The Planning Inspectorate

Appeal Decision

Site visit made on 17 September 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/W4705/W/24/3345129
Former The Gallopers, Wakefield Road, Bradford BD4 7QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Fuzail Patel (Redbeck Group) against the decision of City of Bradford Metropolitan District Council.
- The application Ref is 24/00470/VOC.
- The application sought planning permission for construction of new restaurant unit and four retail units including bin store and car parking without complying with a condition attached to planning permission Ref 19/04913/FUL, dated 29 May 2020.
- The condition in dispute is No 2 which states that:
  (2) The development hereby approved shall only be carried out in accordance with the approved plans listed below:
  Location Plan PL-01 Rev A; Existing Site Plan PL-02; Proposed Elevations PL 04; Proposed Elevations PL-05; Sections PL-06; Detailing ME001 Rev 01; Proposed Site Plan PL-02 Rev G.
- The reason given for the condition is:
  (2) For the avoidance of doubt as to the terms under which this planning permission has been granted.

Decision

1. The appeal is allowed and planning permission is granted for construction of new restaurant unit and four retail units including bin store and car parking at Former The Gallopers, Wakefield Road, Bradford BD4 7QX, in accordance with the application Ref 24/00470, without compliance with condition No 2 previously imposed on planning permission Ref 19/04913/FUL dated 29 May 2020, but subject to the conditions in the schedule to this decision.

Background

2. Planning permission was granted at the site in May 2020 for a new restaurant unit and four retail units. The application subject to this appeal sought to replace the previously approved plans with different plans that change the external cladding material on the restaurant unit from timber to 'aluminium knotwood'.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site lies adjacent to the busy A650 dual carriageway. I understand that it has been in a vacant and disused state for some time since the former public house was demolished. The surroundings are strongly urban with a mixed character, including large commercial warehouses and residential buildings of varying ages, style, and materials.

5. Although the proposal would result in the upper sections of the building having less 'through visibility' compared to the use of timber slats, I do not consider that this would make the building noticeably more bulky or overbearing. Its size and form would not change. Moreover, the woodgrain effect would provide a very similar finish. Overall, I consider that the proposal would be entirely compatible with the contemporary design of the building and the mixed context of the area.

6. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. As such, it complies with Policies DS1 and DS3 of the Bradford Core Strategy 2017, as well as paragraph 135 of the National Planning Policy Framework. Together, these seek development that is visually attractive, appropriate to the local context, and which contributes to the overall quality of the area.

Conditions

7. I shall amend the approved plans condition to reflect the latest approved plans. However, I have not included the submitted site plan in this list as there was no mention that changes were being sought in respect of the site layout.

8. No further conditions were suggested by the Council. However, the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions from the earlier permission that continue to have effect. As I have little information before me about the status of the other conditions stated on the original decision notice, I shall reimpose them all. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

9. For the reasons given above, I conclude that the appeal should succeed.

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall have been begun not later than three years from 29 May 2020.

2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan Rev A; PL-02 rev G; C-110; C-004 Rev G; PL-05; ME001 Rev01.

3) Before the formation of the car parking area of the development hereby approved, a drawing indicating the extent and full details of a Traffic Regulation Order (TRO) for parking restrictions on Busfield Street shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be brought into use until best endeavours to implement the TRO has been undertaken by the Highway Authority.

4) Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

5) Before works begin on laying out the approved car parking spaces, full details of all boundary treatments and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments and landscaping shall then be provided in full prior to the first occupation of the development hereby permitted and retained thereafter.

6) Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

7) Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked into bays and drained within the site in accordance with the approved plan. The car park so approved shall be kept available for use while ever the development is in use.

8) Before the first use of any part of the hereby approved development, the cycle parking shown on the approved plans shall be provided in accordance with details that have first been approved in writing by the Local Planning Authority. It shall thereafter be retained and kept available for the intended use for the lifetime of this development.

9) Before the first use of any part of the development hereby permitted, the 'alligator teeth control strip' shown on the approved site plan shall be installed at the exit to the car park and it shall thereafter be kept in a raised position which prevents vehicles entering the site from this point.

10) Before the first use of any part of the hereby approved development, the bin storage areas shown on the approved plans shall be provided

in accordance with details that have first been approved in writing by the Local Planning Authority. They shall be retained thereafter and kept available for use of the storage of bins for the lifetime of this development.

11) Before the first use of the restaurant unit hereby permitted, the proposed kitchen extraction system shown on approved drawing referenced ME001-Rev 01 shall be fully installed and ready for use and shall thereafter be retained as such for the lifetime of the development.

12) Notwithstanding the details shown on the approved drawing numbered ME001-Rev 01, prior to the approved uses commencing the acoustic enclosures around the proposed AC plant shall be provided in full in accordance with details that have first been approved in writing by the Local Planning Authority. They shall thereafter be retained for the lifetime of the development.

13) The restaurant and retail premises the subject of this decision shall not be open for business between the hours of 2300 and 0800 and no customer shall be served or otherwise make use of the premises between these hours.

14) Deliveries to and from the site shall not take place between the hours of 2300 and 0800.

15) Before the first use of the units hereby permitted, at least two of the proposed car parking spaces shall be provided with access to at least a fully operational 3 pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle in accordance with details that have first been approved in writing by the Local Planning Authority. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas. All EV charging points shall be clearly marked with their purpose.

end of conditions