



Appeal Decision

Site visit made on 2 July 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/Q5300/W/24/3339616
294A-296 Green Lanes, London N13 5TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Valerie Dorothy Charalambous, WESTFEN LIMITED against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/03846/FUL.
 - The development proposed was originally described as 'subdivision and change of use of existing retail unit into 3 x retail (A1) and 1 x storage and distribution unit (B8) involving single storey front extension.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, I note that the Council's decision notice and the appeal form describe the proposal as 'subdivision and change of use of existing retail unit into 3 x retail (E(a)) and storage and distribution (B8) and front extension' which reflects the up-to-date use class classifications under the Town and Country Planning (Use Classes) Order 1987.
3. I have taken the site address from the appeal form and the Council's decision notice as I consider this to more accurately describe the site illustrated on the submitted plans than the address on the planning application form, which referred only to 296 Green Lanes.

Main Issue

4. The main issue is whether or not the proposed storage and distribution (B8) unit would be in a suitable location having regard to relevant development plan policies and to effects on existing uses in the surrounding area (specifically the Palmers Green District Centre and neighbouring living conditions); effects on the capacity of the local road network; and provision for parking and servicing (including in respect of support for sustainable travel modes).

Reasons

5. The appeal site includes a vacant commercial unit with a wide frontage onto Green Lanes within the Palmers Green District Centre. The proposal includes an infill extension to the front of the unit, and subdivision of the front section to form three retail units. The Council has not raised an objection to these elements of the proposal, and I have no firm reason to find that they would in themselves be unacceptable.

6. However, the proposal also includes the change of use of the rear part of the unit to a storage and distribution unit (Use Class B8). The appeal site is not part of a Strategic Industrial Location ('SIL') or Locally Significant Industrial Site ('LSIS') which Policy DMD 23 of the Development Management Document 2014 ('the DMD') indicates should be the focus for proposals for new industrial/warehousing and related development such as this. Outside of these locations, Policy DMD 23 sets out that development will only be permitted where certain criteria are met. These require that:
- a. The use should be compatible with the existing uses in the surrounding area and there should be no adverse impact on the surrounding areas;
 - b. There should be no adverse impact on the capacity of the local road network; and
 - c. The development should provide adequate on-site parking and servicing for its intended use, including space for waiting goods vehicles.

Compatible with existing uses in the surrounding area and impact on surrounding areas

7. Table 5.1 of the DMD indicates that the proposed B8 storage and distribution use is not one of the main use classes found in town centres, but the Council advises that there is no development plan policy that would specifically preclude the provision of B8 floorspace in a town centre in principle. In addition, the proposal as a whole could support active use of the building which I note has been vacant for some time, and would provide for an active frontage at ground floor level. Although the Council has referred to Core Policy 17 of the Core Strategy 2010 ('the CS') which seeks to strengthen the role of Enfield's town centres, it has not outlined a particular concern that there would be detriment to the vitality or viability of the Palmers Green District Centre. In these respects, I consider that the B8 use may not necessarily be incompatible with its District Centre location.
8. However, there are also existing residential uses in this part of the District Centre, including above nearby units on Green Lanes and on The Grove to the rear of the site which are in close proximity.
9. The proposed B8 unit could be used for various storage and distribution purposes. The submitted details do not refer to any particular occupier or stipulate a specific type of use within the B8 use class, but I consider having regard to the types of uses that could fall within this class that unacceptable emissions of noise, odour or other pollutants from within the building would be unlikely. On that basis, I do not find conflict with Policy DMD 65 of the DMD which indicates that permission will be refused for developments which would have an adverse impact on air quality.
10. Nevertheless, there would be likely to be comings and goings associated with occupation of the unit and I consider that these could be particularly significant should the use include distribution-type activity. The appellant's statement comments that the unit would be accessed through the private/staff car park at the rear of the property (albeit that I note this is not part of the appeal site). The car park adjoins gardens of dwellings on The Grove and given its close proximity and that it is at a higher level, I am concerned that activity on the

site could be particularly noticeable from the closest neighbouring properties here. The evidence before me includes no substantive information on the likely numbers and times of vehicle movements to and from the site or the type of vehicles involved, and how these would compare to the existing permitted use. I am therefore unable to determine that there would not be a significant increase in vehicle activity associated with the development, nor that any additional activity would not result in a noticeable increase in noise or disturbance experienced from within neighbouring residential properties causing detriment to the living conditions of occupiers.

11. I have considered whether planning conditions could make the development acceptable. It can in general be possible to control hours of use or access through a planning condition in order to mitigate effects on neighbouring occupiers and I note that the Council has suggested such a condition in the event that I were to allow the appeal. However, from the very limited information provided, I am unable to say that the level of activity at the site would not be harmful to neighbouring occupiers, even if restricted to daytime hours. Moreover, the appellant indicated on the planning application form that hours of opening are not relevant to this proposal. They have since provided no comment on potential use of a condition, nor provided any indication that a restriction on hours that the building could be used or accessed during would be practical, or any view on what hours would be acceptable. As a result and without firm details of the nature of the intended use, it is unclear whether a condition restricting hours so as to avoid harm to neighbouring living conditions might negate the benefit of the permission applied for. In these circumstances, I am not satisfied that a condition would be effective or reasonable so as to meet the tests for conditions set out in the National Planning Policy Framework ('the Framework').
12. For these reasons, I find that there is insufficient information to demonstrate that living conditions for occupiers of nearby residential properties would not be unacceptably harmed by the proposal. I find that the appellant's statement that the proposal will not adversely impact on neighbouring properties has not been substantiated, and I am unable to conclude that the proposal would be compatible with existing uses in the surrounding area and that it would not have an adverse impact on the area as required by Policy DMD 23 of the DMD. I am also unable to find that the proposal would comply with Core Policy 30 of the CS and Policies DMD 25, DMD 37 and DMD 68 of the DMD insofar as they broadly seek development that has appropriate regard to its context and that would not harm amenity including by way of noise or disturbance.

Impact on capacity of the local road network

13. I have already noted a lack of substantive information on the likely numbers and times of vehicle movements to and from the site that would be generated by the proposal, the type of vehicles involved, and how these would compare to the existing permitted use. I can therefore draw no firm conclusions about any additional vehicle activity associated with the development, and cannot determine that this would not have an adverse impact on the capacity of the local road network as is required by Policy DMD 23 of the DMD. I am also unable to find that the proposal would comply with Policy DMD 47 insofar as it sets out that development will only be permitted if there is no adverse impact on highway safety and the free flow of traffic.

On-site parking and servicing

14. There is no external servicing provision within the boundary of the appeal site. The appellant suggests that the same protocol for deliveries as was previously deemed acceptable for one retail unit will apply for the proposed 3 retail units but they have provided no firm detail of this protocol. In addition, there is no detail of any proposed arrangements for the storage or collection of waste and recycling for the retail units.
15. At my visit, I saw two roller shutters to the side of the rear part of the building, albeit that the rearmost set are not shown on the existing or proposed plans submitted with the application. The appellant suggests that the B8 unit would be accessed from the adjacent parking area which is served by a ramp from Lodge Drive but I have already noted that this is outside of the boundary of the appeal site and it is unclear from the submitted evidence whether the appeal building would be able to rely on this space for access in the long-term. Even if I were satisfied that this could enable a potential suitable means of access for servicing for the building as a whole, the B8 unit would become the only unit with direct access from the roller shutters, with just a corridor with only a small fire escape door providing direct access to the rear of the retail units.
16. Although the retail units would front Green Lanes, I saw waiting/loading restrictions and a bus stop to the front of the site, and I have no firm details demonstrating that there would be suitable opportunity for goods vehicles to wait to the front of the site to allow servicing of the retail units from Green Lanes. The submitted plans suggest some internal openings between the storage and distribution unit and the retail units, but these openings are relatively narrow which could restrict suitable servicing access and I can further have little certainty that occupiers of the retail units would be able to rely on servicing from the rear if the storage and distribution unit was separately occupied. It is also unclear how/where these units would store waste or present it for collection. In the circumstances, I therefore find that it has not been shown that adequate servicing could be provided for the development.
17. In addition, there would be no provision for vehicle parking within the boundary of the appeal site which is drawn tightly around the footprint of the building. The appellant notes that the site is located close to Palmers Green station and several bus stops and suggests that the retail units are not car dependent with visitors encouraged to access them on foot.
18. That may be, but paragraph 10.6.18 of the London Plan 2021 ('the LP') highlights in respect of industrial sites that the role of parking both for workers and operational vehicles varies considerably depending on location and the type of development proposed. With little tangible detail of the type or nature of the proposed storage and distribution unit provided in the evidence, likely requirements for parking to serve this part of the development are unclear. Furthermore, nearby streets are not subject to parking control through a Controlled Parking Zone and there is no substantive evidence before me to show that any demand for parking that might be generated by the B8 use which would not be met on the site could be accommodated within the surrounding area without unacceptably increasing any current pressure for on-street parking.
19. There is also no detail of provision for cycle parking before me. The appellant suggests that the area of the site would not result in a requirement for cycle

storage, but Policy T5 of the LP includes a requirement for a minimum of two short-stay and two long-stay cycle parking spaces where application of the minimum standards would result in a lower provision. There would be no scope to provide external cycle parking within the application site boundary, and while it might be possible to provide cycle parking within the building, Policy T5 also requires that cycle parking is designed and laid out in accordance with guidance in the London Cycle Design Standards. The guidance sets out that cycle parking should, amongst other things, be well located, close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways and tight corners. The submitted plans show doorways and corners along the access route to the rear of the retail units and the layout raises doubt in my mind that cycle parking could be provided to satisfactorily address these requirements.

20. The Council also refers to Policy T6.5 of the LP which includes a requirement for at least one on or off-street disabled persons parking bay. However, there is disabled parking on Green Lanes opposite the site and within the nearby car park and while this is outside of the site, I note that there is no dedicated disabled parking for the existing building.
21. Nevertheless, I find given the above that there is insufficient information to demonstrate that there would be adequate on-site parking (including cycle parking) and servicing for the intended use of the building as required by Policy DMD 23 of the DMD. The proposal would also conflict with Policies T5, T6, T6.3 and T7 of the LP, Core Policy 24 and Core Policy 30 of the CS and Policies DMD 45 and DMD 47 of the DMD insofar as they include requirements broadly seeking appropriate provision of vehicle and cycle parking, adequate provision for deliveries and servicing and to support sustainable travel choices.

Conclusion on Main Issue

22. Drawing these matters together, I find that there is insufficient information to demonstrate that the proposed storage and distribution unit would be compatible with existing uses in the surrounding area; that it would not have an adverse impact on the capacity of the local road network; and that there would be adequate provision for parking and servicing for the development. Taken cumulatively, the proposal would not therefore meet the criteria specified at Policy DMD 23 of the DMD for new industrial/warehousing and related development to be permitted outside of SIL or LSIS locations.
23. I am therefore unable to conclude that the proposed storage and distribution (B8) unit would be in a suitable location and I find for the above reasons that the development would be contrary to Core Policy 24 and Core Policy 30 of the CS; Policies DMD 23, DMD 25, DMD 37, DMD 45, DMD 47 and DMD 68 of the DMD and Policies T5, T6, T6.3 and T7 of the LP. It would also be contrary to objectives in the Framework seeking a high standard of amenity, to support sustainable travel choices, and to ensure that potential impacts of development on transport networks can be addressed.
24. The Council's reasons for refusal refer additionally to Core Policy 14 and Core Policy 15 of the CS and Policies DMD 20 and DMD 21 of the DMD. These refer to safeguarding of SIL and LSIS and provide criteria for development in such locations, but the appeal site is not part of SIL or LSIS and the evidence before me does not indicate any direct conflict with the terms of these policies.

Other Matters

25. I note that planning permission was granted in 2018 for development described as 'subdivision and change of use of existing retail unit into 3 x retail (A1) and 1 x Storage and Distribution unit (B8) unit involving single storey front extension'¹. The appellant advises that the appeal proposal is the same as that previously granted where the same information was not considered insufficient. However, I do not have full details of the scheme and information that were submitted and approved. I also note that permission was granted some years ago. Since that time, the LP has been adopted and while the CS and DMD pre-date the permission, I do not know whether there have been changes to the site circumstances or context in the interim. In any event, it is incumbent on me to consider the proposal against relevant policies of the development plan in my assessment of the appeal. Given these factors, I do not consider the grant of the previous permission to be determinative or compelling evidence demonstrating that the effects of the proposal that is now before me would be acceptable so as to indicate that the appeal should be allowed.
26. I note the appellant's comments regarding difficulty in communicating with the Council and that there was no discussion of what information was insufficient, but my remit is focused on the planning merits of the appeal. I also note that the conclusion section of the Council's officer report suggests that the proposed scheme is acceptable, but this is clearly contrary to the assessment within the main body of the report as well as the recommendation below that permission be refused and the ultimate decision. The apparent error in the text of the conclusion is regrettable, but it does not alter my assessment of the proposal.

Conclusion

27. The appellant indicates that the property was vacated in 2017 and that there has been no interest in the whole property since then but that enquiries have been received about renting parts of the premises. On that basis, the proposal could help to bring the unit back into use, providing for an active frontage within the street scene and supporting the vitality and viability of the District Centre. In my judgement however, these benefits would not outweigh the failure to demonstrate that the proposal would be in a suitable location having regard to its effects on neighbouring living conditions, the local road network and provision for parking, servicing and support for sustainable transport choice; nor the resulting failure to comply with the development plan. I find that the proposal would be contrary to the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
28. For the reasons above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

¹ Application ref 18/01426/FUL