The Planning Inspectorate

Appeal Decision

Site visit made on 5 February 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 15 February 2019

Appeal Ref: APP/Z5060/W/18/3211063
Warner Engineering, 58 Winding Way, Dagenham, Essex RM8 2TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr Blane Parker against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 18/00104/PRIND, dated 8 January 2018, was refused by notice dated 8 March 2018.
- The proposed development comprises the change of use of an existing light industrial building B1(c) to residential dwelling C3 usage.

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from premises in light industrial use (Class B1(c)) and any land within its curtilage to two dwellinghouses (Class C3)development at land at Warner Engineering, 58 Winding Way, Dagenham, Essex RM8 2TB in accordance with the terms of the application Ref 18/00104/PRIND, dated 8 January 2018, and the plans submitted with it and subject to the following condition:

    1) No dwelling hereby approved shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to, and approved in writing by, the local planning authority, such drawings to show the position, design, materials and finishes thereof. The cycle parking facilities shall be retained thereafter for the lifetime of the development.

2. In addition to the above, it should be noted that Paragraph PA.2(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) requires that development permitted by Part PA is to be completed within a period of three years starting with the prior approval date. Paragraph W(12) requires that the development must be carried out in accordance with the details provided in the application.

Procedural Matters

3. The Council have described the development as an 'application for prior approval: Notification of a proposed change of use from premises in light industrial use (Class B1(c)) and any land within its curtilage to two dwellinghouses (Class C3)'.

4. Whilst the Appellants first part of the description of the development is similar, it goes on to describe various aspects of the overall development in detail.

5. Taking this into account, I consider that the Councils description of the development is more succinct and accurately reflects the nature of the proposal. I have therefore determined the appeal on the basis of the Council's succinct description of the development, albeit I have also taken account of the detailed information provided by the Appellant.

6. Schedule 2, Part 3, Class PA of the GPDO sets out that development is classed as permitted development if it consists of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

7. This is subject to a number of situations where such development is not permitted, listed under paragraph PA.1, and, importantly to this appeal, the conditions in paragraph PA.2, including PA.2.(b)(i) which relates to the transport and highway impacts of the development. The GPDO also states that regard must be had to the National Planning Policy Framework so far as it is relevant to the subject matter of the prior approval.

8. Since the determination of the appeal notification, the National Planning Policy Framework published in 2012 has been replaced, with the new version being published in July 2018 (the 2018 Framework). Paragraph 212 of the 2018 Framework outlines that the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication.

Main Issue

9. The main issue is the transport and highway impacts of the development.

Reasons

10. The appeal site is located off Winding Way and is largely to the rear of existing residential properties. Whilst several properties have the benefit of dedicated off street parking facilities there is also a high level of on street parking in the area.

11. From the evidence before me, the appeal premise consists of a light industrial building (Class B1(c)) which has six self-contained units. At the time of my site visit the site was not occupied and the Appellant has indicated that it was last occupied around 2011. The proposal involves the conversion of the building to form two one-bedroomed residential units.

12. The main part of the appeal site is not readily accessible by vehicular traffic owing to the narrow width of the driveway (in the region of 2.2 metres) which runs between 56 and 60 Winding Way. Therefore, any vehicular traffic associated with the development would have to park on Winding Way or other nearby streets.

13. However, this is also the existing situation. Should the building come back into commercial use, it would be likely to generate traffic levels and parking demand far in excess of what would be generated for the residential use, including commercial vehicles. That said, I acknowledge that the peak

residential demand for parking in the area would be during the evenings and weekends, whilst the industrial premises peak time would be during the daytime.

14. At my site visit, I saw that there were some on street parking spaces available in the vicinity of the site. However, my visit was during the day when some residents would be away at work. It was also a snapshot in time. In addition to my observations the Appellant has undertaken a parking stress survey which has shown that there is some limited parking capacity in the area, albeit the section of Winding Way at the appeal site entrance was fully occupied in the survey. My attention has also been drawn to a public car park on Beacontree Avenue, although given the availability of other nearer on street parking spaces I have given this very little weight.

15. I am also conscious that the appeal site is located close to two bus routes (Nos 364 and 368) which provide access to nearby services and allow connections to other public transport routes. To my mind, these services would allow access to nearby facilities without the need to rely on the private motor vehicle.

16. Concern has also been raised over access by emergency service vehicles, and in particular fire appliances. However, from the Council Officers report, the London Fire and Emergency Planning Authority did not raise any objection to a previous residential application which had similar access arrangements. I also consider that the development would not give rise to any significant difference to the existing situation and at the time of my site visit I observed that it would be possible to get such an emergency vehicle to the site entrance.

17. Taking all of the above factors into account I consider that the development would not have any significant transport and highways impact to the surrounding highway network. This is particularly the case when the lawful use of the premises is also taken into account. Therefore, the transportation and highway impacts of the proposal is acceptable and condition PA.2.(b)(i) is satisfied. The development would also accord with the overall aims and objectives of Policy 6.13 of The London Plan (2016), and Policies BR9 and BR10 of the Barking & Dagenham Borough Wide Development Policies Development Plan Document (2011) which amongst other matters seek to ensure that suitable parking provision is made for development and that changes of use are assessed with their potential impact on the surrounding transport and road network in mind.

18. The Council have also confirmed that the development accords with all of the other criterion for the proposal to be 'permitted development' and I have no reason to disagree with that view.

Conditions

19. Paragraph W(13) of the GPDO allows prior approval to be granted subject to conditions that are reasonably related to the subject matter of the prior approval. However, the Council have not provided a list of suggested conditions.

20. Notwithstanding that, I consider that a condition is required in relation to the provision of secure cycle parking to further encourage sustainable transport alternatives to the car.

Conclusion

21. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be allowed and prior approval granted.

Chris Forrett

INSPECTOR