The Planning Inspectorate

Appeal Decision

Site visit made on 6 November 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

Appeal Ref: APP/E2001/W/19/3233050
Old Goole Youth Centre, Percy Street, Goole DN14 5SQ

- 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 Mike Fisher against the decision of East Riding of Yorkshire Council.
- The application Ref 18/01464/PLF, dated 3 May 2018, was refused by notice dated 23 May 2019.
- The development proposed is described as: 'Part change of use from youth centre (D1) to 6 No. 2-storey residential units (C3)'.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from youth centre (D1)[1] to 6no. residential units (C3) with associated works and removal of single storey flat roof extension at Old Goole Youth Centre, Percy Street, Goole DN14 5SQ in accordance with the terms of the application, Ref 18/01464/PLF dated 3 May 2018, subject to the conditions in the attached schedule.

Procedural Matter

2. For clarity and precision, the description of the development in the banner heading above is taken from the application form. However, in my decision, I have taken the description of the development from the appeal form and the Council's decision notice since this more accurately describes the proposal.

Application for costs

3. An application for costs was made by Mike Fisher against East Riding of Yorkshire Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are whether the proposed development would create any highway safety issues and would affect the living conditions of existing neighbouring residents and future occupiers of the development with particular regard to the demand for car parking.

Reasons

5. The appeal site is located within an established residential area of Goole and is also within the defined Development Limit of the settlement, which in turn is identified as a Principal Town in the Settlement Network in the East Riding

[1] The Town and Country Planning (Use Classes) Order 1987 (as amended)

Local Plan Strategy Document 2012-2029 (2016) (LP). The proposed development is to convert a building that once operated as a youth club into 6no. self-contained residential apartments, all of which would be located over 2-storeys within the existing building.

6. I note that the scheme has been amended since it was first submitted and originally included the provision of off-street parking spaces. However, during the assessment of the application, the appellant omitted these parking spaces from the proposal due to concerns over the intensification of the access and egress arrangements. The amended scheme provided no off-street parking, which was considered acceptable by the Council's Highway Control Officer (the HCO), as the site is located in a sustainable location, with good accessibility to public transport and other local shops and services.

7. Additionally, I note that the HCO considers that on street parking is available and acceptable and that Percy Street is subject of a 20mph speed restriction with a 7.5 tonne weight limit. Additionally, I note that no personal injury accidents have been recorded between 2013 and 2017. I consider these comments to form a material consideration in the determination of this appeal. I find the comments received from neighbouring occupiers mainly surround the original scheme that included off-street parking provision. Although, I do acknowledge references towards parking levels and the speed of vehicles on Percy Street.

8. I noted during my mid-morning weekday visit that on-street parking along Percy Street and the surrounding streets was abundant and not at or very near to capacity. I also observed that Percy Street is not the subject of any kerbside traffic restrictions. Whilst I appreciate that the appeal scheme does not provide any off-street parking spaces for the development, I do not find that the potential vehicles requiring on-street parking spaces at the appeal property would serve as a restriction on the ability for motorists to park their vehicles on the road. I also find Percy Street to be of sufficient width and with general good visibility in both directions of travel outside the site. The appellant refers to the existing use of the host building as a Non-Residential Institution (D1) that could be reinstated at any time as a potential 'fall back' position, which the Council does not dispute. This potential fallback position weighs in favour of the proposal.

9. I consider the appeal site to be sustainably located, with access close to a variety of shops, services and alternative methods of transport, including bus services, as well as opportunities for walking and cycling. Whilst potential occupiers would have the ability to travel by means other than a private car, it is also likely that they could choose to have access to their own vehicles which would possibly require up to 12 more vehicles to be parked on the road as stipulated on the application form. However, the existing car parking situation on Percy Street and the surrounding network currently suggests that there are no existing pressures and that this will be the case for the foreseeable future.

10. Therefore, whilst the overall demand generated by the proposal could be for up to 12 vehicles, resulting in further parking requirements on Percy Street and the surrounding network, this would not result in unacceptable pressures to the detriment of highway safety or the living conditions of the future occupiers of the proposed development or the occupiers of other neighbouring dwellings in the surrounding area. In this instance, I consider that a reduction in parking

provision is appropriate due to the existence of significant on-street space to accommodate parking demand, as advised in the Council's Sustainable Transport Supplementary Planning Document 2016 (SPD).

11. For all of these reasons, I therefore conclude that the proposed development would not result in any harmful highway safety issues or would adversely affect the living conditions of existing neighbouring residents and future occupiers of the development. This complies with the highway safety and living condition aims of LP Policies EC4, ENV1, the Council's SPD and the National Planning Policy Framework.

Other Matters

12. I note that the Council do not raise any issues to the principle of development, character and appearance or drainage / flood risk. Although, the site is located within Flood Zone 3a as defined by the Environment Agency (EA), where concerns have been raised by the EA, the appellant has provided a place of safety above ground floor, which the Council confirms has been previously accepted on other schemes by the EA. Therefore, on balance and through the inclusion of a place of safety and flood mitigation measures, which could be secured through a suitably worded condition, the scheme was considered acceptable in this respect by the Council.

13. All of the above matters, including flood risk were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. There is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

14. I have also had regard to concerns raised by the appellant about the way that the Council handled the application, including the pre-application advice obtained, but this does not affect the planning merits of the case. I have considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out above.

Conditions

15. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.

16. For certainty, it is necessary that there is a condition requiring that the development is carried out in accordance with the approved plans and that conditions are necessary to ensure the first-floor place of safety and safe refuge is maintained and made available for the life of the development, and that the development is undertaken in accordance with a Flood Mitigation Scheme (FMS) in the interests of the living conditions of future occupiers with regard to risks from flooding.

Conclusion

17. For the reasons given above, the appeal should succeed.

W Johnson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: PAS 205/001 Rev C; PAS 224/002 Rev C and PAS 224/004 Rev C.

3. The first-floor place of safety and safe refuge shown on drawing number PAS 224/004 Rev C shall be maintained and retained for the life of the development and shall not be used for any other purpose outside this emergency use at any time.

4. No development shall take place on site until a detailed FMS has been submitted to and approved in writing by the Local Planning Authority. The development shall then not be first occupied/brought into use until the measures approved in the FMS, along with approved details for the disposal of sewerage have been fully implemented.

End of Schedule