



Appeal Decision

Site visit made on 24 May 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2023

Appeal Ref: APP/W4705/W/23/3320097

Chapel Green Enterprises, Land at junction of Independent Street and Centre Street, Bradford BD5 9DA

- 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 Mohammed Tariq against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/03856/FUL, dated 1 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is the development of self contained B1 workshop units (Class E).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant refers to revised parking standards published as part of the Draft Local Plan. However, that Plan has not yet progressed to Publication or Examination stage, and I so cannot be certain that those standards are in their final form. Consequently, the precise weight that should be attached to the Draft Local Plan and its revised parking standards has not been a determinative factor in my consideration of this appeal.
3. The Council suggests that the current use of the appeal site for parking and storage of vehicles is not lawful, and the appellant does not disagree. The land has no planning requirement to be used in relation with the surrounding land, and was previously open, so I will proceed with the appeal on that basis.
4. The application description refers to Class B1 and Class E to describe the proposed units. For clarity, Class E of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) relating to commercial, business and service uses has superseded the former Class B1 of the UCO, business use, and so I shall assess the appeal on this basis.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the surrounding highway network and highway safety with regard to parking.

Reasons

Character and Appearance

6. The site is an open area of land on the corner of Independent Street and Centre Street. It is bordered by 1 and 2 storey light industrial workshop units of brick and render, and terrace rows of 2 storey dwellings. The dwellings provide the main character context for the site, and predominantly comprise cohesive beige brick and stone boundary walling. Alongside the muted render of the workshop units, they blend to create a harmonious and traditional urban character.
7. The proposed workshop units would have walling materials of brick to the lower third and metal cladding above. While such cladding might be a generally practical and modern finish, it is not a walling material elsewhere within the immediate site context. The proposal would therefore be discordant within this streetscene, and unduly prominent. This would also not be an improvement compared to the site's current openness.
8. The appellant suggests that the cladding could be amended to brick via the imposition of a suitable condition. I do not have before me any details of any structural or other changes to the building which may also be required in order to achieve this amendment. Due to this and the extent of the building which would be affected, it would be too significant a departure from the plans for this issue to be appropriately addressed via a condition.
9. The proposed development would therefore harm the character and appearance of the area, and would conflict with Policies DS1 and DS3 of the Bradford Core Strategy (CS) Development Plan Document (2017). These policies seek to achieve good design and high quality places, and for proposals to be informed by a good understanding of a site's context, including materials, and the existing positive patterns of development. I give this harm significant weight.

Highway Safety

10. The main parties disagree as to the exact type of use sought, and therefore what parking standards should be applied under CS Policy TR2 and its associated Appendix 4. The appellant identifies that it would be for start-up workshops such as for joinery, expected to operate under class E(g). However, the application description was less specific, being a workshop use under Class E. Notwithstanding that Policy TR2 pre-dates the introduction of Class E, it is therefore appropriate to use the B1 standard within that policy. The workshops thus require 1 parking space per 30sqm, resulting in a minimum operational requirement of 4 spaces. The proposed 2 spaces would be a significant under-provision.
11. Appendix 4 further identifies that parking standards may also require operational parking to allow a development to operate, and the Council considers that an additional loading bay per unit would be required for this purpose. I agree that even if loading occurs inside the unit, there would be as a minimum a period where such vehicles would overhang the highway while waiting for the door to be opened. Even if I were to find that provision of only 2 spaces were acceptable, some additional provision for loading to take place fully on-site would therefore also be required.

12. The policy does allow that its standards are indicative and flexible, in order to maximise sustainable travel and to respond appropriately to the location and nature of proposed developments. This supports the Council's general parking strategy of minimising parking where appropriate, particularly in highly accessible locations. Due to the number of nearby dwellings as a local labour source, and nearby bus stops with good levels of service, future employees and visitors could travel to the site other than by private car.
13. However, the site is not within a local or district centre, and there is no adjacent on-street parking restriction. The proposal would be a more intense use of the site than its currently vacant state, and I have been presented with no specific evidence that workshops in this location would generate lesser parking need than comparable units elsewhere. It is therefore likely that at least some of the visitors and the suggested 1 employee per unit would drive, and that they would park on the street adjacent or close nearby if on-site parking were not available. Limiting the parking provision would not therefore be a benefit in terms of encouraging non-car trips under CS Policy DS4.
14. The impact of this lack of parking would be likely to have a significant effect on the surrounding highway network. Alongside the photographs in the evidence and the third party objections, my site visit identified the parking pressure and the difficulty of access by vehicle from all the surrounding roads due to parked cars and larger vehicles on the narrow streets. The adjacent dwellings have no dedicated parking, so residents would compete with the workshops for spaces. Generating further on-street parking, including by larger vehicles often associated with workshop uses, would have a harmful cumulative impact on the local highway network and the free-flow of traffic.
15. The proposal would also thus exacerbate the potential for harm to highway safety, through increased conflict and impact on sightlines and movements. Conflict would be with both vehicles and pedestrians, particularly due to the street layouts and only minimal provision for pedestrians along very narrow pavements. This would be contrary to CS Policy DS5 which requires proposals to ensure a safe and secure environment. While the appellant's highways evidence identifies no high-level pattern of existing collisions in or around the development, this does not indicate that no smaller scale incidents of conflict are occurring. In any case as identified above, the proposal would increase the potential for this to occur.
16. In conclusion therefore, the development would result in significant harm to the surrounding highway network and to highway safety with regard to parking. This would conflict with Policies DS4, DS5 and TR2 of the CS, and with section 9 of the National Planning Policy Framework (2021) regarding having an unacceptable impact on highway safety and the road network. I give this harm significant weight.

Other Matters

17. The proposed units would provide small-scale employment opportunities, in a modern and bespoke facility, on vacant previously developed land. I give these limited benefits moderate weight.

Conclusion

18. I have found that the proposal would conflict with a number of policies of the CS and the Framework, relating to the character and appearance of the area, and highway safety. The proposal may comply with other development plan policies, and I have identified limited benefits to the scheme. Nevertheless, I conclude that the scheme would conflict with the development plan as a whole. With no other material considerations indicating otherwise, for the reasons given above, I conclude that the appeal is dismissed

L Hughes

INSPECTOR