
Appeal Decision

Site Visit made on 16 November 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/E2001/W/21/3276680

Warehouse, 9 Rope Walk, Bridlington, YO15 2QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Michael Green against East Riding of Yorkshire Council.
 - The application Ref 21/01055/PLF, is dated 15 March 2021.
 - The development proposed is the change of use of workshop and store to dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement which sets out what would have been their decision on the application as well as their reasoning. I have framed the main issues and my reasons in this Decision around this.

Main Issue

3. The main issue is whether or not the proposal would provide suitable living conditions for future occupiers with specific regard to outdoor amenity space, outlook, noise and disturbance.

Reasons

4. The appeal site is a vacant unit in a terrace of light-industrial units, between Rope Walk, used here as the access and service road for the busy and almost fully-let shopping centre and residential gardens for houses on Marshall Avenue. Pedestrian traffic along Rope Walk is limited, but reasonably regular, although its use for the servicing of the shopping centre is more intense, with deliveries, bin storage and collection, staff breaks and fire exits all taking place to the front of the site, its entrance and windows. Although some of the other units in the terrace appear to be vacant, at the time of my site visit, some were clearly still in use, and I do not have any detailed evidence before me on the vacancy-rates or types of use which take place, or which could take place, in the rest of the terrace.
5. I accept, as does the Council, that the site location, in the centre of Bridlington, extremely close to facilities and services is acceptable in principle, and that the reuse of buildings for housing, particularly in sustainable locations such as this is encouraged by national and local policy.

6. However, that is subject to the acceptability of the details. The acceptability of the principle, or indeed, the sustainability of the location does not outweigh or override all other considerations.
7. In light of its particular circumstances, location and relationship to its surroundings, the proposal does not have any private, outdoor amenity space. However, this is not necessarily unusual, and given the proximity of the site to the town centre, its facilities and other areas of public open space, I do not find that this is unacceptable for this proposal in this location.
8. Whilst the outlook from the proposal is, in itself not necessarily unacceptable, having regard to the location of the site, I am concerned over the lack of defensible space to the ground-floor windows when combined with the lack of detail around noise insulation and associated standards. Again, whilst this is not necessarily unusual or in itself unacceptable, in this case, given the single-aspect nature of the proposal and the lack of retreat or refuge from windows directly onto space accessible to the public and used for the servicing of the shopping centre, the lack of detail leads me to find this element unacceptable.
9. Although the appellant suggests that many of the neighbouring units are vacant, and as such, would not harm future living conditions at the appeal site, I do not have specific or detailed evidence on this point. As such, I am conscious that the particular uses within neighbouring buildings, and indeed, their hours of operation could intensify or change within the scope of their lawful uses, and that could cause unacceptable harm to the living conditions of occupiers of the appeal site. Having regard to the agent of change principle set out in the National Planning Policy Framework (the Framework), it is incumbent on the appellant to demonstrate that the proposal would be compatible with the existing, surrounding uses.
10. The appellant suggests that Rope Walk is less well-used for servicing and deliveries than the other access road to the shopping centre. However, the number of rear doors, bins, and delivery cages as well as the obvious use of these rear-doors for informal staff-breaks makes clear to me that Rope Walk is well-used in connection with servicing the shopping centre. The appellant also notes that the bins are emptied daily, but I have little information before me on the likely effect of this on living conditions, such as the time of day, the likely vehicle movements and methods, nor do I have sufficient detail on those same effects arising from deliveries. As a result, I cannot be certain that the servicing of the shopping centre would not have a harmful effect on the living conditions of future occupiers of the proposal with regard to noise and disturbance.
11. With that in mind, although a condition is suggested, and accepted by the appellant around noise insulation, given that it requires a closed-window solution and as it is fundamental to the acceptability of the proposal, I do not consider it appropriate to deal with by condition.
12. As I have found that the detail of the proposal around the effects of noise and disturbance associated with surrounding uses and activities is insufficient for me to be sure that there would not be unacceptable harm to the living conditions of future occupiers, I also find that the proposed outlook would be unacceptable.

13. Overall, although the lack of outdoor amenity space would not be harmful, the proposal would not provide suitable living conditions for future occupiers with specific regard to their outlook, and the effects of noise and disturbance. This would be contrary to Policy ENV1 of the East Riding Local Plan 2012-2029 Strategy Document, which seeks, amongst other things to ensure that new development has regard to the amenity of future residents having regard to the characteristics of the site and its context. The proposal would also conflict with the aims of the Framework to achieve well-designed places which provide a high standard of amenity for future users.

Other Matters

14. Both parties have referred to possible changes of use allowed under various permitted development or prior approval processes. Whilst I note these, they do not alter my conclusions on this appeal, as they are a separate process, with different considerations to those before me in this case.

Conclusion

15. For the reasons given above I conclude that although the principle of the proposal is acceptable, having regard to the details, the proposal conflicts with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it.
16. The appeal should therefore be dismissed.

S Dean

INSPECTOR