



Appeal Decision

Site visit made on 19 January 2021

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2021

Appeal Ref: APP/B5480/W/20/3260688

3 Shurgard House, Rush Green Road, Romford RM7 0PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Shurgard UK Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P0020.19, dated 3 January 2019, was refused by notice dated 10 June 2020.
 - The application sought planning permission for demolition of existing buildings and redevelopment comprising of a self storage unit (use class B8) with associated car and cycle parking and landscaping without complying with a condition attached to planning permission Ref P1427.15, dated 3 February 2016.
 - The condition in dispute is No 23 which states that: *'The proposed self-storage unit shall operate between the hours of 07:00 and 22:00 on Monday to Sunday, including Bank or Public Holidays for the purposes hereby permitted for a temporary trial period ending on 31 May 2017. After which time these opening hours will cease and the use hereby permitted will operate between the hours of 07:00 to 19:00 on Monday to Sunday, including Bank or Public Holidays'.*
 - The reason given for the condition is: *'To assess the impact of the later opening for a trial period and to enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61'.*
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and redevelopment comprising of a self storage unit (use class B8) with associated car and cycle parking and landscaping at 3 Shurgard House, Rush Green Road, Romford RM7 0PT in accordance with the application Ref P0020.19 made on 3 January 2019, without compliance with the conditions previously imposed on planning permission Ref P1427.15 granted on 3 February 2016, but subject to the conditions set out in the attached schedule.

Procedural Matters and Background

2. The address stated above is taken from the appeal form as it describes the location of the site more precisely than the planning application form.
3. Planning permission was granted for a self storage unit at the site subject to a condition limiting its opening hours, as specified in the heading above. The appellant seeks consent for opening hours between 0600 and 2300 on Monday to Sundays, including Bank and Public Holidays.

4. The appellant has stated that the unit operated those opening hours from when it first opened in 2017 until the application was refused. I have thus considered this appeal on the basis that the condition has been breached. However, as the unit may currently be operating in accordance with the condition, I have referred to the opening hours as being proposed for simplicity. In any event, this does not have any bearing on the merits of the appeal.

Main Issue

5. The main issue is the effect of the proposed opening hours on the living conditions of the occupiers of neighbouring properties, with regard to noise and disturbance.

Reasons

6. The unit is located adjacent to Rush Green Road and Grenfell Avenue. Pedestrian and vehicular access is gained from Rush Green Road. An off-street car park is located to the rear of the unit, which is accessed via an undercroft. The car park is adjacent to residential properties at Sycamore Court, which have windows facing towards it. A vehicular access and parking areas serving the properties are also next to the car park. It is otherwise adjacent to Grenfell Avenue, which is predominantly characterised by residential properties.
7. The appellant submitted a noise impact assessment during the application process. It includes noise levels that were recorded adjacent to Sycamore Court over a period when the unit was operating between 0600 and 2300. It states that ambient noise levels are driven by traffic in the area and concludes that noise levels from activities in the car park would not cause unacceptable adverse impacts to the nearest residents. Whilst the assessment is based on opening hours being from 0700 to 2300, it nonetheless indicates that with open windows the noise levels for the activities in the car park would be below the guidelines¹ it specifies for good sleeping conditions from 0600 to 0700.
8. The Council states that the assessment complies with relevant regulations and its Environmental Health department has not objected. In addition, it has not sought to contest the appellant's view that there would be a limited number of users during the earlier and later opening hours. While the Council nonetheless contends that the opening hours have harmed the living conditions of residents and objections from interested parties have been raised to that effect, firm and substantive evidence has not been provided which demonstrates that the assessment's methodology is flawed or its conclusions are unsound.
9. I recognise that some users of the unit may not be mindful of their surroundings and the operators of the unit have limited control over the actions of individuals. However, I do not have compelling reasons to conclude that insensitive behaviour is commonplace. It is also put forward that narrower opening hours would be sufficient for most users of the unit. Whilst that may be the case, there is nothing before me indicating that opening hours should be restricted due to lesser demand at certain times, particularly as unacceptable adverse impacts have not been demonstrated in this case.
10. The Council contends that other self storage facilities in Romford are located within industrial areas and are all closed by 1900, albeit in some cases a

¹ BS8233:2014 Guidance on sound insulation and noise reduction for building; and World Health Organisation Guidelines for Community Noise 1999

proportion of customers may be able to access facilities after closing time. I have not been provided with detailed information regarding those facilities but, in any case, each proposal must be considered on its own merits and the evidence before me indicates that the opening hours would not have an unacceptable adverse effect on living conditions.

11. I conclude that the proposed opening hours are not unacceptable with regard to the living conditions of the occupiers of neighbouring properties. The development accords with Policies DC55 and DC61 of the Council's Core Strategy and Development Control Policies Development Plan Document. These policies state that permission will not be granted if development results in exposure to noise above acceptable levels or unreasonable adverse effects on the environment by reason of noise impact and operating hours.

Other Matters

12. Interested parties have raised concerns that the opening hours would lead to increased traffic, pollution, and issues regarding parking and access for vehicles in Grenfell Avenue. However, the Council has not raised concerns in respect of these matters and compelling evidence has not been provided which indicates that the proposal would be unacceptable in respect of these matters.

Conditions

13. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect. In this case, many of the conditions imposed on the earlier permission relate to matters associated with the construction of the development and are thus no longer necessary. The Council has therefore suggested that a limited number of conditions are imposed. I have considered these in the light of the tests for conditions set out at paragraph 55 of the National Planning Policy Framework and undertaken minor editing of the wording where necessary for precision and clarity.
14. An opening hours condition is still necessary in order to protect the living conditions of the occupiers of the neighbouring properties, as I cannot be sure that unrestricted opening hours would not be harmful. For certainty, I have imposed an approved plans condition based on the drawings specified on the decision notice for the earlier permission.
15. Conditions to require the retention of parking facilities and prevent obstructions to visibility splays are necessary in the interests of highway safety. It is also necessary to ensure that access is taken from Rush Green Road and restrict the size of vehicles accessing the site, for highway safety reasons and in order to protect neighbours' living conditions. A condition to require the retention of refuse and recycling facilities is also needed to protect living conditions. In addition, in order to promote sustainable methods of transport, a condition to ensure that cycle storage is retained is required.

Conclusion

16. For the above reasons, the appeal is allowed.

Mark Philpott

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 100; 110; 111; 112; 200; 201; 202; 300; 301; 302; 500.
- 2) The self storage unit shall not be used for the purposes hereby permitted other than between the hours of 0600 and 2300 on Monday to Sunday, including Bank or Public Holidays.
- 3) A 2.1 metre by 2.1 metre pedestrian visibility splay shall be maintained on either side of the access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.
- 4) Vehicles over 7.5 tonnes shall not be permitted to access or use the site.
- 5) Vehicular access to the premises shall only be from Rush Green Road and not from Grenfell Avenue at any time.
- 6) The car parking area shall be retained permanently for the parking of vehicles visiting the site and shall not be used for any other purpose.
- 7) The refuse and recycling facilities shall be permanently retained on site.
- 8) Cycle storage shall be permanently retained on site as approved.