The Planning Inspectorate

Appeal Decision

Site visit made on 29 September 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/W5780/W/20/3254007
14, Wangey Road, Chadwell Heath, Romford RM6 4AJ

- 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 Bilkis Sarodia on behalf of Al-Huda Welfare Foundation UK Limited against the decision of the Council of the London Borough of Redbridge.
- The application Ref 3960/19, dated 9 October 2019, was refused by notice dated 11 December 2019.
- The development proposed is erection of a new front entrance porch fronting Wangey Road. Reconfiguration of car park.

Decision

1. The appeal is allowed, and planning permission is granted for erection of a new front entrance porch fronting Wangey Road and reconfiguration of the car park at 14, Wangey Road, Chadwell Heath, Romford RM6 4AJ, in accordance with the terms of the application Ref 3960/19, dated 9 October 2019, subject to the following conditions:

    1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

    2. The development hereby permitted shall be carried out strictly in accordance with the following approved plans: Draft Dispersal Plan, Planning Statement, PL121.1 Rev A, PL121.3 Rev A, PL121.2 Rev A and PL121.4 Rev A.

    3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4. Notwithstanding the indicative details shown on the plans hereby approved, prior to the proposed development being brought into use, or the substantial completion of it, whichever is soonest, a scheme of hard and soft landscaping shall have been submitted to and agreed in writing by the Local Planning Authority and shall include the following:

        The soft landscaping scheme shall include:

        a) a planting plan;

        b) written specifications (including cultivation and other operations with regard to trees, plants and grass);

c) schedule of plants and trees, setting out the species, sizes, numbers, densities and soil depths;

d) Measures to deliver biodiversity enhancement; and

e) a programme setting out how the plan will be put into practice including measures for protecting plants and trees both during and after development has finished.

The new planting shall be carried out in accordance with BS 8545 (2014) 'Trees; From Nursery to Independence in the Landscape' in the first planting and/ or seeding season following the first occupation or the substantial completion of the development, whichever is the sooner and shall comply with the requirements that are specified in BS 3936 (1992) 'Specification of Nursery Stock Part 1 Trees and Shrubs', and in BS 4428 (1989) 'Recommendations for General Landscape Operations'.

None of the new trees, plants or shrubs planted shall be lopped or topped within a period of five years from the completion of the development. Any trees, plants or shrubs which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, in accordance with the approved scheme. The approved landscaping scheme shall be maintained thereafter.

The hard landscaping scheme shall include:

a) finished levels, materials, any signage, furniture or sitting areas;

b) all details of any proposed fencing, gates, walls or other means of enclosure within the development; and

c) a programme setting out how the plan will be put into practice, including measures for protecting plants during and after development has finished.

The hard landscaping scheme shall be installed upon the first occupation or substantial completion of the development, whichever is the sooner, and maintained thereafter in accordance with the plans hereby approved.

Procedural Matters

2. The appellant has submitted a separate appeal[1] to vary 2 planning conditions which were attached to the planning permission for the change of use of the appeal site to its current use. Irrespective of the outcome of that other appeal, I must determine the appeal before me on the basis of the existing situation, including the restriction on visitor numbers and opening hours which are governed by the parent planning permission 0848/14.

3. The description of development cited on the planning application form differs to that contained within the decision notice and appeal form. This is because reference to the proposed variation of conditions referred to in paragraph 2 above had been included. For the purposes of the banner heading and paragraph 1, I have used the latter, as that accurately reflects what was

[1] APP/W5780/W/3254008

sought through the planning application which is the subject of this appeal. I have also made some minor grammatical revisions in the interests of precision.

Main Issues

4. The main issues are the effect on:

- safety of users of the highway, with particular regard to the proposed reduction of parking bays and the siting of the proposed porch relative to existing street furniture located within the public footway;
- character and appearance of the area, with particular regard to the proposed removal of an existing tree; and
- biodiversity interests of the area, with particular regard to the proposed removal of an existing tree.

Reasons

Highway Safety

5. The resulting reconfiguration of the car park would result in the reduction of parking spaces overall. During my site visit and consistent with the Council's arguments, I observed a propensity for on-street car parking within the vicinity of the site.

6. However, bearing in mind the proximity to the town centre, the Council has not sufficiently substantiated that this on-street car parking would be as a consequence of the use of the appeal site within the current parameters of planning permission 0848/14. Furthermore, the outcome of the appellant's parking stress and travel surveys evidences that the existing centre attracts a low level of parking demand during the peak period of activity and that sufficient on-street capacity exists within the area. I conclude that this would be sufficient to cater for the proposed reduction in parking spaces.

7. The appeal proposal would allow motorists to enter and leave the car park in a forward gear. It would also provide some accessible parking bays and more space between vehicles for visitors walking through this car park. These changes would represent potential benefits in terms of improved accessibility and safety within the site. However, these benefits need to be balanced with the potential consequences of an overall reduction of on-site parking provision.

8. The numbers of visitors and hours of opening are restricted. The number of spaces that would be lost would be small. Public car parking is available very close to the appeal site. As evidenced by the appellant, the site enjoys good levels of accessibility by alternative modes of transport. Varying Traffic Regulation Orders are in force which assist in safeguarding visibility and access in the area. The potential for an increase in on-street car parking as a consequence of this particular proposal would therefore very limited, should those restrictions imposed on visitor numbers and opening times remain.

9. Consequently, I find that the resulting benefits of the proposed reconfiguration of the existing car park would out-weigh the limited effect that the small reduction in parking proposed would have on increasing levels of off-site car parking in the area.

10. Being the main entrance into the building, the proposed porch could at times increase pedestrian footfall in the vicinity of the existing public bin, bench, lamp post and bus shelter situated within the Wangey Road public footway. However, the numbers of visitors are limited by a planning condition. An existing pedestrian side gate is located close to the proposed position of the porch, currently giving visitors the option to take access to and from the building off this section of pavement in any event. The appellant has also advanced how visitor movements are managed during busy periods and this is controlled by a condition of the original planning permission.

11. Moreover, the existing footway is not unduly narrow. Street furniture is positioned in a manner which does not cause the footway width to be constrained for passing pedestrians. The proposed scheme would not encroach the public footway. Furthermore, the proposed area of hard surfacing would provide some relief for visitors congregating, entering and dispersing from the building.

12. Consequently, I find that the appeal proposal would not be harmful to the safety of users of the highway, with particular regard to the proposed reconfiguration of the existing car park layout and the siting of the proposed porch relative to existing street furniture located within the public footway.

13. The Council has cited conflict with Policy LP38 of the Redbridge Local Plan 2015-2030 (the Local Plan) in respect to this main issue. However, as that policy relates to the protection of trees and enhancement of the landscape it is irrelevant in this regard.

14. However, Policy LP23 of the Local Plan seeks to ensure that sufficient cycle and car parking is provided. Where a reduction in on-site provision would occur, the developer is required to demonstrate that sufficient parking would remain to serve local needs. Policy LP26 requires the highest standards of accessible and inclusive design for all. Development that does not take available opportunities to improve the way an area functions will be refused planning permission. Proposals should respect the layout of surrounding streets and improve movement through places. In view of my findings, there is no conflict with either of these policies.

Character and Appearance

15. The appeal site is a large, purpose-built former police station building which is located within a mixed use area comprising of residential properties and commercial uses. There are several trees of varying heights located within the grassed verge that extends between the Wangey Road frontage of the building and the public footway. Other soft landscaping within the vicinity of the appeal site is limited. The character and appearance of the area is therefore urban and dominated by hard surfacing.

16. The construction of the proposed entrance porch would necessitate the felling of one tree. Alongside the other trees located along this grass verge, this tree provides some greenery and relief to buildings within the street scene.

17. Evidence has not been provided that would confirm the health of the tree in question and it is not the subject of any statutory protection. The individual contribution that this particular tree makes to local character is not significant. Other trees to be retained would continue to fulfil a positive visual role.

Furthermore, the appeal scheme would include the removal of an access ramp that currently dominates this elevation of the building and its replacement with a soft landscaping scheme. This would also provide the opportunity to adequately mitigate the loss of that tree and could be controlled by way of a planning condition. Overall this would outweigh the loss of the tree.

18. Consequently, I do not find that the appeal proposal would be harmful to the character and appearance of the area, with particular regard to the proposed removal of an existing tree.

19. Policy LP26 requires that high quality hard and soft landscaping is integral to layout and design. Furthermore, Policy LP38 supports development which would integrate existing and new trees, vegetation and other landscape features into design and layout. This policy also sets out the key considerations for determining the retention of trees, including whether they are subject to any statutory protection, their contribution to local character and amenity and their age, condition and suitability in the context of the proposed development. The retention of existing trees is supported where these can make a positive contribution and do not adversely impact upon the deliverability of the overall development. The removal of a tree may be permitted where the benefits of the development outweigh the tree's amenity value and broader environmental benefits. In view of my findings, there is no conflict with either of these policies.

Biodiversity

20. The Council has not substantiated the nature and level of harm to biodiversity interests that would arise from the proposed tree felling. Furthermore, in addition to the benefits of the proposal that I identified earlier, the proposed landscaped area provides scope to secure small scale biodiversity benefits within the site and could be secured through the imposition of a planning condition.

21. Consequently, from the evidence before me, I do not find that the appeal proposal would be harmful to the biodiversity interests of the area, with particular regard to the proposed removal of an existing tree.

22. Policy LP38 states that ecological value is a key consideration in determining the retention of trees. In view of my findings, there is no conflict with this policy.

Other Matters

23. The Council has cited conflict with Policy LP24 which seeks to manage pollution. However, as I have found no conflict with Policy LP38 there is no conflict with that policy.

24. I have already concluded on the effect of the appeal proposal upon further on-street car parking levels in the area. The appeal proposal would serve to encourage visitors to access the site directly from Wangey Road and reduce the number of cars using the car park at a given time. Overall, it would not diminish the current living conditions of local residents in terms of any existing noise and disturbance.

25. Policy LP24 seeks to resist development that generates unacceptable levels of noise. Furthermore, Policy LP26 requires that proposals do not result in an

adverse impact upon the amenity of neighbouring occupiers, including noise. In the absence of harm, there would be no conflict with either of these policies.

26. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal is made in connection with the use of the site as a cultural and educational centre and the current users include members of the black and ethnic minority community, they are persons who share protected characteristics for the purposes of the PSED.

27. It does not follow from the PSED that the appeal should succeed. However, I have found that no harm would arise from the appeal proposal for the reasons given and there is no conflict with the development plan.

Conditions

28. In addition to the standard time limit condition, I consider that it is necessary to attach a condition which details the plans and documents relevant to this particular appeal proposal in the interests of clarity.

29. Given the limited scale of the appeal proposal, I do not concur with the Council that it would be necessary to attach a condition in respect to construction details.

30. Although it is necessary to impose a condition to control external materials, I do not concur with the Council that this would need to be a pre-commencement condition as the site is not located within a visually or historically sensitive context.

31. A condition to secure appropriate hard and soft landscaping, and also associated small scale biodiversity enhancements as part of that scheme is also considered necessary to mitigate the proposed felling works, and I have amended the Council's suggested landscaping condition accordingly.

Conclusion

32. For the reasons given, the appeal should be allowed, subject to the specified conditions.

C Dillon

INSPECTOR