
Appeal Decision

Site visit made on 6 October 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2020

Appeal Ref: APP/E5330/W/20/3244221
107 Eastmoor Street, London SE7 8LX

- 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 Pastor Emmanuel Akinjala against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/1477/F, dated 16 April 2019, was refused by notice dated 10 July 2019.
 - The development proposed is described as 'Change of Use for a temporary 2 year period from B1/B8 to D1'
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Decision

1. The appeal is allowed and planning permission is granted for Change of Use for a temporary 2 year period from B1/B8 to D1 at 107 Eastmoor Street, London SE7 8LX in accordance with the terms of the application 19/1477/F, dated 16 April 2019 subject to the conditions below;
 - 1) The use hereby permitted shall be for a limited period being the period of 15 months from the date of this decision. The use hereby permitted shall thereafter be discontinued.
 - 2) The use hereby permitted shall only take place between the following hours: 09:00-22:00 Mondays-Saturdays and 09:00-21:00 on Sundays.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice, however the application form adequately describes the proposal and I have determined the appeal on this basis. The evidence indicates that the appeal site has been in use on the same terms as those sought since 2017.

Main Issues

3. The main issues are whether the use results in an unacceptable loss of employment floorspace and the effect on highway safety.

Reasons

Employment floorspace

4. The premises fall within Charlton Riverside, which is a Strategic Development Location. The aspirations for a high-quality redevelopment of the area are set

out within the SPD¹. The owners of the site appear to be actively exploring future development potential within this context.

5. As the supporting text to Policy EA2 of the Royal Greenwich Local Plan (2014) (RGLP) states, the area is currently under-used and consists of mainly low-density industrial units. The presence of vacant units is noted as is the poor environmental quality of the area. On my site visit I noted that the area is noisy, incorporating a wide range of industrial uses. Permitting a temporary use within an existing building would not compromise future aspirations for the regeneration of the area and the proposal would not therefore conflict with Policy EA2 of the RGLP which is mainly concerned with these matters.
6. Policy EA1 of the RGLP is amongst other things concerned with the creation of increased employment opportunities. Amongst other strategies this is to be achieved by maximising the contribution to employment from sites within existing or previous employment use. I accept that the site would be associated with less employment as a place of worship than its permitted use. The proposal does not therefore fully accord with Policy EA1.
7. However, the use would only be temporary. Further, nothing within the evidence indicates that there is significant unmet demand for the permitted use within the area. The demand for office space in the short term as a result of the current pandemic is likely to be reduced and the poor environmental quality of the area is likely to prove unappealing to some potential occupants. I afford these matters significant weight.
8. Policies DH(b), DH(k) and DH1 of the RGLP have limited relevance as they relate to daylight, sunlight, privacy and enclosure and require high quality design. I have not identified conflict with Policy E(a) which seeks to control pollution such as noise, nor Policy EA(a) as the supporting text states that the Policy is not relevant to sites within Charlton Riverside.

Highway safety

9. Although evidence submitted alongside the appeal indicates the streets surrounding the premises to have good on street parking availability, this may be representative of the situation on an evening or weekend as although only a snap shot in time, most nearby on street parking was occupied at the time of my site visit on a weekday late morning. Much of the daytime parking demand is likely to be associated with the operating times of the nearby industrial units, and parking availability during the evenings and weekends is likely to be improved.
10. The permitted use of the premises is likely to be associated with a level of parking demand which would be more focused to weekday daytimes, when parking appears to be most in demand. The site is located a short walk from bus stops served by a range of routes on the A206. Not all users would therefore be compelled to arrive by car as a result of the location.
11. There is nothing within the evidence to suggest that parking demand associated with the use is of such a level that highways safety has been compromised. Further, I note that the Council's Transport & Highways Section have raised no objection. I do not therefore consider that the proposal compromises highway safety and it therefore accords with Policies IM(a), IM(b)

¹ Royal Borough of Greenwich Charlton Riverside SPD June 2017

and IM(c) of the RGLP which are concerned with this matter amongst other things.

Planning balance

12. I am mindful that the use does not maximise employment opportunity at the site. However, the National Planning Policy Framework at paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, decisions should plan positively for the provision and use of community facilities such as places of worship. Consequently, the partial conflict I have identified with the development plan does not outweigh the benefits of the scheme, especially as the use would only be temporary. Material considerations are therefore in evidence which indicate that planning permission should be granted other than in accordance with the development plan.

Other Matters

13. I am aware that there appears to have been a noise complaint relating to the site although limited details are presented. I do not consider that the appeal site sits within an especially sensitive setting in relation to noise. Moreover, if excessive noise did occur at the property, there are powers available to the local authority and police to deal with such matters.

Conditions

14. A condition is added permitting the use sought on a temporary basis until the end of 2021 in line with the time scale requested. An hours of use condition on the basis of those sought by the appellant is necessary to prevent any potential disturbance during the night-time periods when the area is likely to be significantly quieter.
15. A standard time limit for commencement is not appropriate as the use has already commenced and it would not be appropriate to impose a plans condition on a permission for development involving a change of use only. A condition relating to waste management is unnecessary as there is no evidence existing arrangements are unfit for purpose. Conditions restricting the playing of live or amplified music would be unreasonable given the location and this would in any case be restricted to the hours of use. The requirement to provide cycle parking spaces would be unreasonable given the short-term nature of the permission. I have not considered a restriction on the number of attendees necessary as such restrictions do not appear to have been in place during the existing period of use with no resultant significant adverse effect. There is nothing within the evidence to justify further restriction on the use via condition.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR