



Appeal Decision

Site visit made on 7 March 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/Q5300/W/22/3307219

**Landmark Commercial Centre, Unit 7, Commercial Road, Edmonton
N18 1UB**

- 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 REEF Kitchens Ltd against the decision of Enfield Council.
 - The application Ref 21/04769/FUL, dated 16 December 2021, was refused by notice dated 7 June 2022.
 - The development proposed is the siting of container for use as commercial kitchen and ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided an updated Transport Assessment with the appeal. As part of the appeal the Council has had the opportunity to comment on this. As such, I find parties would not be prejudiced if I took this into account and have proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The site is part of the Landmark Commercial Centre (the LCC), a Locally Significant Industrial Site that I observed to be well-used by numerous pedestrians and vehicles accessing the range of commercial buildings and units present. The site is to the rear of Unit 7 and is currently used for the siting of containers, including two temporary refrigeration units serving the adjacent LCC building and the kitchen container subject of this appeal.
5. The kitchen has been operational on a limited basis for some time. The Transport Assessment outlines that it would operate between 11:00 and 01:00 daily, manned by maximum 5 staff members per shift, with products sold exclusively online. Customers would not attend the site and collections would be made by motorcycles or bicycles, with a maximum of 4 present at the site at any one time. Servicing would occur between 08:00 and 17:00, with 4 private refuse collections and a maximum of 7 deliveries per week.
6. The main parties concur that the proposal is unlikely to generate unacceptable levels of traffic and, on the basis of my observations, I have no reason to

disagree. Nevertheless, concerns have been raised that it would impact vehicular and pedestrian access to the detriment of other tenants of the LCC, with insufficient mitigation of parking and access impacts due to its siting.

7. An entrance to the LCC at Commercial Road provides access to a forecourt and a range of units. Both pedestrian and vehicular entrances to these units appear to be principally taken from this forecourt. However, access to the proposal is taken via a separate entrance on Bull Lane, adjoining an area of the LCC free from parked vehicles and lined with third party containers. This creates a single carriageway width lane giving pedestrian and vehicular access to this part of the LCC. While it is stated that this is a private road, I noted it to be in use at the time of my visit for the purposes of accessing the third party containers, and that access along this route would also be possible for the rear and side entrances of certain units, most notably Units 7 and 16.
8. The access from Bull Lane is of a sufficient width with adequate visibility that would allow motorcycles and bicycles to safely pass pedestrian and moving or parked vehicles without causing undue obstruction. As such, the limited levels of traffic generated would not unduly interfere with pedestrians or vehicles in this location. The kitchen container, cold store, toilet and cycle parking would be set back from the main thoroughfare and behind Unit 7 so as not to cause an obstruction to pedestrians, vehicles or access points to other units.
9. However, screening would also be erected as part of the proposal. While the precise details of this are limited, submitted plans show that it would encroach on the internal road at this section of the LCC. Due to the narrow nature of this road, it would interfere with pedestrian access, and obstruct vehicular access, to this area to the north of the site when taken from Bull Lane. I noted doors to Units 7 and 16 to be present here, on the western and eastern elevations of the buildings respectively, and the appellant has confirmed that the door at Unit 7 provides an entranceway to the kitchens from this location.
10. While the Bull Lane access was previously blocked off and other entrance or exit points to Units 7 and 16 exist, I observed that at present there is a clear passage from Bull Lane towards this part of the LCC. As such, there remains potential for pedestrians and vehicles to use this for the purposes of accessing Units 7 and 16 at this location, which the screening of the proposal would restrict. I further noted that, due to the positioning of parking in the Commercial Road forecourt, vehicular access to these entrances to Units 7 and 16 is not always possible from the Commercial Road entrance.
11. As such, the proposed screening would restrict the ability of tenants to utilise these entrance and exit points to the Units 7 and 16, which could result in vehicles using, or waiting in, other areas of the LCC, including the narrow access lane to the site. This would interrupt the free flow of movement and circulation within this part of the LCC, to the detriment of pedestrians and vehicles. In addition, while adequate turning space for the motorcycles and bicycles of the proposal would remain, the positioning of the screening would limit such space for other vehicle users such as those accessing Units 7 and 16 or the third party containers, raising further highway safety concerns.
12. For the reasons given I find that the development would have a significant adverse effect on highway safety. It would fail to comply with Policies DMD20, DMD21, DMD39, and DMD47 of the Enfield Development Management Document 2014 (the DMD) insofar as they seek to ensure that development in

Locally Significant Industrial Sites does not compromise the operating conditions of other sites or adversely affect the operation of the area, that business premises development mitigates impacts on surrounding uses, including consideration of access arrangements, and avoids impacts on the free flow of traffic. It would fail to comply with Policy CP25 of the Enfield Core Strategy 2010 (the CS) insofar as it seeks to ensure safe and accessible routes for pedestrians, and with Policy T4 of the London Plan 2021 insofar as it seeks to ensure proposals integrate with current transport access.

13. While reference is made to Policies CP15 and CP24 of the CS and Policy T7 of the London Plan 2021, these relate to the safeguarding of Locally Significant Industrial Sites, wider road network improvements and deliveries, servicing and construction, respectively. In addition, Policies DMD45 of the DMD and T6 of the London Plan 2021 relate to parking provision.

Other Matters

14. Concerns have been raised that the proposal would also obstruct parking spaces in the LCC. However, notwithstanding the presence of elements of the proposal at the site, the area to the rear of Unit 7 and along the internal road adjacent to Bull Lane does not currently have parking availability due to the presence of the numerous third party containers and temporary refrigeration units. As such, on the evidence before me, the proposal would not displace car parking spaces currently in use by other units.
15. The proposal, in providing a food delivery service to local residents and businesses, would have economic benefits and respond to heightened demand for food delivery due to the increase in home working. However, this benefit of the proposal does not outweigh the identified harm.

Conclusion

16. For the reasons given, the appeal should be dismissed.

C Rafferty

INSPECTOR