



Appeal Decision

Site visit made on 27 August 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 1 October 2019

Appeal Ref: APP/T5720/W/18/3211109

Land forming part of 12 Waterside Way, London SW17 0HB

- 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 Express Concrete Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref 17/P0438, dated 27 January 2017, was refused by notice dated 14 March 2018.
 - The development proposed is the erection of a concrete batching plant, batch control cabin, car and cycle parking and ancillary structures.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises of 0.2 ha of mainly open land within this industrial area. The site appears to be mainly used for parking or storage of commercial lorries, at the time of my site visit. To the immediate west of the appeal site is a part 2/part 3 storey building containing offices and training rooms (No 12 Waterside Way). There are numerous other commercial uses within the industrial area and I noted these and the associated buildings at my site visit.
4. Immediately adjacent to the appeal site to the south is an area of mature trees containing a footpath, the river Wandle and a railway line and beyond that, public open space in the form of Garfield Recreation Ground and the Wandle Meadow Nature Park. To the north-east, beyond the end of Waterside Way is the significant area of open land forming Lambeth Cemetery. A large electricity pylon is sited immediately adjacent to the eastern end of the appeal site.
5. The Council do not seek to resist the proposal as a matter of principle and accept that, in broad terms, an industrial use is acceptable within this industrial area. Their objection relates to the visual effects on the surrounding area.
6. The proposal would include the construction of industrial plant to a maximum height of 15.8m. This would include a ground feed hopper, an aggregate feed conveyor, wedge pit, water tanks, mixer house and loading point, batch control cabin and covered overhead storage bins and integrated cement silos. In my

- view the appearance would be functional in the extreme and visually harsh. Even taking account of the other industrial/commercial uses in the immediate area, I consider that the proposal would stand out due to its size and form.
7. The appellant has submitted visual assessments of the proposal and these seek to quantify the impact of the proposal on the surrounding area and those people using the adjacent land. The Council has agreed with the methodology of the assessments and the technical accuracy of the representations contained therein, and I have no reason to disagree. In relation to land to the south within Garfield Recreation Ground, the assessment indicates that the proposal would be screened completely by the existing trees within the Summer months and heavily filtered during Winter months. From my own observations of the area, I agree that there would be only a very marginal effect on users of the recreation ground within the Winter months.
 8. From within Lambeth Cemetery it is possible to gain clear views into the appeal site. I accept that the cemetery is large and that these views are gained from a relatively small area of it but, nevertheless, the assessments indicate to me that the proposal would appear obvious within these views. I have taken account of the presence of other forms of development in views from the cemetery, but I consider that the harsh appearance of the proposal would have a negative and unacceptable effect when seen from here. I note that the appellant accepts that visitors to the cemetery would represent high sensitivity visual receptors.
 9. The footpath immediately to the south of the site forms part of the Wandle Trail. The appellant has submitted an analysis of the character of the trail and I had the benefit of walking some considerable parts of it during my site visit. It is clear that the trail passes close to various forms of built development, as well as significant open areas. Some of the built development is of a commercial nature and character and close to the trail. Whilst it could be said that the presence of these commercial sites is part of the character of the trail, there is also an argument that some of them detract from the experience of using the trail due to their appearance and character.
 10. Immediately adjacent to the appeal site, the trail is elevated and, notwithstanding vegetation, clear views are available from the trail into and over the currently largely open site. The proposed structures on the site would be sited close to this boundary and, in my view would appear harsh and overbearing, to such an extent that I consider that the effects on users of the trail would be considerable and unacceptable. I have taken account of other buildings and the fact that the trail itself is long; however, the appearance of the proposal is, as I have set out above and would have a greater impact than others in the area, additionally I consider that it would be inappropriate to ignore the effects of the proposal just because of the overall length of the trail itself.
 11. Within Waterside Way there are a variety of uses and buildings including a car dealership, DIY store, builders' merchants, glass supplier, bus depot, medical research facility and others. These are generally housed in buildings equivalent to 2 or 3 storeys in height and many involve some open storage. My judgement is that the proposed structure would be considerably out of character, even in a varied area such as this. Whilst I accept that few people would visit the industrial area in order to experience any aesthetic qualities,

that is not to say that no regard should be had to the visual effects of a proposal. From within the industrial area itself, I consider that the proposal would have a negative visual effect. Within that context alone, such a negative effect may not be sufficient by itself to dismiss the appeal, but taken with the other matters set out, it adds to the overall negative effects.

Other Matters

12. In relation to air quality, the proposal would have to operate under an Environmental Permit. In addition, if the appeal were to be permitted, conditions could secure the implementation of a suitable mitigation plan for minimising dust. I have noted the detailed submission made in relation to this and other matters by interested local residents and the appellant. In my view the appellant has submitted sufficient and convincing material which indicates that, when compared to a realistic use of the existing site, the proposal would have no unreasonable effects. In addition, taking account of the likely levels of vehicle movements both existing and proposed, I consider that there would be no unacceptable effects from emissions from vehicles associated with the proposal.
13. The Council has suggested that conditions designed to minimise noise should be imposed if the appeal were successful. I have examined these and consider that there would be no unacceptable effects on residents or the nearby school. In relation to other occupiers within the industrial area, I consider that such effects would not be unacceptable in themselves and not sufficient to dismiss the appeal.
14. Having taken careful account of the representation relating to flooding and run-off, I am satisfied that these matters could be dealt with by suitable conditions. In relation to vehicle movements, I have taken account of the representations but consider that the Council as Highways Authority has properly assessed the scheme and I conclude that there would be no unacceptable effects on the highway network. I am also satisfied that issues relating to wildlife could be appropriately dealt with by means of the suggested conditions. I have taken account of all other matters raised in the representations but find nothing to add to my concerns for the proposal.

Conclusions

15. I have weighed the potential benefits of the proposal in reaching a conclusion on this case; these include the employment generation, the use of industrial land and the location of the proposal close to points of demand. I have also considered the appellant's suggestions in relation to boundary treatments and the external materials/colour of the structures. In my view, these would be insufficient to overcome my concerns. I have also taken account of the previous recommendations of officers in relation to this case but find that the Council's reasons for refusal is justified.
16. Therefore, the proposal is contrary to Policy CS 14 of the Core Strategy and Policy DMD2 of the Sites and Policies Plan. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR