



Appeal Decision

Site visit made on 24 May 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 JUNE 2023

Appeal Ref: APP/Z5060/W/22/3303614

Unit 22, Firtree House, Creek Road, Barking IG11 0JH

- 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 Yaseen Mukith of Tamak Ltd against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 22/00772/FULL, dated 9 May 2022, was refused by notice dated 8 July 2022.
 - The development proposed is the change of use from B8 Warehouse and distribution/Storage to Cafe & Coffee shop (Class E) with Sui Generis use as a shisha lounge.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning appeal was submitted retrospectively, and the proposal appeared to be in situ at the time of my visit. I have determined this appeal on that basis.

Main Issues

3. The main issues are whether the proposal would represent an appropriate use of the site with regards to:
 - Adopted development plan policy in respect of employment areas; and
 - Emerging development plan policy in respect of comprehensive redevelopment.

Reasons

Employment Area

4. The appeal site is located within the River Road Employment Area Strategic Industrial Location (SIL). Policy CE3 of the Barking and Dagenham Core Strategy 2010 (Core Strategy) sets out that the Council will safeguard, promote and manage SILs, and that land within these locations will not be released for other purposes. The reasoned justification for the policy recognises that this land forms a vital part of the capital's main reservoir of industrial capacity that must be protected.
5. The appellant contends that the proposal offers a complementary facility to surrounding commercial uses, and that it would offer access to food and

refreshments for those working in the area. Reference is also made to a lack of similar uses within walking distance of this industrial estate.

6. However, the appeal proposal includes a shisha lounge, which is a form of use which goes beyond the services provided by a café. The proposed hours of operation also go beyond normal working hours, extending to late at night as well as early in the morning at weekends. Even allowing for the 24-hour nature of some operations on this employment area, the appeal proposal would appear to relate to a leisure use more appropriate to a town centre, rather than a use which could be seen as a complementary service for an industrial estate.
7. I am mindful that the proposal would generate employment. However, this benefit could also be achieved by the proposed use in a more suitable location. It has also not been demonstrated that the site is no longer needed for an employment use more appropriate to this location.
8. I conclude that the appeal proposal would be an inappropriate use in this designated employment area, and would conflict with Policy CE3 of the Core Strategy and Policies E5 and E7 of the London Plan 2021 in respect of the safeguarding of SILs.

Comprehensive Redevelopment

9. The Council has highlighted its redevelopment plans for the area, and the Council's officer report states that it seeks to deliver a thriving mixed-use neighbourhood with a rich mix of industrial and commercial space alongside new homes, community uses, schools and open space. The site is within an 'intensification zone' which seeks to provide a mix of industrial units to suit different users. As a non-industrial use, the proposal would conflict with this aim.
10. Based on the evidence before me, the redevelopment proposals stem from the Council's Draft Local Plan 2037 (DLP). I have been provided with extracts from the Second Revised Regulation 19 Consultation Version of the DLP, in particular Policies SPP2 and SPDG1 which relate to Barking Riverside and delivering growth. However, no further evidence has been provided on matters including any outstanding objections to these policies. It is also possible that the policies could be amended or deleted as a result of the examination into the overall soundness of the DLP. As a consequence, I can afford these policies only limited weight as material considerations in this matter at this time, even given the stage of preparation of the DLP.
11. Furthermore, any development proposals arising from the DLP would take time to emerge. The appellant emphasises that there are no current planning applications for the redevelopment of this part of the site, and has suggested that the appeal be allowed subject to a condition limiting permission for 3 years. Given the limited weight I afford to emerging planning policies, as well as a lack of definite redevelopment proposals, I consider that the appeal proposal would not prejudice the comprehensive redevelopment of this area subject to planning permission being granted for a temporary 3 year period.
12. Subject to an appropriate condition in respect of the duration of planning permission, the appeal proposal would not conflict with Policies SPP2 and SPDG1 of the DLP and Policies E5 and E7 of the London Plan which together seek to deliver growth to the area.

Conclusion

13. Notwithstanding my conclusion in respect of comprehensive redevelopment, the proposal would be contrary to development plan policy in respect of the safeguarding of SILs. The proposal would therefore be contrary to the development plan as a whole with regards to safeguarding this employment area SIL.
14. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR