



Appeal Decision

Site visit made on 26 June 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/G5180/W/17/3172106

1 - 3 Ledrington Road, Anerley, London SE19 2BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Habid against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00009/RECON, dated 2 January 2017, was refused by notice dated 7 March 2017.
 - The application sought planning permission for the continued use as mini cab and courier office without complying with a condition attached to planning permission Ref 98.1885, dated 27 August 1998.
 - The condition in dispute is No 1 which states that: *The premises shall be closed to customers between the hours of 12 Midnight to 6.00am inclusive.*
 - The reason given for the condition is: *In the interest of the residential amenities of the area.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an existing minicab and courier control office, currently operating as Station Cars. The appellant seeks to vary the existing condition to allow extended opening of the premises to customers from 0445 to 0200 the next day, on a daily basis, in order to provide that service from the first to the last train of the day.

Main Issue

3. Having regard to the background above, the main issue is the effect that varying the customer opening hours would have on the living conditions of nearby residents.

Reasons

4. The existing Station Cars office occupies a modest, single-storey building set on the corner of Ledrington Road with Crystal Palace Station Road, backing onto the railway cutting. The local area is of mixed urban character, with the station building dominating the opposite side of Crystal Palace Station Road, various residential flats and houses including at the nearby Brunswick Court and in Anerley Hill, and various shops and services along the main Anerley Road/Anerley Hill.

5. The premises is situated only a short distance from the flats at Brunswick Court and the rear of the closest houses in Anerley Hill, which back onto Ledrington Road. While there is no detailed noise or activity related evidence before me, there is likely to be a fairly high level of general noise and activity in the local area at many times of the day, given the presence of the main road, train line, main road and various local businesses including takeaways and a convenience store. Indeed, during my site visit I saw and heard significant levels of general activity in the vicinity, albeit this only represents a snapshot in time. It is also reasonably likely that such activity would drop off to some degree during the night. Therefore, local residents might reasonably expect a period of relative quiet overnight, which would be in the positive interests of their living conditions.
6. The existing condition prevents opening of the premises to customers, and therefore access into the premises by customers, during the hours of 1200 midnight and 0600, thereby contributing to the maintenance of a quieter period overnight. Given the proximity of nearby residential units, I consider that the existing condition still has a purpose to serve in relation to safeguarding the living conditions of nearby residents. The proposed variation of hours would reduce the period during which the premises would be closed to customers from 6 hours overnight to just 2 hours 45 minutes. This reduction in hours of closure would be significant, leaving limited respite from activity associated with the use, and thereby having a potentially significant detrimental impact on the living conditions of nearby residents.
7. I note that 'PDA' equipment is used to advise drivers of their fares and therefore it is not usually necessary for minicabs to wait at or near the office for this information. While this may limit general disturbance from the operation of the business, the condition in dispute relates specifically to the times during which the premises is open to customers wishing to book and/or wait for a minicab at the office. In such scenarios, it is likely that the minicab would collect the waiting customer from the premises. Extending the opening hours would therefore result in an increased level of activity with potentially associated noises and disturbance arising, such as from engines revving, doors slamming, and customers congregating. While there are no significant details before me of the numbers of customers or fares this might involve, such additional activity would take place at some of the most sensitive times in terms of the impact that would arise from any additional noise and disturbance, when general background noise would be likely to be relatively low.
8. In light of the above, I consider that a precautionary approach is appropriate in the interests of safeguarding the living conditions of nearby residents and therefore, that the existing condition remains reasonable and necessary. The proposed extended opening hours would be likely to have a significant harmful effect on those living conditions. This would be contrary to saved policy BE1 of the Bromley Unitary Development Plan 2006 (UDP), which among other things seeks to ensure that development respects the amenity of occupiers and future occupants of nearby buildings and to ensure their environments are not harmed by noise and disturbance. It would also be contrary to saved Policy S13 of the UDP, which among other things seeks to ensure that minicab offices have no adverse impact on residential amenity.

Other Matters

9. I note that there have been no objections to the proposal from nearby residents, and the appellant's view that a minicab business has been operating successfully and with a good local relationship at the premises since 1995. However, a lack of objections does not in itself justify a proposal that would otherwise be contrary to the development plan. Furthermore, the planning permission relates to the use of the land, rather than the specific business operating therefrom and so similarly, any current good local relationship cannot in itself justify the proposed extended opening hours, which would endure. I also note that the office employs 4 people full time and 1 person part time. There is no significant evidence before me that this would change materially as a result of the proposed extended opening hours. These factors therefore attract very limited weight in favour of the appeal and so do not outweigh the harm I have identified above.

Conclusion

10. For the reasons given above, and having regard to all matters raised, I conclude that the existing condition No 1 is reasonable and necessary in the interests of the living conditions of nearby residents. I therefore conclude that the appeal should be dismissed and the condition retained in its present form, which in my view meets the tests set out in paragraph 206 of the National Planning Policy Framework.

Catherine Jack

INSPECTOR