
Appeal Decision

Site visit made on 13 June 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/N5660/W/16/3163701
392-394 Coldharbour Lane, London SW9 8LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Yakubu Isah against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/03874/DET, dated 28 June 2016, sought approval of details pursuant to condition No 2 of a planning permission Ref 15/03025/FUL granted on 17 March 2016.
 - The application was refused by a notice dated 16 September 2016.
 - The development proposed is use of part of 392 Coldharbour Lane as a minicab office (sui generis) with access to the public.
 - The details for which approval is sought is a transport management plan.
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Decision

1. The appeal is allowed and the transport management plan submitted pursuant to condition No 2, attached to planning permission Ref 15/03025/FUL granted on 17 March 2016, in accordance with the application dated 28 June 2016 and the details submitted with it is approved.

Application for Costs

2. An application for costs was made by Mr Yakubu Isah against the Council of the London Borough of Lambeth. That application is the subject of a separate Decision.

Procedural Matter

3. Condition 2 attached to planning permission Ref, 15/03025/FUL required a transport management plan (TMP) to be submitted and approved by the Council within two months of the date of the decision and to be thereafter operated in accordance with the approved details. It required the submitted details to include details of the minicab office's operation, including (i) Bookings; (ii) Parking; (iii) Shifts; (iv) Onsite customer collection; (v) Information to be maintained in written/digital form for inspection by the Council on reasonable notice, and inclusion in any subsequent application for a permanent permission.
 4. The appellant has requested that I grant an appropriate extension of the temporary planning permission to allow reasonable time for the TMP to be operated and for the Council to monitor and assess its effectiveness before a planning application is made and determined for the permanent operation of
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the minicab office. However, the case before me is an appeal against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission. It is not therefore within my remit to vary a condition imposed on the original planning permission. Furthermore, I note that Condition 3 of planning permission, Ref 15/03025/FUL granted consent for a temporary period of 12 months only. Consequently, from the 17 March 2017 it became time expired. Nevertheless, I have determined the appeal before me on the basis upon which it was made.

Main Issue

5. The main issue in this case is whether the details provided in the transport management plan are sufficient to meet the provisions set out in Condition 2.

Reasons

6. Condition 3 of planning permission Ref, 15/03025/FUL restricted the use of the minicab office, with walk in customers, to operating for a temporary period of 12 months only as a trial run in order to assess the effect of the development on the area. It seems to me that the purpose of the TMP was to govern the way in which the minicab office would operate and be managed, in order to minimise any traffic and environmental impact, and to ensure that an accurate and complete record of those operations are kept.
7. The TMP submitted pursuant to Condition 2 clearly set out: how bookings would be taken and recorded; details of how the minicab drivers operate, including their working hours; parking instructions for drivers who visit the office; and the arrangements for onsite customer collection. It further stated that a written record of the bookings, and an incident and complaint log book, would be made available for inspection by the Council, at reasonable notice.
8. The Council do not appear to raise any concerns regarding the details contained within the TMP in respect of bookings, parking, shifts, and record taking. However, they consider that the TMP contains insufficient details with regard to the management of onsite customer collection. However, it is clear from the TMP where walk in customers would be requested to wait, and in what circumstances. It also sets out the route that drivers would take when collecting customers from the premises and also instructions to drivers for picking up customers from the street. The minicab office is small, with space for no more than four customers to wait, and in view of the parking restrictions on Coldharbour Road and Rushcroft Road, I cannot see what further details the TMP could require.

Conclusion

9. For the reasons given and taking into account all other matters raised, above I conclude that the details provided in the transport management plan are sufficient to meet the provisions set out in Condition 2, and the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR