

Appeal Decision

Site visit made on 27 June, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 24th July, 2017

Appeal Ref: APP/W5780/W/17/3172673

1 - 3 Station Approach, Wanstead, London E11 1QE

- 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 Bombetta London Ltd. against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 3236/16 dated 5 July, 2016 was refused by notice dated 30 September, 2016.
 - The development proposed is provision of new pavement in place of loading bays to front of restaurant unit.
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Decision

1. The appeal is dismissed

Preliminary matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed, but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue in this case is the effect of the proposal on highway safety.

Reasons

4. The appeal site is a loading bay adjoining a restaurant and retail unit on the ground floor of a residential block. The building sits at the south west side at the top of Station Approach, the sloped access road leading to Snaresbrook Station. The site is located on the corner where the road turns in front of the station entrance to lead to the large station car park. Access to the restaurant is directly off Station Approach through the loading bay area.
 5. Station Approach contains a number of parking bays on its north east side, and there was at the time of my visit development underway to create permanent structures along its south west side further down from the appeal site to house a dry cleaners and taxi firm. Evidence has also been put in front of me to indicate that a raised, shared space for pedestrians and vehicles is to be
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- installed on Station Approach adjoining these uses. There are designated cycle and disabled parking bays opposite the appeal site.
6. The application is for the creation of a raised seating area which would be ramped at the south-eastern end, adjoining the corner. The appellant has suggested that the seating area would also be set in from the currently defined line of the loading bay as it runs along Station Approach, but this is not clearly shown on plan 16.10 002 which is before me as part of the application, nor consistently shown on plans included in the appellant's statement showing the proposal in the context of wider road improvements.
 7. At the time of my site visit, the loading bay had been covered with a lightweight extension to the ground floor of the restaurant, creating an enclosed sitting out area.
 8. Notwithstanding Station Approach being a private road, it is in regular use, and the evidence before me indicates that it can be very busy. The entrance to Snaresbrook tube station leads directly onto the road, with no footpath leading to the car park and a narrow footpath leading down to the High Street. These factors make it likely that pedestrians will spill out of the station entrance in numbers at peak times, and use both the road and the footway to exit the site. The corner adjoining the appeal site is also the area within which traffic turns to enter or leave the car park, and where visibility in either direction is restricted. The Council has indicated that, notwithstanding the box junction in place at the corner, parking and waiting occur outside the station entrance, which appears to me likely to exacerbate the existing complicated interface between pedestrians and traffic at this point.
 9. The appellant contends that the appeal proposal would leave Station Approach sufficiently wide at the point adjoining the appeal site for two cars to pass. However, even setting aside the lack of clarity on this point in the submitted plans, it appears to me that the relatively narrow width of Station Approach at this point, the narrow width of the loading bay, and presence of cycling and disabled parking bays opposite the appeal site provide little capacity for two way traffic and a usable sitting out area, and that the space available would be very tight best, bringing passing traffic very close to the seating area.
 10. While the appellant has suggested that the former loading bay would not previously have been useable for traffic negotiating the corner, I conclude that as the loading bay was only marked out, and it was likely to have been only intermittently in use by the tenant of the ground floor unit, it would have been possible for two way traffic to make use of it to pass at this point.
 11. I conclude therefore that the proposal would not adequately facilitate two-way traffic on Station Approach adjoining the appeal site, and would also add difficulty to manoeuvring round the corner. It would as a result have the potential to cause harm to highway safety for all those using Station Approach at this point. As the arrangements at the top of Station Approach already contain the potential for hazardous interactions between vehicles and between vehicles and pedestrians, this adds weight to the harm which I have identified.
 12. Drawings submitted with the appeal show swept paths for emergency and refuse vehicles which generally appear satisfactory, although the suggestion by the appellant that they may need to drive over the ramped section of the proposed seating area leads me to conclude that the space available for turning

at the corner is at the very margins of what might be considered sufficient for safe manoeuvring.

13. The ramped access would furthermore be likely to lead customers to enter and leave the restaurant directly on the corner, rather than further down Station Approach where the door is located. This would be likely to bring them into the path of traffic on the corner where visibility is constrained, increasing the risk of harm.
14. No details of the design of the raised area have been provided, but it would be likely to contain landscaping, including some kind of barrier to the perimeter, in addition to tables, chairs and other paraphernalia. These are likely to add to distractions and visual obstructions for vehicles turning the corner, again with the potential to cause harm to pedestrians and road users.
15. While I concur that the proposal would benefit users of the restaurant in being able to enter it more easily, this does not overcome my conclusion that there would be potential harm to other pedestrians or drivers in the area or those same users of the restaurant as they accessed it across Station Approach. In any case, as the appellant has indicated that the loading bay is no longer required, its positioning directly outside the restaurant access is less likely to be problematic in future.
16. The appellant has drawn my attention to paragraph 32 of the National Planning Policy Framework relating to developments which generate significant amounts of movement. While I am satisfied that the appeal proposal would not in itself generate significant issues of highway capacity and congestion, and is not therefore the kind of development to which this paragraph is directed, in any case the starting point for decision making remains the development plan.
17. As I have found potential harm to highway safety arising from the proposal, I conclude that the appeal proposal would conflict with the requirements of policy BD1 of the Borough Wide Primary Policies Development Plan Document 2008 (the BWPP) by not creating a safe environment, nor with policy T6 of the BWPP which requires adequate safe and functional provision for deliveries, emergency services and visitors. It would not, either, comply with Policy SP3 of the Core Strategy Development Plan Documents 2008, which requires spaces around buildings to be safe.

Conclusion

18. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR