
Appeal Decision

Site visit made on 1 November 2016

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th November 2016

Appeal Ref: APP/E5330/W/16/3156339

13 Beresford Square, Woolwich, London SE18 6BA

- 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 Nabeel Malik against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 15/4040/F, dated 15 December 2015, was refused by notice dated 9 May 2016.
 - The development proposed is use of first floor as mini cab office.
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Decision

1. The appeal is allowed and planning permission is granted for use of first floor as mini cab office at 13 Beresford Square, Woolwich, London SE18 6BA in accordance with the terms of the application, Ref 15/4040/F, dated 15 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan;
Drawing No. DPP/SD/15/74/01- Floor Layout.
 - 3) Prior to the commencement of the use, a detailed scheme of noise insulation measures for all divisions (walls and/or floors) separating commercial/residential areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use and permanently retained thereafter.

Main Issues

2. The main issues are the effect of the appeal proposal upon:
 - a) The character of the area;
 - b) The free flow of pedestrians and vehicular traffic and highway safety; and
 - c) The living conditions of neighbouring residents, with particular regard to noise and disturbance.
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Reasons

Character

3. The appeal site is located in Beresford Square within Woolwich town centre. A variety of commercial uses operate from ground floor premises in the square, including late evening uses such as public houses. There are also a number of commercial uses on the upper floors of buildings in the square, although there is upper floor residential accommodation adjacent to the appeal site.
4. The proposed use of the first floor as a mini cab office would reflect the predominantly commercial nature of the appeal site and surrounding area. I therefore conclude that it would not have a harmful effect upon the character of the area. As such, the appeal proposal would accord with London Plan Policy 7.4 with regard to the function and structure of the area.

Highway safety

5. Beresford Square features an outdoor market and is situated at the north eastern end of a wider pedestrian zone where hours and means of vehicular access are restricted. The appeal site is close to a number of bus stops and to Woolwich Arsenal station, a national rail and Docklands Light Railway interchange.
6. An earlier appeal¹ for the use of the ground floor of the premises as a taxi cab office was dismissed, with the Inspector finding harm in respect of highway safety. I note that this earlier proposal would have relied on radio operated cars which could have resulted in cars visiting the office to await new fares, thus creating a demand to park close to the site. Furthermore, the plans submitted with this earlier appeal proposal indicated that a significant proportion of the floorspace was to be given over to a waiting area and the appellant had stated that cars would call at the premises to collect passengers. The Inspector concluded that vehicles calling at the appeal premises would be likely to adversely affect pedestrian safety.
7. The appellant's planning statement and statement of case demonstrate that the nature of the proposed mini cab operation has evolved since the previous appeal in 2008. The appellant states that the business, which currently operates from another location in Woolwich, uses a computer aided system to take calls and despatch instructions to drivers. The submitted plans indicate that there would be no waiting area within the appeal premises. As such, there would be no need for drivers to call at the premises to await instructions about fares or to pick up customers.
8. Even if drivers did need to visit the appeal premises occasionally, parking in the immediate vicinity of the appeal site is heavily restricted and there are physical barriers preventing access for vehicles during much of the day when pedestrian activity, and therefore the potential for conflict with vehicles, would be greatest. On street parking is available in side streets near Woolwich Arsenal station, where cabs could collect customers arriving at the station.
9. The Council's delegated report refers to parking surveys which have been carried out in the past, however I have not been provided with any information in this regard. I have no evidence that the appeal proposal would give rise to

¹ APP/E5330/A/08/2072742

indiscriminate kerbside parking in the vicinity of the appeal site and Woolwich Arsenal station.

10. For the reasons set out above, I conclude that the appeal proposal would not have a harmful effect upon the free flow of pedestrians and vehicular traffic and highway safety. As such, the proposal would accord with Policy 6.13 of the London Plan and Policy IM(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (LPCSDP) with regard to parking and highway safety.

Living conditions

11. There are upper floor flats at 12 Beresford Square adjacent to the appeal premises, and it is proposed that the mini cab office use would operate 24 hours a day.
12. I note that in assessing the effect of the earlier appeal proposal upon the living conditions of neighbouring residents, the Inspector concluded there would be no material harm.
13. Unlike the previous appeal proposal, day to day activity at the appeal site associated with the proposed use would be limited to the control staff, since customers and drivers would not as a matter of course call at the premises. As such, there would be a very limited number of comings and goings and attendant levels of noise and disturbance would not be significant in this busy, predominantly commercial area.
14. The Council has suggested a condition requiring noise insulation, and I note that the appellant has indicated an acceptance of this. Given the appeal premises would directly adjoin neighbouring residential accommodation, I consider that such a condition would be reasonable in order to minimise any noise transference arising from activity within the premises.
15. For the reasons set out above, and subject to a condition requiring noise insulation, I conclude that the appeal proposal would not have a harmful effect upon the living conditions of neighbouring residents, with particular regard to noise and disturbance. As such, the proposal would accord with the amenity protection aims of Policy 7.15 of the London Plan and Policies DH1 and E(a) of the LPCSDP.

Conditions

16. I have imposed a condition specifying the relevant drawing as this provides certainty to the permission. A condition requiring noise insulation measures is required in the interests of the living conditions of neighbouring residents.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be allowed.

C L Humphrey

INSPECTOR