



Appeal Decision

Site visit made on 18 January 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal Ref: APP/Q5300/W/21/3272959

5H Nobel Road, Edmonton N18 3BH

- 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 C Ertunc, Kaz Waste Oil Ltd. against the decision of the London Borough of Enfield Council.
 - The application Ref 20/04085/FUL, dated 23 December 2020, was refused by notice dated 24 March 2021.
 - The development proposed is the use of site for the storage and collection of waste cooking oil products and erection of a panel roof (part retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development proposed on the Council's decision notice differs to that used in the application form. In the appeal form, the appellant has referred to the description of the development proposed used in the decision notice, which more accurately describes the development for which planning permission is sought. The development proposed has already commenced, but the associated works have not been completed, and as such I have referred to the scheme collectively as the development proposed. I have therefore taken the description of the development proposed from the appeal form for the banner heading above, which clarifies it has commenced.

Main Issues

3. The main issues are: i) the acceptability of the development's proposed pollution prevention measures, with specific regard to drainage; and ii) the transport implications of the proposed development, with specific regard to bicycle and vehicle parking facilities and refuse servicing facilities.

Reasons

Pollution Prevention

4. The appeal site is a yard and building within the Eley industrial estate, in use for the storage of waste cooking oil products. Waste cooking oil is delivered to the appeal site either in solid or liquid form, in barrels. The liquid waste cooking oil is pumped from the barrels into large storage tanks within the appeal site, while the solid waste cooking oil remains within barrels which are secured and stacked on pallets within the appeal site. Liquid waste cooking oil is later pumped from the storage tanks to tanker vehicles collecting it on behalf of a

third party recycling company, and then taken away. Solid waste cooking oil is collected in the sealed barrels.

5. No details have been provided of the pumping process by which liquid waste cooking oil is transferred from barrels to storage tanks and then to tanker vehicles, but the existing plans show a compressor on one side of the appeal site. I note the appellant's claim that there are no spillages, but that does not reflect what I saw at the appeal site and is not supported by any detailed information of processes which may be followed to avoid spillages. It therefore appears to me that there are numerous opportunities for waste cooking oil to be spilt within the appeal site.
6. The proposal includes the installation of what is annotated as 'galvanised drainage for oil' on the submitted plans, which the appellant describes as being designed to prevent any spilt oil from entering the natural watercourse and groundwater drainage network. The plans indicate this would comprise a drainage channel covered with a grille, to run down the centre of the appeal site yard, with one arm projecting towards the compressor. Proposed section plans show it would be at a 1% incline at either end with a manhole cover in the middle. Based on the proposed plans, this would merely collect spilt waste cooking oil and any other surface water run-off and would need to be emptied regularly.
7. The appellant refers to spilt oil being collected within a central collection tank, but this is not shown on the proposed plans. Oil collected within the proposed drainage channel would be transferred into barrels daily, but no account has been made for other surface water run-off, which would inevitably accumulate in the drainage channel along with the oil, such as rainwater. The appellant has suggested the proposed panel roof would prevent rainwater from mixing with oil, but this would only cover a small part of the appeal site yard and no details have been provided to show how rainwater run-off from that roof would be managed. There would also remain the potential for spillages while transferring the liquid from the drainage channel into barrels and any separation of oil from the accumulated surface water run-off.
8. No detailed information has been provided to explain the processes and procedures involved to prevent spillages escaping from the appeal site onto the highway, external drainage systems, or into the Conduit Lane ditch culvert. The appellant's representations state an 'anti-slip surface and additional coating' would be applied to the existing concrete base of the appeal site to prevent spilt oil from seeping into the ground, but this is not marked on any plans and no details have been provided of what those coatings may comprise, how effective they may be, or how they would be maintained. No details have been provided of the 'absorbing material' which has also been referred to as a possible measure to soak spilt liquid.
9. I note the comments of the Environment Agency¹, which advise oils should be stored on impervious bases and surrounded by impervious bund walls, the volume of which should exceed that of the storage tanks by at least 10%, amongst other things. Based on the volumes of the storage tanks and barrels seen at the appeal site and shown on the existing and proposed plans, it is sufficiently clear to me that any such bunds would need to be of a substantial size to meet the Environment Agency's criteria. No impervious bases or bunds

¹ Letter dated 27 January 2021, reference: NE/2021/132734/01-L01

are proposed and the limited information before me does not convince me the construction of such bunds would be possible. I do not therefore consider further details of the proposed drainage system could reasonably be required to be approved by condition.

10. The proposed development would not include appropriate pollution prevention measures, with specific regard to drainage. It would fail to manage surface water run-off appropriately and pose a risk to local drainage systems and the quality of the local watercourse, contrary to Policy SI 13 of the London Plan (2021), Policies DMD 61 and DMD 64 of the Council's Development Management Document (2014) (DMD), and Core Policy 21 of The Council's Core Strategy 2010-2025 (2010) (CS). These require, amongst other things, developments to ensure surface water run-off is managed as close to its source as possible and that pollution and the risk of pollution is prevented or reduced and mitigated.

Transport Implications

11. The part of the Eley industrial estate on which the appeal site is located comprises a one-way traffic system and time restricted off-street parking spaces along Nobel Road to serve a number of industrial units of various sizes. Blockages of this narrow, one-way part of Nobel Road would prevent access to many industrial units.
12. Limited information has been provided in respect of vehicle movements associated with the use and the Council's officer report advises that although the proposal would not have a material impact on the local road network, details of vehicle and bicycle parking for staff and details of appropriate refuse collection facilities would be required to ensure the proposed development is safe and sustainable. The Council has suggested these details could not be reasonably required by condition due to the number of vans, vats and waste seen at the appeal site and the lack of information concerning the operation and management of the use.
13. The appellant has suggested a transport management plan could control these matters and I am satisfied that the appeal site is sufficiently large, including a building to the rear, to provide opportunities for appropriate accessible bicycle storage facilities. The appellant has also referred to existing parking spaces shown on the submitted plans and nearby train stations and bus stops, despite the appeal site's poor Public Transport Access Level. The size and location of the appeal site within an existing employment area convince me it would be reasonable for details concerning staff vehicle and bicycle parking to be required to be approved by condition.
14. A large refuse area is shown on the proposed plans, enclosed by a metal fence, but no details have been provided as to the levels and type of refuse associated with the use, or the arrangements for its safe collection. The appellant has referred to approximately five vehicles delivering waste cooking oil to the site in barrels each day and the collection of liquid waste cooking oil by a tanker vehicle, alongside the collection of solid waste cooking oil in barrels on pallets by an unspecified vehicle, daily. It is not clear how refuse collection could be safely managed around this operation, or whether the proposed refuse storage area would be accessible and of adequate size.

15. Therefore, although details of staff parking and bicycle storage facilities could be required to be approved by condition, I do not consider a refuse management plan could reasonably be required to be approved by condition in this instance. This would be due to the level of uncertainty concerning the volume and type of refuse and the accessibility the proposed refuse area. In the absence of those details, I am unable to conclude that refuse could be safely collected from the appeal site.
16. The proposal would therefore be capable of according with Policies T5 and T6 of the London Plan, Policies DMD 23, DMD 45 and DMD 47 of the DMD, and Core Policies 24 and 25 of the CS insofar as they relate to vehicle and bicycle parking facilities. In these regards, these policies require development to meet specified bicycle and car parking standards which encourage safe and sustainable forms of travel. However, the proposal would also conflict with parts of Policies DMD 23 and DMD 47 of the DMD, which require development to provide adequate standards of on-site servicing which provide safe and functional provision for refuse collection using 11m freighters, amongst other things.
17. The Council has referred to Policies DMD 19 and DMD 48 of the DMD, which relate to the protection of strategic industrial locations and the provision of transport assessments for major development proposals, other than in exceptional circumstances where minor development would place pressure on the existing transport network. These are not relevant to the main issues in this appeal as the proposal is not major development, would not place pressure on the existing transport network, and would not result in the loss of industrial capacity.

Other Matters

18. I am told that the use supports employment for up to 10 people and provides a service to other businesses, while facilitating the recycling of waste cooking oil. These are benefits which would appear capable of being provided alongside appropriate pollution prevention measures and transport and refuse management plans. These benefits do not therefore outweigh the harm I have identified above.

Conclusion

19. The proposal would be capable of providing appropriate vehicle and bicycle parking facilities but would fail to provide appropriate refuse servicing facilities or pollution prevention measures, with specific regard to drainage. There are no material considerations that indicate my decision should be made other than in accordance with the development plan as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR