



Appeal Decision

Site visit made on 16 July 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2025

Appeal Ref: APP/U5360/W/25/3364703

227 Brooke Road, Hackney, London E5 8AB

- 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 Terence Bates, Clapton Country Club Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1389.
 - The development is described as the 'change of use of premises from former delivery / sorting office to multi-use events space and venue (uses to include meetings, exhibitions, weddings, catering, restaurant / dining events, functions, community functions, bazaars, restaurant, gallery, TV/film shooting & photography). (partially retrospective).'
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Terence Bates, Clapton Country Club Limited against the Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Procedural Matters

3. The address details in the banner heading above are taken from the planning appeal form and the Council's decision notice as they are provided in the correct manner. The details of the appellant company name is also taken from the appeal form for the same reason.
4. The development is described as partially retrospective in the description which is set out on the planning application form and so was the basis on which permission was sought. The appeal submissions also describe the development as partially retrospective. This was apparent on my site visit. Accordingly, I have considered the appeal on this basis.

Main Issues

5. The main issues are the effect of the development on (i) the provision of industrial floorspace with regard to development plan policy; (ii) highway safety by way of parking; (iii) the living conditions of the occupiers of nearby residential properties due to noise and disturbance; and (iv) if there is harm, whether this is outweighed by the benefits of the development.

Reasons

Industrial Floorspace

6. The appeal site comprises a former Royal Mail delivery and sorting office property. It had been vacant since 2020, up to its current use for the development. Based on the appeal submissions, it is understood that its primary postal related functions were the storage, sorting and distribution of parcels. While there is not a planning permission for this former use, it is evident this is the historical use of the site. There is no substantive evidence to the contrary.
7. Policy LP28 of the Council's Hackney A Place for Everyone Hackney Local Plan 2033 Strategic Planning (2020) (Local Plan) seeks to protect industrial land and floorspace. The policy does not provide a single definition of what it means by industrial land and floorspace. The parts which are not directly applicable to the development refer to it as either Use Class B1c¹, B2, B8 and Sui Generis uses of an industrial nature, or B1c, B2 and B8, whilst the part of the policy that is of potential relevance under part D provides no such clarification at all. Whether the development is the subject of part D is therefore a matter of planning judgement.
8. Use Class B8 concerns use for storage and distribution. In considering the former functions of the premises, it would seem most likely that the use falls within this Use Class. The sorting aspect would have been incidental to the storage and distribution of parcels, in particular as the parcels would have then needed to be distributed in order to reach their end destination. The associated building on the site still contains the large metal sliding doors that would have facilitated access for such operations. The lack of a planning permission has a limited bearing on the Use Class B8 status due to the historical use and nor has there been any intervening use, based on the evidence before me.
9. However, even if this was not accepted and the historical use of the site was Sui Generis, Part D does not preclude uses which lie outside of the B Use Classes where they have an industrial land and floorspace function to them. At the very least, this would have applied to the historical use. The development itself is not an industrial use and so results in the loss of such floorspace under the policy, whether the historical use is Use Class B8 or Sui Generis with an industrial land and floorspace function to it. The policy permits such a loss where the criteria it sets out under Part D are met.
10. This includes a requirement that robust marketing evidence is submitted which demonstrates there has been no demand for the existing or vacant land and floorspace for its current or former use. However, no such marketing information has been submitted. The related criteria does go on to refer to other alternative employment generating use, which the development fulfils, but this is an additional consideration if the marketing evidence is accepted. There is not a conflict with Policy LP27 of the Local Plan because office space under the former B1 Use Class has not been lost, but nevertheless this does not address the conflict with Policy LP28.
11. I conclude that the development has an unacceptable effect on the provision of industrial floorspace with regard to development plan policy. Hence, it does not

¹ Town and Country Planning (Use Classes) Order 1987 as amended (Use Classes Order) – Use Class B1c as of the time of the Local Plan adoption.

comply with Policy LP28 Part D, in particular due to the lack of robust marketing evidence.

Highway Safety

12. The site itself does not contain any off-street car parking. Outside the site, there is a small amount of on-street cycle parking on a footway. Brooke Road is a traffic calmed two way street. Where there is on-street parking, this is restricted for much of the day to permit holders. Elsewhere, there are double yellow lines. There is also not parking on Upper Clapton Road nearest to the site. Bus stops with regular services lie a short distance away on this road, while Clapton Overground Station is also close by. The site has a high PTAL rating.
13. The appellant has sought largely to rely on the site's high level of public transport accessibility as regards how patrons travel to and from the development. This is through the Transport Statement and the Travel Plan, as well as the application of a Venue Management Plan (VMP) and proposed on-site cycle parking. Yet, the number of patrons at times is likely to be not insignificant at up to 200, as well as staff. Some of the events which are indicated also lead to potentially considerable numbers arriving at a very similar time, such as with weddings and community functions. However, the Transport Statement gives no indication of potential trip generation, travel mode splits and comparable site analysis. There is an overall lack of evidence on this issue.
14. It is therefore open to question what the transport impacts might be. Even if trip generation may not necessarily follow typical peak times, consideration still needs to be given to when such trips are made and the numbers involved. As a consequence, it is not clear how potentially parking matters are to be addressed arising from the trip generation and modal split, given there are limitations on what parking might be available. As a result, there is the potential for an adverse impact on street parking conditions with the number of patrons involved.
15. Localised traffic congestion from parking, unauthorised parking, cars seeking to drop off and pick up patrons on the street and the potential for road and footways to be obstructed raises clear highway safety concerns for other road users and pedestrians, in the absence of firm evidence to the contrary. This is especially the case if visibility is reduced or if footway space is restricted by parking. These are relevant planning considerations because they relate to highway safety, and so are not simply for other regulatory regimes.
16. The former use of the site had the potential to generate transport movements and there was an absence of controls through a planning permission. It is however unknown whether the development presents an opportunity for such matters to become more regulated in the absence of a complete Transport Statement that enables highway impacts to be fully appraised.
17. While Policy LP45 of the Local Plan promotes car free development and limited parking, this does not negate the need to provide a comprehensive Transport Statement, to fully consider parking demand and availability with particular regard to highway safety. On a separate policy matter, the Council's related reason for refusal also refers to Policy T3 of the Local Plan. As I have not been made aware of the content of this policy, I have not considered it in my decision.

18. I conclude that the development has an unacceptable effect on highway safety by way of parking. It therefore does not comply with Policy T3 of The London Plan The Spatial Development Strategy for Greater London (2021) (London Plan) and with Policy LP43 of the Local Plan where they concern impacts on the transport infrastructure and capacity, Transport Statements and the mitigation of impacts, as well as reducing the need to travel, demand for car trips, active modes and public transport.

Living Conditions

19. The appeal property is set out so that it abuts the common boundaries with the residential properties on either side at 227b Brooke Road (No 227b) and 229 Brooke Road (No 229). Internally it is laid out so that the main hall is on the side of No 227b, while ancillary and circulation space are found on the side of No 229. There are no openings in the side wall elevations. To the rear, there are a number of smaller built elements which abut the boundaries and enclose a small courtyard.
20. The associated dwelling at No 229 is physically attached to the appeal property. Habitable rooms abut and are close to the boundary, including windows which look over the appeal property to the rear. There is an enclosed garden to the rear and a small area to the front. No 227b is set out in a similar arrangement, apart from that the dwelling is set slightly in from the common boundary with outside circulation space in between. To the rear of the appeal property there is a residential complex that is set back from the boundary, with communal and circulation areas set in between.
21. The site lies where there is a change in character in the area. To the west, it is residential, or else uses that are commonly associated with such areas. Even with road traffic, it presents fairly tranquil surroundings in this direction. To the east however, the character is distinctly more commercial with a building supplies premises, shops and cafes. A boxing club is also under construction, from what I observed on my visit. The junction with the busy Upper Clapton Road is also close by and there are appreciable levels of noise.
22. With the proximity of the development to residential properties, there is the potential for its use to cause noise and disturbance. This includes amplified music, conversations involving patrons and additionally staff, and comings and goings. As such, the appellant submitted a Noise Impact Assessment (NIA) with the application. This involved a baseline noise survey with monitoring positions close to the boundaries with Nos 227b and 229 and the application of noise breakout tests. On the basis of operating hours of 11am to 11pm, the NIA considers the noise impact on Nos 227b and 229 is negligible.
23. There is not a standardised approach for assessing noise associated with performance venues. This is shown by the appellant's noise consultants using one methodology, while the noise consultants that an interested party has engaged using another. Bass frequencies from music associated with the development may have the potential to cause disturbance, including through masonry walls. Still, the appellant has confirmed that the related octave bands are based on measurements that have been previously undertaken at a similar venue. As such, this is not an unreasonable approach in contributing to the overall findings of the NIA. The solid nature of these walls also provide some mitigation.

24. The noise consultants for the interested party point to a higher level of adverse effect but even if such a methodology is considered, the related higher level of noise breakout could be adequately mitigated through a noise insulation scheme. This could have been the subject of a planning condition if I had been minded to allow the appeal. This includes the parts of the main hall where there is likely most noise impacts due to the openings, in particular the roof and rear wall.
25. The main hall is most likely to be where patrons congregate due to its size. Effects from noise and disturbance on the occupiers of No 229 are mitigated in part by the internal layout of the building, with the main hall separated from this boundary. That the dwelling at No 227b is set off from the boundary also likely lessens noise and disturbance effects on its occupiers. Noise from plant and machinery could also be controlled through a planning condition.
26. The enclosed nature of the courtyard also likely lessens noise impacts, including on the neighbouring gardens, and residential properties and communal areas to the rear. The built elements also result in noise sources being set in from these boundaries. On the side of No 229, the boundary wall is an extensive feature that likely provides further moderation against undue noise and disturbance. As the courtyard is of a modest size, it reasonably only can contain a limited number of people when in use. As it is set off from the boundaries with the neighbouring properties, the NIA noise levels used for speech from those using the courtyard is not unreasonable.
27. The characterisation of the area is also an important aspect of noise and its subjective nature means there is not a simple relationship between noise levels and those affected. Within the context of the site, noise associated with the development to its frontage, including potential congregation of patrons on the footway, and vehicular noise, is not unacceptable. It most likely leads to increased noise levels towards Upper Clapton Road due to likely movements, where there is already commercial and traffic noise, rather than into the quieter residential area to the west. Cumulative effects also seem most likely to occur with premises on Upper Clapton Road, away from the site and where there are already likely higher levels of noise and disturbance.
28. The VMP contains limited details of the intended noise management and does not reflect the opening hours set out in the NIA. However, these are matters which could also be addressed through planning condition(s) to ensure that there is not a significant increase in noise and disturbance to the occupiers of nearby residential properties. Therefore, there are a number of practical effective controls that can be achieved through planning conditions.
29. In taking these considerations together, the development does not constitute an unneighbourly form that results in a material loss of residential amenity. It avoids noise giving rise to significant adverse impacts on health and the quality of life, subject to conditions.
30. I conclude that the effect of the development on the living conditions of the occupiers of nearby residential properties due to noise and disturbance is not unacceptable. Thus, it complies with Policy LP2 of the Local Plan which seeks to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours, and identifies noise and other forms of pollution as an amenity consideration, amongst other matters. It also complies with Policy LP1 of the Local

Plan and Policy D4 of the London Plan, where noise and disturbance matters relate to design quality and local character.

Other Considerations

31. The appeal property is locally listed, and so is a non-designated heritage asset. It is an attractive building with a red brick front façade and a pleasing fenestration arrangement. The sliding metal doors also add to its interest, in terms of the historical use. The internal refurbishment works that have been carried out so far are respectful to its fabric and have had a positive effect on its original features and character. Bringing such a building back into use with a sympathetic renovation is of benefit to its significance. While the use of the development differs from the historical use, its nature is that it does not prevent a future change to a use that greater respects this aspect of its significance.
32. Aside from the loss of industrial floorspace, the development is of economic benefit as it has the potential to create a not insignificant number of employee roles during the operational period. A nearby venue is said to be successful and no doubt the development also contributes favourably to the local economy during its operation, and also through construction.
33. Both the benefits of bringing the building back in to use and the economic benefits attract some support from the National Planning Policy Framework (Framework). However, such support is not uncaveated, in particular as the Framework also concerns itself more broadly with building a strong and competitive economy, where industrial floorspace is also a valid consideration. The Framework is also concerned with highway safety. I do not therefore consider there is overall compliance.
34. In relation to how the Council dealt with the planning application, I have considered the totality of the evidence before me, including that of the appellant and other parties. As such, there is not unfairness in my decision. Interested parties have also raised a number of other matters and concerns. However, as I am dismissing the appeal on other grounds, they do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

Planning Balance and Conclusion

35. The development has an unacceptable effect on the provision of industrial floorspace with regard to development plan policy. As this goes to the heart of how the Local Plan seeks to protect industrial floorspace, it attracts significant weight against the development. The development also has an unacceptable effect on highway safety by way of parking. This attracts moderate weight against the development. Both these matters essentially stem from a lack of compelling evidence concerning marketing and the Transport Statement. With the conflict with the Local Plan policies that I have identified, the development also conflicts with the development plan as a whole.
36. Set against this are the benefits of bringing the locally listed building back into use and to the local economy. These both attract moderate weight in favour of the development. All other matters do not weigh either for or against the development, including the absence of an unacceptable effect on living conditions due to noise and disturbance. This is a planning consideration which has to be met, for the development to be not unacceptable in this regard.

37. I have considered all matters that have been raised, but the benefits that arise do not outweigh the harm caused by the development. For these reasons, I conclude that the development conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR