



Appeal Decision

Site visit made on 20 September 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/W5780/W/19/3232166

Unit A & B 51B Marlborough Road, South Woodford, London E18 1AR

- 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 CECOS Computing International Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1720/19, dated 28 March 2019, was refused by notice dated 13 June 2019.
 - The development proposed is change of use of Unit A and B from financial and professional services (A2) to education (D1).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development from the decision notice in the interests of clarity and precision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of nearby occupiers with particular regard to noise; and
 - the effect of the proposed development on highway congestion and highway safety.

Reasons

Living conditions

4. The appeal site occupies the first floor of 51B Marlborough Road. From the evidence before me the primary access is via George Lane while a fire exit is located on Marlborough Road. The access on George Lane is near to an entrance to South Woodford underground station and this road is characterised by two storey commercial units. While the appeal site lies adjacent to commercial units on Marlborough Road, this road is generally characterised by residential properties, with a block of flats opposite the site and houses further along the road.
5. The use of units A and B has been changed from financial and professional services (use class A2) to educational (use class D1). From the evidence before

me the units cater for 80 students and 12 staff members. Further information relating to the use of the site such as class sizes and timings have not been provided.

6. Given the significant quantity of students that may occupy the appeal site, the change of use would be likely to lead to significant levels of noise not only from the units themselves but also from the coming and goings of large numbers of people associated with the site as well as congregating on the streets outside the exits. I note that there are three windows that face George Lane and no windows facing the station as well as that this road is a busy commercial street with some associated background noise levels. However, given the position of the appeal property directly above and adjacent to other properties and the large quantity of people likely to be at the site, the neighbouring occupiers including adjacent businesses would be likely to be affected by a significant level of noise and disturbance. This is supported by comments from neighbours.
7. I acknowledge the opening hours of the educational facility, however, given the significant degree of noise that would be likely to be generated from the site, a condition controlling the opening hours would not make the use acceptable in planning terms.
8. There is no evidence such as a noise assessment or similar before me that demonstrate that the change of use does not adversely affect the living conditions of neighbouring occupiers. Therefore, there is no certainty that a condition requiring noise tests to be conducted would be effective.
9. Consequently, the proposed development would harm the living conditions of nearby occupiers with particular regard to noise. Therefore, it would conflict with Policy LP26 of the Redbridge Local Plan 2015 – 2030 March 2018 (LP) which seeks among other things development that does not result in an adverse impact upon the amenity of neighbouring occupiers in relation to noise. The proposal would also conflict with paragraph 180 of the National Planning Policy Framework (Framework) in this regard.

Highway congestion and safety

10. The site is close to South Woodford underground station. The appeal site has a PTAL rating of 3, which is a measure that rates locations by distance from frequent public transport services, 0 being worst and 6b being best. Therefore, given that the site has the rating of 3, it cannot be guaranteed that none of the occupiers of the site would require parking; consequently, there is a possibility of the development increasing the demand for off street parking.
11. While the appellant has indicated that a basement car park is available to occupiers of the site, there is no evidence before me, other than a ramp indicated on drawing ZAAVIA/51MR/101A, to demonstrate that the scheme would provide any off-street parking spaces. Furthermore, given the parking restrictions in the area, the large number of students using the site and the busy nature of George Lane, it is likely that occupiers would cause severe residual cumulative impacts on the road network particularly along George Lane and Marlborough Road. Given the busy nature of the area and that George Lane ends at the station resulting in a dead end for vehicles, it is also likely that such congestion would restrict visibility for pedestrians and motorists

thereby increasing the likelihood of accidents and resulting in an unacceptable impact on highway safety.

12. While no cycle spaces are indicated on the plans, from the evidence before me this may be controlled via a suitably worded condition. However, this would not override the harm identified above.
13. Consequently, the proposal would unacceptably impact highway congestion and highway safety. Therefore, it would conflict with LP Policy 23 which among other things requires new development to provide sufficient car parking. The proposal would also conflict with paragraph 109 of the Framework in this regard.

Conclusion

14. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR