



Appeal Decision

Site visit made on 11 July 2024

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/E5900/W/24/3337372

Site at South East Junction of Thames Circle And Westferry Road, Thames Circle, London E14 3RX

- 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 Chargemaster Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application reference is PA/23/00746.
 - The development proposed is the change of use of part of the site from class B8 (storage and distribution) to sui generis (EV charging hub) and installation of 6x electric vehicle charging stations and 1x substation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of the site from class B8 (storage and distribution) to sui generis (EV charging hub) and installation of 6x electric vehicle charging stations and 1x substation at Site at South East Junction of Thames Circle And Westferry Road, Thames Circle, London E14 3RX in accordance with the terms of the application, Ref PA/23/00746, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with: Site Location Plan; Proposed Site Plan, Thames Circle, London (Rev A5); Proposed Site Plan (drawing no. 3257/1, Rev G); Proposed Site Elevation, Thames Circle, London (Rev A3); Proposed Site Elevation C, Thames Circle, London (Rev A3); Thames Circle EVC Lighting Layout (drawing no. THC-ARC-AGD-XX-DR-EE-00011, Revision P01).
 - 3) A Management Plan shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. The Management Plan is to set out the hours of operation, noise mitigation measures and fire safety measures for the use hereby permitted.
Development is to be carried out in accordance with the details of the approved Management Plan before the use hereby permitted commences, and the Management Plan is to be adhered to for so long as the use continues.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the road network and highway safety.

Reasons

3. Located at the junction of Westferry Road and Thames Circle, the appeal site is of a broadly rectangular shape and is bounded by brick walls to three sides, with close-boarded fencing to the rear. Containers and other small-scale objects associated with the site's commercial use are currently present. The immediate environs of the site are in a mix of uses including the adjacent church, the self-storage facility across the road, and housing both on Thames Circle and Westferry Road. Whilst Thames Circle is a private road, the appellant contends that the appeal site has rights to use it as an access, and the Council has provided no substantive evidence to the contrary. The proposed development, as described in the banner heading above, would see the change of use of part of the site to provide electric vehicle (EV) charging facilities and an associated substation.
4. In a previous appeal decision relating to the site (APP/E5900/W/21/3272226), the Inspector found that the uses currently present on it would not have a substantial impact on the local highway network, and this view was shared by the local highway authority. In terms of the proposed uses, the appellant submitted transport evidence in support of the appeal, including the 'Thames Circle Statement of Case: Transport' (the Statement of Case). The Statement of Case provides traffic counts from an EV charging facility elsewhere in Greater London (the comparable site), as well as some other facilities elsewhere, taken together with an assessment of the time it would take to charge a range of vehicles based on their individual specifications and those of the proposed equipment.
5. Taking into account a range of electric vehicles on the market, and the output of the proposed EV charging facilities, the Statement of Case sets out a maximum trip generation of up to 6 vehicles per hour, based on 1 vehicle, per bay, per hour. The comparable site assessed in the Statement of Case is based at the Hammersmith Flyover of the A4, with EV charging facilities that have been operational for over three years. Department for Transport data shows that some 74,000 vehicles use the flyover per day, a volume of traffic more than 12 times that of Westferry Road. Moreover, the EV facilities at the comparable site are also associated with a petrol filling station, a shop, a café, and car washing, and tyre inflating facilities – all services that would not be part of the proposed use. Observations at that comparable site over a month indicated a maximum number of vehicle movements per charger per hour of 1.4, with the average number being 0.8. Other comparable sites assessed (at Table 4.2 of the Statement of Case) both in Greater London and beyond show peak vehicle movements per bay per hour of between 0.83 and 1.5.
6. I consider that the observed vehicle movements associated with the comparable site provide a robust and reasonable proxy for those that would be generated by the proposed use. Indeed, in my view, the number of movements generated by the comparable site is likely to be at a higher end of the scale per charging point given its location amidst other destinations that passing drivers may wish to access, and its adjacency to a busy highway with significantly higher traffic volumes than Westferry Road. These are clear differences when compared to the location and nature of the appeal site.

7. Nevertheless, even if the peak figures from that comparable site were to be used, they would only equate to an additional 8.4 traffic movements per hour as a result of the proposed use. Indeed, even if the highest peak traffic movements (that is 1.5 per charging point, per hour) from the observations of all the sites included in the Statement of Case were to be applied to the proposed use this would result in 9 additional movements per hour associated with the site at peak periods. Based as they are on observed comparators, I consider these to be reasonable worst case figures, and even if the site was to generate movements at this higher end of the scale it would only result in a limited increase in vehicular activity in the vicinity of the site at peak times.
8. Moreover, it is likely that, as with the comparable site, patterns of use over the day would vary, and that much more limited movements would be associated with the proposed use for much of the day. In view of this, applying the average 0.8 movements per bay, per hour figure from the comparable site would result in an average of 4.8 movements per hour that would be generated by the proposed use. Taken together, these considerations lead me to the view that the proposed development would lead to only a marginal day-to-day increase in vehicular activity in the environs of the appeal site.
9. In addition, mapping of EV facilities in the vicinity of the site shows numerous other opportunities for the drivers of electric vehicles to use alternative locations should all the charging points be in use at the appeal site. Information on the presence of EV charging facilities is also readily available to the drivers of electric vehicles through a number of digital means including cellphone applications. Furthermore, charging points are frequently found at the homes of electric vehicle owners.
10. These propositions are all clearly set out in the Statement of Case and have not been substantively challenged by the Council. They lead me to the view that overspill onto the highway by cars backing up from the appeal site whilst waiting for the charging points would be highly unlikely due to the presence of other facilities in the vicinity and the readily available information relating to these. Moreover, there would be perhaps less reliance on publicly available charging points in the night-time hours, given the potential to charge such vehicles at home. This adds further weight to the view that use of the charging points during the night-time hours would be more limited – as per the observations at the comparable site.
11. The Council contend that the existing use of the site does not include a car park, and that any trips associated with the EV chargers would therefore be additional. Be that as it may, the proposal would generate a limited amount of additional trips so this consideration does not weigh against the appeal scheme to any material degree.
12. The limited number of trips likely to arise from the proposed development would be associated with a junction where the speed limit is low, and parking restrictions to either side of it provide adequate inter-visibility. Moreover, the site is served by an existing vehicular access. At my late afternoon site visit, admittedly only a snapshot, Westferry Road and Thames Circle were lightly trafficked, with vehicles by and large travelling at low speeds. Furthermore, accident data provided by the appellant, and not disputed by the Council, shows that over a 23-year period to 2022, there were only 3 accidents recorded on Westferry Road in the vicinity of Thames Circle. All are classified

as slight, and none involved pedestrians. Taking these considerations together leads me to the view that the proposal would not lead to an unacceptable impact on highway safety.

13. There is ample space on the site to accommodate both the commercial uses and the proposed EV facilities to allow for inter-visibility between vehicles associated with those uses, and for manoeuvres to take place. The proposal would not therefore undermine the commercial operations present on the site.
14. Accordingly, the above considerations lead me to the conclusion on this main issue that the appeal scheme would not cause material harm either to the road network or to highway safety. It follows that there would be no conflict with Policies D.TR2 or D.TR4 of the Tower Hamlets Local Plan which taken together, and amongst other things, seek to ensure that development does not exacerbate or overload transport networks through trips associated with its uses.

Conditions

15. I have attached a condition which specifies the approved plans, which is necessary in the interests of certainty. I have also imposed a condition requiring the production of, and adherence to, a management plan for the proposed use. This is necessary in the interests of the health and amenity both of occupants of adjacent properties and the future users of the site. In arriving at this view, I have taken into account the appellant's Noise Assessment, which recommends the installation of mitigation measures. In the light of my conclusions on the main issue above, however, I consider it unnecessary for the management plan to set out any further details of traffic management measures associated with the proposed use. I have made other amendments to the Council's suggested wording of the conditions in the interests of clarity and precision.

Conclusion

16. The proposed development would not conflict with the development plan insofar as the policies that have been drawn to my attention are concerned. Consequently, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR