

# Appeal Decision

Site visit made on 2 October 2024

**by M Ollerenshaw BSc (Hons) MTPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 November 2024**

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**Appeal Ref: APP/Z5060/W/23/3334100**

**Unit 2, New England Estate, Gascoigne Road, Barking IG11 7NZ**

- 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 and Mrs N and M Vezenkova and Vezenkova against the decision of the Council of the London Borough of Barking and Dagenham.
  - The application Ref is 23/00748/FULL.
  - The development proposed is retrospective application for the change of use of the ground and first floor offices (B8) to ancillary shop (E) and ancillary school (F1).
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## Decision

1. The appeal is allowed and planning permission is granted for the change of use of the ground and first floor offices (B8) to ancillary shop (E) and ancillary school (F1) at Unit 2, New England Estate, Gascoigne Road, Barking IG11 7NZ in accordance with the terms of the application, Ref 23/00748/FULL, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 01 Rev 1 - Location Plan, 09 Rev 01 - Existing Ground Floor Layout Plan, 10 Rev 01 - Existing First Floor Layout Plan, 10 Rev 4 - Existing Site Plan, and Transport Statement and Travel Plan (dated 24 April 2023).
  - 2) The school hereby approved shall only be used between 1600 and 2000 hours on Mondays to Fridays and between 0900 and 1800 hours on Saturdays and Sundays.
  - 3) The school hereby approved shall be used by no more than 14 children and 2 staff members per class at any one time.

## Preliminary Matters

2. The development has already commenced. I am therefore dealing with the appeal retrospectively. In the decision above I have used the description of development as stated on the decision notice, save for reference to "retrospective application" as this is not an act of development.
3. The Barking and Dagenham Local Plan 2020-2037 (Local Plan) was adopted in September 2024 following the refusal of the planning application. The Local Plan policies supersede the Borough Wide Development Plan Document and Core Strategy policies referred to in the reasons for refusal. Both parties had the opportunity to comment on the implications of this for the appeal.

4. The appellants submitted a noise impact assessment with the appeal. This was not before the Council at the time of the planning application. However, it does not change the substance of the proposal and the Council had the opportunity to comment on it. Therefore, the Council and interested parties would not be prejudiced by my acceptance of this information.
5. The Council confirms that the noise impact assessment addresses the second reason for refusal relating to noise. I have no reason to find otherwise, and I have not therefore considered this issue further.

### **Main Issue**

6. The main issue is the effect of the development on the Locally Significant Industrial Site and the viability of the existing warehouse.

### **Reasons**

7. The appeal site is a commercial unit comprising a class B8 warehouse with two storey offices. There is a loading bay to the western side of the warehouse and a parking area beyond that. Vehicle access to the site is obtained via Gascoigne Road and there is also a pedestrian access from Abbey Road. The site is at the edge of an industrial estate and is adjacent to other commercial premises to the south and east, with an apartment block to the north.
8. The site is part of the Gascoigne Locally Significant Industrial Site (LSIS), which is afforded protection by Local Plan Policies SP5 and DME 1 and London Plan Policies E6 and E7. Policy DME 1 states that release of LSIS will only be considered in accordance with London Plan Policy E7. Amongst other things, Policy E7 supports the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land. It also requires that any development on-site or LSIS must not compromise their continuous efficient function, access, service arrangements and days/hours of operation.
9. Within the former offices a shop has been formed at ground floor level with two classrooms above. The education use does not operate during normal school hours, but instead provides extracurricular teaching. The warehouse, shop and school are a single planning unit. It serves the Bulgarian community, with the shop and school being ancillary to the warehouse.
10. A small proportion of the site is occupied by the shop and school, and there has been no loss of warehouse floor space. The evidence indicates that the offices were redundant for the warehouse operation. The proposal therefore makes efficient use of the offices which may otherwise have remained vacant.
11. I acknowledge the Council's concern that this mixed use results in a loss of employment floor space. However, rather than undermining it, the shop appears to support the viability of the business since the goods sold are from the warehouse. There is no indication that there has been a loss of employment. Indeed, as the proposal provides employment, including for four members of teaching staff, the reverse seems to be the case. Therefore, the proposal arguably represents an employment intensification of the site.
12. The school operates after school during weekdays and at weekends and therefore largely outside normal business hours. Furthermore, the appellants' Transport Statement shows only a relatively small number of vehicle movements arising from visitors, the majority of whom appear to arrive via

public transport, walking or cycling. Given the low number of visitors and the restricted opening times, I consider it unlikely that the proposal has any significant effect on the operations of the warehouse or adjoining businesses in terms of access, service arrangements and hours of operation.

13. The Council has concerns over the safety of the route through the industrial estate for children accessing the site on foot. However, there is nothing to indicate there has been a conflict between pedestrians accessing the site and delivery/servicing vehicles or that there is a particular safety issue here. The Transport Statement shows that there have been no recorded incidents within proximity of the site that can be directly linked to the development.
14. Most pedestrians appear to arrive via the gated access on Abbey Road, which is well away from the warehouse, rather than through the industrial estate. For the low number of visitors arriving by car, a small, dedicated car park and a walkway are to be provided. These are located such that no significant obstruction to the service area of the warehouse would occur. This walkway would also provide pedestrian connectivity to the existing pavements through the industrial estate, should any pedestrians arrive from that direction.
15. In the relatively lengthy period during which the development has operated, there appear to have been no complaints from occupiers of the neighbouring commercial units. Therefore, the evidence before me does not indicate that the development is incompatible with the warehouse or the LSIS, and the Council has not provided any substantive evidence to suggest otherwise.
16. As acknowledged by the Council and others, the proposal provides clear benefits for the local Bulgarian community. It also supports the viability of the existing business and, by extension, the LSIS. In this instance the benefits of the scheme outweigh the minor loss of employment land.
17. In conclusion, the proposal has not compromised the viability of the warehouse premises or the LSIS in terms of its continued efficient function. As such, there is no conflict with Local Plan Policies SP5 and DME 1 and London Plan Policies E6 and E7, which seek, amongst other things, to protect and enhance LSIS.

### **Conclusion and conditions**

18. I have had regard to the conditions suggested by the Council. The standard commencement condition is not required given that the use has commenced. I have, however, attached a condition specifying the approved plans for clarity and enforceability. In order to protect the neighbours' living conditions and to ensure the safety of users, conditions are necessary to restrict the number of children and staff within the school, and the hours during which it may be used.
19. For the reasons set out above, I conclude that the appeal should be allowed.

*M Ollerenshaw*

INSPECTOR