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Minutes of a meeting of the Area Planning Panel (Shipley) held on Wednesday 11 April 2012 at the Town Hall, Shipley

Commenced 1010
Adjourned 1220
Site Visits 1220-1500
Re-convened 1500
Concluded 1640

PRESENT – Councillors

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

Apologies: Councillor McCabe

Observers: Councillor Cooke (Minute 57(a) and (c))

Councillor Shabir Hussain in the Chair

54. DISCLOSURES OF INTEREST

Councillor Ellis disclosed a personal and prejudicial interest in the item relating to Land at Thornton Moor, Foreside Lane, Denholme (Minute 57(c)) as he had attended a meeting of the Denholme Parish Council where the item had been discussed and it might have been perceived that he had voiced his intentions in respect of the item. 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).

Councillor Ellis disclosed a personal interest in the item relating to Crack Lane, Wilsden, Bingley (Minute 57(a)) as he was a Member of the West Yorkshire Integrated Transport Authority, Incommunities and the Yorkshire Regional Flood and Coastal Committee but as the interest was not prejudicial he remained in the meeting.



Councillor Binney disclosed a personal interest in the item relating to Land at Thornton Moor, Foreside Lane, Denholme (Minute 57(c)) as she was a school governor at Keelham Primary School along with the objector to the proposal but she had not discussed the application and as the interest was not prejudicial she remained in the meeting.

ACTION: City Solicitor

55. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

56. PUBLIC QUESTION

There were no questions submitted by the public.

57. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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

Decision following Site Visit

(a) Crack Lane, Wilsden, Bingley

Bingley Rural

A full application for the construction of 73 dwellings on land at Crack Lane, Wilsden - 11/04517/MAF

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was for the construction of 73 dwellings on land at Crack Lane. The site was an open field with some trees and was bounded by residential and industrial developments. Lingfield Road was to the east of the site and had existing off street parking. He reported that a feature of the development would be the open space areas and the existing public footpath would be linked to the proposed development. It was noted that off-site highways works to widen the road would be required and Crack Lane would partly become a one-way system.

The Strategic Director, Regeneration and Culture confirmed that the land had been allocated as safeguarded land in the Replacement Unitary Development Plan (RUDP) and the draft National Planning Policy Framework had become policy on 27 March 2012. The Framework removed the previous planning documents and had a positive attitude towards sustainable schemes. He reported that the Parish Council had re-affirmed their objection in respect of the amended plans and that 450 letters and a petition had also been received against the proposal. The concerns raised by objectors were outlined in the report along with the responses from the consultations undertaken.

With regards to the contributions, it was noted that £242,382.00 would be provided in respect of education and £88,574 for recreation purposes. The West Yorkshire Passenger Transport Executive had requested that MetroCards be provided to future occupiers along

with improvements to the public transport service via bus information displays. The Strategic Director, Regeneration and Culture stated that twelve affordable housing units would be provided, which had been requested by the Council's Housing Services Section. The Council could only provide over a year's supply of housing and a five-year housing plan was required by the Government. He confirmed that the development complied with the Council's RUDP and the density of 27 dwellings per hectare was appropriate. The site had been assessed in relation to future allocation. In relation to residential amenity, the site was located on the edge of Wilsden, there were other residential properties in the area and the scheme was in accordance with Policy D1 in respect of the design. The dwellings would be constructed from a mixture of artificial stone and tiles and the distance to the existing dwellings would be 20-21 metres.

The Strategic Director, Regeneration and Culture explained that a one-way system would be introduced on Crack Lane and the junction on Lingfield Road altered. He confirmed that the internal site arrangements had been amended and the proposal now complied with the Council's requirements for two parking spaces per dwelling. The visibility splays and parking restrictions complied with Council policy and the recommended off-site contributions for speed tables and highways works would be covered by a Section 106 Agreement. Members noted that the scheme proposed significant areas of open land and a maintenance agreement would be required. The affordable housing contribution accounted for less than a 25% provision, however, the Council had negotiated 12 units with a larger discount and the full education contribution had been agreed.

In conclusion the Strategic Director, Regeneration and Culture informed Members that the site was not contaminated and had been designed to comply with Secured by Design. A full ecological assessment had been submitted and conditions requested. He confirmed that the application had been considered under the Human Rights Act and did not have any Community Safety implications. He then recommended the application for approval subject to the Section 106 Agreement, the provision of the required contributions, the conditions as set out in the report and also subject to three additional conditions in relation to the provision of a Disability Discrimination Act (DDA) compliant ramp, a proposed lighting scheme for the footpath and a Management Plan for the maintenance of the open areas.

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

- Council policy and the National Planning Policy Framework covered the design aspect of the scheme. The Council's Urban Design officer had carried out a Build for Life Assessment and there were other tools that could be utilised. The Assessment had looked at the entire life of the proposed dwellings and a number of negative responses had been identified, which had led to a low score. It was not a specific policy of the Council to achieve over 12 points, though this was aimed for. The properties had passed the sustainability test.
- The Council had a sustainability policy and there would be additions made to it. Currently the Council only had building regulations to comply with and dwellings had to comply with Code Level 3, however, this would increase year on year.
- The standard set for affordable housing was at a higher Code Level and there was a requirement between the Registered Social Landlord, the developer and Council to negotiate.
- An additional condition that steps and/or a ramp was provided, with a ramp being the minimum provision could be placed on the application.
- The principal build material was not natural stone and there were stone dwellings in the area. The developer could be asked to use natural stone in key areas,

however, a good quality artificial stone would be appropriate.

- The start of the Unitary Development Plan (UDP) process identified the number of houses and land required for a five-year housing supply. A public Inquiry was held to determine if Bradford had sufficient land and the correct level had been available when the UDP had been approved. Significant developments had taken place during the past decade and the Council had moved from Phase 1 to Phase 2 sites, however, some of the Phase 2 sites had high levels of constraints. No further sites had been identified as a new UDP had not been compiled.
- A few Phase 2 sites had not been developed and this site was constrained due to highways issues. The developer had worked to remove the constraints and the site was now developable.
- The Council's RUDP identified various market areas for affordable housing. The site was at a midway point and a 25% affordable housing provision had been sought. The issue of affordable housing was difficult as there had been a significant increase in house prices following the adoption of the RUDP. It was common practice not to seek a 35% discount but to be fair and reasonable, allowing the number of affordable houses to be provided to be reduced and the discount increased. The Council sought to identify the greatest need of affordable housing type, which the developer was then asked to provide.
- The Council's Regulatory and Appeals Committee had approved that the Council could be flexible in respect of the provision of affordable housing and contributions. The developer was providing what had been requested and the current level of contributions in total were reasonable.
- The Build for Life consultation had been circulated to Members and there was green space provided within the development. The scheme did not include significant sustainability elements and did not go beyond the minimum requirements. The green areas did provide benefits to the development.
- The report referred to "high quality housing" which was a statement from the National Policy Guidelines and the National Planning Policy Framework and requested that Local Authorities sought high quality schemes.
- A Flood Risk Assessment had been required and this had been carried out and assessed by the Environment Agency and Yorkshire Water. The Environment Agency had not raised any objections as the surface water run off would be limited to no greater than Greenfield run off. The site was currently Greenfield. Yorkshire Water had withdrawn their objection in February 2012 following the confirmation that work would be carried out to the Environment Agency's requirements. Balancing tanks would be installed which would not alter the current situation and the surface water would have to be dealt with on the developed site. It was acknowledged that the site was not suitable for a full Sustainable Urban Drainage Scheme (SUDS).
- The Council's Drainage Section had been consulted but had not commented on the scheme.
- Confirmation as to whether the water would go into the culvert or watercourse would be provided. The culvert passed under the highway and was, therefore, the responsibility of the Council's Highways Department. There was no information available that confirmed if the culvert had been surveyed, its capacity or details of flooding incidents to properties off Crack Lane.
- There was still a requirement for a Flood Risk Assessment to be undertaken under the National Planning Policy Framework and the Environment Agency had not identified properties off Crack Lane as a risk.
- Further correspondence had taken place with the agent in respect of the highways issues and the proposal was now acceptable. The only issue outstanding was in relation to the link footpath and on balance the proposal was adequate as trees would be lost. Minor amendments would be dealt with within the agreement.

- The objection by the Highway's Department had been withdrawn by email on 28 March 2012.
- The Road Traffic Orders would have to be submitted to the appropriate Area Committee.
- The proposed extension of the double yellow lines was to protect the main junction.
- Disabled badge holders would still be able to park on Lingfield Road and the aim of the double yellow lines was to stop long-term parking by able-bodied people.
- Any alteration to the highway would have to be presented to the Area Committee.
- The developer would fund the proposed highway alterations and it would be recommended to the Area Committee that the proposal be approved, however, it was for the Area Committee to make the decision.
- The site investigation report by the developer identified that the Coal Authority had a mineshaft in the southern area of the site. It was not proposed to develop that area and further investigations would have to be undertaken prior to the commencement of any construction, however, this did not prejudice the development of the site.
- Evidence from the Coal Authority indicated that the workings underneath were not extensive and would not prejudice development of the site.
- Permeable hard standing was not appropriate on the site.
- The Environment Agency had suggested that balancing tanks were installed in relation to the surface water.
- The provision of balancing tanks were a condition and requirement of the Environment Agency.

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

- The report seemed to be an assessment of sorts.
- There were many documents on the website.
- The Council's Highways Department had changed their position and now supported the application subject to conditions.
- The conditions related to off-site highways works.
- The highways issues would need to be submitted to the relevant Area Committee for a decision.
- Did the Panel think that the Area Committee would allow double yellow lines?
- The proposals were not deliverable.
- The Planning Panel were not in control of the process.
- Local residents believed that the houses would be built.
- The concerns of local residents had not been addressed.
- The highways proposals did not resolve the problems.
- Further work was required if the scheme could only go ahead if the highways proposals were undertaken.
- The report was disappointing.
- The issues had not been substantiated.
- The report had not detailed the two previous applications on the site.
- The application should be refused on highways grounds.

A representative of the Parish Council was present at the meeting and stated the following:

- The Council's Urban Design officer's suggestion had been ignored.
- The developers were not interested in Wilsden, they just wanted to build in an expensive area.
- The dwellings in the area were predominantly constructed from stone and artificial stone had been proposed.

- The affordable housing provision was 16%.
- The proposed density did not confirm to policy.
- The proposal would contribute to traffic generation in the area.
- There would be a loss of parking.
- Many of the highways issues were outstanding and how would the requirements be met.
- There was not a sustainable solution in respect of the loss of on street parking.
- The Traffic Regulation Order at the junction would remove parking from Main Street and Lingfield Road and this was not acceptable.
- Pedestrian safety would decrease.
- There were drainage concerns and it was not clear what the developer intended to do.
- There was no mention of a Sustainable Urban Drainage Solution (SUDS) on the plans.
- The sewer could not cope with the rainfall.
- Yorkshire Water had withdrawn its objection.
- The application should be rejected on the grounds of pedestrian and vehicular safety.
- The proposed traffic calming proposals would make the situation worse.
- The application was poor in respect of the design and sustainability of the scheme.
- The application should be refused.

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

- The subject of the application was emotive.
- It was disappointing that the application was recommended for approval.
- There were two previous applications that had been refused on the site, but they were not mentioned in the report.
- The report outlined the lack of a five-year housing supply in the District and quoted an appeal case, which came across as threatening.
- Each proposal should be considered on its own merits.
- The application should be refused.
- The proposal would have an adverse impact on the road networks.
- He could not understand why the Council's Highways Department had no objections.
- There had not been sufficient time to consider all the issues.
- The development would be located on Crack Lane which was a narrow country lane and impassable for two-way traffic.
- Crack Lane could not support construction traffic.
- The roads in the area were popular with walkers and horse riders.
- The application should be refused under policies TM2 and TM10A.
- The entrance off Crack Lane was limited.
- The 'no waiting' restriction on Lingfield Road would be detrimental to residents and contrary to policies.
- The application should be refused on sustainability and design grounds.
- The Urban Design officer had given the proposed scheme a low score (6.5 out of 20) as it had a poor design.
- The National Planning Policy Framework indicated that the proposal could be refused on poor design grounds.
- The Council's policies promoted high quality design.
- Yorkshire Water had initially objected to the proposal and had then withdrawn the objection in 12 December 2011 without a reason.

- Water flowed down Crack Lane and made it treacherous.
- The drainage scheme submitted by the developer would make the issue worse.
- There would be an increase in the level of traffic on country lanes and this would affect local residents.
- The application should be refused.

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

- There was less than a two-year housing supply in the District.
- The proposal would be a meaningful contribution to the area.
- The development proposed a mix of housing types.
- Affordable housing would be provided.
- The National Planning Policy Framework promoted sustainable communities.
- The land was safeguarded and consultations had been undertaken.
- The site had merit and was acceptable for development.
- He was aware of the previous applications and they had not been refused on highways grounds.
- All the planning contributions had been met.
- The contributions to affordable housing, education and recreation were significant.
- The agreed highways works included full visibility access and speed tables which would provide a significant improvement.
- The development provided affordable housing for the residents of Wilsden.
- The scheme had been developed over a number of years.
- Ward Councillors and the Parish Council had been consulted.
- The site was suitable, sustainable and viable.
- The application should be supported.

Following the site visit, Members raised the following concerns:

- There was a lack of information in relation to highways and a lack of clarity regarding drainage.
- The application should be deferred and re-submitted to the Panel with comments from the Council's Drainage Section.
- There were issues in respect of the design and development of the affordable housing provision.
- The comments made by the Council's Urban Design officer and low score given were disappointing. The development had a poor urban design and was not acceptable.
- The Council should have a regard for high quality housing and environmental sustainability and the scheme was disappointing.
- The Council's Drainage Section had not passed comment on the proposal and the water flow pipe onto the road was not satisfactory.
- The area warranted high quality houses constructed from natural stone and were environmentally friendly.
- The displacement of on-street parking was not acceptable and the parking provision would be detrimental to businesses in the area.
- The Area Committee may not agree to the proposed highway amendments.
- The requirements needed to be balanced against the public's concerns, therefore, the application should be deferred and additional parking provided for the existing social housing properties.
- The site could be developed but the proposed scheme was not appropriate. A different design was required and the highways and drainage issues needed to be resolved. The District required housing, but the application was not suitable and the

applicant should submit a new proposal.

- The highways issues could have been presented to the Area Committee and resolved prior to the planning application being submitted.

Resolved –

That the application be refused on the following grounds:

- (1) The proposed development includes the provision of off-site highway improvement works which comprise a new junction arrangement at the Crack Lane and Lingfield Road junction, including a specific requirement to include no parking restrictions under the terms of a Traffic Regulation Order (TRO). Specifically the required TRO would result in the displacement of local residents parking with no provision for replacement spaces to the detriment of highway safety and residential amenity and contrary to policies TM2 and UR3 of the Replacement Unitary Development Plan and contrary to advice contained in the National Planning Policy Framework (paragraph 32).**
- (2) The proposed development includes inadequate provision for the disposal of surface water generated from the site leading to the possibility of local flooding and contrary to policy NR16 of the Replacement Unitary Development Plan and advice contained in the National Planning Policy Framework (paragraph 100).**
- (3) The proposed development is not considered to be satisfactory in terms of design and would not include sufficient measures to secure a satisfactory form of sustainable development. In particular the following matters are considered totally inadequate:**
 - (i) The proposal fails to include satisfactory appropriate quality of urban design, including the layout of development, the treatment of elevations, the creation of a strong sense of place and attention to matters of local distinctiveness.**
 - (ii) The proposal fails to include a satisfactory mix of size of residential units to meet local needs and to create a quality development.**
 - (iii) The proposal fails to include measures to demonstrate that this is a sustainable development including specific measures of acknowledged merit to ensure lower energy use throughout the life of the development and to ensure that this is a lower carbon development.**

The proposal is thereby contrary to policies UR2, UR3, D1 and D3 of the Replacement Unitary Development Plan and advice contained in the National Planning Policy Framework (paragraphs 50, 56 to 58 inclusive, 60, 61, 64, 93 and 98).

ACTION: Strategic Director, Regeneration and Culture

(b) **Hoyle Court Primary School, Fyfe Grove, Baildon**

Baildon

Application for the removal of condition 4 attached to planning approval 11/00726/FUL to proceed with development without the erection of an acoustic fence - 12/00824/VOC

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and explained that the application was for the removal of condition 4 that was attached to planning approval 11/00726/FUL, which related to the erection of an acoustic fence. Members were informed that the neighbours no longer wanted a fence around the perimeter and therefore the removal of the condition was appropriate. The application to remove the condition was then recommended for approval.

The City Solicitor explained that the erection of the acoustic fence had been put forward in order to assist adjoining neighbours. He advised Members that the applicant could be requested to withdraw the application, however, if noise problems became apparent at the school then the issue could be re-considered. The applicant had a four year leeway prior to the enforcement of the condition and it was noted that an opportunity would be lost if the application was approved.

The Strategic Director, Regeneration and Culture reported that there would be an increase in the pupil numbers at the school over the next five years and the noise levels would need to be determined in two years time. A Member indicated that the increase in pupil numbers was staggered and therefore this would provide sufficient time to monitor the noise levels. It was also noted that if the application could be re-considered if the applicant chose not to withdraw the proposal.

Resolved –

That the applicant be requested to withdraw the application to remove Condition 4 on the understanding that the Local Planning Authority would not enforce the undertaking of the condition unless it became necessary and if the applicant does not agree to withdraw the application then the matter be referred back to the Panel for a decision.

ACTION: Strategic Director, Regeneration and Culture

Decision following Site Visit

(c) **Land at Thornton Moor, Foreside Lane, Denholme**

Bingley Rural

Full application for installation of a 60m high cable stayed wind monitoring mast for a period of 3 years at Land at Thornton Moor, Foreside Lane, Denholme - 12/00106/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 for the erection of a wind monitoring mast for a period of three years. The mast would be constructed from several 5 metre high steel tubes and stand 60 metres in total. It would be stabilised by wires at quadrants that would be secured into the ground and would stand upon a steel base plate. The steel guy wires would be linked to chains and anchored to the ground. Bird diverters would be placed on the mast and there were a couple of telegraph poles in the vicinity. It was noted that the mast would be delivered by a lorry or tractor and trailer.

The Strategic Director, Regeneration and Culture outlined the public footpaths and confirmed that the location was designated as Green Belt within the Replacement Unitary Development Plan (RUDP) and identified as upland pasture in the Landscape Character Assessment Supplementary Planning Document. The site was close to a Site of Special Scientific Interest (SSSI) and special protection area that was nationally designated. There were also wildlife areas in close proximity. It was noted that the RUDP policies applicable in the report had been superseded by the National Planning Policy Framework from 27 March 2012, which was in favour of sustainable development.

Members were informed that Denholme Parish Council had requested that the application be determined by the Panel. There were no immediate neighbours, the nearest residential properties being some distance away at Denholme Gate, therefore, notification letters had not been issued. A petition against the proposal with 223 signatures and 100 letters of objection had been received.

The Strategic Director, Regeneration and Culture reported that full consideration had been given to all the planning and renewable energy development issues, though there was strong support at national and local level for such schemes. The site was located within the Green Belt, therefore, the developer had to demonstrate very special circumstances in respect of the proposal. The applicant had indicated that the application was appropriate, preserved the openness of the Green Belt and would be for a limited amount of time. They had acknowledged that the proposal was inappropriate within the Green Belt, however, if the mast was not erected the developer would not be able to substantiate the requirement for a renewable energy source. The applicant had stated that the temporary period, limited impact and possible benefits of the proposal outweighed the harm caused to the Green Belt.

Members noted that the site was located within an important landscaped area that consisted of pasture land enclosed by stone walls. The Council's Landscape Design Unit had advised that there were a number of electricity and telegraph poles in the area and as the mast was temporary there would not be any long term damage to the landscape character. The Strategic Director, Regeneration and Culture acknowledged that the mast would be prominent and an unusual structure, however, there were no reasons to justify a refusal of the application. The site was close to a SSSI and protected area, but not within a protected area, therefore Natural England had been consulted. In response they had requested that bird diverter discs were utilised. The Council's Countryside officer had requested that bird surveys were undertaken in order to determine whether the mast would affect any species and the Council's Legal Department had confirmed that a condition that required survey work to be undertaken during the lifespan of the mast could be added if required. The Council's Countryside officer had also requested that the foundations and ground be re-stated following the removal of the mast and this could be conditioned on the application if necessary.

The Strategic Director, Regeneration and Culture explained that the impact of the mast on residents was not considered to be overbearing or affect their outlook as the nearest dwelling was 900 metres away, though it would be visible. The access to the site would be from Foreside Lane, which was not an adopted highway and the erection of the mast would not affect highway safety. The Council's Drainage Team had requested that the guy ropes did not affect the water course and there were no community safety implications. The application was then recommended for approval with the inclusion of a reference to the fact that consideration had been given to the Green Belt, biodiversity and drainage issues amongst others and subject to the conditions as set out in the report. It was also requested that the approval be subject to the amendment of Condition 3 and the addition

of a further condition that requested the undertaking of the bird surveys was agreed in writing with the Local Authority.

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

- There would not be a fence erected around the mast as there was no public access to the land.
- There was a possibility that birds could collide into the guy wires and the shadow from the mast may also affect them.
- The diameter of the mast was 163 mm.
- The mast and bird deflectors may create a noise in the wind.

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

- The three main issues in relation to the proposal were the Green Belt, character of the landscape and wildlife.
- The proposal was about the installation of wind turbines to create electricity.
- How had the proposal been justified in respect of the Green Belt?
- The applicant had justified the proposal by stating that it was a pre-cursor to an application for the erection of wind turbines.
- The applicant had stated that the application was justified as it would increase the provision of renewable energy.
- The character of the South Pennine landscape was unique.
- There were too many poles and pylons already.
- It was not known how the wildlife in the area would be affected.
- Unless the erection of wind turbines was important, there was no need for the mast.
- The application should be refused as it was unwarranted and within the Green Belt.

A representative of Oxenhope Parish Council was present at the meeting and raised the following issues:

- The site was located within the Green Belt.
- The proposal was unnecessary.
- Wind speed information must be available from other sources.
- Insufficient information had been provided.
- Inadequate information had been provided in respect of the Worth Valley.
- The Parish Council believed that the future for Oxenhope was to attract tourists to the area and the surrounding moorland provided an attraction.
- The Parish Council were trying to encourage people to explore the countryside.
- The South Pennine moorland was open, rugged, empty, and very important to the Bradford District.
- The mast would be 60 metres high and be visible from the Pennine uplands.
- The Council should be against the visual damage of the uplands.
- Thornton Moor had an impact on the South Pennine uplands.

A representative of Denholme Parish Council was present at the meeting and made the following points:

- The Parish Council did not object to the proposal, however, they had concerns in respect of the visual impact.
- The mast should be installed for a two year period, not three years.
- The guy wires would have approximately 30 bright orange discs each on them and

this would increase the visual impact.

- The proposal should be reduced to two years.

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

- The Landscape Architect had made claims that were inaccurate and it was believed that neither he nor the planning officer had visited the site, therefore, the Panel should undertake a site visit.
- A response from the Countryside and Rights of Way Service had not been noted within the report.
- Information in relation to the bird deflectors had not been circulated.
- The bird deflectors had raised health and safety concerns. They would place an increased weight upon the guy wires and increase the topple risk. The visual impact of the deflectors had not been mentioned or how many would be required in total. The lack of information in relation to the deflectors was unacceptable.
- Letters had not been sent to residents in the surrounding properties and this had been confirmed by the Planning Department.
- Denholme Parish Council had not objected to the proposal, however, they still had concerns. They had requested that the decision be delegated to the Panel and asked that a condition be placed on the application.
- The content of the report was disappointing and it did not address any of the concerns raised by objectors.
- It was believed that too much weight had been given to Planning Policy Statement (PPS) 22 and not enough to PPS23.
- The developer should look at and exhaust other options before resorting to the erection of a wind mast.
- Data was available from other sources and, therefore, the mast was not required.
- The development was inappropriate, not required and there were no special circumstances.
- It was acknowledged that the mast would be temporary, however, it would inevitably lead to the construction of larger permanent structures.
- Wind masts did not produce energy and should not be placed under the banner of renewable energy.
- The planning permission should be refused as there were no special circumstances and alternative options of gathering the data were available.

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

- The proposal was to erect a temporary wind mast that was required for a number of purposes.
- The purpose of the mast was to investigate the possibility of a wind farm in the area.
- The mast would collect data at various heights.
- The data would be used in the noise assessment for a wind farm.
- The mast had to be located as near as possible to the proposed wind farm site.
- The concerns raised by residents had been used to ensure that the proposed wind farm was well designed.
- The mast would be a tall hollow steel tube and would measure wind speed.
- The mast would be very slim, sited on a wooden block and anchored by guy ropes.
- The mast would be installed in one day and brought to the site by a vehicle and trailer.
- The mast could be easily removed as it would not have an anchor.
- The visual impact of the mast would be reduced as it would be very slim.

- The application was for the installation of a temporary mast over a three year period.
- The applicant had a great deal of experience in erecting masts.
- There had not been any objections from consultees.
- The conditions proposed in relation to birds and drainage were accepted.

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

- The application was for three years due to the differing weather conditions and more data could be collated.
- The data from other wind turbines on the area could not be used.
- The mast would be sited on private land so vandals would enter at their own risk and the public footpath stopped short of the site.
- The guy wires provided stability and rigidity to the mast.
- The mast had been designed to withstand high winds and analysis had been undertaken to ensure this.
- The proposal was for four wind turbines on the site.

The City Solicitor stated that the issue of how many wind turbines were proposed for the site was not related to the application under consideration but allowed the information to be reported as the applicant's agent and objector had mentioned them.

During the discussion Members raised the following issues:

- The purpose of the application was to test the wind direction in order to site the wind turbines in the most productive place.
- Were wind turbines the most efficient way to produce electricity?
- The application would affect the Green Belt.
- If granted, the application would not permit the installation of the proposed wind turbines.
- A further application would be required for the installation of the wind turbines and the best available data would be required. A suitable site for the wind turbines would also need to be identified.
- The application under consideration was to grant permission for the collection of data and if permitted the data compiled would allow a more informed decision to take place in respect of the proposed installation of wind turbines.
- There was no Green Belt justification for the proposal and this needed to be checked.
- The proposed mast would create a minimum visual intrusion.
- Climate change was a serious issue.
- The application was for the erection of a mast for three years, however, the arguments on both sides related to the installation of wind turbines.
- The data obtained from the mast could be used by both sides and would allow an informed decision to be made.
- The mast would not be noticeable after a few weeks.
- The discs on the guy ropes would not be visible.
- The data required could be obtained from the University.
- The applicant's agent had stated that the proposal would be to install four wind turbines on the site, therefore, the purpose of the mast was to pre-cursor an application for wind turbines.
- The site was within the Green Belt and the application would affect the landscape and character of the area.
- The countryside should be preserved.

- The mast would probably be visible for many miles.

Resolved –

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

- (i) **That the reason for approval be amended to include a reference to the fact that consideration had been given to the Green Belt, biodiversity, protected species, residential amenity, highways and drainage and that the proposal be considered acceptable in relation to these interests of acknowledged importance.**
- (ii) **That condition 3 be amended to include the reinstatement of the land to its previous condition with soil seeding.**
- (iii) **That an additional condition be added requiring bird surveys in accordance with a survey plan agreed in writing by the Local Planning Authority.**

ACTION: Strategic Director, Regeneration and Culture

(d) Requests for Enforcement/Prosecution Action

(i) 25 Bilsdale Way, Baildon

Baildon

Construction of an unauthorised balcony at first floor level - 11/00574/ENFUNA

Enforcement Action to remove the balcony was authorised on 14 March 2012.

(ii) 27 Greenfield Crescent, Cullingworth, Bingley

Bingley Rural

Non-compliance with condition relating to external treatment of dormer window - 09/00905/ENFUNA

Enforcement Action requiring compliance with the condition was authorised on 12 March 2012.

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration and Culture

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

APPEAL ALLOWED

(i) **17 The Orchards, Bingley**

Bingley

Re-submission of refused application 09/05629/FUL for a new detached dwelling on a vacant plot - Case No: 11/00977/FUL

Appeal Ref: 11/00198/APPFUL

APPEALS DISMISSED

(i) **15 Victoria Park, Shipley**

Shipley

Construction of dormer and roof terrace to rear - Case No: 11/04056/HOU

Appeal Ref: 11/00212/APPCON

(ii) **40 Market Square, Shipley**

Shipley

Change of use from class A1 shop to class A2 financial and professional services to include new shopfront and installation of air conditioning unit to rear elevation and satellite dish to roof - Case No: 11/03509/FUL

Appeal Ref: 11/00214/APPFUL

(iii) **Buck Park Quarry, Whalley Lane, Denholme**

Bingley Rural

Construction of new junction and access road, extraction of remaining mineral reserves, landfill engineering with non-hazardous waste and restoration - Case No: 10/04255/FUL

Appeal Ref: 11/00099/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