

Appeal Decision

Site visit made on 30 August 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal Ref: APP/A5270/W/16/3146061

30H Park Royal Road, London NW10 7LF

- 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 Mr Fares Alane against the decision of the Council of the London Borough of Ealing.
 - The application, Ref. P/2015/4706, dated 30 September 2015, was refused by notice dated 26 November 2015.
 - The development proposed is described on the application form as ground floor storage changed into restaurant as shown on the drawings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council failed to attend the arranged accompanied site visit. I therefore carried out my inspection on the basis of an 'Access Required Site Visit', which included visiting the premises of adjoining commercial occupiers who have objected to the appeal proposal.
3. I saw on my visit that to a considerable extent works have already been carried out to give effect to the change of use. These measures include the conversion of an outside area to a roofed but open sided 'outdoor' eating area, an indoor dining area and a kitchen. Although there are some works outstanding the application is essentially for retrospective permission and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the change of use from storage to a restaurant on the integrity and effectiveness of the Strategic Industrial Location (SIL).

Reasons

5. The Council's concern is that the proposal for a change of use from storage and distribution (Use Class B8) to a restaurant (Use Class A3) would be in harmful conflict with Policy 2.17 of the London Plan 2015. This is because the premises are located within a SIL designated on the Adopted Policies Map of the Ealing Development Management Development Plan Document 2013. In this regard the policy identifies four categories of development that are acceptable in a SIL,
-

and whilst the appeal scheme is clearly not relevant to categories a, b and c, the position is less clear-cut in respect of category d.

6. This states that a proposal should be for '*small scale 'walk to' services for industrial occupiers such as workplace crèches or cafes*'. My attention has not been drawn to the definition of 'small scale' but the indoor area shown on Plan 4 shows a restaurant with four tables, toilets and a kitchen. This appears to be the area of 62 sqm referred to in the grounds of appeal, although the actual area used as a restaurant, as opposed to the combined extent of the kitchen and ancillary areas, is only about a third of this.
7. Given the fact that this indoor facility (i) has a very limited floor area; (ii) forms only a small part of the overall building of No. 30 in a rearward position more accessible and visible from within the estate rather than Park Royal Road, and (iii) has a parking area of only four spaces which is a modest provision consistent with the PTAL rating level 5 of the area, I consider that this part of the scheme could reasonably be regarded as falling within category d and therefore acceptable in principle.
8. Any loss of B8 floorspace would in my view not be of an extent that would undermine London Plan Policy 2.17 or be in harmful conflict with Policies 1.1(c) and 3.3(a) of the Ealing Development Strategy 2026 DPD 2012. In addition, the provision of a small scale catering facility in close proximity to the main employment premises on the industrial estate would be locationally sustainable through providing meals to local workers, thereby reducing the necessity for them to travel to cafes and restaurants away from the area. I also note that the encouragement of small businesses form part of the Government's more flexible approach to development in the National Planning Policy Framework 2012, whilst the imposition of conditions could address some of the concerns raised in objections to the change of use.
9. However, although not entirely clear from the evidence it would appear that the 'outdoor seating' area, formed by a pergola style but covered roof area over a former access way stretching essentially the full width of the building at No. 30, forms part of the appeal application. As will be clear from paragraph 3 above, I have assumed that it does, but even if I am wrong on this point it is clearly the intention of the appellant to combine this area with the indoor dining area also referred to.
10. In my view this area considerably increases the floorspace of the A3 use and to an extent that might reasonably be regarded as other than 'small scale'. It additionally alters the overall character of the premises to one that is more likely to attract custom from outside the industrial estate. In this context I note that the proposed opening hours are identified on the application form as being from 11am to 3am seven days a week. Even allowing for the possibility of shift workers on the industrial estate, these hours would appear to give substance to the comment in the Council's Delegated Report that the development is more akin to a town centre use than a facility contributing to the functioning of a SIL as required in the aforementioned Policies 2.17 and 1.1.
11. I also note that the recent addition of this covered area is regarded by adjoining industrial occupiers as specifically causing additional practical problems for their business operations, including noise, the restriction of access, loss of light, fire

hazard and the prevention of construction projects on adjoining premises. From my visit to those premises there appears to be a reasonable basis for at least some of those objections, albeit that a number of the perceived problems could potentially be addressed by conditions on any permission.

12. However, I have not considered this option because I consider that in the absence of a detailed and comprehensive justification of the additional covered area, which neither the application itself nor the grounds of appeal provide, the proposal as a whole would compromise the integrity and effectiveness of the SIL, contrary to the local and national planning policies cited by the Council and in this Decision. I have noted the appellant's offer to exclude hot food from the A3 use, but consider that this does not affect the main issue and in this particular location could be difficult to enforce.

Conclusion

13. For the reasons explained above the appeal is dismissed.

Martin Andrews

INSPECTOR