



Appeal Decision

Site visit made on 30 September 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 17 October 2019

Appeal Ref: APP/W4705/W/19/3233266

land at Valley Road, Bradford BD1 1AJ

E: 416178 N: 434065

- 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 Andrew Johnson (Vertu Motors Plc) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 18/03933/MAF, dated 10 September 2018, was refused by notice dated 3 June 2019.
 - The development proposed is proposed use of land as vehicle storage compound, new build single storey wash and valet bay facility, part two storey workshop with class iv mot, parts storage and ancillary accommodation, single storey portakabin, screen panels to existing palisade fencing, landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for proposed use of land as vehicle storage compound, new build single storey wash and valet bay facility, part two storey workshop with class iv mot, parts storage and ancillary accommodation, single storey portakabin, screen panels to existing palisade fencing, landscaping at land at Valley Road, Braford BD1 1AJ in accordance with the terms of the application, Ref 18/03933/MAF, dated 10 September 2018, subject to the conditions set out in the attached Schedule of Conditions.

Procedural Matters

2. The application was initially described in the terms set out in the banner heading, above. However, the Council's decision refers to the application as being retrospective. At the time of my visit to the site I saw that it had, with the exception of the northern-most part of the site, been mostly laid to hard surface and was in use for vehicle storage and vehicle preparation purposes. Other than a small temporary building, which the application seeks to retain in a revised location, and two gazebos there were no other buildings within the site.
3. It was clear to me however that at the time of my visit to the site the proposal is only partly so, the land being used for storage and preparation of vehicles but the proposed buildings not yet evident nor the site laid out in the manner shown on the submitted plans. For the avoidance of doubt therefore I have determined the appeal on the basis of the submitted plans, not on the basis of the works that had been carried out within the appeal site at the time of my visit to the site. I have determined the appeal accordingly.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is a long, thin and tapering site sandwiched between Valley Road and a railway line. The interior of the site is largely level and was, at the time of my visit to the site, laid to hardcore with a concrete apron at the site entrance.
6. Although the site itself is level Valley Road rises gradually along the length of the appeal site's eastern boundary such that at the site's southern end Valley Road is considerably below internal site ground levels. Here, the stone wall, which is continuous along the eastern site boundary, acts as a retaining wall with a further slope up to the levelled area within the main body of the site. However, towards the north end of the site Valley Road has risen relative to levels within the site so that by the junction of Valley Road and Queen's Road, ground levels are above those of the site and elevated views along the site's length are possible.
7. Beyond the rear boundary of the site lies the railway line, with a patchy but largely consistent line of lineside trees between the site and the railway lines. Beyond the railway to the west lies a steeply sloping, heavily wooded embankment side. Other than the northernmost part of the site, which had not been clear, the site was largely absent of trees and vegetation.
8. However, from the railway line, the local environment of the rail corridor is dominated by the steep and heavily wooded embankment to the west. Although separated from the rail corridor by the site itself, this wooded embankment is no less dominant from Valley Road. It may have been that an overgrown site pre-site clearance might have added depth of vegetation to the foreground of the embankment from Valley Road and may also have further softened views towards the industrial units and vacant plots on the eastern side of Valley Road from the railway line. Nonetheless, I find there to be very little alien or uncharacteristic about the proposed layout and use of the appeal site or the scale, positioning, character or appearance of the wash bay and valet and workshops buildings.
9. What is perhaps somewhat atypical of the area is the shape and form of the appeal site, which tapers almost to a point at its northern end. However, lengthy frontages denoted by palisade fencing are not uncommon. Nor are industrial and commercial buildings with extensive car parking areas, or vacant open plots. It is quite clear to users of the road and rail corridors the nature and character of the area through which they are passing. Thus, in this context, I do not consider the proposal to be obtrusive, incongruous, alien or out of character. Indeed, much of the rail corridor's landscape on its eastern side in the vicinity of the appeal site is comprised of the long rear boundaries of commercial and industrial plots and the service elevations of those buildings.
10. The Council are concerned that the proposal does not make adequate provision for landscaping within the site's layout. However, as I have noted above, the rail corridor provides a significant and verdant sylvan setting to the rear of the site. The limited amount of buildings proposed and their position within the

site, together with the site's shape and form, would together be such that this dominant embankment vegetation would retain its significance along both the road and rail corridor.

11. Nevertheless, in the overall context of the appeal site the triangular area of landscaping at the south-eastern corner of the site, would be a very small feature. However, it would be located in a highly prominent location within the site and at the entrance to Valley Road and its contribution to the overall streetscene at this point would be greater than its limited area would suggest. Due to the alignment of the road and the neighbouring site, the appeal site juts out into the Valley Road streetscene, its prominence emphasised by the stone retaining wall at this point. An appropriately landscaped area at this point would mirror the somewhat overgrown, but nevertheless no less significant, tree cover on the opposite side of the road.
12. Furthermore, the arrow straight alignment of much of the appeal site's eastern boundary means that perspective and long views along the length of the fence will ensure that the small planting areas proposed at regular intervals along this boundary would blend together to create the visual illusion of a more comprehensive planting scheme. In passing, these intermittent planted areas and timber panels would enliven the lengthy palisade fence and would result in a reasonably effective landscaping scheme whilst acknowledging the constraints that the narrow and tapering nature of the site raises.
13. Given the site's commercial and industrial setting and its immediate neighbours, the site's existing palisade fencing is not particularly incongruous, obtrusive or out of character. However, these proposals would be effective mitigating factors which would result in visual enhancement to the palisade fencing and which would, in key long views along Valley Road, mitigate the repetition of lines of parked vehicles. The proposal would bring a vacant and overgrown area of land into economic and active use with pockets of landscaping the total of which would, in my judgement, be greater than the sum of its parts. Nor would the parking of vehicles for storage and the purposes of delivery preparation and the presence of the proposed buildings would, in my judgement, be neither materially nor visually different from that which lies to the south, nor harmful to the character or appearance of Valley Road or the rail corridor.
14. Policy DS1 of the Bradford Core Strategy Development Plan Document (DPD) seeks to achieve good design, and sets out a range of ways through which to achieve this. For the reasons I have set out, I am satisfied that the proposal would bring into use an awkward and constrained site in a manner that would broadly accord with the aims and aspirations of DPD policy DS1 and would be neither incongruous or inappropriate in the context of the character and nature of its surroundings.
15. The Council have referred to a development scheme on adjacent land. However, I have no further details of that proposal before me, nor of the status of that proposal. In the absence of such detail, I can only give this matter limited weight. I have also noted that the Council considered that a temporary permission would have been considered favourably but that the proposal was not a long-term solution. However, I find the proposal to be acceptable, and a longer term approach afforded by the appeal proposal would allow the

indicated landscaping elements to establish themselves and contribute more effectively to the Valley Road streetscene.

Conditions

16. I have considered the Council's suggested conditions in light of the Framework and advice set out in Planning Practice Guidance (the Guidance). For the reasons I have outlined in the procedural matters above, I have determined the appeal on the basis of the plans submitted, not what I saw has been carried out on site. Thus, time limit and plans conditions are necessary in order to provide certainty and in the interests of good planning.
17. I am satisfied from the evidence before me that conditions concerning investigation and assessment of ground conditions are necessary in the interests of ensuring the proper remediation of the site. So too, drainage and lighting. Conditions regarding external construction materials and landscaping are necessary in the interests of character and appearance, the timing details of which are satisfactorily set out in the suggested conditions.
18. The appellant has however queried the wording of the Council's suggested landscaping scheme condition, suggesting an alternative that omits the final part of criterion (i) regarding trees replanted subject to requirements of previous consents to fell. The basis for the appellant's suggested revision is not clear and, whilst I have no evidence before me to indicate that replanting requirements exist, I am satisfied that the suggested wording of the condition is sufficient to only bite should that be the case. I have however amended the wording of this condition to omit references to domestic curtilages.

Conclusion

19. For the reason I have set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 8527s/09; 8527s/01 Rev B; 8527s/02 Rev D; 8527s/03 Rev E; 8527s/04 Rev A; 8527s/05 Rev A; 8527s/06 Rev A; 8527s/07 Rev A and 8527s/08 Rev A.
- 3) No development shall proceed above damp-proof course of any buildings on site until samples of all external facing and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Prior to the commencement of development, a Phase 1 Desk Study and Preliminary Risk Assessment Report must be submitted to and approved in writing by the local planning authority. Where potential for contamination is identified within the Phase 1 report then recommendations for a Phase 2 site investigation and risk assessment must be included.
- 5) Where required by condition 4, prior to the commencement of development the Phase 2 site investigation and risk assessment should be completed in accordance with the agreed site investigation scheme identified in the Phase 1 report. A written report, including a remedial options appraisal scheme shall be submitted to and approved in writing by the local planning authority.
- 6) Unless otherwise agreed in writing with the local planning authority, prior to the commencement of development, a detailed remediation strategy which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the local planning authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved.
- 7) Unless otherwise agreed in writing, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the local planning authority prior to the first occupation of each phase of development (if phased) or prior to the completion of the development.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority as soon as reasonably practicable (but within a maximum of 5 days from the fin). Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall

be carried out before the development (or relevant phase of development) is resumed or continued.

- 9) A methodology for quality control of any material brought to the site for use in filling, level-raising or landscaping shall be submitted to and approved in writing by the local planning authority prior to materials being brought to site. The development shall be carried out in accordance with the approved details.
- 10) Development above damp-proof course level of any buildings on shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall show the following details:
 - i) position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
 - ii) details of proposed new trees and details of new shrub and grass areas, including the extent of such areas and the number of trees and shrubs in each position with the size of stock, species and variety;
 - iii) the extent, types and heights of the means of enclosure;
 - iv) details of types of hard surfaces within the development; and
 - v) details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping scheme that become diseased or die, or which are removed or damaged within the first 5 years after the completion of the planting shall be removed and a replacement landscape planting using the same or similar species / specifications shall be planted in the same position no later than the end of the first available planting seasons following the demise of the original landscape planting.

- 11) Notwithstanding the details contained in the supporting information, the drainage works shall not be installed until further details are submitted to and approved in writing by the local planning authority to show how the vehicle parking and / or manoeuvring areas of the development are to be served by a suitably sized petrol / oil interceptor. The development shall thereafter proceed in complete accordance with the approved drainage details.
- 12) Details of the type, position and angle of glare of the floodlights shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in completed accordance with the approved details, and shall be retained as such.