

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 4th September 2014

Report of

Assistant Director, Planning,
Highways & Transportation

Contact Officer:

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Ward:

Edmonton Green

Ref: P14-01298PLA

Category: Full Application

LOCATION: 30A, Nobel Road, London, N18 3BH

PROPOSAL: Removal of condition 5 of approval TP/08/0744/REN1 for the continued use of the unit for go-kart racing and manufacturing centre with ancillary conference facilities.

Applicant Name & Address:

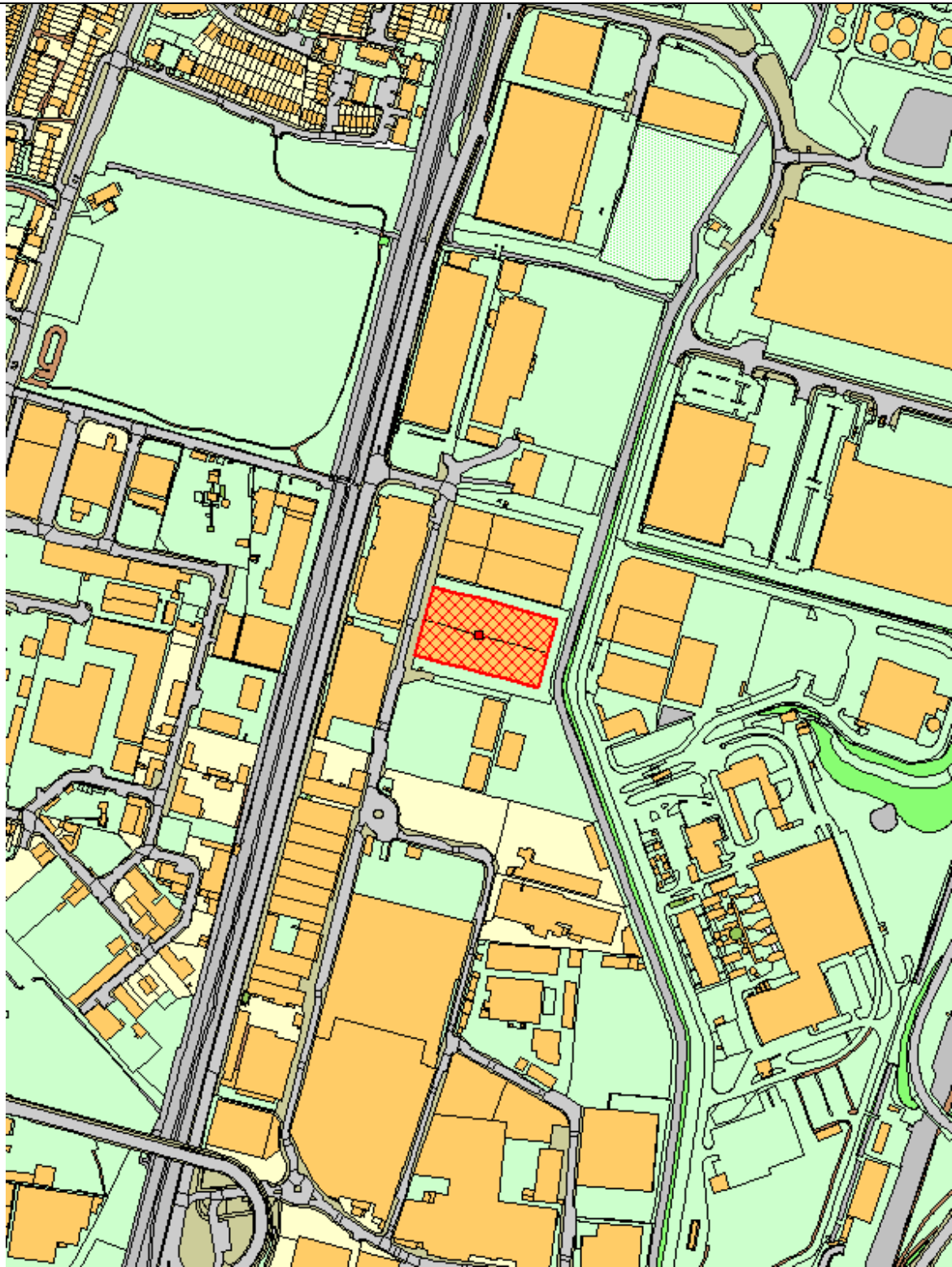
TeamSport (North London) Ltd
30A, Nobel Road, London, N18 3BH

Agent Name & Address:

Savills
30A, Nobel Road, London, N18 3BH

RECOMMENDATION:

That condition number 5 be removed from application TP/08/0744/REN1 and conditions be re-imposed



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Scale 1:1250

North



1.0 Site and surroundings

- 1.1 30A Nobel Road has been in use as a go-karting centre for TeamSport since December 2008. The site is located within the Eley Industrial Estate to the west of Nobel Road approximately 80 metres south of Thornton Road. The site contains a large industrial building, where the go-karting centre is located, while the remainder of the site is laid to hard standing. Access is from Nobel Road in the southeast corner of the site.
- 1.2 The area is characterised by predominantly heavy industry and storage uses. The nearest residential dwellings are approximately some 360 metres to the west, fronting Montague Road.
- 1.3 The whole of the site lies within Flood Zone 3 in close proximity to the boundary with Flood Zone 2.

2.0 Proposal

- 2.1 This is a Section 73 planning application seeking the removal of condition number 5 of application TP/08/0744/REN1 as worded below:

This permission is granted for a limited period expiring on 22nd June 2014 when the use hereby permitted shall be discontinued and the land reinstated.

Reason: To ensure that the unit within a Strategic Industrial Location remains available for industrial use in the medium to long term, to protect the supply of industrial land within the Borough and protect the objectives of the forthcoming Central Leaside Area Action Plan.

3.0 Relevant Planning History

- 3.1 30A Nobel Road has been in use as a go-karting centre for TeamSport since December 2008. An initial temporary 3 year planning permission was granted in May 2008 for the use as an indoor go-karting centre (TP/08/0744). This was renewed in June 2011 for a further temporary 3 years associated with condition number 5 (TP/08/0744/REN1).

4.0 Consultation

4.1 Statutory and non-statutory consultees

4.1.1 Traffic and Transport

No objection raised. There have been no known complaints relating to the site.

4.1.2 Environmental Health

No objection raised. No environmental complaints about the premises. The continued use of the development is unlikely to have a negative environmental impact. In particular there are no issues regarding noise, contaminated land, air quality or nuisance.

4.2 Public response

- 4.2.1 Nine neighbours have been notified directly by letter and a site notice erected. No response received.

5.0 Relevant policies

- 5.1 The National Planning Policy Framework (NPPF) published in March 2012 allowed Local Planning Authorities a 12 month transition period to prepare for the full implementation of the NPPF. Within this 12 month period Local Planning Authorities could give full weight to the saved Unitary Development Plan policies (UDP) and the Core Strategy, which was adopted prior to the NPPF. The 12 month period has now elapsed and as from 28th March 2013 the Council's saved UDP and Core Strategy policies will be given due weight in accordance to their degree of consistency with the NPPF.

- 5.2 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The Submission version DMD document was approved by Council on 27th March 2013 and is now under examination. An Inspector has been appointed on behalf of the Government to conduct the examination to determine whether the DMD is sound. The examination is a continuous process running from submission through to receiving the Inspector's Report. Part of this process involved an oral hearing sessions and this took place on Wednesday 23rd April 2014. The DMD provides detailed criteria and standard based policies by which planning applications will be determined.

- 5.3 The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

5.4 London Plan (subject to Revised Early Minor Alterations 2013)

Policy 2.17 Strategic Industrial Locations
Policy 4.4 Managing Industrial Land and Premises
Policy 6.3 Assessing effects of development on transport capacity

5.5 Core Strategy

CP14 Safeguarding Strategic Industrial Locations
CP25 Pedestrian and Cyclists
CP30 Pollution

5.6 Unitary Development Plan

(II) GD3 Planning Standards
(II) GD6 Planning Standards
(II) GD8 Planning Standards
(II) T13 Highway Improvements

5.7 Submission Version DMD

DMD 19 Strategic Industrial Location (SIL)
DMD 45 Parking Standards and Layout
DMD46 Vehicle Crossovers and Dropped Kerbs
DMD 47 New Roads, Access and Servicing
DMD 48 Transport Assessments
DMD 64 Pollution Control and Assessment
DMD 66 Land Contamination and Instability
DMD 68 Noise

5.8 Other relevant considerations

Manual for Streets 1 and 2
NPPF (2012)
NPPG (2014)
Employment Land Review (2012)
North London Employment Land Study (updated 2009)
Council's Central Leaside Area Action Plan (CLAAP) (draft 2012)
Upper Lee Valley Opportunity Area Planning Framework (2013)

6.0 Analysis

6.1 Background

6.1.1 TP/08/0744 and TP/08/0744/REN1 were approved subject to temporary 3 year permissions. Condition number 5 was imposed so that the Council could retain control of the use of the unit until the Council's Central Leaside Area Action Plan (CLAAP) and the Development Management Document (DMD) were published. It was envisaged that the CLAAP and DMD would be likely to improve future demand and the unit could be returned to industrial use in the long-term. It should be noted that the CLAAP has been in draft form since 2012.

6.1.2 The Council has now received the Inspector's Report into the soundness and legal compliance of Enfield's Development Management Document (DMD). The Inspector has concluded that the DMD (part of Enfield's Local Plan) provides an appropriate basis for the planning of the Borough, satisfies the requirements of Section 20(5) of the 2004 Planning & Compulsory Purchase Act and meets the criteria for soundness in the National Planning Policy Framework

6.2 Policy and principle

6.2.1 Enfield's Local Plan, particularly the Core Strategy (adopted 2010) sets the context for the Central Leaside area, and it is supported by an evidence base, including the Employment Land Review (2012) and the North London Employment Land study and its update report in (2009). The Core Strategy sits within a suite of planning documents including the Development Management Document (submission version March 2013), and the draft Central Leaside Area Action Plan (May 2012), as well as the Mayor's Upper Lee Valley Opportunity Area Planning Framework (July 2013). Together these planning policies and guidance at the local and sub-regional level provide a clear steer on appropriate development in the area.

6.2.2 Additionally, the Council has formally submitted its Development Management Document (DMD) to the Secretary of State for independent examination. Examination to determine the soundness of the DMD was held in April 2014. Chapter 4 of the DMD deals with Enfield's economy. It re-affirms the Council's position to supporting businesses and facilitating economic growth. Based on an up-to-date evidence of demand and supply, the Council will continue to protect industrial land and employment premises, including those safeguarded as SIL and Locally Significant Industrial Sites (LSIS). This approach is supported by the findings of the Employment Land Review (2012), which identified that the supply of industrial land in North London is limited and there is a need to retain industrial capacity to accommodate existing and future demand. The Review concludes that, even in the context of the current economic climate, Enfield should protect its employment sites.

6.2.3 Unit 30A Nobel Road is situated within Eleys Industrial Estate. Core Policy 14: Strategic Industrial Location (SIL) safeguards Eleys Estate as SIL, and identifies it within a 'Preferred Industrial Location' (PIL). The objective of this policy is to strengthen the role of industrial areas within the Borough, which are in employment use. Consequently, the principle use of the site as an indoor go-karting centre (sui generis use) is contrary to policies set out in Enfield's Local Plan as its retention would result in a loss of industrial capacity. However, material considerations exist that are required to be considered.

6.3 Material considerations for the retention of the go karting use

A history of 30 A to D Nobel Road

6.3.1 The whole unit at 160,000 sqf, known as number 30, was originally built to accommodate a steel foundry. The building was purpose built to suit the specific requirements of the steel foundry. Upon relocation of this company in the 1980's the entire unit was let to Coca Cola Enterprise Limited. In the early 1990's Coca Cola moved out and a removal firm and logistic company occupied the site. In 2006 both the removal firm and a logistic company vacated. The whole unit was marketed as a whole for 18 months with no success. In 2008 the unit was split into separate units and advertising commenced for the separate units. Team Sport Go-Karting occupied unit A and Professional Print Finishing Services Limited occupied unit D. The remaining space remained unoccupied until 2013. In August 2013 Dogtas Limited (B8 use) let 26,000 sqft. There is still approximately 60,000 sqft of space remaining to be let within the unit.

6.3.2 Over the years it is apparent that there has been very little demand for this particular unit to be retained as an industrial/warehouse use. This is further demonstrated by the 60,000 sqft of the unit still not let and the length it has taken to let even part of the whole unit. The potential loss of the go karting use could further add to the empty floor space available within the unit to the detriment of the Eley Estate.

Specific analysis of 30A to D Nobel Road

6.3.3 The following bullet points are an account from Pater Johnson Merriman, the letting agents and chartered surveyors acting on behalf of the owners of the unit. They have collated information to demonstrate how the whole unit has been marketed,

incentives offered to draw leaseholders to the site and why the unit is deemed to be unattractive. This information has been gathered since 2006 when the unit first became fully vacant.

The unit itself

- The age of the unit makes it less attractive given the number of modern units within the industrial areas of the Borough. New modern units are currently being erected in the Eley Estate making 30 Nobel Road even more unattractive to prospective leaseholders. Modern operational needs are in demand hence why new industrial units are being erected.
- The poor condition of the unit given the length of time it has not been leased for. The existing unit is deemed to be part of the poor existing stock and is not adaptable without major investment.
- The ceiling height is too low for some of the B use classes to use given that the unit was specifically designed to be used as a steel foundry.
- The impression of the wider Eley Estate which appears run down.
- The general access and roadway are poorer than competing space which can clearly be seen on site through the quality of the road.
- The smell from the adjoining waste facility is unattractive.
- Levels of break ins in the Eley Estate may not be exceptionally high but still occur.

6.3.4 The above demonstrates that in order to make 30 Nobel Road attractive to users within the B Use Class, the applicant would need to demolish the unit and erect a new building but also repair the roads and access outside of their ownership.

Type of marketing and incentives offered since 2006

- Incentives offered to lease the unit included large rent free periods, the flexibility of the unit, short term lettings and internal refurbishment works.
- The rent for the unit is low which in terms of marketability indicates the poor quality of the space in terms of the B use classes.
- Since 2007 there has been an agents marketing board for the whole site.
- The unit has been advertised on industries' websites and circulated to all Central London industrial agents.
- The unit has been advertised in a variety of industrial marketing literature nationwide.
- Since 2006 the majority of the unit still remained unleased. In 2013 Dogtas Limited leased part of the remaining unit because of its proximity to its local retail stores and the lower than average rent within the Eley Estate.

6.3.5 The whole site has been marketed since 2007 and is still not fully occupied. Where it has been marketed in more recent years there was a niche reason as to why Dogtas Limited leased part of the reason. This did not have anything to do with the draft CLAAP (2012) document which aims to regenerate the employment sites within the Borough. Given the evidence submitted, it is considered that the site has been widely marketed for a number of years with a number of incentives offered, although occupancy at the unit still remains low.

Assessment of the Eley Estate and Strategic Industrial Locations within Enfield

6.3.6 R Morris Associates have undertaken extensive survey work of the Eley Estate and all of the other designated SILs within the Borough at the request of Officers. The survey has involved site visits, desk-top research using Focus.net amongst other tools and extensive discussions with marketing agents who are active in the Borough. It was required to consider not just the Eley Estate, but also availability in the other SILs within the Borough. This is because an industrial/warehouse occupier when looking for premises will not focus their search in a specific estate. Instead, they would consider a wider area/region. The summary of the survey is as follows:

- The survey of all of the SILs establishes that there is approximately 1,234,000 sq ft of available industrial and warehouse space. This demonstrates that there is a considerable level of supply and choice of availability within the SILs of the Borough.
- The 1,234,000 sq ft comprises 42 different units of sizes from 7,000 sqft to circa 100,000 sqft. Of this, approximately 1,100,000 sq ft has been marketed for one year or more. Although not all of this space is actually vacant, in regards to marketing, 89% of all of the space on the market has been available for leasing for at least 12 months.
- There is more available space in the vicinity of the site now compared to when the application was considered in 2011.

6.3.7 The review by the Council found that Enfield should not see any net reduction in the employment land stock. Given that the 2014 survey undertaken by the Agent portrays an up to date representation of the Eley Estate and SILs it would be unreasonable to rely solely on the Employment Land Review (2012). The loss of the go karting unit would just add to the existing vacant units and the amount of industrial space not occupied. Specifically in the Eley Estate, 15 additional units are being built (reference P12-03055PLA). Therefore, it is considered given current vacancy rates, the amount of units in the SILs, future provision and that there is a net increase of units at the Eley Estate, it is considered that the retention of the go karting business would not harm the employment land stock.

Enfield's economy

6.3.8 The fundamental aim of Section 4 of the submission Development Management Document (2013) is to ensure that there is sufficient employment land stock to provide employment. The go karting business at 30A Nobel Road employs a total of 28 people from the local area. An industrial/warehouse unit of this particular size may not employ as many people given the low level of employment generated by an

industrial/warehouse use generally. The loss of this unit would therefore result in the loss of 28 jobs. Further, there would be no guarantee that another business would replace this business and provide equivalent replacement employment.

- 6.3.9 One of the fundamental aims of the NPPF (2012) is to achieve sustainable development through building a strong and competitive economy. The business appears to be thriving, implied by the expressed need to remain in situ. Therefore, the use brings members of the community to the Borough of Enfield who would not have generally come to this part of the Borough. Although the use cannot necessarily be described as tourism, visitors to this recreational facility would serve to support the community and promote economic prosperity in the Borough. The retention of the business would ensure that existing jobs and prosperity are maintained.

Overall

- 6.3.10 It is acknowledged that by removing condition number 5 this would be a departure from the Local Plan. However, it is considered that there are positive benefits arising from the permanent retention of this unit that need to be balanced against the principle of the loss of the industrial use. These positive benefits have been discussed above and on balance it is considered that condition number 5 should be removed from application TP/08/0744/REN1.

6.4 Conditions and Decision Notice

- 6.4.1 An application under Section 73 of the Town and Country Planning Act 1990 (as amended) to remove condition number 5 has been submitted. Thus planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Therefore, it is recommended that conditions number 1, 2, 3 and 4 of TP/08/0744/REN1 shall be re-imposed to any granting of permission.

6.5 Community Infrastructure Levy

- 6.5.1 As of the April 2010, legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow 'charging authorities' in England and Wales to apportion a levy on net additional floorspace for certain types of qualifying development to enable the funding of a wide range of infrastructure that is needed as a result of development. Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sqm. The Council is progressing its own CIL but this is not expected to be introduced until spring / summer 2015.
- 6.5.2 The existing building has been continuously and lawfully occupied as an indoor go-karting centre for at least 6 months within the last 36 months and has not increased in net floor space. In accordance with Regulation 40, the proposal would not be CIL liable.

7.0 Conclusion

- 7.1 On balance, given the premises has now been used as a go-karting centre for 6 years and provides 28 jobs, taken together with the marketing evidence submitted,

no objection is raised to the removal of condition number 5 from application TP/08/0744/REN1.

8.0 Recommendation

8.1 That condition number 5 be removed from application TP/08/0744/REN1 and the following conditions be re-imposed:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Cover Letter, PA-01, PA-02, PA-03, Planning, Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

2. There shall be no raising of existing ground levels on the site.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.

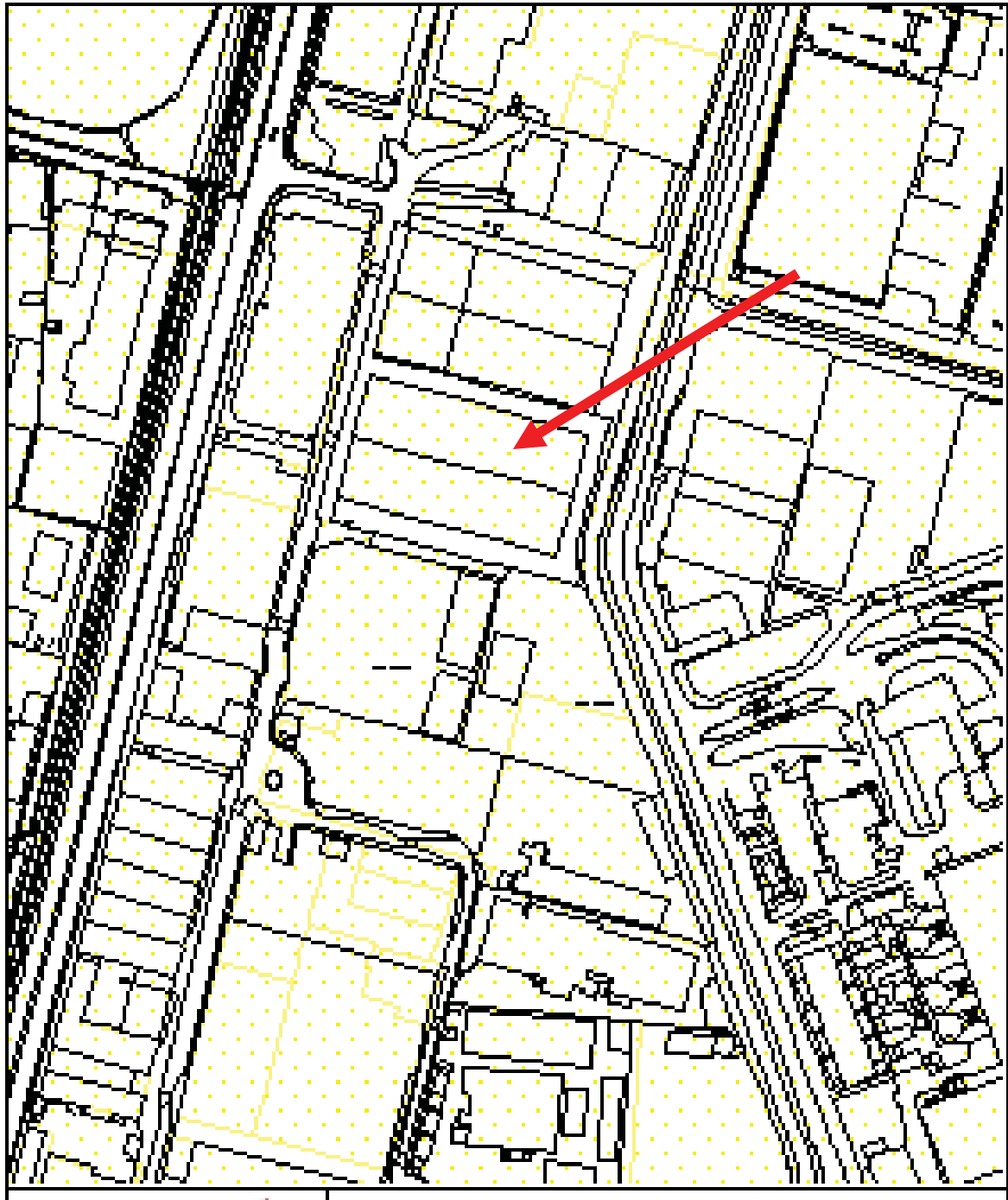
3. The parking, turning and refuse facilities shown on approved plan PA-02 shall remain available for their respective uses at all times the premises is in use. The parking areas shall only be used for the parking of private motor vehicles and shall not be used for any other purpose.

Reason: In the interests of highway safety.

4. The premises shall be used only as a go-kart racing and manufacturing centre with ancillary conference facilities and shall not be used for any other purpose.

Reason: To protect the amenities of the surrounding properties.

Site location



Front elevation

