
Appeal Decision

Site visit made on 15 November 2016

by Michael Moffoot DipTP MRTPI DipMgt MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2016

Appeal Ref: APP/E2001/W/16/3149115

Beacon Industrial Estate, Hull Road, Withernsea, East Riding of Yorkshire HU19 2EJ

- 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 Kelly against the decision of East Riding of Yorkshire Council.
 - The application Ref: 15/03979/PLF/EASTSE, dated 22 December 2015, was refused by notice dated 24 March 2016.
 - The development proposed is erection of 4 new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the planning application at appeal the *East Riding Local Plan 2012-2029* (ERLP) has been adopted and the *Holderness East Riding Wide Local Plan* and the *Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire* cited in the decision notice have been revoked. The appellant has had the opportunity to comment on these policy changes and I shall therefore have regard to the relevant ERLP policies in reaching my decision.

Main Issues

3. The main issues in this case are: (i) the effect of the proposed development on the supply of employment land within the East Riding and; (ii) whether living conditions for future occupiers of the proposed dwellings would be satisfactory, with particular reference to noise and disturbance and light pollution.

Reasons

The supply of employment land

4. Policy S6 of the ERLP Strategy Document (ERLPSD) indicates that the future needs of the East Riding economy will be met via the allocation of employment land. As a result, the appeal site forms part of an area of land identified for employment use as an extension to the existing Beacon Industrial Estate under the provisions of Policy WITH-C of the ERLP Allocations Document.
 5. Policy EC1 of the ERLPSD sets out a presumption in favour of retaining employment land. However, proposals involving loss of land from employment use will be supported where, amongst other things, there is no longer a need
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or it is not viable for that or any other employment use on the site. The Policy adds that such a case must be evidenced by an up-to-date employment land review or a comprehensive marketing exercise. These provisions are consistent with paragraph 22 the *National Planning Policy Framework* which indicates that allocated employment sites should not be protected where there is no reasonable prospect of them being used for that purpose. In such circumstances it states that alternative uses should be treated on their merits having regard to market signals.

6. I acknowledge that the site is vacant and the development does not involve the loss of existing commercial premises. However, no evidence has been provided to demonstrate that there is no demand or need for an employment use on the site or that it is unviable for employment purposes. No marketing exercise has been undertaken nor has a review of current employment land in the East Riding been provided to support the appellant's case. Although it is argued that other units on the industrial estate are difficult to re-let due to their large size, this has no bearing on the development potential of the appeal site, which could accommodate smaller units.
7. Furthermore, the use of the site for employment purposes conforms with adjoining land uses to the south and west which comprise industrial and storage/retail operations, and as such criterion C2 of Policy EC1 would not be satisfied. In addition, the proposal would not make a significant contribution towards the wider regeneration of the locality contrary to criterion C3 of Policy EC1.
8. For these reasons, the release of the appeal site for residential development would reduce the supply of allocated employment land in the East Riding and compromise the strength and growth of its economy. As such, the proposal would conflict with those parts of Policies S6 and EC1 of the ERLPSD which seek to provide employment land and support the growth and diversification of the East Riding economy.

Living conditions

9. All-weather sports pitches at Withernsea High School adjoin the eastern boundary of the appeal site and a number of industrial units lie to the south, including a vehicle servicing and repair garage. To the west is a builders' merchant adjacent to a waste recycling site.
10. During my site visit noise generated on these sites was evident, including vehicle loading and unloading operations, reversing alarms, revving engines and skips being filled. There was also frequent coming and going of vehicles to the various premises and businesses. Given the close proximity of these activities to the appeal site it is likely that the living conditions of the occupiers of the proposed dwellings would be significantly compromised. This would especially be the case at weekends when families are likely to be at home, and more so when they wish to enjoy their gardens during fine weather.
11. Furthermore, activity on the sports pitches is likely to generate additional noise during the daytime and into the evening period, and the adverse impact on residents' living conditions would be exacerbated by intrusive light pollution from the tall floodlights on the boundary of the sports pitch adjacent to the site. It is also likely that the harmful impact on occupiers' living conditions would be intensified when the remaining land allocated for employment uses to

the north of the appeal site is developed. The scope for employment uses on this land may also be compromised if the housing is permitted which adds weight to my concerns.

12. I am not satisfied that the screening measures suggested by the appellant to mitigate the impact of noise and light pollution would overcome these objections given the close proximity of the site to the neighbouring uses.
13. I therefore conclude that the proposed development would seriously harm the living conditions of future occupiers of the proposed dwellings in conflict with Policy ENV1 of the ERLPSD which, amongst other things, seeks to safeguard the amenity of existing or proposed properties.

Other Matter

14. Whilst the proposal would provide additional housing, the Council advises that sufficient provision is made on allocated housing sites in the ERLP in conjunction with existing commitments and completions to meet the housing need for Withernsea for the Plan period.

Conclusion

15. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector