

Report of the Assistant Director (Planning Transportation and Highways) to the meeting of Regulatory and Appeals Committee to be held on 18 May 2020

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Subject:

This is a full planning application for the partial change of use of public house (Use Class A4) to car sales and forecourt with installation of full height showroom windows, internal roller shutter door and mesh link metal fencing at the 'Hand and Shuttle', 48 Tong Street, Bradford.

Summary statement:

The main planning-related issues relate to (i) the physical alterations to part of the building, chiefly the installation of showroom windows, a rear service door and security fencing, (ii) noise and disturbance of neighbouring residents and (iii) highway safety, which is the main focus of objections received to the proposal.

The physical changes to the building would not be harmful to its appearance and, with regards the fencing, were subject to a previous planning permission.

Whilst noting the opening hours of the existing public house and its location on the busy Tong Street, the operating hours of the car sales business would be unlikely to cause an increase in noise and disturbance, and can be controlled through a suitably worded condition.

In highway safety terms, the proposal is relatively small-scale that will not generate a significant level of traffic. Furthermore, it would replace an unsatisfactory access off Tong Street and the unmade Melford Street with one from the Rook Lane. This is a similar arrangement to a scheme previously granted planning permission.

The Council's Highways Engineer has offered support to the proposal.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full planning application for the partial change of use of public house (Use Class A4) to car sales and forecourt with installation of full height showroom windows, internal roller shutter door and mesh link metal fencing at the 'Hand and Shuttle', 48 Tong Street, Bradford.

2. BACKGROUND

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are as set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Consideration of Section 149 of the Equality Act 2010 is set out in the report at Appendix A.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues are raised by this small-scale scheme, which is located within a sustainable location within walking distance of potential customers and with good links to the bus services on nearby roads.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

No implications

7.4 COMMUNITY SAFETY IMPLICATIONS

None, as confirmed in the report attached at Appendix A

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal, which is noted in the report at Appendix A.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and there are no significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application. If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations.

10. RECOMMENDATIONS

The application is recommended for approval subject to the conditions included with Appendix 1.

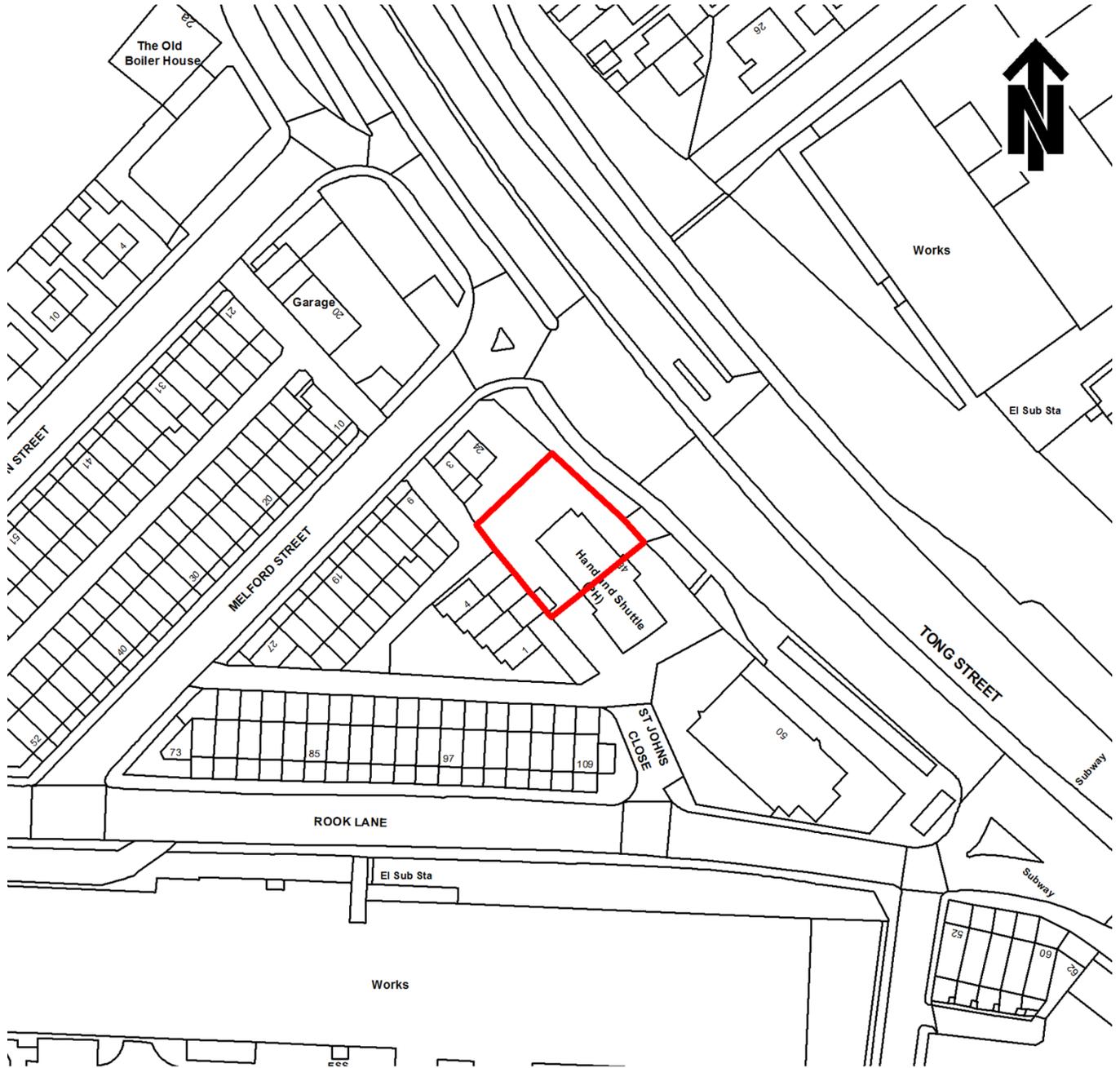
11. APPENDICES

Appendix 1 Technical Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy Development Plan Document
Replacement Unitary Development Plan

19/05305/FUL



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**48 Tong Street
Bradford
BD4 9LU**

Ward: TONG
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/05305/FUL

Type of Application/Proposal and Address:

Partial change of use of public house (A4) to car sales and forecourt with installation of full height showroom windows, internal roller shutter door and mesh link metal fencing at 48 Tong Street, Bradford.

Applicant:
Mr T Khan

Agent:
A Redmile Architectural Design

Site Description:

The application building, a public house Hand and Shuttle, is part two storeys and part single storey. The original section of the building is two-storey in scale and is comprised of stone and the single storey element, latter addition to the public house, is mostly render with a masonry paint finish. To the northeast of the public house is a dual carriageway, Tong Street the A650. The access leading onto the site, off Rook Lane, is to the southeast. Immediately southwest of the site are a group of 4 terrace houses at St Johns Close. Northwest of the site is a flat roofed single storey building which is a pizza hot food takeaway outlet.

Relevant Site History:

12/00734/FUL Partial change of use from public house to car sales and external display of vehicles and new access arrangements GRANT 30.05.2012
14/00813/FUL Partial change of use of car park to hand car wash REFUSE 11.04.2014
14/03670/FUL Partial change of use of the car park to hand car wash GRANT 23.04.2015
19/04544/FUL Partial change of use of public house (A4) to car sales and forecourt with installation of full height showroom windows, internal roller shutter door and mesh link metal fencing WITHDRAWN 20.12.2019

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the

natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated on the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving good design

DS3 – Urban character

DS5 - Safe and Inclusive Places

TR2 - Parking Policy

EN8 - Environmental Protection Policy

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by way of site notices and neighbour notification letters.

To date 23 objection letters have been received from nearby residents. One of the letters states it is not a petition and should be classed as 1 objection which includes a list of 27 signatories objecting to the proposal.

Summary of Representations Received:

The following is a summary of the points raised:

1. Dangerous driving occurs in area including speeding and will risk further dangerous driving. HGVs use Rook Lane as overnight car park and car park for businesses. Sat Nav directs drivers on the wrong side of a one way road and drivers ignore the no entry signs.
2. Proposed access would result loss of children play area.
3. Accidents and pedestrian injuries have occurred.
4. Test drivers unfamiliar with area can create dangerous situation.
5. Rook Lane is a short cut between Tong Street to Rooley Lane. St John is used as short cut. Access would be dangerous on the very busy Rook Lane.
6. The area suffers from congestion and a lack of parking in the area and situation will be exacerbated with proposed development taking away parking from the pub. Users of the pub and takeaway use nearby streets as overflow parking.
7. Additional traffic creating problems including danger to residents particularly children
8. Entrance/exit adjacent to residential homes. Development would hamper access to those with mobility difficulties, emergency and service vehicles. Proposal does not have a dedicated access.

9. Existing car dealership business in area.
10. Peace will be spoiled with addition of noise.
11. Previous application withdrawn which attracted objections and no support.
12. Devaluation of house prices.
13. Cars for sales may overspill on Rook Lane. Parked cars create obstacles for all road users.
14. The proposed off-street parking for customers and staff insufficient for both the Public house and proposed car sales business.
15. Lack of publicity for the application.
16. Car wash business opened a few years ago and the regulations and opening times were not adhered to.

Consultations:

Highways: The provision of fencing around the car sales area will force the access from Tong Street, dual carriageway A650, to be closed whereby only allowing the access onto the site off Rook Lane. The proposed car sales business is at a relatively small scale and it is estimated it will generate an average of around 6 to 8 two way trips a day. This level of additional traffic in this locality would be unlikely to have a significant adverse impact on highway safety and the safety of pedestrians and other road users.

Environmental protection: No principle objections.

Summary of Main Issues:

1. Proposal.
2. Principle/history.
3. Creation of a new Business.
4. Visual amenity.
5. Residential amenity.
6. Highway safety.
8. Level access.
9. Address representations.

Appraisal:

1. Proposal

The proposal relates to the single storey element of the building and to change its use to a car sales business. The cars would be displayed mainly in the forecourt area fronting onto Tong Street. Some would be situated internally within the showroom area. The building would also have an ancillary office, valet bay and WC facilities. External alterations are proposed which included large front display windows and a ramped access to the front. To the rear would be a recessed shutter door leading to the valet bay. Opening hour would be: Monday to Friday: 0830 to 1830, Saturdays 0900 to 1700 and Sundays/Bank Holidays 1000 to 1600. To the back of the site (southwest) would be provision for parking spaces for 2 staff. This area would be adjacent to the rear boundary of the 4 residential properties at St Johns Close and would be bounded by a high density 2.1m high close boarded timber fence. The remaining perimeter of the site area would be enclosed by 2.4m high paladin fencing (dark green finish) closing the openings onto an unmade access leading to Melford Street and access onto Tong Street. 3 spaces for customers would be sited northeast of the site. The front of the site facing Tong Street would be the compound area for car sales. The proposed vehicular access would be towards the northwest of the site at the junction of St Johns Close with Rook Lane.

2. Principle/History

A similar scheme 12/00734/FUL has previously been granted planning permission on 30 May 2012. The then approved access from St Johns Close with Rook Lane remains unchanged in the current application that is subject of this panel item. Another scheme 14/03670/FUL, hand car wash business, has previously been granted for planning permissions on 23 April 2015. The then approved access was also from the junction of St Johns Close with Rook Lane. The recent application 19/04544/FUL for car sales proposed an access onto an unmade road leading to Melford Street. This application was withdrawn due to objections from the Councils Highway Section.

3. Creation of a new Business

The proposed car sales business would allow new employment and would meet with Government's NPPF aims where planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.

4. Visual amenities

The area of the building which relates to the change of use proposed is a later addition to the public house building. The proposed larger showroom windows would not unduly harm the character of this building. It is not unreasonable to facilitate windows for a car sales business where larger openings would allow the display of cars. Towards the rear the shutter door proposed would be recessed inside the building walling. For legitimate security purposes a 2.4m high powder coloured coated paladin fence is proposed. This is considered acceptable and this was also proposed in the previously approved application 12/00734/FUL. Overall the external alterations proposed would not unduly harm visual amenities.

5. Residential amenity

The proposed opening hours are:

Monday to Friday: 0830 to 1830

Saturdays 0900 to 1700; and

Sundays/Bank Holidays 1000 to 1600

Taking into account the late night opening times and potential nuisance that can be associated with the public house the proposed car sales business with the proposed opening times, not running late into the night, is considered less harmful upon residential amenities compared with the existing established use of a public house.

There are four residential properties to the southwest of the application site with rear gardens abutting the site. This part of the site is lined with staff parking and a close boarded fencing (acoustic barrier) is proposed as screening. The screening density would be 20kg per metres at a height of 2.1m. This measure would provide noise protection to nearby residents which they currently do not enjoy.

6. Highway safety

The Council's highway officers have not raised any highway safety concerns. The access would be from Rooks Lane and this is considered an improvement from the current access which is Tong Street the A650. The parking layout, for both staff and customers, is considered acceptable for both the new car sales business and the remaining public house.

The proposal is similar to that approved in 2012 (12/00734/FUL) and for the hand car wash scheme approved in 2014 (14/03670/FUL) where the access was off Rook Lane, as currently proposed. The existing access to the site from Tong Street and the access onto an unmade road leading to Melford Street would be closed by the proposed fencing enclosure.

The proposed car sales business is relatively small in scale and in the estimation of the highways officer it will generate an average of approximately 6 to 8 two way trips a day. This level of traffic in this locality would be unlikely to have a significant adverse impact on highway safety and the safety of pedestrians and other road users.

The reduced floor area of the public house is likely to have proportionally less traffic generated as a result. Furthermore, there is a staggering of openings times for the two businesses. The public house is mostly an evening use activity whereas the proposed car sales business has opening times mostly during the morning and afternoons. These two combinations of uses as proposed would dissipate traffic generation over a wider time frame than the more concentrated single activity of the existing public house use. With regards to highway safety the application would comply with Policies TR1, TR3, DS4 and DS5 of the Council's Core Strategy and the NPPF.

7. Level Access

Policy DS5 of the Councils Core Strategy requires consideration for level access. The access to the front of the showroom shows a level access provision via a ramp whereby meeting the requirements of this policy.

8. Address representations

Dangerous driving occurs in area including speeding and will risk further dangerous driving. HGVs use Rook Lane as overnight car park and car park for businesses. Sat Nav directs drivers on the wrong side of one way road and drivers ignore the no entry signs. Response - There is an expectation that all road users obey the Highway Code including speed limits and road signs.

Proposed access would result loss of children play area.

Response - This comment is thought to be in reference to the unmade road leading onto Melford Street. The proposed enclosure to the application site would prevent access onto the unmade road.

Test drivers unfamiliar with area can create dangerous situation.

Response - It is envisaged test drivers to be accompanied by staff. Regardless, all car users are expected to obey the Highway Code.

Rook Lane is a short cut between Tong Street to Rooley Lane. St John is used as short cut. Access would be dangerous on the very busy Rook Lane. Response - The proposed access is discussed in the body of this report where regard is given to previous planning approvals using this access and support given by the Councils Highway Section.

The area suffers from congestion and a lack of parking in the area and situation will be exacerbated with proposed development taking away parking from the pub. Users of the pub and takeaway use nearby streets as overflow parking. Cars for sales may overspill on Rook Lane. Parked cars create obstacles for all road users. The proposed off-street

parking for customers and staff is insufficient for both the Public house and proposed car sales business. Additional traffic creating problems including danger to residents particularly children. Accidents and pedestrian injuries have occurred. Response - Highway considerations are discussed in the body of this report. The key issue to note is the reduced floor area of the public house would generate proportionally less traffic and the proposed car sales business is considered to generate less traffic than a public house use. The times of the Public house are likely to peak during the evening which do not coincide with the operational times of the proposed application use whereby dissipating the rate of traffic more evenly throughout the day.

Entrance/exit adjacent to residential homes. Development would hamper access to those with mobility difficulties, emergency and service vehicles. Proposal does not have a dedicated access.

Response - The proposed access from the junction of Rooks Lane with St Johns Close is no different to the access which currently exists. The access is in a far better condition and has much better visibility than the access leading to Melford Street which would be closed.

Existing car dealership business in area.

Response - This is not a subject of a material planning consideration.

Peace will be spoilt with addition of noise.

Response - Residential amenities issues are addressed in the body of the report which notes the impact on residential amenities would be less as a result of the proposed development compared with the existing use.

Previous application withdrawn which attracted objections and no support.

Response - The withdrawn application has no material bearing on the application subject of consideration.

Devaluation of house prices.

Response - This is not a material planning consideration.

Lack of publicity for the application.

Response - Publicity was carried out via neighbourhood notification letters and site notice. The level of publicity via neighbourhood notification letters exceeded the requirement specified in the Councils Publicity Code of Practice.

Car wash business opened a few years ago and the regulations and opening times were not adhered to.

Response - How business previously operated on the application site is not a material planning consideration.

Community Safety Implications:

There are no apparent community safety implications. The safety implications expressed via representations have been addressed.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance quality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed car sales business would allow new employment and would meet with Governments NPPF aims under chapter 6 paragraph 80. The proposals are acceptable in terms of visual amenity, residential amenity and from a highways safety prospective in compliance with policy DS1, DS3, DS5, EN8 and TR2.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

Existing elevations 28-019.03 received on 24 December 2019

Location Plan 28-019.01 A received on 16.01.2020

Proposed Site Plan 28-019.02 C received on 13.02.2020

Proposed Floor Plans 28.019.04 A received on 13.02.2020

Proposed Elevations 28.019.05 A received on 13.02.2020

Other drawing 28.019.06 A received on 13.02.2020

Existing and Proposed Plans 28.019.07 A received on 13.02.2020

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The use of the premises shall be restricted to the hours from 0830 to 1830 Mondays to Fridays and from 0900 to 1700 Saturdays and from 1000 to 1600 on Sundays and Bank or Public Holidays.

Reason: In order to safeguard the amenity of nearby residents and to accord with Policy EN8 of the Council's Core Strategy.

4. The approved fencing enclosure shall have a power coated colour finish as specified on the approved plans 28-019.06 A.

Reason: To ensure satisfactory appearance and to accord with policy DS1 and DS3 of the Council's Core Strategy.

5. Prior to the use of the development and while the use, hereby approved, subsists thereafter the access from A650 Tong Street and the unmade access leading to Melford Street shall remain closed by means of the fencing as shown on the approved plans 28-019.02 C.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Council's Core Strategy.

6. Prior to the use of the development and while the use, hereby approved, thereafter subsists, an acoustic fencing to the specification and extent shown on the approved plans (28-019.02 C), shall be erected adjacent to the domestic curtilages of group of 4 terrace houses.

Reason: To mitigate the residential amenities of the nearest occupiers in line with the Council's policy EN8 of the Council's Core Strategy.