



Appeal Decision

Site visit made on 1 September 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/U4610/W/20/3251275

45-47 Unit 3, Burnsall Road, Coventry CV5 6BU

- 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 Steve Shergill against the decision of Coventry City Council.
 - The application Ref FUL/2019/2410, dated 19 September 2019, was refused by notice dated 20 December 2019.
 - The development proposed is demolition of existing industrial unit and construction of a student accommodation building with 28no. studios and associated facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: a) whether the loss of an employment site has been justified; and b) the quality of the proposed development for future occupants with regards to living conditions.

Reasons

Loss of employment site

3. The appeal property is a vacant industrial unit that forms part of a wider established industrial estate. Therefore, in accordance with the initial requirements of Policy JE3 of the Coventry Local Plan (LP), the appellant needs to show that the appeal site is no longer suitable for employment use and that it has been actively and substantially marketed for employment use using a variety of media, for a specified period, prior to the application.
4. Along with marketing particulars, the appellant has provided a photograph showing an on-site marketing board, together with an email confirming this. These also support that the site was promoted via a local property agent. In addition, the submitted marketing report confirms that the appeal site was promoted via national agents (Rightmove) from July 2018 to August 2019. Along with this, the appellant liaised with the Coventry and Warwickshire Local Enterprise Partnership (CWLEP). On the basis of this, I am satisfied that the site was actively marketed for at least 6 months, prior to the application.
5. However, to show that the appeal site is no longer suitable for employment use, I have been referred to a planning permission dating back to 1975¹, which incorporates conditions that place limitations on the types of employment uses

¹ Application No. S/1975/4357

which could operate under this. Nevertheless, on the available information, I cannot be certain that this permission relates to the appeal premises and was actually implemented.

6. Moreover, the appellant's application form describes the existing use as 'Industrial Unit (B2)' and the appeal property was also marketed as an 'Industrial/warehouse use unit'. Indeed, the information before me confirms that the appeal property was occupied by an engineering firm between 1975 until 2019. Also, there is no substantive evidence of the operation of the appeal premises causing any harm or being incompatible with neighbouring uses. Further, given that the company previously occupying the appeal premises was dissolved, does not in itself suggest that the appeal site is unsuitable for employment uses.
7. Consequently, it has not been clearly shown that the appeal site is no longer suitable for employment use and that its loss as an employment site is justified. As such, the proposal does not comply with the initial requirements of Policy JE3 of the LP. Accordingly, it is not necessary for me to assess the proposal in relation to the other parts of this Policy.

Living conditions

8. The proposed development is intended to provide student accommodation. Nevertheless, Policy H10(d) of the LP, requires that proposals for this specific tenure are secured through a Section 106 agreement. As no such agreement is before me, there is no mechanism provided to ensure that the proposed accommodation could not be occupied by persons other than students. In any event, student accommodation incorporates a degree of permanent occupation. As such, I see no clear reasons why the quality of this should be less than that expected for other forms of residential accommodation.
9. Although there are dwellings near the appeal site, these are largely screened by the built form of the appeal property. These dwellings also incorporate private and enclosed rear gardens along with independent access arrangements. However, by virtue of its siting and layout, the proposal would bring a sensitive residential use immediately adjacent to existing industrial units to the west and south of the appeal site.
10. In particular, the main access to the proposed building would be via an entrance along the west elevation of the building. On the information before me and my observations, this area is used in association with the nearby industrial units. In particular, for the loading and unloading of steel and steel fabrications using machinery including fork-lifts and the manoeuvring of large commercial vehicles, along with the storage of stock. Therefore, despite the lack of objection from the Council's Highways officers, this type of arrangement would provide a particularly unwelcoming access to the appeal site and also has the potential to create conflict between different users of the highway.
11. Communal amenity space of about 156sqm is identified for the proposed development. Whilst quantitatively this meets the Council's requirements for the level of accommodation proposed, a sizeable portion of this space would be to the front of the development, adjacent to the highway. Although a hedge is proposed, this would take time to establish and on the information before me, I cannot be certain that this would provide all year screening and privacy. Moreover, based on the submitted Noise Report, areas external to the building would be susceptible to

significant adverse impact from noise. Consequently, the adequacy of the proposed amenity space would be significantly compromised.

12. Windows serving the proposed development would largely face existing parking and storage areas and beyond these the utilitarian facades of industrial buildings. As such, on the available information, it has not been clearly shown that the proposed arrangement would provide a satisfactory outlook for future occupants.
13. Drawing on the above reasons, the proposed development would result in the creation of a poor-quality residential environment for future occupants. This would be contrary to Policies H3 and DE1 of the LP. Collectively, these Policies seek to ensure a high-quality residential environment, which amongst other things offers a safe and appropriate access, adequate amenity space and is safe from environmental pollutants such as excessive noise.
14. The Council's second reason for refusal also refers to Policy H10(d). As this is not directly relevant to living conditions, I find no conflict with this Policy.

Other Matters

15. In the appeal case submitted as Appendix A to the appellant's statement of case, the noise impacts on future occupants were considered acceptable due to the proposed hotel accommodating guests for very limited periods, and future occupiers not expecting the same level of amenity as would be associated with a permanent residence. In the appeal decision submitted as Appendix B, the development was for a substantial number of dwellings in an area where the Inspector concluded that the local planning authority could not demonstrate a 5-year housing land supply. As such, the circumstances of these appeals are not comparable to the scheme before me and therefore do not alter my findings on the main issues.
16. The proposal would deliver an additional 28 units of accommodation in a location which is accessible to a range of services and facilities. Nonetheless, this along with the social and environmental benefits, including the design of the proposed building, as identified by the appellant are negated by the poor quality of the proposed accommodation. Any economic benefits suggested by the appellant are cancelled by the unjustified loss of an employment site. Therefore, the suggested benefits are outweighed by my findings in relation to the main issues and overall conflict with the development plan.
17. Although not forming part of its reasons for refusal, the Council has raised concern about the effects of the design of the proposed building on the appearance of the area. While I have noted this, as this appeal is being dismissed on the main issues, it is not necessary for me to consider this matter further.

Conclusion

18. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR