooms upstairs and one downstairs.
- The hard standing area would not be altered.
- The same issues would have been considered if the site had been vacant. It was considered that the footprint of the dwelling was acceptable.
- The number of applications actually undertaken could not be confirmed.
- It was not known whether there were similar extensions in the vicinity.
- The area from the rear of the property to the boundaries could accommodate three vehicles if the hedge was removed.

During the discussion a Member questioned whether it would be appropriate to remove the permitted development rights and if the new or old Regulations were applicable. The City Solicitor stated that the permitted development rules were a national policy and the Government was seeking more flexibility on the issue, however, it was possible to place a condition on an application.

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) 1a Cornwall Crescent, Baildon**Baildon**

Full planning application for the construction of a detached dwelling at 1A Cornwall Crescent, Baildon - 11/05020/FUL

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 was retrospective and sought to regularise discrepancies between the approved plans and the constructed dwelling. The main issue was that the new property had been constructed to the approved plans, however, the adjacent property had been inaccurately measured and this had resulted in the new dwelling being higher than the existing neighbouring house. The applicant had also installed roof lights in order to create an additional bedroom in the roof space.

The Strategic Director, Regeneration and Culture reported that additional representations had been received since the report had been published and that in total there had been representations from three Ward Councillors, two of whom had requested that the Panel determined the application, and four neighbouring residents. It was explained that the additional objections referred to similar issues as detailed in the report and these were then summarised for Members.

Members noted that the new property had not been built in accordance with the approved plans as it now had velux windows and accommodation within the roof space. The new house was higher than the two adjacent properties, however, its footprint was no greater than that previously approved. The additional accommodation had also resulted in the dwelling having five and not three bedrooms. The Strategic Director, Regeneration and Culture stated that there was adequate space for the dwelling and that it sat comfortably in the street scene. There were no windows on the side elevations, the distance to the rear was adequate and there was no significant overshadowing or overbearing. The Strategic Director, Regeneration and Culture explained that the roof lights and third floor bedroom were the main changes, however, the velux windows could have been installed through permitted development rights. There was adequate parking and no highway safety implications and, therefore, the application was 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 height of the dwelling was in accordance with the approved plans and had not been altered.
- If the property was level with the adjacent houses then the head room in the roof space would be reduced and the creation of an additional bedroom would probably not be possible.
- An assessment of the impact on neighbours had been undertaken which looked at distances and windows, amongst other things.
- The roof space would not have a dormer window.
- The property had been built to the approved details in relation to scale and size.
- The original application had been approved by officers.

A Ward Councillor was present at the meeting and reported that the last date for the receipt of representations to the application had been 30 November 2011. Her representation had not been submitted until this date and the report had been published with a recommendation for approval without the accurate information. In response the

Strategic Director, Regeneration and Culture explained that the additional representations received were of a similar nature to those already received and therefore had been considered before the recommendation had been made. The Panel also had the opportunity to consider the issues during the presentation.

The Ward Councillor then made the following points:

- A third floor had been added to the building even though the developer knew that permission would be required.
- It was a restricted site.
- The extension to the rear overshadowed 3 Cornwall Crescent.
- The dwelling was higher than the adjacent property.
- The dwelling had been built very close to 1 Bedford Close which had resulted in the removal of any privacy from its rear garden.
- There were highways and off-street parking issues.
- The property was harmful to the residential amenity of neighbours.
- If approved it would be unfair to those people who complied with the planning process.
- The application should be refused.

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

- The developer had deceived the Council.
- The developer should not have been able to build on the site as the dwelling projected in front of his property.
- The proposed dwelling was supposed to have three bedrooms and there was now extra space in the roof.
- The dwelling had been built to the developer's own agenda.
- The roof line of the property was above his house.
- The rear extension overshadowed his property.
- Baildon Parish Council had stated that the scheme was an overdevelopment in comparison to the size of the plot.
- The development was not fair on residents.

Another objector was present and made the following statements:

- There was no evidence of the reason for the disparity in the height of the property.
- There was no evidence in relation to the plans.
- The planning application sought to regularise a five bedroom not a three bedroom house.
- The Panel should decide if they had been deceived.
- The application should be refused.

In response to comments made the Strategic Director, Regeneration and Culture confirmed that irrespective of what had happened before officers would have still recommended the application for approval.

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

- The property had not been built larger than had been approved.
- The Council's Enforcement Team had measured the dwelling's footprint and it was correct.
- The height of the property was correct, however, it was acknowledged that a

mistake had been made in the drawing of the plans in relation to the height of the adjacent property.

- The dwelling sat well in the street scene.
- The loft could have been converted through permitted development rights.
- The materials had been approved, though sills had been added which were not part of the original permission.
- A three floor side extension had been built at 1 Bentley Close and this obstructed the views of neighbours.
- Other properties in the vicinity had differing heights.
- The house sat well in the street scene and had been constructed to a high standard.

During the discussion Members expressed their strong disapproval of the fact that a mistake had been made regarding the height of the adjacent property. They acknowledged that the new property was no larger than what had been originally approved and that the roof could have been converted under permitted development rights once occupied.

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) 6 Sleningford Road, Bingley

Bingley

Full application for erection of six new dwellings (as amended) at 6 Sleningford Road, Bingley - 11/01133/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the proposal was to demolish the existing bungalow and construct six new dwellings, with access from a private drive for all except Plot 1. The houses would be set out as two rows of three two storey properties and would not overshadow the existing dwellings on Preston Terrace. It was noted that 31 letters of representation, a petition and a letter from the Sleningford Area Residents’ Association had been received and the issues raised were detailed in the report. The Strategic Director, Regeneration and Culture reported that the proposal was a redevelopment of a previously developed site which was sustainable and had a density of forty dwellings per hectare. The design of the three properties fronting Sleningford Road would sit comfortably in the existing street scene and the other dwellings would have less of an impact on the locality. The materials to be used and the layout of the scheme were also in keeping. With regards to neighbouring properties, it was noted that the development had been designed to limit the impact upon them and there would not be a significant loss of residential amenity. The Strategic Director, Regeneration and Culture confirmed that the properties would be served by a private drive which was an adequate width but not to adoptable standards. The drive would not be accessible by service vehicles and a condition had been recommended that a storage area for refuse bins be sited at the entrance to the development. Each dwelling would have two parking spaces and there would be a further two spaces provided for visitors, which was acceptable in relation to highway safety. In conclusion the application was recommended for approval subject to the conditions as set out in the report.

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

- The private drive was wide enough for emergency vehicles to access. The emergency services were not directly consulted, but their needs were considered.
- The drive could not be adopted under the current guidelines as it required street lighting.
- The previous houses on the site had been demolished at different times.
- The boundary of the site ran along the timber fence. The applicant's agent would clarify why the property on Preston Terrace was included in the red line boundary.

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

- The existing property only needed modernising.
- Traffic and parking were major issues in the area.
- Another development had already been approved in the vicinity.
- Preston Terrace was very steep.
- Drainage was an issue on the site.
- The local MP also had issues with the development.
- 'Garden grabbing' should be stopped.
- There was no capacity for additional houses in the area.

An objector who was representing the Sleningford Resident's Association was present at the meeting and outlined the following concerns:

- The proposed new drive from Newark Road would actually access the site from Sleningford Road.
- The officer's report failed to mention that Sleningford Road was steep and treacherous in winter.
- Refuse vehicles would not be able to access the private drive and it was unlikely that they would stop at the refuse point.
- Policy PPS3 did not permit garden development.
- The site was neglected and some development was necessary.
- The construction of six dwellings was too many.
- The pollution from vehicles manoeuvring would hang around the site.
- Residents of the development would more than likely park on Preston Terrace.
- Canal Road was the only access onto main roads and served over 300 residents and business premises.
- A site visit was required.
- Sleningford Road was an old established area.
- An application for the demolition of a dwelling and the construction of ten houses in the area had been approved in July 2011.
- Regard should be given to the opinions of residents.

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

- A previous application had been lodged in March for the construction of seven houses and this had now been revised to six.
- Planning officers were satisfied with the proposal.
- The parking provision of two spaces per dwelling and two visitor spaces was to standards.
- A condition restricting the hours of construction could be added to the application if required.

