



Appeal Decision

Site visit made on 7 June 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 29th June 2022

Appeal Ref: APP/W4705/W/22/3296492

Co Op Food Store, Greenside Lane, Cullingworth, Bingley, West Yorkshire, BD13 5AN

- 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 B Frudd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/05738/FUL, dated 12 November 2021, was refused by notice dated 7 January 2022.
 - The development proposed is change of use from Use Class E to create one retail unit and one hot food takeaway (Resubmission of 21/01430/FUL).
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Decision

1. The appeal is dismissed.

Main Issues

2. Based on the evidence, including the acceptability of the proposed retail use, the main issues are:
 - i) Whether the location is suitable for a hot food takeaway; and
 - ii) The effect of the proposal on highway safety.

Reasons

The suitability of the location for a hot food takeaway

3. The appeal site comprises a single storey retail unit, formerly in use as a Co-op store but currently unoccupied. The building is close to the centre of Cullingworth village. There are commercial uses to the east, south and west and residential uses to the north.
4. The Council's Hot Food Takeaways Supplementary Planning Document Adopted November 2014 (the SPD) recognises that unhealthy neighbourhood food environments can encourage unhealthy food choices and may contribute to obesity. Takeaways and the overconsumption of fast food in particular are linked to low quality diets and weight gain. Therefore, managing the number and location of fast food takeaways, including hot food takeaways (HFT), plays an important role in national and local strategies for the promotion of health. Accordingly, Principle 2 of the SPD resists proposals for HFT outside of designated centres and that are within 400m of the boundary of an existing school or youth centred facility or a recreation ground or park boundary.

5. In this case, the HFT would not be in a designated centre but it would be within 400m of a primary and a secondary school, the local park and recreation ground, the village hall and the cricket club. The HFT would be open from 1000 to 2300 every day of the week, including Sundays and Bank Holidays. Consequently, the proposal would not contribute to a healthy neighbourhood food environment. It would not make a positive contribution to the health of the local community, and children in particular.
6. The lawful use of the building would allow its use as a shop, café or restaurant without the need for planning permission. I note the suggestion that a café or a restaurant could sell similar food, including takeaways, as a HFT. Also, convenience stores generally sell confectionary and baked goods, which would be attractive and affordable to children. Be that as it may, there is little substantive evidence that a lawful use of the appeal building would have the same impact on children's health and the health of the community as a HFT. Moreover, while I have been provided with a reference to an appeal¹, in the absence of details I cannot be certain that it or any other appeal scheme is directly comparable to the proposal or provides a justification for it.
7. Therefore, the location is not suitable for a new hot food takeaway, taking into account the proximity of schools, youth centred facilities, parks and recreation grounds. The proposal would conflict with the aims of Policy DS5 of the City of Bradford Core Strategy Development Plan Document Adopted July 2017 (the CS) in relation to making a positive contribution to people's lives. It would conflict with the overarching aims, and specifically Principle 2, of the SPD. It would conflict with the social aims of the National Planning Policy Framework (the Framework) including in relation to enabling and supporting healthy lifestyles and communities.

Highway safety

8. The Council's parking standards indicate there would be a requirement for up to 18 parking spaces to service the proposal. However, the location is reasonably accessible by walking and cycling, although there does not appear to be any proposed cycle parking, and there are bus stops nearby. Consequently, the Council considers that a reduction in the number of parking spaces to 14 would be justified in this location.
9. Conversely, the Highways Supporting Statement considers that 8 parking spaces would be adequate for the proposal. This is based on TRICS trip generation data for convenience stores and takeaways. However, I share the Highways Development Control officer concerns including that the takeaway data from Mondays and Wednesdays might not be representative of HFT trips later in the week and at weekends. Moreover, in the absence of full details of the TRICS schemes selected, I cannot be certain that the schemes in Stafford, Sunderland and Newcastle are directly comparable to the proposal including in terms of their offer, opening hours, surrounding context or accessibility.
10. There is an area of hardstanding car parking adjacent to the appeal site, which it is suggested would provide 8 parking spaces for the proposal. However, it is awkwardly shaped and tapering and it is constrained by walls. In the absence of plans that illustrate parking, delivery and service arrangements, it has not been demonstrated that 8 useable parking spaces could be provided. Moreover,

¹ Ref App/H4315/W/21/3270869

as the car park is not within the red line boundary of the appeal site, there appears to be little guarantee that it would be available for parking by users of the proposal or for the lifetime of the development.

11. Therefore, even if the assumptions of the Highways Supporting Statement are reliable and robust, the evidence suggests that there would either be a shortfall or no parking provision. The proposal would result in overspill parking onto the local highway network. Moreover, the shortfall in parking for short-stay takeaway customers could result in potentially unsafe parking practices and manoeuvring in and around the access.
12. The appeal site is immediately adjacent to Greenside Lane which connects Hallas Lane and the B6429. Parking is restricted on the appeal site side of the road. However, the opposite side of the road is unrestricted and it is well used for on street parking between the B6429 and the appeal building. Parking demand would be exacerbated by the proposal.
13. On street parking on the opposite side of the road has the effect of reducing the road to a single carriageway past the appeal site. While visibility may be reasonable looking towards the village centre, the siting of the building on a bend in the road limits visibility from the access in the direction of Hallas Road. The visibility splays have in any case been calculated using an x-distance of 2.1m rather than the standard 2.4m, such that vehicles would need to edge out into the road to achieve the stated visibility distances. Moreover, taking into account the constraints of the car park, it has not been demonstrated that vehicles would be able to enter and exit in forward gear particularly at busier times when the car park was used to capacity. Vehicles reversing out into the carriageway would have even more limited visibility.
14. The parties dispute whether or not the proposal would result in an intensification of use of the site. In this regard, I have no reason to think that the former Co-op store was not busy. Nevertheless, the proposal would be 2 units, one of which would be a HFT, and they would have separate staff, customers, servicing and deliveries. On this basis, even if there was no net increase in the total number of vehicles, I cannot be certain that there would not be an intensification of use of the site at busier times. I am also mindful of the third party representations that evidence that the former Co op traffic was problematical, including as a result of deliveries and vehicles parking on the blind corner.
15. There have been no recorded collisions in the most recent 5 or more years. I note the suggestion that vehicles would not be travelling at 30mph around the blind bend in the road, although no corroborating speed survey data appears to have been provided. Irrespective, the proposal would not make adequate, if any, parking provision. There would be an increased demand for on street parking in an area with waiting restrictions and already under on street parking pressure. Taking into account the nature of the proposal, there would likely be increased waiting and manoeuvring in and around the access, including vehicles reversing into the carriageway, on a stretch of road with limited visibility.
16. Therefore, I conclude that the proposal would harm the safe operation of the highway. It would conflict with the aims of CS Policy DS4 in relation to parking provision. It would also conflict with the aims of the Framework, including in

relation to creating safe places which minimise the scope for conflict between road users and avoiding unacceptable impacts on highway safety.

Other Matters

17. The CS identifies Cullingworth as a local centre in the hierarchy of centres in Bradford. However, it does not define the extent of the local centre and therefore the appeal site is not currently within a defined local centre. The emerging Draft Bradford District Local Plan Preferred Options includes a proposal to define a Cullingworth local centre boundary, which would include the appeal site. However, it has not been adopted and it is not the development plan for determination of the appeal. Taking into account the stage of its preparation, and in the absence of further details, this is a matter that carries limited weight in favour of the proposal.
18. Details of ventilation systems for the control of odour have been provided. The Council is satisfied that this matter could be addressed by the imposition of a planning condition. Absence of harm to neighbouring residential occupiers in relation to this or other matters carries neutral weight in the balance.
19. The private financial benefit to the appellant does not weigh in favour of the scheme. The proposal would create employment opportunities, although in the absence of information in this regard this carries only limited weight. I note the suggestion that the proposal would contribute to the vibrancy of Cullingworth. However, as the village already appears relatively vibrant, this is a matter that carries little weight in favour of the scheme.

Conclusion

20. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
21. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR