
Appeal Decisions

Hearing held on 13 and 14 November 2019

Site visit made on 14 November 2019

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal A: APP/V2004/W/19/3230462

De Smet Rosedowns, Cannon Street, Kingston Upon Hull HU2 0AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant part outline and part full planning permission.
 - The appeal is made by Allam Developments Limited against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 18/00323/OUT, dated 8 March 2018, was refused by notice dated 6 December 2018.
 - The development proposed is residential development (with means of access to be considered) and conversion and alterations of the Hennebique Building and associated buildings to accommodate 40 no. apartments.
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Appeal B: APP/V2004/W/19/3230460

De Smet Rosedowns, Cannon Street, Kingston Upon Hull HU2 0AD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Allam Developments Limited against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 18/00322/LBC, dated 8 June 2018, was refused by notice dated 6 December 2018.
 - The works proposed are conversion and alterations of the Hennebique Building and associated buildings to accommodate 40 no. apartments.
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Appeal C: APP/V2004/W/19/3230463

Land to the east of Bridlington Avenue, Kingston Upon Hull HU2 0DU

- 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 Allam Developments Limited against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 18/00321/OUT, dated 8 March 2018, was refused by notice dated 6 December 2018.
 - The development proposed is the erection of residential dwellings (means of access to be agreed).
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Decisions

1. Appeal A and Appeal B are dismissed.
 2. Appeal C is dismissed.
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Background and Preliminary Matters

3. The site for Appeals A and B comprises some 1.16ha in an employment area to the north of the city centre of Kingston Upon Hull. It has been in unbroken industrial use for many years by the same firm, which can trace its origins to at least the early nineteenth century. This use is now confined to a range of production sheds and an office building dating from the mid-twentieth century, together with an open yard where other buildings have been cleared. The remainder of the site is occupied by disused former workshop buildings, dating mainly from the late nineteenth century. Among these is the four-storey Hennebique Building, erected in 1900 and named for its then innovative system of reinforced concrete construction. This building is listed at Grade II, and it is agreed that the other disused buildings form part of its curtilage.
4. Appeal A relates to a hybrid planning application, under which outline planning permission was sought for the clearance of the currently occupied buildings and their replacement by new housing. Only the means of access from Cannon Street was submitted for full approval, but indicative plans were provided showing that the housing could comprise some 27 two-storey houses and some 40 apartments in three-storey blocks. Full planning permission was sought for the demolition of some of the disused buildings and the conversion to apartments of the Hennebique Building and the adjoining 'Bottom Shop' workshop and office buildings, together with the addition of a two-storey penthouse on the roof of the Hennebique Building, to provide 40 units in total.
5. Some inconsistencies in the plans provided for the appeals were clarified at the Hearing¹, and could be addressed by conditions. It was accepted that the two proposed apartments at roof level of the Bottom Shop building might not be feasible as shown and would require further detailed consideration or possible omission. This introduces a degree of uncertainty but does not prejudice consideration of the proposals as submitted.
6. Appeal B arises from the refusal of the accompanying application for listed building consent for alterations and extensions to the Hennebique Building and the alteration and demolition of other buildings in its curtilage. The Council raises particular concern about the demolition of the oldest building on the site, a two-storey brick block identified as 'Building 5'.
7. The site for Appeal C lies about 80m to the north of the main site, and comprises some 0.55ha of cleared land, in a roughly triangular shape. It is bounded to the east by a former street which is adjoined by a long industrial building, and to the south is separated by a narrow strip from the yard of another active industrial unit. The remainder of the southern boundary adjoins a residential care home, beyond which is a vicarage and church. The diagonal north-western boundary is marked by a line of trees separating the site from Bridlington Avenue, a busy local route on the opposite side of which is a residential area.
8. The appeal seeks outline planning permission to develop the site for housing. A proposed access from Bridlington Avenue is submitted for full approval, and indicative plans show that the housing could take the form of some 34 apartments in two and three-storey blocks, together with 5 two-storey houses.

¹ It was confirmed that plans Ref 569/107A and 569/108 were superseded by plans Ref 569/515B and 569/516A

9. The appeals were accompanied by a signed unilateral undertaking, as a planning obligation under s106 of the Planning Act². The undertaking seeks to establish a sequence of development of the two sites that would secure the implementation of works to the listed building. A second undertaking was submitted after the close of the event, in accordance with an agreed timetable, to address open space provision. The effects of the obligations are considered later in these Decisions.

Main Issues

10. The main issue in Appeals A and B is whether the proposals would preserve the special interest of the listed building, with particular regard to the proposed demolition of Building 5 and the nature of other proposed alterations.
11. The second issue in appeal A, which is also the main issue in Appeal C, is whether the proposals would adversely affect the supply of employment land necessary to meet economic needs and, if so, whether the loss of employment land would be justified.
12. A further issue in both those appeals is whether the proposals would provide sufficient on-site parking to avoid risk to the safe and efficient use of nearby highway.

Reasons

13. The appellants stress that the three applications were submitted as an inextricably linked set of proposals for the co-ordinated development of the two sites. That link is underpinned by the provisions of the first UU, which sets out a sequence of development. However, in considering the appeals it is necessary to address the reasons for refusal, which are not the same for each application, before establishing an overall perspective.

Listed building (Appeals A and B)

14. In considering proposals for alteration to a listed building and demolition or development within its curtilage, statutory duty³ requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. National policy set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the conservation of 'designated heritage assets' such as listed buildings⁴. The particular significance of any element of the historic environment likely to be affected by a proposal should be identified and assessed⁵. Any harm should require clear and convincing justification⁶.
15. In this case, the applications were supported by a detailed Heritage Statement ('HS'), whose assessment of the special interest of the listed building and of the contribution made by the curtilage buildings is not disputed by the Council. It is agreed that the listed building is primarily of historic interest as the first or second example in the country of its reinforced concrete construction system.

² Town and Country Planning Act 1990, as amended

³ Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, dealing respectively with applications for proposed works and proposed development

⁴ NPPF paragraph 193

⁵ NPPF paragraphs 189, 190

⁶ NPPF paragraph 194

Its architectural interest lies in the simple functional expression of that system, in a relatively plain external envelope.

16. The building also derives heritage interest from its relationship with the other now disused buildings, and this is acknowledged by the HS. The fact that a building at the leading edge of innovative construction was built in this tight traditional urban industrial setting adds greatly to its heritage significance. In particular, the contrast in style and form between the Hennebique Building and the then 25 years old Bottom Shop, to which it forms an extension, is of great interest. But the other buildings that make up the group also add to this dimension of significance.
17. The Council raises no objection to the proposed treatment of the Hennebique Building's exterior. I agree that the recreation of window openings with new frames in an historic pattern and the use of open metal grilles at ground level would be sympathetic. I also agree that the building's robust form could satisfactorily accommodate a roof-top addition, but unlike the Council, I find that the treatment of the proposed two-storey penthouse, in particular the small scale and number of window and door openings and the prominence of the roof, would not be well related to the character of the original building. Although the extension would be reasonably well hidden in some immediate street views, it would be clearly visible from other public locations and from within the site. These matters could be addressed at detailed design stage but as proposed there would be a minor adverse effect on the building's architectural interest.
18. The Council also raises no objection to the treatment of the building's interior, subject to further recording and retention of features of value, which it is agreed could be secured by a condition. I accept that the proposed residential use is likely to provide the most viable use for the building, and that this would inevitably involve radical subdivision of formerly open floor plates. However, I consider that the scale and extent of the double-height ground floor space, continuous with the adjoining Bottom Shop, reflect the building's original function in a way that contributes to its special interest. The loss of ability to appreciate this space, by the insertion of intermediate floors and a central core, would inevitably cause some harm.
19. For the same reason, there would be some harm to the contribution made by the Bottom Shop to the listed building's interest. But in other respects, particularly in the location of the core, and subject to the resolution of the attic floor level, the proposed conversion would be reasonably sympathetic to the original form, which would be better appreciated by the removal of the relatively nondescript 1904 lean-to extension.
20. Building 3 would lend itself well to conversion internally. The proposed external treatment, with reinstatement of original window openings, would be successful in reinforcing the building's character, subject to final choice of suitable materials.
21. That conversion would be facilitated by the removal of the adjoining Building 4. In other respects, limited justification has been provided for the removal of this building, which represents the transition of the industrial complex into the twentieth century. The retained decorative doorcase would provide some limited mitigation for the total loss of the building, but it would lose its full

- context. The appellants acknowledge that the loss of this building would be harmful.
22. Building 5 also provides important evidence of the evolution of the site, providing strong enclosure of the yard in front of the listed building. As the earliest surviving building on the site it is highly valuable in showing the context into which the listed building was inserted. The HS acknowledges that Building 5 forms an important part of the setting, making a significant contribution to the interest of the heritage asset. The Council also state that buildings of this style and type are rare in the city. I agree with the Council that greater consideration should have been given to the building's incorporation into the proposals, where it could become open to both sides, perhaps by accommodating communal uses to serve future residents.
23. The reasons given for removal of the building relate to the need to accommodate housing on the main part of the site, and to allow access and light to the lower floors of the Hennebique Building. But the indicative layout of the housing is not very well resolved in relation to the retained buildings and other options could readily be explored. The building is not tall enough to cause serious loss of light at the proposed residential levels and alternative access to the ground floor could be taken through the Bottom Shop, thereby retaining some sense of the existing layout. Clear and convincing justification for the removal of the building has not been provided.
24. The appellants point out that no objection was raised to this aspect of the very similar set of proposals refused planning permission and listed building consent by the Council in 2012⁷. Clearly, consistency in decision making is important, but it cannot override the Council's ability to consider fresh expert advice, and would not justify overlooking identified potentially harmful effects.
25. The Council now argues that the complete loss of Building 5 would involve substantial harm to heritage significance. But the building's heritage status derives from its position within the curtilage of the listed building. The issue therefore is its contribution to the heritage significance of the listed building as a whole, comprising the principal building, with attached and curtilage buildings, and including contribution made by setting. Assessed in those terms, I accept the conclusion of the HS that the proposals, including demolitions, would result in less than substantial harm to the significance of the designated heritage asset. However, given the assessed value of Building 5 and the impact of other changes identified above, the harm would not at the very lowest end of that spectrum, as the HS suggests, but somewhat greater.
26. I also accept the HS conclusion that there would be minimal harm to the heritage significance of the Grade II listed Lockwood Arms public house and the locally listed East Riding Hotel, to which a very limited setting contribution is made by the buildings on the appeal site.
27. In accordance with NPPF policy⁸, the harm to heritage significance must be weighed against the proposals' public benefits, to which I return below.

⁷ Applications Ref. 10/00614/FUL; 10/00613/LBC

⁸ NPPF paragraphs 196, 197

Employment land (Appeals A and C)

28. The sites for both Appeal A and Appeal C form part of the extensive River Hull Corridor employment area designated by the LP. The Appeal C site is specifically allocated by LP Policy 2 for employment development within Use Classes B1(b) and (c), B2 and B8. LP Policy 1 confirms that the city's economic growth will be supported by the maintenance of a wide portfolio of employment sites, with a focus on the designated employment areas for uses other than offices.
29. Part 4 of Policy 1 states that use of land in employment areas or on allocated sites for non-employment uses will not be allowed unless one of three criteria is met, only the first of which is relevant to the current appeals. This requires that the alternative use of the site would not result in a shortfall of land available to meet identified economic development B Class needs within the relevant market area of the city, and that it has been demonstrated that there is no reasonable prospect of the site being used for a B Class purpose.
30. The appellants argue that the 100.7ha allocated for employment uses by the LP represents considerably more land than the 50-70ha identified as the need by the 2014 Employment Land Review ('ELR') that provided some of the LP evidence base. But the plan's strategic approach of maintaining a wide portfolio of sites is clearly stated and has been found sound at examination.

Appeal C site

31. It is also argued that the Appeal C site, at 0.69ha, comprises only 0.4% of the total allocated area, so that its loss from the supply would not lead to a shortfall. But the policy test relates to a shortfall in the relevant area, in this case the River Hull Corridor, rather than the overall supply. The site would still represent a very modest element of the 35.98ha allocated in this employment area. But the Council has explained that several of the larger allocations in the area have now been or are likely to be taken up. The issue is also qualitative as well as quantitative, with smaller sites able to address specific requirements that could be of importance in an area of traditional employment uses close to the city centre.
32. This is particularly relevant to the second limb of the criterion, where potential interest in the site has not been tested, with no evidence offered of any recent marketing. The appellants presented oral evidence of general decline in interest in the River Hull Corridor owing to access and other issues. The ELR, in recommending that neither appeal site should be added to the employment land portfolio, had noted that they were constrained by market attractiveness. However, this recommendation was also influenced by awareness of the appellants' aspiration for residential development. Open marketing would be the only conclusive way of finding whether the site might meet a firm's particular needs. For example, the owners of the adjoining business stated at the Hearing that they had expressed initial interest in acquiring the site to support their expansion, but had not received any response. Other firms, perhaps those needing a base close to the city centre, could also conceivably be interested in the site. In the absence of marketing evidence, the proposed change of use cannot be clearly shown to have met the test.
33. The appellants also cite potential difficulties in accessing the site, but even if it could be shown that the existing private access via the former Gibson Street

was not feasible for the largest vehicles, it appears likely that access could be taken from Bridlington Avenue without serious harm to traffic flows or to the living conditions of nearby residents. The appellants' concern about adverse impact on existing residents from employment uses on the site would not arise if a Class B1 use were pursued, but even noise and disturbance from a Class B2 or B8 use should be capable of considerable mitigation by layout and design. The appellants note that Policy 1 seeks to avoid 'bad neighbour' issues, but this refers to restrictions on the operation of existing businesses from the introduction of new uses, and not vice versa.

34. The ELR recommendation was influenced by the site's potential for residential development, noting its closeness to existing housing. The LP site selection matrix shows that the decision not to allocate the site for housing was affected by the 2012 refusal of permission. Clearly, if the relationship with existing employment uses (see the issue of Noise below) and other matters (such as parking and design) could be resolved, the site could have potential for housing. But the LP employment allocation has been confirmed, and now attracts the full weight of adopted policy.

Appeal A site

35. The Appeal A site forms a small part of the total land of the employment area. Its loss from employment use would not lead to a significant shortfall in quantitative terms. But as an established employment site in continuous use by the same firm it provides part of the city's core supply of traditional industry.
36. The firm have stated that the buildings they continue to occupy are expected to become unsustainable for their operation in the long term. However, no detail is provided of when that point might be reached. Evidence was given at the Hearing of the firm's search for alternative premises, but this appeared to be a periodic exercise, linked to break clauses in the current lease, rather than an urgent priority.
37. The first UU states that no development of the occupied site would commence while the firm continued to have a lease. This is intended to provide assurance that the appeal proposals would be timed to allow the firm to find new premises and continue to trade. This might or might not retain the firm's presence in the city, which was seen as a concern of Council members, but if the firm were to move to another designated site in the city, then residential development would still result in a reduction in the supply of employment land.
38. As accepted by the ELR, the need to secure a future for the listed and curtilage buildings is a major constraint on the use of the site. But it has not been shown that residential use of the historic buildings, which all parties accept is the most viable use to guarantee their future, could not co-exist with employment use of the remainder of the site, which need not be a Class B2 use and need not be restricted to occupation of the existing buildings. The economics of an employment, or employment-led, re-use of the site might well be unfavourable compared to housing, but no feasibility evidence has been tabled to support that case. It has not been shown that the site has no reasonable prospect of employment use, so that the proposal would not meet the Policy 1(4) test.

Enabling development

39. The appellants state that the three appeals must be taken as a single co-ordinated set of proposals, expressly geared to secure the future of the listed building. The two proposed new-build schemes were put forward as 'enabling development' to achieve that objective.
40. Their evidence cites the Historic England guidance note *Enabling Development and the Conservation of Historic Places* (revised June 2012) in support of this case. I agree that this document is generally accepted as authoritative guidance on enabling development, which it describes as development that would secure the future of a significant place but contravenes other planning objectives. The document's policy states that such development should be unacceptable unless certain tests are met.
41. The appeal proposal would not meet these tests in several crucial respects. First, and most importantly, the appellants' own viability evidence shows that each element of the appeal proposal would be profitable in its own right, including the conversion of the listed building. Thus there would be no 'conservation deficit' to be met by the profit from non-conforming development. The proposals would not comprise a minimum necessary to secure the future of the heritage asset.
42. Secondly, as concluded above, the proposal would result in some harm to the significance of the heritage asset. Thirdly, the proposal would not be necessary to resolve problems arising from the inherent needs of the historic place, but appear to be driven by the appellants' desire to secure the residential development of the employment land.
43. In addition, the document advises that when the relevant tests are met, planning permission should only be granted if the full impact of the enabling development is precisely defined at the outset, normally by means of an application for full planning permission rather than outline.
44. The appeal proposals would therefore fail to comply with the guidance in several key respects, and cannot be given the weight of true enabling development. At the Hearing, the appellants sought to distance their case from the guidance, and accepted that the appeal proposals could be better described as 'facilitating' rather than 'enabling'. However, even in those terms, it is not clear that the link between the different developments would be crucial to the objective of securing the future of the listed building.
45. The sequence of linked phases of development set by the UU would mean that work on the refurbishment of the listed building would be triggered by occupation of 50% of the units on the Appeal C site. As the total profit from the Appeal C development is forecast at £198,000, and as most costs are incurred in the early stages of development, it appears that the Appeal C development would release only a maximum of some £100,000 to start the initial works on the listed building. Those works, which would involve full repair of the building's exterior shell and structure, are costed at some £1,936,000. The Appeal C contribution would be very modest.
46. Furthermore, it was argued at the Hearing that the sale of the site for employment development could produce an immediate receipt similar to the full amount to be generated by the proposed residential development. That

would be subject to market testing, but the justification for non-compliant development becomes less clear.

47. Even if such development were to proceed, the UU dictates that the Appeal A development could not commence until the current occupiers had vacated the site. At the Hearing it was clarified that the current lease includes the listed and vacant buildings as well as those in active use. Therefore, it is not clear that works to the listed building would be able to commence immediately upon the trigger point of 50% occupation of the northern site development. The prospect would open of the Appeal C site remaining unfinished until the southern site was available. If the full Appeal A development were able to come forward, its anticipated full profit of £1,180,000 would make a more telling contribution to the costs of the listed building works but would not meet the full amount.
48. The key point remains that the works to the listed building are predicted to generate a profit in their own right at a level of some 20% on costs. I appreciate that viability assessments for a project of this type can be sensitive to change, as the condition of the building might decline with continued vacancy, with consequent increase in costs, while returns might be affected by any reduction in the number of deliverable units to better reflect the constraints of the existing buildings. But on the evidence presented, it has not been shown that the non-conforming developments are necessary either to enable or to facilitate the refurbishment of the listed building.

Conclusion on employment land

49. For the reasons set out above, I conclude on this issue that both the Appeal A and Appeal C proposals would be contrary to LP Policy 1 and that it has not been shown that they would make a critical contribution to the repair of the listed building that could outweigh the policy conflict.

Parking (Appeals A and C)

50. The Council argues that the proposed layouts for both sites would not allow sufficient parking for future residents, and that this would lead to indiscriminate parking on the sites and on surrounding streets, with consequent adverse effects on highway safety and on existing residents' parking.
51. Standards for parking provision are set out in the LP, and are higher than when previous applications were assessed. There is no inconsistency in the Council now seeking to apply the current adopted development plan. LP Policy 32 states that standards will be applied flexibly. As these sites have reasonably good access on foot or bicycle to the nearby city centre, some reduction over suburban parking standards could be expected. However, the submitted Transport Assessment predicts a high percentage of daytime trips would be made by car. Even if the targets of the submitted draft Travel Plan were met, a significant element of car usage would remain, and hence parking demand.
52. The appellants argue that this should be resolved at reserved matters stage, but do not dispute that the parking provision shown on the indicative layouts would be significantly below the full standard. A primary purpose of an indicative layout is to give confidence that at least one satisfactory form of development could be delivered, while leaving open the possibility of refinement at the more detailed stage.

53. In this case, even allowing for design changes, it appears that either a very significant reduction in parking standards would be required to achieve the proposed numbers of residential units on each site. I accept the Council's view that a lack of adequate planned provision would be likely to lead to parking abuse on the sites and in the surrounding area, where residents' parking is already controlled and where good access is needed by nearby businesses. As currently indicated, the potential provision for the Appeal A site would be considerably lower than 50% of the LP standard, and just over that figure for the Appeal C site. The disparity in each case is too great to allow the matter to be addressed by a condition. As submitted, the indicative layouts do not give confidence that adverse effects could be satisfactorily prevented. Neither proposal would comply with LP Policy 32.

Other matters

54. The Hearing covered several other matters that had either formed part of the reasons for refusal of the applications or had been raised by interested parties.

Open space

55. The unilateral undertaking submitted after the event contains covenants in connection with both Appeal A and Appeal C for payments of financial contributions towards open space provision, in accordance with a schedule of charges provided by the Council. The Council had confirmed at the Hearing that this would satisfactorily address the third reason for refusal of the Appeal A application, and its concerns about under-provision for the Appeal C proposal, although this had not been refused for that reason. I agree that the sums covenanted, together with likely on-site provision to be secured in a final layout, would render both proposals compliant with LP Policy 42. However, the payments would be fettered by a restriction on pooled contributions which is no longer compliant with the amended CIL Regulations⁹, as discussed at the Hearing. The covenants would be weakened by this restriction on the Council's ability to apply the funding. But as the provision of open space would not resolve the main issues to support approval of the appeal proposals, this shortcoming is not critical to the outcome of the appeals.

Highway access

56. Following discussion at the Hearing, the Council sought to withdraw the fifth reason for refusal of the Appeal C application, on potential risk to the safe and efficient operation of nearby highway from the use of the proposed access to Bridlington Avenue. Although concern on this point continued to be raised on behalf of local residents, the access plan¹⁰ and supporting note submitted for the appeal show that the existing traffic calming on Bridlington Avenue would not be adversely affected and that the layout could allow for safe pedestrian crossing of the road. The site visit confirmed that there is reasonably good visibility in both directions. I find that with any further design refinements after a safety audit there should be no significant harm to highway safety and that the proposal would comply with LP Policy 26, which seeks safe and convenient access in new development.

⁹ The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

¹⁰ Plan Ref. LTP/2573/P1/01/01A

Ecology and nature conservation

57. The Council also sought to withdraw the third reason for refusal of Appeal C, now accepting that sufficient information had been provided to demonstrate the proposal's effects on the ecological value of the site, and that any necessary protective measures could be secured by conditions. I acknowledge residents' perception of the wildlife value of the tree and scrub belt along the Bridlington Avenue frontage, but the evidence suggests that this would not be significantly harmed by the proposal and that any approval could be controlled to ensure that the site's overall nature conservation value would be protected and enhanced, in accordance with LP Policy 44.

Noise

58. Concern about the impact on living conditions at the proposed dwellings from industrial noise was a reason for refusal of the previous planning application. In particular, the fabrication of metal silos at the premises on the north side of Cannon Street involves noisy hammering and machining, which was demonstrated at the site visit. That operation has expanded since the previous application so that it now extends immediately next to the northern site.

59. The appeal applications were supported by a full Noise Impact Assessment ('NIA') which is based on detailed monitoring of existing conditions. The Council's specialists accept the NIA's analysis that living conditions on both sites should now be satisfactory.

60. This is disputed on behalf of the adjoining business, who are concerned that their operation, which includes night-time and weekend working could be affected by complaints from future residents. I acknowledge this is a legitimate concern, supported by LP Policy 1. I also recognise that the appellants' proposal would rely on the effective screening to be provided by a long apartment building sited parallel to the eastern boundary of the northern site, as shown on the indicative layout.

61. The additional noise evidence submitted by the adjoining operators has been rebutted by the appellants and was debated at the Hearing. I accept that it does not undermine the conclusions of the NIA, which the Council continue to support. I also accept that a condition confirming the required internal noise level limits in the proposed dwellings, as agreed by the main parties, would be useful in ensuring that proposed mitigation was in effect, should any complaints arise.

62. Subject to those controls, the proposals would comply with LP Policy 49, which seeks to ensure an acceptable level of amenity close to noisy uses.

Balance of considerations

63. There is no doubt that securing a future use for the listed building and curtilage buildings would represent an important public benefit. But aspects of the proposals are not well conceived and/or lack adequate justification. It appears likely that a similar benefit could be secured with considerably less harm to heritage significance, although perhaps with a lower level of profit. There is little indication that the loss of curtilage buildings would be justified by any convincing design relationship with the proposed new housing on the Appeal A site that would make a positive contribution to local character and enhance the setting of the listed building.

64. The special interest of the listed building would not be preserved by the Appeals A and B proposals, and there is inadequate justification for the harm that would be caused. I find that the proposals' harms would not be outweighed by their public benefits.
65. The public benefit of the reuse of the listed building would also be partly offset by the public harm of the loss of employment land. The new housing would not derive support from the case for enabling or facilitating the reuse of the listed building. As currently proposed, the obligations contained in the first UU would not be necessary to make the development acceptable in planning terms. The proposals for the Appeal A site are more directly related to the listed building because they form part of the same land parcel, but the obligations are mutually interlinked, and do not allow consideration of Appeals A and B in isolation. The enabling argument would not override the acknowledged conflict with LP policy in Appeals A and C.
66. The addition of new housing to the supply would represent a public benefit, but of limited weight given that there is already an ample planned supply of deliverable sites. As submitted, there would also be a lack of confidence that the required number of units could be delivered while also achieving or coming close to adopted parking standards. The risk of increased parking stress in the surrounding area would represent another potential public harm.
67. The Appeal A and Appeal C proposals would be contrary to the development plan and the policy conflicts would not be outweighed by other material considerations.

Conclusion

68. For the reasons set out above, I conclude that all three appeals must be dismissed.

Brendan Lyons

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Chris Calvert	Planning Director, Pegasus
Emma Ridley	Planner, Pegasus
Simon Britt	Principal Heritage Consultant, Pegasus
Hannah Armstrong	Principal Heritage Consultant, Pegasus
Dale Gooderham	Surveyor, Garness Jones Chartered Surveyors
Jim Singleton	Principal Technical Consultant, TNEI Services Ltd

FOR THE LOCAL PLANNING AUTHORITY:

John Wright	Principal Development Management Officer
Roger Grey	Principal Policy Officer
Chris Cumberlin	Principal Policy Officer
Philip Hampell	Senior Urban Design and Conservation Officer
Jennifer Woollin	Ecologist
Jason Shakesby	Highways Development Control Officer
Andy Gosling	Principal Environmental Health Officer
Dave White	Air Quality Officer

INTERESTED PERSONS:

Tom Ditchburn	Local resident
Paul Sanderson	Robert Sanderson and Sons Ltd
Robert Sanderson	Robert Sanderson and Sons Ltd
Doug Jennings	Planning consultant
Martyn Parker	Senior Acoustic Consultant, REC Ltd

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Mr Ditchburn's statement on behalf of residents, with copy of objection submitted to the Appeal C application
- 2 Statement of Common Ground
- 3 Employment land, Annual Monitoring Report 2018/19 (draft)
- 4 Open space contribution calculations
- 5 Employment land, Annual Monitoring Report 2017/18
- 6 Views of loading at Robert Sanderson and Sons Ltd
- 7 Schedule of proposed conditions
- 8 Note on proposed noise condition
- 9 Proposed noise condition
- 10 Proposed affordable housing condition

DOCUMENTS SUBMITTED AFTER THE HEARING

- 11 E-mail dated 19 November 2019 with copy of executed UU