

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 17 January 2018

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	246 - 250 Manningham Lane Bradford BD8 7BZ - 17/05588/FUL [Approve]	Manningham
B.	Kings Arms 10 Highgate Bradford BD9 4BB - 17/04832/FUL [Approve]	Heaton
C.	Kings Arms 10 Highgate Bradford BD9 4BB - 17/05825/FUL [Approve]	Heaton
D.	Land South of 5 Aire Street Bradford - 17/05908/REM [Approve]	Idle And Thackley
E.	160 Allerton Road Bradford BD8 0AA - 17/05995/FUL [Refuse]	Toller
F.	86 Moore Avenue Bradford BD6 3HU - 17/04861/FUL [Refuse]	Wibsey

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

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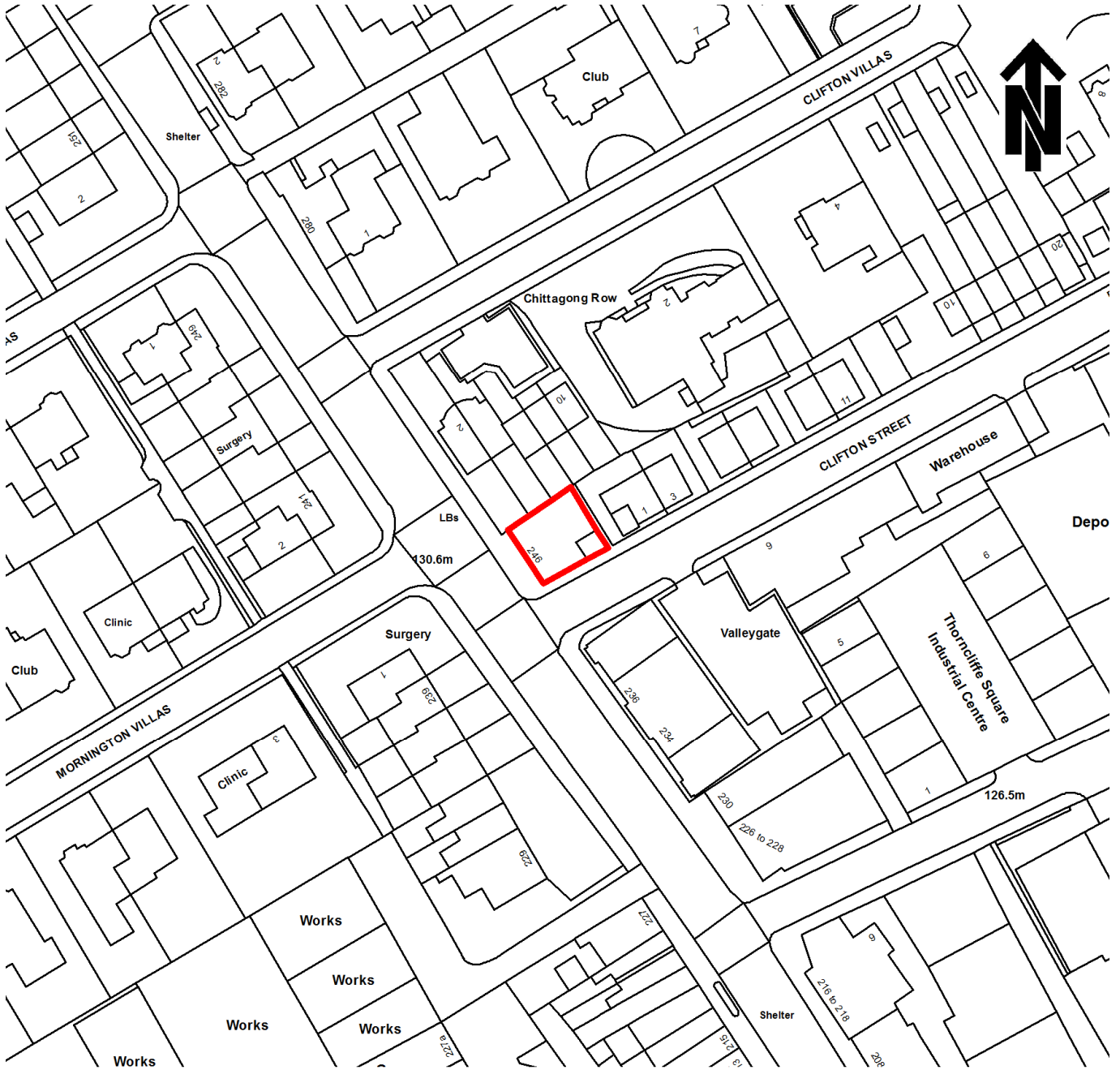
Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Committee Area:
Regeneration and Economy

17/05588/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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246 - 250 Manningham Lane
Bradford
BD8 7BZ

17 January 2018

Item: A
Ward: MANNINGHAM
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/05588/FUL

Type of Application/Proposal and Address:
Full planning application for the change of use from A1 Retail to A3 Restaurant/Café at 246 - 250 Manningham Lane, Bradford, BD8 7BZ.

Applicant:
Mr Amjid Hussain

Agent:
Faum Architecture

Site Description:
The property is a vacant retail premises located on Manningham Lane, which is a busy vehicular route into Bradford. The area is mixed use in character including a large proportion of residential uses.

Relevant Site History:
16/02305/ADV - Integral illumination and screen to the ATM fascia, internally illuminated Free Cash Withdrawals sign above the ATM fascia and blue LED halo illumination to the ATM surround. - Granted 10.05.2016.

16/02304/FUL - Retention of ATM installed through the existing glazing. Replace part of the existing glazing with a laminate composite security panel. Incorporate the ATM fascia with black bezel surround and white internally illuminated lettering, blue LED halo illumination to the surround. - Granted 11.05.2016.

07/01336/FUL - Installation of new shop front - Granted 01.05.2007.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

- DS1 – Achieving good design
- DS2 – Working with the landscape
- DS3 – Urban character
- DS4 – Streets and movement
- DS5 – Safe and inclusive places
- SC9 – Making great places

Parish Council:

None.

Publicity and Number of Representations:

The proposal was publicised with a site notice and neighbour letters – expiry 20.9.17. No representations were received.

Summary of Representations Received:

None received.

Consultations:

Drainage - Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-1:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal.

Highways – The highway officer initially had concerns about the lack of parking but following further consideration of the proposal there is considered to be sufficient parking in surrounding streets. The proposal is acceptable in terms of highway safety.

Conservation - Subject to the roller shutters being internal and details of any flues being provided, the proposal will preserve the setting of the Apsley Crescent Conservation Area.

Summary of Main Issues:

1. Background and principle of development.
2. Visual amenity.
3. Amenities of occupiers of adjacent land.
4. Highway safety.
5. Other planning matters.
6. Outstanding Matters Raised by Representations.

Appraisal:

1. Background and Principle of Development

The application is for the change of use of a vacant retail property to a restaurant. The site is not allocated for any specific land use in the RUDP but the planning merits of the case will be assessed against the Council's relevant Core Strategy Policies.

2. Visual amenity

The proposal is likely to improve the appearance of the building as it is proposed to renovate the shopfront and replace the existing external roller shutters with internal boxes and internal brick bond type shutters. As such it is not considered that the proposal will be harmful to visual amenity or the setting of the adjacent conservation area. A flue routed through the roof at the rear is proposed, this will have a minimal impact on the street scene and is acceptable providing it is a dark colour.

3. Amenities of occupiers of adjacent land

There is a mix of land uses including commercial and residential and this is a busy built up area on one of the main thoroughfares into Bradford. It is not considered that in this location the change of use would adversely affect the occupants of adjacent land.

4. Highway safety

The application site is located on Manningham Lane at its junction with Clifton Street. Manningham Lane is a busy classified road providing links to the city centre. The sites existing and previous uses have traditionally been non-food retail and subsequently have not generated significant levels of traffic or a real need for dedicated parking.

Initially the highway officer had concerns regarding the lack of dedicated off street parking for the proposal but following discussions with the agent and further consideration accepts that there should be sufficient on street parking available in surrounding streets such as Mornington Villas and the initial objection to the scheme has now been withdrawn. The proposal fails to provide any parking but when measured against the Council's current standards, given the sustainable location and the available on street parking the proposal is considered acceptable in terms of highway safety.

5. Other planning matters

The drainage officer has advised that grease interceptors are required to the drainage servicing the kitchen prevent pollution of the drainage system from grease. This is an issue which is resolved via the Building Regulations and so a footnote advising the applicants of the need for this is considered sufficient at this stage.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application

Reason for Granting Planning Permission:

The proposal's impact on local amenity and highway safety has been fully considered and is considered acceptable when measured against the relevant development plan policies and the NPPF.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The use of the premises shall be restricted to the hours from 0800 to 2300 Mondays to Saturdays and from 0800 to 2300 on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

3. The flue and extraction system hereby permitted shall installed prior to the use as a restaurant commencing and the external flue shall be finished in a dark colour prior to the development being brought into use and thereafter retained as such.

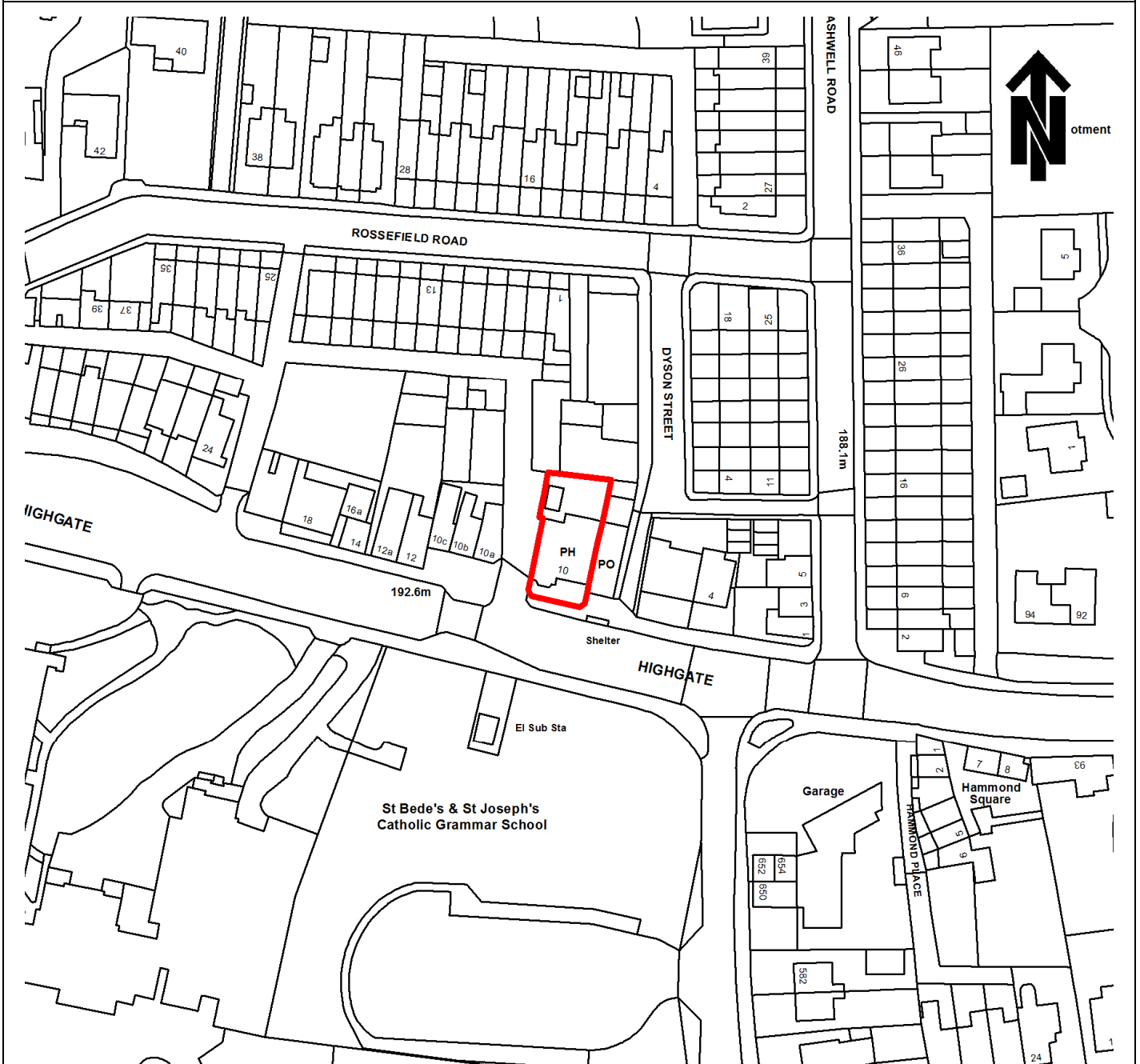
Reason: To ensure the provision of an adequate extraction system and appropriate materials in the interests of visual and residential amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

Footnote: The developer is advised that drainage serving the kitchens in this commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-1:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal.

17/04832/FUL



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Kings Arms
10 Highgate
Bradford
BD9 4BB

17 January 2018

Item: B
Ward: HEATON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/04832/FUL

Type of Application/Proposal and Address:

This is 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.

Applicant:
Mr S Bahadar.

Agent:
Mr Stephen Fisher, SR Design

Site Description:

This is a two storey building on a small stretch of commercial properties on Highgate in Heaton. There are residential properties fronting parts of Highgate and the area to the rear is wholly residential. St Bede's & St Joseph's Catholic College is opposite the site.

Relevant Site History:

17/02711/FUL - Conversion of first and second floor from one flat to 4 flats and retention of ground floor for existing use A1/A2 - Withdrawn 26.06.2017.

17/05825/FUL - Change of use of ground floor to two self-contained flats - Pending decision.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated on the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

Policy DS1 Achieving Good Design
Policy DS3 Urban Character
Policy DS4 Streets and Movement
Policy DS5 Safe and Inclusive Places
Policy TR2 Parking Policy
Policy HO9 Housing Quality
Policy EN8 Environmental Protection Policy

Parish Council:

The site is not in a Parish.

Publicity and Number of Representations:

The application was advertised with a site notice and neighbour notification letters. This publicity period expired on 15 November 2016. At the time of report preparation fifteen objections have been received one of which has been made anonymously.

Summary of Representations Received:

- Proposal will result in loss of an establishment of the community and for the community.
- The Friends of the Kings Arms has been campaigning for some time and only just missed out on having the funds to secure investment in the pub. They should be given a chance to run it as a pub.
- Received confirmation from established pub consultants that it had a viable future as a pub business.
- Application mentions other uses alongside the A4 use but the building only has A4 status.
- The public house is not viable without a beer garden.
- The King's Arm was given Asset of Community Value status and is the only remaining pub in Heaton village centre.
- Section 70 of the NPPF planning decisions to guard against the unnecessary loss of valued facilities where they would reduce the community abilities to meet its day to day need and ensure that established shops, facilities and services are retained for the benefit of the community.
- The Town & Country Planning (General Permitted Development) (England)(Amendment)(No.2) Order 2017 requires evidence for a change of use from an existing A4 use.
- Unlikely to be cohesion between four families and a drinking establishment due to noise disturbance etc.

- The upper floors are too small to create four flats. Any living areas created are likely to be cramped.
- The technical requirement for living space is a minimum of 37 square metres and these flats do not meet this standard.
- The flats also do not have any space to eat in as the lounge and kitchen is combined.
- Would you want to live directly above a noisy pub?
- This type of studio development is out of keeping with the nature of the adjacent residential area and should be refused.
- There is inadequate off-street parking and limited on-street parking to cater for this development.
- The bus stop creates a hazard when pulling out into traffic.
- Make reference to unauthorised works at a nearby unit.
- The upper floor is already being lived in.
- What does social housing refer to?
- The ground floor has been advertised as being available to let as retail/restaurant premises.

Consultations:

Highways Development Control - Following receipt of amended drawings no further objections are raised subject to a condition requiring the provision of the parking spaces shown on the plans.

Drainage - No comments.

Summary of Main Issues:

1. Background.
2. Principle of Development.
3. Residential Amenity.
4. Visual Amenity.
5. Highway Safety.
6. Other Issues Raised in Representations.

Appraisal:

1. Background

The application site consists of the Kings Arms public house which is a registered Asset of Community Value (ACV). The building was registered as such on 17th September 2014. The owner of the building notified the council of intention to sell the building on 24th May 2016 and in line with the requirements of section 95 of The Localism Act this triggered a six week moratorium during which a community interest group may request in writing to be treated as a potential bidder for the asset. In the event that a request is received a full six month moratorium period is triggered, during which the owner may not sell the property to anyone other than a local community interest group. An expression of community interest was made for this property by the Friends of the Kings Arms on 4th July 2016 and the six month moratorium for acquisition of the building by a community group expired on 25th November 2016. The community interest group was not successful in purchasing the building within the six month moratorium. The building remains on the ACV register for a five year period which expires on 17 September 2019.

The purpose of the ACV regime is to afford the community an opportunity to purchase the property when it is offered up for sale by the owner not to prevent an otherwise acceptable development. Its presence on the register is not intended to prevent an otherwise acceptable development and only if and when the owner decides to sell does the community have the opportunity to step in and make an offer to purchase.

The current application proposes the creation of four flats to the upper floors and either the retention of the existing A4 public house at ground floor level or the introduction of a use within classes A1, A2 or B1(a). It is therefore necessary to consider the potential loss of the current A4 use in light of the inclusion of this building on the register of ACVs.

It is in this context that this application is to be considered.

2. Principle of the Development

Paragraph 7 of the NPPF states that there is a social as well as environmental and economic dimension to sustainable development, which is a key tenet of the planning system.

Paragraph 69 says that planning decisions should aim to promote opportunities for meetings between members of the community. Paragraph 70 requires, among other things, that planning should seek the provision of community facilities, including pubs, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. Policy DS5 of the Core Strategy Development Plan Document (DPD) requires development proposals to *'encourage social interaction and where appropriate provide opportunities for members of the community to meet and come into contact with each other'*. Its supporting text notes that this can be achieved by *'providing high quality public spaces, mixed uses and active building frontages to streets, bringing together different people in a safe environment.'*

It is acknowledged that a section of the community clearly laments the closure of the public house and this is demonstrated by the listing of the building as an ACV and the representations that have been received. The registration of this building as an ACV is a material planning consideration but the weight given to it is a matter for the planning regime and this can vary from case to case.

In some cases it has been the reason for refusal but in others little weight has been given as the community use has been met by other pubs in the area. A Planning Inspector at an appeal relating to The Alexandra public house in Haringey noted that there were other pubs within *'a few minutes' walk or a short bus ride away* and that it had not been *'argued convincingly that the loss of the Alexandra reduces the community's ability to meet its day to day needs in the context of this well-developed part of north London.'* The Inspector also notes that *'it is not for the planning system to protect one business or business offer from another or from market trends.'*

In this case there are other pubs close to the site with the nearest being The Turf at the bottom of Emm Lane and the Hare & Hounds on Toller Lane. There are also other pubs within the centres of Shipley, Saltaire and Bradford within a short bus ride away. In addition other community facilities including local schools, a church, a village hall, a post office, a pharmacy and a number of food outlets remain nearby. These facilities provide a mix of uses in which the members of the community can come into contact with each other.

Consequently, it has not been convincingly demonstrated that the loss of the Kings Arms reduces the community's ability to meet its day to day needs. It is therefore considered to

be reasonable to now consider all other alternative uses to bring the building back into active use.

The application proposes four residential units within the upper floors and it is well publicised that Bradford has experienced a sizeable and persistent under delivery of housing for many years and also does not have a five-year supply of deliverable sites as required by the NPPF. The approval of this application would make a contribution towards meeting this housing need. The principle of residential development within the upper floors is therefore considered to be acceptable. The ground floor will either remain within the existing A4 use or be changed to a use falling within either use classes A1, A2 or B1(a). The site is unallocated on the RUDP and so is not protected for any particular use other than those which comply with the general policies of the development plan. The range of proposed uses identified within this application is considered to be acceptable in principle subject to their local impact.

Reference is also made to the 2017 amendments to the Town & Country Planning (General Permitted Development) Order which removed the right to change an A4 public house to any use within classes A1, A2 and A3 without the need for planning permission. A new use class known as AA was also created which relates to a drinking establishment with an extended food offering. It is now only permitted to change from an A4 use to an AA use without the need for planning permission. This simply means that a planning application is required for any other change of use. It does not infer that other uses will not be accepted and any application for any such change of use is to be considered on its own merits.

3. Residential Amenity

There are residential dwellings to the rear of this site and further down Highgate. The proposals for the ground floor would either retain an A4 use or introduce a use within the A1, A2 and B1(a) Use Classes. This would therefore see a similar or a potentially reduced level of disturbance to neighbouring properties in terms of noise and general disturbance.

The creation of four residential units in the upper floors is also considered to be consistent with the character of the surrounding area. The new residential units would not overlook or be overlooked by existing dwellings to any greater degree than the existing residential unit in the upper floors. Concerns have been raised relating to the provision of residential uses above an A4 use and also the small size of the units proposed. Reference has been made to the Government's National Space Standards for residential developments.

In regards to the potential conflict between an A4 use and residential uses on the upper floors, the applicants have provided a specification for upgrading the existing ceiling between the ground floor and first floor flats. It is also noted that Part E of the Building Regulations covers sound insulation requirements in residential units and this would also be applicable to this development. Any approval of this application should carry a condition requiring the installation of sound insulation between the floors and a footnote relating to the requirement for building regulation approval.

With regard to size of the units Part E of Policy HO9 of the Core Strategy DPD requires new homes to be well laid out internally and should provide suitable space standards appropriate to the type of home. The explanatory text refers to using the Government's National Space Standard as a benchmark for assessing the suitability of the proposed space standards of new homes. It also notes that the Council has not yet adopted this standard and so it is not possible, at this time, to apply it rigorously.

The smallest unit proposed within this application is Flat 4 which has a floor area of around 37.5sqm. The Government's National Space Standards require a one bed flat for one person to have, at the very least, a floor space of 37sqm. As a consequence whilst this unit is small the development is considered to comply with Part E of Policy HO9 of the Core Strategy DPD.

As a consequence of the above, subject to conditions, the proposal is considered to be acceptable from a residential amenity perspective.

4. Visual Amenity

Externally the application proposes a 1.5m wide pitched-roof front dormer window to the front elevation and a 3m wide flat-roofed dormer to the rear elevation. Both dormer windows are appropriately designed and are not considered to cause any significant harm to the character and appearance of this building or the surrounding area.

5. Highway Safety

The site is a long established public house with residential accommodation above with no off-street car parking. The application proposes to create at least three car parking spaces in the rear yard which considering the sites sustainable location is considered to be acceptable. As a consequence subject to provision of these parking spaces no harm to highway safety is anticipated.

6. Other Issues Raised in Representations

- The public house is not viable without a beer garden.

Response - The beer garden to the front of the building would remain.

- The King's Arm was given Asset of Community Value status and is the only remaining pub in Heaton village centre.

Response - This is acknowledged however as is discussed in the appraisal above, similar facilities are available a short distance from the site.

- The Town & Country Planning (General Permitted Development) (England)(Amendment)(No.2) Order 2017 requires evidence for a change of use from an existing A4 use.

Response - As is outline above this change to the permitted development rights requires a planning application for any change of use. It does not set out any particular evidence requirements. The Local Planning Authority is required to consider the scheme on its merits against the local development plan unless material considerations indicate otherwise.

- The bus stop creates a hazard when pulling out into traffic.

Response - This is an existing situation and it is not considered that there would be any significant increase in harm to highway safety. It is noted that the Highways Officer has not objected to the proposal.

- Make reference to unauthorised works at a nearby unit.

Response - These unauthorised works have no relevance to this proposal.

- The upper floor is already being lived in.

Response - If any work has commenced prior to approval of this application they are carried out at the developer's risk. It is noted that the upper floors have always had a residential use associated with the ground floor public house.

- What does social housing refer to?

Response - It is unclear why this is relevant. This application does not relate to social housing.

- The ground floor has been advertised as being available to let as retail/restaurant premises.

Response - This does not have any specific bearing on this current application.

Community Safety Implications:

The proposal does not present any community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

It is acknowledged that the building has been registered as an ACV however the ACV regime is not intended to prevent an otherwise acceptable development. The community benefits of the retention of a public house have been considered however it has not been convincingly demonstrated that the loss of the building as such reduces the community's ability to meet its day to day needs. The range of uses proposed within this building are considered to be appropriate in this setting and would assist in bringing this building back into use. The proposal is also not considered to be harmful to residential amenity of the existing neighbouring residents or prospective occupants of the upper floor residential units proposed in this application. The proposal would also not be harmful to visual amenity or highway safety. It is therefore considered to comply with policies DS1, DS3, DS4, DS5, TR2, HO9 and EN8 of the Core Strategy DPD and the NPPF.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Prior to the first occupation of the upper floor residential units the existing ceiling/floor separating the ground floor commercial use and the first floor residential units shall be upgraded as shown on the approved plans.

Reason: To reduce the potential for noise disturbance to the prospective occupants of the residential units and to comply with Policies DS5 and EN8 of the Core Strategy Development Plan Document.

3. Before the use commences, the off street car parking spaces hereby approved shall be laid out, hard surfaced, sealed, marked into bays and drained within the curtilage of the site in accordance with the approved plan. The car park shall be kept available for use whilst ever the use subsists.

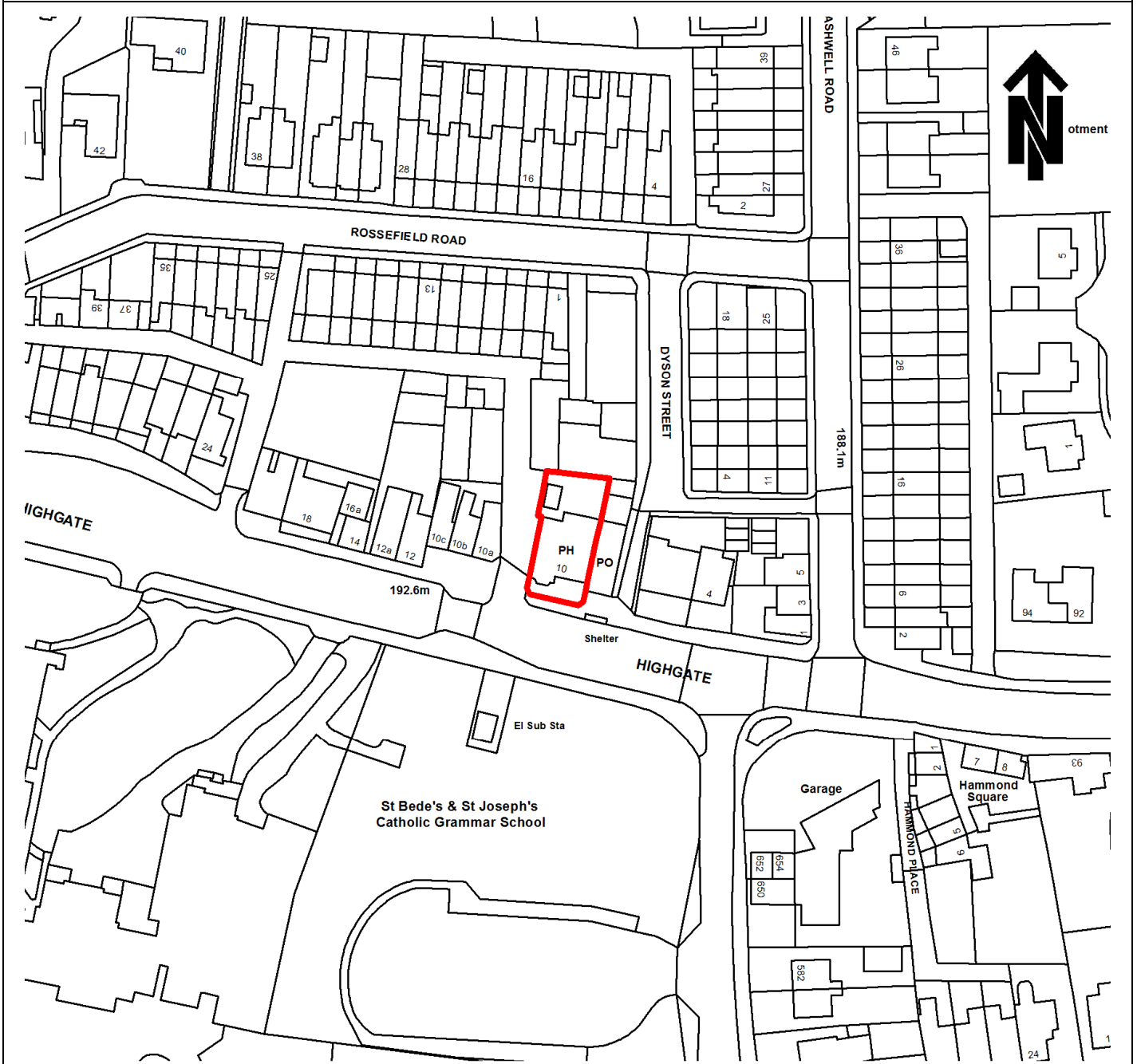
Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document.

Footnote: Attention is drawn to the requirements of Part E of the Building Regulations which sets out the sound insulation and testing requirements in residential units.

17/05825/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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Kings Arms
10 Highgate
Bradford
BD9 4BB

17 January 2018

Item: C
Ward: HEATON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/05825/FUL

Type of Application/Proposal and Address:

This is 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.

Applicant:
Mr S Bahadar

Agent:
Mr Stephen Fisher, SR Design

Site Description:

This is a two storey building on a small stretch of commercial properties on Highgate in Heaton. There are residential properties fronting parts of Highgate and the area to the rear is wholly residential. St Bede's & St Joseph's Catholic College is opposite the site.

Relevant Site History:

17/02711/FUL - Conversion of first and second floor from one flat to 4 flats and retention of ground floor for existing use A1/A2 - Withdrawn 26.06.2017

17/04832/FUL - Conversion of first and second floors from one flat to four flats, including dormer to front and rear. Ground floor to be existing drinking establishment (A4), shop (A1), financial & professional services (A2) or business (B1(a)) use - Pending decision

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated on the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

Policy DS1 Achieving Good Design
Policy DS3 Urban Character
Policy DS4 Streets and Movement
Policy DS5 Safe and Inclusive Places
Policy TR2 Parking Policy
Policy HO9 Housing Quality

Parish Council:

The site is not in a Parish.

Publicity and Number of Representations:

The application was advertised with a site notice and neighbour notification letters. This publicity period expired on 15 November 2016. At the time of report preparation seven objections and one representation in support have been received.

Summary of Representations Received:

In objection:

- Proposal ignores wishes of local people who want a viable community based building where they can all get together.
- The Kings Arms is a pub protected by the Localism Act.
- Kings Arms was registered by Bradford Council as an Asset of Community Value (ACV). To approve this application would therefore make the Council's decision nonsense.
- There is still a desire to see it return to an open establishment.
- Proposal will result in loss of an establishment of the community and for the community.
- The Friends of the Kings Arms has been campaigning for some time and only just missed out on having the funds to secure investment in the pub. They should be given a chance to run it as a pub.
- The proposal will further deplete business opportunities for this main route through Heaton.
- Pubs are good for people, socialising and for lonely people.
- The Kings Arms is the last pub in the village of Heaton.
- There are no parking spaces.

- Proposal would completely ruin the atmosphere of the village by removing any chance of restoring the Kings Arms to its role in the community.
- Section 70 of the NPPF planning decisions to guard against the unnecessary loss of valued facilities where they would reduce the community abilities to meet its day to day need and ensure that established shops, facilities and services are retained for the benefit of the community.
- Reference is made to Policy CF5 of the Replacement Unitary Development Plan.
- Received confirmation from established pub consultants that it had a viable future as a pub business.
- The technical requirement for living space is a minimum of 37 square metres and these flats do not meet this standard.
- This type of studio development is out of keeping with the nature of the adjacent residential area.
- The Town & Country Planning (General Permitted Development) (England)(Amendment)(No.2) Order 2017 requires evidence for a change of use from an existing A4 use. The applicant has not provided any evidence to back up a change to the existing A4 use.

In support:

- It was a great shame to hear that this pub was not purchased by the community to be kept as a village venue.
- Sadly, the area has changed so much it would not be financially viable to be run as a pub business.
- There is a need for housing in Bradford.
- It's time to move forward and give the building some residents that would bring money to the local area.
- Last thing Heaton needs is more uncertainty and homes left in a state that drags prices down further.

Consultations:

Highways Development Control - Site is in a sustainable location and the proposed residential use on ground floor would have less traffic and parking impact than the previous commercial use. Therefore the proposal is acceptable in highway terms.

Drainage - No comments.

Summary of Main Issues:

1. Background.
2. Principle of Development.
3. Residential Amenity.
4. Visual Amenity.
5. Highway Safety.
6. Other Issues Raised in Representations.

Appraisal:

1. Background

The application site consists of the Kings Arms public house which is a registered Asset of Community Value (ACV). The building was registered as such on 17th September 2014. The owner of the building notified the council of intention to sell the building on 24th May 2016 and in line with the requirements of section 95 of The Localism Act this triggered a six week moratorium during which a community interest group may request in writing to be treated as a potential bidder for the asset. In the event that a request is received a full six month moratorium period is triggered, during which the owner may not sell the property to anyone other than a local community interest group. An expression of community interest was made for this property by the Friends of the Kings Arms on 4th July 2016 and the six month moratorium for acquisition of the building by a community group expired on 25th November 2016. The community interest group was not successful in purchasing the building within the six month moratorium. The building remains on the ACV register for a five year period which expires on 17 September 2019.

The purpose of the ACV regime is to afford the community an opportunity to purchase the property when it is offered up for sale by the owner not to prevent an otherwise acceptable development. Its presence on the register is not intended to prevent an otherwise acceptable development and only if and when the owner decides to sell does the community have the opportunity to step in and make an offer to purchase.

The current application proposes the creation of two flats within the ground floor of this building. It is in this context that this application is to be considered.

2. Principle of the Development

Paragraph 7 of the NPPF states that there is a social as well as environmental and economic dimension to sustainable development, which is a key tenet of the planning system. Paragraph 69 says that planning decisions should aim to promote opportunities for meetings between members of the community. Paragraph 70 requires, among other things, that planning should seek the provision of community facilities, including pubs, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. Policy DS5 of the Core Strategy Development Plan Document (DPD) requires development proposals to 'encourage social interaction and where appropriate provide opportunities for members of the community to meet and come into contact with each other'. Its supporting text notes that this can be achieved by 'providing high quality public spaces, mixed uses and active building frontages to streets, bringing together different people in a safe environment.'

It is acknowledged that a section of the community clearly laments the closure of the public house and this is demonstrated by the listing of the building as an ACV and the representations that have been received. The registration of this building as an ACV is a material planning consideration but the weight given to it is a matter for the planning regime and this can vary from case to case.

In some cases it has been the reason for refusal but in others little weight has been given as the community use has been met by other pubs in the area. A Planning Inspector at an appeal relating to The Alexandra public house in Haringey noted that there were other pubs within 'a few minutes' walk or a short bus ride away' and that it had not been 'argued convincingly that the loss of the Alexandra reduces the community's ability to meet its day to day needs in the context of this well-developed part of north London.' The Inspector also notes that 'it is not for the planning system to protect one business or business offer from another or from market trends.'

In this case there are other pubs close to the site with the nearest being The Turf at the bottom of Emm Lane and the Hare & Hounds on Toller Lane. There are also other pubs within the centres of Shipley, Saltaire and Bradford within a short bus ride away. In addition other community facilities including local schools, a church, a village hall, a post office, a pharmacy and a number of food outlets remain nearby. These facilities provide a mix of uses in which the members of the community can come into contact with each other. Consequently, it has not been convincingly demonstrated that the loss of the Kings Arms reduces the community's ability to meet its day to day needs. It is therefore considered to be reasonable to now consider all other alternative uses to bring the building back into active use.

The application proposes two residential units within the ground floor of this public house. It is well publicised that Bradford has experienced a sizeable and persistent under delivery of housing for many years and also does not have a five-year supply of deliverable sites as required by the NPPF. The approval of this application would make a contribution towards meeting this housing need. The principle of residential development is therefore considered to be acceptable.

Reference is made to the 2017 amendments to the Town & Country Planning (General Permitted Development) Order which removed the right to change an A4 public house to any use within classes A1, A2 and A3 without the need for planning permission. A new use class known as AA was also created which relates to a drinking establishment with an extended food offering. It is now only permitted to change from an A4 use to an AA use without the need for planning permission. This simply means that a planning application is required for any other change of use. It does not infer that other uses will not be accepted and any application for any such change of use is to be considered on its own merits.

3. Residential Amenity

The creation of two residential units in the ground floor of this unit is considered to be consistent with the character of the surrounding area. The new residential units would not overlook or be overlooked by existing dwellings to any greater degree than the existing residential unit in the upper floors.

Reference has been made to the Government's National Space Standards for residential developments. Part E of Policy HO9 of the Core Strategy DPD requires new homes to be well laid out internally and should provide suitable space standards appropriate to the type of home. The explanatory text refers to using the Government's National Space Standard as a benchmark for assessing the suitability of the proposed space standards of new homes. It also notes that the Council has not yet adopted this standard and so it is not possible, at this time, to apply it rigorously.

The smallest unit proposed within this application is Flat 1 which has a floor area of around 55sqm. The Government's National Space Standards require a one bed flat for one person to have, at the very least, a floor space of 37sqm. As a consequence the development is considered to comply with Part E of Policy HO9 of the Core Strategy DPD.

As a consequence of the above, subject to conditions, the proposal is considered to be acceptable from a residential amenity perspective.

4. Visual Amenity

No external changes are proposed as part of this application.

5. Highway Safety

The site was a long established public house with residential accommodation above with no off-street car parking. The current proposal does not offer any off-street parking for these units however the site is in a sustainable location with good access to public transport. The proposed use would also have less traffic and parking impact than the previous A4 use of the building. The proposal is not therefore considered to be harmful to highway safety.

6. Other Issues Raised in Representations

- Reference is made to Policy CF5 of the Replacement Unitary Development Plan.

Response - This policy refers to rural shops and facilities and so would not apply in this case. It is noted that this policy has now been superseded by the Core Strategy DPD.

- The Town & Country Planning (General Permitted Development)

(England)(Amendment)(No.2) Order 2017 requires evidence for a change of use from an existing A4 use. The applicant has not provided any evidence to back up a change to the existing A4 use.

Response - As is outline above this change to the permitted development rights requires a planning application for any change of use. It does not set out any particular evidence requirements. The Local Planning Authority is required to consider the scheme on its merits against the local development plan unless material considerations indicate otherwise.

Community Safety Implications:

The proposal does not present any community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

It is acknowledged that the building has been registered as an ACV however the ACV regime is not intended to prevent an otherwise acceptable development. The community benefits of the retention of a public house have been considered however it has not been convincingly demonstrated that the loss of the building as such reduces the community's ability to meet its day to day needs. The proposal is also not considered to be harmful to residential amenity of the existing neighbouring residents or prospective occupants of the proposed residential units proposed in this application. The proposal would also not be harmful to visual amenity or highway safety. It is therefore considered to comply with policies DS1, DS3, DS4, DS5, TR2, HO9 and EN8 of the Core Strategy DPD and the NPPF.

Conditions of Approval:

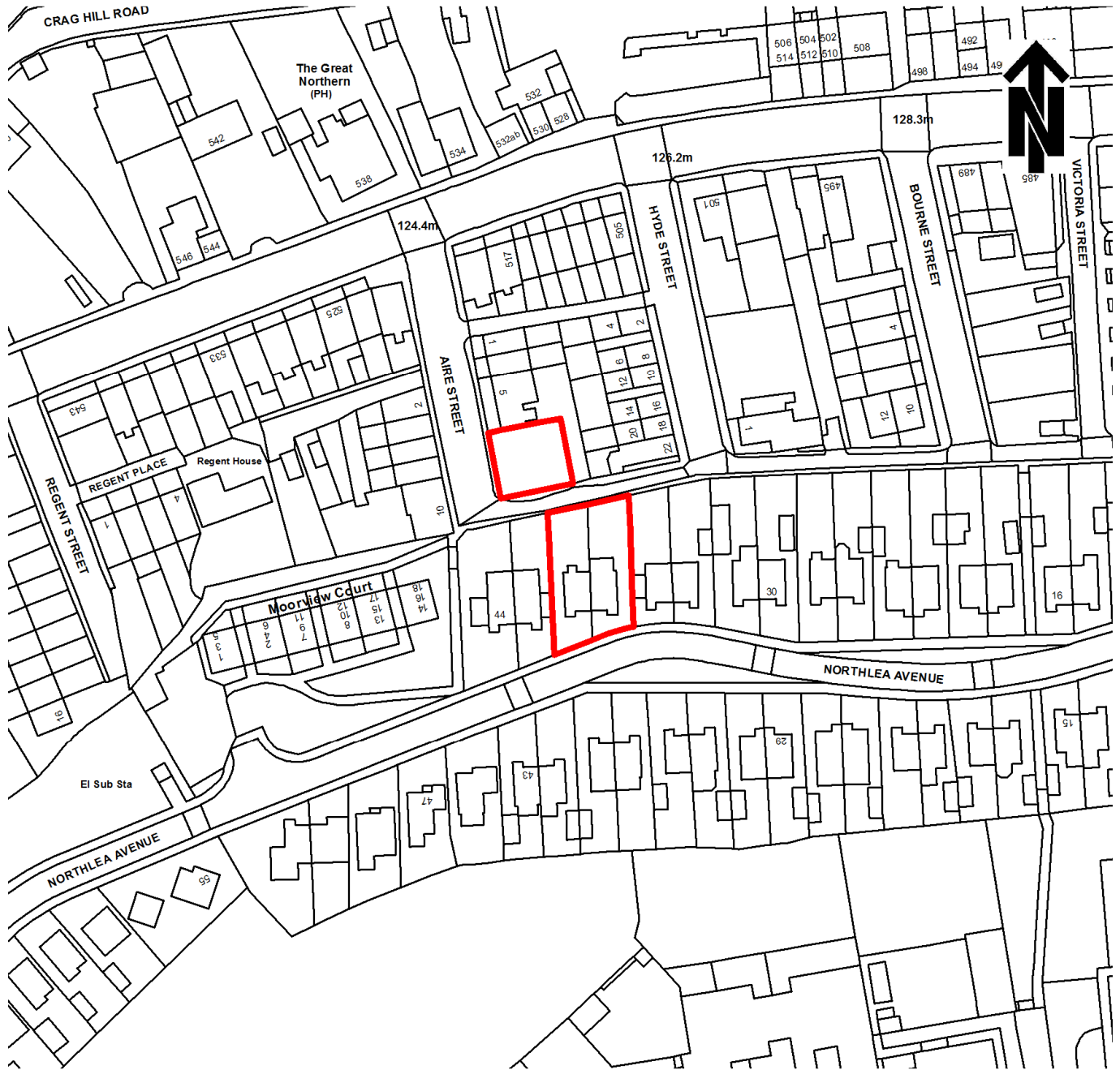
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

17/05908/REM



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land South Of 5 Aire Street
Bradford**

17 January 2018

Item: D
Ward: IDLE AND THACKLEY
Recommendation:
TO APPROVE RESERVED MATTERS SUBJECT TO CONDITIONS

Application Number:
17/05908/REM

Type of Application/Proposal and Address:
A reserved matters application for the construction of a single dwelling at land south of 5 Aire Street, Bradford.

Applicant:
Mr C Calvert

Agent:
Stephen Fisher, SR Design

Site Description:
The site has a west frontage onto Aire Street and a north boundary to a terraced property, 5 Aire Street. The site slopes down from south to north. The surrounding area is residential consisting of traditional terraced housing. The site has recently been cleared of trees and shrubs. A small service road is located to the side of the site. Aire Street is partly finished to an adoptable standard and partly rough surfaced towards the top end where the site is located.

Relevant Site History:
04/03743/FUL Erection of detached house REFUSE 04.02.2005.

The application was refused due to overshadowing and overbearing on the occupants of 5 and 8 Aire Street and 20 Hyde Street. The subsequent appeal was dismissed.

15/00803/OUT Construction of two dwellings with primary access off Aire Street REFUSE 28.04.2015.

The application was refused due to potential harm to residential amenity and the lack of a Coal Mining Risk Assessment.

15/01912/OUT Outline application for construction of dwelling with primary access off Aire Street GRANT 13.07.2015.

17/02896/FUL Construction of 2 dwellings WITHDRAWN 19.07.2017.

17/04605/FUL Construction of 2 dwellings REFUSE 04.10.2017.

The application was refused as the proposal was considered to be an overdevelopment of the site having regard to the residential amenity of prospective occupants of the proposed dwelling.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
TR2 Parking Policy
EN7 Flood Risk
EN8: Environmental Protection Policy

Supplementary Planning Guidance

The Council's adopted Householder Supplementary Planning Document.

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by way of a site notice and individual neighbour notification letter. The statutory publicity expired on the 30th of November 2017. The application received 6 letters of objection which are summarised below.

Summary of Representations Received:

The application should be two storeys like the outline application

Response: The outline application was for a single dwelling with access and all other matters reserved.

Maximum of three rooms used as bedrooms not four.

Response: The outline application showed indicative plans only.

The side road and extent of the Aire Street between the development and the tarmacked surface will not be resurfaced as per the original outline application

Response: This was not agreed as part of the outline application, instead it was proposed as part of the application for two dwellings but for a single dwelling it was considered to be unreasonable to ask for this to be done.

An electric vehicle charging point will not be provided.

Response: The proposal is for a single dwelling which is significantly below the lower limit where these would be insisted on.

A sustainable drainage system for surface run off is not provided

Response: A standard condition can be attached to an approval requiring drainage details to be provided prior to development beginning.

No windows to first floor at the rear

Response: This reserved matters application includes windows to first floor but they do not serve habitable rooms and they are obscurely glazed. Overlooking and loss of privacy is therefore avoided.

Lack of a 13 metre distance to number 22 Hyde Street

Response: Whilst distance of less than 13 metres is achieved to No.22 Hyde Street this property does not have any windows on the section of dwelling facing the proposal therefore there is no impact.

The appearance is not in keeping with the other properties in the area

The removal of the dry stone wall has affected the character

Response: The wall can be removed without planning permission and therefore this is not a factor affecting the scheme as it has been removed. In terms of the appearance the proposed dwelling is considered to be in keeping with the area. Appropriately sized dormers would be acceptable in principle within the street scene on the existing properties. The site is not in a conservation area nor are any listed buildings affected.

The garden covers land that is common land and a right of way to number 5.

Response: This has been mentioned to the agent and in any case it is a private matter.

Overlooking

Response: Covered in the residential amenity section.

Loss of daylight

Response: Covered in the residential amenity section

It is impossible to know how high the building will be as there are no measurements of height included on the plans

Response: The plan includes a cross section showing the street scene which shows what height the dwelling will be. The plans are also to scale which shows exactly what height is proposed.

The plans are inaccurate as the dry stone wall has now been removed

Response: This may have been removed since the plans were drawn and this does not affect the decision

No detail on highway improvement

Response: There is no requirement for highway improvement for a single dwelling. Any improvement to the road would be a private matter.

Concerns over subsidence

Response: The Coal Authority was previously consulted on the outline application to develop the site and there were no objections raised. Any other issues would be considered under building regulations.

Concerns over surface water on Aire Street

Response: A condition is recommended to cover foul and surface drainage.

Concern about visibility onto Leeds Road from increased parking near the junction.

Increased problems with waste collections.

Response: It is not considered one further dwelling will have a significant impact

Disruption during the building of the properties

Response: This is not a material planning consideration, some disruption is expected but will be for a short period only.

Porous Parking

Response: The surface water from the parking spaces can also be drained onto the landscaping adjacent to the parking area. Again as per the outline application a condition can be attached requiring this information prior to occupation of the dwelling.

Potential noise nuisance

Response: This proposal is for one additional dwelling in a residential street therefore it is unlikely the scheme would cause any nuisance.

Inadequate parking

Response: The development includes 2 parking spaces which complies with policy TR2 of the Core Strategy Development Plan Document.

Blocking of a neighbouring property during construction

Response: Whilst it is acknowledged from the objection letters there is a disabled occupant living nearby who requires access their property. Whilst there may be some potential for conflict with construction vehicles this could occur presently with delivery vans or if people are having work carried out at existing properties within the street. Whilst access to neighbouring properties is an issue this scheme once built will not impact on access and any conflict will be short lived and not considered to be a reason to refuse this application.

Consultations:

Drainage: Previous comments still apply.

Highways: No objection subject to a condition requiring off-street parking.

Summary of Main Issues:

1. Principle.
2. Visual amenity.
3. Residential amenity.
4. Highway safety.
5. Drainage.

Appraisal:

1. Principle of the Development

An outline application was approved in 2015 which agreed the principle and access arrangements for a single dwelling on this site. All other matters were reserved for later approval and this application seeks to agree the landscaping, scale, layout and appearance of the development.

2. Visual Amenity

The scheme would effectively be a detached dwelling on the end of a row of terrace housing of a traditional and attractive appearance. The scheme would include a two storey frontage onto Aire Street with two dormers at first floor level. The dwelling would be set back from the terraced row to avoid overlooking to the properties opposite. The development would be standalone however it could take character detail from the properties along Aire Street including vertical emphasis on the windows and a chimney. Whilst a continuation of the terraced row would be the most suitable option in terms of design this can no longer be achieved due to current levels of privacy. Furthermore the site is not within a conservation area and there are no listed buildings affected by the proposal. The materials proposed include natural slates, natural coursed stone walls and stone heads and cills. These materials are considered to be acceptable and would maintain the character of the area. The cross section submitted shows the dwelling would be appropriate in terms of scale and massing. The development is considered to be acceptable in terms of visual amenity and complies with policies DS1 and DS3 of the Core Strategy Development Plan Document and design guidance contained within the Householder SPD.

3. Residential Amenity

The proposal is for a single two storey dwelling fronting onto Aire Street. The dwelling would be set back around 17.2 metres from the front wall of those dwellings opposite, No.8 and No.10 Aire Street. As such whilst there will be an element of overlooking it is within the guidelines of what is acceptable. To the rear there is only a distance of 13 metres between the rear windows of the proposed development and the facing windows of number 20 Hyde Street. There are no habitable room windows in the first floor rear elevation, there are two obscure glazed windows serving a bathroom and an en-suite and a landing window which would not result in any significant overlooking. A distance of only 5.5 metres is achieved to the rear of the garden area however there are no first floor habitable windows facing in this direction therefore there are no concerns in terms of overlooking. The ground floor patio doors are shown as obscurely glazed and therefore there would be no overlooking from the living room. A 2 metre high solid boundary screen is located along the rear boundary that will prevent overlooking from ground floor windows. There will be some overlooking of the proposed dwelling from the existing dwellings on Hyde Street however this would be a case of buyer beware. A distance of 7 metres is achieved from the existing dwellings to the rear boundary of the site therefore the garden area would not be considered to be excessively overlooked.

In terms of the impact of the development on neighbouring occupants the scheme would achieve a distance of 13 metres from the ground floor habitable rooms of the dwellings on Hyde Street and therefore there are concerns in terms of outlook and overbearing effects. There will be some loss of light and overshadowing but this development would clearly not break a 25 degree line taken from the ground floor window of the property opposite. The line is taken from the lower section of the window when in fact it should be taken from the middle of the window but the impact will be even less. Ground floor windows are located in the gable end facing south but these would not cause any overlooking.

The siting of the dwelling will not result in any overbearing issues to the neighbouring occupant of No.5 Aire Street as it would not break a 45 degree line from the neighbouring property. There will be some impact on the light to the neighbouring garden for parts of the day during certain times of the year but it is not considered it would be sufficient to warrant refusal of the application.

The development would include boundary fencing to retain privacy and to prevent overlooking.

The scheme is considered to be acceptable in terms of residential amenity and complies with policy DS5 of the Core Strategy Development Plan Document and guidance contained within the Householder SPD.

4. Highways

The proposed development is for a single dwelling and would provide two off-street parking spaces which is considered to be acceptable for this four bedroom dwelling. The property would be accessed via Aire Street which has not been adopted by the Council but is wide and half surfaced to a good standard due to a nearby development. Access was previous agreed at outline stage and there was no requirement to re-surface the road. When the applicant applied for two dwellings on the site highways insisted on the access being improved but for a single dwelling following an agreed outline application it is not considered necessary to improve the access. A condition is recommend that the off-street parking is

required prior to occupation and that it will either drain onto land within the site or be constructed of a porous material. The development is considered to be acceptable in terms of highway safety and policy TR2 of the Core Strategy Development Plan Document.

5. Drainage

There are no insurmountable drainage considerations with the proposed development. A condition requiring foul and surface water drainage details was attached to the original outline approval and this will need to be satisfied before development can commence. Policy EN7 of the Core Strategy Development Plan Document is satisfied.

Community Safety Implications:

There are no foreseen community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application. It is noted from the objections there is a disabled occupant living in the area and there could be the potential for conflict from construction vehicles parking up while unloading and loading but this could occur with any other vehicle parking in the area and as such it would not be justifiable to refuse the application on this basis.

Reason for Granting Planning Permission:

The proposed development is not considered to be harmful to visual amenity, residential amenity or highway safety and does not raise any drainage concerns and is therefore considered to comply with Policies DS1, DS3, DS4, DS5, EN7, EN8 and TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the dwelling hereby permitted without the prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

3. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

4. Before first occupation of the dwelling hereby approved as indicated on the submitted plans, a minimum 1.8-metre high boundary screen shall be erected along the boundary, and thereafter retained whilst ever the development subsists.

Reason: To prevent overlooking or a loss of privacy to adjacent occupiers and to accord with Policy DS5 of the Core Strategy Development Plan Document.

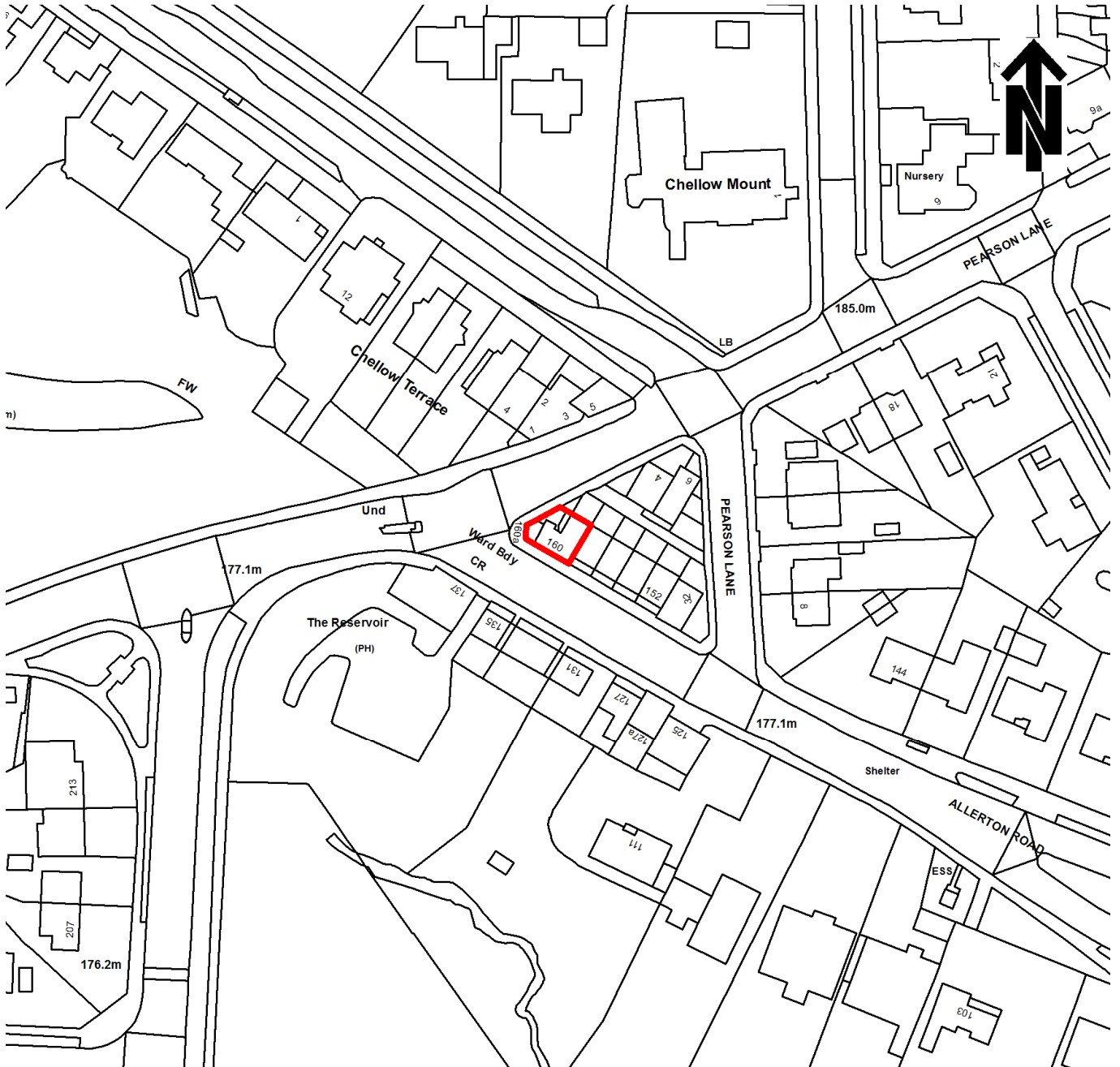
5. Before the development hereby permitted is brought into use, the off-street car parking spaces shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15.

Reason: In the interests of highway safety, drainage and to accord with policy TR2 of the Core Strategy Development Plan Document.

17/05995/FUL



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1:1,250

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160 Allerton Road
Bradford
BD8 0AA

17 January 2018

Item: E
Ward: TOLLER
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/05995/FUL

Type of Application/Proposal and Address:
Full planning application for change of use of an A1 shop to an A3 café at 160 Allerton Road, Bradford.

Applicant:
Mr Usman Yaqoob

Agent:
Faum Design

Site Description:
The site is on a corner plot at the junction of Pearson Lane and Allerton Road, directly adjoining a busy junction controlled by a mini roundabout. Parking restrictions are in place around the junction continuing into the surrounding streets. The site is a recently renovated 3 storey building which replaced a fire damaged building. Its last use at ground floor was A1 retail. There are a few retail premises in the vicinity but the area could be described as being predominantly residential whilst being located close to several major traffic routes that carry large volumes of traffic at most times of day.

Relevant Site History:
17/05996/ADV - Installation of LED halo signage with projecting sign - Refused 15.12.2017.

14/01836/FUL - First and second floor extension with new roof and dormer windows to form one bed apartment and extension to side - Granted 17.07.2014.

13/01505/FUL - External alterations to include new aluminium shop frontages and additional entrance to facilitate the use as two separate retail units - Granted 12.06.2013.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

- DS1 – Achieving good design
- DS2 – Working with the landscape
- DS3 – Urban character
- DS4 – Streets and movement
- DS5 – Safe and inclusive places
- SC9 – Making great places

Parish Council:

Not applicable.

Publicity and Number of Representations:

Publicised with neighbour notification letters and site notice which expired on 05.12.2017:

- 4 objections have been received.
- 10 letters of support have been received.

Summary of Representations Received:

Objections

- Noise and disturbance.
- Lack of available parking and increased traffic, cars are likely to park on double yellow lines.
- Highway safety issues due to school children crossing at the junction to access the premises.
- Littering and lack of available waste collection facilities.

Support

- The proposal would be a much welcomed facility for the local community.
- Supporters feel that there is on street parking within walking distance.

Consultations:

Highways – “The development site is located at the junction of Pearson Lane and Allerton Road where a mini roundabout now exists. Parking restrictions are in place around this junction and no off-street parking is provided by its existing use.

Currently the ground floor benefits from a retail use and in accordance with the parking requirements set out in Appendix 4 of the Core Strategy retail uses should normally provide the following levels of parking:

A1 Food Retail - 1 space per 25sqm

A1 Non-Food Retail - 1 space per 35sqm

The parking requirements for an A3 use is: 1 space per 5sqm.

Therefore it can be seen that an A3 use has a much higher parking requirement, and therefore potential to generate a significantly greater number of vehicle trips, which could result in an increase in parking on or around the junction.”

Environmental Health – “The premises are located at the junction of Allerton Road & Pearson Lane which is exceptionally busy throughout the day and night. There are residential properties in close proximity and also double yellow lines on the road. There is no clear indication of the opening hours of the premises or where people will park when using the ‘café’.

I have concerns that customers will park on double yellow lines and it would be detrimental to the amenities of local residents by way of noise, vehicular activity and general disturbance late at night and in the early hours of the morning. I have no enforcement powers to tackle these types of noise and thus would recommend refusal of this application.”

Summary of Main Issues:

1. Background and Principle of Development.
2. Visual Impact.
3. Residential Amenity.
4. Highway Safety.
5. Other Issues Raised in Representations.

Appraisal:

1. Background and Principle of Development

The proposal is for the change of use of the premises to a café, the site is not protected for any particular land use in the RUDP but the acceptability of the proposal must be assessed against local and national planning policy and other material considerations.

2. Visual Amenity

The proposal will result in minimal alterations to the appearance of the premises, a large fascia sign and projecting sign is indicated on the plans which has been assessed under a separate application for advertisement consent. The change of use of the premises is not considered to have any impact on the appearance of the premises or the surrounding environment.

3. Residential Amenity

The site is located on a busy junction where there are parking restrictions in place, there are double yellow lines which extend along the frontage and away from the junction in all directions. A café use is likely to attract a larger number of customers and there is a concern that due to the lack of available parking customers will pull in front of the premises. The intensification of the use of the site and additional vehicle movements is likely to result in inconvenience and disturbance to the residents of surrounding properties. The opening hours could potentially be controlled to prevent late night disturbance but this would not mitigate the concerns raised by the lack of parking.

4. Highway Safety

No off street parking is provided for the development whilst the lack of parking may not cause significant issues for its current use as A1 retail an A3 use can require between 5 and 7 times more parking. There are double yellow lines around the junction and it was observed at the time of the site visit that vehicles were parked illegally on the pavement close to the site. The change of use is likely to exacerbate this situation. The applicant has suggested that customers can park in surrounding streets. In practice this is very unlikely to happen given the inconvenience of this especially if customers are dropping in to pick something up. The applicant has also suggested installing bollards on the pavement to prevent cars driving onto it however the Highways Officers have advised that the council will not support the installation of bollards on the adopted highway and it is not within the applicants control to provide this. The proposal is unacceptable and the suggestion of putting bollards on the highway to try and mitigate it only strengthens the argument that the proposal will have highway safety implications. The site is located on a very busy and sensitive part of the highway network and additional on street parking cannot be encouraged. The red line includes the building itself which does not appear to have any area for the storage of waste bins, no details of this have been shown on the plans. An A3 use will generate more waste than a retail use and there should be an area for bins to be stored. Given this it is envisaged that they could potential be stored on the footpath which is also unacceptable in terms of highway safety.

As such the proposal is unacceptable in terms of DS4 and DS5 of the Core Strategy Development Plan Document.

5. Other Issues Raised in Representations

Neighbours have raised concerns regarding littering by people eating food in cars, whilst this not a planning issue, the congregation of cars around the premises will also add to the highway safety and residential amenity concerns discussed above.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance quality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

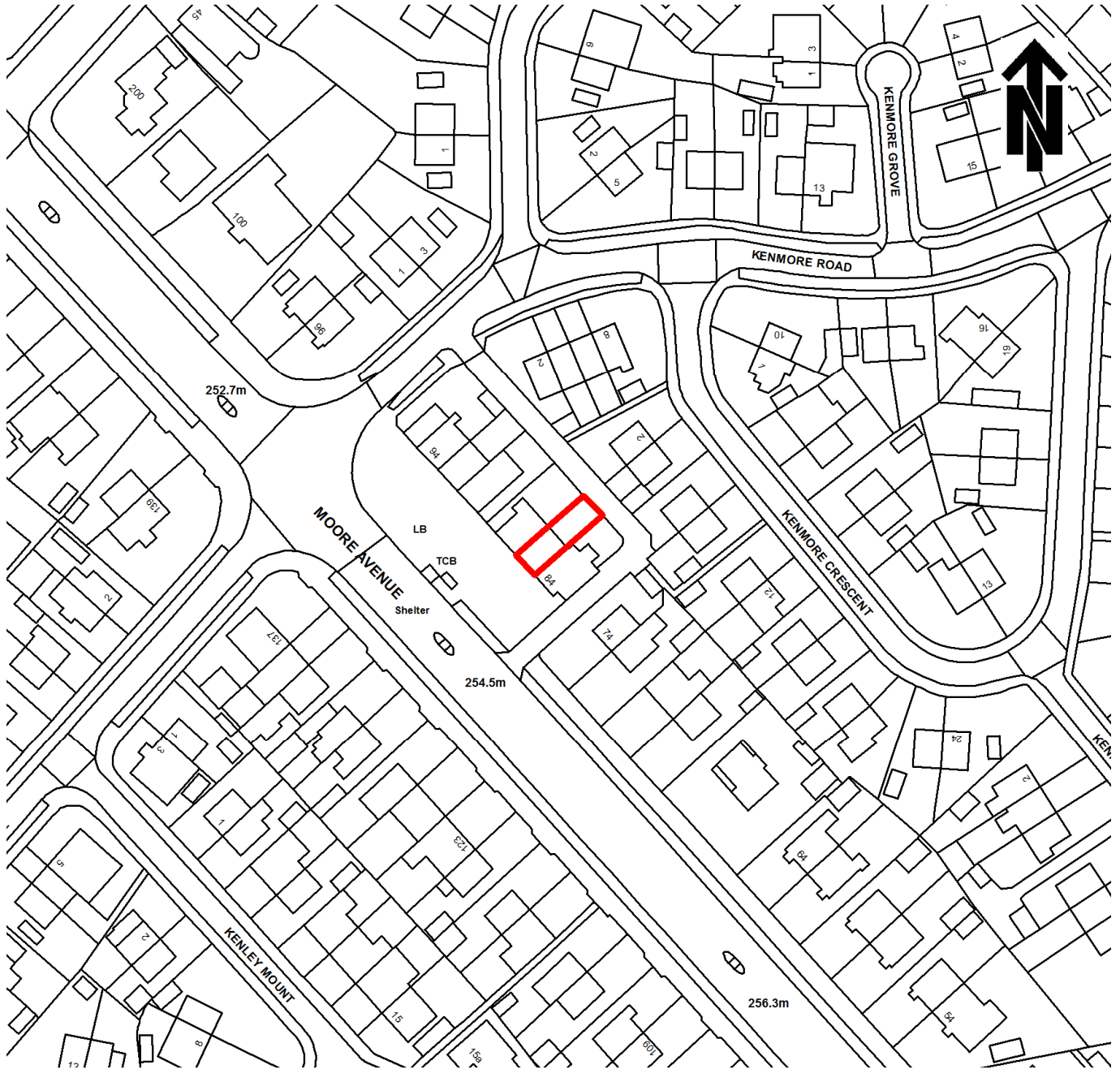
Reasons for Refusal:

1. The proposal fails to provide any off street parking. This site is located in a very busy and sensitive part of the highway network where there are parking restrictions in place. The lack of convenient on street parking is likely to result in indiscriminate parking on and around the junction which will result in conditions prejudicial to highway and pedestrian safety as well as inconvenience and disturbance to surrounding residents. In the absence of any demonstrable public benefit to outweigh this harm the proposal is unacceptable in terms of highway safety and contrary to policies TR2, DS4 and DS5 of the Core Strategy Development Plan Document and the National Planning Policy Framework.
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17/04861/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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86 Moore Avenue
Bradford
BD6 3HU

17 January 2018

Item: F
Ward: WIBSEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/04861/FUL

Type of Application/Proposal and Address:
Retrospective application for the installation of extract canopy flue to the rear of 86 Moore Avenue, Bradford, BD6 3HU.

Applicant:
Mr Sheikh Abdul Waheed

Agent:
Mr Shuaib Khan

Site Description:
The site is a hot food takeaway, located at ground floor level in the middle of a short terrace of commercial properties, including a cafe and a hairdresser. The terrace is constructed of render, with slate to the roof and has an open parking area to the front. To the rear, the terrace has a residential appearance and the property has a flue of galvanised metal, stretching from ground level to above the eaves. The flue is visible from the adjacent rear access.

Relevant Site History:
10/02576/FUL- Retrospective application for installation of shutters- REFUSE 16.08.2010.
08/02004/FUL- Change of use from A1 retail to A5 hot food take-away- GRANT 03.07.2008.
02/01053/FUL- Two storey extension to side of property- GRANT 22.05.2002.
02/00129/FUL- Two storey extension to side of property to provide separate business with shop to ground floor and flat above- REFUSE 11.03.2002.
96/01762/FUL- Single storey extension between two properties - REFUSE 04.09.1996.
91/04486/COU- Change use from class A1 retail to class A3 hot food takeaway- REFUSE 26.11.1991.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated.

Core Strategy Policies

EN8 - Environmental Protection
DS1 - Achieving Good Design
DS3 - Urban Design
DS5 - Safe and Inclusive Places
SC9 - Making Great Places

Other Relevant Legislation

Hot Food Takeaways - Supplementary Planning Document

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised by site notice and neighbour notification letters. Expiry date 19 September 2017. One representation received.

Summary of Representations Received:

The representation has been received from a Ward Councillor and requests that if officers are minded to refuse the application, it should be referred to the Area Planning Panel for determination.

Consultations:

Environmental Health - Object to the application on the grounds of noise and odour nuisance.
Building Control - It is not incumbent to have the extractor duct external to the building. If a duct is taken internally through the building, Building Regulations require that, as there is a flat above the shop, the duct has to be contained in a one hour fire resistant shaft. The provision of a fire protected shaft does not prejudice the fire safety of the building.

Summary of Main Issues:

1. Background.
2. Visual amenity.
3. Neighbouring amenity.

Appraisal:

1. Background

This is a retrospective application for the retention of an external rear flue for a hot food takeaway, which has been installed following a fire at the premises. A Fire Risk Assessment has been submitted as part of the application, which states that the flue must be external in order to "reduce the risk of a fire spreading in to the dwelling. There has been a previous fire where the ducting was internal and tenants were asleep in their bedrooms. This design of the ducting taking it outside of the building and a preventative maintenance contract of cleaning to TR/19 standards greatly reduces the risk to life" (section 4.2)

Whilst the risk to life is a material consideration of great weight, it is the view of officers, on the advice of the Building Control section, that the system could be constructed internally and it is not incumbent to have the extractor duct external to the building.

If a duct is taken internally through the building, Building Regulations require that, as there is a flat above the shop, the duct has to be contained in a one hour fire resistant shaft. The duct would terminate through the roof, as did the previous duct. The provision of a fire protected shaft does not prejudice the fire safety of the building, as long as the shaft is constructed correctly.

This approach would address the visual concerns below, since the terminating flue would be on the roof and shorter in length. It is also worth noting that there are systems of odour control and extraction that vent out at ground floor level, rather than a flue, which would reduce concern about visual impact. The application is made retrospectively and it has not been satisfactorily demonstrated that the flue cannot be placed in internally, as it was prior to the fire, or an alternative extraction system cannot be employed which would not require an external flue.

2. Visual amenity

In visual terms, the flue, which is visible from the adjacent rear access, extends from ground level to a point approximately one metre above the eaves. It is constructed of galvanised, unfinished metal, giving it a shiny appearance, which, together with its size, clashes with the residential appearance of the rear of the terrace. The flue therefore creates an obtrusive feature in the overall street scene to the detriment of visual amenity. The prominence of the flue on the rear elevation and its visibility from Kenmore Road exacerbates the visual harm.

3. Neighbouring amenity

The application form states that the development has been completed and it is assumed that this includes noise and odour control measures. However, complaints have been received about noise and odours from the system by the Council's Environmental Health Officers. On this basis, it would appear that either noise and odour measures have not been fitted, or if they have, they are not working properly. Either way, concerns about noise and odours and their effect on neighbouring properties remain. The Environmental Health Officers object to the proposal in the current form and the proposal is therefore considered to be contrary to policy EN8 of the Core Strategy DPD.

Community Safety Implications:

Community safety aspects concerning the risk of fire have been assessed above. There are no other issues with regard to community safety.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reasons for Refusal:

1. By reason of its size, galvanised finish and prominent position, the flue appears as an obtrusive feature in the wider street scene, to the detriment of visual amenity. As such, it is contrary to 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 Takeaways Supplementary Planning Document".
 2. By reason of its lack of noise and odour control measures, the flue has a detrimental effect on the amenities of neighbouring residents. As such, it is contrary to policies DS1, DS5 and EN8 of the adopted Core Strategy for the Local Plan for the Bradford District and the policy contained within the adopted "Hot Food Takeaways Supplementary Planning Document".
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