
Appeal Decision

Site visit made on 3 July 2017

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 7th July 2017

Appeal Ref: APP/N4720/W/17/3172713

Former Oil Waste Facility, Valley Road, Morley, Leeds.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jamie Moore against the decision of Leeds City Council.
 - The application Ref: 16/03492/OT, dated 2 May 2016, was refused by notice dated 23 September 2016.
 - The development proposed is residential development of up to 30 units.
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Preliminary Matters

1. This is an outline proposal but I have been informed that the application was modified during the course of its consideration by the Council so that access was no longer a reserved matter. I have been provided with updated information relating to access proposals and flooding potential. I have taken account of all other submitted material in reaching my decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in the appeal are:
 - (a) The effect of surrounding land uses on the living conditions of residents of the proposed development;
 - (b) Whether satisfactory highway access can be provided for the development.

Reasons

Living Conditions

4. The appeal site lies adjacent to a main line railway to the north and industrial premises to the east which processes meat products. Clearly these elements of the local environment have the potential to cause pollution (noise, disturbance and odours in particular) and this potential has been recognised by the various consultation responses received by the Council.
5. Whilst I recognise that there are technical measures which could be taken to deal with noise intrusion, such as acoustic glazing in dwellings and noise barriers on the site, dealing with other forms of pollution is likely to be less easy. I am concerned that the nearby industrial premises, which have an

acknowledged malodorous emission at times, would be a source of concern for the residents of the appeal site.

6. Nothing in the representations before me is enough to persuade me that living conditions for residents could be made acceptable. The fact that other dwellings have been built in relatively close proximity in recent years does not indicate that development of the appeal site should go ahead. Indeed, given that there have been reported complaints from those dwellings, it would suggest that the local environment is not suitable for residential occupation in close proximity to the industrial unit.
7. Adding to my concerns are the reported timings of heavy goods vehicles travelling to and from the industrial premises to the east along the private road adjacent to the appeal site. These vehicles would travel in close proximity to the site, potentially at unsocial hours. This brings a further element of potential disturbance.
8. Taken in the round I am not satisfied that it has been shown that the appeal site is in a suitable location for this development. Amongst other things Policy GP5 of the Unitary Development Plan (UDP) seeks to avoid problems of loss of amenity and pollution. The appeal proposal would not achieve this objective and is therefore in conflict with the development plan.

Access to the Highway

9. Access to the site is taken from a private road which has sharp turns in it. There is limited provision for pedestrians. To enable a satisfactory access for residential development the Council points out that it would need to be improved. Although the Appellant has submitted proposals on how improvements might be carried out I am not satisfied that this would be possible. The road is narrow in places, and the tight bends would lead to difficulties for any traffic meeting at those points. This would be especially so if a heavy goods vehicle from the industrial site were to be present.
10. Although I do accept that it would be possible to carry out some improvements to Valley Road it has not been shown to my satisfaction that any improvements would be so significant as to bring the road to a standard sufficient to be used by both industrial and residential traffic or pedestrians. As a result there would be likely to be significant detriment to highway safety.
11. UDP Policy T2 requires development (amongst other matters) to provide safe and secure access for pedestrians as well as adequate vehicular access. In my judgement the proposal has failed to show that it can achieve these objectives. It therefore conflicts with the development plan in this respect.
12. On the above issues I have reached the conclusion that the proposed development is not capable of satisfactorily accommodating residential development as proposed. This conclusion is sufficient for me to determine that the appeal must fail. However, in fairness, I address other issues raised below.

Other Matters

13. The matters of flood risk and contamination are of a technical nature and it may be possible to resolve them with adequate schemes of mitigation. Were I

to conclude that the appeal site was otherwise suitable I consider that these matters could have been addressed by the imposition of suitable conditions.

14. Some benefits have been suggested in relation to railway station access and the potential for a bus service to serve Valley Road. I have too little information on any possible bus service for this to carry weight in my deliberations, and whilst pedestrian access to the station would be of some benefit it would not outweigh the fundamental objections to the use of this site for housing.
15. The site is within walking distance of Morley town centre, but it is not an easy walk, being largely uphill. I do not accept the locational advantages claimed by the Appellant in this respect.
16. I have noted the Council's objection to the loss of a waste storage facility. Equally I note that there has been no interest in the site for this purpose. This is not a matter which I find to be determinative in the appeal.

Overall Conclusion

17. For the reasons given above in relation to living conditions and access to the highway I conclude that the appeal site has not been shown to be suitable for residential development and therefore the appeal must fail.

Philip Major

INSPECTOR