
Appeal Decision

Site visit made on 17 November 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2020

Appeal Ref: APP/X4725/W/20/3257553

Land east of A650, Wakefield WF1 2UZ

- 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 Rob Buffham (Monte Blackburn Ltd) against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 19/02392/FUL, dated 3 October 2019, was refused by notice dated 16 April 2020.
 - The development proposed is the erection of a builder's merchants (storage, distribution, trade counter, offices and ancillary retail sales), car parking, servicing and other associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

Character and appearance

3. The appeal site is a vacant piece of land located in an area that has a mix of residential and light commercial uses including a modern retail development and a business park. It lies adjacent to the A650 which is a main arterial route between the M1 and the town. The proposal would consist of a large flat roof building located to the rear of the site with areas of open storage of materials to the front and to the northern side of the building.
4. The scale and mass of the building would be similar to the units on the retail park and so it would not appear out of keeping. In addition, the mix of light, mid and dark grey cladding and the area of glazing around the entrance would reflect the design and materials of other buildings in the area. Nevertheless, the large area of open storage to the front of the site would give it an industrial appearance that would be out of character with both the residential uses and the retail and light commercial uses in the vicinity.

5. The entire length of the site frontage adjacent to the main road would be utilised for storage. This would include a considerable length to be used for storing bricks, breeze blocks and block paving that would be up to 4m in height, as well as another long stretch of timber cantilever racks. Adjacent to the busy road, which is a key gateway into and out of Wakefield, the storage area would be very prominent and would have a detrimental visual impact on the area.
6. The open storage area would continue all along the northern boundary of the site, and this too would be visible from the public realm. Given the nature of the materials to be stored, even if the storage area was kept relatively neat and tidy, its size and nature would create an unattractive visual experience when travelling along the A650 whether by car or by foot.
7. Whilst a native species hedge and trees are proposed along the road frontage, these would take time to develop and mature. Moreover, even when matured, the gaps between the trees would still afford views into the site, particularly for pedestrians, and during the winter months the ability to screen the site from view would be significantly reduced.
8. Therefore, I consider the proposal would unacceptably harm the character and appearance of the area. As a result, it would conflict with Policy CS10 (a) (i) and (ii) of the *Wakefield Local Development Framework Core Strategy (adopted April 2009)* and Policy D9 (a) and (b) of the *Wakefield Local Development Framework Development Policies Document (April 2009)* (DPD) which seek to ensure that new developments protect and enhance the local character and distinctiveness of an area.

Living Conditions

9. To the north of the site are the rear gardens of properties that front Leeds Road and extant permission exists for 4 houses on the plot of land occupying the slightly higher land to the north east of the site. The latter would be surrounded on 2 sides by areas of open storage. Concerns have been raised regarding the potential for noise and disturbance that would result from the use, and in particular from the open storage areas where forklift trucks would be operating and vehicles, including delivery lorries, would be manoeuvring.
10. Given that both the A650 and Leeds Road are busy roads, traffic noise is the main source of ambient noise in the area. The proposal would not be open in the evenings or after 13:00 on a Saturday and so would create no noise during the evenings, overnight or for most of the weekend. A proposed 3m high close boarded acoustic fence is proposed along the boundaries with the adjacent properties.
11. A noise impact assessment (NIA) report carried out in accordance with the national standards and by a specialist acoustic and noise consultant was submitted by the appellant with the application. Following comments from the Council and discussions with the proposed end user a revised report was submitted. These both indicate that the potential effects from the proposal in terms of noise would not be significant, and would be equal to, or below the background noise levels at the nearest receptors.
12. The Council have raised concerns regarding the impact of short term intermittent and distinctive noise on residents such as from thuds, bangs and

scrapes. However, the assessment includes an additional noise penalty to take account of irregular noise such as this. Consequently, I have no reason to doubt the conclusions of the assessment.

13. Moreover, although asserting that the proposal would have an unacceptable impact on the living conditions of nearby residents, the Council have not produced any evidence to substantiate this claim, or to counter the findings of the NIA.
14. Consequently, I consider that the proposal would not have an adverse impact on the living conditions of either existing or future nearby residents. Accordingly, there would be no conflict with Policy D9 (k) of the DPD which requires that developments do not have significant detrimental impacts on the amenity of neighbouring users and residents.

Other Matters

15. The appeal site is located in the vicinity of Red Hall Farm which is a Grade II Listed Building. The Council have stated that given the distance and the intervening uses which include retail and residential, the proposal would not have an impact on the setting of the Listed Building. Nothing I have seen or read leads me to come to a different conclusion in this regard.
16. The proposal would create around 30 new jobs and would bring benefits to the local economy. However, such benefits could also be achieved by a similar proposal in a less prominent location, where it did not cause harm to the character and appearance of the area, and so I only give these benefits limited weight.

Conclusion

17. I have found that the proposal would not harm the living conditions of nearby residents, however, an absence of harm in this regard is a neutral factor. Whilst I have taken into account the benefits of the proposal, they would not outweigh the harm it would cause to the character and appearance of the area.
18. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR