
Appeal Decision

Site visit made on 14 and 15 February 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/W5780/W/20/3260095

Madeira Grove Clinic, 8 Madeira Grove, Woodford Green, IG8 7QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Richard Rains, (London and City Properties PLC) against the decision of London Borough of Redbridge Council.
 - The application Ref 2224/20, dated 21 July 2020, was refused by notice dated 3 September 2020.
 - The application sought planning permission for demolition of existing building to provide nine flats (4x1bedrooms and 5x2bedrooms) with associated landscaping without complying with a condition attached to planning permission Ref 1158/20, dated 19 June 2020.
 - The condition in dispute is No7 which states that: Prior to first occupation of the site, a scheme shall be submitted to and approved in writing by the Local Planning Authority describing the means by which future occupiers (with the exception of a holder of a disabled persons badge) of this development shall be excluded from any Local Car Parking Permit Scheme which may be in force in the area at any time. The scheme shall ensure that such future occupiers are notified in writing that they are excluded from obtaining a residents parking permit and have waived their rights and entitlement to a residents parking permit in any controlled parking zone in the vicinity of the development. The development shall only be carried out, completed and occupied in accordance with that approved scheme.
 - The reason given for the condition is: To accord with policy 6.13 of the London Plan and LP23 of the Local Plan.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building to provide nine flats (4x1bedrooms and 5x2 bedrooms) at Madeira Grove Clinic, 8 Madeira Grove, Woodford Green, IG8 7QH in accordance with the application Ref 2224/20 dated 21 July 2020, without compliance with condition number 7 previously imposed on planning permission Ref 1158/20 dated 19 June 2020 and subject to the conditions in the schedule attached to this decision letter.

Application for costs

2. An application for costs was made by Richard Rains, London and City Properties PLC against London Borough of Redbridge Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether or not the removal of condition 7 of planning permission 1158/20 would result in the development being unacceptable, by exacerbating existing parking stress and encouraging higher levels of car ownership, having regard to the evidence available and present circumstances.

Reasons

4. The appeal site comprises a substantial building, which is currently in use as an NVQ Training Centre and was previously used as a clinic. It shares an existing vehicular access and rear car park with the adjacent respite centre known as Green Lodge.
5. I visited the site on a Sunday afternoon and again on Monday morning. Although these visits only represent small snap shots in time, and although Covid-19 lockdown restrictions were in place, I observed during both visits that traffic volumes were low and there was no shortage of spaces to park a motor vehicle in along the public highway. This was despite that fact that most people were likely to have been at home on a lockdown Sunday afternoon. The parking survey submitted by the Appellant, which was undertaken prior to the pandemic and covered numerous dates and times, also confirms that on street parking is generally available in the area and is most restricted during the day time when commuter parking takes place. The council has not submitted any evidence of its own to contradict these findings.
6. Many of the residential properties on Madeira Grove benefit from off street parking spaces to the front or rear. The western side of the road is bound by a railway line rather than buildings and has unrestricted parking. I did not see any residents parking permit scheme in place or any particular need for one, given that most dwellings in the area already have some off street parking and there was no shortage of on street parking. Given the proximity of the site to Woodford Station, a car rental place, a range of shops, bars, restaurants and other services at the end of the road, future occupants of the development would be unlikely to require a car to meet their daily needs.
7. The council accept that there is no parking permit scheme in place on Madeira Grove at the present time. However, the council is planning to undertake a consultation exercise, which depending on the outcome, could result in future parking restrictions in the area. In my view this proposed consultation exercise on a potential future parking permit scheme can be given very limited weight as a material planning consideration at this early stage due to its uncertainty.
8. In the absence of an existing or approved controlled parking zone, a condition to prevent future occupiers of the development from applying for a permit to use in a parking zone that does not and may not ever exist would in my view be unreasonable and unnecessary.
9. In reaching this view I have had regard to the fact that the proposed development is unlikely to generate a greater demand for on street parking than the current use of the site as a training centre or its previous use as a clinic. I have not been advised that there are any planning restrictions in place on the existing building on the site that would prevent its users from parking both on site and on the public highway. There is nothing before me to suggest

that the proposed development would increase or exacerbate any existing parking stress over and above that of the existing use.

10. Both parties agree that the level of on-site car and cycle parking proposed is appropriate to a development of this scale and location. Accordingly additional off-site parking would not be necessary, particularly given the highly sustainable and accessible location of the site, which is not disputed. The proximity to and availability of public transport in the area means that the proposed flats are likely to attract occupants that do not own a car.
11. I therefore conclude that the disputed condition, to restrict future occupants of the development from applying for a permit in a controlled parking zone that does not exist, is not necessary in order to avoid exacerbating parking stress or to discourage car ownership. The condition does not meet the tests set out at paragraph 55 of the National Planning Policy Framework (the Framework) and should be removed.

Conditions

12. I have not been provided with the full details of the original planning application or of all relevant planning policies. Accordingly I have been unable to fully assess all of the previously imposed conditions against the tests set out in the Framework and Planning Practice Guidance. The time limit within which development must commence has been amended to reflect the date of the original planning permission. The approved drawings and documents have been conditioned for certainty as to what has been approved. As I have not been advised that any conditions have been discharged, I have re-imposed conditions relating to materials, boundary treatments, controls during construction, water consumption and accessibility.

Conclusion

13. For the reasons given above I conclude that the appeal is allowed.

Rachael Bartlett

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall commence no later than 19 June 2023.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 534/19-01, 534/19-02, 534/19-03 Rev B, 534/19-04 Rev A, 534/19-05 Rev B, 534/19-06 Rev B, 534/19-07 (Proposed Hard & Soft Landscaping), 534/19-07 (Existing Ground Floor Plan), BS5837 Arboricultural Impact Assessment, Tree Preservation Order Plan, 3762-1, N01-CC-Transport Technical Note D1 (190520), Daylight and Sunlight Report.
3. Before development above ground commences at the site, details/samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with these approved details.
4. Before the development hereby permitted commences at the site, a scheme shall be submitted to and approved in writing by the Local Planning Authority describing the means by which construction traffic to and from the site shall be controlled. The scheme shall include measures for:
 - 1) construction traffic routes;
 - 2) construction traffic washing;
 - 3) public highway cleaning;
 - 4) dust suppression;
 - 5) noise suppression;
 - 6) hours of work;
 - 7) construction waste disposal.The development shall thereafter be carried out in accordance with the approved scheme.
5. Details of any new walls or fences to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority prior to their construction. The walls and fences shall be constructed in accordance with the approved details and retained as such thereafter.
6. The development hereby approved shall be designed to meet water consumption target of 105 litres per person per day, with an additional 5 litres per person per day for external water use.
7. The dwellings shall comply with Building Regulations Operational Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development.