



Appeal Decision

Site visit made on 22 June 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 03 DECEMBER 2021

Appeal Ref: APP/E5900/W/20/3263929
27-33 Bethnal Green Road, London E1 6LA

- 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 Chopra Manufacturing Co. against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/01070, dated 22 May 2021, was refused by notice dated 25 September 2020.
 - The development proposed is construction of single storey building A1 use in existing yard.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - (i) Whether the proposal would provide suitable bicycle storage;
 - (ii) the effect of the proposal on highway safety; and
 - (iii) the effect of the proposal on amenity of neighbouring occupiers.

Reasons

The provision of cycle parking

3. A total of twenty-two spaces for bicycles would be provided. Six would be allocated for use by those using the proposal, with two spaces reserved for customers, the remaining spaces would be for the surrounding units. The spaces would be accessible from the highway and all users would have independent access.
4. However, in order to secure the cycle provision for use by future occupiers of the appeal site and the previously permitted schemes it would be necessary to demonstrate that the storage could be managed by several parties. I do not consider that it would be possible to attach a condition to this scheme that would provide for such a management scheme to be agreed at a later date, I do not consider that such condition would meet the test of enforceability.
5. I find that, whilst the site is capable of providing an adequate level of bicycle parking, having regard to the number of users of the space from separate

units, it has not been demonstrated that the proposal would retain access for all users of the bicycle parking.

6. Whilst the scheme before me is modest, the use of the area would be affected by a number of units, all of which would need to be involved in managing the area effectively. The evidence does not demonstrate how this could be achieved. Concerns raised in relation to previous permissions are noted, however there are alternative avenues to pursue such concerns with the Council in this regard.
7. I find that, whilst the proposal would comply with Policy D.TR3 of the Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits' in respect of the level of parking for bicycles proposed, it would not be possible to secure a condition that would meet the necessary tests such to ensure that the bicycle parking could be enforced.

Highway safety

8. Club Row serves a number of commercial units, there is a small loading bay on the opposite side of Club Row to the appeal site. It is clear that this is used throughout the day for servicing of the properties along Club Row. At present, the existing site is used as a servicing yard and vehicle parking area by the current commercial occupier 'Urban Interior'. This yard was granted approval to be used as a servicing yard for the 4x A1 units approved under PA/19/02089. This arrangement was considered sound at the time of determination.
9. The proposal would render the existing yard unusable for the adjacent units and the proposed unit, and as a result occupiers associated with the adjacent units and the appeal site would have vehicles parking in the highway in order to service them. Club Row forms an intricate link in the highway network between Arnold Circus and Bethnal Green Road. I note that the expectation would be for approximately 10 deliveries a day for the proposed unit and those units previously benefitting from the yard. This of course may be subject to change depending on the occupancy of the units. In order to service these units, it would be necessary to either park and cross the road, which carries two-way traffic, or to park illegally outside of the site. The first option would be dependent on the types of goods being delivered as to its suitability, and it is likely that the second option would become more commonplace. This would create a clear highway obstruction during delivery slots. Having regard to the fact that a number of businesses along Club Row are already serviced in this manner, I consider that permitting a scheme which would remove an existing service yard and contribute to on-street pressures would be dangerous to road users and those using the pavement.
10. I find that the proposal would result in obstruction on the public highway, on the basis of the evidence I consider that this may be detrimental to highway safety. According the proposal would conflict with policy D.TR4 of the Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits'

Amenity

11. There are residential units in relatively close proximity to the site. However, the existing residential units are surrounded by plant and located in an urban area. Having regard to the location of the proposed air conditioning units at a much lower level and further distance from residential units, I do not consider that

the air conditioning units would result in unacceptable levels of noise such to be harmful to the living conditions of neighbouring occupiers.

12. Accordingly, I find that the proposal would not be harmful to living conditions of surrounding occupiers in respect of the location of the air conditioning units. It would comply with policy D.DH8 of the Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits' which advises that development must not create unacceptable levels of noise during the construction and life of the development.

Other matters

13. The appeals site is located within the 'City Fringe Activity Area' which is considered as an area for economic growth. It is noted in the 'Tower Hamlets Plan 2031' that; "Ensuring adequate space is available to meet the needs of small-to-medium businesses remains a challenge". Policy S.SG1 confirms that new development in the borough will be directed towards the City Fringe and highlight accessible locations which have good links to public transport, walking and cycling networks. I accept that the appeal site has a PTAL rating of 6a, which represents a high level of accessibility. However, the level of accessibility does not change the need for vehicles to make deliveries to the site, and the consequential impact on highway safety as a result of the loss of the yard.
14. I note that other applications have been allowed in the area with differing requirements. However, the details of those schemes are not before me in order for me to make a meaningful comparison, and in any event each scheme should be determined on its own merits.

Conclusion

15. The proposal would conflict with the development plan when taken as a whole. There are no material considerations, including the aim to meet needs of smaller businesses, that would outweigh this conflict. Accordingly, for the reasons above and having regard to all other matters raised, I conclude that the appeal is dismissed.

J Ayres

INSPECTOR