
Appeal Decision

Site visit made on 22 November 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/Z5060/W/16/3156585

6-8 Thames Road, Creekmouth, Barking, Essex IG11 0HZ

- 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 Jariq Mahmood against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 14/00464/FUL, dated 28 April 2014, was refused by notice dated 29 February 2016.
 - The development proposed is the change of use of a part of an existing warehouse/storage floor space to banqueting facilities and ancillary storage.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a part of an existing warehouse/storage floor space to banqueting facilities and ancillary storage at 6-8 Thames Road, Creekmouth, Barking, Essex IG11 0HZ in accordance with the terms of the application, Ref 14/00464/FUL, dated 28 April 2014, subject to the following conditions on the attached Schedule A.

Procedural Matters

2. The Council has drawn my attention to the internal layout of the site which is different to that shown in the submitted plans. My decision is based on the application proposal and associated plans before me, including an amended ground floor plan within an updated Transport Assessment (TA). I am satisfied that the Council has been able to consider the plan and TA as it was submitted before the refusal of the planning application. During the appeal, the Appellant was consulted on the Council's suggested planning conditions if the appeal was to be allowed.

Main Issues

3. The main issues are whether the proposed use is acceptable within (a) London Riverside Opportunity Area, having regard to local and national planning policies, and (b) the adequacy of the proposed parking provision, and any consequent effects on traffic and highway safety.

Reasons

The London Riverside Opportunity Area

4. The appeal site lies within the River Road Employment Area which is identified as Strategic Industrial Location (SIL) in the London Plan (LP) 2016. Both LP Policy 2.17 and Barking and Dagenham Core Strategy (CS) 2010 policy 3 seek
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to protect employment land within SILs by requiring the refusal of planning applications for non-industrial and related uses.

5. However the appeal site also lies within with an area covered by the London Riverside Opportunity Area Planning Framework (OAPF) 2016. This is a Supplementary Planning Guidance siting alongside the LP and the Borough's development plans. It provides a policy vision for the London Riverside with the creation of new residential communities and sustainable industries and under the OAPF, residential development would be promoted for the appeal site and the surrounding area.
6. The Council has not sought to raise an objection with regard to the safeguarding of employment land under both the LP and CS and indicated that the OAPF is an important material consideration highlighting a direction of travel for the forthcoming Local Plan reviews. In this regard, the OAPF sets out the mayor of London's strategic priorities and long term vision for the area in the next 20 years. On this basis, I have no reason to disagree with the Council's position that the proposal should be judged against the vision and priorities of the OAPF rather than the LP and CS employment policies.
7. Under the OAPF, the area surrounding the appeal would be likely to be developed for housing in a phased manner. As a result, there is a potential for new housing to be promoted whilst the proposed use is operating if planning permission is granted. The proposed banqueting and ancillary storage uses would generate traffic and activity, and associated noise and disturbance. However, the appeal site lies within an industrial area where there would be expected to be a certain amount of noise and disturbance which the design and specification of any new housing would need to take into account in any case.
8. A recent review of a premises licence has been brought to my attention which followed two incidents reported by the police. However, there is no evidence that incidents are frequent and the result of the review was not a revocation of the licence but rather a change in the stipulated hours. Consequently, I am not persuaded that the banqueting use would be less neighbourly in its effects than industrial uses in the area or the permitted use for the site.
9. For all these reasons, permitting the proposal would not make the possibility of future residential development less likely and the development would not harm the vision and priorities of the OAPF. Similarly, the proposal would not conflict with policies BR8, BR11 and BR13 of the Borough Wide Development Policies Development Plan Documents (DPD) 2011 which collectively and amongst other matters, requires all existing and future occupiers not to be exposed to unacceptable or harmful levels of noise and general disturbance and that residential amenity be maintained.

Highways

10. The appeal site comprises a substantial sized building and fronts onto Thames Road close to the junction of this road with Creek Road. Despite some bus stops offering services to urban centres in the vicinity, the site has a low Public Transport Accessibility Level (PTAL) rating.
11. The TA indicates that the banqueting use would be mainly concentrated at weekends for a variety of events, mainly weddings, and that there would normally be five main events taking place over this period. Based on a typical

Saturday night of 321 people including staff, the TA indicates a need for up to 122 vehicle spaces based on assumptions of car sharing, use of taxis and minibuses.

12. The proposed plans show provision of 60 car parking spaces surrounding the building within the appeal site which includes disabled car parking spaces and spaces for larger vehicles for minibuses. There are also areas for motorbike car parking and cycle provision. Another 20 car parking spaces would be available on a nearby site controlled by the Appellant and there are also arrangements with other users of nearby sites to provide car parking. However there are no details before me to demonstrate that these additional off-street car parking arrangements would be able to deliver this parking.
13. Consequently, there would be a need for 62 vehicle spaces in the vicinity. The Appellant has estimated that there is street parking provision for a further 80 vehicles within 200m of the site which has not been disputed. The Appellant has not submitted a car parking survey but it would be reasonable to accept available street parking in the area because the industrial uses in the area would be likely to be mainly operating Mondays to Fridays. Furthermore, there is more street parking available beyond the 200m zone identified by the Appellant.
14. Thames Road is a busy arterial road within the Borough and patrons coming to events at the venue would need to drive along the highway to find spaces and park. The TA has provided information on collisions within the area, including casualties. These show measures of serious and fatal casualties, and vulnerable user casualties (pedestrians, motorbikes and cyclists) to be not significantly different from those for the Borough or the Greater London Area. Therefore, there is no heightened safety risk in this area arising from vehicle collisions.
15. There may be times when larger numbers of patrons would be attending the premises than that identified on a typical Saturday night. However, the TA indicates that the banqueting hall would have capacity for up to 350 seats only based on the Appellant's experience which seems realistic given the size of it and the seating arrangements shown to me. Therefore, I am not persuaded that larger events significantly greater than that identified by the TA would occur on a frequent basis. In any case, even with a larger event, there are extensive areas of street parking in the area beyond 200m from the premises and whilst this might be inconvenient for patrons, the evidence before me does indicate that the risk to highway safety would be significant or that the transport impacts would be severe.
16. Connected to the banqueting use, part of the building would have a wedding display showroom but the number of staff and associated visits by customers considering a wedding event would not be great. The Appellant would also have an event management service operating from the site which is for customers with events on the site and elsewhere. In comparison, there would be a greater number of staff are employed and some visiting customers but this is unlikely to generate great parking demands. Therefore, the on-site vehicle parking would be more than adequate to accommodate any need for parking from staff and customers during the week and at weekends, there would be adequate street parking for the reasons previously indicated.

17. For all these reasons, the transport impacts of the development would not be severe subject to planning conditions restricting hours of operation. Accordingly, the proposal would comply with DPD policies BR9 and BR10, which collectively and amongst other matters, requires developments to meet parking standards and for existing transport capacity to be sufficient to allow for travel generated by the proposed development taking into account public transport, pedestrian and cycling infrastructure, road network capacity and safety.

Conditions

18. Suggested conditions have been considered in light of advice contained in Planning Practice Guidance; for clarity and to ensure compliance with the Guidance, I have amended some of the Council's suggested wording.
19. To ensure adequate car parking on the site, a condition has been imposed to ensure provision is made. I have imposed a condition specifying the relevant drawings as this provides certainty.
20. The Council has suggested a condition restricting hours of operation of the banqueting use to those outside of midnight to 7am on any day. Such hours would create car parking problems given the operation of industrial uses on Mondays to Fridays. Given my comments about highways, I have worded a condition restricting hours based on the TA and a recent premises licence. Although this condition extends hours beyond midnight, there would be unlikely to any car issues as many guests would be likely to have gone home by this time. Finally, a condition restricting seating capacity is unnecessary with the imposition of the hours of operation condition and given previous comments about the availability of car parking at weekends.

Conclusion

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

Jonathon Parsons

INSPECTOR

Schedule A

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 14141_001; 14141_002; 14141-003 Rev F and 14141_04.
3. The banqueting hall shown on drawing number 14141-003 Rev F shall only be open to patrons between the following hours: 1900 hours to 0400 hours, Fridays to Saturdays; 1030 hours to 0300 hours, Saturdays to Sundays and 1030 hours to 0300 hours, Sundays to Mondays. The banqueting hall shall not be open to patrons at any other times.
4. The proposed car parking areas indicated on drawing number 14141_003 Rev F shall be marked out in accordance with the submitted details and the accessible parking bays indicated on this drawing shall be clearly marked with a British Standard disabled symbol and the parking areas shall thereafter be retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose with the accessible parking bays being retained for the use of disabled persons and their vehicles and for no other purpose.