

Appeal Decision

Site visit made on 15 May, 2017

by C. Jack, BSc(Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd June, 2017

Appeal Ref: APP/T5150/W/17/3167857

Units 14, 15 & 16 Sapcote Trading Centre, High Road, Brent, London, NW10 2DJ

- 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 Kalpesh Halai against the decision of the Council of the London Borough of Brent.
 - The application Ref: 16/0741 dated 19 February, 2016 was refused by notice dated 16 November, 2016.
 - The development proposed is the raising of the roof of units 14, 15 and 16 and the creation of a mezzanine floor to units 14 and 15.
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Decision

1. The appeal is allowed and planning permission is granted for the raising of the roof of units 14, 15 and 16 and the creation of a mezzanine floor to units 14 and 15 at Units 14, 15 & 16 Sapcote Trading Centre, High Road, Brent, London, NW10 2DJ in accordance with the terms of the application Ref: 16/0741 dated 19 February, 2016 subject to the Schedule of conditions to this decision.

Main Issue

2. The main issue is the effect of the proposed development on road safety and the effective operation of the estate, with particular regard to parking and servicing facilities.

Reasons

3. The site consists of three adjacent commercial units situated on an established trading estate, recognised by the Council as a Locally Significant Industrial Site (LSIS) as defined by adopted Policy CP20 of the London Borough of Brent Core Strategy 2010 (CS). The estate consists of a variety of commercial units, many of which were in active use at the time of my visit. There are vehicular accesses to the estate from Dudden Hill Lane and High Road. Units 14 to 16 are situated on a narrow no-through spur road within the estate. Roads within the estate do not appear to form part of the adopted highway network. Within the LSIS, Policy CP20 is generally supportive of the intensification of use and the provision of 'fit for modern usage' employment floor space, among other things.
 4. It is proposed to increase the height of units 14, 15 and 16 in order to facilitate the provision of internal mezzanine floor space. The additional floor space, which would amount to a little over one third of the total existing floor space, would be principally used for storage in connection with the existing uses. I
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am advised that this is expected to support one additional member of staff, and give rise to 1 or 2 additional deliveries per day across the three units.

5. The layout within the estate is such that the appeal units, and several units beyond, are accessed via the narrow no-through spur road that has no formal turning arrangements and only limited informal turning and vehicle standing space is available. There are various marked car parking spaces around the estate, and no formal delivery/servicing is provided for the units either as or as proposed. Currently around three HGVs per day service the units in total. This would increase to 4 or 5 per day under the proposed scheme. The Council advises that Appendix 2 of its adopted Development Management Policies 2016 (DMP) requires space to be provided for units of this size for servicing by 10m rigid vehicles. I have not been provided with a copy of Appendix 2 but it is nonetheless apparent that this requirement is not met at the existing premises and would not be met by the proposal.
6. The appellant has provided a swept path analysis with the appeal which shows that a 16.5m HGV entering the estate via Dudden Hill Lane A4088 in forward gear could then reverse into position outside the units for servicing before leaving in forward gear to the High Road A407. I saw during my visit that such a manoeuvre would be achievable, provided vehicles arrive from the Dudden Hill Lane entrance. There is no formal or marked-out standing area for HGVs of other vehicles servicing the appeal units, or indeed for those servicing most other nearby units. However, if an HGV was to stand on one side of the spur road whilst servicing the units, other smaller service vehicles and cars could pass to access the units beyond, provided there was no ad-hoc parking taking place in the vicinity at the time.
7. As the space available is limited, the arrival of two HGV deliveries at the same time would be likely to present a significant obstruction, potentially resulting in congestion in the estate and reduced accessibility to some units. Nonetheless, given that deliveries to the units appear to be generally unrestricted as existing, this is a scenario which could apparently already occur. The addition of 1 or 2 more deliveries per day to the appeal units would increase the likelihood of this to some degree, thereby worsening the existing situation.
8. However, the appellant proposes the implementation of a Delivery Servicing Plan (DSP), and has provided an outline DSP with the appeal upon which basis it is proposed a DSP could be put in place for the extended units. The outline DSP includes various measures to control servicing of the appeal units and mitigate the effects of the increased number of deliveries. Such measures include informing suppliers of the delivery route, implementing a delivery booking system, and scheduling deliveries outside peak or normal working hours.
9. Given that there is no requirement for existing deliveries to the appeal units to be organised in this manner, the implementation of a DSP would allow for some improvements in relation to all deliveries to the appeal units. This would mitigate the effects of the proposed development in relation to servicing and deliveries to a reasonable degree, and potentially offer a modest improvement over the existing situation, thereby addressing some existing congestion/obstruction issues insofar as they relate to the appeal units. A detailed DSP, based on the outline version, could be secured by condition.

10. There is no significant evidence before me in relation to any adverse effects of the development on the operation of the highway network or to highway safety thereon, including in relation to the estate accesses onto Dudden Hill Lane and High Road. I saw during my site visit that some pedestrians use the estate roads, seemingly as a cut-through between the adjacent roads, and I am advised that school children also take this route. There is no formal footway within the estate and as such there is a potential for conflict with estate traffic in regard to pedestrian safety. However, for the reasons set out above this would not be likely to be worsened as a result of 1 or 2 additional daily deliveries, subject to the implementation of a suitable DSP.
11. The site lies within a generally accessible urban area, where a range of modes of transport are available. Accordingly, the addition of one worker would be unlikely to give rise to any significant additional car parking demands. Furthermore, I note that a Controlled Parking Zone is in force on surrounding roads outside the estate and overspill parking would therefore not be likely to occur. A modest benefit would arise from the creation of an additional job and the provision of improved and enlarged employment units. On balance, I consider that this would outweigh any limited harms arising in relation to the efficient operation of the site, including in relation to obstruction of access to other premises and in relation to pedestrian safety within the estate. The implementation of a DSP would help to ensure that the effects of the proposal would be minimal in relation to the existing situation in terms of access to other employment units nearby, and no significant evidence is before me that the viability of those units would be significantly affected.
12. In light of the above, I conclude that the proposed development would not be detrimental to road safety and the effective operation of the estate, with particular regard to parking and servicing facilities. I therefore find no conflict with adopted Policy CP20, the relevant requirements of which are set out above. I also find no conflict with adopted DMP Policies DMP1, which sets out general development criteria including satisfactory access, parking, manoeuvring and servicing; and Policy DMP12, which among other things seeks to ensure that development would not add to on-street parking demand. I also find no conflict with Policy DMP14, which supports local employment generation and seeks to limit the loss of employment sites. On the other hand, there would be conflict with Policy DMP13, which includes a requirement that servicing facilities accord with the relevant standards set out in Appendix 2 of the DMP.
13. The Council's decision also referred to Policy TRN34 of the Brent Unitary Development Plan 2004 in relation to the provision of servicing facilities, the relevant requirements of which I am advised are now superseded by the adopted DMP.

Other Matters

14. I have considered the various other matters raised by interested parties, including in relation to health and safety in relation to forklifts, loss of sunlight and privacy, increased noise and pollution, collapsed drains, an alleged illegal car-washing company, and traffic queues in the estate when local traffic uses it as a cut-through.
15. Health and safety issues relating to the use of forklift trucks on the estate roads is beyond the scope of this appeal being principally covered by separate

legislation. The alleged car wash operation is also outside the remit of this appeal. Residential properties on Denzil Road are reasonably well separated from the site and as a result I agree with the Council that living conditions for occupiers there would not be significantly adversely affected by the proposal. There is no significant evidence that the proposed development would have any material adverse effects on the drainage of the estate. I did not see local traffic using the estate during my visit, but I accept that this is possible particularly at peak times and I note local concerns in this regard. However, there is no substantive evidence before me that the proposed development would lead to any material worsening of this.

16. I therefore conclude that none of the matters in this section carries any significant weight for or against the appeal.

Conditions

17. In addition to the standard commencement of development condition, I have imposed standard conditions relating to the approved plans, as this provides certainty, and matching materials, in the interests of the appearance of the development. I have also considered the conditions suggested by the Council and the appellant. A condition requiring details of cycle parking is necessary in the interests of ensuring the site is accessible by a range of modes of transport. A condition requiring details and the implementation of a Delivery Servicing Plan is necessary in the interests of estate road safety and the effective operation of the estate.
18. Condition 5 requires details to be approved before development commences. This is necessary because this condition may affect the design and operation of the overall scheme.

Conclusion

19. While I have identified a conflict with the development plan in relation to the standard for provision of servicing facilities, I have not identified any significant overall harm in relation to the main issue or any other material considerations. The proposal would accord with Policies CP20, DMP1, DMP12 and DMP14. In my view, this is a case material considerations indicate that permission ought to be granted, notwithstanding the conflict with Policy DMP13 and associated Appendix 2. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: STC-2001; STC-2002; STC-2003; STC-2004; STC-2005; STC-2006; STC-2007 and STC-2011.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
- 4) No mezzanine floor space hereby permitted shall be brought into use until space has been laid out for bicycles to be parked in accordance with details that have first been submitted to and approved in writing by the local planning authority and that space shall thereafter be kept available for the parking of bicycles.
- 5) No development shall take place until a Delivery Servicing Plan has been submitted to and approved in writing by the local planning authority. The agreed Delivery Servicing Plan shall be implemented in accordance with a timetable agreed in writing by the local planning authority, and the agreed Delivery Servicing Plan shall be adhered to at all times thereafter.