



Officer Report

Application Number:	HGY/2023/1211
Application Type:	Change of use
Address:	Unit 4, West Mews, & Unit 1-5 Hotspur Industrial Estate, West Road, London, N17
Proposal:	Change of use of both sites from bakery (Class B2) to vehicle storage (Class B8), with ancillary office space (Class E). Retention of external improvements including new cladding and the retention of new boundary fence at Unit 1-5. Revised parking layout at both sites. Use of existing mezzanine level for ancillary office space in Units 1 - 5. Extension of the existing mezzanine level to create additional ancillary office space.
Case Officer:	Sarah Madondo
Valid Date:	04/05/2023
Applicant:	Mr Daniel Jethwa
Agent:	Mr Dominic Dear

RECOMMENDATION

Refuse

Proposed development

Change of use of both sites from bakery (Class B2) to vehicle storage (Class B8), with ancillary office space (Class E). Retention of external improvements including new cladding and the retention of new boundary fence at Unit 1-5. Revised parking layout at both sites. Use of existing mezzanine level for ancillary office space in Units 1 - 5. Extension of the existing mezzanine level to create additional ancillary office space.

Site and Surroundings

The application relates to two sites situated on the eastern side of West Road – Unit 1-5 West Road and Unit 4 West Mews. Both sites were formerly occupied by Michael's Pitta Bread Bakery, however, this company has since gone into administration and ceased trading. Unit 1-5 has been vacant for a number of years, whilst Unit 4 was vacant for over six years before the building burnt down in 2015 with the site being cleared at the beginning of 2016. Both sites are situated within the Brantwood Strategic Industrial Location (SIL), which is safeguarded land for employment generating uses that are integral to the continued growth of both the local and wider London economies. Both sites are also located within the Lee Valley Opportunity Area. This part of West Road is characterised by industrial units of various uses and sizes. The site falls within an existing industrial area, Hotspur Industrial Estate. The nearest residential properties are located on Willoughby Lane to the east.

Relevant Planning and Enforcement history

HGY/2020/1738 Unit 4 West Mews London N17 Retrospective application for change of use from bakery to lorry park and erection of a boundary fence REFUSED

HGY/2019/1686 Unit 4 West Mews London N17 Retrospective application for change of use from bakery to lorry park and erection of a boundary fence Not Proceeded With.

HGY/2018/2849 Unit 4 West Mews London N17 Retrospective application for change of use from bakery to Lorry Park and erection of a boundary fence. REFUSED

HGY/2013/0219 Unit 4 West Mews West Road London N17 Alterations to front elevation including new cladding Approve with Conditions

HGY/2012/1937 Unit 4 West Mews West Road London N17 Alterations to front elevation including new cladding REFUSED

HGY/2012/1268 Unit 4 West Mews West Road London N17 Alterations to front elevation including new cladding REFUSED

Consents in respect of main site used by Redcorn Ltd

HGY/2008/1344 - Demolition of existing office / warehouse building (B8 use) and erection of a new canopy building and boundary fence to create a working area for the dismantling of vehicles / de-pollution facility (B2 use) and a new customer car park - Approved 02/01/2009

HGY/2005/0918- Demolition of part of factory premises and chimneys and merger of premises with adjoining auto salvage recycling and de-polluting station and widening of access onto Willoughby Lane on south east corner of site - Approved 19/09/2005

HGY/2004/0435 - Installation of SEDA double de-polluting station in conformity with ELV directive (2000/53/EC) and HWL (2000/532/EC).- Approved 03/09/2004

Planning Enforcement

Unit 4 West Road London N17 COU/2019/00096 Change of Use - Other Closed Breach Resolved 12/02/2019

ENF/2022/0793 Unit 4, West Mews, Unit 4, West Road, London, Unauthorised Works CLOSED

BREACH_COU/2019/00096 Unit 4, West Mews, Unit 4, West Road, London, N17 Change of Use - Other In Progress

BREACH_COU/2019/00096 Unit 4, West Mews, Unit 4, West Road, London, N17 Change of Use - Other

UNW/2020/00479 Unit 4, West Mews, Unit 4, West Road, London, N17 Unauthorised Works Closed Not Expedient

CONSULTATION RESPONSE

The response below were received following consultation on the application:

Internal:

1) LBH Transportation Team: Not in supportive of any changes or development that would increase the frequency and severity of the problems already experience.

LOCAL REPRESENTATIONS

The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses:

Objecting: 15

Supporting: 0

The following Councillor(s) made representations:

- Cllr Bevan

The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- Traffic and parking problems
- HGV car constantly parked on pavements of Brantwood Road/Leeside Road
- Obstructing pedestrians and traffic
- Parking congestion
- Pavement covered in oil spills and debris making direct pedestrian access not safe
- Damage and misuse of public road and pavement
- Site is not appropriate for this use
- HGV vehicle ignore the RED routes
- Vehicles blocks paths
- Petrol spillages
- Damage to highways and payments
- Pollution
- Contamination with oil and unpleasant odours discarded from car parts
- Environmental concerns
- Unauthorized parking in RED Zones
- Highway Infrastructure damage
- Parking issue
- Incompatible use
- Site too close to residents
- Site is not fit for this operation
- Disturbance and road safety

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Background
2. Principle of development/land use
3. Design and appearance
4. Highways and transport considerations and
5. Noise and pollution considerations

Background and Information

The sites are currently used by Redcorn Ltd to park motor vehicles. Redcorn Ltd are an ELV (end-of-life vehicle) and nuisance vehicle specialist. According to their website they are currently London's largest ELV and nuisance vehicle contractor, currently contracted to 23 local authorities in and around the London area to remove untaxed and abandoned vehicles which are then scrapped or recycled. Their main site is situated on Willoughby Lane, N17 which is in the vicinity of the two sites to which this application relates. In recent years, Redcorn have expanded into a large warehouse building on the opposite side of Brantwood Road as well as the application sites for the parking of motor vehicles. The large warehouse building located on the southern corner of Brantwood Road is used for selling of second-hand car parts linked to the ELV dismantling process. This use is therefore in itself a source of high trip attraction with equally high demand for on-street parking.

There have been two previous applications for the Unit 4 site. Both applications (HGY/2018/2849 and HGY/2020/1738) were refused, partly on transportation grounds relating to the effect of the proposed lorry parking on highway safety, the free flow of traffic and the operation of the industrial estate. An appeal by the applicant in relation to the 2020 application was unsuccessful with the original planning decision upheld. The planning inspector noted that 'the proposal would result in harm to highway safety, the free flow of traffic and the operation of the industrial estate, and it would conflict with Council policies. In addition, an Enforcement Notice was served on Unit 4 West Road. An appeal against the notice was dismissed and the enforcement notice upheld. According to enforcement records Redcorn have now complied with Enforcement Notice.

The LPA view that the operational layout of the applicants main site, in specific the manner, sequencing and restricted space from where such vehicles are removed from transporters are inextricably linked. As such, approving a change of use of the two application sites to storage of cars has specific consequences for the intensity and use of the number of deliveries to the main site. The LPA view is that the existing activities associated with the Redcorn operations results in multiple problems with respect to the smooth and safe flow of the Highway, damage to Highway infrastructure, ongoing enforcement issues and a nuisance for other highway users and businesses in the locality. It is likely that these existing problems experienced in association with the vehicle dismantling operations would worsen resultant from this application, compounding the situation. The above is an ongoing and considerable problem for the Council's Highways and Parking teams, necessitating monitoring, physical works and maintenance to repair damage, and ongoing enforcement and parking management. This burden would increase as a result of this application. It is also noted that local residents have also responded to this application highlighting the ongoing issues and expressing their concerns and objections, including a petition.

Principle of development/land use

In terms of the principle of development the site falls within land designated as a 'Strategically Industrial Location' (as per policy SP8 of the Haringey Local Plan) and policy E5 of the London Plan 2021. There are two broad categories of SIL, Preferred Industrial Locations (PILs) and Industrial Business Parks (IBPs). Within Haringey, Central Leaside (which includes Brantwood Road, North East Tottenham, Willoughby and Marsh Lane) and Tottenham Hale are classed as SIL - the latter is an IBP, which accommodates businesses requiring a higher quality environment.

The SIL designation seeks to sustain and protect such concentrations of industrial, logistics and related capacity for uses that support the functioning of London's economy. The policy says that development proposals in SILs should be supported where the uses proposed fall within the industrial-type activities set out in Part A of Policy E4 'Land for industry, logistics and services to support London's economic function'. Such a policy approach is consistent with paragraphs 80 and 81 of the NPPF 2019 which relate to building a strong, competitive economy.

Policy DM37 Part A of the Development Management DPD states that, within SIL areas, proposals for the intensification, renewal and modernisation of employment land and floorspace will be supported where the development proposal:

- Is consistent with the range of uses identified in Policy SP8 of the Local Plan (these include waste/recycling, transport, logistics and distribution amongst others);
- Allows for future flexibility for a range of business types and sizes;
- Provides adequate space for on-site servicing and vehicle waiting/movements;
- Enhances the quality of the local environment and business area; and
- Demonstrably improves the functionality of the site for employment proposes including improvements in the: quality/type of employment space, quality/density of jobs on-site and the site's contribution to the Council's wider employment objectives.

Policy DM37: seeks to maximise the use of employment land and floorspace in SILs. In respect of new uses (beyond B1 to B8) part B(e) of the policy states that proposal should not 'restrict, prevent or in any way prejudice the continued operation of adjoining or nearby established employment uses'.

Permission is sought for the change of use of the two sites (Unit 1-5 West Road and Unit 4 West Mews) from a bakery (Class B2) to vehicle storage (Class B8). The applicant submits that 35 car storage spaces would be provided at unit 4, with another 130 spaces provided at unit 1-5. The applicant further states that the vehicles would be brought to the proposed sites from other existing sites (outside of the SIL) where they would be stored for disposal/recycled. Vehicles would then be transported to the breakers yard at Brantwood Road by these same vehicles, with their parts being moved over the road to No. 18 West Road, where they are refurbished (where necessary) and stored for sale.

Officers would highlight that the submitted information does not really demonstrate that the vehicle are stored in one place, it appears that vehicle are being moved from one site and then either disposed off or parts recycled in a different site that is either at breakers yard at Brantwood Road or parts are moved over to the no. 18 West Road as result it is still considered that the applicant has not submitted sufficient information to support the change of use to vehicle storage (Class B8). Officers therefore considers that based on the information submitted by the applicant, vehicles are just being parked for a short period of time and then moved. Therefore, it is considered that parking of vehicles on the site is a sui generis use which falls outside of the B classes which would accord with Policy SP8. As such, it is considered that the principle of the change of use to B8 is not supported as the applicant has not demonstrated that the proposed use would be "storage of vehicles" rather the vehicles are parked for a short period then moved which cannot be considered as storage of vehicles (Class B8).

Policy DM37 seeks to maximise the use of employment land and floorspace in SILs, according to the information submitted by REDCORN the proposal would give rise to 65 FTE jobs across the sites (60 at Unit 1-5 and five at Unit 4), which represents an uplift in the number of jobs in the SIL. The LPA view is that although there is an uplift in employment on these sites, this would not be comparable to the emerging neighbouring site on Willoughby Lane which have recently secured planning permission to increase its employment floorspace to approximately 5592.5 sqm of flexible employment floorspace. Therefore, it is not considered that the proposal would fulfill the objective of intensifying use of the site and maximizing the use of employment land/floorspace in SILs.

Part of e) of Policy DM37 states the proposal would not restrict, prevent or in any way prejudice the continued operation of adjoining or nearby established employment uses. Concerns has been raised by neighbouring established employment uses in respect of ongoing on problems regarding the existing issues associated with the current site which is highlighted further in the report relating to congestion associated with HGV/transporter operations, parking, manoeuvres and vehicle

loading/offloading still exists. It is considered that the use of the site for motor vehicle storage (amongst others) would prejudice the continued operation of adjoining/nearby established employment uses, contrary to the objectives of policy DM37. This was supported by appeal decision reference (APP/Y5420/C/21/3275288) in which the inspector stated that *"in the light of the strategic importance of the industrial estate to the borough and to London, I regard it as essential that new development should not worsen highway safety, the free flow of traffic or the efficient operation of the industrial estate"*.

Design and appearance

DM Policy (2017) DM1 'Delivering High Quality Design' states that development proposals should relate positively to their locality, having regard to, building heights, form, scale & massing prevailing around the site, urban grain, sense of enclosure and, where appropriate, following existing building lines, rhythm of any neighbouring or local regular plot and building widths, active, lively frontages to the public realm, and distinctive local architectural styles, detailing and materials. Local Plan (2017) Policy SP11 states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. Development shall be of the highest standard of design that respects its local context and character and historic significant contribute to the creation and enhancement of Haringey's sense of place and identity which is supported by London Plan Policy D4.

The proposal includes the extension of the existing mezzanine level to create additional ancillary office space. Officers consider that proposed extension of the existing mezzanine level would be acceptable in design terms for this location in terms bulk and mass. The retention of external improvements including new cladding would be similar to other industrial units within the same vicinity therefore acceptable. The proposal also includes the retention of boundary fence, as this element was allowed by the inspector under appeal reference (APP/Y5420/C/21/3275288), officers do not consider that this element requires planning permission.

Highways considerations

London Plan 2021 policies T1 and T4 as well as Haringey Local Plan policy SP7 are relevant to the proposal and seek to ensure that development does not adversely affect the highway network or pedestrian safety. The sites are both of PTAL value 2, considered 'poor' access to public transport services. There are two bus services available within 2 to 6 minutes walk of the sites, and Northumberland Park Station is a nine minute walk away. Whilst 'red route' arrangements have been implemented within West Road recently, the site is within the Tottenham Event Day CPZ, which operates on match and event days and evenings only at the Tottenham Hotspur Stadium. That does mean there are no formal CPZ controls in place most days.

Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.

DPD Policy DM32 'Parking' states that the Council will support proposals for new development with limited or no on-site parking where there are alternative and accessible means of transport available, public transport accessibility is at least 4 as defined in the Public Transport Accessibility Index, a Controlled Parking Zone (CPZ) exists or will be provided prior to the occupation of the development, parking is provided for disabled people; and parking is designated for occupiers of developments specified as 'car capped'.

Transportation officers were consulted and advised that both of PTAL value 2, considered 'poor' access to public transport services and the site is within the Tottenham Event Day CPZ, which operates on match and event days and evenings only at the Tottenham Hotspurs Stadium as a result there are no formal CPZ controls in place most days.

In terms of highway considerations, the previous application was refused on highway safety and the free flow of traffic under appeal reference (APP/Y5420/C/21/3275288). In a recent officer site visit revealed that these issues are still ongoing problems, particularly, the operation of the dismantling of cars and parts salvage operations. Officer observed that there is physical damage to kerbing and Highway infrastructure from HGV parking on the footway, and loading/unloading within the highway from HGV's and car transporters. The damage includes deposits of oil and other vehicle fluids and contaminants from cars delivered to the site and moved/handled within the highway.

There are also issues with congestion associated with HGV/transporter operations, parking, manoeuvres and vehicle loading/offloading. These affect the free flow of the highway network within the industrial areas and locality of the site and cause congestion. In addition, there are also issues with parking across accesses, on double yellow lines and the like creating problems for businesses, visitors and highway users in the locality.

Highway safety in particular is adversely impacted by the above issues. Pedestrians have to navigate around vehicles parked on the footway and walk in the road, and traverse physically damaged footways where heavy vehicles have parked on them. Illegally parked vehicles parking on double yellow lines also hinder the ability to cross the road safely as they impede visibility for pedestrians. Furthermore, cyclists are adversely affected for the same reasons where vehicles park where the highway should remain clear, impeding forward visibility, and loading/unloading operations impact free flow of the public highway.

The LPA's Highways & Parking teams have attempted to remedy these ongoing issues, by implementing 'Red Route' arrangement formalizing parking/loading areas and by installing camera surveillance, including enforcement patrolling. Feedback from provided by Enforcement Team is that daily visits by Enforcement Officers are still required to monitor these sites and continued surveillance is required resulting in more Penalty Charge Notice (PCN's) being issued to deal with the ongoing issues and cover areas currently outside of CCTV coverage. Whilst there have been some minor improvements since the implementation of the newer 'Red Route' arrangements, there is still a low level of compliance and problems persist. The content of the objections received do make it clear that there are specific problems on the ground with businesses affected by the increased congestion and obstructions to the free flow of traffic.

The applicant has submitted a Parking Stress Survey in support of this application which recorded parking conditions during two separate working days. The averaged out parking stress within West Road was 81% with on average 9 spaces available out of the 38 in the street. However, it is detailed that conditions along West Road are variable during a typical day and dependent on which section of West Road is considered. The period between 10.00 and 14.00 showed levels exceeding 100% which was resultant from parking outside of formally allowed locations, and enforcement officers have reported particular issues close to the junction of West Road with Brantwood in association with the vehicle parts/ sales of parts operation. There is irregular illegal parking taking place during this period on a daily basis. Furthermore, it is not clear if the parking stress surveys were recorded prior to or post implementation of the 'Red Route' restrictions on West Road and Brantwood Road. Transportation officers go on to say that the review of the swept path plots within the Transport Assessment suggest that these were not in place at the time when the Transport Assessment was produced and if that is the case then the stress survey would be out of date.

Transportation officers further advises that the transport statement indicates that there is a substantial uplift in number of employees from 5 to 65, the statement goes to state that 80 – 90 percent of employees travel by sustainable modes of transport. However, no evidence has been submitted, as result it is considered such an uplift in number of employees could potentially increase in local parking demands. The parking stress survey referenced earlier in this response detailed parking stresses overall as being relatively high and severe during certain periods of the day. Additional, demands would increase parking stresses in the locality of the site. The LPA, considers that the introduction of the 'Red Route' arrangements would reduce on street car parking within West Road, however, additional parking demands would then be displaced to residential areas close by.

The LPA would highlight that without any reference to the existing arrangements for car deliveries to the sites, which are known to create highway issues, there is no way of working out if formalisation of this and the other site at Unit 4 will compound existing issues and add to them in terms of introducing more on street loading, unloading and handling/transfer movements. Overall, the LPA is concerned that there will be increases in the numbers of transporters attending these sites, and with the associated movement of vehicles from the two storage sites to the dismantling operation at Brantwood Road.

In terms of trip generations, the LPA, would highlight that Transport Assessment shows that they would be 5 to 7 vehicles brought to the site per day, however trip generation details 29 arrivals and departures. Officers considers the number of trips considered over a day is not an issue but greater clarity on vehicle deliveries and movements is required. The same concerns with respect to delivery, loading/offloading and vehicle transfer between sites apply to this site as they do to Unit 1 – 5. The concept of multi vehicle transporters delivering to both of these storage sites, and movements from both these site would result in highway impacts, therefore not acceptable. Overall, the LPA are concerned about increases in the numbers of transporters attending these sites, and with the associated movement of vehicles from the two storage sites to the dismantling operation at Brantwood Road.

Furthermore, officers, cannot ascertain if there will be any changes in the numbers and types of vehicles delivering to and taking scrap materials away from these sites, comparing present to future arrangements. The LPA would not be supportive of any changes or development that increases the frequency and severity of the problems already experienced. These issues were also highlighted in the previous application (HGY/2020/1738) and inspector under Appeal Decision (APP/Y5420/C/3275288).

The LPA considers that the this application does not provide sufficient details nor does it demonstrate how the existing highway/ parking problems resultant from the existing vehicle dismantling operations in the locality, which include physical damage, parking issues and a degrading of the highway environment have been addressed. The LPA, also considers that due to the increase in the number of employees, this could exacerbate the local parking stresses resulting in an impact on roads within close proximity to these sites. In addition The LPA also considers that the applicant has not provided sufficient details on the operation/ movements of vehicles from storage sites, via the public highway to the dismantling sites for disposal and recycling. There is no detail on existing operations for bringing vehicles to the dismantling sites, and it has not been possible to ascertain if the proposals will result in more transporters and vehicle handling movements taking place than at present.

Given the congested nature to this part of the estate and in the absence of clear information as set out above the LPA view that the use of both sites Unit 4 & 1-5 as storage (B8) would adversely affect this part of the industrial estate by reason of increased vehicle movements and associated queuing and congestion. The LPA view the imposition of planning conditions alone in respect of the use of this site as a vehicle storage cannot address such problems of congestion and as such

in the absence of clear information to the contrary this application cannot be supported. The LPA also considers that the intensification of these site and intensity of use by Redcorn across multiple sites would lead to an over-intensive use and supporting this application would exacerbate the existing issues, therefore cannot be supported.

Dropped Kerb

The transportation officers advise that the application includes the widening of the dropped kerb at the access/entrance to unit 1-4 to facilitate movements into the site by 12m rigid car transporters. The proposal would reduce available pedestrian/footway width at the pinch point to 1.82m. Given that swept path plots show parking up to this access, on street parking arrangements have changed recently with the Red Route measures, so it's not clear if this physical alterations would be feasible to enable movements into the site by 12m rigids. Therefore proposal to widen the dropped kerb cannot be supported.

Other considerations

Concerns about noise and pollution as raised in the representation received are noted. While the use of this open site for the storage of cars has the potential to generate noise due to the movements on the highway, the nearest residential properties are considered to be far enough away from the site for their amenities not to be significantly impacted by noise. It is also pointed out that the attachment of conditions relating to hours of use could address/ mitigate concerns. In terms of pollution, the applicant has complied with the enforcement notice in relation to Unit 4, however there are some ongoing issues with main site

Notwithstanding the controls of planning it is also important to highlight that safeguards under the Environmental Protection Act with regard to noise would remain at the Council's disposal and could be employed if complaints are received.

Conclusion

Overall it is considered that the existing issues associated with the current site which is highlighted in the report relating to congestion associated with HGV/transporter operations, parking, manoeuvres and vehicle loading/offloading still exists. These issues are still persisting as evidenced by many objectors and as observed from officer's site visit. These issues are still affecting the free flow of the highway network within the industrial areas and leading to congestion in this area despite the 'Red Route' measures which have been put in place. The LPA view is that the applicant has not provided sufficient details on the operation/ movements of vehicles from storage sites, via the public highway to the dismantling sites for disposal and recycling. There is no detail on existing operations for bringing vehicles to the dismantling sites, and is not clear if the proposals will result in more larger transporters and vehicle handling movements. The LPA view is that proposed change of use would result in exacerbation of the existing highway and parking problems experienced in the locality, which will be to the detriment of the operation of the public highway, road safety/ highway users, in particular pedestrians and cyclists. Furthermore, it is considered that that local parking stresses would increase, creating additional on street parking pressures and inappropriate parking, both within the immediate local area and the adjacent residential areas creating a highway safety issue/nuisance for local residents.

In the absence of clear information to contrary to planning permission cannot be granted and as such this application is recommended for refusal for the reasons set out above.

Refusal Reasons:

In the absence of sufficient information to demonstrate otherwise, the trip generation and movements in connection with the use of the application sites for vehicle storage in conjunction with the operation of the main site would lead to increased vehicle movements and an associated increase in queuing, congestion and local parking, creating additional on street parking pressure and inappropriate parking, both within the immediate local area and the adjacent residential areas resulting in increased nuisance for local residents and giving rise to severe consequences for the local highway network, in terms of the free flow of traffic and highway and pedestrian safety, as well as undermining the functionality and attractiveness of the industrial estate and the strategic objective of such employment sites, contrary to London Plan 2021 Policies E5, T1, T2 and T4, Policies SP7 and SP8 of the Haringey Local Plan 2017 and policy DM37 of the Development Management DPD 2017.

The widening of the vehicle crossover at this location would by reason of its associated access and egress, exacerbate pedestrian / vehicle conflict in this location to the detriment of public safety and the free flow of traffic, contrary to Policy DM33 & Policy DM34 of Development Management Plan & Policy SP7 of the Haringey Local Plan.