
Appeal Decision

Site visit made on 6 December 2016

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 24th January 2017

Appeal Ref: APP/V2004/W/16/3156383

Kingston House, Bond Street, Hull HU1 2ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
 - The appeal is made by Tradepark Ltd against the decision of Kingston-upon-Hull City Council.
 - The application Ref 16/00754/PCOU, dated 23 May 2016, was refused by notice dated 19 July 2016.
 - The development proposed is change of use of upper floors from offices to 101 apartments (71 no 2 bed & 30 no 1 bed).
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO) for a change of use of upper floors from offices to 101 apartments (71 no 2 bed and 30 no 1 bed) at Kingston House, Bond Street, Hull HU1 2ER in accordance with the details submitted pursuant to Schedule 2, Part 3, Class O of the GPDO through application Ref 16/00754/PCOU, dated 23 May 2016. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph O.2 (2) of the GPDO and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1907.01, 1907.02, 1907.03C, 1907.04D and 1907.05B.
 - 2) Before the use hereby approved commences, a scheme for the provision and management of parking shall be submitted to and approved in writing by the local planning authority. The scheme shall include full details of cycle parking, motorcycle and scooter parking, arrangements for deliveries, arrangements for refuse collection and the allocation of parking spaces. The scheme shall be implemented in full and retained for so long as the permitted use continues.
 - 3) The change of use hereby approved shall not be occupied until the parking spaces, servicing and manoeuvring areas shown on plan No 1907.03C have been provided and made available for use. Once provided, the spaces and areas shall be retained and kept available
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thereafter for their intended purposes for the residents of the scheme only.

Procedural Matter

2. The Council does not dispute that the proposed conversion to residential use would be development permitted by Part 3, Class O of the GPDO. I have found no reason to disagree. The provisions of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development on the basis of transport and highway impacts of the proposed development; contamination risks on site; flooding risks on site and impacts of noise from commercial premises on the intended occupiers of the development. The Council's decision notice raises concerns regarding the impact on the transport and highways network and the amenity of neighbouring residents in relation to parking. In view of the above, I cannot take into account the amenity concerns in the determination of the appeal. Therefore, the sole matter in contention in this appeal is the impact on transport and highways.

Main Issue

3. The main issue is therefore the impact of the development on highway safety.

Reasons

4. Kingston House is within Hull city centre and comprises a 12 storey office block flanked either side by two four storey wings. The service and car parking area are accessed via Silvester Street which passes under the central multi-storey tower block. The proposal relates to the change of use of the upper floors of the building which were previously occupied by Council offices but now lie vacant.
5. The proposal encompasses 19 car parking spaces, 2 disabled parking spaces and 30 cycle spaces on site. The Council acknowledges that given the city centre location, flexibility could be applied to the parking standards within the Hull City Plan (2000). It is suggested that 50% of the level required would be appropriate, which would amount to 151 spaces. They argue that the level of parking proposed would be insufficient for the number of apartments which would have the consequential effect of increasing demand for on-street parking in an area where parking pressure is already significant and subject to traffic regulation orders or parking restrictions of one form or another.
6. I note that the Highway Authority have not objected to the application. Whilst they do not dispute that on-street parking in the surrounding area is at capacity, they have also confirmed that there is no capacity for additional inner city car parking spaces to be made available for the future occupants of the flats. Furthermore, the Highway Authority have confirmed that there would be an option for future occupants to purchase passes for the long stay car parks in the city centre including the George Street and Pryme Street multi-storeys which are within proximity to the site and provide 720 and 498 spaces respectively. The potential for further parking would also be available at nearby Francis Street and Tripett Street subject to capacity.
7. The appeal site is also in a highly accessible location where many day-to-day facilities can be accessed on foot, by bicycle or using public transport. The site is within walking distance of the Hull interchange and there are bus stops

immediately outside the site on Bond Street which provide services throughout the city. As a consequence, many residents may choose not to own a car and would be aware of the level of parking at the time of purchase or rent.

8. Paragraph W (10 (b)) of the GPDO requires local planning authorities to have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the subject matter were a planning application. Paragraph 32 of the Framework advises that development should only be refused on transport grounds if the residual cumulative impacts of the proposal are severe. Taking all of the above matters into account, I am satisfied that by virtue of the site's accessible location, there would be adequate levels of parking either on site or with the potential for any further demand to be accommodated in nearby long stay car parks. Residents would be prevented from parking on nearby streets due to the unobtainability of inner city parking permits. Consequently, there is no firm evidence before me to suggest that the proposal would have a severe adverse impact on highway safety.

Other Matters

9. The Council has drawn my attention to the Albion Square Development Brief and emerging Policy 10 of the Hull Local Plan 2016-2032 Publication Consultation Document (2016) (HLPCD) which includes the appeal site and a site identified for a multi-storey car park close to Kingston House. Given its early stage in the adoption process, little weight can be given to the HLPCD. Nevertheless, whilst I acknowledge that the multi-storey would present an opportunity for further parking for residents of the scheme, in considering the proposal before me, I have found that there would no adverse harm to highway safety and this matter does not alter my findings.
10. I note the concerns raised in the officer's report about the parking spaces to the rear of the north wing. However, no concern has been raised by the Highway Authority about the layout of the spaces, which I consider would be awkward but not unusable, and their availability for residents of the proposed apartments could be secured by condition.

Conditions

11. Paragraph W (13) of the GPDO does allow conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have had regard to the conditions suggested by the Council and those put forward by the Highway Authority in light of the above and advice in paragraphs 203 and 206 of the Framework and the Planning Practice Guidance. The conditions I shall impose encapsulate the intended purpose of the suggested conditions as far as they reasonably relate to the subject matter but with some amalgamation and variation in wording in the interests of clarity, precision and in order to avoid repetition. The main parties have been consulted on the revised wording of the conditions.
12. It is not necessary to impose a commencement of development condition as Paragraph O.2 (2) of the GPDO requires the conversion to residential use to have been completed within three years of the prior approval date. To ensure certainty, I have imposed a condition setting out the approved plans.

13. It is necessary to impose conditions relating to cycle parking, motor cycle and scooter parking, delivery arrangements, refuse collection arrangements, and parking allocation in the interests of highway safety. I have combined the Council's and Highway Authority's conditions relating to cycle and motorcycle/scooter parking and a management scheme into a single condition, requiring the submission of a scheme to address these matters. The detail of the scheme would be a matter for the local planning authority in due course. I have not included those elements relating to security, crime, amenity or public safety as these matters are not reasonably related to the subject matter. It is also necessary to ensure that the parking, service and manoeuvring areas are provided, made and kept available for their intended purposes in the interests of highway safety. Whilst the Council suggests separate conditions preventing the open storage of goods within the parking, servicing and manoeuvring areas and the retention of spaces for residents only these matters would be addressed by condition 3 above.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR