



Appeal Decision

Site Visit made on 28 September 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/W4705/W/21/3278747

Land at Sutcliffe Place, Bradford, West Yorkshire BD6 1JL

- 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 Abid Khan against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/01851/FUL, dated 5 April 2021, was refused by notice dated 18 June 2021.
 - The development proposed is proposed car sales pitch (forecourt) on vacant land.
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Decision

1. The appeal is allowed and planning permission is granted for car sales pitch (forecourt) on vacant land at Land at Sutcliffe Place, Bradford, West Yorkshire BD6 1JL in accordance with the terms of the application, Ref 21/01851/FUL, dated 5 April 2021, subject to the following 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: Dwg No: 21-028-01 and 21-028-02.
 - 3) The premises shall only be open for customers between the following hours: 0800-1800 Monday – Sunday.
 - 4) Prior to the commencement of the use hereby permitted, details of the sales office including elevations and floor plans shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved plans.
 - 5) Prior to the commencement of the use hereby permitted details of two customer/staff parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be laid out for vehicles to turn so that they may enter and leave the site in forward gear. The two parking spaces shall thereafter be kept available at all times for the parking of vehicles and at no time for vehicles for sale.
 - 6) Parking spaces within the curtilage shall be marked out in accordance with the approved plans.
 - 7) All boundary treatments shall have a dark coloured powder coated finish.

Main Issues

2. The main issues are the effect of the proposal on:
 - Highway safety in Sutcliffe Place and Halifax Road; and

- The living conditions of occupiers of nearby residential properties with particular reference to noise and disturbance.

Reasons

3. The appeal site forms a parcel of land at the end of a row of terrace properties facing onto Halifax Road, a busy road. The terrace properties are accessed by Sutcliffe Place which widens at its junction with Halifax Road with informal on street parking possible.
4. The proposed layout plan and application form stipulated that 13 car parking spaces would be provided within the 'sales pitch'. However, it did not specify any customer or staff parking within this layout. If all spaces were used for car sales this would lead to pressure to park elsewhere, including in Sutcliffe Place.
5. The large retail car parking adjacent to Sutcliffe Place falls outside of the land ownership of the appellant and can not therefore be relied upon. At the time of the morning site visit there was capacity for parking and turning within Sutcliffe Place. Moreover, whilst parking is not possible immediately on Halifax Road there was capacity for on street parking nearby in walking distance. I recognise this was a snapshot in time however, I have no substantive evidence of any existing capacity constraints. Moreover, there is good visibility from the junction of Sutcliffe Place onto Halifax Road.
6. The appellant has stipulated that two vehicular spaces within the site could be maintained as available for customer parking and that the enterprise would operate on an appointment only basis.
7. Whilst it would not be reasonable to control the operation in this manner and the nature of the business could change in the future, the proposed sale pitch would be a small-scale operation and given the number of cars for sale would not likely attract a high level of activity. The two vehicular parking spaces could be conditioned to be retained as available for either staff or customers were I minded to allow the appeal.
8. Overall, with two spaces retained within the site for car parking and having regard to the above, I am satisfied that it would be possible for additional vehicles associated with the appeal proposal to park without causing an obstruction in Sutcliffe Place or Halifax Road.
9. I therefore find that the proposal would not result in an unacceptable effect on highway safety in Sutcliffe Place and Halifax Road. I therefore find no conflict with the requirements of Policy TR2 of the Council's Core Strategy (CS) (2017) which seeks, amongst other things, to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the demands of disabled and other groups whilst improving quality of place.

Living conditions

10. The proposed development would result in a number of visitors to the site, including customers arriving by vehicles onto Sutcliffe Place. This would give rise to some noise including reversing signals, engines and car doors closing, as well as noise from people speaking.
11. The site is located in close proximity to the main Halifax Road which carries significant traffic levels throughout the day and evening. Moreover, there would

also be a degree of noise generated by users of the car park adjacent to Sutcliffe Place. Against the backdrop of the traffic noise levels and other noise, the noise from the comings and goings of customers, given the small-scale nature of the development, is likely to be reasonably well assimilated.

12. The inclusion of conditions relating to restrictions on opening hours and securing parking on site would further ensure that these aspects of the development would not result in harm to the living conditions of adjoining occupiers.
13. I therefore find that the proposal would not result in harm to the living conditions of occupiers of nearby residential properties with particular reference to noise and disturbance. As such, the proposal would not conflict with the requirements of Policy DS5 of the CS which stipulates that development should, amongst other things, not harm the amenity of existing residents.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty. Conditions relating to parking are necessary in the interests of highway safety and the living conditions of the occupiers of Sutcliffe Place. A condition relating to opening hours is necessary in the interests of the living conditions of the occupiers of Sutcliffe Place. Conditions relating to the boundary treatment and sales office are necessary in the interests of the visual amenity of the area.
15. Where necessary consent has been sought from the appellant for pre-commencement conditions and no objections have been raised. It is necessary for conditions 4 and 5 to be pre-commencement conditions as the carrying out of the use in advance of approval could prejudice the scope to agree any changes to the submitted details which may be required and potentially result in avoidable harm.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR