



Appeal Decision

Site visit made on 11 May 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/N5660/W/22/3304237

Access Self-Storage, 516 - 522 Streatham High Road, London SW16 3QF

- 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 Access Self-Storage against the decision of London Borough of Lambeth.
 - The application Ref 21/04124/VOC, dated 22 October 2021, was refused by notice dated 4 February 2022.
 - The application sought planning permission for: Variation of condition 32 (Approved Drawing References) of planning permission 08/03715/FUL (Demolition of existing buildings and the erection of a four storey building (plus basement) comprising 12,961 sq m of self storage floorspace (Class B8) and 619 sq m of offices (Class B1) with off street car parking for 19 cars and 28 cycle storage spaces together with associated landscaping works) granted on 18.12.2008 without complying with a condition attached to planning permission 19/02577/VOC dated 17 September 2020.
 - The condition in dispute is No. 2 which states that: *"The opening hours of the premises shall not exceed the following: Self-storage use: 7am – 11pm Monday to Friday, 7am – 10pm Saturday and 10am to 4pm on Sundays and Public Holidays and the office use: 8am – 7pm Monday to Friday, 8am to 5pm on Saturdays and at no time on Sundays and Public Holidays."*
 - The reason given for the condition is: *"In order to protect the residential amenity of the locality in accordance with Policy Q2 of the Lambeth Local Plan (2015)."*
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal property was constructed under a 2020 planning permission subject to condition 2, which restricts its opening hours. The main issue is the effect of the removal of condition 2 and the site's subsequent 24 hour use, on the living conditions of occupiers of neighbouring properties with regard to noise and disturbance.

Reasons

3. The site comprises a large purpose built building for self-storage and offices. It faces onto Streatham High Road, with roller shutter doors for vehicle entry off Kempshott Road, and exit onto Penistone Road. These roads are predominantly residential, including some dwellings directly adjacent and opposite the building.

4. Indicative trip generation is informed by another of the appellant's nearby unrestricted opening hours stores, which shows very low levels of vehicular activity between 2300 and 0700. However, with data from only one comparison rather than from multiple stores, it is difficult to be confident that visits to the appeal store would be as low. The appeal store comprises nearly double the self-storage floorspace, as well as less office space.
5. The appellant provides various noise assessments, with the most recent¹ ('the Survey') based on surveys of background noise undertaken in November 2020, and of larger vehicles specifically accessing the site in July 2022. I note that internal noise is not a concern, as details of the acoustic absorption from the unloading area were already approved in April 2021² to satisfy condition 28.
6. My visit identified that the shutter doors open and close without obvious noise in daytime conditions, other than a short-term 'squeak' as acknowledged in the appellant's evidence. However, my concern with the Survey is more focused on aspects which were not, or could not be, measured.
7. The Survey assessed the noise between midnight and 0100 generated by a transit van and a flat-bed truck on entering and exiting the building, and driving down the adjacent streets. The appellant suggests that their noise was generally indistinguishable against the average ambient night-time noise climate of mid-50s to mid-60s dB (the L_{Aeq}), which includes regular road traffic on Streatham High Road, and occasional closer vehicles passing. However, the time histories show that there would be a quieter background noise of around 40 to 50dB (the L_{A90}) between the night-time hours of 2300 and 0700. The noise generated by the entrance and exit manoeuvres would therefore be likely to exceed the background noise levels during this period..
8. Furthermore, the vehicles used in the Survey were 3.5 tonnes, whereas 7.5 tonne vehicles could enter the site. An interested party has identified that some vehicle queues occur, and that lorries commonly wait at the site entrance which would add further noise. While less likely during the night due to lower visits overall, there would ultimately be no restrictions on the potential number of visits which may occur during the night.
9. Importantly, in order to enter the building, the vehicle doors need to be opened and closed. This short and sharp sound would be generated by every visit, alongside the potential for noise to spill out from the vehicle such as a radio or passengers talking. The gradient on exiting also increases the potential for drivers to need to rev their engines to accelerate upwards and pause while pulling out around parked cars. All these aspects have not been taken fully into account in the noise modelling. Such disturbance is also less easy to quantify than general traffic noise or the mechanical noise of the roller shutters, notwithstanding the inclusion of the acoustic feature penalties for the intermittency and impulsive noise character.
10. On the basis of the above aspects in totality, I find the evidence does not satisfactorily demonstrate that extended opening hours to the self-service unit would not cause disturbance to the living conditions of neighbouring residents. The potential noise, even if not occurring often, would be unaccustomed during night-time hours, likely to be audibly obtrusive, and thus likely to affect sleep.

¹ Night-Time Operation Assessment, clarke saunders acoustics, July 2022

² 20/04524/DET

11. In considering a 24 hour office use within the building, this would not generate significant internal noise. However, there is the potential for noise and disturbance to be generated around the access point on Kempshott Road and the cycle store access on Penistone Road. These are very close to the adjacent properties, and therefore conversations or other noise from the movements or congregating of office workers has a high potential for disruption. I have insufficient information before me as to potential numbers of workers, and how often and how the building may be accessed outside of the currently approved timings. Again, I cannot be certain that the increased office opening hours would cause no harm.
12. Overall, condition 2 is necessary and reasonable. The effect of the removal of condition 2 and the site's subsequent 24 hour use would be harmful to the living conditions of occupiers of neighbouring properties, with regard to noise and disturbance. This would conflict with Policy Q2 of the Lambeth Local Plan 2020–2035 (2021), Policy D14 of the London Plan (2021), and Paragraphs 130 and 185 of the National Planning Policy Framework ('the Framework') (2021). Together, these identify that developments should create places which have a high standard of amenity for existing and future users, avoid significant adverse noise impacts on health and quality of life, and reduce the adverse impact of noise to an acceptable level.

Other Matters

13. The site lies directly adjacent to the Streatham Common Conservation Area (CA), and the Streatham Lodge Conservation Area. Section 16 of the Framework requires that great weight should be given to the conservation of designated heritage assets. Their significance is as an important public open space, and as a heritage housing estate. The appeal site is outside of both, and increased opening hours would not affect their physical appearance or how they are experienced. The proposal would therefore have only a very marginal impact on the character of their setting, such that the significance of their character and appearance would be preserved.
14. While the appellant highlights that unrestricted access is an important part of the business as it provides customer flexibility to visit at any time, I note that only 34 out of their 61 stores nationwide are accessible in this manner. Overnight visits are also presented as uncommon. There is no detailed evidence that longer opening is specifically required at this site. Overall, the private benefit to the business would not outweigh the harm.
15. While consultees including TfL and Transport Lambeth raised no objections, this also does not mitigate the harm which I have identified above.

Conclusion

16. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR