

## Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 15 October 2020 in

Commenced 10.05 am  
Concluded 12.25 pm

### Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton Wainwright Amran Watson	Ali Brown	Reid

Observer: Councillor Sullivan (Minute 19)

### Councillor Warburton in the Chair

#### 13. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

#### 14. MINUTES

Resolved –

That the minutes of the meeting held on 20 August 2020 be signed as a correct record.

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

There were no declarations of interest in matters under consideration.

#### 16. MEMBERSHIP OF SUB-COMMITTEES

There were no changes to Membership of Sub-Committees to report.

**17. 8 HIGHFIELD PLACE, BRADFORD BD8 7NN**

It was reported that the as the application relating to 8 Highfield Place, Bradford was in a conservation area and the appropriate notices had not been published it was requested that the application be deferred to a future meeting to allow that to take place.

**Resolved-**

**That as the application is in a conservation area the item be deferred to allow the appropriate notices to be publicised.**

**Action: Assistant Director, Planning, Transportation and Highways**

**18. DOG CONTROL PUBLIC SPACES PROTECTION ORDERS FOR THE BRADFORD DISTRICT**

Previous Reference: Minute 18 (2019/20)

The Assistant Director Neighbourhood and Customer Services submitted a report (**Document “AL”**) relating to the proposed extension variation of the six existing Dog Control Public Spaces Protection Orders for the Bradford District or, the making of a district wide order under the powers arising from the Anti-social Behaviour Crime and Policing Act 2014 (the Act).

The report also provided a summary of the responses to the statutory consultation.

Officers presenting the report gave a detailed presentation to the Committee on the contents of the report and emphasised the valuable contribution made by all those who responded to the statutory consultation.

A Member emphasised the importance of all Council Wardens being made fully aware of the enforcement rules.

In response to a Members question it was reported that Council Wardens did investigate when a complaint of dog fouling was received which included undertaking visits out of hours (evenings and weekends) and that new Wardens were provided with the necessary training in relation to enforcement.

It was reported that looking at the statistics for the past five years complaints were decreasing and in general people were complying with the order.

Members were informed that the success of compliance and enforcement depended on residents and visitors to Bradford being made aware of the restrictions and prohibitions and understanding what action they needed to take. Information would be added where necessary to the Council's website – enforcement was a key element of the continuing compliance with the Dog Control PSPO's.

It was reported that the signage across the district was easy to understand and there were sufficient signs to make it clear what restrictions and prohibitions were already in place – additional campaigns would be conducted to raise awareness and bring about behaviour change around dog control issues.

In response to a Members query it was reported that a licensing scheme for dog walkers was being looked at.

Members thanked the all those who responded to the statutory consultation for their valued contribution and thanked officers for the work they had undertaken.

**Resolved-**

- (1) That the six existing PSPO (Dog Control) 2011-2013 orders be extended until a composite district wider order is brought into effect.**
- (2) The Assistant Director, Neighbourhoods and Customer Services publicise the extended orders in consultation with the City Solicitor.**
- (3) A composite order to be brought into force as soon as reasonably practicable to include the existing prohibitions and requirements in the 6 orders and the following additional prohibitions and requirements as set out in 9.4 (a) (b) and (c) of the report namely:-**
  - (a) Dogs to be kept on leads around all sports grounds, fields, parks, and pitches, but only when in use for organised authorised events;**
  - (b) Dogs to be kept on leads on footpaths around lakes and ponds;**
  - (c) Persons in charge of dogs be required to carry a receptacle to remove dog faeces;**
- (4) The Assistant Director, Neighbourhoods and Customer Services publicise the composite order in consultation with the City Solicitor.**
- (5) That additional clear signage be erected where necessary.**
- (6) That exemptions to the requirements and prohibitions to include exemptions where a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects or who relies upon a dog trained by a prescribed charity for assistance.**
- (7) That the Assistant Director, Neighbourhoods and Customer Services be authorised to discount the PSPO fixed penalty fine from £100 to £80 if payment is made within 7 days.**

**Action: Assistant Director Neighbourhood and Customer Services and the City Solicitor**

**19. SUN INN BRADFORD OLD ROAD COTTINGLEY**

The Assistant Director (Planning, Transportation and Highways) will submit a report (**Document “AI”**) which seeks planning permission for a residential development at the Sun Inn, Cottingley, consisting of the conversion of the existing public house building into 8 apartments and the construction of 10 new-build dwellings on the surrounding land.

The Assistant Director gave a detailed overview of the planning application, showing plans, photographs of the proposed site, layout and construction activity to date. He reported that the site boundary was incorrectly shown on the plans in the agenda papers and emphasised that the correct boundary was shown on all other documents and that an email had gone out explaining the error..

It was reported that the site comprised the Sun Inn public house and its surrounding landscaped areas and car park, off Bradford Old Road, Cottingley, and extended to approximately 0.4 hectares. The site was located towards the eastern edge of Cottingley adjacent to Bradford Old Road near the roundabout with Cottingley Moor Road and Cottingley Cliffe Road. The surrounding area was primarily residential although directly to the north was a petrol station and tyre garage, and to the east and south of the site were open fields, which sat within an area of Green Belt.

Members were informed that Sun Inn Public House gained formal approval as an Asset of Community Value on 20 January 2020.

It was reported that a detailed assessment of pubs within a two-mile radius of the Sun Inn found that there were approximately 50 pubs located within a two-mile radius of the Sun Inn and that nine of these were considered to provide equivalent facilities to the Sun Inn (four in Bingley, one in Saltaire, two in Shipley, one in Heaton, and one in Wilsden)

Members were informed that although the retention of the Sun Inn would be desirable and was encouraged by Core Strategy Policy SC4 and the NPPF, based on the information submitted in support of the application – that the public house was unviable - and considering the existence of another public house and facilities within Cottingley, together with a number of other pubs nearby, it was considered that on balance, the adverse implications associated with the loss of the Sun Inn was outweighed by the delivery of both market and affordable housing on this site.

In response to a Members question it was reported that the Sun Inn was not a listed building; the access road would be brought up to adoptable standards; the Sun Inn ceased trading in November 2018 and the planning application was submitted before the pub was listed as an asset of community value.

The Ward Councillor was in attendance at the meeting and made the following comments:

- As well as residents objecting to the development - Bingley Town Council, Highways Development Control, Trees Team, had all responded negatively to the proposal.

- The public had enthusiastically backed the Asset of Community Value Status (ACV0076) – Indicating the Sun Inn’s importance to the community.
- Some of the reasons in the loss of community asset included –
  - Large, family-focussed, food-based pub with outdoor seating area.
  - Within walking distance of the whole of Cottingley
  - When run by Mitchells & Butlers, the pub was very popular.
  - Remaining pub in Cottingley did not offer the same service and had more restricted opening hours
  - People now had to travel about 2 miles for nearest equivalent facility (Heaton, Shipley, Bingley). Public transport did not go to many of these. The cost to a family would also preclude the ability of many of them enjoying such an amenity.
- Proposed changes to the building would affect its character (for example, replacement of windows).
- Previously the pub car park provided a useful parking area for parents dropping off / collecting their children from the local schools. This was supported by the pub as they were community focused.
- The traffic impact was a massive consideration – Invite the panel to visit the site in rush hour.
- There was a large residential development being proposed on land between March Cote Lane and Cottingley Moor Road (B6146). That would intensify gridlock already occurring at the roundabout about ten yards from one of the site entrances. More worryingly, it would mean that problem was of a longer duration – twice a day.
- As a pub the greater car traffic generated was evenings and weekends, so, did not contribute to that gridlock. 18 dwellings with its 36 cars would impact at the morning and evening rush hours. It would not take long for occupants to realise they had bought into a traffic nightmare and put properties up for sale. If the development went ahead the ‘house prices’ on it would flat-line.
- Cottingley needed facilities in the local area - to lose these meant the local population would need to travel elsewhere, thus, adding to the travel and environmental impacts including during evenings and weekends. The need for facilities would be even more important if approval for further development in the area was subsequently granted. Therefore, losing the Sun Inn could be seen as contributing to this detrimental impact in the short and long-term.
- Impact to TREES and the environment – the Aboricultural Officer in his report did not just state the “application failed on DS1, DS2 and EN5”, it positively excoriated the whole plan. What was the point of Bradford Council trying to be ‘green’ if, as this report more or less says, trees had been cut down? There were about eight places where the author of the report clearly thought contempt had been shown for the environment.

- The National Planning Policy Framework, specifically section 15, paragraph 170, “planning policies and decisions should contribute to and enhance the natural and local environment”. From the above observations it was clear this had not happened. In conclusion - Do members of Bradford Council actually believe that there was a Climate Emergency? NPPF paragraph 175 needed to be followed, and “planning permission should be refused”.

In response to the comments made by the Ward Councillor it was reported that:

- Some of the trees had been felled prior to the application being submitted; trees that had been retained were largely protected.
- In terms of parents using the car park for dropping and picking their children from school – the car park was private property.
- Traffic implications were not a concern.
- The traffic generated from the site being used for school pick/drop generated a lot more traffic which was tolerated by residents than the development proposed.

In response to Members questions it was reported that the primary purpose of the ACV was to afford the community an opportunity to purchase a property or land when it was offered for sale by the owner. When an owner intends to dispose of a listed asset, they must first give formal notice to the Council under the ACV regime. This initiated a six-week moratorium on disposal during which local community groups and parish councils would be able to express an interest in bidding for the property. If an expression of interest was received, the initial six-week moratorium extended to six months to allow preparation of a bid for the property or to negotiate with the property owner. At the end of the six-month period, the owner was able to sell the property to whoever they wanted and was under no obligation to accept an offer by a community group.

The objector (Save Sun Inn Campaign) attended the meeting and made the following comments:

- Being a resident of Bingley for 18 years with the last 8½ years living in Cottingley close to the Sun Inn and seen the pub turn from being a thriving establishment, which was very popular with the local community and those from further afield, to its sad decline since September 2017 when it was transferred from Mitchells & Butlers ownership to the Milton Pubs & Taverns portfolio. Ultimately, this led to its sudden closure on 22 November 2018 and its sale to the current developer.
- In total, Milton Pubs and Taverns was responsible for 73 pubs across the country. During 2018, 26 of these, including the Sun Inn, were put on the property market. By the end of 2018 and start of 2019, all these pubs were closed or sold on. Information available from Companies House indicates that Milton Pubs & Taverns was liquidated in March 2019. Therefore, it could be summarised that the Sun Inn had been exploited so that its then-owner could profit from the sale of the building and land.
- The current applicant considered that the Sun Inn was “...no longer economic...”. No evidence had been provided by the applicant to support

this statement. As stated earlier, when the pub was in Mitchells & Butlers' ownership, it was extremely popular. It was usually full and busy, both inside and (in good weather) outside. This was supported by evidence in the numerous objections to the planning application that had been submitted by local residents and others. There were many reports of the subsequent poor management of the business and poor service when it was run under Milton Pubs and Taverns and this would have contributed to its decline. Based on the earlier experience, in the hands of competent management, the Sun Inn could be a popular and thriving business again and provide an important function to the local community.

- During the planning application consultation period, a Campaign for Real Ale (CAMRA) Public House Viability Test was produced. This indicated that, run properly, the pub should be economically viable and there was potential for its growth.
- When it was open, the Sun Inn provided employment for a number of people living in the Cottingley area. This ceased when it was closed. The applicant had stated that the construction of the "...*new development would support local jobs*". It was unlikely that there would be a large demand for a local workforce as construction companies tended to employ their own staff and moved them from site to site as work dictated. In addition, the job opportunities that did arise would only be temporary as they would no longer be required once construction was completed. Should the proposed development be approved, it was considered this would remove any future opportunity of employment for Cottingley residents.
- The National Planning Policy Framework (NPPF), placed a responsibility on City of Bradford MDC, through its planning policies, to provide and retain local services and community facilities, such as public houses. Further to this, the Development Plan Document (DPD), Strategic Core Policy 4 (SC4): Hierarchy of Settlements relating to Local Service Centres and Rural Areas (which included Cottingley) stated "*Planning decisions and plans, strategies, investment decisions and programmes should seek to: Retain and improve local services and facilities, particularly in Local Service Centres*". Prior to this, Policy CF5 in the Regional Unitary Development Plan (RUDP), Policy Framework stated that the loss of community facilities, including public houses, may be permitted only when at least one of three key tests had been met. As detailed in my previous written objection, it was considered that the proposed development did not achieve the objectives of the NPPF and DPD and that none of the RUDP tests had been met.

Members were informed that the applicant had submitted a letter from a chartered surveyor who confirmed that the property was openly and fully marketed by a national pub agent. The letter went on to confirm that 'a significant period of time for marketing was allowed and...no interest was received to acquire the property at a realistic price, as a trading entity.' The letter indicated that to bring the pub to modern standards in terms of delivering a modern food offer and dining, would require significant investment. To bring the pub back into operation would require a full and total refit in the region of £150,000. The letter suggested that revenues were declining for some time before closure and it was no longer viable to

continue trading.

The information submitted in support of the application suggested that it was no longer viable and that the previous operator had undertaken a marketing exercise to enable its continuation as an operating pub under different ownership, but that this had not been successful. Based on the marketing efforts undertaken before the sale of the premises to the applicant, it would seem reasonable to conclude that alternative pub chains/operators do not consider the Sun Inn a viable longer term prospect and the likelihood of the pub use restarting was limited.

It was reiterated that although the retention of the Sun Inn would be desirable and was encouraged by Core Strategy Policy SC4 and the NPPF, it was considered that on balance, the adverse implications associated with the loss of the Sun Inn was outweighed by the delivery of both market and affordable housing on this site.

The agent for the applicant attended the meeting and made the following comments:

- The developer was a local business that employed local trade.
- The pub closed in 2018.
- In terms of parents using the car park for school pick and drop – this was private property.
- The development would include high quality homes which included 3 affordable homes; there was a shortage of houses in the area.
- The pub had excessive rates and needed high sales to keep it going; the previous owner was not achieving the sales; the pub failed financially due to cost.
- Pubs had been hit by the covid situation - this site as a pub would not be a success.
- The site had been on the market for a length of time.
- There were facilities near by that provided similar services to the Sun Inn.

**Resolved –**

**That the application be approved subject to the conditions and a Section 106 legal agreement as set out in Appendix 1 to Document “AI”.**

**Action: Assistant Director, Planning, Transportation and Highways**

## **20. MISCELLANEOUS ITEMS**

The Committee was asked to consider other matters which were set out in **Document “AK”** relating to miscellaneous items:

**(a) Requests for Enforcement/Prosecution Action** (A-L)

**(b) Decisions made by the Secretary of State -  
Dismissed** (M-O)

It was reported that information relating to the success of enforcement action and the number of people taken to court in the last 12 months would be provided to Members.

**Resolved-**

**That the requests for Enforcement/Prosecution Action and the decisions made by the Secretary of State detailed in Document "AK" be noted.**

**Action: Assistant Director, Planning, Transportation and Highways.**

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.**

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