



Appeal Decision

Site visit made on 22 June 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2022

Appeal Ref: APP/Z5060/W/21/3281879

194 - 200 High Road, Chadwell Heath RM6 6LU

- 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 AA Auto Service Limited against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/01034/FULL, dated 4 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is use of site for repair of motor vehicles (Class B2).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policies forming part of the Local Plan Review 2019- 2037 have been referred to by the Council. As these policies have not yet been subject to formal examination they attract only limited weight.
3. The appellant has submitted a Unilateral Undertaking (the UU) with the appeal, dated 26 January 2022. I have determined the appeal taking this document into account.

Main Issue

4. The main issue is the effect of the development proposed on highway and pedestrian safety.

Reasons

5. The appeal site is close to the junction of High Road and Bennett Road. High Road is a busy route which includes cycle and bus lanes with restrictions on parking, waiting and loading. In contrast, Bennett Road, onto which the appeal site has its frontage and vehicular access, is a predominantly residential street with a school and nursery to the south of the appeal site. There are temporary parking bays on both sides of the road close to the appeal site which serve the shopping frontage, and these allow a maximum stay of four hours. When these bays are occupied, the effective and usable width of the carriageway is substantially reduced. Further south on Bennett Road, parking bays are restricted to resident permits on weekdays between 8.30am and 5.30pm. An extensive area of parking and stopping restrictions also exists outside the nearby school and nursery. At the time of my site visit in the middle of the day, most of the temporary parking bays, as well as the residential bays, were occupied. I have no evidence before me to suggest that such a high level of

occupancy is not also common on other working days or at other times of the day.

6. In combination, the above characteristics create an area of highway in the immediate vicinity of the appeal site that requires great care to be taken by drivers. The appeal site itself is modest in size and, based on the evidence, has very limited capacity to accommodate any waiting vehicles off the street.
7. A similar use was the subject of earlier appeal decisions of 21 September 2021¹. The current proposal seeks to address the concerns raised by that Inspector, in particular through submission of a management plan. This shows that the appeal site would operate in connection with a nearby site in Coppen Road, approximately half a mile from the appeal site, which would be the main site for operations and the location for customers to deliver and collect their vehicles. The appeal site would be used for overspill for general and electric repair works, and vehicles would be transferred there by members of staff.
8. However, there are a number of shortfalls with the management plan, in particular relating to how the measures it contains would be implemented. The plan states it would reduce the prospect of customers arriving at the appeal site by immediately redirecting those customers. It is not clear how this would be achieved and any vehicles awaiting redirection are likely to cause congestion and conditions prejudicial to highway safety outside the site. While staff would transfer the vehicles between the two sites, it is similarly not stated how this would occur, or with what frequency. This could result in a significant increase in the number of vehicle movements and manoeuvres in and out of the appeal site, including at peak times, and additional pressure for parking on the street. As such those measures proposed would be most likely to compromise highway and pedestrian safety.
9. In addition, the management plan would fundamentally link the operation of the appeal site with, and bring control over, a site that is outside the scope of this appeal and of which there is very little detail before me. This adds further to my concerns.
10. On the basis of the evidence, I am not satisfied that the management plan would satisfactorily preserve highway and pedestrian safety in the vicinity of the site. Given the sensitivity of the highways surrounding the appeal site, arising from the above mentioned restrictions and proximity to the school, the appeal scheme would be likely to compromise safe movement of vehicles on the highway, as well as on pedestrians.
11. The proposal would conflict with Policies T1, T2, T3 and T6 of the London Plan 2021, insofar as they seek to ensure that the impacts of development on the transport network are mitigated and ensure safe and efficient use of streets. It would also conflict with draft Policies SP8, DMT1 and DMT2 of the emerging Local Plan 2019- 2037, which together seek to reduce the dominance of vehicles on the streets and promote sustainable means of transport. The development would fail to comply with the objectives of the National Planning Policy Framework which seeks to prevent development where there would be an unacceptable impact on highway safety.

¹ APP/Z5060/C/19/3236146 and APP/Z5060/C/19/3236143

12. The proposal would not conflict with Policy BP6 of the Borough Wide Development Policies Development Plan Document 2011 which relates to space standards for new dwellings.

Other Matters

13. The Council have suggested amendments to the UU and the management plan, which include a period for amendments to the plan, a review mechanism and specific requirements relating to management of the site. These would appear to incorporate obligations on the Council as well as the appellant and owners of the Coppen Road site, neither of whom are party to the UU. I do not have such an agreement before me, and, in any event, for the reasons detailed above, given the sensitivity of the immediate area in highway terms, I consider these matters to be fundamental to the acceptability of the proposed development so should not be deferred for later approval.

Conclusion

14. The development would be contrary to the development plan as a whole. This conflict is not outweighed by other material considerations in this instance and the appeal should therefore be dismissed.

C Shearing

INSPECTOR