



Appeal Decision

Site visit made on 29 June 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2020

Appeal Ref: APP/W4705/W/20/3251569
752 Little Horton Lane, Bradford BD5 9BL

- 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 Aunt Bettys Chip Shop against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/00348/FUL, dated 12 December 2019, was refused by notice dated 30 March 2020.
 - The development proposed is a stand alone tea kiosk and patio area ancillary to the operation of Aunt Betty's Chip Shop.
-

Decision

1. The appeal is allowed. Planning permission is granted for a stand alone tea kiosk and patio area ancillary to the operation of Aunt Betty's Chip Shop at 752 Little Horton Lane, Bradford BD5 9BL in accordance with the terms of the application Ref 20/00348/FUL dated 12 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: PDA 19-079 REV A.
 - 3) The walls of the kiosk hereby permitted shall be constructed of facing materials to match the existing building at the site.
 - 4) Before the first use of the kiosk, the car parking spaces within the boundary of the site shall be laid out, hard surfaced with a porous material, marked out into bays and drained within the curtilage of the site in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be kept available for the parking of vehicles for the lifetime of the development.
 - 5) The kiosk shall only be open between the following hours: 08:00 - 20:00 Mondays to Saturdays and 09:00 - 18:00 on Sundays, Bank or Public Holidays.

Procedural Matter

2. The description of the proposal varies between the application form, decision notice and appeal form. However, the evidence indicates that the contract off street parking detailed on the application form has been omitted from the scheme while the proposals also indicate the continuation of the existing patio area to the front of the kiosk. I am therefore determining the appeal based on

the description above in the banner heading which is included on the appeal form.

Main Issue

3. The main issue is the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

4. The kiosk would be placed close to the south of Aunt Betty's Chip Shop, in the same location as a trailer and decking structure from which the business currently appears to be operating from. The kiosk would operate within the A1 retail use class and would be placed adjacent to and facing towards an existing front patio area, which would be extended accordingly.
5. The area is of mixed residential and commercial character. There are numerous business premises on this section of Little Horton Lane, and whilst some have their own off-street parking, some do not. While only a snapshot in time, at the time of my site visit, late on a weekday afternoon, the road was relatively busy. Cars were parked within the highway, both utilising designated on street parking bays and other parts of the highway. However, despite this, traffic appeared to be flowing freely.
6. A parking area is available on land immediately to the south west of the main building which could host parking for up to 5 cars at any one time. This would be shared between Aunt Betty's Chip Shop and the kiosk. The parking area would benefit from improved surfacing and the marking of parking bays, but I do not consider that its location to the rear of the kiosk would significantly discourage its use.
7. The kiosk would be limited in footprint. The Council's car parking standards referenced within Policy TR2 of the Core Strategy Development Plan Document (2017) (CSDPD) are provided within Appendix 4. These standards require the provision of 1 space per 35sqm of floor space for smaller food retail units such as the proposal. Whilst the kiosk may well be operated separately from the main unit it is likely that it would also at times be used on an ancillary basis and it is likely the very limited parking provision required would be available amongst the 5 spaces that would be available. I cannot therefore identify any basis for requiring greater off- street parking provision.
8. The concerns over existing indiscriminate parking are noted, although the evidence is limited in relation to the extent that this has limited the free flow of traffic or resulted in any unacceptable impact on highway safety. Even in the event that the kiosk would generate some limited additional on street parking, I find it unlikely that this would materially alter the existing situation within the immediate vicinity or create conditions prejudicial to highway safety. It therefore follows that the proposal would not have a detrimental impact on the safe and efficient operation of the highway network in the vicinity of the appeal site.
9. Subsequently the proposal would accord with Policy TR2 of the CSDPD which seeks to appropriately manage car parking. There would be no conflict with the National Planning Policy Framework which at paragraph 109 states that development should only be prevented or refused on highways grounds if there

would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

10. The evidence suggests off street parking would be available at both Tyre Bay and Dimac Autos, businesses directly across the road from the appeal site, after their closing times of 17:00. However, I have afforded this potential provision very limited weight as both sites are outside of the control of the appellant and there can be no certainty over their provision.
11. I have noted concerns in relation to disturbance as a result of the existing opening hours of the business. The parties are in agreement in relation to a condition which would ensure that the business was not open late into the evening, the time of day which appears to have caused most concern. I have added this condition.

Conditions

12. I have broadly sought to introduce those along the lines of those suggested by the Council and found acceptable by the appellant apart from some minor changes in the interests of clarity. I have also imposed the standard three-year time limit for commencement and a condition requiring the development to be carried out in accordance with the submitted plan in the interests of certainty.
13. Condition 5, which is referenced above, is necessary in the interests of the living conditions of nearby residential occupiers. Condition 3 is necessary in the interests of the character and appearance of the area. It is not necessary for further details of the roofing material to be supplied as this material would not be critical to the appearance of the structure and in any event, the aluminium sheets in a dark colour proposed would be acceptable. Condition 4, which requires the car park to be appropriately surfaced and marked out, is necessary in the interests of highway safety.

Conclusion

14. For the reasons above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham
INSPECTOR