- There were no issues regarding the sustainable location.
- The scheme had been revised and now proposed the construction of one less dwelling.
- There had been no objections from Yorkshire Water or the Council's Drainage Section.
- The boundary plan had been plotted incorrectly but had since been amended.
- Policy PPS3 did not preclude the use of gardens for development.
- The site was not within a Conservation area and there were no listed buildings.
- The District required more dwellings and was in default of its housing requirement.
- The private drive was of a generous width.
- The entire proposed scheme was within the boundary fence.
- The Council's Building Control would govern the foundation regulations.
- The property on Preston Terrace was included within the red line boundary as its boundary wall had to be realigned.
- It was normal for the refuse collection storage to be placed at the entrance to a development site.

In response to Members' questions the applicant's agent confirmed that a wider drive had not been considered as this would have resulted in the loss of three dwellings. He also added that a further condition regarding the installation of solar panels would be acceptable.

During the discussion Members requested that additional conditions be placed on the application in relation to the installation of solar panels, the provision of permeable hard standing surfaces, standard construction hours and the minimisation of the number of vehicles visiting 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 additional conditions:

- (i) **Prior to the occupation of the dwellings hereby approved solar panels shall be installed on each dwelling unless otherwise agreed in writing with the Local Planning Authority.**
- (ii) **That the hard standing areas be constructed using permeable materials.**
- (iii) **Construction work, including any works of demolition associated with the approved development, shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sunday and Public Holidays, unless specifically agreed in writing by the Local Planning Authority.**
- (iv) **Prior to the commencement of development, a scheme showing full details of the contractor's means of access, vehicle parking facilities, loading/unloading areas for materials, location of the site compound and temporary warning and direction signs on the adjacent highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and be available for use before the commencement of any construction works on the site. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.**

ACTION: Strategic Director, Regeneration and Culture

(d) Royston Fold Farm, Saltaire Road, Eldwick, Bingley**Bingley**

Application to vary Condition 9 of planning approval 01/03721/COU to allow parking of six motor homes to rear of existing offices at Royston Fold Farm, Saltaire Road, Eldwick, Bingley - 11/03734/VOC

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and explained that the application requested the variation of Condition 9 on the original planning permission in order to allow the storage of motor homes at the rear of the existing offices on the site. The site was well screened with a quarry face rising to the rear with trees, however, it was within the Green Belt. It was noted that fourteen representations had been received and the issues were detailed in the report. A further letter had since been received from a solicitor acting on behalf of the residents of Saltaire Road which referred to National and local Green Belt policies and the Conservation Area. A statement had also been received from a local Ward Councillor which supported local residents and outlined the encroachment onto the Green Belt. The Strategic Director, Regeneration and Culture stated that in considering the original application it had been recognised that the external storage could impact on the Green Belt and therefore a condition had been placed on the application. The proposed use was ancillary to an existing business in the building and the area to be utilised for the storage was limited, which would not cause an adverse impact on the Green Belt. The site was also on the boundary of a conservation area and the Council's Conservation Team had raised concerns in relation to the tree screening being inadequate during winter. However, a recent assessment had confirmed that the trees provided good screening and the impact of the storage area would be minimal on the setting of the conservation area. The Strategic Director, Regeneration and Culture confirmed that highway safety issues had also been raised, though the impact of the proposed storage was unlikely to be significant. It was noted that the proposed storage facility did not conflict with other policies, was ancillary to the existing use and had no visual harm on the Green Belt or conservation area. 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:

- If another building was constructed on the site it would have to be used for agricultural purposes.
- There was not believed to be any public footpaths in the vicinity.

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

- He had lived in his property for 34 years.
- The Secretary of State had allowed the appeal following the Council's refusal to convert the building.
- There had been a number of breaches since the conversion.
- Motor homes had been brought onto the site 2 years ago.
- The vehicles had only recently been parked behind the building.
- The motor homes could be seen from the main road.
- The application would chip away further at the Green Belt.
- It was believed that the business would be operated 12 months of the year.
- The motor homes were brought to the front of the building.
- The hirer's vehicles were parked in front of the building.
- The approval would allow the business to operate 24 hours a day, 12 months of the

- year.
- The applicants had a disregard for the planning process.

The Strategic Director, Regeneration and Culture then informed Members of the planning history for the property from 1993 to present.

During the discussion Members' expressed concerns in relation to the number of motor homes that would be stored in the proposed area, restrictions in relation to the parking of hirers' vehicles and the hours of operation. In response the Strategic Director, Regeneration and Culture confirmed that additional conditions could be placed on the application and that the application covered the hiring and storage of the motor homes.

Resolved –

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

- (i) **There shall be no outdoor storage or display of goods or materials within the site except for on that part of the site shown as storage for up to six motor homes on drawing NL02.**
- (ii) **That the collection and returning of motor homes be restricted to the hours of 0900 to 1700 weekdays and 0900 to 1300 on Saturdays and that no collection or returning of motor homes takes place on Sundays or Bank Holidays.**
- (iii) **Within one month of the date of the permission a Parking Management Plan in relation to the vehicles belonging to those hiring the motor homes shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan so agreed shall be implemented within one week of the date of its approval by the Local Planning Authority.**

ACTION: Strategic Director, Regeneration and Culture

- (e) **Beckfoot School, Wagon Lane, Bingley**

Bingley

Discharge of condition application.

Provision of floodlighting details required by condition 03 of application 08/03107/REM for the construction of a new secondary and special school on existing playing fields and provision of new sports facilities at Beckfoot School, Wagon Lane, Bingley - 08/03107/SUB11

The Strategic Director, Regeneration and Culture explained that the approval of the proposed lighting scheme required the discharge of condition 3 subject to a limitation in the hours of use of the floodlights. It was noted that further adjustments would be agreed with the Council's Environmental Health Unit.

Resolved –

That the approval of the proposed lighting scheme by way of discharging the requirements of Condition 03 subject to a limitation in the hours of use of the floodlights until 2100 be authorised.

ACTION: Strategic Director, Regeneration and Culture

(f) **Request for Enforcement/Prosecution Action**

(i) **Doe Park View, Off Ten Yards Lane, Denholme**

Bingley

Alleged Breaches of Planning Control - 11/00653/ENFCOU

- (1) Unauthorised use of land for residential purposes and for the keeping of horses
- (2) Unauthorised construction of a development platform comprising a compacted hardcore base, drainage, raised banking and blockstone retaining walls
- (3) Unauthorised siting and residential occupation of a static caravan
- (4) Unauthorised stables
- (5) Unauthorised steel storage container
- (6) Unauthorised kennels
- (7) Unauthorised small outbuilding

Complaints have been received about the site and it was considered expedient to take action in relation to both the use and the buildings which were contrary to Green Belt Policy and adversely affect the landscape character. There was a public footpath adjacent to the development and views onto the site from various publicly accessible locations.

The Planning Manager authorised enforcement action on 13 September 2011.

Resolved –

That the Panel noted and fully supported the officers' action.

ACTION: Strategic Director, Regeneration and Culture

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

APPEALS ALLOWED

(i) **10 Fennec Road, Baildon**

Baildon

Construction of single storey gable extension - Case No: 11/02159/HOU

Appeal Ref: 11/00165/APPHOU

(ii) **42 Bank Crest, Baildon**

Baildon

Construction of single storey extension and garage - Case No: 11/02519/HOU

Appeal Ref: 11/00152/APPHOU

APPEALS DISMISSED

(i) **44 Station Road, Burley in Wharfedale, Ilkley**

Wharfedale

Change of shop front and windows at front of building to PVC instead of wood (Retrospective) - Case No: 10/04822/FUL

Appeal Ref: 11/00118/APPFUL

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

Variation of condition 4 of permission 08/07436/FUL dated 25/03/2009 (Construction of doctors' surgery, pharmacy, veterinary practice, 3 retail units, nursery and D1 (non-residential institution) unit): Application to amend landscape layout - Case No: 11/01054/VOC

Appeal Ref: 11/00124/APPVOC

(iii) **Moorlands, Moor Lane, Burley Woodhead, Burley in Wharfedale, Wharfedale
Ilkley**

Change of use to create new tennis court - Case No: 11/02197/FUL

Appeal Ref: 11/00123/APPFUL

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Panel.

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