

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Shipley) held on Tuesday 21 February 2012 at the Town Hall, Shipley

Commenced 1005  
Adjourned 1200  
Re-convened 1215  
Concluded 1240

### PRESENT – Councillors

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

Apologies: Councillor Cole

Observers: Councillor Poulsen (Minute 44(b))

### Councillor Shabir Hussain in the Chair

#### 41. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

#### 42. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

#### 43. PUBLIC QUESTION

There were no questions submitted by the public.



#### 44. **PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

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

(a) **24 Sherwood Grove, Shipley**

**Shipley**

A full application for the construction of a four bedroom detached dormer bungalow with integral garage and access from Witham Road on land to the rear of 24 Sherwood Grove, Shipley - 11/04218/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 construct a four bedroom detached dormer bungalow and garage from artificial slate and stone. The proposed access to the dwelling would be from an existing driveway on Witham Road which also served an existing electricity sub-station. A previous application to build a bungalow in the garden of 20 Sherwood Grove had been refused due to the adverse impact on a protected tree.

The Strategic Director, Regeneration and Culture confirmed that eleven letters of representation had been received and the issues were summarised within the officer's report. The site was a garden, however, it was in a sustainable location and its development for residential purposes was acceptable. The design and appearance of the proposed single storey dwelling would reflect the designs of the area and the property would not be visible from Sherwood Grove or Witham Road. It was noted that the proposed dwelling would not reflect the scale of the properties in the area as it was single storey, with the exception of the adjacent bungalow, but due to its siting it would not be viewed as part of the street scene.

With regards to the construction traffic, the Strategic Director, Regeneration and Culture informed Members that the side extension at 24 Sherwood Grove would be removed to provide access and once the dwelling was completed a new two storey side extension would be built which had already been granted planning permission. This would ensure that the trees at the new site entrance would not be damaged. An arboricultural survey had also been undertaken. In relation to residential amenity the Strategic Director, Regeneration and Culture reported that the proposed bungalow would have dormer windows to the front and velux windows to the rear. The rear windows did not overlook any habitable rooms and the distance to the garden of 2 Witham Road from the dormer windows was acceptable. Both 24 Sherwood Grove and the new dwelling would have a reasonable sized garden. The proposed new access already provided an entrance for the electricity sub-station, the garage of 22 Sherwood Grove and the rear garden of 24 Sherwood Grove and there would not be any restrictions. Vehicles would be able to access and egress the site and adequate parking for three vehicles would be provided. The Strategic Director, Regeneration and Culture then recommended the application for approval subject to the conditions as set out in the report and also subject to the amendment of conditions 8 and 9 to refer to the 1995 Order and not the 2008 Amending Order.

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

- The properties on Sherwood Grove were constructed from stone and the proposed dwelling would be rendered. This was acceptable as the bungalow would not have a street frontage.
- Planning permission for a conservatory to the rear of 24 Sherwood Grove was outstanding and could be built.
- The distance required between facing windows was 21 metres.

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

- The dormer windows looked onto her garden and this was not acceptable.
- The proposed dwelling would take light away from her conservatory.
- The new dwelling would result in a loss of privacy in her garden.
- The access to the site was close to her bungalow.
- The proposed hard standing area for the vehicles would be close to her property.

Another objector was present at the meeting and raised the following issues:

- The proposal would mean the loss of a green space and would compromise the whole green area.
- The proposal would set a precedent to build in gardens.
- There were flooding issues in the area and a nearby road had to be excavated due to water issues.
- The proposal would eventually impact on the World Heritage Site.
- The access was not appropriate.
- The access would create a 'flashpoint' and cars would not be able to pass if his vehicle was parked in front of his garage.
- The proposal would impinge on his use of the access road.
- The proposed property was not in keeping with the area.
- The dwelling was set at an angle to every other house.
- The back dormer had been removed as it overlooked other houses.
- There was an overlooking issue.
- The design did not reflect the character.
- The proposal was garden grabbing, which was not desirable.
- The proposal would set a precedent for the area.

**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) Midgeham Cliff End Quarry, Rycroft Road, Harden, Bingley**      **Bingley Rural**

Restoration of quarry void through deposit of un-recyclable material from imported construction and demolition waste and the associated production of recycled aggregates at Midgeham Cliff End Quarry, Rycroft Road, Harden, Bingley - 11/03414/FUL

The Strategic Director, Regeneration and Culture informed Members that an objector had not received the notification letter until 16 February 2012 and had requested that consideration of the application be deferred. The Chair questioned the objectors present and ascertained that they had received their letters on 10 February 2012. In light of this information the Panel agreed that they were happy to consider the item.

The Strategic Director, Regeneration and Culture then gave a presentation setting out the proposals. He explained that the application only related to part of the quarry and that the remainder of the site had to be restored by 2014 under a previous planning permission. The proposal involved the importation of recyclable material over a nine year period and the area would have to be restored by 2022. The applicant would be restricted to 100 HGV movements per day and the permitted hours of operation would remain the same. The aim of the restoration would be to promote the re-establishment of a heathland.

The Strategic Director, Regeneration and Culture reported that ten representations and two petitions had been received in relation to issues regarding the water supply, highways and traffic impacts and other matters. He informed the Panel that there would not be an increase in maximum permitted traffic movements, that a series of reports regarding the risk contamination of the Rycroft water supply had been submitted and that the Council's Environmental Health Unit had not objected to the application in relation to noise.

The Strategic Director, Regeneration and Culture confirmed that the applicant had demonstrated the need for restoration and landfill, however, he proposed that two additional conditions be added to the application if Members were minded to approve the application. One to limit the amount of aggregates removed from the site to 5,000 tonnes per year and the other to keep records of all material accepted at or removed from the site. The application was then recommended for approval subject to the conditions as set out in the report and the proposed additional conditions.

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

- The difference between the existing planning permission and that proposed was that an additional 450,000 tonnes of material could be brought onto the site.
- There was no proposal for future development on the site. It was within the Green Belt and there was no application to undertake development or engineer the site in a manner favourable for future built development.
- The applicant had submitted a robust report regarding the lack of stability of the quarry faces which had been reviewed by the Council's structural engineer.
- Following restoration the site would become open land and the public would have a right to cross it once the work had ceased.
- A risk based approach was taken by the Environment Agency. They used a matrix and adopted a risk based system for carrying out monitoring visits. Sites were not routinely informed that they would be visited unless it was a yearly inspection.
- It was a requirement that waste records were kept for three years.
- The inspection regime and routine audits would identify materials that had not been recorded.

- A permit from the Environment Agency would not be automatically issued if the planning permission was granted.
- A risk assessment had been submitted and the applicant had given assurances that only inert materials were to be deposited. The applicant had suggested that ground water ran off the moorlands to the north of the quarry and if permission was granted then further investigations would be requested. There would be long term monitoring of the situation, however, if inert waste was used then there would be a negligible risk to natural waters.
- There would be a separate planning and permit process. Inert materials would be used, therefore, this removed the Environment Agency's objection. The types of waste brought onto the site would be looked at and monitored. A permit would only be granted by the Environment Agency if all the risks had been covered.
- The Environment Agency would also discuss the issue with residents.
- Public safety on the site was outside the scope of the planning considerations. The owner of the land would be responsible for public safety.
- The materials brought onto the site would be monitored and further clarification would be sought before a permit was granted with regards to hydrogeological issues.
- There was not sufficient restoration material on the site and this justified the need for the application. The proposed restoration landform was appropriate to the landscape.
- The purpose of the application was to stabilise the quarry faces.
- The applicant had claimed that the rock beneath the quarry was dry and isolated.
- A 16 metre pit had been excavated which showed dry rock.
- The site would be restored to moorland which would be public open land, therefore, the application was in the site's best interest.
- The Highways Department had advised that the number and frequency of HGV movements was acceptable.

A Councillor of an adjacent ward was present at the meeting and raised the following issues:

- There was a short cut through Worth Valley Ward to the quarry.
- The short cut was a single twisting track which was not lit and did not have footpaths.
- There was a 20 miles per hour speed limit on the road, but drivers did not adhere to the restriction.
- The Highways Department had stated that the road was too narrow for white lines.
- The lives of the residents on the road were ruined.
- There were cottages on the edge of the road.
- The road was not designed for HGVs and traffic.
- It was a steep road with a blind right turn onto Bingley Road and lorries had been advised not to turn right but they continued to do so.
- The site had a 7am start time but residents had confirmed that quarry wagons passed their homes between 6am and 7am.
- The vibration from HGVs was damaging houses and the roads.
- 100 HGV movements were not acceptable for the residents.
- Strict regulations on traffic movements were required for the residents.

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

- He endorsed the Councillor's statements.
- The HGV movements began before 7am.

- The HGVs mounted the pavement.
- The HGVs had caused damage to his property.
- The Council had to install a retaining wall because of the HGV movements.
- The HGVs took no notice of the road signs.
- The roads in the area were not designed for the size of the HGVs that were utilising them.
- The road outside his property had been damaged by the HGVs.
- The Highways Department had erected a sign saying 'slow down' and a lorry had twisted it within two weeks.
- The road was moving and cracks were appearing.
- The filling in of the quarry was a good thing but the structure of the roads could not accommodate the size of the lorries used.
- Satellite Navigation systems sent lorries along the narrow roads in order to avoid Keighley.

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

- The issues raised regarding the materials to be used had been covered by the Environment Agency.
- The traffic issues had been dealt with by the Highways Department.
- The justification for the application was that a lower level restoration had previously been approved.
- Cracks had appeared in the quarry face and it was now unstable.
- There were health and safety issues for users of the land and that adjacent.
- Various proposals and engineering solutions had been looked at and the proposal was the most practical solution.
- The proposal would provide stability and a good quality restoration to the moorland.
- The end use would be open land and there were no proposals for further development on the site.
- The application was in line with policies.
- The proposal disposed of waste that could not be got rid of any other way.
- Work had been undertaken with the statutory consultees and the Council in respect of the issues raised and a satisfactory conclusion had been reached.
- A rigorous process had to be undertaken before a permit was granted and a great deal of work still had to be carried out.

The Strategic Director, Regeneration and Culture stated that the highways issues were a continuation of the current situation and that the need for the restoration would have to be considered and balanced against the other issues. Concerns regarding the speed of vehicles could not be considered, the route to the quarry was considered as safe and could not be controlled by condition, however, weight restrictions could be used. This could result in smaller loads being taken to the site.

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

- Four alternative routes were available, however, none were ideal and all had residential properties on them.
- Routing on wider roads could not be controlled and only the junction at the quarry could be regulated.
- If the number of HGV movements was reduced then the restoration would take longer.
- 100 HGV movements per day had been recommended.

- The current permission allowed 100,000 tonnes of waste to be brought to the site per year, therefore, the average number of movements could be higher.
- A condition could be placed on the application regarding the quarry access junction in order to discourage left turns.
- If it was believed that the road was near to capacity then further surveys would have been requested.
- It seemed probable that HGVs would avoid small narrow roads.
- If the application was refused then a review would have to be undertaken when the permit ceased at the end of September 2012 in respect of what restoration could reasonably be achieved with the available material.
- The weight of the HGVs was relevant in respect of the damage caused to the roads, however, it may not be appropriate to control this through planning conditions.
- If the restoration was not completed by then the enforcement regime may be utilised.
- In terms of the length of the proposed timescale the issue was the availability of waste suitable as restoration material. The proposed 10 year timescale seemed reasonable given the uncertainties in relation to the availability of suitable material.
- Within the current planning permission a low level restoration was required and a limited amount of materials (5,000 tonnes per year) was allowed to be brought onto the site up to September 2012. Final restoration was required to be completed by 2014.
- If the rock faces were not buttressed and made more stable, warning signs may need to be installed. Insufficient restoration material existed on-site to bury the unstable rock faces.
- None of the areas on the site had been restored to the final contours and the permission allowed work to continue until 2014.
- The Environment Agency was aware of the lack of restoration materials and their permit did not specify dates. It only regulated pollutants.
- The restoration progress would be reviewed and rigorously monitored.
- Parts of the site not covered by the application would continue to be required to be restored by 2014.

During the discussion Members raised the following concerns:

- A further 2 years was long enough for the residents to have to continue to endure the HGV movements.
- The current permission allowed material to be brought onto the site for a low level restoration.
- Permission for a further 10 years was far too long.
- It would take a great deal of material to fill in and reduce the degree of the slope of the rock face.
- The site was an eyesore and could be dangerous.
- The residents' issues needed to be considered.
- No further applications should be considered for the site.
- The current permission allowed adequate time for the restoration of the site.
- Were there other solutions to make the site secure?
- A further permission for 10 years was not required.
- The area around the quarry face should be made safe.
- It was unacceptable for the HGVs to use a single track road.
- The operator should be requested to contribute to road improvements in the area.

The Strategic Director, Regeneration and Culture informed Members that discussions had been undertaken with the applicant and they had previously been advised to put forward a contribution. Unfortunately a decision had been made that the road damage could not be attributed solely to the applicant.

Members then requested that the hours of operation be amended and that a transportation policy be required.

**Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture’s technical report and also subject to the amendment of Condition 14 and the inclusion of the additional conditions as follows:**

**Amended Condition:**

- 14. No HGVs shall enter or leave the site and no working or operations shall take place within the site to which this notice relates except between the hours of:**
- 08.00 hours to 18.00 hours Monday to Friday; and  
08.00 hours to 13.00 hours on Saturdays  
There shall be no working on Sundays, Bank and Public Holidays.**

**Additional Conditions:**

- 26. No more than 5,000 tonnes of recycled aggregates shall be removed from the site per year.**
- 27. Records shall be kept of all loads of material received at or removed from the site to which this notice relates. Each record shall include the type of material received at or removed from the site, the approximate quantity of the load and the date on which the load was received at or removed from the site. Each record shall be retained for a period of at least 18 months. Copies of the records shall be submitted to the Waste Planning Authority within 14 days of receipt of a written request for such records.**
- 28. Prior to the commencement of development a Transportation Policy for the routing of HGVs to and from the site shall be submitted to the Waste Planning Authority for approval in writing. Details shall also be submitted of the arrangements which shall be made for the display and communication of the approved Transportation Policy to the drivers of vehicles transporting material to or from the site. The approved details shall be implemented upon approval and maintained whilst ever the development to which this notice relates subsists.**

**Footnote: Members of the Area Planning Panel (Shipley) wished for it to be noted that they would be unlikely to look favourably on any future application to extend the lifetime of this planning permission.**

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



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

**APPEALS WITHDRAWN**

(i) **60 Main Street, Menston, Ilkley**

**Wharfedale**

Construction of two storey side and rear extension, pitch roof to existing rear extension and new exit to Main Street for vehicles.

Case No: 11/04598/HOU

(ii) **60 Main Street, Menston, Ilkley**

**Wharfedale**

Construction of two storey side and rear extension, pitch roof to existing rear extension and new exit to Main Street for vehicles.

Case No: 11/03620/HOU

**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