

Minutes of a meeting of the Area Planning Panel (Shipley) held on Wednesday 18 January 2012 at the Town Hall, Shipley

Commenced 1005
Adjourned 1140
Re-convened 1155
Adjourned 1320
Re-convened 1430
Concluded 1605

PRESENT – Councillors

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

Apologies: Councillor McCabe

Observers: Councillor Pennington (Minute 37(b)), Councillor Shaw (Minute 37(b) and Minute 39(ii)) and Councillor D Smith (Minute 37(c))

Councillor Shabir Hussain in the Chair

34. DISCLOSURES OF INTEREST

Councillor Ellis disclosed a personal interest in the item relating to Land South of Airedale House, Micklethwaite Lane, Bingley (Minute 37(g)) as he was a Council representative on the West Yorkshire Integrated Transport Authority and a member of the Yorkshire Regional Flood and Coastal Committee but as the interest was not prejudicial he remained in the meeting.

Councillor Imdad Hussain disclosed a personal interest in the item relating to Land South of Airedale House, Micklethwaite Lane, Bingley (Minute 37(g)) as he was a Council representative on the West Yorkshire Integrated Transport Authority and as the interest was not prejudicial he remained in the meeting.



Councillor Binney disclosed a personal interest in the item relating to 3 Willow Grove, Wrose, (Minute 37(d(ii))) as friends lived at the adjacent property and as the interest was not prejudicial she remained in the meeting.

ACTION: City Solicitor

35. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

36. PUBLIC QUESTION

There were no questions submitted by the public.

37. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

(a) Land East of 24 Valley View, Harden, Bingley

Bingley Rural

Outline application for the construction of a detached dwelling and parking at land to the east of 24 Valley View, Harden - 11/03543/OUT

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the Council was the applicant and that the application submitted was outline with only the appearance, scale and access under consideration. The materials to be used and appearance would be sympathetic to the area and the proposed dwelling would not be detrimental to other properties in the vicinity. The access to the garage at the rear of 24 Valley View would also be retained. A number of representations from residents had been received along with a petition. The Parish Council had also requested that the application be refused and a local Ward Councillor had sent in a letter supporting the objectors. The Strategic Director, Regeneration and Culture reported that the key issue was the loss of the land for parking by residents. The road was a narrow cul-de-sac, however, the Highways Department had noted that some residents used their front gardens for parking and the single dwelling would not affect the parking provision on the road. It was confirmed that a number of concessions had been made to the application in light of the objections and these were the enlargement of the turning head, the retention of the access to the garage at the rear of 24 Valley View and the provision of parking spaces for residents. The Strategic Director, Regeneration and Culture stated that only 3 out of the 25 dwellings on the road did not have any parking provision and therefore, on balance, the loss of parking was not detrimental. 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:

- It was not known when the garages had been demolished.
- No information had been provided in relation to the garages, however, it was assumed that the residents had rented the garages and they had been demolished once the contracts had expired.
- The number of cars parked on the site had varied when visited.
- The highway was adopted.
- Some of the residents had already sacrificed their front gardens to provide parking.
- Planning permission would be required if a front garden was converted using a non-permeable surface, however, permeable materials would be requested.
- The protection of the access would be a private legal matter.
- It was not known whether the land had been offered for sale.

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

- The garages had been demolished approximately 20 years ago.
- Residents had continued to park on the land.
- The land had not been offered for sale to the residents.
- There were 25 houses on the narrow cul-de-sac.
- Vehicles were unable to manoeuvre safely.
- Some residents had purchased their properties knowing that there was extra parking.
- The proposed spaces would be utilised by the occupiers of the new dwelling not the existing residents.
- The Highways Department had been contacted and had not referred to the issue of on street parking.
- Parking on the main road would not be an option and had not been commented upon by the Highways Department.
- Service and emergency vehicles would not be able to gain access.
- The plot did not meet the criteria put forward.
- The proposal would create confrontations.
- There was a strong feeling against the development.
- The site currently accommodated 12 vehicles.
- The amendments to the proposed turning circle were not worthwhile and did not assist the situation.
- The statement from the Highways Department was disputed.
- Community safety issues were raised in the objection letters.
- Other sites were available for development in the area.
- The application should be refused.

In response to Members' questions the objector confirmed that there was often 12 cars parked on the land and that the residents would be interested if the land was offered for sale.

During the discussion Members acknowledged that the proposed dwelling was not an issue, however, concerns were raised in relation to the loss of car parking spaces for residents, the lack of an alternative provision and the access to the garage located at the rear of 24 Valley View. It was also suggested that the Council could liaise with the residents in relation to the sale of the land.

Resolved –

That the application be refused as the proposed development would have a detrimental impact on highway safety due to the loss of car parking spaces on the land and the difficulties that the displacement of the off street parking would cause for service and emergency vehicles due to the narrowness of Valley View. In addition the access to an existing garage facility within the rear garden of 24 Valley View would be compromised. The proposal would be contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan for the Bradford District.

ACTION: Strategic Director, Regeneration and Culture

- (b) **Micklethwaite Lane/Sty Lane, Micklethwaite** **Bingley**
- (i) A full application for a replacement vehicular and pedestrian swing bridge and ancillary works following demolition of the existing swing bridge over Leeds-Liverpool Canal at Micklethwaite Lane/Sty Lane, Micklethwaite, Bingley - 11/03769/FUL
- (ii) A conservation area consent application for the demolition of the existing swing bridge over Leeds-Liverpool Canal and ancillary works at Micklethwaite Lane/Sty Lane, Micklethwaite, Bingley - 11/03775/CAC

The Strategic Director, Regeneration and Culture explained that three applications had been submitted in 2011 in relation to the site off Micklethwaite Lane and Sty Lane. The scheme for the construction of 440 houses had been previously refused by the Panel and all three applications had been submitted for appeal. A Public Inquiry was to commence on 21 February 2012 and it was a requirement that the Secretary of State was informed of the decision that the Panel would have made in relation to the swing bridge application.

Members were then informed of a few updates to the report which included the receipt of eight additional letters of objection; an amendment to an application reference number; and the addition of Condition 19 regarding access.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. It was confirmed that the application was to be considered as a replacement bridge only, however, it was part of a proposal for a major housing development which would be the subject of a Public Inquiry. The scheme was acceptable in relation to conservation and heritage issues and biodiversity surveys had been undertaken. The impact of the bridge would be minimised and there would not be any due loss of amenities. The Strategic Director, Regeneration and Culture reported that the highway would reduce from 5.5 metres to 4.8 metres wide over the bridge and it would also benefit from a 1.8 metre wide footway. The bridge was the same as that proposed in the previous refused application for the major housing development, however, the alignment would be different. It was noted that all the representations were detailed in the report. It was then recommended that if the Panel had been in a position to determine the application that it would have been recommended for approval, subject to the Section 106 Agreement and conditions as set out in the report.

With regards to the application in relation to the conservation area consent for the demolition of the existing swing bridge, the Strategic Director, Regeneration and Culture reported that three additional letters of representation had been received and that the issues raised were covered in the report for the replacement swing bridge. It was

confirmed that the demolition of the bridge and the impact was acceptable and that the application should be considered in conjunction with that for the replacement swing bridge. The Strategic Director, Regeneration and Culture then informed Members that the recommendation would have been to approve the application subject to the conditions as set out in the report.

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

- The new alignment of the swing bridge would create a detour and move it further away from Bridge Cottage, Airedale Mills and other buildings. The dwellings affected would become part of a cul-de-sac.
- It was not known how many houses would be affected by the diversion.
- The loss of land caused by the re-alignment of the bridge was considered to be acceptable and a meaningful area of landscape would still be retained.
- The proposed width of 5.5 metres was an ideal width to allow two HGVs to pass.
- Article 4 related to domestic dwellings and was not applicable to this application.
- The impact of the bridge was not under consideration. It was situated in a historical position regarding the crossing of the canal and there probably would have been a bridge at this point for many years. The proposed replacement bridge would essentially be sited in the same location. The loss of the existing structure would not harm the conservation area and the appearance of the proposed bridge did not reflect previous structures.
- The replacement swing bridge maintained, but did not enhance the conservation area and the policies stated that it needed to at least maintain and only where possible enhance the conservation area.

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

- The proposed swing bridge was not suitable.
- The proposed development would need access.
- The road layout was inadequate.
- The proposal was prejudicial to highway safety and contrary to Policies TM2 and TM19A.
- The proposed bridge was inadequate and impractical.
- Why was the application being considered as the situation had not changed?
- The applicant had appealed and there was to be a Public Inquiry.
- It was incomprehensible that the application had been recommended for approval.
- The proposal by officers was non-sensical.
- A letter from the Council's Conservation officer stated that the Council would prefer a fixed bridge option.
- The proposed bridge would make the traffic situation in Micklethwaite village worse.
- Had the small transport business been consulted in relation to the proposal?

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

- How wide was the bridge supposed to be?
- A major development had been refused as the swing bridge "would be inadequate and impractical as a means of vehicular access to the site".
- The proposed bridge would replace the existing structure but in a different alignment.
- The application had been considered before and refused.

- The proposed bridge and road network would be inadequate.
- There was a great deal of wildlife in the area.
- The Panel had recently refused a housing application on an adjacent site and should not change its mind.

A representative of the Greenhill Action Group was present at the meeting and outlined the following concerns:

- That the situation had not changed since decision made by the Panel on 23 September 2011.
- The application requested the approval of a larger replacement swing bridge.
- The width of the bridge would not resolve the traffic issues.
- The site was not allocated for housing now.
- Policy required that the impact of the replacement bridge be assessed and this information was not available.
- The planning officer had stated that the previous refusal could apply to this application.
- If the application was approved it would place the Council in a difficult position.
- The existing bridge was more in scale and keeping and it would cause a severe detriment if removed.
- The Panel should be consistent.

A representative of Bingley Civic Trust was present at the meeting and made the following comments:

- The objections had been explained in great detail previously.
- The width of each lane of the proposed bridge would equate to the size of a car parking space in a supermarket car park.
- The width would not be satisfactory for two lanes of moving traffic.
- The current bridge regularly opened and closed.
- The proposed bridge would not cope with additional housing and the consequential traffic.
- If the Panel altered its stance it would be inconsistent.

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

- The gradients on Micklethwaite Lane were too steep for a fixed bridge and would result in a huge structure that would compromise the conservation area.
- A fixed bridge would not be more expensive to construct nor to maintain.
- The option of a road under the canal had been explored and was not practical.

During the discussion Members raised the following points:

- The replacement bridge did not provide a positive contribution to the conservation area in respect of its character, design, massing and materials.
- The revised alignment was detrimental to the local habitat.
- The diversion to the existing properties was unacceptable.
- The existing bridge was of historic interest and it would be desirable to preserve and enhance it.
- The narrowness of the bridge emphasised its historical content.
- A wider bridge would encourage more traffic.
- The replacement swing bridge was not adequate or fit for purpose.

- The existing bridge should be retained.
- A solution was required if a housing development was to be located in the vicinity and a swing bridge would not resolve the issues raised.

In conclusion the Chair acknowledged that the Panel had not altered its view on the proposal for a replacement swing bridge.

Resolved –

(i) 11/03769/FUL

An appeal to the Planning Inspectorate had been lodged because of non-determination of this application. If the Local Planning Authority had been in a position to determine this application the recommendation would have been to refuse planning permission for the following reasons:

- (1) The proposed development would involve the use of a replacement swing bridge over the Leeds and Liverpool Canal as the principle means of vehicular access to the site. It is considered that as such this type of bridge would be inadequate and impractical as a means of vehicular access to the site, leading to conditions prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Council's Replacement Unitary Development Plan.**
- (2) That the proposed development would involve the use of an emergency access route to and from the site using Oakwood Drive which is considered to comprise an inadequate road layout. It is considered that the use of this route is unsatisfactory and therefore the proposal would be prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Council's Replacement Unitary Development Plan.**
- (3) It is considered that the replacement bridge would not make a positive contribution to the character of the Leeds and Liverpool Canal Conservation Area by reason of its design, massing and re-alignment; as such the proposed bridge would fail to enhance the Conservation Area and is considered to be contrary to Policies BH7, BH20, UR3 and D1 of the Replacement Unitary Development Plan.**
- (4) It is considered that the alignment of the new swing bridge would erode the character of an existing open area to the detriment of the character of the Leeds and Liverpool Canal Conservation Area, the adjacent listed and unlisted buildings and local wildlife; as such the proposal is considered to be contrary to Policies BH7, BH10 and NE10 of the Replacement Unitary Development Plan.**
- (5) That the proposed diversion of the existing traffic route along Micklethwaite Road would be unacceptable in that it would create highway safety issues for vehicles associated with both Airedale Mills and the adjacent houses and premises; as such the proposal is considered to be contrary to Policies TM2 and TM19 of the Replacement Unitary Development Plan.**

(ii) 11/03775/CAC

An appeal to the Planning Inspectorate had been lodged because of non-determination of this application. If the Local Planning Authority had been in a position to determine this application the recommendation would have been to refuse conservation area consent for the following reasons:

That the existing bridge is of historic interest in terms of its alignment , character and narrowness and as such it is considered that its demolition would unduly affect the character of the Conservation Area and would be contrary to Policy BH9 of the Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration and Culture

(c) Burley Library, Grange Road, Burley in Wharfedale**Wharfedale**

Full planning application to refurbish and extend the Burley in Wharfedale library to provide a new Co-operative convenience store on the ground floor with storage, staff rooms and car parking and a first floor extension to house the library - 11/04143/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He stated that the site was located within a conservation area and adjoined Grange Park. The proposal was to move the library to a first floor extension above the new convenience store which would not affect the footprint of the building. The store's operator currently occupied a premise on Station Road, however, the road was congested with on-street parking and there were no facilities for loading. The proposal to improve and relocate the store would be beneficial to the area and resolve a number of issues. Members were informed that Grange Road was not an ideal location for retail development due to the traffic congestion, it being a residential area and the proximity to recreational facilities. It was also outside the allocated retail area as set out in the Replacement Unitary Development Plan (RUDP).

The Strategic Director, Regeneration and Culture reported that 42 individual letters of objection and a petition signed by 270 people had been received. Two Ward Councillors and the Parish Council had also recommended that the application be refused. A survey undertaken by the retailer and 10 representations had been received in support of the proposal. He stated that the new store would be slightly larger than the existing premises and that the library would be a little smaller. The current building was low and sat unobtrusively next to Grange Park, however, the proposal was to construct an additional floor. On balance the design of the extra floor would not enhance the conservation area but maintain it, its height would not unduly dominate adjacent properties and obscured glass would be used where public areas looked onto residencies and their gardens.

The Strategic Director, Regeneration and Culture confirmed that the Environmental Health Unit did not have any objections to the scheme, but the Highways Department did not support the application. He explained that residents had raised concerns that the applicant's Transport Statement did not detail the full extent of the traffic. The Highway's Department had advised that 29 car parking spaces would be required if it was a Greenfield site. There was some disabled parking provision, however, concerns had been raised in relation to the lack of parking and turning movements outside the store and at the road junction. The applicant had proposed an extension to the Traffic Regulation Order on Grange Road in order to alleviate the issues but the Highway's Department had indicated that they did not believe that the proposed measures could be enforced. Therefore they

had recommended that the application be refused on the grounds of highway safety. The Strategic Director, Regeneration and Culture confirmed that the applicant had submitted an alternative solution with regards to the service vehicles but the view was that this still could not be enforced. He informed Members that the Local Development Framework Team had stated that the application did not address all the required issues and the case for redevelopment had not been made in accordance with the current guidance. The site was located outside the retail area and the character of the area was residential and recreation. The application was then recommended for refusal for the reasons as set out in the report.

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

- The Libraries Section had not commented on the application.
- The delivery vehicles would have to reverse in and there was a potential for Grange Road to be blocked at times.
- There were other similar size stores to that proposed.
- There were no other suitable properties on Station Road.
- Deliveries were made to the front of the Station Road store.

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

- There was a great deal of public interest in the application.
- It had been stated at the public meeting that the library was not under threat and that the retailer would not leave the area.
- What would happen to the old premises if the retailer left?
- The initiative of a joint venture between the retailer and the library had initially been welcomed.
- The application should be refused.
- Parking and access was a major issue in the area.
- The continued use of the vacated premises was also an issue if the retailer moved out.

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

- There had been a high level of debate in relation to the issue.
- A petition, objections and representations in support of the application had been received.
- The Parish Council had noted the difficulties for the retailer.
- A satisfactory resolution was required.
- The Parish Council could not support the application.
- There were traffic and highways safety issues.
- The new store would be larger and create more car parking issues.
- Station Road was very congested at specific times.
- Large HGVs would need to access the proposed store and disturb residents.
- The Parish Council endorsed the views of the Highways Department.
- The proposal was unacceptable for residents.
- The traffic survey undertaken by the applicant did not illustrate the amount of traffic.
- The view of the Conservation Team was endorsed.
- The amount of glass to be used on the proposed building would create issues of overlooking for residents.
- The security measures at the current store were not appropriate.
- The proposal would have a negative impact on the residents.

- There would be an increased use of the road and on street parking.
- A large number of comments had been received in relation to the introduction of a retail use into a residential area.
- The proposal would be detrimental to residents.

An objector to the application was present at the meeting and stated the following concerns:

- The applicant had highlighted the current problems on Station Road.
- The application proposed a retail premises in a residential area.
- There were serious traffic problems at specific times and during the use of the nearby recreation facility.
- It would be impractical for HGVs to reverse on Grange Road.
- Grange Road served vulnerable user groups and vehicles reversing across the footpath would be dangerous.
- The propose building would not enhance or contribute to the conservation area.

Another objector to the application was present at the meeting and outlined the following issues:

- It was chaotic on Station Road during delivery times and the relocation of the store would resolve the issues, however, the problem would then occur at the new location.
- The application proposed that the store would be open for 119 hours per week.
- The application would cause a detrimental impact on residents.
- The deliveries by vehicles and attendance of customers at the store would be detrimental to residents.
- There was a gas sub-station adjacent to the proposed site.

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

- The Libraries Section had been consulted and supported the proposal.
- The lease of the current store had expired in 2011 and it was not suitable.
- Alternative sites had been looked for to no avail.
- The Council's Environmental Health Unit had stated that the premises on Station Road could not support and were not viable for a convenience store. The new proposal provided a solution which had a minimum impact on residents.
- The deliveries would improve at the new store.
- The proposed new store had a greater floor space and could accommodate more products.
- Delivery vehicles would be able to reverse into an area on Grange Road.
- The traffic statement had identified a number of unrestricted on-street parking spaces.
- The traffic flow on Grange Road was low and the on-street parking would not be affected by the store.
- The library facility was not under threat and negotiations had commenced with the Libraries Section.
- There were no other suitable sites and full sequential testing was not required.
- The need for the proposal had been demonstrated.
- The retailer was important to Burley in Wharfedale.
- 91% of the customers over a two day period were residents and the majority had attended on foot.
- The proposal would be sited next to a retail centre.

In response to further questions from Members, the applicant's agent confirmed that the Council would retain the freehold of the entire new building and lease the property to the applicant.

During the discussion a number of the Members raised the following concerns:

- The officer's reasons for refusal were supported.
- A Traffic Regulation Order was not guaranteed to be undertaken.
- Service delivery plans were fine in practice but were not always adhered to.
- It was a residential area and residents would be disrupted by HGVs.
- Extra traffic controls would be required.
- There were no merits to the application.
- The highway safety issues were overriding.
- It was a good concept but in the wrong area.
- A store outside of the approved retail area would impact on the other shops in the area.

Other Members then outlined points in support of the application:

- A lacklustre building would be modernised, parking would be provided and the library could benefit from an increase in footfall.
- The issues at the current store meant that it was not fit for purpose.
- The design of the proposed building was not unattractive in comparison to the existing structure.
- The application proposed an exciting use of the building and made improvements to the service provision.
- The concept and setting of the store and library was appreciated.
- The Station Road site was not suitable.
- The retail unit in Station Road would become available for another store.
- The proposal could breathe life back into the library and provide benefits to the community.
- There appeared to be some scope for alterations to the deliveries on Grange Road.

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

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

(i) **27 Greenfield Avenue, Shipley**

Windhill/Wrose

Construction of a balcony to the side of the property - 10/01076/ENFUNA

Enforcement action to remove the balcony was authorised on 22 November 2011.

(ii) **3 Willow Grove, Wrose**

Windhill/Wrose

Unauthorised single storey front extension - 11/00343/ENFUNA

An Enforcement Notice was authorised on 9 November 2011.

(iii) **Doe Park View Farm, Ten Yards Lane, Denholme** **Bingley Rural**

On 7 December 2011 the Planning Enforcement Manager authorised three enforcement notices to be issued. These have been drafted and approved and served on the owner of the land - 11/00653/ENFCOU

The details of the three approved notices are as follows:-

1. Engineering operations to form an area of hard standing with raised banking and block stone retaining walls.
2. The change of use of land to residential.
3. The unauthorised siting of a static caravan, stable block, kennel building and small outbuilding.

(iv) **Land at Grid Ref 408326, Brown Lee Lane, Wilsden, Bingley** **Bingley Rural**

Unauthorised change of use of agricultural land within the green belt to domestic curtilage including the siting of a static caravan for domestic use - 11/01331/ENFUNA

Enforcement Action requiring that the unauthorised change of use cease and the caravan be removed from the land was authorised on 14 December 2011.

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

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

APPEAL ALLOWED

(i) **Land at Grid Ref 416833 443277, Bingley Road, Menston** **Wharfedale**

Creation of a replacement agricultural entrance - Case No: 10/05903/FUL

Appeal Ref: 11/00136/APPFUL

APPEALS DISMISSED

(i) **20 Sherwood Grove, Shipley** **Shipley**

Construction of bungalow within grounds of property - Case No: 10/03436/FUL

Appeal Ref: 11/00094/APPFUL

(ii) **Nature Reserve, Faweather Grange, Sconce Lane, High Eldwick, Bingley** **Bingley**

Shed/hide/store for forestry equipment (retrospective) - Case No: 10/04751/FUL

Appeal Ref: 11/00159/APPFUL

- (iii) **The Laurels, Land West of the Old Stables, Lonk House Lane, Baildon** **Baildon**

Construction of single storey detached dwelling and garage - Case No: 11/02932/OUT

Appeal Ref: 11/00154/APPOUT

APPEAL WITHDRAWN

- (i) **Land North Of Laythorpe Farm, Sty Lane, Micklethwaite, Bingley** **Bingley**

Construction of 475 dwellings, replacement vehicular and pedestrian swing bridge over the Leeds to Liverpool canal and provision of new accesses off Sty Lane and Micklethwaite Lane, access off Fairfax Road and off site highway improvements - Case No: 10/00961/MAO

Appeal Ref: 11/00170/APPNON

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

- (f) **Heritage View, West Lane, Baildon** **Baildon**

A full application for alterations to elevations of house types approved under planning permission 07/01356/FUL at Heritage View, West Lane, Baildon - 11/05265/MAF

The Strategic Director, Regeneration and Culture informed Members that the application was now not subject to a Section 106 Agreement as the issues had been resolved and outlined a couple of updates in the report. It was explained that the development to the bottom end of the site had been completed and photographs detailing the construction were tabled. The application had been submitted as minor modifications had been made to the approved drawings, however, there had not been any changes made to the scale and massing. The Strategic Director, Regeneration and Culture confirmed that the principle of the development had been established and the issue for consideration was the design and appearance of the elevations. The residential amenity had not been compromised by any of the alterations made. A total of six letters of representations had been received and the issues were covered in the report. The Strategic Director, Regeneration and Culture then recommended the application for approval subject to the conditions as set out in the report and reiterated that the Section 106 Agreement was not required.

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

- The application had been submitted as the working drawings were different to those approved by the Council.
- 27 dwellings had been altered.
- Only the changes to the elevation were to be considered.
- The amendments to the dwellings were minor.

- The amended plans had not been presented previously as the changes had only just come to light.
- It was a genuine error, however, the number of alterations presented a cumulative impact, therefore, the amended plans had been submitted to the Panel.
- A number of the alterations could have been approved under delegated powers if less than six letters of representation had been received.
- The applicant had initiated the contact with the Council, who had requested that a full application be submitted.

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

- An apology for the errors made was given.
- A drafting error had occurred which had been brought to the Council's attention.
- The amendments were in relation to small scale issues on doors, windows and roofs.
- The proposed changes would not harm residential amenity.
- The errors had been made on the applicant's behalf.
- That the application be approved.

During the discussion a Member indicated that the alterations improved the design of the properties, however, another Member voiced his disapproval of the action undertaken by the developer.

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

(Note: In accordance with Paragraph 25.6 of Part 3A of the Constitution Councillor Dredge required that his vote against the above decision be recorded.)

38. EXCLUSION OF THE PUBLIC

Resolved –

That the public be excluded from the meeting during the discussion of the item relating to Land to the South of Airedale House, Micklethwaite Lane, Bingley on the grounds that it is unlikely, in view of the nature of the business to be transacted or the nature of the proceedings, that if they were present exempt information within Paragraph 3 (financial or business affairs) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and it is considered that, in all the circumstances, the public interest in allowing the public to remain is outweighed by the public interest in excluding public access to the relevant part of the proceedings for the following reason:

It is in the overriding interests of proper administration that Members are made fully aware of the financial implications of any decision without prejudicing the financial position of the applicants.

At 1435 the public were excluded from the meeting in order for the following item to be discussed.

39. **LAND TO THE SOUTH OF AIREDALE HOUSE,
MICKLETHWAITE LANE, BINGLEY**

(i) Not for Publication Document “T”

The Panel considered the confidential information prior to making a decision on the technical report concerning the merits of the planning application in respect of land to the south of Airedale House, Micklethwaite Lane, Bingley (**Not for Publication Document “T”**).

At 1515 the public were allowed into the meeting.

Resolved –

That the information contained within Not for Publication Document “T” be considered in the determination of planning application 11/01491/MAF.

ACTION: Strategic Director, Regeneration and Culture

(ii) A full application for the construction of 27 dwellings with associated highways, parking and landscaping at Land South of Airedale House, Micklethwaite Lane, Bingley - 11/01491/MAF

The City Solicitor reported that the Panel, having considered the information provided within **Not for Publication Document “T”**, were not satisfied that the financial information which the Council had received was sufficient to persuade Members to agree that any financial contribution or other Section 106 provision should be waived, however, this would not prejudice their determination of the planning application and it would be considered in light of the submission. A Member suggested that as the site was not allocated as housing in the RUDP, the application should be decided by the Regulatory and Appeals Committee and then the Secretary of State, with the Panel only making a recommendation. In response the City Solicitor confirmed that the site could be considered even though it was unallocated and in conjunction with the recent decisions of the Executive and Regulatory and Appeals Committee. The Panel had delegated powers and it was not necessary or a requirement for the application to be considered elsewhere.

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that access to the site would be via Micklethwaite Lane and that the dwellings had been designed to reflect the industrial heritage of the canal. The site was not allocated as housing, however, the application was acceptable in principle subject to policies. It was noted that the Council did not have a five year land supply but under the requirements of national policy issued by the Secretary of State it was necessary to have such a provision within the District. The Strategic Director, Regeneration and Culture confirmed that since the publication of the report two additional representations had been received. The site was in close proximity to shops, a bus route and Crossflatts Railway Station. In light of the sustainability the overall expected density should have been 50 dwellings per hectare, however, the site area generated a density of 36 dwellings per hectare. The development would not have any undue impact on nearby properties and appropriate studies had been undertaken. Members were informed that the conditions had been suggested in order to resolve issues raised. The access to the site would be via the swing bridge which could support 27 new dwellings without the requirement of upgrade. The Section 106 Agreement was detailed within the report and it was noted that normally 30% of the site would be required for

affordable housing, but the developer had offered four units. A village green space would also be provided which was in excess of the requirements for a recreational open space. In conclusion the Strategic Director, Regeneration and Culture recommended the application for approval subject to the Section 106 Agreement and conditions as set out in the report.

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

- The communal area would be owned and maintained by a management company and would encourage biodiversity next to the canal.
- The area would be open to any member of the public.
- Yorkshire Water was content with the application.
- Condition 10 could be amended to request that a sustainable urban drainage system must be fully investigated.

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

- The application should not be considered in isolation.
- It was an important site and the proposal would affect the setting of the listed buildings.
- The application submitted was for a standard development.
- The site provided an attractive setting for Airedale House.
- The site was a true Greenfield site.
- The land in the area was regularly farmed.
- The land was productive and used for allotments.
- The application should be refused.

A representative of the Greenhill Action Group was present at the meeting and raised the following concerns:

- The site was part of the Sty Lane development on the Replacement Unitary Development Plan (RUDP).
- The land was not allocated for housing.
- The application must be considered in this context.
- The Panel refused an application in 2008 for houses in the canal conservation area and this was upheld by the Inspector.
- The site was in the Leeds/Liverpool Canal conservation area and the area must be preserved.
- There was inadequate parking provision.
- In 2010 an application was withdrawn for the site as it was advised that it should be considered with the other Sty Lane applications.
- In 1992 there was an application for four houses on the site which was refused and the appeal upheld. The reason for refusal was that the proposal would exacerbate traffic volumes on Micklethwaite Lane.
- Traffic volumes had increased since 1992 and the current application proposed 27 houses.
- The application should be refused.

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

- The application proposed 27 dwellings comprising of 2, 3, and 4 bedrooms.
- The applicant had worked closely with officers in relation to the conservation area

and listed building.

- A mix of materials would be used in the construction and would include stone and slate.
- There would be parking and turning facilities on the site.
- The officer's comprehensive report clearly outlined the position.
- There was a need for housing in the District.
- The site was allocated in the RUDP.
- The site stood alone in relation to its consideration by the Panel.
- Other proposals had been refused and were on highway safety grounds.
- The existing highways provision was suitable for 27 dwellings.
- A Section 106 Agreement would provide contributions towards affordable housing and education provision.
- The application proposed a high quality scheme.
- Sustainable drainage would be incorporated into the scheme and a soak away system installed.
- The site was not allocated as Green Belt.
- The ecological, conservation and design issues had been addressed.
- National guidance stated that houses were required where there was not a 5 year plan in place.
- The density of the site was low even though it was sustainable.
- That the application be approved.

In response to Members' questions, it was confirmed that:

- The relevant recent site history was detailed in the report and it was very rare that it would quote back to 1992.
- The application in 2010 had been withdrawn as the 14 dwellings were large 4/5 bedroom houses and under the threshold for affordable housing. The site was located within a sustainable area and a higher density would be expected, therefore, the developer had been requested to submit another application.

During the discussion Members indicated that they may be minded to approve the application, however, more comprehensive financial information was required in order for the Section 106 Agreement contributions to be fully considered. It was also requested that Condition 10 be amended to cover the new drainage legislation.

Resolved –

That the application be deferred on the grounds that the Panel may be minded to approve the development upon the submission of satisfactory and comprehensive financial information which would permit the Heads of Terms of the Section 106 Agreement contributions to be assessed; and that Condition 10 be amended to include a full Sustainable Urban Drainage System.

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