



Appeal Decision

Site visit made on 30 April 2026

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2026

Appeal Ref: APP/U5360/W/25/3371819

Railway Arches 348-349 Bocking Street, Hackney, London, E8 3RU

- 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 The Arch Company Properties LP against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/2621.
 - The development proposed is change of use of Arches 348-349 Bocking Street to flexible commercial use (Class E(g)) with ancillary cafe / restaurant use (Class E(b)).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council did not include Policy LP26 of the Hackney Local Plan 2033 (July 2020) (HLP) as part of its first reason for refusal. However, it considered conflict with this policy, and the appellant has also considered this in its statement of case. Accordingly, I have assessed compliance with this policy.
3. Both parties refer to a prospective tenant, who contacted the Council separately while the application was being considered. However, as this communication was not from the appellant, or their representatives, I have not considered it any further.

Main Issues

4. These are the effect of the proposal on the:
 - a) protection of existing employment floorspace, and;
 - b) living conditions of the occupiers of nearby residents, with specific reference to noise and disturbance, and odour.

Reasons

Employment floorspace

5. Located on the south side of Bocking Street, the site is 2 railway arches and adjoining yard. The arches sit beneath a viaduct which carries the Overground line north from Cambridge Heath railway station to London Fields railway station. Bocking Street to the east and north of the site is characterised by a mix of light industrial and commercial uses. Residential properties lie to the south on Beck Road and to the south west on Bocking Street.

6. The proposal is to change the use to a flexible commercial use (Class E(g)) with ancillary cafe / restaurant use (Class E(b)). The total site area is around 225 square metres, and the appellant details that the ancillary café/restaurant use would comprise no more than 25% of the total site area.
7. The flexible nature of the proposed use means that the property could be used as an (i) office for operational or administrative functions, (ii) research and development of products or processes, or (iii) any industrial process (subject to there being no detrimental impact on neighbouring amenity)¹.
8. The HLP was adopted before the amendment to the Use Classes Order, which introduced Class E as a Commercial, Business and Service use. Therefore, the plan does not account for this Use Class, and there could be a myriad of policies in which to assess all the proposed uses that could take place as part of this proposal. Primarily, in my view, Policy LP30 of the HLP protects and supports the continued use of railway arches for industrial uses. The supporting text details that space within railway arches can also be used flexibly and innovatively to accommodate a range of B1c activities e.g. workshops and light industrial uses. Many of them provide low cost employment floorspace for a range of activities which play an essential role in the functioning of the local economy. The past use of the site was a vehicle rental hire service, a sui generis 'industrial type' use.
9. Most of the Class E(g) part of the proposal would meet the requirements of LP30 (and LP28), because the intended use of the site would be industrial type uses, having regard to parts (ii) and (iii) of Class E(g). The office (part (i)) use falls within the same part of Class E(g), and whilst the strict consideration of this would fall under Part C of LP30 or LP27, I do not consider this necessary, given the uses under Class E(g) are interchangeable. These uses were grouped together in the Use Classes Order for a reason and to consider separate parts as policy or non-policy complaint is nonsensical when they can simply change between uses under the same part of Class E(g).
10. Nevertheless, an office use would complement and sustain the primary use of the parade of arches for employment, it would maintain the same floor space and I see no reason why it would impact on the function of other existing businesses. Furthermore, the frontage remains the same, and would be active to the extent it was used by the public. The internal layout is as flexible as it can be to accommodate a future tenant, which I saw on site, along with there being sufficient internal light from the windows in the top of the arches. It appeared to be finished to a high quality, and could be easily configured to meet the needs of the end user.
11. The overall premise of the proposal is to provide a flexible commercial, business and service use, including, but not limited to workshops and light industrial uses. This would meet the aims of Policy LP30, and other policies in the plan which seek to protect and promote employment uses, such as LP27 and LP28. Moreover, the use of the site for a flexible Class E(g) use would be likely to have less impact on the living conditions of nearby residential occupiers than a traditional B1c, B2 or B8 use as set out by Policy LP30.
12. Additionally, the lack of a marketing assessment is not a failure of policy. The aim of a requiring a marketing assessment is where employment floorspace would be lost, or to justify the quantum of employment land provided within a scheme. The

¹ Having regard to the Schedule 2, Part A, Class E (g) (i-iii) Town and Country Planning (Use Classes) Order 1987 (as amended).

proposal would not result in a loss of employment floorspace, and the quantum of employment land remains the same. Furthermore, in my view, the whole point of it being a flexible use is to enable it to attract a greater number and/or variety of prospective end users and therefore evidence of who the future tenants would be unnecessary.

13. The ancillary use as Class E(b), which would facilitate a café or restaurant, would essentially comply with Part B of LP30. Clearly, this would help to sustain and complement the primary use, if, for example, it was used as an industrial kitchen for producing food primarily for consumption off site. Intensification of the remaining industrial floorspace could be satisfied through use of the yard space, although this may cause residential harm given the proximity of nearby dwellings on Beck Street. As such, I do not consider compliance with this element of the policy would be necessary in this instance.
14. Policy LP26 relates to new employment space. The proposal is not creating new employment space. It seeks to change the use of an existing industrial sui generis use, which was an employment space. Therefore, assessment under this policy is unnecessary for this main issue.
15. Consequently, I am satisfied that the proposal would protect existing employment space. This would be compliant with Policies LP27, LP28 and LP30 of the HLP and Policies E1 and E4 of the London Plan (March 2021) (LP). Together, these policies seek to protect and promote office floorspace, industrial and employment land.

Living conditions

16. The ancillary use as café or restaurant includes an outdoor seating area. This would occupy the northern part of the forecourt, adjacent to Bocking Street. There are residential dwellings nearby, and many residents report of noise concerns when the site was used as a pop-up bar and restaurant in 2021. Residents also report of noise concerns in relation to other surrounding outdoor seating areas associated with a food and beverage use, such as Netil House and Five Points Brewery.
17. Therefore, it is imperative that this proposal would not lead to significant adverse impacts on the living conditions of the occupiers of nearby residential dwellings, particularly in relation to noise.
18. The Noise Assessment considers noise levels from a beer garden as a reference to estimate the effect of the outdoors seating. However, it fails to consider the exact location of the seating area, the number of covers, or hours of use. It also identifies that the predicted results show entertainment noise levels are likely to exceed background sound levels at receptors R01 and R02 (dwellings on Beck Road). On my reading, daytime noise levels would increase by 5.6dB. This is more than a doubling of sound, given that 3dB increase would be representative of doubling the noise level. Night time noise levels are even louder at +12.6dB. Whilst I accept this is a worst case scenario, this is the evidence presented to me to base my assessment on.
19. Existing exposure to the railway as justification of the impact of noise arising from the site is like comparing apples with pears. Noise from a train is short, regular and predictable. Noise arising from outdoor seating could be constant, arising from

midafternoon until later in the evening, and unpredictable in levels and frequency. The nature of train noise is fundamentally different from the sustained noise generated by a hospitality venue and cannot be used as justification to offset the impact of the development.

20. Whilst conditions could be imposed relating to the hours of use, a management plan or the location of the seating, the predicted results before me indicate a very significant increase in noise, and this would have a significantly adverse impact on the living conditions of the nearby neighbouring occupiers. This is not mitigated by any means, and to rely on conditions to remedy this would be inappropriate.
21. There is no fixed plant equipment proposed to mitigate the impacts of odours, and therefore, the noise assessment has not considered this impact. That said, generally, fixed plant equipment can be designed to ensure that any noise arising would not harm the living conditions of nearby residents and this could be the subject of a planning condition. Similarly, vermin and litter would be controlled by means outside of planning.
22. Nonetheless, the proposal would have an unacceptable effect on the living conditions of the occupiers of nearby residential dwellings. This would conflict with Policies LP2, LP26 and LP58 of the HLP, and Policy D14 of the LP, which seek to ensure that proposals do not result in a significant adverse effect on living conditions.

Conclusion

23. Whilst the proposed use would protect employment generating uses, the effect of the outdoor seating area would lead to a significant adverse impact on the living conditions of nearby neighbouring occupiers. This would outweigh all other benefits of the proposal, and result in a failure to comply with the development plan as a whole.
24. For the reasons set out above, the appeal is dismissed.

Katie McDonald

INSPECTOR