



Appeal Decision

Site Visit made on 12 August 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2021

Appeal Ref: APP/W4705/W/21/3273314

Land at 117-119 Becks Road, Bradford BD7 2JN

- 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 Raheel Munir against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/04790/FUL, dated 21 October 2020, was refused by notice dated 25 February 2021.
 - The development is café and tea room to a vacant site.
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Decision

1. The appeal is allowed and planning permission is granted for a café and tea room to a vacant site at Land at 117-119 Becks Road, Bradford BD7 2JN in accordance with the terms of the application, Ref 20/04790/FUL, dated 21 October 2020 and the plan numbered PDA 20-146-001 Rev C, subject to the following conditions:
 - 1) The premises shall only be open for customers between the following hours: 0700 – 2300.
 - 2) Within 3 months of the date of this decision, the car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.
 - 3) Within 3 months of the date of this decision, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan and retained whilst ever the development is in use.
 - 4) Within 3 months of the date of this decision, details of the silver birch and shrub planting (as shown on drawing PDA 20-146-001C) shall be submitted for the written approval of the Local Planning Authority. Planting shall subsequently be carried out in accordance with the approved details in the first planting season following their approval and shall be so retained at all times thereafter.

Preliminary Matters

2. The development has been undertaken. I am therefore considering the appeal retrospectively.

3. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.

Main Issues

4. The main issues are the effect of the development on 1) highway safety and 2) the living conditions of the occupants of surrounding residential properties.

Reasons

Highway safety

5. The appeal site is located adjacent to the roundabout junction between Beckside Road and Spencer Road. It is located in a predominantly commercial area with some community uses and residential properties beyond. Access to the site is taken from an existing dropped kerb and entrance point on Spencer Road. The development includes a parking area for up to 8 vehicles and a turning area. There are double yellow lines surrounding the appeal site.
6. I observed on my mid-afternoon site visit that there was a high volume of traffic using the roundabout junction. Whilst this was highly noticeable and resulting in some queues of traffic leading up to the roundabout, at the time of my visit it did not appear to be causing harm to highway safety. The evidence, which outlines that there had been five minor incidents in the previous five years, supports my finding.
7. In terms of the development subject to the appeal, it no doubt results in a small increase in traffic on the surrounding highway. However, given the size of the development and the established commercial nature of the site, I do not consider that the traffic that is generated causes harm.
8. In coming to this judgement, I have given weight to the provision of a car park and turning area within the appeal site including the presence of double yellow lines surrounding the appeal site. Collectively, these features mean that on-street parking associated with the development is unlikely, or not within the approaches to the junction.
9. I have also taken into account that the Council's Highway Officer did not raise any objection to the development, and that despite the highways concerns being outlined in the committee minutes and representations received, there is limited substantive evidence put forward that the development causes harm. There is also no substantive evidence that the development has an unacceptable impact on pedestrian safety or the movement of emergency vehicles.
10. I therefore conclude that the development does not have an unacceptable impact on highway safety. It complies with Policies DS4 and DS5 of the Bradford Core Strategy Development Plan Document (2017) which require, amongst other things, that developments are safe and accessible, including by having regard to its highway considerations.
11. The development also complies with the Framework which outlines 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.

Living conditions

12. Although the immediate area surrounding the appeal site is commercialised, there are residential properties nearby, those closest being on Cumberland Road and Beckside Road.
13. The Council have not stated which aspects of nearby occupants living conditions are harmed by the development, however from my consideration of the evidence, I have taken those as being in relation to noise and disturbance.
14. During the daytime, the area is particularly active from the surrounding traffic, commercial and community uses, all of which I observed on my site visit. In this context, the development is not highly noticeable nor is it likely to cause harm to living conditions in relation to noise and disturbance.
15. The environment is likely to be more subdued during the evening and night-time, when the commercial uses will subside, and traffic levels are likely to be lower. However, given the distance from the appeal site to the closest residential properties and the nature of the use as a café and tea room, I do not consider that it causes unreasonable levels of noise and disturbance.
16. The Officer Report to the planning committee recommended that the hours of the use be restricted to 0700 to 2300 in order to prevent the creation of excessive noise late at night and into the early hours of the morning when ambient noise levels are lower. I agree that such a condition is necessary in order to ensure that the development does not cause harm to living conditions in regard to noise and disturbance late at night when residents, despite being in close proximity to the roundabout junction and commercial area, may reasonably expect a degree of peace and quiet.
17. I therefore conclude that the development does not have an unacceptable impact on the living conditions of occupants of nearby residential properties with regard to noise and disturbance. It complies with Policies DS5 and EN8 of the Bradford Core Strategy Development Plan Document (2017) which seeks to ensure that development does not cause, amongst other things, noise pollution.
18. It also complies with the requirement in the Framework that developments achieve a high standard of amenity and avoid noise giving rise to significant adverse impacts on health and quality of life.

Other Matters

19. Objection has been received that the development facilitates anti-social behaviour including drug taking. There is no evidence before me to suggest this is the case.
20. Objections also refer to the fact that the development has been carried out without planning permission. I acknowledge that this may cause vexation for those opposed to the development, it is not however a reason to dismiss the appeal which is determined on its planning merits. It is therefore a matter of limited weight.

21. Concerns are also raised that the development may become a takeaway in future. This is not, however, the development before me and I find no reason to dismiss the appeal due to potential future uses which in any event may require separate planning consent.

Conditions

22. As the development has been undertaken there is no need to impose conditions requiring it to be commenced within 3 years of the date of decision or be carried out in accordance with the approved plans. A condition requiring the submission of landscape details as shown on the submitted plan is necessary in the interest of the character and appearance of the area. Conditions requiring the implementation of the car parking and turning area are necessary in the interests of highway safety.

Conclusion

23. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR