



Appeal Decision

Site Visit made on 8 September 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2021

Appeal Ref: APP/A5270/W/21/3274410

13 Colville Road, Acton W3 8BL

- 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 Himanshu Patel against the decision of London Borough of Ealing.
 - The application Ref 200380FUL, dated 28 January 2020, was refused by notice dated 24 November 2020.
 - The development proposed is the retention of four cylindrical storage tanks and associated support structure; and installation of steel cladding onto support structure to form a screen.
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Decision

1. The appeal is allowed and planning permission is granted for retention of four cylindrical storage tanks and associated support structure; and installation of steel cladding onto support structure to form a screen at 13 Colville Road, Acton W3 8BL in accordance with the terms of the application, Ref 200380FUL, dated 28 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (ref. #00447645-A0C936); 13 COLVILLEROAD VER2 05; 13 COLVILLEROAD VER2 06; 13 COLVILLEROAD VER2 07; and 13 COLVILLEROAD VER2 08,
 - 3) Unless within 2 months of the date of this decision a scheme for the proposed clean-up of any spills, handling, and storage of the substances to be stored in the storage tanks, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 4 months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. While I note the description of development on the application form, since the drawings do not show the fence, I have used the description from the decision notice as it more accurately describes the proposal.
3. As I observed during my site visit, the storage tanks have been erected while the proposed cladding had not been erected at the time of my site visit. Nevertheless, I have assessed the scheme based on the drawings before me.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposal accords with the development plan with regard to the management of hazardous materials and substances.

Reasons

Character and appearance

5. The site lies within an area characterised by industrial buildings of varying heights. In addition, the site is viewed in both directions along the road against a backdrop of taller buildings and an inconsistent building line. In particular, a three-storey building lies opposite to the site at close proximity to the pavement.
6. The existing building is two storeys, and the storage tanks extend above the height of the existing building. Given the varied height of the surrounding buildings, the overall massing of the tanks do not appear incongruous in the area. However, while I note the industrial character of the area, the tanks are clearly visible from the street and appear somewhat out of keeping given their dark colour and form.
7. A two-storey cladding is proposed around the storage tanks which would partially screen the views of the tanks and mitigate their incongruous appearance. Furthermore, together with the set back from the pavement, the proposal would not appear unduly dominant given the surrounding range of building heights and industrial character of the area.
8. Consequently, the proposed development would not harm the character and appearance of the area. Therefore, it would not conflict with Policies 7B and 7.4 of the Development Management Development Plan Document Adopted December 2013 (DMD) which together seek development in Ealing's built areas that complement their scale and ensure high quality architecture among other things. It would also not conflict with the National Planning Policy Framework (Framework) in this respect.

9. In addition, the scheme would not conflict with Policies D3, D4 and D8 of The London Plan The Spatial Development Strategy for Greater London March 2021 (London Plan) which seek, among other things, development that enhances local context, delivers good design and ensures the public realm is well-designed.

Hazardous materials and substances

10. I acknowledge the measures detailed within the Spills and Leaks Procedure submitted by the appellant. I also note the use of pumps and reservoirs to transfer liquid that may leak or spill from the tanks and that Tank 1 is bunded such that any spillage would be contained within the emergency tank.
11. As such, I am satisfied that the storage of the substances and risk of spills and leaks could be managed in a safe way provided that further details are submitted to the Council. Accordingly, I see no reason why a suitably worded condition to require the appellant to submit further details to the Council could not mitigate any harm in this respect.
12. Consequently, the proposal would not conflict with DMD Policy 7A which seeks development that causes emissions to take all reasonable steps to ameliorate these emissions.
13. It would also not conflict with the aims of London Plan Policies SI8 and GG3 which seek development that, among other things, evaluate the impact on amenity in surrounding areas and mitigate any potential negative impacts. In addition, it would not conflict with the Framework in this respect.

Conditions

14. The standard conditions relating to time limit and specifying plans are necessary in the interests of certainty.
15. A condition relating to the spills and leaks procedure is necessary in the interests of highway safety. This condition is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to secure the approval and implementation of the spills and leaks procedure before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion

16. For the reasons given above, the appeal should be allowed.

R Sabu

INSPECTOR