



Appeal Decision

Site Visit made on 12 October 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/W4705/W/21/3278862 Car Park, Orange Street, Bradford BD3 8EY

- 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 Shahid Khan against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/02059/FUL, dated 17 April 2021, was refused by notice dated 2 June 2021.
 - The development proposed is a tea shop in converted metal container with external timber wall finish.
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Decision

1. The appeal is allowed and planning permission is granted for a tea shop in a converted metal container with external timber wall finish on land adjacent to the car park, Orange Street, Bradford, BD3 8EY in accordance with the terms of the application, Ref 21/02059/FUL, dated 17 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: RP01.
 - 2) The premises shall only be open for customers between the following hours:
1300 Mondays – Fridays – 0100 the following mornings
1300 Saturdays - 0130 Sunday mornings
1300 Sundays- 0100 Monday mornings.
 - 3) The premises shall be used as a tea shop and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Preliminary Matters

2. At the time of my site inspection a development as shown on the appeal plans was substantially complete. Some deviations were apparent between the development and the submitted plans. For the avoidance of doubt, this appeal is determined on the basis of the plans as submitted with the planning application.
3. The address in the banner heading above is taken from the planning application form. For the avoidance of doubt and as the proposal lies on land outside of the public car park, I have inserted the descriptive of 'land adjacent to' the car

park. This is land shown to be in the ownership of the appellant and therefore distinct from the public car park accessed from Orange Street.

Main Issues

4. The main issues are the effect of the development on:

- the character and appearance of the locality
- highway safety.

Reasons

Character and appearance

5. The appeal site is located in an area of mixed development consisting of residential and commercial premises. Roadside development along the local stretch of Leeds Road (A647) is predominantly traditional stone-built terraces featuring small shop and food outlets at ground floor with various uses at first floor and within the roof spaces. Some are backed by outbuildings of more limited scale.
6. Elsewhere there are some examples of single or three storey buildings finished in a variety of materials reflecting the mixed commercial character of the area. To the south of the site are commercial and industrial buildings and sheds of various scales and displaying more functional appearances.
7. The location and scale of the building are such that it has a low degree of prominence in the Leeds Road frontage. Whereas the majority of premises are set immediately to the back of the pavement, the container is some distance from the roadside and enclaved behind the recessed area of the car park.
8. The limited overall height ensures a subordinate scale of development reflective of the secondary line of outbuildings or additive extensions behind some of the properties fronting on to the main road. Furthermore, the building is viewed against a backdrop of metal clad sheds and warehouses but provides some benefit in reducing views to those utilitarian buildings behind.
9. The simple form of the building provides a contemporary addition in the Leeds Road streetscene and is reflective of the fringe of commercial buildings to the south. The proposed use of timber cladding to parts of the external elevations of the building would provide a softer appearance in the transitional area between the surrounding commercial, industrial and housing areas. The use of timber would not appear out of place in the context of the nearby fence lines and wooden detailing of buildings. The lightweight appearance of the canopy has a very minor visual impact.
10. Accordingly, I find the scale, simple form, position and proposed external appearance of the structure would assimilate within the mixed character area. It would provide visual interest and respond to elements of the surrounding development to find consistency with the requirements of Policies DS1 and DS3 of the Local Plan for the Bradford District Core Strategy Development Plan Document (BDCS) as they seek development to respond to its context and complement existing development.

Highway safety

11. The Orange Street car park (OSCP) is accessed from Leeds Road, a busy radial route extending from the city centre. In the vicinity of the appeal site, the road consists of a single lane in each direction and a roadside parking refuge on the northern side. Some on-street parking provision also exists on the nearside carriageway in front of a neighbouring business. The road is predominantly bordered by commercial premises including shops, takeaways and other services.
12. The development includes a proposal for the provision of parking utilising an existing parking area associated with a vacant commercial premise accessed from Florence Street. Although the two parts of the site are contiguous there is no direct pedestrian link between them. Furthermore, there is little before me to demonstrate how such a link would be provided to achieve accessibility between the two parts of the site which are set on different levels.
13. The container is orientated with its openings and signage facing towards Leeds Road and the OSCP immediately in front of it. The proposed car park area has little direct visual link to the location of the container and is screened by the structure and high close-board fencing. Customers would not necessarily be aware of the lower parking area, nor could its use be practicably enforced. Furthermore, the route to the car park is somewhat convoluted, less inviting, and subject to more limited lighting such that it would neither be convenient nor feel secure.
14. Moreover, there are no parking restrictions within the OSCP, which lies in a highly accessible area close to residential and employment sites. In contrast to the proposed use of the lower parking area, the higher level of natural surveillance, greater general activity and lighting within and about the OSCP would be a far more attractive parking proposition to both visitors and staff vehicle users. For those reasons, I find that both passing and regular trade would rely on the OSCP and the use of the proposed parking area is an alternative that is highly unlikely to be viable.
15. The close proximity of the unit to the OSCP is likely to draw additional cars and pedestrians to the area. However, despite the fact that the cabin faces the car park, it is self-contained and includes an outside seating area separate to the OSCP. It is therefore unlikely, in-itself, to impede the use of the OSCP by the general public. The accommodation of visitor parking or a limited number of staff vehicles within the vicinity would be little different to the existing use of the OSCP or on-street parking by other local businesses which they are intended to serve.
16. The proposed opening times would overlap with busy afternoon and early evening periods associated with other nearby businesses. At the time of my site visit, albeit a limited snapshot in time, the OSCP was well used and subject to a steady turnover of vehicles entering and leaving the site. On-street parking along the main road was also well used but neither were observed to be at capacity.
17. Whilst I have little doubt that the use of the site draws additional vehicular and foot traffic, there is little before me to demonstrate that the use results in excessive parking demand that cannot be accommodated by the existing facilities, or that it results in out-spill, inconsiderate or hazardous parking that

would elevate highway safety concerns within or about the public car park. Furthermore, there is little to suggest that the use would draw greater numbers than existing similar businesses in the locality or explain why the proposal should not equally benefit from the existing car park and on-street parking facilities.

18. The OSCP is sign-posted. Visibility at the junction with the main road would remain as is and forward visibility to turning vehicles on the straight stretch of the main road is good. There is little before me to suggest that this unchanged arrangement would not substantially retain reasonable levels of highway safety comparable to the pre-development circumstances.
19. A pedestrian crossing lies close to the site on Leeds Road. Additionally, pedestrian footways border the OSCP on two sides and a pedestrian link exists to the east of the site. This would provide safe pedestrian access from the surrounding areas. Should pedestrians access the site via the car park, then the limited vehicle speeds and greater driver awareness associated with manoeuvring in confined spaces would limit the risk of collision between different users.
20. For the above reasons, whilst I find that the proposed use of a car park accessed from Florence Street would not be practical in the circumstances of the case, I find that any associated risk to users of the highway or effects on parking provision in the locality would be limited. The proposal would be in an accessible location and benefit from existing parking facilities with safe access to and from the highway network. The proposal therefore meets with the aims of Policies DS4 and TR2 of the BDCS as they seek accessible forms of development, the active use of public spaces and the safe use of the highway.

Other Matters

21. I note concerns of nearby residents in respect of the increase in litter associated with the use of the site. However, the area is well provided for in terms of public litter bins. Additionally, a commercial waste bin is present at the site such that ample provision for the management of waste is available at and about the site.
22. I acknowledge the concerns of a nearby business owner in relation to the potential for adverse effects on competing businesses and antisocial or unneighbourly behaviour. However, there is little substantive evidence to demonstrate those claims, or that the proposal would adversely affect the vitality or viability of the local centre. Furthermore, there is no dispute between the main parties, or objection from the Council's Environmental Health advisors, in relation to antisocial behaviour or any adverse effects on the living conditions of residents in the locality of the site, which has been operating for some time.

Conditions

23. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. As part of the development has taken place a condition restricting the time for implementation is unnecessary. I have imposed a condition specifying the relevant drawings as this provides certainty.

A condition specifying the opening times proposed by the appellant is necessary in the interests of the living conditions of nearby residents.

24. To allow further consideration of potential effects on the locality in the event that the tea shop use should cease, a condition limiting the scope of the use of the container is reasonable and necessary in the circumstances of the case.

Conclusion

25. For the reasons above, I conclude that the proposal aligns with the local development plan and therefore the appeal should be allowed.

R Hitchcock

INSPECTOR