



Appeal Decision

Site visit made on 30 April 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 MAY 2024

Appeal Ref: APP/B5480/W/23/3332181

12C Salamons Way, Rainham RM13 9UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Obilo (Blazing Bowls Ltd) against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0818.23.
 - The development proposed is change of use of industrial unit for a Class B8 use.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of industrial unit to Use Class B8 (Storage or Distribution) at 12C Salamons Way, Rainham RM13 9UL in accordance with the terms of the application Ref P0818.23 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BBL/PP/11 Site Location Plan; BBL/PP/12 Proposed Block Plan; BBL/PP/13 Existing Floor Plan; BBL/PP/14 Proposed Floor Plan.
 - 3) Before the change of use hereby permitted commences, a parking plan shall be submitted to and approved in writing by the local planning authority. When the use hereby permitted commences, the area set aside for vehicle parking shall be retained permanently thereafter for the parking of vehicles visiting the site and shall not be used for any other purpose.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application. However, I have slightly adjusted the wording in my decision above, for clarity.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. However, insofar as the contents are relevant to this appeal, the Framework has not changed.

Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to comment on the revised Framework.

Main Issues

4. The main issues are:

- the effect of the proposal on neighbouring occupiers, with particular regard to noise, disturbance and outlook; and
- highway safety, with particular regard to parking.

Reasons

Effect on neighbouring occupiers

5. The appeal site comprises an industrial unit with an enclosed rear yard. It is in a relatively large industrial estate.
6. B8 uses could reasonably be expected to generate noise through deliveries, loading, unloading, vehicle manoeuvres and potentially from mechanical plant. However, the unit is surrounded by industrial, storage and distribution premises, some of which also have potential to generate this type of noise and activity. The estate is between the busy A13 and the River Thames. There is no pertinent evidence before me that noise sensitive uses, such as housing, schools or hospitals, are located nearby. Therefore, the proposed use is in a location where the likelihood of disturbance from noise would be low.
7. In these circumstances and bearing in mind the relatively small scale of the unit in question, I do not consider an acoustic report would be a reasonable requirement. No policy seeking such a report for a proposal of this type, scale or location has been brought to my attention. For the same reasons, the justification for the conditions suggested by the Council's Public Protection Officer is not sufficiently clear or precise for these conditions to meet the test of necessity.
8. The existing yard could be used for external storage. I observed other yards in the industrial estate being used in this way, which is usual for this type of area. Notwithstanding that there are few details of the type of storage anticipated for the yard, this aspect of the proposed use would not be likely to have a materially detrimental effect on the outlook of neighbouring occupiers. In any event, these occupiers are businesses and would not reasonably expect an outlook comparable to that expected by residents.
9. Should it be demonstrated that any future activity in the unit did not fall into the B8 use class, this would be a matter for the Council to consider in relation to its enforcement powers.
10. For the above reasons, I conclude the proposal would not have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. Accordingly, I find no conflict with Policy 19 of the Havering Local Plan 2021 (HLP), which encourages and promotes business growth and supports the development of business spaces to meet the needs of small and medium enterprises; or with HLP Policy 26, which promotes high quality design. I also find no conflict with the Framework, which requires decisions to make provision for storage and distribution operations at a variety

of scales and in suitably accessible locations and requires decisions to ensure new development is appropriate for its location.

11. HLP Policy 7 deals with residential design and amenity, so is not directly relevant to this main issue. As HLP Policy 24 relates to parking, I shall consider it under the next main issue.

Highway safety

12. During my visit, I observed a high level of on-street parking near the appeal site and few parking controls. There would be a risk to highway safety if additional vehicles were to park on the carriageway and/or footways near the site. However, there is space for vehicles to park in the site's enclosed yard.
13. The planning statement that accompanied the original application gives details of the anticipated nature and frequency of deliveries to the site, and the type of vehicles that would be used. A condition requiring agreement of a parking plan for these vehicles, as well as any cars used by staff, would provide clarity that adequate off-site parking could be provided and retained for this purpose. This condition is necessary to mitigate the risk to highway safety identified above. It needs to be a pre-commencement condition to give certainty on this matter before the change of use takes place. The appellant has agreed the condition.
14. For the above reasons, I conclude the proposal would not have a harmful effect on highway safety, with particular regard to parking. Accordingly, I find no conflict with HLP Policy 24, which supports development proposals that consider parking provision as an integral part of the design process and provide adequate off street servicing arrangements for commercial vehicles. I also find no conflict with HLP Policies 19 and 26. I also find no conflict with the Framework, which states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.
15. HLP Policy 7 deals with residential design and amenity, so is not directly relevant to this main issue.

Conditions

16. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. The reason for the condition on parking is set out above.

Conclusion

17. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR