



Appeal Decision

Site visit made on 15 June 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/W4705/W/21/3270245

840 Great Horton Road, Bradford BD7 4PU

- 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 S Akhtar against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/04723/FUL, dated 16 October 2020, was refused by notice dated 10 December 2020.
 - The development proposed is revised scheme for an A5 takeaway at 840 Gt Horton Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the proposal are:
 - The principle of the change of use to hot food takeaway with regard to local planning policy and guidance;
 - The effect of the flue on the character and appearance of the area; and
 - The effect on the living conditions of local residents, with particular regard to noise and disturbance.

Reasons

3. The site is located close to the end of a terrace of predominantly residential dwellings with a hot food takeaway at one end and general A1 retail store at the other, with this vacant unit which is the subject of this appeal adjacent to the A1 retail use. The area is largely residential with a limited number of other amenities available that serves the local community.

Principle

4. The Council has published its Supplementary Planning Document Hot Food Takeaways 2014 (SPD) with the aim to manage the distribution of hot food takeaway uses within the Council area. It sets out a number of principles against which such proposals should be considered.
5. The appeal site is located outside the city centre, town centres, district and local centres. The SPD explains that the proximity of hot food takeaway uses

outside these areas will be resisted if they fall within 400m of the boundary of an existing primary or secondary school with the specific intention to prevent childhood obesity. Although the proposed use may be approximately 500m away from the school entrance gates, there is nothing before me to demonstrate that it is more than 400m away from its boundary.

6. Even if the use did not commence until 17:00 weekdays, the SPD recognises the poor average health levels of both adults and childhood health, and the importance to control the spread of hot food takeaway uses close to both primary and secondary schools. Further, it would also be located within 400m of the boundary of a public park. This also contravenes the principles of the SPD.
7. There may be other commercial businesses located close to the appeal site and more specifically other takeaway uses. However, these are already operating as such and the precise details of their circumstances are not before me to comment upon.
8. To conclude, due to its proposed location outside the city centre, town, district or local centre and its proximity to residential dwellings and local facilities, the principle of the proposed change of use would be contrary to the Core Strategy Development Plan Document (CS) Policy DS1 in respect of development being informed by place and context, and the SPD Hot Food Takeaways in its key objectives to control the provision of hot food takeaways. However, I find no relevance in this specific regard to CS Policy DS5 as this relates to safe and inclusive places.

Character and appearance

9. A large extraction flue would be required to disperse odours from the site. This would extend from the rear elevation of the premises above eaves level, and would be seen from outside the appeal site boundary. The use of shrouding to be applied to its lower section would only serve to emphasise its bulk, with the remaining flue exposed and finished black in colour.
10. Due to the incongruous nature of the extraction equipment, and its exposed location, it would not represent good design or achieve high quality places to this part of the terrace, or to the character and appearance of the local area.
11. To conclude on this main issue, the proposed flue would result in detrimental harm to the character and appearance of the local area contrary to CS policies DS1 and DS5 in their combined aims for development to achieve high quality and well-designed places.

Living conditions

12. The noise associated with vehicular activities and the general comings and goings from customers and delivery drivers has the potential to generate a high level of noise and disturbance to local residents. This would mainly occur from the sounds of vehicle engines idling, doors slamming and radio systems and audible voices. This would be especially problematic given the proposed hours of closure of 23:00 Monday to Saturday and 22:00 Sundays and Bank Holidays when the background noise levels would be reduced given the residential nature of the area.

13. Whilst a delivery service is proposed to operate from the site, there is no evidence before me to demonstrate this would reduce footfall at the site, or that the existing use would generate similar numbers of footfall to the proposal.
14. Irrespective of the fact that there are other commercial businesses within the terrace or that the unit above would be associated with the proposal, there are other residential properties located adjacent to the appeal site that would be exposed to undue levels of noise and disturbance.
15. To conclude, the proposal would lead to detrimental harm arising to the living conditions of local residents, with particular regard to noise and disturbance, contrary to CS Policies DS1 and DS5 and the SPD in their combined and broad objectives for development to achieve good design and not to harm residential amenity.

Conclusion

16. I have found harm in respect of the principle of the proposal, its effect on character and appearance of the area and living conditions of local residents. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR