



Appeal Decision

Site visit made on 5 November 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/Q5300/W/19/3235448

5 Princes Road, Edmonton N18 3PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by P. Evernden Limited against the Council of the London Borough of Enfield.
 - The application Ref 19/00840/OUT, is dated 27 February 2019.
 - The development proposed is erection of three industrial units.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three industrial units at 5 Princes Road, Edmonton N18 3PR in accordance with the terms of the application, Ref 19/00840/OUT, dated 27 February 2019, subject to the conditions listed in the attached schedule.

Procedural Matters

2. The Council did not issue a decision within the prescribed period or within an agreed extension of time period. The appellant exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application.
3. A statement has been submitted by the Council in response to the appeal and this concludes that had the Council determined the application, it would have refused permission as it considers that inadequate information has been submitted to demonstrate that the proposed scheme would not be detrimental to the safety of the footway and carriageway. This follows concerns raised by the Highway Authority in relation to servicing by heavy goods vehicles (HGVs).
4. The proposal is for outline planning permission with all matters reserved except for layout. A drawing has been submitted showing the proposed site layout, the floor plans and elevations of the building. Although the elevations are not shown as being indicative, appearance is a reserved matter. I have therefore only had regard to the submitted elevations insofar as they are relevant to the matter of layout and to the concerns raised by the Council.

Main Issue

5. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

6. The appeal site comprises a two storey office/warehousing building and yard area which appears to be in use in connection with a haulage business. At the time of my visit the yard was being used for the parking and unloading of large vehicles. The site is primarily surrounded by other commercial uses and the Council states that it is within a strategic industrial area. There is an existing vehicular access off Barnes Road, a short road linking Princes Road and Pegamoid Road. There are no parking restrictions along Barnes Road and the road has pavements on both sides. At the time of my visit a large number of vehicles were parked along Barnes Road and along surrounding roads.
7. The application that is the subject of this appeal follows a previous application for a similar proposal which was refused by the Council in October 2018 (Ref 18/03245/OUT), partly due to concerns regarding servicing. In response to those concerns, a Transport Statement by EAS dated 21 February 2019 (TS) was submitted with the application that is the subject of this appeal. Whilst the TS overcame some of the Council's concerns, it remains concerned regarding servicing of the site by HGVs and the implication of this for highway and pedestrian safety.
8. Swept path analysis comprising part of the TS show that the largest vehicle expected to use the proposed development (7.5 Tonne, 8 metre rigid goods vehicle) could access the site and enter/leave in a forward gear and that up to 18 Tonne, 10 metre rigid goods vehicle could also be accommodated. The TS states that it is highly unlikely that articulated vehicles would be used to service the proposed industrial units and that should an occasional articulated vehicle be used, it would be able to load/unload on Barnes Road as occurs at present and as is to be expected on an industrial estate. The existing building on the site would be demolished as part of the proposal.
9. Although I note the concerns raised by the Council regarding the servicing of the site by HGVs, based on the information submitted with the application and included within the TS, it seems highly unlikely that the servicing of the proposed units would involve articulated vehicles of a size not able to be accommodated within the site. Based on the evidence, any servicing of the units by larger articulated vehicles would be unlikely and infrequent. Consequently, and having regard to the straight alignment of Barnes Road together with the lack of parking and loading restrictions and presence of pavements on both sides of the road, I do not consider it likely that such infrequent loading from Barnes Road would be problematic as envisaged by the Highway Authority.
10. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on highway and pedestrian safety. It therefore accords with policies 23, 45 and 47 of the Enfield Council Development Management Document (DMD) adopted November 2014 and Policy 6.13 of The London Plan March 2016 insofar as they relate to highway and pedestrian safety. These policies seek, amongst other things, development including new employment development to have no adverse impact as a result of servicing and that the operational needs of the development are met.

Other Matters

11. An objection has been received to the appeal on the basis that approval of the proposal would result in the piecemeal redevelopment of the industrial estate and would undermine the efforts of the Council and Henry Boot Developments Ltd to comprehensively masterplan the estate. I understand that a full planning application has been submitted for 9 industrial units (Use Class B1(c), B2 and B8) on a site adjacent to the appeal site however, it does not appear that the Council has determined the application yet. It is also stated that the intention is to submit an outline application for the wider industrial estate, including the appeal site, in Spring 2020.
12. Although the objector states that the proposal is contrary to a number of policies included within the National Planning Policy Framework (the Framework), the draft London Plan and to Policy 15 of the Council's Core Strategy, I have seen no substantive evidence that this is in fact the case and note that the Council has raised no objections in relation to the principle of the proposal. Whilst I note that it appears that there are discussions regarding the future redevelopment of the wider industrial estate and that proposals have been submitted on an adjacent site, I have seen no evidence which demonstrates that any such redevelopment would be adversely affected by approval of the proposal or how likely it is that the wider redevelopment of the industrial site would take place and when. Under these circumstances, I do not consider the principle of the proposal to be unacceptable.

Conditions and Obligations

13. I have had regard to the conditions suggested by the Council and to the comments on them received from the appellant. I have imposed a condition specifying the reserved matters and the timeframe for their submission, though this does not include layout as permission is being sought for this at outline stage. Although not suggested by the Council, I have also imposed a condition specifying the approved plans as this provides certainty. I have not imposed the suggested condition regarding details of external materials noting that appearance is a reserved matter and that such a condition is therefore unnecessary.
14. Having regard to the scale, nature and location of the proposal together with consultation responses I have also imposed conditions relating to the submission of a construction management plan, ventilation/plant, drainage, waste and cycle parking details. These are in order to ensure no adverse impact on highway or pedestrian safety and adequate drainage, waste and cycle parking facilities together with control over any future ventilation/plant. Where necessary in the interests of precision and clarity I have amended the wording suggested by the Council.
15. I have had regard to the comments made by the appellant in relation to suggested conditions 6 and 7 regarding delivery and servicing and traffic and parking management. Having regard to the scale and nature of the proposal and to the fact that layout is being approved at this stage, I do not consider that the suggested condition regarding traffic and parking management is necessary. Rather I have amended the suggested condition to ensure that the parking spaces shown on the approved plan are provided prior to occupation and retained thereafter. With regard to servicing, having regard to the concerns raised by the Council and to the particular layout of the proposal and

location of the site, I consider it reasonable and necessary to impose a condition requiring further details of deliveries and servicing to be approved prior to the occupation of the units, though I have amended the wording suggested by the Council.

16. The nature and requirements of the Construction Management Plan and drainage conditions are such that the details required by them need to be submitted prior to the commencement of development on site. The appellant has been consulted on the wording of these conditions and has raised no objections to them.
17. I have not imposed the Energy Performance Certificate condition suggested by the Council as I have seen no evidence to suggest that it meets the tests for conditions set out in the Framework. Similarly, although the Council has suggested that a Planning Obligation would be required relating to a decentralised energy network and to financial contributions, I have seen no evidence regarding the need for such an Obligation and I am therefore satisfied that the lack of an Obligation does not justify the refusal of planning permission.

Conclusion

18. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed and planning permission be granted.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

- 2) The development hereby permitted shall be carried out in accordance with the following submitted plan insofar as it relates to layout: 13023-P-002-B.
- 3) No works shall commence on the development unless and until a Construction Management Plan has been submitted to and approved by the local planning authority. The Construction Management Plan shall include:
 - a survey of the existing conditions of adjacent public highways;
 - an assessment of the cumulative impacts of construction traffic;
 - details of the likely volume of construction trips and any mitigation measures;
 - access to the development including the siting, levels and construction of any access roads, junctions, parking, turning and servicing areas and street lighting;
 - vehicular routes, booking systems and an assessment for the scope of consolidating loads to reduce generated road trips;
 - proposed temporary access and parking suspensions and any temporary access and parking solutions required;
 - site compound arrangements including arrival of vehicles, parking, loading, storage and waste arrangements;
 - methods for protection of adjacent highway infrastructure; and
 - an assessment of all matters that are likely to cause nuisance to adjoining occupiers (including but not limited to; noise, dust, smoke, road cleaning, odour control) accompanied by mitigation measures addressing all matters relevant to this particular site.

Works shall be carried out in accordance with the approved Construction Management Plan.

- 4) Prior to the commencement of the development, a surface water drainage scheme for the site based on sustainable drainage principles SuDS shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall include:

- a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development;
- a demonstration that the surface water run-off generated up to and including the 100 years plus Climate Change critical storm period will not exceed the run-off from the undeveloped site following the corresponding rainfall event;
- details of how the proposed surface water drainage scheme will be maintained; and
- a drainage scheme nominating the ownership, management and maintenance arrangements.

The surface water drainage scheme shall be implemented prior to the first occupation and/or use of the development and be constructed in accordance with the approved details.

- 5) Prior to the installation of any mechanical ventilation or other plant associated with the commercial operation of the buildings, full details of any such equipment shall be submitted to and approved by the local planning authority. Details should include full specifications of all filtration, deodorising systems, noise output and termination points.

Particular consideration should be given to the potential high level discharge of kitchen extract air/the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. The development shall be carried out in accordance with the approved details.

- 6) Prior to the occupation of any of the units hereby approved, a Delivery and Servicing Strategy shall be submitted to and approved in writing by the local planning authority. The units shall thereafter only be occupied and used in accordance with the approved details.
- 7) Prior to the occupation of the units hereby approved, the parking spaces shown on the approved plans shall be provided. The spaces shall thereafter be permanently retained for use as parking spaces.
- 8) Prior to the occupation of the development, a detailed waste management strategy shall be submitted to and approved in writing by the local planning authority. It shall specify where refuse will be stored, how waste collection will occur and on what frequency and shall be implemented prior to the occupation of the units. The approved details shall be permanently retained.
- 9) Prior to the occupation of the development, details of the siting, number and design of both long term and short term cycle parking spaces shall have been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be installed prior to the occupation of the units and permanently retained for cycle parking.