

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 15 May 2019 in Committee Room 1 - City Hall, Bradford

Commenced 10.00 am
Concluded 10.55 am

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
S Hussain Wainwright Amran Watson	Barker Whitaker	R Ahmed

Councillor S Hussain in the Chair

35. DISCLOSURES OF INTEREST

In the interest of transparency Councillors Amran, Riaz Ahmed and S Hussain declared an interest in the item relating to 38 Manningham Lane (Minute 38(a)) as they had all attended the venue as wedding guests.

36. INSPECTION OF REPORTS AND BACKGROUND PAPERS

No disclosures of interest in matters under consideration were received.

37. PUBLIC QUESTION TIME

No questions were submitted by the public.

38. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

**(a) 38 Manningham Lane Bradford BD1 3EA -
19/00934/FUL**

City

A retrospective change of use from restaurant/café (A3) to banqueting facilities (sui generis) at 38 Manningham Lane, Bradford, BD1 3EA - 19/00934/FUL

The Strategic Director Place in setting out the application referred to the site history, stating that a change of use application from a restaurant to banqueting facilities was refused in December 2018 on the grounds of noise and disturbance being detrimental to neighbouring amenity. Previous to this the application was refused in September 2018 on the grounds that there was a lack of off-street parking, leading to indiscriminate parking, which would be detrimental to highway safety as well as noise and disturbance.

It was pointed out that this was a retrospective application and that the applicant had been operating the banqueting suite without planning permission for a number of years and that an enforcement notice had been served, hence the retrospective planning application before the Panel today.

The Strategic Director referred to the site plan, photographs of the site and the adjoining area, although a recent application had been refused partly on highway grounds relating to insufficient parking, the current application had been accompanied by a Transport Statement which the Council's Highways Officers had accepted the findings of, albeit that the banqueting facilities was likely to generate more usage than a restaurant. On site parking would only be for 18 vehicles and officers had discounted the assertion on the submitted plan of an additional 20 places to the rear of the site, as this land was shared with other uses within the building.

Following advertising of the application, 18 representations had been received, 17 were objecting and one was in support, the principle objections were detailed in the report, with parking and noise being the main grounds of objection.

The Council's Environmental Health Officer had confirmed that they did not object to the proposal, subject to the installation of sound insulation measures detailed in the noise impact assessment.

In view of the above and the lack of objection from the Council's Highway officer, on balance the application was recommended for approval.

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

- That the venue operated on a 24/7 basis and residents life had been blighted by this continuous use.
- That although there was a residents only permit parking scheme in place, there was a complete disregard for this, as guests parked indiscriminately, causing a huge inconvenience to residents.
- That whilst the venue was operating, congestion in the area was intolerable.
- That the setting off of fireworks, loud music from cars, car horns being sounded and people loitering in the vicinity of the venue, sometimes into the early hours, was making life unbearable for families and creating an intimidating atmosphere for families who had young children.
- In addition to the noise and parking issues, rubbish from the venue was left on the street causing additional inconvenience to residents.
- That the owner had shown a complete disregard for the impact his venue was having on residents and that he failed to meet residents to discuss the issues.

In response to some of the issues raised the Strategic Director Place clarified that if Members were minded to approve the application, the hours of operation would be 11am to 11pm, Monday to Sunday. In relation to parking in a resident's only zone, this was an issue of enforcement and not a material planning consideration.

The applicant's agent was present at the meeting and made the following comments in support of the application:

- That this was a commercially viable business supporting the local community, which employed two full time staff and 20 on a part time basis, which was a popular venue with the community and the surrounding area.
- That given the venue already had permission to operate as a restaurant; the proposed use would not be dissimilar.
- That a Transport Statement had been commissioned by the applicant to assess the parking demand in the area and there were 500 parking spaces available within a 400 metre radius of the application and that the Council's own Highways officer had raised no highway safety concerns on the application.
- That a noise impact assessment had also been submitted with the application and given the measures proposed for sound proofing, the Council's Environmental Health Officer was happy and had raised no

specific concerns, there was unlikely to be noise spillage from the venue, whereas noise traffic was more prominent given the proximity to Manningham Lane.

- That he agreed with the planning officer's recommendation to approve the application and he urged Members that given the mitigation measures in place to deal with the noise issue, this mixed use proposal, in a sustainable location, which accorded with local and national planning policy should be approved.

In response to the points raised by the applicant's agent, the Strategic Director Place clarified that banqueting use in comparison to restaurant use for which approval was already in situ, would generate a higher number of guests.

During the discussion Members made the following comments in relation to the proposed application:

That the venue had been operating five years without the requisite planning approval and that the applicant had shown a complete disregard for planning policy. In addition the applicant asserts that there are 500 parking spaces within the vicinity of the venue, however given how busy this area is it was difficult to pinpoint where these parking places were located.

That there was already congestion on Manningham Lane as it was one of the arterial routes in to the City and that as vehicles were turning to access the venue, additional congestion was being caused.

That guests arriving at the venue were unlikely to park any great distance away from the venue or use public transport for that matter; therefore the adjoining streets would have to accommodate the bulk of the parking.

That the current parking arrangements on the site were already very limited and constrained and not really viable for the number of guests that attend the venue for any given function.

That noise and disturbance and parking issues emanating from the use of this venue were real and that residents concerns had to be taken into account.

That the additional 20 parking spaces identified by the applicant to the rear of the site were misleading.

In response to Members' comments the Strategic Director Place stated that although this was a retrospective application, Members should consider this application on its merit and that enforcement issues affecting the site should be viewed separately.

In response to a question on the 500 parking spaces that had been identified in the Transport Statement, the streets that had been identified within 400 metres of the application site included Eldon Place and North Parade.

In conclusion Members were in agreement that the impact the application would have on highway safety and residents parking would be significant and it was therefore:

Resolved –

That the application be refused for the following reasons:

- (i) **The proposed development fails to provide sufficient and suitable provision within the site for the accommodation of motor vehicles. As such the proposed development would result in greater on-street car parking to the detriment of the safe and free flow of traffic on the highway. For this reason the proposed development is unacceptable when measured against Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.**

- (ii) **It is not considered the proposed development would be able to provide adequate parking for events within the car park as such this would lead to additional vehicles parking on nearby residential streets including Brearton Street and Hallfield Place which are the closest streets on which vehicles associated with the proposed use could park. This level of comings and goings combined with vehicles picking up and dropping off visitors close to the site, particularly during unsociable hours would lead to noise and general disturbance for neighbouring residential properties contrary to policies DS5 and EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.**

ACTION: Strategic Director, Place

- (b) **Knowle Farm, Knowle Lane, Bradford** Wyke

A planning application for a proposed metal sliding gate to control access to Knowle Farm, Knowle Lane, Wyke - 19/00465/HOU

Resolved –

That the application be withdrawn at the request of the applicant.

ACTION: Strategic Director, Place

- (c) **Land at Apperley Lane, Apperley Bridge, Bradford** Idle & Thackley

A outline application for residential development of up to 9 dwellings requesting consideration of access on land at Apperley Lane, Apperley Bridge, Bradford - 18/05446/OUT

Resolved –

That the application be deferred to the next meeting at the request of the applicant.

ACTION: Strategic Director, Place

39. MISCELLANEOUS ITEMS

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

(a) 35 Southmere Road Bradford West Yorkshire BD7 3NS

Great Horton

construction of front boundary wall without planning permission with railings atop, vehicular access gate and the formation of hard-standing at the front of the property without provision to direct run-off water to a permeable or porous area or surface within the curtilage of the dwelling house - 17/00681/ENFUNA

On 19 March 2019 the Planning Manager (Enforcement and Trees) authorised the issue of an Enforcement Notice.

(b) 61 Maidstone Street Bradford West Yorkshire BD3 8AP

Bradford Moor

Unauthorised front and rear dormer windows - 18/00009/ENFAPP

The breach of planning control has not been rectified and on 11 April 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(c) 63 - 65 Maidstone Street Bradford West Yorkshire BD3 8AP

(d)

Bradford Moor

Unauthorised front and rear dormer windows - 18/00097/ENFAPP

The breach of planning control has not been rectified and on 11 April 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(d) 194 St Enochs Road Bradford West Yorkshire BD6 3BT

Wibsey

Without planning permission, the installation of a roller shutter, shutter box and

guide rails to the front of the property - 18/00081/ENFUNA

On 12 April 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(e) Land at 26 Summerville Road Bradford West Yorkshire BD7 1PX City

Unauthorised Class A3 restaurant/café use and external works –
18/00480/ENFUNA

The unauthorised Class A3 restaurant/café use of the land is continuing and on 21 March 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(f) 20 Summerville Road Bradford West Yorkshire BD7 1PX City

Unauthorised Class A3 restaurant/café use - 18/00514/ENFCOU

The unauthorised Class A3 restaurant/café use of the property is continuing and on 21 March 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(g) 520 Great Horton Road Bradford West Yorkshire BD7 3HG City

Unauthorised extractor units, signs and lighting - 18/00657/ENFLBC

No action has been taken to rectify the breach of planning control and on 16 January 2019 the Planning Manager (Enforcement & Trees) authorised the issue of a Listed Building Enforcement Notice.

(h) 33 Idle Road Bradford West Yorkshire BD2 4QA Bolton & Undcliffe

Unauthorised conservatory extension and raised platform

On 16 January 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeals Allowed

(i) 8 Woodhall Avenue Bradford BD3 7BY Bradford Moor

Single storey extension to the side - Case No: 18/02157/FUL

Appeal Ref: 18/00153/APPFL2

(j) **92 Killinghall Road Bradford BD3 8HN** Bradford Moor

Single storey rear/side extension - Case No: 18/03963/HOU

Appeal Ref: 19/00004/APPHOU

Appeals Dismissed

(k) **10 Lower Rushton Road Bradford BD3 8PX** Bradford Moor

Side single storey extension - Case No: 18/04625/HOU

Appeal Ref: 19/00019/APPHOU

(l) **2 Albert Buildings Springfield Place Idle
Bradford BD10 8SR** Eccleshill

Construction of a detached dwelling. (Re submission of 18/00697/OUT) –
Case No: 18/01954/OUT

Appeal Ref: 18/00096/APPOU2

(m) **20 - 22 Pemberton Drive Bradford BD7 1RA** City

Appeal against Enforcement Notice - Case No: 16/00434/ENFUNA

Appeal Ref: 18/00112/APPENF

(n) **201A & 203A Great Horton Road and
26 & 28 Alexandra Street Bradford BD7 1RP** City

Retrospective application for dormers to side of each property - Case No:
18/00850/FUL Appeal Ref: 18/00141/APPFL2

(o) **252 St Stephens Road Bradford BD5 7HJ** Little Horton

Appeal against Enforcement Notice - Case No: 17/00971/ENFUNA

Appeal Ref: 18/00156/APPENF

(p) **289 Beacon Road Bradford BD6 3DQ** Royds

Residential development consisting of 5 pairs of semi-detached houses with

new access – Case No: 17/05465/MAO

Appeal Ref: 18/00119/APPOU2

(q) **3 Princeville Street Bradford BD7 2AG** City

Front porch extension - Case No: 18/02328/HOU

Appeal Ref: 18/00143/APPHOU

(r) **348 Beacon Road Bradford BD6 3DP** Royds

Construction of detached dwelling - Case No: 18/03573/FUL

Appeal Ref: 19/00011/APPFL2

(s) **49 Westgate Bradford** City

Retention of an installed ATM - Case No: 18/02257/FUL

Appeal Ref: 18/00158/APPFL2

(t) **60 Fitzroy Road Bradford BD3 9PD** Bradford Moor

Appeal against Enforcement Notice - Case No: 17/00925/ENFUNA

Appeal Ref: 18/00147/APPENF

(u) **60 Idle Road Bradford BD2 4NH** Bolton & Undercliffe

Appeal against Enforcement Notice - Case No: 14/01059/ENFCOU

Appeal Ref: 18/00137/APPENF

(v) **783 Little Horton Lane Bradford BD5 9ER** Wibsey

Part two storey, part single storey side/rear extension (retrospective) - Case No: 18/03309/HOU

Appeal Ref: 18/00148/APPHOU

- (w) **Advertising Right 164 On Gable Of 228
Sticker Lane Bradford BD4 8QQ**

Bowling &
Barkerend

One 48 sheet gable mounted digital advertising display unit - Case No:
18/02299/ADV

Appeal Ref: 18/00095/APPAD1

- (x) **Beehive Works Edderthorpe Street Bradford BD3 9EB**

Bowling & Barkerend

Change of use of part of existing storage/distribution unit (Class B8) to
Restaurant/Cafe (Class A3) - Case No: 18/02476/FUL

Appeal Ref: 18/00118/APPFL2

- (y) **The Gatehouse Upper Shibden Hall Catherine Slack
Halifax Road Queensbury Bradford BD13 2NN**

Queensbury

Restoration and two storey extension - Case No: 18/03425/HOU

Appeal Ref: 19/00008/APPHOU

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).