The Planning Inspectorate

Appeal Decision

Site visit made on 10 January 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/G5750/W/16/3159630
30 Bradfield Road, Silvertown E16 2AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Recycled Material Supplies Ltd against the Council of the London Borough of Newham.
- The application Ref 16/00242/COU, is dated 29 January 2016.
- The development proposed is temporary change of use from Residential (C3) to Offices (B1).

Decision

1. The appeal is allowed and planning permission is granted for the temporary change of use from Residential (C3) to Offices (B1) at 30 Bradfield Road, Silvertown E16 2AX in accordance with the terms of the application, Ref 16/00242/COU, dated 29 January 2016, subject to the following conditions:

    1) The office use hereby approved shall at all times operate in accordance with the Flood Warning and Evacuation Plan in Appendix 1 of the submitted Planning Statement (dated January 2016).

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location-RMS/30BFR/LOC/01; Application Boundary-RMS/30BFR/APP/02; Indicative Floor Plans-RMS/BFR/PFP/01.

    3) The use hereby permitted shall be for a limited period being the period until 19 November 2019. The use hereby permitted shall be discontinued and the building restored to its former use on or before 19 November 2019 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Procedural matter

2. The application form in relation to this development indicates that the change of use has already occurred, and my observations onsite confirmed that this is the case. Accordingly, I have considered the appeal on this basis.

Background and Main Issue

3. Following the submission of the appeal against non-determination the Council has not clarified the position it would have taken on the application if it had had

the opportunity to make a decision. Moreover, I have not been supplied with any interested party comments in respect of the development.

4. However, with its appeal questionnaire, the Council included Policy H4 of Newham's Core Strategy (adopted January 2012) (the Core Strategy), which focuses on protecting existing family housing from changes of use. Thus, taken together with my observations onsite, I consider the main issue in this appeal to be whether the change of use would result in the loss of dwelling suitable for family housing.

Reasons

5. The appeal property is the end of a small row of two-storey dwellings in an area otherwise dominated by industrial uses, to which it is immediately adjacent. Previously in residential use, the appeal property had four bedrooms. The application that led to this appeal sought retrospective consent for the change of use of No 30 to provide an office use in connection with the operation of a business on the adjacent industrial site. The use would be temporary as its associated industrial use is due to vacate the area in 2019.

6. Policy H4 of the Core Strategy seeks to protect the borough's existing housing stock. This states firstly, that the Council will resist the loss of housing unless it is replaced with at least an equivalent amount of residential floorspace. Secondly, the policy seeks to protect family housing, and restricts the loss of all family dwellings to flats or houses in multiple occupation, unless exceptional circumstances prevail.

7. In removing a family-sized dwelling from the Borough's housing mix without its replacement with equivalent residential floorspace, the appeal development would be at variance with the first limb of Policy H4 as is relevant to this appeal. However, whilst it has led to the loss of family accommodation, it is not a conversion that results in residential sub-division, and thus the second aspect of Policy H4 is not directly relevant.

8. Moreover, the appeal property is in an area identified in the Core Strategy as a Strategic Site. Policy S3 of the Core Strategy promotes comprehensive re-development of the area including considerable amounts of new housing and a new local centre providing connections to adjacent Docklands Light Railway Stations. I have also been referred to current planning proposals for mixed use redevelopment of the area, including the appeal property, in line with the Core Strategy objectives. This site will provide a significant amount of new housing in the future. Furthermore, I am mindful of the appellant's statement that the appeal property and its immediate residential neighbours are all in a single ownership pending the more comprehensive redevelopment of the site and are thus not available for sale, and only for short-term rent. Indeed I saw onsite that a number of the appeal property's adjacent dwellings appeared to be vacant. Taken together, these matters would reduce the suitability of the appeal property as family housing, particularly over the longer term.

9. Thus whilst the change of use conflicts with Policy H4, any residential use of the property would be temporary pending the area's comprehensive redevelopment, including the supply of a significant amount of new housing. Moreover, in facilitating the temporary use of the appeal property the appeal scheme has provided a viable 'meanwhile' use in line with Policy SP1 of the Core Strategy. Thus whilst the change of use results in the temporary loss of a

limited amount of family housing and thus conflicts with Policy H4, the material considerations outlined above clearly outweigh this conflict.

Conditions

10. I have been supplied with no list of suggested conditions from the Council in respect of this development. However, I note that the appeal property is within Flood Zone 3. As part of its Planning Statement, the appellant produced a Flood Risk Assessment to accompany their application, and I consider it both reasonable and necessary to attach a condition requiring the approved use to comply with the submitted Flood Warning and Evacuation Plan.

11. In the interests of certainty, and to comply with the advice contained in the Government's Planning Practice Guidance I have attached a condition specifying the approved plans.

12. The temporary nature of the change of use is an integral element of the description of development. Consequently, I have attached a condition that limits the permitted change of use up until 19 November 2019 the date given in the appellant's supporting Planning Statement.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR