



Appeal Decision

Hearing (Virtual) held on 2 August 2021

Site visit made on 3 August 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021

Appeal Ref: APP/H5960/W/20/3264966

Biffa Waste Services Ltd, 45 Pensbury Place, London, SW8 4TR

- 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 Biffa Waste Services Limited against the decision of London Borough of Wandsworth.
 - The application Ref 2020/1423, dated 21 April 2020, was refused by notice dated 11 September 2020.
 - The development proposed is the retention of and alterations to a new two storey office building to replace previous single storey office building.
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Decision

1. The appeal is allowed, and planning permission is granted for the retention of and alterations to a new two storey office building to replace previous single storey office building at Biffa Waste Services Ltd, 45 Pensbury Place, London, SW8 4TR in accordance with the terms of the application, Ref 2020/1423, dated 21 April 2020, subject to the conditions in the Schedule attached to this Decision.

Preliminary Matters

2. Further to their decision on the application, in their Appeal Statement the Council expanded their reasons for refusal to include the accessibility of the building. Through the signed and agreed Statement of Common Ground, and in discussion at the Hearing, it was agreed between the parties that this matter be a main issue and it is therefore addressed in my Decision.
3. As noted in the description of development, the appeal development has partly taken place. The modular, prefabricated, two-storey office building is already on site and in use, but further changes are proposed, as detailed in the drawings and submissions to this appeal.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area, and whether the proposal would be accessible to all and inclusive.

Reasons

5. Policy DMS1 of the Wandsworth Local Plan Development Management Policies Document, 2016 (the DMPD), sets general development principles for the area. The policy sets a number of criteria which are to be applied to development "where relevant". Nothing in the policy or its supporting text suggests that every criterion must be met by every proposal, and this is consistent with the wider approach to planning policy. Nevertheless, Policy DMS1 does set out a number of design, character and appearance related criteria, which seek to ensure that proposals are neither incongruous nor detrimental to their immediate surroundings. Policy IS3 of the Wandsworth Local Plan Core Strategy (the Core Strategy) also sets aspirations around good quality design and townscape, including accessibility and inclusion.

Character and appearance

6. The appeal site, a depot adjacent to other businesses of varied character, appearance, materials, age and use, is within the Queenstown Road Strategic Industrial Location (SIL) and parties agree that this is an industrial area. A relatively modern Royal Mail building, with an adjoining car park is close to the site and provides a backdrop to it in many views, an obvious visual context on approaching and leaving the site, and a transition from the more utilitarian buildings of the SIL to the mixed residential and commercial buildings along Wandsworth Road.
7. I note the criticism of the design of the proposal, and of the appellant for failing to engage in pre-application discussion on its design. However, I do not consider that this in itself makes the design of the proposal unacceptable or harmful. It is clear that the appeal building, and indeed, its site, setting and context are utilitarian and fit for the purpose they serve. I do not consider that this utilitarian nature is incompatible with good design.
8. The building is of a broadly similar scale to those closest to it, but smaller than, and subservient to the Royal Mail buildings which provide the transition between the SIL and the Wandsworth Road. The form, mass, scale and relationship of the proposal to its surroundings are therefore appropriate and not so different to their context that they are inappropriate or incongruous.
9. The design of the proposed building, flat-roofed and finished in a cladding system, is also consistent with surrounding buildings of various ages and appropriate for the character and appearance of the context. The visibility of the proposal is limited by the buildings and land uses which surround it.
10. The development proposes the use of a cladding system in various colours to add visual interest and to tie the building to the appellant's corporate identity. The Council has serious reservations around this approach, considering it to be a retro-fitted attempt to disguise the nature of the building. I do not consider that the character of the ultimate appearance of the building would be substantially different to that of the Royal Mail building close by. Whilst they are of a different scale and function, that building contains many of the features which the Council criticises on the proposal before me, notably relatively deep window (and vent) reveals and a mixture of colours in the cladding system. On that detail it is important to note that the windows currently project from the elevations of the building, which would lessen the ultimate depth of the reveals once the cladding system is installed.

11. I note the example from the Council of the Pensbury Place Waste Transfer Station. However, as that building would be constructed on site, and also finished in a cladding system of various colours, it does not alter my conclusions above, nor do I consider that it highlights or demonstrates the unacceptability of the proposal before me or any harm which would arise.
12. The Council has suggested that the materials and form of the proposal would be particularly harmful to the immediate surroundings as a result of the emerging character of the area. Whilst the Council may have aspirations around the future character and appearance of the area, and whilst pre-application discussions can help applicants understand this vision, there is no design-guide or published policy before me which sets this out. As such, given my conclusions around the effect of the proposal on the character and appearance of the area in light of the requirements of the relevant development plan policies, my conclusions on the effect of the proposal are unchanged.
13. Turning to the criteria in Policy DMS1, as I have noted, the supporting text is clear that proposals must meet them "where relevant". Although the proposal was not the subject of pre-application advice with the Council, this does not mean that it was not design-led. It is clear from the surroundings of the site, the use for which the building is intended, and the ultimate form which is proposed, that the proposal as a whole, including the use of a modular, prefabricated system, has been designed for, and the appellants consider that it meets, a particular need. My conclusions on the materials, character and appearance of the building demonstrate that it achieves an appropriate level of physical integration with its surroundings, and I therefore consider that its design is also appropriate.
14. Those same conclusions also demonstrate that the scale, massing and appearance of the development would be high quality and that the proposal would contribute positively to the local spatial character. I accept that smaller scale proposals do not require a lower quality of design or appearance, however, I do not consider that the proposal is of a lower quality of design.
15. Taking all of the above together, I consider that the design and materials of the proposal are appropriate, consistent with its immediate surroundings and would not therefore harm the character and appearance of the area. The proposal would therefore comply with the requirements of Policy DMS1 of the DPD and Policy IS3 of the Core Strategy.
16. I note the criticisms by the Council that the use of a pre-fabricated building represents disposable rather than sustainable construction and development. However, I have been presented with no compelling evidence which supports this point, or which suggests that a bespoke building, constructed on site with a specific end-user in mind would be a more sustainable and suitable approach for this site or its context.
17. In light of my conclusions on the design of the proposal and its relationship to the development plan policies, as well as the lack of any local design guidance and supplementary planning documents such as design guides and codes, I also find that the proposal complies with the aims of the National Planning Policy Framework (the Framework), and in particular the desire to achieve well-designed places.

Accessibility and inclusion

18. As a result of taking specialist advice, the Council considers that the appeal development as built is neither accessible to all nor inclusive. Despite this, the appellant is confident that appropriate measures can be implemented to overcome these concerns and meet appropriate legislative and policy requirements. Notwithstanding their concerns on this point, the Council has agreed a condition with the appellant requiring the submission, approval, implementation and retention of measures to ensure that the proposal is accessible to all and inclusive. As planning permission would be subject to compliance with this condition, failure to discharge it would obviate the planning permission.
19. In considering this matter, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act, and in respect of those, I am satisfied that the proposal can be made accessible to all and inclusive. It would therefore comply with Policy IS3 of the Core Strategy and Policy DMS1 of the DMPD.

Conditions

20. A number of conditions were proposed and agreed between the parties in the Statement of Common Ground. These were discussed at the Hearing and having had regard to the requirements of the Framework and the Planning Practice Guidance (PPG) I have imposed them here, subject to minor amendments to ensure precision. I am satisfied that the conditions are necessary to ensure the satisfactory appearance of the completed development (1, 2 and 3), to ensure that the development is accessible to all and inclusive (4) and that suitable arrangements are made for cycle parking (5).
21. A time limit condition for commencement is not necessary as the development has already been commenced. I am satisfied that the time limits for actions required by the other conditions are reasonable, necessary and precise. I am therefore satisfied that the conditions meet the tests in, and requirements of both the Framework and the PPG.
22. Despite the agreed conditions, at the Hearing the Council requested that any permission be granted subject to a ten-year time limit. They suggested that this would allow them the opportunity to review the proposal in light of future change to the character and appearance of the area, and to keep the acceptability of this proposal under review. Notwithstanding my concerns over the precision of such a condition, it would also be incompatible with my conclusions on the effects of the proposal. In addition, I do not consider that I have been presented with sufficient evidence on the future character, appearance or aspirations for the wider area around the site or on how the planning circumstances of the site will change, such that a 'meanwhile use' allowed by a temporary permission would be appropriate or necessary in this case.

Conclusion

23. For the reasons given above I conclude that the proposal accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development shall be carried out in accordance with the approved drawings and documents as follows: drawing 191212-100.03, drawing 191212-107.01, the Biffa Travel Plan Statement April 2020 and the AECOM Flood Risk Assessment April 2020.
2. Within 6 months of the date of the decision, samples of the external materials to be applied to the 2-storey building shall be submitted to and approved by the local planning authority. These approved materials shall be incorporated within the building within 9 months of the date of the decision to approve the external materials being issued and retained thereafter.
3. Within 9 months of the date of the decision, the works to install the external alterations to the building including the infilling of the central enclosure, the additional cladding materials and the provision of the platform lift shall be fully implemented in accordance with drawing 191212-100.03 and be retained thereafter.
4. Within 3 months of the date of the date of the decision, detailed plans showing the alterations to the building and ramp to provide an acceptable arrangement in terms of layout and accessibility for its users shall be submitted to and approved by the Local Planning Authority. These approved details shall be incorporated within the building within 6 months of the date of the decision and retained thereafter.
5. Within 3 months of the date of the decision the 6 cycle stands as shown on drawing 191212-107.01 shall be installed on site and be retained thereafter for use by employees.

End of Schedule of Conditions

APPEARANCES

FOR THE APPELLANT:

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