
Appeal Decision

Site visit made on 11 October 2016

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 09 January 2017

Appeal Ref: APP/G5750/W/16/3145498

Live and Let Live, 264 Romford Road, London E7 9HZ

- 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 Z Butt against the decision of the Council of the London Borough of Newham.
 - The application Ref 15/01336/FUL, dated 19 May 2015, was refused by notice dated 9 September 2015.
 - The development proposed is described as the change of use of Live and Let Live public house and Inn to 35 deluxe rooms bed and breakfast hotel (class C1) with a restaurant/bar. The proposal includes demolition and construction of rear part of the building with basement plus three storey of matching façade materials. A revived landscape design and green roof at second level.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal the appellant submitted additional information regarding wheelchair access and parking¹. This information was copied to the Council. Having regard to the principles established by the Courts in *Wheatcroft*², I am satisfied that this information does not change the development to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings and information submitted with the application and the additional information.

Main Issues

3. The main issues in this case are:
 - whether or not the location of the proposed use is acceptable having regard to the Council's economic, investment and regeneration objectives for the Borough;
 - whether or not the building is of a high standard of design in respect of room size, outlook, privacy and accessibility, and

¹ Document Number MA009-MEL-AR-REP-0002, dated 25 July 2016

² *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] P&CR 233

- whether or not the proposal would result in parking stress within the vicinity of the site.

Reasons

4. The appeal site is located on the southern side of Romford Road and comprises a 2 storey building with accommodation in the loft area. There is a courtyard to the front and rear. The surrounding area is of a mixed character with predominantly ground floor commercial uses with residential above. Neighbouring buildings include a large, multi-storey office block to the west of the appeal site, and a 3 storey commercial/residential building with commercial garage to the rear, to the east.

Whether or not the location of the proposed use is acceptable

5. The Council's spatial strategy as set out in Policy S1 of Newham 2027, Newham's Local Plan – The Core Strategy (CS) is to focus major development opportunities, including those associated with the visitor economy, within the Arc of Opportunity, to secure transformational change for the Borough. CS Policy J1 seeks to focus the development of the visitor economy (which includes visitor accommodation) around Stratford Metropolitan and the Olympic Ark, the Royal Docks and Green Street.
6. The appeal site is located within Urban Newham as defined in the CS, outside of the Arc of Opportunity, and outside of the Stratford Metropolitan and the Olympic Ark, the Royal Docks and Green Street. Although located relatively close to the Forest Gate centre, both parties agree that the appeal site is located outside of a Town or Local Centre.
7. Whilst noting the Council's concern that the appeal proposal would conflict with the economic, investment and regeneration objectives for the wider area, there is nothing within CS Policies S1, S6, SP6, SP7 or J1, or London Plan³ Policy 4.5 which indicates that visitor accommodation outside of the defined areas will not be permitted. Indeed, the above policies seek to support inward investment and economic competitiveness, and the creation of successful places where people choose to live, work and stay. Mixed use communities are supported by the CS, providing employment uses sit comfortably with housing and supporting services, and do not undermine Town and Local Centres. The Council has not provided evidence to demonstrate that the scheme would undermine Town or Local Centres or that it would prejudice investment or the success of Stratford Metropolitan and the Olympic Park, the Royal Docks, Green Street or the Arc of Opportunity.
8. The proposal is for a modest sized hotel. The appellant submits that the proposal would create a number of employment opportunities in the local area, and would result in an investment of £1.75 million. I have no evidence before me to dispute these matters. The creation of jobs and investment in the area would be of benefit to the local economy. Visitors to the hotel would be able to access the nearby shops and services, as well as those further afield either by foot or public transport, which would also be of benefit to the local economy. The proposal would contribute to the mix of uses within the local area, without harm being caused to neighbouring uses and users. Furthermore, the scheme would utilise an attractive, historical building along Romford Road, and would

³ The London Plan, The Spatial Development Strategy For London Consolidated With Alterations Since 2011 (March 2015)

introduce a landscaped garden area to the front of the property, replacing an area of hardstanding. This would reinforce the linear gateway and movement corridor of Romford Road, in accordance with CS Policy SP7.

9. In light of my findings, I consider that the proposal would contribute to a range of visitor accommodation in the area. It would support the economic growth objectives of the National Planning Policy Framework (the Framework). In the absence of convincing evidence to demonstrate otherwise, I find that the proposal would not have an adverse effect upon the economic, investment and regeneration objectives of the Borough. I therefore conclude that that the location of the appeal site and the nature of the appeal proposal are acceptable. There would be no conflict with London Plan Policy 4.5, or CS Policies S1, S6, SP1, SP6, SP7 and J1.
10. In reaching this conclusion, I have had regard to a number of appeal decisions⁴ that the Council has drawn to my attention. Although my colleagues concluded differently to me regarding the first main issue, I have not been provided with the individual circumstances of these particular cases and I am therefore unable to conclude whether they are directly comparable to the scheme before me. In any event each planning application and appeal should be determined on its individual merits and this is the approach that I have taken.

Design

11. To encourage repeat visitors to London, amongst other matters, London Plan Policy 4.5 requires the promotion of high quality design in new visitor accommodation. High quality design is also a requirement of London Plan Policy 7.4 which states that development should be human in scale, ensuring that people feel comfortable with their surroundings. Amongst other matters, CS Policies SP1 and J1 have similar objectives requiring development, including visitor accommodation to be of high quality. This is reiterated in CS Policy SP3 which requires quality urban design principles to be incorporated into development, including minimising environmental impact.
12. The Framework establishes that the Government attaches great importance to the design of the built environment. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 states the importance of planning positively for the achievement of high quality and inclusive design for all development.
13. London Plan Policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design. The Mayor of London's supplementary planning guidance 'Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment' (SPG) sets out standards in Appendix 9 for accessible hotels. It states that amongst other matters, at least 10% of hotel bedrooms should be accessible; that design and access statements should fulfil a minimum of criteria as set out in section 8 of the SPG, and that an Accessibility Management Plan should accompany a planning application for hotel development.
14. There is no dispute between the parties that there are no identified standards in relation to the size of hotel accommodation. Furthermore, there is no

⁴ Refs: APP/G5750/W/15/3035792; APP/G5750/C/14/2224090;

- definition of 'high quality design' within either the development plan or the Framework. Such matters are subjective and what may be acceptable to one person may not necessarily be acceptable to another.
15. The submitted drawings show that each of the guest rooms would have a double bed and bedside tables. Each room would also have an en-suite shower room. The rooms in the new extension would also have a small area where chairs and a table could be located.
 16. The appellant has indicated that the proposed bedrooms range in size from 8 square metres to 18.15 square metres. The bedrooms are small, with the exception of one at basement, ground and first floor levels. There is limited manoeuvring space within the room for guests. The appellant has indicated that the rooms would have a wardrobe. However, this is not shown on the drawings. Having regard to the size of the rooms, I consider that there would be very limited opportunities to provide a wardrobe, or an area to store luggage within the smaller rooms.
 17. I find that the small size of the rooms would result in cramped accommodation and would be likely to make the intended future guests feel claustrophobic. Guests would be unlikely to feel comfortable with their surroundings. The rooms would not be pleasant to stay in. The absence of an open outlook in the rooms, other than those at the front and rear of the property adds to the unpleasant, enclosed character of the rooms. Although not before me at this stage, the possible future provision of interconnecting family rooms does not alter my findings.
 18. Furthermore, other than the rooms at the front of the existing building and the rear of the extended building, there are no external windows serving the rooms. The windows would face onto a light well which would provide some daylight to the bedrooms. However, the windows facing the light well would be in close proximity to a window serving another bedroom within the building. This close proximity would allow a guest in one room to look directly into the room opposite at a short distance. This would be likely to result in a loss of privacy to the respective rooms. The appellant proposes to affix a reflective privacy film to the bedroom windows, and curtains to ensure privacy of guests within the rooms. It seems to me that such measures are indicative of the poor design of the accommodation and would be difficult to enforce in the long term.
 19. The appellant proposes that 2 bedrooms within the hotel would be designed to be accessible. One would be in the basement and one would be on the ground floor. Each of these rooms would be by the lift which would provide access to and from the public areas of the building. A disabled car parking space would be provided to the rear of the building and the corridors would be wide enough to accommodate a wheelchair.
 20. Whilst the appellant has gone some way to make the hotel accessible and inclusive, the provision of 2 accessible bedrooms falls short of the 10% required by the SPG. Furthermore, the submitted design and access statement contains limited information in respect of the accessibility of the new hotel and in my opinion falls short of the minimum level of information required by the SPG. No Accessibility Management Plan was submitted by the appellant in respect of either the planning application or this appeal.

21. I note that the appellant asserts that bedrooms B.0.01 and 03 on the first floor could be adapted to be accessible and that rails could be placed in the bathrooms. However, I have not been provided with detailed drawings of how such measures could be achieved, and I am therefore unable to determine whether this would result in the accommodation being accessible and inclusive to all people.
22. In light of the foregoing, I am not convinced that the resulting accommodation would be of a high quality design or would achieve the highest standards of accessible and inclusive design. I therefore conclude that there would be conflict with London Plan Policies 4.5, 7.2 and 7.4, CS Policies J1, SP1 and SP3 and the guidance in the SPG.

Car Parking

23. The proposal includes 4 car parking spaces to the rear of the building, which would be accessed from Nursery Lane. To the front of the building, a covered cycle area for 10 bikes would be provided.
24. The Council's decision notice makes reference to CS policy INF5 in relation to its fourth reason for refusal. This policy relates to the town centre hierarchy and network rather than transport matters. The Officer report however refers to Policy INF2 of the CS. Given these matters, I have considered the third main issue against CS Policy INF2, rather than INF5.
25. CS Policy INF2 supports the careful maintenance of the supply of routes, capacity and parking for motor traffic in order to reduce or minimise congestion and the dominance of motor vehicles in the public realm. It states that development will not be supported where it would have an adverse effect upon the highway network. London Plan Policies 6.10 and 6.13 seek to strike an appropriate balance between promoting new development and preventing excessive car parking provision that could undermine cycling, walking and public transport use. The facilitation and promotion of walking and cycling to increase people's activity rates is an objective of CS Policy SP2.
26. There is no dispute between the parties that the appeal site has a PTAL rating of 4. This represents a site with good access to sustainable transport. The Council is however concerned that the proposal would be likely to attract guests who would arrive by private vehicle and who would wish to park at or close to the premises. Within the vicinity of the site is a restricted parking zone. The Council considers that if the spaces to the rear of the premises were occupied, this would lead to guests trying to park close to the hotel which would be likely to inconvenience local residents of the area.
27. The appellant submitted a Transport Statement (TS) with the planning application which, amongst other matters, asserted that between 15% and 20% of trips to the hotel would be made by car. The remainder would be made by public transport, taxi and cycling. The TS calculates that there would be a total of 30 vehicular movements at the site on a daily basis.
28. Whilst I accept that there is limited public parking within the vicinity of the site, I have not been provided with evidence as to the level of parking stress in the area and whether or not overspill parking associated with the hotel use would place a significant demand on the provision of on street car parking to a level

that would result in inconvenience to local residents and other users of the public highway.

29. The site is well served by public transport. The TS shows that there are numerous bus stops close to the site in Romford Road, and that the stations at Forest Gate and Wanstead Park are within walking distance of it. Having regard to the site's location, I have no reason to doubt the appellant's findings that the majority of the trips to the site would be made by public transport. Such trips would be likely to be made by members of staff and guests to the hotel. Whilst it would be unlikely that guests would cycle to the premises, there would be a high probability that staff would.
30. In light of my findings, and in the absence of substantive evidence to demonstrate otherwise, I conclude that the proposal would be unlikely to result in a level of on-street car parking in the area which would result in a significant increase in parking stress. In reaching this conclusion I note that the Council's Transportation department did not comment on the planning application. I also note that the London Plan expresses parking standards as a maximum, and that an objective of the development plan is to encourage more sustainable modes of transport and avoid excessive parking provision. There would be no conflict with London Plan Policies 6.10 and 6.13, or CS Policies SP2 and INF2 in this regard.

Conclusion

31. I have found that the design of the hotel rooms would not be of a high standard and would not achieve high levels of accessibility and inclusivity. This results in conflict with the development plan and the Framework, which states at paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The appellant's suggested investment of £1.75 million, the creation of local jobs, the fall-back position of letting 7 rooms within the existing building, and a previous planning officer's support for the scheme do not lead me to conclude differently.
32. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR