

Appeal Decision

Site visit made on 10 November 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/Q5300/W/20/3255821
129 Green Lanes, Southgate, N13 4SP

- 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 Mr Maksudur Rahman against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/00425/FUL, dated 5 February 2020, was refused by notice dated 22 May 2020.
 - The development proposed is change of use from bank (Class A2) to taxi hire office (sui generis).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development has been corrected from that provided on the application form, which specified the incorrect existing use class.
3. Since the application was made and the Council issued its decision, Class A2 has been revoked and replaced with Class E. However, taxi hire offices remain sui generis. As a result, I am satisfied that the submissions by all parties remain relevant to the issues in the appeal and no prejudice arises.

Main Issues

4. The main issues are i) the effect of the proposal on the living conditions of occupiers of surrounding properties with specific regard to additional noise and disturbance, ii) whether the proposal would cause harm to the safe movement of pedestrians or vehicles, and iii) having regard to those issues, whether the proposal would be compatible with and appropriate for the Large Local Centre.

Reasons

Living conditions

5. As the ground floor unit in a four-storey block, fronting a well-used road, with a bus-stop outside, retail and other uses around it, there is a pre-existing level of noise and disturbance which already has an effect on the living conditions of occupiers of the building and its neighbours. However, the addition of a taxi-office use on the ground floor would increase the level of noise and disturbance associated specifically with the appeal site and would extend it beyond hours which could reasonably or typically be expected from a policy-compliant use of the site.

6. I note the suggestion from the appellant that the nature of the taxi business has changed, and that the office use would be more like a call centre, taking bookings and controlling taxis remotely, without drivers or customers waiting outside or near the office. However, this conflicts with the suggestion that the proposal would also increase footfall and encourage activity in the Large Local Centre in which the site is located. If the proposal is to have any positive effects in terms of footfall and activity, then in my view it must have a negative effect on living conditions in terms of noise and disturbance, and vice-versa.
7. The proposal would therefore have a harmful effect on the living conditions of occupiers of surrounding properties with specific regard to additional noise and disturbance, contrary to the requirements of Policies 7.4 and 7.15 of the London Plan 2016, Policies CP30 and CP32 of the Core Strategy 2010 (the Core Strategy), and Policies DMD28 and DMD68 of the Development Management Document 2014 (the DMD).

Pedestrian and vehicle movement

8. As noted above, the site fronts onto a well-used road, with a busy, well-used bus stop to the front which narrows the pavement, and no on-street parking directly outside. On-street parking on surrounding streets is controlled and appeared to be heavily used. As a result, any cars waiting or collecting passengers near the office are likely to cause an increase in pressure and congestion on local roads and nearby parking areas. In addition, there could be an unacceptable conflict between the proposed use of the site, the operation of, and activity around, the bus stop.
9. Again I note the comments of the appellant that cars can be parked elsewhere, and that there is no intention to park near the office, but cannot reconcile this with the suggestion that the use would also increase footfall and activity in the Large Local Centre. I do not agree that the proposed use would, in terms of trip generation have essentially the same effect as either the current use, or any other use which could be undertaken without planning permission. Any of those uses could be carried out without the use of a car, whereas a taxi business is inherently car based.
10. As a result, in the face of a lack of compelling evidence to the contrary, I consider that the proposal would cause likely harm to the safe movement of pedestrians and vehicles, by causing additional vehicle movements, parking demand and waiting in an already busy location.
11. In those regards, the proposal would therefore be contrary to Policy 6.13 of the London Plan 2016 and Policies DMD28 and DMD45 of the DMD. These policies seek, amongst other things, to ensure that parking does not undermine non-car means of transport, has regard to existing parking pressures and that uses are appropriate to their location.

Compatibility of the use

12. Policies 17 and 18 of the Core Strategy seek to strengthen the role of town centres and protect existing retail uses. Policy DMD28 of the DMD, states that in Large Local Centres, where the appeal site is located, proposed changes of use such as this, will be refused unless the proposed use provides a service compatible with and appropriate to the local centre. In controlling such

changes, the policy seeks to protect and improve the provision of day-to-day goods and services to meet local needs.

13. On its face therefore, the appeal proposal is contrary to the provisions of those policies, as it is not an A (now E) use class and would remove a unit available for a use in that class. My conclusions on the other main issues above demonstrate that based on the evidence before me, the proposal is neither compatible with nor appropriate for the local area.
14. I acknowledge that a balance is to be struck between preserving available uses in Large Local Centres, allowing businesses to invest, expand and adapt, and enabling towns to grow and diversify in a way which responds to rapid changes. I also note the case made by the appellant that the proposal could result in economic stimulus in difficult times. However, I cannot agree that the proposal necessarily supports this. The Use Classes Order, and indeed, the recent changes to it, already allow changes which would meet those aims, and the appropriateness of those changes has been factored into the framing of those regulations. That is not to say that the appeal proposal is automatically unacceptable, just that its effects must be separately considered. Having done so, particularly with regard to living conditions, pedestrian and vehicle movement, as well as the overall compliance with policy, I consider that the proposal is unacceptable, as it is not a policy compliant use, and is neither compatible with nor appropriate for the Large Local Centre.
15. The proposal is therefore contrary to Policy 4.8 of the London Plan 2016, Policies 17 and 18 of the Core Strategy and Policy DMD28 of the DMD, all of which seek, amongst other things, to support a successful and diverse retail sector, strengthen the role of town centres, protect and deliver shopping provision in the area, and protect and manage Large Local Centres.

Other Matters

16. I have considered whether or not the harms identified could be controlled or otherwise mitigated by the imposition of conditions. However, in my view, there are no practical or otherwise compliant conditions which could in my view, mitigate the harm identified on the basis of the evidence presented.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR