

**Minutes of a meeting of the Area Planning Panel
(Bradford) held on Wednesday, 17 January 2018 in
Committee Room 1 - City Hall, Bradford**

Commenced 10.05 am
Concluded 12.25 pm

Present – Councillors

| CONSERVATIVE | LABOUR | LIBERAL DEMOCRAT AND INDEPENDENT |
|----------------|---|-------------------------------------|
| Barker Shaw | S Hussain Wainwright Azam Watson | Stelling |

Observers: Councillor David Green (Wibsey)

Councillor S Hussain in the Chair

29. DISCLOSURES OF INTEREST

The following disclosures of interest were received in the interest of clarity:

Councillor Azam disclosed that he knew a person associated with one of the applications but he had not discussed any of the matters now before the Panel for determination with any interested parties.

Councillor Shabir Hussain disclosed that he knew a person associated with a number of the applications but he had not discussed any of the matters now before the Panel for determination with any interested parties.

ACTION: City Solicitor

30. MINUTES

Resolved –

That the minutes of the meeting held on 1 November 2017 be signed as a correct record.

31. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

32. PUBLIC QUESTION TIME

There were no questions submitted by the public.

33. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The Strategic Director, Place presented **Document “K”**. Plans and photographs were displayed in respect of each application and representations summarised.

(a) 246 – 250 Manningham Lane, Bradford

Manningham

Full planning application for the change of use from A1 Retail to A3 Restaurant/Café at 246 - 250 Manningham Lane, Bradford - 17/05588/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained the application considered a change of use from a cycle shop to a restaurant. He stated that the building had a shop frontage and he considered there to be enough on street car parking in the vicinity to serve the proposed restaurant/café. He considered the proposal would improve the appearance of the building and the external shutters would be replaced with internal ones, improving the visual appearance. The drainage officer had advised that grease interceptors were required to the drainage servicing the kitchen to prevent pollution of the drainage system from grease, therefore a footnote advising the applicants of the need for this was considered sufficient and the application was recommended for approval.

Members commented on the car parking issues in the vicinity of Manningham Lane on match days and inconsiderate parking that took place in the area. In response, the Highways Officer stated that he was aware of proposals in relation to car parking restrictions around the Valley Parade Stadium but he could not confirm whether they extended out as far to this location.

The Chair commented that there were a variety of shops in the area and a number of car parking spaces in the vicinity to serve them.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report.

Action: Strategic Director, Place

(b) and (c) Kings Arms, 10 Highgate, Bradford

Heaton

- (b) A full planning application relating to the former King's Arms Public House at 10 Highgate, Heaton, Bradford. The proposal relates to the conversion of the upper floors from one flat to four flats including dormer windows to the front and rear roof slopes. The application also seeks consent for a range of uses at ground floor level including the retention of the existing A4 drinking establishment, an A1 shop, an A2 financial and professional services office or a B1 (a) office - 17/04832/FUL
- (c) A full planning application relating to the former King's Arms Public House at 10 Highgate, Heaton, Bradford. The proposal relates to the conversion of the ground floor to two self-contained flats - 17/05825/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that two applications had been submitted for the same property; one to retain the A4 use or introduce another use at ground floor level with four flats above and the other to convert the ground floor into two flats. The building had been registered as an Asset of Community Value in September 2014 and in May 2016 the owner had notified his intention to sell the property. The Strategic Director, Place explained that community groups had six weeks to present a bid for the asset and once received the owner had to allow six months for the sale to complete. He confirmed that in July 2016 an interest to buy the building by a group had been submitted, however, the purchase had not been successful. It was noted that the building remained on the Asset of Community Value list for five years and Members would need to consider the potential loss of A4 use at ground floor level, however, there were other public houses and community facilities in the vicinity. The Strategic Director, Place reported that three car parking spaces to the rear and one to the side would be provided with access to the upper floor gained via the existing staircase at the rear. With regard to noise transfer to the proposed flats, a report had been submitted that detailed attenuation measures. In conclusion he acknowledged that it was regrettable that the community group had not been able to purchase the building. Both applications were then recommended for approval subject to the conditions as set out in the report.

An objector addressed the Panel and raised the following concerns:

- He was a member of the Friends of the King's Arms Group.
- He missed the pub and the interaction with the local community.
- The property was located within the urban village of Heaton.
- Residents valued the pub and had requested it be registered as an Asset of Community Value.
- He believed that the Council's Planning Department had considered everything.
- The National Planning Policy Framework (NPPF) and Core Strategy stated community should be taken into consideration.
- He believed that the Council would be acting against the principles of the NPPF and Core Strategy if the pub was lost.
- A community asset would be lost.

- The locality of Heaton village, but not other areas, was a community.
- Due weight should be given to the community factor and the community asset status of the building.
- The comparison to a pub in London was weak and it had not been registered as a community asset.
- There were no other pubs in the vicinity.
- Going to the shop was different to frequenting a pub.
- The proposed four or six flats would be small.
- Bradford was a diverse city but the balance could only be maintained if community anchors were in place.
- The use of the building had been deemed as viable and the property could still operate as a pub.
- The community would be affected if the applications were approved.

In response to a Member's queries regarding community value, the City Solicitor confirmed that the building was registered, however, the Panel would need to decide whether the weight given to an Asset of Community Value outweighed the proposal. Another Member questioned whether the Friends of the King's Arms Group had considered purchasing the premises and was informed that the community group had raised money, received grants and submitted a proposal but had been outbid.

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

- A valid use of the building wanted to be achieved.
- One proposal retained the class A4 use.
- The building had been marketed with an agent but no approaches had been made in respect of the ground floor lease.
- Other options had to be pursued as it was not viable to leave the building empty.
- The pub's trade had depleted over the years.
- The building needed to be retained and maintained.
- Money had been invested in the building in order to bring it back into use.
- It was hoped that the ground floor lease would be taken.

The applicant was also present at the meeting and commented that:

- Money had been invested in the building to make the structure safe.
- He had lived in the area for many years and wanted to retain the property.
- If the building had been in use it would not have been placed on the market.
- He had tried to progress the community bid but it had not been successful.

The Chair stated that it would be a shame if the building could not be retained and noted that other public houses had closed in the area and the buildings remained empty.

In response to a Member's question regarding the parking provision, the Strategic Director, Place reported that class A4 use could generate a large amount of traffic, however, the number of parking spaces provided would be acceptable due to the sustainable location.

In conclusion Members acknowledged the efforts made by the applicant to market the building.

Resolved –

- (b) & (c) That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report.**

Action: Strategic Director, Place

(d) Land South of 5 Aire Street, Bradford

Idle & Thackley

A reserved matters application for the construction of a single dwelling at land south of 5 Aire Street, Bradford - 17/05908/REM

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that an outline application for the construction of a single dwelling on the site with primary access off Aire Street had been granted in 2015. This application sought approval for the landscaping, scale, layout and appearance of the development. The proposed dwelling was set back from a row of terraced housing and there were no concerns of overlooking due to its proposed design. It was noted that six representations had been received against the scheme and the issues were covered in the report.

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

- She was representing a number of residents who were against the proposal.
- A local Ward Councillor supported the objectors.
- The site was enclosed and she considered the photographs used in the officers present to be misleading due to the angles at which they had been taken.
- She had lived in the area for 27 years.
- She resided at 20 Hyde Street and lived closest to the site. Her property would be impacted upon the most; it was only 13 metres away from her home and would cause overshadowing and the loss of light.
- She considered there to be an error in the report as No. 22 Hyde Street had windows facing the proposed development; the report stated it did not.
- She stated that under Section 149 of the Equality Act 2010 a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination. She considered this had been contravened as vehicles parked on the site had caused her access issues to her property and she questioned whether this legislation had been properly considered by the Council.

In response to comments made, the Strategic Director, Place explained that the distance between the proposed development and No. 20 Hyde Street was 13 metres and that this was taken at an angle given the changing levels between the two properties, there were no habitable windows therefore a 17 metre distance

between the windows was not a requirement. He also stated that whilst there would be some loss of light and overshadowing, the 25 degree line taken from the ground floor window of No. 20 Hyde Street had been achieved. He did not consider the loss of light and overshadowing to be significant enough to warrant the refusal of the application and whilst it was not appropriate for materials to be dropped off on site during the consultation period which had caused the blocked access, this was not a planning ground on which the application could be refused.

The Council's Legal representative stated that he was satisfied that the Equality Act 2010 had been complied with given that the application had adhered to planning regulations and that the principle of the development had previously been considered and accepted.

In response to a Member's question, the Strategic Director, Place explained that any conditions placed on the application needed to be enforceable.

The applicant's agent was in attendance at the meeting and assured Members that any conditions placed on the application would be complied with by the applicant. He added that the applicant had done his best to ensure the application complied with planning requirements and that the proposed development was in keeping with the street scene.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place's technical report and subject to the following additional conditions:

- (i) Prior to the commencement of the development hereby permitted a plan detailing the position of contractor's car parking shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall then be kept available for contractors to park on during the construction of the approved development.**

Reason: In the interest of residential amenity and highway safety and to comply with Policy DS5 of the Core Strategy Development Plan Document.

- (ii) Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.**

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy DS5 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

(e) 160 Allerton Road, Bradford

Toller

Full planning application for change of use of an A1 shop to an A3 café at

160 Allerton Road, Bradford - 17/05995/FUL

The Strategic Director, Place informed the Panel that the applicant had withdrawn the application.

Resolved –

That subject to written confirmation, this application be regarded as withdrawn and formal notification to be received by the Strategic Director, Place within 10 days.

Action: Strategic Director, Place

(f) 86 Moore Avenue, Bradford

Wibsey

Retrospective application for the installation of extract canopy flue to the rear of 86 Moore Avenue, Bradford - 17/04861/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was retrospective for the retention of an external flue on a property that was located within a residential area. The flue had been installed following a fire at the premises which had a takeaway business on the ground floor and a residential flat above. Members noted that a fire report had been submitted that stated the external flue greatly reduced the risk to life, however, the Council had concerns in relation to the prominence of the flue along with noise and odour issues. The Strategic Director, Place reported that an internal flue would resolve the issues and this could be encased in a fire resistant box, as per building regulations and regularly cleaned. Other solutions would be to install a system that used a vent or to encase the outside flue with matching materials. The application was then recommended for refusal as per the reasons set out in the report.

In response to Members' questions, the Strategic Director, Place confirmed that:

- It was believed that noise and odour suppression measures had been fitted to the new flue, however, complaints had been submitted to the Council's Environmental Health Unit.
- The flue was very prominent.
- The previous flue had been internal.
- It was not known whether the flue met fire regulations, however, an internal flue was governed by building regulations. The flue created visual harm and the Council's long term policy was to refuse external flues. Internal flues could be installed and encased in specialist materials.
- The planning application for the takeaway business submitted in 2008 had included the flue and the area above had been used for storage purposes at that point.
- Alternative solutions had been proposed to the applicant and agent.
- If an internal encased flue had been proposed, the application would have been looked at favourably.

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

- The report was based on assumptions and not facts.
- The previous internal flue had been encased in fire resistant material and the Planning Department had been informed.
- The previous flue had been compliant with planning policies and the applicant adhered to policies and regulations in all his businesses.
- The independent report stated that the external flue was safer for the residents of the flat.
- The external flue was an improvement and did not damage visual amenity.
- No objections had been received from local residents.
- He was not aware of any noise and odour complaints that had been reported to the Council's Environmental Health Unit.
- The applicant had not been informed of any complaints by the Environmental Health Unit.
- If there was a fault with the flue system, it could be repaired.
- Any visual amenity issue would be outweighed by fire safety.
- The applicant had been informed that an external flue would improve the safety of the flat above whereas on-one had stated that an internal flue would be safer.

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

- A severe fire had occurred at the premises.
- The previous flue had been encased.
- Fortunately the resident of the flat had not been harmed.
- An external flue was required to prevent loss of life.
- The original application had proposed an external flue, however, the Council's Planning Department had requested an internal flue.
- The external flue had been installed for safety reasons.
- He had paid for plans, drawings and an independent fire report.
- The Council would have to provide a written disclaimer stating that he was not responsible for any loss of life if an internal flue was fitted.

The Strategic Director, Place stated that the Council would not provide a guarantee or disclaimer in respect of the flue. He explained that advice had been sought and an internal flue would not prejudice safety. The external flue could also be made unobtrusive or a different system could be used. The Strategic Director, Place indicated that he was surprised that the Council's Environmental Health Unit had not contacted the applicant and added that the lack of representations did not mean that the application was acceptable.

In response to further Members' queries, the Strategic Director, Place explained that:

- The applicant's point of view was appreciated, however, the concerns regarding the flue would be resolved if a different system was used.
- The Council had taken the approach that the existing flue was not acceptable due to visual harm, however, if the Panel were minded to approve the application then it could be requested that the flue be painted.

- Internal flues were specified within the Council's policies, but were not in planning law.
- The property had a commercial ground floor and a residential use upstairs.
- The Council's Environmental Health Unit had confirmed that they had contacted the applicant regarding the complaints. They had reported that the flue system was creating noise and odour nuisance and was not fitted with abatement equipment.

The applicant confirmed that he had not seen the response from the Council's Environmental Health Unit and stated that he would resolve the noise and odour issues. He reiterated that other options would have a financial cost and would not be practical.

The Strategic Director, Place informed the Panel that there was a building in the vicinity that had installed a carbon filter system and that cost was not a planning matter. The applicant had been requested to look at other options and the application could be withdrawn in order for different systems to be discussed, however, this would delay the process. Members were then reminded that the application for consideration was the retrospective installation of the external flue and its affect on visual amenity.

During the discussion Members indicated that they were minded to approve the application with conditions in order to ameliorate the impact on visual amenity. The City Solicitor stated that the Panel needed to decide whether the flue was intrusive or not and confirmed that conditions could be placed on the application, if the Panel was minded that the flue could be made acceptable.

Resolved –

That the application be approved for the following reason:

That the external flue would not be detrimental to visual amenity or be intrusive to the area and would, therefore, be compliant with policies SC9, DS1 and DS5 of the adopted Core Strategy for the Local Plan for the Bradford District and the policy contained within the adopted Hot Food Takeaway Supplementary Planning Document.

And subject to the following conditions:

- (i) **Within 56 days of the date of this decision all external sections of the flue shall be painted a dark colour and this shall be retained whilst ever it exists on site.**

Reason: In the interest of visual amenity and to comply with Policy DS3 of the Core Strategy Development Plan Document.

- (ii) **Within 56 days of the date of this decision the odour and noise attenuation measures set out in the 'Extraction System Proposal' by Easter Catering Engineering Ltd dated 24 July 2017 and received by the Council on 11 August 2017 shall be installed to the extraction system. These attenuation measures shall then remain in place whilst ever the flue exists on site.**

Reason: In the interest of neighbour's amenities and to comply with Policy DS5 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

34. MISCELLANEOUS ITEMS

The Strategic Director, Place presented **Document "L"** and the Panel noted the following:

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

(a) 76 Folkestone Street, Bradford Bradford Moor

Unauthorized externally mounted roller shutters, heat exchange unit and store/freezer unit - 17/00232/ENFUNA

On 27 November 2017 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS DISMISSED

(b) 1 Mount Royd, Bradford Manningham

1 x Canvas wall sign (retrospective) - Case No: 17/00081/ADV

Appeal Ref: 17/00104/APPFL2

(c) 25 Park Road, Thackley, Bradford Idle & Thackley

Retrospective planning application to amend and alter boundary treatments to front elevation of property: Remove dilapidated ship-lap fence and gate with trellis and bushes to be replaced with new timber enclosure of a similar height - Case No: 17/02099/HOU

Appeal Ref: 17/00112/APPHOU

(d) 337 Great Horton Road & 2 Frank Street, Bradford City

Appeal against Enforcement Notice - Case No: 15/00053/ENFUNA

Appeal Ref: 17/00051/APPENF

(e) 41 Loxley Close, Bradford Eccleshill

Appeal against Enforcement Notice - Case No: 15/00965/ENFUNA

Appeal Ref: 17/00039/APPENF

(f) 41 Loxley Close, Bradford

Eccleshill

Appeal against Enforcement Notice - Case No: 15/00965/ENFUNA

Appeal Ref: 17/00046/APPENF

Resolved –

That the decisions be noted.

Action: Strategic Director, Place

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Area Planning Panel (Bradford).

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