
Appeal Decision

Site visit made on 18 March 2019

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2019

Appeal Ref: APP/G5750/W/18/3215535

Iman House, 56 - 64 Bushey Road, London, E13 9EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr EM Teeluck against the London Borough of Newham.
 - The application Ref 18/01598/FUL, is dated 5 June 2018.
 - The development proposed was originally described as "*Construct 3rd floor (4th level) atop existing building. New construction to contain 6 additional C2 class residential units; 6 no. studio units. Facility is operated as 24 hour managed supported social accommodation for vulnerable people with mental health conditions. Occupancy is one person per unit. The local authority houses the residents through the owner/management company. Residents are independent and physically mobile*".
-

Decision

1. The appeal is allowed and planning permission is granted for construction of a 3rd floor (4th level) atop existing Class C2 building, and associated landscaping and provision of cycle storage. New construction to contain 7 additional studio units. Facility is operated as 24 hour managed supported social accommodation for vulnerable people with mental health conditions at Iman House, 56 Bushey Road, London, E13 9EN in accordance with the terms of the application, 18/01598/FUL, dated 5 June 2018 subject to the attached schedule of conditions.

Procedural Matters

2. This is an appeal against the Council's failure to make a decision on the planning application for the proposed development within the agreed extended period. Following the submission of this appeal the Council's position was agreed by its Local Development Committee: The Council objects to the proposal on the basis that 'The proposed development would fail to adequately safeguard community safety'.
3. The appeal site is referred to as both Puran House and Iman House within the appeal documents. I shall refer to the appeal as Iman House as it is the address used on the planning application form.
4. The proposed development was revised to a 7 unit scheme before the appeal was made and was considered by the Council on that basis. Therefore, I have dealt with the appeal on the basis of the amended scheme.
5. The Council advise that the Newham Local Plan (2018) has been adopted since the appeal was made and I shall consider the appeal accordingly.

Main Issue

6. The main issue for consideration is the effect of the proposal on community safety.

Reasons

7. The appeal site comprises an existing three storey building located in a primarily residential area. The building currently provides supported accommodation for vulnerable people with mental health issues in the form of 21 studio units. The appeal relates to a 4th floor extension to provide an additional 7 studio units for this facility.
8. Policies 3.8 and 3.17 of the London Local Plan (2016) and Policy H3 of the Newham Local Plan(2018) seek to secure specialist accommodation in the right location where the need has been clearly demonstrated. On the balance of evidence, I am satisfied that there is an identified need in Newham for supported housing for persons with mental health needs.
9. The Council and local residents are concerned that the proposed extension would lead to an intensification of the use of the site. This, it is said, would exacerbate existing problems of noise and disturbance and anti-social behaviour associated with the property. In this respect, I have also had regard to the proximity of the mosque and school. However, no substantive evidence has been submitted in support of these concerns. In addition, I note that, whilst the Metropolitan Police comment upon crime statistics for the area, they make no connection with the facility. Whilst the development would inevitably increase the level of activity at the site, given that only 7 additional units are proposed, any potential effects upon local living conditions would be limited in my view.
10. The appellant confirms that there are currently a number of procedures in place which seek to deal with management issues at this facility, such as managing challenging behaviour and a zero-tolerance policy in relation to alcohol and substance abuse. The Council's suggested conditions include the provision of a bespoke management plan for the premises. Such a management plan would outline measures to mitigate and avoid potential adverse impacts such as noise and disturbance and anti social behaviour and would also include a complaints procedure for local residents.
11. The approval and implementation of a management plan would safeguard community safety. The proposal therefore accords with Newham Local Plan Policies S1, SP1, SP2 and H3 and Policies 3.8, 3.9, 3.17, 7.1, 7.3 and 7.15 of the London Local Plan. These policies promote sustainable and balanced communities through the provision of specialist accommodation where there is an identified local need in an appropriate location which safeguards local safety and security.
12. The Council refers to The London Plan: The Spatial Development Strategy for Greater London Draft for Public Consultation (December 2017 with minor suggested changes July 2018). Given that this is at an early stage of preparation, I attach limited weight to its policies.

Other considerations

13. Interested persons have made a number of comments to which I have regard. I am satisfied that, due to the orientation of adjacent properties to the east and west of the appeal site, the proposal would not give rise to an unacceptable loss of sunlight to neighbouring dwellings.
14. In regards to car parking, on the balance of evidence, I am satisfied that the loss of two parking spaces would not give rise to unacceptable parking stress in the area. The issue of parking by construction vehicles can be dealt with by a Demolition and Construction Management Plan, secured by a planning condition.
15. I have taken into account comments regarding the interrupting of satellite signals but there is no substantive evidence this is likely to occur. In regard to the comments concerning the effects on property values, the Courts have taken the view that planning is concerned with land use in the public interest, so that protection of purely private interests, such as the impact of a development on the value of a neighbouring property, could not be material considerations.

Conditions

16. I have considered the conditions suggested by the main parties. I impose conditions in regards to timescale and setting out the approved plans as that provides certainty. I also attach conditions in regards to the approval of external materials and landscaping in the interests of the character and appearance of the area. To safeguard the living conditions of nearby residents, I impose a condition requiring a demolition and construction management plan. I also attach a condition in respect of cycle parking to encourage sustainable modes of transport and a condition requiring a management plan for the facility in the interests of community safety.

Conclusion

17. For the reasons given, the appeal is allowed.

Rebecca McAndrew

INSPECTOR

Schedule of 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:
Site Location Plan, Site Plan Proposed, Drawing Number: P.01 – Dated: 30.07.2018, Second Floor Plan Proposed – Drawing Number: P.06 – Dated: 25.09.2018, Third Floor Plan Proposed – Drawing Number: P.02 – Dated: 25.01.2018-Revised 08.08.2018, Roof Plan Proposed – Drawing Number: P.03 – Dated: 25.01.2018 -Revised 08.08.2018, Elevation External Proposed – Drawing Number: P.04 – Dated: 25.01.2018 – Revised 08.08.2018, Elevation External Proposed – Drawing Number: P.05 – Dated: 25.01.2018 – Revised 08.08.2018
3. No works shall commence unless and until a Demolition and Construction Management Plan has been submitted to and approved by the Local Planning Authority. The Demolition and Construction Management Plan shall include:
 - a survey of the existing conditions of adjacent public highways;
 - an assessment of the cumulative impacts of demolition and construction traffic;
 - details of the likely volume of demolition and construction trips and any mitigation measures;
 - site access and exit arrangements including wheel washing facilities and sweep-paths where required;
 - vehicular routes, booking systems and an assessment for the scope of consolidating loads to reduce generated road trips;
 - proposed temporary access and parking suspensions and any temporary access and parking solutions required;
 - site compound arrangements including arrival of vehicles, parking, loading, storage and waste arrangements;
 - methods for of protection of adjacent highway infrastructure;
 - hours of demolition and construction including associated deliveries/pickups;
 - an assessment of all matters as are likely to cause nuisance to adjoining occupiers (including but not limited to; noise, dust, smoke, road cleaning, odour control) accompanied by mitigation measures addressing all matters relevant to this particular site.All works shall be carried out in accordance with the approved Demolition and Construction Management Plan.
4. No above ground construction works shall commence until samples (detailing the colour, texture and profile) of the brick materials to be used in the construction of the new external surfaces of the development and details of the appearance of the exposed brickwork and any necessary proposed enhancement measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out

in accordance with the approved details and permanently retained thereafter.

5. Notwithstanding the details indicated on the approved plans listed in condition 2, prior to occupation of the new units hereby permitted, specifications of the type of secure, covered and accessible cycle parking facilities to be installed shall be submitted to and approved in writing by the Local Planning Authority. The approved provisions shall be installed prior to the first occupation of the new units and shall thereafter be made permanently available for the residents and staff of the facility.
6. Prior to first occupation of the units hereby permitted, a scheme of landscaping, detailing a proposed planting and maintenance schedule shall be submitted to, and approved in writing by the Local Planning Authority. The approved soft landscaping shall be carried out in the first planting season following the first occupation of the new units. Any trees, shrubs or plants that die within a period of five years from the completion of the development or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation. The approved maintenance scheme shall be implemented for the lifetime of the development.
7. Prior to first occupation of the units hereby permitted, a detailed management plan for the whole facility shall be submitted to, and approved in writing by, the Local Planning Authority. The Management Plan shall provide details on the following matters:
 - Procedure for managing complaints, and methods of making a complaint, for local residents/members of the public;
 - Procedure for managing challenging behaviour;
 - Procedure for managing issues of noise and disturbance, violence, theft, substance abuse and dealing and other anti-social behaviour.

The approved Management Plan shall be implemented upon first occupation of the new units hereby permitted and shall be adhered to in perpetuity for the lifetime of the development thereafter.