



Appeal Decision

Site visit made on 8 August 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2017

Appeal Ref: APP/W4705/W/17/3169227

Land to the rear of 64-68 Saltaire Road, Shipley BD18 3HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Mahmood against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 16/07679/FUL, dated 1 October 2016, was refused by notice dated 2 December 2016.
 - The development proposed is the construction of detached building, to comprise of A2 office and dwelling combined.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal would provide future occupiers and users of the site with a safe and secure environment; and
 - (ii) the effect on the proposal on the living conditions of future occupiers, with particular regard to noise and disturbance.

Reasons

Safe and secure environment

3. The appeal site is currently a vacant plot; located in a relatively secluded area to the rear of Saltaire Road. The surrounding area consists of a mix of commercial, retail and leisure units; with two residential dwellings located in front of the site. Due to the topography of the surrounding land, the residential properties are located below the site and face onto Saltaire Road.
4. I am aware of the planning history of the site, including the two previous planning refusals¹ and application which was withdrawn². It is noted that the appellant has aimed to address the reasons for refusal in the subsequent planning application, which is the subject of this appeal.
5. No significant overlooking of the site will occur from the commercial units situated to the rear of the site or from the residential properties. Accordingly, any natural surveillance from surrounding properties and units will be minimal.

¹ Council references 10/06244/FUL and 13/04672/FUL

² Council reference 15/07205/FUL

In addition, the main vehicle and pedestrian entrance from Saltaire Road would be some distance from the proposal and has no lighting.

6. The proposal includes the erection of close boarded boundary fencing of between approximately 1.2 metres and 1.8 metres. Evidence submitted by the appellant states that alongside the fencing, the security of the site will be further improved by the introduction of lighting on both the access road and property and through the use of a surveillance camera and alarm. However, no detailed information regarding these measures has been submitted.
7. The unlit access road is of such a length and in a secluded location as to represent a significant risk as to warrant the refusal of planning permission. In the absence of information regarding the additional proposed security measures, it is considered that insufficient evidence has been submitted in order to conclude that the proposal would provide a safe and secure environment for both future occupiers and users of the site.
8. Furthermore, the dwelling would consist of A2 offices on the ground floor. Due to this mixed use and also as a result of the proposed layout and orientation of the dwelling, an adequate level of defensible space would not be achieved. Taking these matters into consideration, it is found that the proposal will be detrimental to the security needs of future occupiers and users of the site. The proposal therefore fails to comply with Policy D4 of the Replacement Unitary Development Plan for the Bradford District Policy Framework 2005 (the UDP). Amongst other things this policy seeks to ensure new development provides a safe and secure environment. The proposal also fails to comply with the National Planning Policy Framework's (the Framework) emphasis on good design, and its requirement at paragraph 58 that development should create a safe and accessible environment.

Living conditions

9. The proposal is sited in proximity to commercial and retail units and also the Shipley and District Social Club. Land adjacent to the site would remain in use for car parking by customers of Hamiltons Chair and Furniture Centre. An industrial unit is also located to the east of the site, next to both the two residential properties and the appeal site. There is particular concern regarding the impact on future occupiers in relation to the proximity of the site to the adjacent land uses and the potential impact of any related noise and disturbance.
10. In relation to Hamiltons Chair and Furniture Centre, opening hours are between 0930 and 1700 Monday to Saturday only. Whilst some parking is available at the rear of the unit, there is ample parking outside the unit. Deliveries to the unit will be received at the rear of the site. However from the evidence submitted, such deliveries are infrequent and are unlikely to be for significant periods of time. A significant degree of noise and disturbance is therefore likely to occur despite the proximity of the Chair and Furniture Centre.
11. The main access to the commercial units behind the site is from Taunton Street, which is a considerable distance from the site. Access is possible from a relatively steep flight of steps close to the site. However this is only suitable for pedestrian access. Whilst conversations from pedestrians accessing the units may be over heard, it is not considered a significant degree of noise and disturbance would result.

12. The opening hours of the social club are generally between 1100 to 1530 and 1900 to 2300 daily. As a result of the opening hours, the level of noise generated by the comings and goings of customers is likely to be more significant than from the other surrounding uses. Nevertheless, the main entrance to the social club is located on Saltaire Road, with parking located close to the 2-storey flats at 72-78 Wycliffe Gardens.
13. Outdoor seating in the front garden of the club overlooks Saltaire Road. It was observed that some of the seating is adjacent to the boundary with the access road which leads to the proposed site. It is possible that some conversations from customers using the outdoor seating may be audible, especially during the summer months and from within the proposed outdoor amenity space. Nevertheless, given the considerable distance from the site it is not considered a harmful level of noise and disturbance would be experienced.
14. The industrial unit adjacent to the two residential dwellings on Saltaire Road is vacant and has been for some time. As such, this unit is not currently a potential source of any noise or disturbance. It is however accepted that this unit may become operational. However, any new use would also be subject to the appropriate controls regarding noise and emissions.
15. In the absence of any substantive evidence to the contrary, it is found that there would be no significant adverse impact on the living conditions of future occupiers and users of the site, with particular regard to noise and disturbance. The proposal therefore complies with Policies UR3 and D1 of the UDP. When taken together these policies, amongst other things, seek to ensure new development does not harm the amenity of future occupiers. The proposal would also comply with one of the Framework's core planning principle of seeking to secure a good standard of amenity for all existing and future occupants of land and buildings

Other Matters

16. The site is located in the Buffer Zone to the Saltaire World Heritage Site. No concern has been raised by the Council's Conservation Officer in regard to the proposal or location within the Buffer Zone. From observations made during the site visit and from the submitted evidence, I find no reason to reach a different conclusion in relation to location.
17. The concern raised by the appellant in relation to the pre-application discussions. However, this is an issue which does not concern the planning merits of the case. Accordingly, I have not attached any weight to this matter.

Conclusion

18. I have found that the proposal would not have an unacceptably harmful effect on the living conditions of future occupiers and users of the site, with particular regard to noise and disturbance. In addition, the proposal would also make a modest contribution to the Council's five year housing supply figure. However, the harm to the provision of a safe and secure environment is decisive.
19. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini, INSPECTOR